

THE GOVERNMENT

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SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, October 02, 2013

DECREE

ON FINE ART ACTIVITIES

Pursuant to the Law on Government organization dated December 25, 2001;

Pursuant to the Law on Construction dated November 26, 2003;

Pursuant to the Law on Bidding dated November 29, 2005;

Pursuant to the Amendments to a number of articles of the laws concerning fundamental investment and construction dated June 29, 2009;

Pursuant to the Law on the promulgation of legislative documents dated June 03, 2008;

At the request of the Minister of Culture, Sports and Tourism;

The Government promulgates the Decree on fine art,

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree provides for activities relating to fine art, including: contest, exhibition; display, trade, reproduction, auction sale, assessment; monument and mural drawing; sculpture camp.

Article 2. Regulated entities

This Decree applies to Vietnamese as well as foreign organizations and individuals participating in fine art activities in Vietnam specified in Article 1 of this Decree.

Article 3. Interpretation of terms

In this Decree, these terms can be construed as follows:

1. "Fine art work" means the work executed with lines, colors, cubes, lay-out, including:

- a) Painting: painting in lacquer, oils, silk, pastel, water-color, painting on “Dó” paper and others;
- b) Graphic: woodcut, metal engraving, plastic engraving, plaster engraving, monoprint, lithography, screen printing, posters, graphic design and other materials;
- c) Sculpture: statue, monument, relief,
- d) Installation art and other types of contemporary art.

2. “Art exhibition” means the display and introduction of fine art works to public, including exhibitions in the whole country, area or province; exhibitions held by organizations, agencies, groups or individuals; Vietnamese exhibition abroad and foreign exhibition in Vietnam.

3. “Monument”, “mural drawing” mean fine art works that made by firm materials with large size and high symbolic effect, placed at a public position.

4. “Model statue” means the original work for making and completing the monuments/mural paintings.

5. “Installation art” means a type of art in which objects, figures, moving or unmoving picture are arranged in an order with meaning and aesthetic.

6. “Fine art work assessment” means an activity in which artistic value, origin, author and owner of a fine art is determined.

7. “Reproduction of fine art work” means an activity in which one or a number of copies of the work are produced in any form.

Article 4. The State policies on fine art development

1. Vietnamese fine art shall be developed, and infused with traditional values, satisfying the increasingly spiritual needs of people, contributing in socio-economic development, widening cultural exchanges with foreign countries.

2. Values of traditional fine art shall be preserved and developed.

3. Organizations and individuals shall be encouraged to participate in fine art activities according to the law provisions.

4. Support, order and creation of fine art work with high artistic value and good impact on social life shall be increased.

5. Fine art work with high artistic value shall be awarded and popularized.

6. Talent for fine art shall be cultivated, quality of education of aesthetics and fine art in national education system shall be increased.

7. Fine art activities of organizations and individuals shall be supported according to the State orientation.

8. National fine art museums, fine art galleries and fine art museums, fine art galleries of provinces shall be invested, upgraded or constructed.

Article 5. State management in term of fine art

1. Establish, promulgate within competence (or request a competent agency to promulgate) and conduct the policies and regulations on fine art activities; popularize, provide education about legislations on fine art.

2. Conduct scientific research; organize training and cultivation for specialized officials and fine art management team.

3. Carry out issuance or revocation of the License for fine art.

4. Organize emulation and for fine art activities provide reward; select and reward appropriate individuals and fine art work.

5. Promote international cooperation in fine art activities.

6. Conduct inspection and examination, handle complaints, denunciations and violations against the regulations on fine art.

Article 6. State management agencies in term of fine art

1. The Government shall make a consistent State management of fine art in nationwide area.

2. The Ministry of Culture, Sports and Tourism is responsible for assisting the Government in the establishment of consistent State management of fine art.

3. Ministries, ministerial-level agencies, Governmental agencies are responsible for State management of fine art in competence.

4. People's Committees of provinces are responsible for State management of fine art in local area within competence.

Article 7. Funding for fine art work in the construction of works of culture, sport and tourism

1. Funding for fine art work in the construction of works of culture, sport and tourism is included in the total estimate for the works.

2. Cost of fine art work in the construction of works shall conformable with fine art norm guided by the Ministry of Culture, Sports and Tourism.

Article 8. Prohibited acts

These following acts are prohibited in fine art activities:

1. Propaganda against the Socialist Republic of Vietnam Government; destroy the national unity.
2. Propaganda and incite aggressive wars, create feud between the ethnic groups or between the countries, incite violence; propaganda reactionary thoughts, obscene lifestyle, crimes, debauchery against habits and customs and destroy the environment.
3. Distort the historical facts; deny the revolutionary achievements; offend the nationality, national heroes, great men of culture; offend agencies, organizations or individuals.
4. Carry out reproduction, display, trade or transference of fine art work that is against the legislations on intellectual property.

Chapter 2.

FINE ART CONTESTS AND EXHIBITIONS

SECTION 1. FINE ART CONTESTS

Article 9. Entities eligible to organize fine art contests

1. Vietnamese functional organizations and individuals in the field of fine art and artistic culture according to the law provisions.
2. Foreign organizations and individuals, international organizations holding fine contests in Vietnam shall cooperate with Vietnamese functional agencies, organizations specified in Clause 1 of this Article.

Article 10. Management of fine art contests

1. The Ministry of Culture, Sports and Tourism is in charge of the management of nationwide or local fine art contests.
2. The Services of Culture, Sports and Tourism is in charge of the management of fine art contests of provinces.

Article 11. Procedures for announcement about fine art contests

1. Any organizations or individuals wishing to organize a fine art contest shall send an application to a regulatory agency specified in Article 10 of this Decree.
2. The application to hold a fine art contest shall be sent directly or by post to a regulatory agency specified in Article 10 of this Decree. The application shall include:

- a) The organization project and the regulations of the contest;
 - b) If the organizer cooperates with a foreign organization/individual or an international organization, there shall be a written agreement between them.
3. The organizer of fine art contests shall send the application to the regulatory agency within 30 days before the day on which the contest is run.

Within 7 working days from the day on which the satisfactory application is received, the regulatory agency shall examine and make a written response; if the application is rejected, there shall be explanation.

Article 12. Responsibilities of organizers of fine art contests

1. The organization project shall be complied.
2. Within 30 days from the day on which the contest ends, the result of the contest shall be sent to a regulatory agency.
3. The exhibition of the entries shall conformable to the regulations on exhibitions in Section 2 Chapter II of this Decree.
4. The model statues of the construction of monuments/mural paintings in protected area of national monument and special national site; the contest serving the project on monuments/mural paintings in administrative center of provinces shall conformable to the legislation on construction investment.

SECTION 2. FINE ART EXHIBITIONS

Article 13. Location of the exhibitions

An exhibition shall be organized at a place with area and equipment conformable with its scale, ensuring the conditions for public order and security, public civilization, environmental protection and fire safety.

Article 14. Competence in the issuance of the license for exhibition

1. The Minister of Culture, Sports and Tourism is in charge of issuing the license to:
 - a) Nationwide or local fine art exhibitions held by Central agencies;
 - b) Vietnamese fine art exhibitions held by international organizations or foreign organizations;
 - c) Foreign fine art exhibitions held in Vietnam by Vietnamese or foreign organizations in Vietnam;

d) Vietnamese fine art exhibition in a foreign country serving purposes of representing Vietnam.

2. People's Committees of provinces is in charge of issuing the license to:

a) Fine art exhibition in local area held by local agencies or organizations, Vietnamese individual or group of individual or foreigners;

b) Vietnamese fine art exhibition in a foreign country serving purpose other than representing Vietnam.

3. The State agencies entitled to issue the licenses for exhibitions specified in Clauses 1 and 2 of this Article are responsible for the content of the exhibition and in charge of inspecting and supervising the exhibitions.

Article 15. Procedures for the issuance of the license for exhibition

1. Any organizations and individuals wishing to hold the exhibition shall send directly or by post an application to a regulatory agency specified in Article 14 of this Decree.

2. The application shall include:

a) An application form for the license for exhibition (using the form No. 1);

b) A list of artists and their works, the medium and size of the works, the date of the works;

c) The 10 x 15 cm copies of the works. Particularly for the exhibition of installation works, there shall be photos of the front side, the right side and the left side of the works, enclosed with a description of the meaning of the work. If a work contains foreign words, there shall be a writing containing the translation. The applicant shall be responsible for the content of the translation;

d) With regard to exhibitions organized outdoor in Vietnam, the owner of the place where the exhibition is located shall make a commitment on public order and security, public civilization, environmental protection and fire safety;

dd) With regard to the exhibition in a foreign country, apart from the application form (the form No. 2) and the documents specified in Points b and c of this Clause, there shall be an invitation or a written agreement with the applicant and the foreign partner enclosed with a translation certified by a regulatory agency.

3. Within 7 working days from the day on which the satisfactory application is received, the regulatory agency specified in Article 14 of this Decree shall examine and grant the license (using the form No. 3); if the application is rejected, there shall be a written response containing the explanation.

4. When the license for fine art exhibition is issued, if there is modification in the content, time, location, the work displayed on the exhibition, then the organizer shall readopt the procedures for the license.

5. The license for exhibition of fine art in foreign country (the form No. 4) is the basis for completing customs procedures.

Chapter 3.

DISPLAY, TRADE, REPRODUCTION, AUCTION SALE AND ASSESSMENT OF FINE ART WORK

Article 16. Display and trade of fine art work

1. Any organizations and individuals wishing to display, trade or reproduce a fine art work shall register according to the legislation on business registration and the provisions of this Decree.

2. The Services of Culture, Sports and Tourism are responsible for inspecting the display, trade and reproduction of fine art work according to the registration prescribed in Clause 1 of this Article.

Article 17. Reproduction of fine art work

1. The reproduction of fine art work shall be conformable to the legislations on intellectual property.

2. Apart from the implementation of the provisions of Clause 1 of this Article, the reproduction of fine art work of great men of culture, national heroes, national leader shall conformable to the following regulations:

a) With regard to the reproduction of fine art work of great men of culture, national heroes, national leader for business purpose or public purpose, the reproduction shall be granted with a license for reproduction by the Services of Culture, Sports and Tourism, except for the construction of monuments or mural paintings prescribed in Chapter IV of this Decree;

b) Organizations and individuals carrying out the reproduction or display of fine art work of great men of culture or national heroes shall have a respect for such people.

3. Application and procedures for issuance of the license for reproduction of fine art of great men of culture, national heroes and national leaders:

Any organizations and individuals shall submit directly or by post 01 application to the local Service of Culture, Sports and Tourism. The application shall include:

a) An application form for the license for exhibition (using the form No. 5);

- b) A color photo in the size of 18 x 24 cm of the original work and the reproduction;
 - c) A certified true copy of the contract on use of the work or the written acceptance of the owner of the work.
4. Within 7 working days from the day on which the satisfactory application is received, the Service of Culture, Sports and Tourism shall examine and grant the license (using the form No. 6); if the application is rejected, there shall be a written response containing the explanation.

Article 18. Auction sale of fine art work

- 1. The auction sale of fine art work shall conformable to the legislations on property auction, except for the work that are disallowed to trade.
- 2. Fine art work shall be assessed before the auction.

Article 19. Assessment of fine art work

- 1. The assessment of fine art work prescribed in Clause 2 Article 18 of this Decree shall conformable to the legislations on intellectual property.
- 2. Any organizations and individuals applied for assessment shall pay the charge according to the contract.

Chapter 4.

MONUMENTS, MURAL PAINTINGS

Article 20. Planning for statues and mural paintings

- 1. Planning for monuments or mural paintings is the basis for the establishment of the investment project for the construction of monuments or mural paintings.
- 2. Entitlements to the approval of the planning:
 - a) When the writing containing the opinions of relevant Ministries and regulatory bodies is received, the Ministry of Culture, Sports and Tourism is in charge of requesting the Prime Minister to approve the national level planning for monuments or mural paintings;
 - b) When the writing containing the opinions of the Ministry of Culture, Sports and Tourism is received, the Service of Culture, Sports and Tourism is in charge of requesting the Presidents of the People's Committee of the province to approve the provincial level planning for monuments or mural paintings.
- 3. The basis content of the planning for monuments and mural painting:

- a) The necessary for the planning;
- b) The basis for the planning;
- c) Opinions and principles;
- d) Purpose of the planning;
- dd) Criteria of the content, arts, techniques, architectures and the scale of the planning;
- e) Measures for running the planning;
- g) Process of the planning.

4. Application to regulatory agencies for approval prescribed in Clause 2 of this Article shall include:

- a) A statement paper;
- b) A description of the planning content and a draft of the Decision for approval for the planning;
- c) A copy of the writing containing the agreement of the relevant Ministries and regulatory bodies (applicable to the national level planning) or the Ministry of Culture, Sports and Tourism (applicable to the provincial level planning).

5. Time limit for the approval of the planning:

Within 30 days (applicable to national level planning) or 15 days (applicable to provincial level planning) from the day on which the satisfactory application is received, the receiving agency shall grant the approval for the planning.

For special case in which the duration of the approval needs extending, the time limit will be 60 days (applicable to national level planning) or 30 days (applicable to provincial level planning).

6. Modification of planning for monuments and mural paintings:

a) The modification of planning for a monument or a mural painting shall conformable to the provisions of Clause 2, 3 and 5 of this Article.

b) The application or the modification shall include:

- A statement paper;

- A draft of the planning, including: the need for the modification, the content of the monument/mural painting, the location, the expected scale, materials, form of investment, expected total investment level, capital and time and duration of the performance of planning.

7. Construction of monuments and mural paintings without planning:

a) If it is to construct a monument/mural painting that is not included in the approved planning, such planning shall be modified according to the provisions in Clause 6 of this Article before the investment project is built up;

b) If it is to construct a national level or provincial level monument/mural painting that is not included in a planning, the investor shall make an application requesting the Ministry of Culture, Sports and Tourism or People's Committee of provinces to consider granting approval as the basis for the development investment.

Article 21. Investor in the project on monuments and mural paintings

Apart from the rights and responsibilities prescribed in legislation on construction investment, any investor in a project on monument/mural painting has the following rights and responsibilities:

1. Carry out the investment conformable to the provisions in Articles 25 and 26 of this Decree;
2. Organize model statue creation activities;
3. Approve the document on economic-technical reports and construction estimate;
4. Complete the construction dossier, application for license for construction of fine art part of the work;
5. Select the contractors, sign the contract with individuals/agencies executing the work;
6. Select the supervisors for the construction of fine art part and artistic directors.

Article 22. Authors of monuments and mural paintings

1. The author of a monument/mural painting is the person who directly executes the model statue that is approved to use for construction through the contest or by order.

2. Any author appointed to create a model statue shall satisfy the following requirements: have a college degree or higher in fine art; have at least 02 monument/mural painting constructions that are assessed at A level approved by the Ministry of Culture, Sports and Tourism.

3. Authors with model statue selected through the contests may not satisfy the requirements specified in Clause 2 of this Article.

4. Duties and authority of authors:

a) Be responsible for the artistic quality of the work from the creation of model statue to the construction process;

- b) Supervise or recommend a person proficient in supervising the fine art part in the construction process of the work;
 - c) May recommend contractors to the investor for executing the fine art part of the work;
 - d) Be an artistic director of the work;
 - dd) Be credited.
- And other interests according to the legislations on intellectual property.

Article 23. Art council for monuments and mural paintings

1. Establishment of Art council:

- a) Agencies competent to decide the investment in the project shall establish an Art council promptly when the project is carried out to act as artistic consultant;
- b) The number of the Art council members shall be an odd number from 07 to 13 including a chairman and a vice-chairman;
- c) The Art council shall include more than 2/3 of members being sculptors and painters with college degrees or higher who are reputable, experienced in executing monuments or mural paintings, 1 of whom is an architect; the others shall be representatives of the investors, regulatory bodies in term of culture, sport and tourism and other relevant agencies;
- d) Authors, construction contractors shall not be members of the Art council;
- dd) Before establish decision of the Art council is reached, agencies competent to decide the investment shall make a written request for opinions of the Ministry of Culture, Sports and Tourism on the list of the Art council members.

Within 07 working days from the day on which the request is received, the Ministry of Culture, Sports and Tourism shall have a written response.

2. Functions and tasks of Art council:

- a) Give the investor advices on:
 - Select the model statues in the two rounds;
 - Contribute in the planning documents and fundamental design on site and total space of the work;
 - Examine the fine art process and the fine art parts of the work.
- b) Give the contractor advices during the construction process of fine art part.

3. Operation of Art council:

a) Art council is operated in a principle of openness, democracy and equality, decision under the majority rule in the form of ballot; follow the regulations and criteria promulgated by the investor and other relevant law provisions;

b) A session of the Art council is valid only when at least 2/3 of its members attend. A decision of the Art council is valid only when it is approved by at least 1/2 of the council members;

c) The members of the Art council may maintain their opinion but the decision of the Art council shall be complied.

4. The expenditure on the operation of the Art council is taken from the total project estimate funded by the investor according to the regulations.

Article 24. Investment preparation for construction project of monuments and mural paintings

1. Draw up draft for construction project of monuments and mural paintings

a) A draft of investment project for construction project of monuments and mural paintings shall be drawn up and sent to a competent agency;

b) The draft of the investment project for the construction of monuments or mural paintings shall include: the topic, types of arts, scale, the items, materials and location of the construction; form of investment, expected investment level, capital and duration of the project.

2. Create and select model statue:

a) Based on the draft of project prescribed in Clause 1 of this Article, the investor shall build up regulations and requirements for the creation of model statues. The execution of a model statue is carried out in 2 rounds:

- Round 1: Model statue of a monument is 70 cm or higher in height; the size of the model statue of a relief or a mural painting shall be in proportion to the monument; with regard to mural paintings or reliefs not associated with the monument (independent), a model statue with an area of 80 cm² may be done with the material to be built; accompanying the description of the artistic idea and fundamental design of the general planning.

- Round 2: The model statue of monument is developed to 130 cm in height; the size of the model statue of reliefs, mural paintings shall be in proportion to the monument; with regard to mural paintings or reliefs not associated with the monument (independent), a model statue with an area of 120 cm² may be done with the material to be built; accompanying the description of the artistic idea and fundamental design of the general planning. b) The model statues in round 1 shall be selected by the Art council;

c) The investor shall request the agencies competent to decide the investment to approve the model statue selected by the Art council in round 2 as the basis for the establishment of the project, the estimate and the construction design of the work;

d) 02 applications for approval of the model statue selected in round 2 shall be sent to a competent authority, each of them shall include:

- A statement paper;

- A four-dimensional photo of the model statue selected in round 2 in the size of 18 x 24 cm;

- The operation record of Art council.

dd) The authority entitled to decide the investment shall grant the approval for the model statue within 15 days from the day on which the satisfactory application is received.

Article 25. Investment project of monuments and mural paintings

1. Investment project of monuments and mural paintings shall include fundamental design and description conformable to the provisions of Point b Clause 1 Article 24 of this Decree.

2. The fundamental design documents shall include:

a) The overall design of the site, space and construction items shall correspond to the total investment and shall be feasible;

b) The design of monuments, mural painting and photos of the model statue approved in round 2, ensuring to identify the volume, weight, dimensions and surface area eligible to estimation and development of the next steps;

c) A description of the fundamental design for the construction of the monument, mural painting according to the legislation on construction investment.

3. Competence for decision of investment in monument and mural painting construction projects shall be conformable with the legislation on construction investment.

4. Funding for investment preparation and the model statue is counted in the total investment in the work.

Article 26. Estimate for monuments and mural paintings

1. Basis for estimation: according to the volume, quality, material and layout of the approved model statue in round 2; technology process, construction measures, unit price, fine art norm and relevant policies of the State. The non-artistic items like digging, filling, foundation constructing shall be in accordance with the legislation on construction. The artistic items relating to fine art shall be in accordance with the fine art norm.

2. The estimate shall include the spending on creation and execution of the fine art, including the expense of materials, equipment, employees, royalties, cost of transportation and installation, taxation, provision and other expense according to the regulations.
3. The estimate shall specify the scale, size, area, volume, weight and material for each fine art item. Such information shall be performed in a table on the first page with confirmation of the investor.
4. The proposed price is the basis for the negotiation of the contract and final settlement.
5. Total estimate for monuments and mural paintings includes the estimate of the fine art part and other construction. The approval for the final settlement shall be according to the legislation on construction investment.
6. Any modification of the fine art part shall not cause change in the approved project nor exceed the total investment and shall only be carried out in the following cases:
 - a) The construction is broken because of force majeure;
 - b) Price of materials or salary for employee is modified;
 - c) The layout or material of the work is modified at the request of the Art council approved by the investor.
7. The advance, payment the final settlement shall be according to the legislation on construction investment.
8. The appraisal of the estimate for the execution of monument and mural painting construction projects shall be conformable with the legislation on construction investment.

Article 27. Issuance of license for construction of monuments and mural paintings

1. People's Committees of provinces are responsible for the issuance of license for construction of monuments and mural paintings.
2. People's Committees of provinces have opinions of the Ministry of Culture, Sports and Tourism before issuing the license for construction of the following monuments and mural paintings:
 - a) National level monuments/mural paintings;
 - b) Monuments/mural paintings about President Ho Chi Minh;
 - c) Monuments/mural paintings in cultural and historical remains or scenic beauties ranked by the State.

3. 02 applications for the license shall be sent directly or by post to People's Committees of provinces. The application shall include:

- a) An application form for the license for construction (using the form No. 7);
- b) The decision on the selection of model statue in round 2 of agencies competent to decide the investment enclosed with a 18 x 24 cm photo of 4 sides of the model statue with notes;
- c) Other documents according to the legislation on construction investment.

4. Time limit for the issuance:

- a) The license (form No. 8) shall be issued within 07 working days from the day on which the satisfactory application is received.
- b) Regarding the work of monuments/mural paintings prescribed in Clause 2 of this Article, the license shall be issued within 20 working days from the day on which the satisfactory application is received.

5. The request for opinions of the Ministry of Culture, Sports and Tourism prescribed in Clause 2 of this Article shall conformable with the following regulations:

a) People's Committees of provinces send directly or by post 02 applications to the Ministry of Culture, Sports and Tourism. The application shall include:

- A written request for permission;
- A summary of the project

b) Within 20 working days from the day on which the valid and sufficient application is received, the Ministry of Culture, Sports and Tourism shall have a written response.

Article 28. No-bid contracts on the execution of monuments and mural paintings

1. No-bid contracts on the execution of monuments and mural paintings shall be conformable to the legislations on bidding.

2. The appointed contractor for monuments/mural painting shall satisfy the following conditions:

- a) Have proficient sculptors/painters, at least 01 of whom has presided over the execution of at least 02 provincial level or higher monuments/mural paintings;
- b) Have sufficient conditions of facilities and workshops;
- c) Have sufficient financial capacity;

d) Have a written agreement of the author.

3. If the monument/mural painting is a small-scale construction with value equivalent to 30% of C group construction according to the legislation on construction investment, the author may carry out the contract themselves and shall satisfy the conditions specified in Points b and c Clause 2 of this Article.

4. The organization appointed to carry out the execution of monuments and mural paintings shall sign a contract with the investor. The content of the contract, rights and obligations of the contractor shall conformable to the legislation on construction investment.

Article 29. Supervision and artistic direction of monuments and mural paintings

1. Execution supervision:

a) The supervision of the execution of fine art part shall be carried out directly by the author or by a sculptor hired by the author that has a college degree or higher of fine art and has experience of construction of monuments/mural painting;

b) The supervision of the production and use of material shall be carried out by a person having college degree or higher in fine art or by an proficient artist;

c) The supervision of the construction process shall be carried out by an organization/individual conformable with the legislation on construction investment.

2. People in charge or supervision are responsible for monitoring, inspecting the quality and progress of the fine art part of the project.

3. Artistic direction:

a) There shall be people in charge of artistic direction during construction process of the fine art part of a monument/mural painting.

b) Proficiency and tasks of an artistic director:

- Be a sculptor/painter who has at least a college degree in fine art and has at least 02-year experience of construction of monuments/mural paintings;

- Conduct inspection, provide guidance and advice on the construction, ensuring that the monument/mural painting is executed conformably with the approved model statue and the suggestions of the Art council.

Article 30. Execution, acceptance, transference of monuments/mural paintings

1. The construction of a monument/mural painting shall be in accordance with the following procedures: execute the 1/1 work; create moulds; produce and use media; arrange, install.

2. An agency competent to decide the investment or the investor is responsible for the work acceptance. The investor shall transfer the work when the acceptance is done.

Article 31. Warranty, maintenance and management of monuments and mural paintings

1. The warranty shall conformable to the following regulations:

a) The contractor in charge of the installation and supply of equipment is responsible for the warranty of the construction according to the legislation on construction investment;

b) The contractor in charge of the fine art part is responsible for the warranty of fine art part, including: repair, replace, and modify the technical and artistic mistakes within the warranty duration. The warranty activities shall be on the advice of the Art council according to the provisions of Article 23 of this Decree.

2. Any agencies/organizations that owns or authorized to manage a monument/mural painting work is responsible for periodical maintenance.

3. Any agencies/organizations that owns or authorized to manage a monument/mural painting work is responsible for the management, the use and the effectiveness development of the work and the area around the work.

Article 32. Demolition, relocation, change of material of monuments and mural paintings

1. The demolition, relocation or change of material of a monument/mural painting shall be carried out only when there is an investment project approved by a competent agency and a license prescribed in Article 27 of this Decree.

2. The constructions subject to demolition:

a) The constructions unconfomable to the construction planning of the monuments/mural paintings; the urban construction and rural development planning;

b) The monuments/mural paintings that no longer satisfy the requirements for content, art types and construction material.

3. The relocation and change of material:

a) The work that is relocated or changed in material shall not receive change in the content, ensuring the artistic and technical quality;

b) There shall be advices from the Art council as prescribed in Article 23 of this Decree;

c) The relocation and change of material with the modification of the layout of the work shall be approved by the author of a legal representative of the author.

Chapter 5.

SCULPTURE CAMPS

Article 33. Conditions for organization of sculpture camps

Vietnamese agency/organization wishing to receive the license for organization of sculpture camp shall satisfy the following conditions:

1. Have functions of artistic and cultural activities;
2. Have a project approved by a competent authority;
3. Have regulations for sculpture camps.

Article 34. Project on sculpture camps

1. The project shall include:

- Name of the project and the organizer;
- Target and meaning of the project;
- Time and location of the camp;
- Location of exhibition of the works enclosed with the ground drawing of such location;
- Funding for the camp;
- The scale: the number of authors and their works;
- Media, measures for the construction, people participating in the execution of the works;
- Management mechanism, project on maintenance, repair and development of the works;
- Duties and authorities of the authors.

2. The project documents shall include:

- a) A statement paper;
- b) A draft of the project and the regulation on the organization of the camps.

3. Procedures for the approval for the project on sculpture camp shall be in accordance with legislation on construction investment.

Article 35. Regulations on sculpture camps

The regulation on sculpture camps is promulgated by the investor including the following contents:

1. The organizer;
2. Target, meaning;
3. The organization form of the sculpture camp, location and scale of the camp, the number of campers, contents, media, size of the model statue and the works; schedule, time of the camp;
4. Art council;
5. Criteria of authors and the selection of the model statue;
6. Duties and authorities of the authors;
7. Copyright on the works executed at the camp.

Article 36. Issuance of license for organization of sculpture camps

1. Competence for the issuance:

a) The Ministry of Culture, Sports and Tourism is responsible for the issuance of license for organization of sculpture camps with the participation of a foreign organization/individual.

b) People's Committees of provinces are responsible for the issuance of license for organization of sculpture camps without participation of an organization/individual.

2. An application for the license shall be submit directly or by post to a regulatory agency specified in Clause 1 of this Article. The application shall include:

a) An application form for the license (using the form No. 9);

b) The project approved by a competent authority;

c) Regulations of the camp.

3. Time limit for the issuance:

a) Within 7 working days from the day on which the satisfactory application is received, the regulatory agency specified in Clause 1 of this Article shall consider issuing the license. If the application is rejected, there shall be a written response containing the explanation;

b) The license (form No. 10) is in effect within 12 months from the day on which it is signed; after such period of time, investor shall readopt the application procedures;

c) When the license is issued, the investor wishing to modify the license content shall readopt the application procedures.

4. Within 15 days from the day on which the works in the camp are checked, the investor shall report the result of the project to the licensing agencies.

Article 37. Art council of sculpture camp

1. Establishment of Art council:

a) Agencies competent to decide the investment in the project shall establish an Art council;

b) Before the establish decision of the Art council is reached, agencies competent to decide the investment shall make a written request for opinions of the Ministry of Culture, Sports and Tourism on the list of the Art council members.

Within 07 working days from the day on which the request is received, the Ministry of Culture, Sports and Tourism shall have a written response.

c) The number of the Art council members shall be an odd number from 05 to 09 including a chairman and a vice-chairman;

d) Art council:

The Art council shall include more than 2/3 of members being sculptors and painters with college degrees or higher who are reputable, 1 of whom is an architect; the others shall be representatives of the investors, regulatory bodies in term of culture, sport and tourism and other relevant agencies.

2. Art council is in charge of adviser to the investor on the approval of the model statues, the exhibition of the works, the examination of works and the marking of the works.

3. Art council is operated in a principle of openness, democracy and equality, decision under the majority rule in the form of ballot. The conclusion of the Art council is valid only when it is approved by at least 1/2 of the members.

Article 38. Campers of sculpture camps

1. Campers of a sculpture camp are Vietnamese or foreigners with model statues selected by the Art council.

2. Campers shall comply with the regulations on sculpture camps.

Article 39. Examination and maintenance of the works

1. The investor shall conduct an examination on the works according to the advices of the Art council.
2. Any organizations and individuals using the works is responsible for the periodical maintenance of the works.

Chapter 6.

IMPLEMENTATION

Article 40. Effect

1. This Decree comes into effect on December 01, 2013.
2. These following documents are annulled:
 - a) Chapter IV of the Decree No. 103/2009/NĐ-CP dated November 06, 2009 by the Government on Regulation on cultural activities and the provision of public cultural services;
 - b) The Regulation on the construction of monuments and mural paintings in term of fine art enclosed with the Decision No. 05/2000/QĐ-BVHTT dated March 29, 2000 by the Minister of Culture and Information;
 - c) The Regulation on the operation of fine art exhibition and gallery activities enclosed with the Decision No. 10/2000/QĐ-BVHTT dated May 15, 2000 by the Minister of Culture and Information;
 - d) The Regulation on sculpture camps enclosed with the Decision No. 90/2008/QĐ-BVHTTDL dated December 30, 2008 by the Minister of Culture, Sports and Tourism;
 - dd) Points 1, 3 and 4 Section III Article 1, Points 1, 3 and 4 Section III Article 2 of the Circular No. 07/2011/TT-BVHTTDL dated June 07, 2011 by the Ministry of Culture, Sports and Tourism.

Article 41. Responsibilities

1. The Ministry of Culture, Sports and Tourism are responsible for providing guidance on Article 4, 9, 11, 12, 26, 29, 30 and 31 of this Decree.
2. The Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the President of the People's Committees of provinces and relevant organizations and individuals are responsible for implementing this Decree.

**ON BEHAFT OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung

Unofficial translated by LPVN