

# **DECREE No. 37/2007/ND-CP OF MARCH 9, 2007, ON ASSET AND INCOME TRANSPARENCY**

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;*

*Pursuant to the November 29, 2005 Anti-Corruption Law;*

*At the proposal of the Inspector General,*

DECREES:

Chapter I

GENERAL PROVISIONS

## ***Article 1.-*** Governing scope

This Decree details and guides the implementation of a number of provisions of Section 4, Chapter II of the Anti-Corruption Law regarding asset and income transparency, which cover asset and income declaration; asset and income verification; handling of violations of regulations on asset and income transparency and responsibilities of agencies, organizations, units and individuals in organizing the implementation of thereof.

## ***Article 2.-*** Subjects of application

This Decree applies to persons obliged to make asset and income declaration, defined in Clause 1, Article 44 of the Anti-Corruption Law and Article 6 of this Decree; and agencies, organizations, units and individuals related to asset and income declaration and verification.

## ***Article 3.-*** Interpretation of terms

In this Decree, the terms below are construed as follows:

1. “Asset and income declaration” means the clear statement of to be-declared assets and income in a declaration form issued together with this Decree, made by persons obliged to make asset and income declaration;
2. “To be-declared assets and income” means houses, land-use rights; precious metals, gemstones, valuable papers and other properties valued at VND 50 million or more each; properties and bank accounts in foreign countries; taxable income under the provisions of law;
3. “Changes in to be-declared assets” means the increase and decrease of the to-be-declared assets and income as compared to the latest declaration;
4. “Asset and income verification” means the consideration and assessment of and conclusion on the truthfulness of asset and income declaration by competent agencies, organizations and units according to the order and procedures prescribed in the Anti-Corruption Law and this Decree.

**Article 4.-** Prohibited acts

1. Dispersing assets in all forms in order to shirk asset and income declaration; obstructing asset and income verification.
2. Illegally exploiting or using asset and income declaration sheets; taking advantage of the management and exploitation of asset and income declaration sheets to disrupt the internal unity or to commit other law-breaking acts.
3. Taking advantage of asset and income verification to trouble or obstruct normal operation of persons subject to verification; distorting or hurting honor and prestige of persons subject to verification; disrupting internal unity or committing other law-breaking acts.

Chapter II

ASSET AND INCOME DECLARATION

**Article 5.-** Purposes of asset and income declaration

Asset and income declaration aims to help competent agencies, organizations and units know about assets and income of persons obliged to make declaration in service of asset and income transparency, serve personnel management work and contribute to preventing corruptive acts.

**Article 6.-** Persons obliged to make asset and income declaration

1. Full-time National Assembly deputies, full-time People's Council deputies, National Assembly candidates, People's Council candidates.
2. Cadres and civil servants holding the position of deputy head of section under district-level People's Committees and holders of higher positions, persons entitled to leadership allowances like deputy-heads of sections under district-level People's Committees and holders of higher positions in agencies, organizations and units.
3. Officers holding the commanding position of battalion deputy commander or district-level military command deputy-head or higher positions in the People's Army; officers holding commanding position of battalion deputy commander, deputy chief of ward/township police offices, team deputy-leader or higher positions in the People's Police.
4. Directors, deputy directors, heads of institutes, deputy heads of institutes, chief accountants, heads and deputy heads of sections, heads and deputy heads of departments and senior physicians in state-run hospitals or research institutes.
5. Editors-in-chief, deputy editors-in-chief, chief accountants, heads and deputy heads of sections, heads and deputy heads of departments of newspapers and magazines using state budget and assets.
6. Principals, vice principals and chief accountants of state-run pre-schools or primary schools in districts, provincial towns or cities; principals, vice-principals and chief accountants of public lower secondary schools, upper secondary schools, secondary

professional schools, vocational training schools and continuing education centers; principals, vice principals, heads and deputy heads of sections, deans and vice deans of faculties and senior lecturers of state-run universities or colleges.

7. Directors, deputy directors, chief accountants, heads and deputy heads of sections, heads and deputy heads of departments in management boards of construction investment projects using state budget and assets; directors, deputy directors and chief accountants of management boards of projects funded with official development assistance (ODA) capital.

8. General directors, deputy general directors, directors, deputy directors, chairmen, vice chairmen and members of boards of directors; heads, deputy heads and members of control boards, chief accountants, heads and deputy heads of professional sections and divisions of state-run companies; persons appointed by the State to the above-said positions in enterprises with state investment capital.

9. Secretaries and assistant secretaries of Party Committees; chairmen and vice-chairmen of People's Councils; presidents, vice presidents and members of People's Committees of communes, wards or townships; commune police chiefs and military commanders; cadres in charge of land administration-construction and finance-accounting of People's Committees of communes, wards or townships.

10. Investigators, procurators, judges, court clerks, state auditors, inspectors, enforcers and notaries public.

11. The Home Affairs Minister shall, after reaching agreement with other ministers, heads of ministerial-level agencies, heads of Government-attached agencies, the director of the National Assembly Office, the director of the State President Office, the director of the Party Central Committee Office, heads of Party Central Committee's Commissions, and heads of central bodies of socio-political organizations, propose the Prime Minister to promulgate a list of persons obliged to make asset and income declaration, who are managing the state budget and properties or directly involved in handling affairs of agencies, organizations, units and individuals in state administrative agencies of various levels, Party agencies, socio-political organizations, the National Assembly office, People's Council offices and State President office.

**Article 7.-** Rights and obligations of persons obliged to make asset and income declaration

1. Persons obliged to make asset and income declaration have the following rights:

a/ To have their asset and income declaration sheets kept confidential in accordance with law;

b/ To lodge complaints or denunciations about law-breaking acts committed by agencies, organizations or individuals in the implementation of regulations on asset and income transparency prescribed in the Anti-Corruption Law and this Decree;

c/ To have their honor and prestige restored and be compensated for damage caused by acts of violating the regulations on asset and income transparency.

2. Persons obliged to make asset and income declaration have the following obligations:

a/ To honestly, fully and promptly declare the quantity of to be-declared assets and income as well as changes in these assets and income over the latest declaration;

b/ To honestly, fully and promptly explain contents related to asset and income declaration when requested by competent agencies, organizations or individuals;

c/ To fulfill requirements of competent agencies, organizations or individuals in service of asset and income verification.

3. Persons obliged to make asset and income declaration who are members of political organizations or socio-political organizations shall, apart from exercising the rights and performing the obligations defined in Clauses 1 and 2 of this Article, perform the obligation on asset and income declaration provided by their respective organizations.

**Article 8.-** To be-declared assets and income

1. The following houses and constructions:

a/ Houses and other constructions under the state ownership, which are currently rented or used;

b/ Houses and other constructions under the ownership of persons obliged to make declaration, their spouses or minor children, for which the ownership-right certificates have been granted;

c/ Houses and other constructions under the ownership of persons obliged to make declaration, their spouses or minor children, for which the ownership right certificates have not yet been granted or bear others' names.

2. The following land-use rights:

a/ Land-use rights of persons obliged to make declaration, their spouses or minor children, for which the land-use right certificates have been granted;

b/ Land-use rights of persons obliged to make declaration, their spouses or minor children, for which the land-use right certificates have not yet been granted or bear others' names.

3. Assets and bank accounts in foreign countries of persons obliged to make declaration, their spouses or minor children.

4. Income liable to personal income tax under the provisions of law.

5. Precious metals, gemstones, money, savings, stocks, bonds, checks, other negotiable instruments, motorcycles, automobiles, boats, ships and other assets valued at VND 50 million or more each.

**Article 9.-** Order and procedures of asset and income declaration and receipt of declaration sheets

1. By November 30 every year at the latest, heads of agencies, organizations or units shall direct their organization and personnel divisions to send asset and income

declaration forms to persons obliged to make asset and income declaration, guide and request them to make asset and income declaration.

2. Persons obliged to make asset and income declaration shall make the declaration and submit their asset and income declaration sheets to organization and personnel sections within 10 days after receiving asset and income declaration forms.

3. Upon receiving asset and income declaration sheets, recipients shall make receipt slips according to a set form, and sign in these slips.

4. Within five days after receiving the asset and income declaration sheets of persons obliged to make declaration, organization and personnel sections shall check these declaration sheets and keep them in files; where the declaration sheets do not conform with the prescribed form, they shall request the persons obliged to make declaration to re-conduct the declaration; the time limit for re-declaration is five days after the date of receiving the request.

The declaration must be completed by December 31 at the latest.

**Article 10.-** Responsibilities of heads of agencies, organizations or units in asset and income declaration

1. To be exemplary in performing the asset and income declaration obligation as provided for by law.

2. To organize and direct the declaration by prescribed subjects, within the prescribed time limit, and in accordance with declaration order and procedures prescribed in the Anti-Corruption Law and this Decree.

3. To be answerable for violations of regulations on asset and income declaration in their respective agencies, organizations or units under the provisions of law.

**Article 11.-** Management, reference to and use of asset and income declaration sheets

1. Asset and income declaration sheets shall be managed according to the regime of management of cadres' files and be referred to and used only in the following cases:

a/ Servicing the election, appointment, dismissal, relief from duty, removal from office or disciplining of persons obliged to make asset and income declaration;

b/ Servicing the investigation and verification of and conclusion on corruptive acts by competent agencies, organizations or units;

c/ Servicing organization and personnel work.

2. When a declarant is transferred to another agency or organization, his/her asset and income declaration sheets shall be handed over, together with his/her files, to competent agency or organization.

3. When a declarant retires or leaves his/her job, his/her asset and income declaration sheets shall be archived together with his/her files.

4. Asset and income declaration sheets of cadres and civil servants who are Party members shall be managed in accordance with this Decree and the Party's regulations; where the Party regulations require the publicization of asset and income declaration sheets, the publicization shall be conducted in strict accordance with those regulations.

**Article 12.-** Procedures for reference to and use of asset and income declaration sheets

1. When it is necessary to refer to or use asset and income declaration sheets, the person directly referring to and using these sheets must have an introduction letter issued by the agency, organization or unit that wishes to refer to or use these declaration sheets. The introduction letter must clearly state the full name and position of the person directly referring to and using these sheets as well as reference and use purposes.

2. The reference to and use of asset and income declaration sheets shall be carried out at the agency managing these sheets; when it is necessary to carry out the reference to or use of declaration sheets at other places, the approval of the head of the agency, organization or unit competent to manage the persons obliged to make declaration must be obtained and a minutes on the handover of declaration sheets must be made.

3. Persons tasked to refer to or use declaration sheets shall do so for the purposes stated in the introduction letters in accordance with law.

**Article 13.-** Responsibilities of persons in charge of managing and archiving asset and income declaration sheets

1. To arrange, preserve and archive asset and income declaration sheets in accordance with the regulations on management of cadres' files.

2. To fully and promptly supply asset and income declaration sheets and create favorable conditions for agencies, organizations and units to get access to these sheets when requested.

3. Neither modify the contents of asset and income declaration sheets nor let them get lost or damaged.

4. Neither let other persons illegally get access to nor use asset and income declaration sheets.

**Article 14.-** Handling of violations in management, exploitation and use of asset and income declaration sheets

Persons who modify or disclose the contents of asset and income declaration sheets, let declaration sheets get lost or damage or supply declaration sheets to incompetent persons; persons who illegally refer to or use asset and income declaration sheets or take advantage of reference to or use of declaration sheets to disrupt internal unity shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability.

### Chapter III

#### ASSET AND INCOME VERIFICATION

**Article 15.-** Purposes of asset and income verification

Asset and income verification aims to examine, assess and conclude on the truthfulness of asset and income declaration; to control changes in assets and incomes of persons obliged to make declaration; and contribute to preventing, detecting and handling corruptive acts and building a pool of clean and strong cadres and civil servants.

**Article 16.-** Grounds for requests of asset and income verification

A request for asset and income verification is made upon one the following grounds:

1. There are conclusions of a Party's inspection agency, state inspection agency, State Audit or investigation agency on responsibilities of persons obliged to make asset and income declaration concerning corruptive acts.
2. There is a denunciation about or report on assets and income of the person obliged to make asset and income declaration, provided that such denunciation or report has clear contents as well as contains specific evidences and grounds to determine dishonesty in asset and income declaration of the person obliged to make declaration and the denouncer or reporter clearly states his/her full name and address and undertakes to fully cooperate with and supply documents to the competent agency, organization or unit in service of asset and income verification.

**Article 17.-** Competence to request the asset and income verification

Upon obtaining one of the grounds defined in Article 16 of this Decree, the following agencies and organizations are competent to issue a document requesting the asset and income verification:

1. The National Assembly Standing Committee and standing bodies of People's Councils shall request heads of the agencies, organizations or units competent to manage persons expected to be elected or ratified by the National Assembly or People's Councils to issue decisions on verification of assets and income of those persons;
2. Standing bodies of political organizations or socio-political organizations shall request heads of agencies, organizations or units competent to manage persons expected to be elected at their congresses to issue decisions on verification of assets and income of those persons.
3. The Prime Minister, presidents of provincial- or district-level People's Committees shall request heads of agencies, organizations or units competent to manage persons expected to be ratified to hold posts elected by People's Councils to issue decisions on verification of assets and income of those persons;
4. The Election Council or Fatherland Front Committees shall request heads of agencies, organizations or units competent to manage National Assembly candidates or People's Council candidates to issue decisions on verification of assets and income of those candidates.
5. The State President shall request the Prime Minister to issue decisions on verification of assets and income of persons expected to be appointed as deputy prime ministers,

ministers or heads of ministerial-level agencies; request the President of the Supreme People's Court to issue decisions on verification of assets and income of persons expected to be appointed as vice-presidents or judges of the Supreme People's Court; request the Chairman of the Supreme People's Procuracy to issue decisions on verification of assets and income of persons expected to be appointed as vice chairmen or procurators of the Supreme People's Procuracy.

6. The National Assembly Standing Committee shall request the State Auditor General to issue decisions on verification of assets and income of persons expected to be appointed as State Deputy Auditors General.

**Article 18.-** Time limits for receiving denunciations or reports to request the verification of assets and income of persons expected to be elected or ratified by the National Assembly, People's Councils or congresses of political organizations or socio-political organizations; the National Assembly candidates or People's Council candidates

1. Denunciations about or reports on assets and income of persons expected to be appointed or ratified by the National Assembly, People's Councils or congresses of political organizations or socio-political organizations serve as grounds to request the asset and income verification only if they are sent to competent agencies, organizations or units at least 30 days before the opening day of a session of the National Assembly or People's Councils or the congresses of political organizations or socio-political organizations.

2. Denunciations about or reports on assets and income of National Assembly candidates or People's Council candidates serve as grounds to request the asset and income verification only if they are sent to the Election Council or the competent Fatherland Front Committee at least 30 days before the date of last consultation on the list of candidates.

**Article 19.-** Issuance of decisions on asset and income verification

1. Heads of agencies, organizations or units competent to manage persons obliged to make asset and income declaration shall issue decisions on verification of assets and income in the following cases:

a/ Upon receiving a written request as prescribed in Articles 16 and 17 of this Decree;

b/ When having one of the grounds defined in Article 16 of this Decree in service of the appointment by the head of the agency, organization or unit competent to manage the person expected to be appointed;

c/ Upon receiving a written request of the National Assembly Standing Committee, standing bodies of People's Councils or standing bodies of political organizations or socio-political organizations in service of the removal from office or removal from the positions elected or ratified by the National Assembly, People's Councils, political organizations or socio-political organizations;



d/ When it is necessary to obtain further information in service of the removal from office, relief from duty or disciplining of persons obliged to make asset or income declaration;

e/ When persons obliged to make asset and income declaration commit corruptive acts, which, however, are not serious enough for examination of penal liability.

2. The verification of assets and income of persons who commit corruptive acts and are examined for penal liability shall be conducted in accordance with the criminal procedure law.

**Article 20.-** Agencies and units conducting asset and income verification

The persons issuing asset and income verification decisions shall assign the following agencies or units to conduct the asset and income verification:

1. Where the persons proposed for asset and income verification are managed by Party Committees, the agency conducting the asset and income verification is the Party Inspection Commission of the same level.

2. Where the persons proposed for asset and income verification are not managed by Party Committees, the agency conducting the asset and income verification is a state inspection agency of the same level; if the state inspection agency does not exist, the sections in charge of organization and personnel work of these agencies, organizations or units shall conduct the verification.

3. The Government Inspectorate shall coordinate with the Home Affairs Ministry and the Party Central Committee's Inspection Commission in issuing a joint circular to guide the identification of agencies, organizations or units conducting the asset and income verification.

**Article 21.-** Explanation of asset and income declaration

1. Before issuing an asset and income verification decision, the person competent to issue the verification decision shall request in writing the person subject to asset and income verification to explain his/her honesty in asset and income declaration.

2. Within five days after receiving the explanation request, the requested person shall send a written explanation of the contents to be explained to the person competent to issue verification decisions.

3. Within five days after receiving the written explanation, the competent person shall consider the explanations and issue a decision on asset and income verification; in case of refusal to issue a verification decision, he/she shall send a written reply to verification requester, clearly stating the reasons for the refusal.

**Article 22.-** Decisions on asset and income verification

1. A decision on assets and income verification must have the following contents:

a/ The grounds for its issuance;

b/ The full name, position and working place of the person subject to verification;

c/ The full name, position and working place of the verifier; where a verification team is set up, the full names, positions and working places of the head and members of the verification team (hereinafter called verifiers) must be clearly stated;

d/ The verification contents;

e/ The verification duration;

f/ Tasks and powers of the verifiers.

2. Where asset and income verification involves complicated contents related to many domains and covers a large geographical area, the person issuing the verification decision shall set up a verification team and request the concerned agencies, organizations or units to designate their cadres for participation in the verification team.

3. The form of asset and income verification decision is promulgated together with this Decree (not printed herein).

**Article 23.-** Contents of asset and income verification

Asset and income verification covers the comparison of information on assets and income in declaration sheets with actual assets and income of persons subject to verification, including:

1. The quantity of assets and income;
2. Description of assets and income;
3. Changes in assets and explanations thereof (if any).

**Article 24.-** Asset and income verification activities

In the process of asset and income verification, the verifier shall conduct the following activities:

1. Studying the dossiers and documents related to the verification;
2. Working directly with the person subject to the verification;
3. Conducting on-spot verification of the verified assets and income;
4. Working with agencies, organizations or units managing or archiving dossiers and documents on the verified assets and income;
5. Working with agencies, organizations or individuals specialized in the verified assets for expertise and assessment of these assets;
6. Working with other concerned agencies, organizations and individuals in service of the asset and income verification.
7. Other necessary activities in service of the asset and income verification.

**Article 25.-** Powers and responsibilities of verifiers

1. To conduct asset and income verification upon getting asset and income verification decisions.

2. To conduct asset and income verification in an objective, honest, accurate and timely manner in accordance with the contents and time limit stated in verification decisions.
3. To request the person subject to verification to supply information and documents related to verification contents.
4. To request agencies, organizations or individuals that have information or documents related to verification contents to supply these information or documents.
5. To propose competent agencies, organizations or units to apply necessary measures to prevent acts of dispersing assets, obstructing or illegally interfering in verification activities.
6. To keep confidential information and documents collected in the verification process and report these information and documents only to the persons issuing asset and income verification decisions.
7. To refrain from modifying verification dossiers and results.
8. To report verification results to the person issuing the verification decision and be answerable for the accuracy, honesty and objectiveness of the reported contents.

**Article 26.-** Rights and obligations of persons subject to asset and income verification

1. To explain the contents to be verified in the process of asset and income verification.
2. To propose the persons making conclusions on transparency in asset and income declaration to re-consider his/her conclusions if there are grounds to believe that these conclusions are inaccurate, dishonest or inobjective; if disagreeing with the settlement of the conclusion-making persons, they may propose the heads of the superior agencies, organizations or units of the conclusion-making persons to review these conclusions.
3. To denounce law-breaking acts committed in the process of asset and income verification in accordance with law on denunciations.
4. To strictly abide by the requests of the verifiers and the conclusions and decisions of the verification decision-issuing agencies, organizations or units.

**Article 27.-** Responsibilities of concerned agencies, organizations, units and individuals

When requested by verification decision-issuing persons or verifiers, land and house management agencies, tax offices, banks and other concerned agencies, organizations, units and individuals shall:

1. Supply information and documents related to the verification contents and be answerable for the accuracy of supplied information and documents.
2. Designate responsible persons to work with verifiers in service of the verification.
3. Carry out activities within the scope of their competence and professional domains in service of the verification, clarify necessary information in the verification process or prevent acts of dispersing assets or obstructing asset and income verification.

**Article 28.-** Minutes of working sessions

1. Working sessions between the verifiers and the persons subject to verification as well as the concerned agencies, organizations, units and individuals must be recorded in minutes.

2. A minutes must have the following contents:

a/ Time and venue of the working session;

b/ Participants;

c/ Contents of the working session;

d/ Conclusions of the working session or contents agreed at the working session;

e/ Reservations (if any).

**Article 29.-** Reports on the results of asset and income verification

1. Within 15 days after the date of issuing an asset and income verification decision, the verifier shall conduct verification activities in accordance with Article 24 of this Decree and send a report on the results of asset and income verification to the verification decision-issuing person.

2. A report on the results of asset and income verification must have the following contents:

a/ Verification contents, verification activities already conducted and verification results;

b/ Dossiers, documents and evidences collected in the process of verification; minutes of the working session;

c/ Conclusions of the verifier on asset and income declaration;

d/ Proposals on the handling of the person making dishonest declaration (if any).

**Article 30.-** Conclusions on transparency in asset and income declaration

1. Within five days after receiving a report on asset and income verification results, the verification decision-issuing person shall consider the report and the explanation of the person subject to verification and make a conclusion on transparency in the asset and income declaration and send it to the person subject to verification, to the verification-requesting agency or organization and the denouncer, if so requested by the denouncer.

2. The conclusion on transparency in asset and income declaration must clearly state the parity or disparity between the asset and income declaration sheet and the verification results. For case of disparity between the verification results and the declaration sheet, the person subject to verification will be concluded as being dishonest and the conclusion shall also clearly state the disparity in asset and income quantity, description or changes as well as decides or proposes competent persons to handle the person who has made dishonest declaration.

3. When the person subject to asset and income verification requests the person making conclusion on transparency in asset and income declaration to re-consider his/her

conclusion, the latter shall consider and reply the requester within five days after receiving the request; if the requester disagrees with the settlement of the conclusion-making person and further proposes the head of the superior agency, organization or unit of the conclusion-making person to re-settle his/her case, the request-receiving person will consider and make a settlement decision; this decision will serve as a basis for the handling of candidates or persons expected to be elected or ratified, who are subject to asset and income verification, in accordance with Clauses 1, 2 and 4, Article 17 of this Decree.

4. The form of the conclusion on transparency in asset and income declaration is promulgated together this Decree (not printed herein).

**Article 31.-** Publicization of conclusions on transparency in asset and income declaration

1. Within five days after receiving a request for publicization of conclusions on asset and income declaration from the verification-requesting agency or organization specified in Article 17 of this Decree, the conclusion-making person shall issue a decision to publicize the conclusion.

2. For asset and income verification conducted in service of the removal from office, relief from duty or disciplining or upon the occurrence of corruptive acts, the person making conclusion on transparency in asset and income declaration shall issue a decision to publicize the conclusion right after it is promulgated.

3. The conclusion on transparency in asset and income declaration shall be publicized at places defined in Clause 1, Article 50 of the Anti-Corruption Law.

4. The conclusion on transparency in asset and income declaration of National Assembly candidates or People's Council candidates shall be publicized at voters' conferences in working places and residence places of these persons.

**Article 32.-** Dossiers of asset and income verification

1. The asset and income verification must be recorded in dossiers. A verification dossier comprises:

a/ The verification decision; minutes of working sessions; explanation of the person subject to verification; the report on verification results;

b/ The conclusion on transparency in asset and income declaration;

c/ Requests and recommendations of the verification decision-issuing person and the verifier;

d/ Results of assessment and expertise conducted in the verification process (if any);

e/ Other documents related to the verification.

2. The management and use of the asset and income verification dossiers shall comply with legal provisions on management of cadres' files.

3. It is strictly prohibited to disclose information of the asset and income verification dossiers; those who violate these regulations shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability in accordance with law.

#### Chapter IV

#### HANDLING OF VIOLATIONS OF REGULATIONS ON ASSET AND INCOME TRANSPARENCY

**Article 33.-** Disciplining of persons who are dishonest in asset and income declaration

1. Persons who are concluded as being dishonest in asset and income declaration shall, depending on the nature and seriousness of their violations, be handled in one of the following forms:

a/ Reprimand;

b/ Caution;

c/ Demotion of salary grades;

d/ Demotion of ranks;

2. Within five days after obtaining conclusions on dishonesty in asset and income declaration, heads of agencies, organizations or units who have the disciplining competence shall consider and handle dishonest declarants.

3. The competence and order of and procedure for disciplining dishonest asset and income declarants who are cadres, civil servants and employees comply with legal provisions on disciplining of cadres, civil servants and employees.

4. The disciplining of dishonest asset and income declarants who are officers or professional armymen in agencies or units of the People's Army; officers in agencies or units of the People's Police comply with laws on the People's Army and the People's Police.

5. Decisions on the disciplining of dishonest asset and income declarants shall be posted up at the head-offices of agencies, organizations or units where these persons work for at least three months after the issuance date.

**Article 34.-** Handling of dishonest asset and income declarants who are National Assembly candidates, People's Council candidates or persons expected to be elected or ratified by the National Assembly, People's Councils or congresses of political organizations or socio-political organizations, persons expected to be ratified or appointed

1. National Assembly candidates and People's Council candidates who are concluded as being dishonest in asset and income declaration shall have their names deleted from the lists of candidates for a tenure.

2. Persons expected to be elected or ratified at the National Assembly, People's Councils or congresses of political organizations or socio-political organizations,

persons expected to be ratified or appointed who are concluded as being dishonest in asset and income declaration shall not be elected, ratified or appointed for one year as from the date of being concluded as dishonest in declaration.

3. Cadres, civil servants, officers or professional army men in agencies or units under the People's Army; officers in agencies or units under the People's Police, who are National Assembly candidates, People's Council candidates, persons expected to be elected, ratified or appointed and concluded as being dishonest in asset and income declaration shall, apart from being handled according to Clauses 1 and 2 of this Article, be disciplined in accordance with Article 33 of this Decree.

**Article 35.-** Liability in asset and income verification

1. Verification-requesters, verification decision-makers, verifiers and persons making conclusions on transparency in asset and income declaration who violate the regulations on asset and income verification shall, depending on the nature and seriousness of their violations, be disciplined in accordance with law.

2. Verification-requesters, verification decision-makers, verifiers and persons making conclusions on transparency in asset and income declaration, who violate the regulations on asset and income verification and infringe upon legitimate rights and interests of persons subject to verification shall make a written corrigendum and send it to persons subject to verification and the agencies, organizations or units where these persons work.

## Chapter V

### ORGANIZATION OF IMPLEMENTATION AND IMPLEMENTATION PROVISIONS

**Article 36.-** Responsibilities of the Government Inspectorate

1. To organize, direct and guide the inspection of implementation of asset and income transparency regulations in accordance with the contents, order and procedures prescribed in the Anti-Corruption Law, Decree No. 120/2006/ND-CP of October 20, 2006, detailing and guiding the implementation of a number of articles of the Anti-Corruption Law and this Decree.

2. To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, Government-attached agencies and concerned agencies in, guiding, inspecting and urging authorities and branches to implement asset and income transparency regulations.

3. To synthesize and report to the Government and the Prime Minister on the results of implementation of asset and income transparency regulations.

**Article 37.-** Responsibilities of ministries, ministerial-level agencies, Government-attached agencies and provincial/municipal People's Committees

1. To organize, direct, propagate, disseminate, urge and inspect the implementation of asset and income transparency regulations in their ministries, branches, localities or agencies.
2. To revise and annul according to their competence or propose competent agencies or organizations to annul regulations contrary to the asset and income transparency regulations in the Anti-Corruption Law and this Decree.
3. To commend collectives and individuals that record outstanding achievements and handle violators of asset and income transparency regulations.

**Article 38.-** Implementation effect

This Decree takes effect on the date of its signing.

The provisions of Chapter II of the Government's Decree No. 64/1998/ND-CP of August 17, 1998, detailing and guiding the implementation of the Anti-Corruption Ordinance, and the Government's Decree No. 13/2002/ND-CP of January 30, 2002, amending and supplementing a number of articles of Decree No. 64/1998/ND-CP of August 17, 1998, cease to be effective on the effective date of this Decree.

**Article 39.-** Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of Government-attached agencies, chairmen of the People's Councils, presidents of the People's Committees of provinces and centrally run cities, concerned agencies, organizations, units and individuals shall implement this Decree.

On behalf of the Government  
Prime Minister  
*NGUYEN TAN DUNG*