

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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**DECREE
ON
CINEMATOGRAPHIC ORGANIZATIONS
AND ACTIVITIES**

The Government

Pursuant to the *Law on the Organization of the Government* dated 30 September 1992;

In order to foster and build a national, modern, and humanistic Vietnamese film industry, expand international cinematographic relations, and satisfy the cultural and spiritual needs of the people;

Following the proposal of the Minister of Culture and Information;

Decrees:

CHAPTER I

General Provisions

Article 1

Cinematography is a form of consolidated art which is closely connected with industrial production methods. Cinematographic activities aim to educate politically, ideologically, and emotionally as well as raising the intellectual and aesthetic standards of the people and satisfying their legitimate cultural and spiritual needs.

Cinematographic activities include the following main fields: film production, film dissemination (film distribution and projection), exporting and importing films. Cinematographic activities are not purely of a commercial nature; enterprises operating in the above fields are enterprises which operate for the public interest.

Films stipulated in this Decree are cinematographic works recorded on various materials and disseminated by means of cinema theatres, television stations and video networks.

Article 2

The State shall manage cinematographic activities uniformly and nationally in accordance with law on the basis of the following principles:

1. State administrative functions of ministries and people's committees at all levels shall be distinguished from business, production and management functions of cinematographic establishments;
2. Rights of equality, entrepreneurship, and creativity, and copyright of organizations and individuals engaging in cinematographic activities shall be ensured as well as the right of all citizens to enjoy cinematographic works;
3. Locally produced and imported foreign films in various forms must be reviewed, approved, and licensed by the Ministry of Culture and Information prior to being disseminated in Vietnam or overseas.

Films with the following contents are strictly prohibited from being produced, imported and disseminated:

- Films which are antagonistic towards the State of the Socialist Republic of Vietnam or which undermine the unity of the people;
- Films which incite violence, war, or hatred between races and nations; films which encourage reactionary ideology, obscene and depraved lifestyles, immoral or criminal acts, social evils and superstition; or films which undermine fine customs and the ecological environment;
- Films which disclose Party and State secrets, or secrets of a military, security, economic, foreign relations, or private nature, or other secrets provided for by law; or
- Films which distort history, deny revolutionary achievements, offend national leaders and heroes, and slander the reputation of organizations or the honour and dignity of individuals.

Article 3

The State shall implement the following policies in relation to cinematographic activities:

1. The State shall commission, or provide tax incentives, low interest rate loans, or subsidies for film scripts, and the production and dissemination of documentaries, scientific, animated, children, and educational films, films promoting Party and State policies, a number of films and cinematographic activities in mountainous areas, on islands, and so forth, and pilot films. The State shall partially subsidize imported children's films and a number of foreign films of high ideological and artistic values.

The State shall allocate to State owned enterprises producing, exporting, importing, distributing and showing films a portion of their working capital.

The Ministry of Culture and Information and the Ministry of Finance shall promulgate regulations on commissioning works, preferential tax treatment, loans and subsidies, and allocation of working capital to the above establishments.

2. The State shall make investments which are aimed at, or important for, analytical research, staff training, construction of technical facilities, and application of science and modern technology with respect to State owned cinematographic establishments producing, disseminating and preserving cinematographic works.
3. The State shall foster and strengthen State owned cinematographic establishments in order to establish an integrated system for production and consumption, and, on that basis, maintain a supervisory role in respect of cinematographic activities as well as implementing the socialization of cinematographic activities.
4. The State shall encourage the export and dissemination of Vietnamese cinematographic works of high value and shall expand international relations in respect of cinematography.
5. The State shall, on an ongoing basis, amend or add to policies on professional actors, such as wage scales based on skill and contribution rather than seniority, and shall make detailed provisions on bonuses and allowances applicable to actors in accordance with their contributions to cinematographic works. The Department of Organization and Personnel of the Government and the Ministry of Culture and Information shall submit such regulations to the Prime Minister of the Government for promulgation.

CHAPTER II

Cinematographic Organizations

Article 4

Cinematographic organizations include the following:

- (a) Cinematographic establishments or enterprises belonging to State bodies at the central level or in provinces and cities under central authority;
- (b) Cinematographic establishments or enterprises belonging to social organizations at the central level or in provinces and cities under central authority;
- (c) Cinematographic establishments which are enterprises exporting, distributing and showing films in various sectors of the economy.

Article 5

Cinematographic establishments belonging to ministries or branches at the central level include:

- (a) Film production establishments;
- (b) Cinematographic technical centres;
- (c) The Film Export, Import and Distribution Company of Vietnam;
- (d) Companies importing, exporting and supplying cinematographic materials;
- (e) Research, training and archiving establishments.

Article 6

The Film Export, Import and Distribution Company of Vietnam belonging to the Ministry of Culture and Information operates a number of cinemas in localities. Provinces and cities under central authority operate film distribution and projection companies (enterprises) or film distribution and projection centres (businesses). These companies or centres have cinemas, business and non-profit units showing films, and shops with video tapes for sale or hire.

Provincial districts, towns, and cities shall not be permitted to establish film distribution and projection companies (or centres).

Article 7

8 Ministry of Planning and Investment
and
Phillips Fox

State bodies, economic entities, social organizations and individuals wishing to set up cinematographic establishments must satisfy fully the conditions and criteria stipulated by the Ministry of Culture and Information.

CHAPTER III

Cinematographic Activities

SECTION 1

Film Production

Article 8

1. A film production establishment shall only operate after it has obtained a permit for establishment from the Ministry of Culture and Information and has completed other procedures in accordance with law.
2. Film production establishments shall be entitled to raise capital from other establishments, collective organizations, economic and social organizations, or individuals in order to produce films. The raising of capital must comply with the provisions of the prevailing law.

Article 9

State bodies and economic and social organizations wishing to produce a film for national distribution shall be considered and issued with a temporary film production permit if the following conditions are satisfied:

1. There is a script for the proposed film;
2. The film production team comprises the following main personnel: a director, cameramen, artists, and a recordist, all with practising certificates;
3. There are production schedules and distribution plans for the film.

Article 10

The body or organization applying for the establishment of a film production establishment or for a temporary film production permit shall be the body in charge of the film production establishment.

The head of the above body or organization and the director of the film production establishment shall be responsible for the contents and quality of any films produced

by the establishment.

Article 11

Where a cinematographic establishment wishes to co-operate with international organizations or foreign organizations and individuals to produce films or to provide services for the production of films, a permit from the Ministry of Culture and Information is required.

Article 12

Directors, cameramen, artists, or recordists engaging in film production must obtain a practising certificate from the Ministry of Culture and Information.

Article 13

1. A film production establishment issued with a film dissemination permit must lodge a copy of the film with the Ministry of Culture and Information.
2. Production establishments must retain the original film material commissioned or subsidized by the State for archiving at the Institute of Art and Cinematographic Archives belonging to the Ministry of Culture and Information. The Ministry of Culture and Information shall provide regulations on archiving of other films. The State shall annually allocate funds to purchase Vietnamese and foreign films of high value for archiving in order to carry out cinematographic research, training and creation.

The Institute of Art and Cinematographic Archives shall be responsible for maintaining archived materials and creating favourable conditions for exploitation and utilization of such materials.

SECTION 2

Exporting and Importing Films

Article 14

Film production establishments shall, by themselves or through agents, be entitled to export any films produced by them provided that the approval of the Ministry of Culture and Information has been obtained.

Article 15

FAFIM Vietnam, belonging to the Ministry of Culture and Information, shall be responsible for films imported for business purposes under any form.

Vietnam Television Station shall, in conjunction with the Ministry of Culture and Information, be responsible for films imported for transmission on Vietnam Television Station.

Films imported for archiving and research purposes shall be in accordance with the provisions of the law on exporting and importing cultural works.

SECTION 3

Film Dissemination (Film Distribution and Projection)

Article 16

1. Film production establishments shall be entitled to distribute, sell, or license film distribution establishments to distribute their films by means of cinema theatres and video networks.

A film production establishment wishing to distribute its films must register as a distribution business in accordance with law.

2. A film production or distribution establishment which has registered as a distribution business shall be entitled to establish branches, appoint agents, and open shops for the purpose of distributing its own products in localities.

Agents and shops selling and renting video tapes shall operate in accordance with the provisions of the Ministry of Culture and Information.

Article 17

The transferring of a cinematographic work from one material to another material and the printing thereof for commercial purposes shall be carried out in accordance with the laws on copyright.

Article 18

The State shall fully fund any operation showing films in mountainous or remote regions, regions with ethnic minorities, and islands, and shall provide fifty (50) per cent funding for operations showing films in other rural areas.

Article 19

Film production or distribution establishments shall be permitted to construct cinemas in order to disseminate films.

The State encourages all economic entities (including foreign entities) to enter into joint ventures, or co-operate with cinematographic establishments, for the purposes of renovating, constructing, and managing cinema theatres, or to invest by themselves in the construction and management of cinema theatres.

Article 20

1. Film showing establishments shall only be permitted to operate upon the issuance of a permit by an authorized State body.
2. Any film or videotape showing activity which involves the sale of tickets must use tickets published nationally by the Finance branch.

Article 21

Film showing establishments must give priority to films commissioned or subsidized by the State.

SECTION 4**Dissemination by Television****Article 22**

1. The television system is one of the main means of consuming and disseminating widely cinematographic films.

Television stations throughout the country must give priority to the broadcasting of films commissioned and subsidized by the State.

Film production or distribution establishments shall be responsible for receiving orders from television stations and supplying them with films commissioned and subsidized by the State.

2. The Ministry of Finance shall make provisions on payment of royalties in respect of films broadcast on television.

A film may be broadcast on television nine months after the date of its premiere, unless otherwise agreed by the parties.

Television stations must comply with the laws on copyright with respect to cinematographic works.

Article 23

1. Television stations throughout the country must increase gradually the proportion of Vietnamese films broadcast. By 1998, Vietnamese films must account for at least fifty (50) per cent of broadcasting time.
2. The Ministry of Culture and Information and the Vietnam Television Station shall make detailed provisions on the correlative relationship between cinematography and television in respect of the supply, co-operation, commissioning, and utilization of films broadcast on television, as well as on copyright protection.

CHAPTER IV

State Management of Cinematography

Article 24

The Government shall assume uniform State management of cinematographic organizations and activities at the national level.

The Ministry of Culture and Information shall be the Government body carrying out uniform State management of cinematographic organizations and activities throughout the country and shall have the following duties and powers:

1. To prepare annual and long-term master plans for the development of the film industry; to manage the implementation of plans for cinematographic activities and the national programme for strengthening and developing the film industry of Vietnam; to prepare plans to train and foster cinematographic personnel and actors;
2. To draft laws, ordinances and other legislation of the Government on cinematographic activities; to promulgate decisions, circulars and directives on cinematographic organizations and activities;
3. To co-ordinate with relevant branches in making decisions to permit local organizations and individuals to enter into joint ventures, business co-operations, or service agreements with foreign countries in relation to cinematographic activities;

4. To issue or withdraw establishment licences with respect to film production establishments and film exporting or importing entities at the national level and film distribution establishments at the central level;

To consider and issue temporary film production permits in accordance with article 9 of this Decree;

To consider and issue film exporting and importing permits in accordance with articles 14 and 15 of this Decree;

To issue decisions withdrawing, confiscating, prohibiting the distribution of, and destroying films which contain prohibited contents as stipulated in article 2 of this Decree;

To suspend the operation of cinematographic establishments which breach the law as stipulated in article 2 of this Decree;
5. To inspect the implementation of the objectives and duties of cinematographic activities and the compliance with the regulations on cinematographic activities; to carry out measures in order to prevent illegal cinematographic activities; to reward and deal with beaches in accordance with law.

Article 25

People's committees of provinces and cities under central authority shall carry out State management of cinematographic activities within their respective localities and shall have the following duties and powers:

1. To prepare master plans for the development of the film industry within their respective localities;
2. To issue or withdraw permits for the establishment of local film distribution and showing establishments;
3. To guide and inspect cinematographic activities within their respective localities; to suspend temporarily the implementation of licences issued by the Ministry of Culture and Information where breaches are identified and to report promptly to the Ministry of Culture and Information for appropriate action; to withdraw, confiscate, prohibit the distribution of, or destroy films referred to in article 2 of this Decree.

Article 26

Within thirty (30) days from the date of receipt of the application file for the establishment of a cinematographic establishment, the authorized State body in

charge of cinematography must give notification of its decision. If it decides to reject an application, it must state clearly its reasons. Organizations and individuals refused a licence for the establishment of a cinematographic establishment shall have the right to lodge a complaint in accordance with law.

Article 27

The Ministry of Culture and Information shall establish a specialized inspection organization in relation to cinematographic activities throughout the country.

The duties and power of the specialized inspection organization shall be provided for in accordance with the laws on inspection.

The following matters shall be subject to inspection:

1. State management of cinematographic activities;
2. Film production, film export and import, film distribution and film projection carried out by cinematographic establishments in Vietnam;
3. The implementation of provisions of laws, policies and regimes of the State on cinematographic activities.

Article 28

Organizations and individuals operating in the cinematographic field shall be responsible for satisfying the requirements of the inspection team or inspector carrying out an inspection at their respective establishments and shall have the right to lodge a complaint in relation to any decisions or actions of the inspection team or inspector with the specialized inspection organization or the State authority in charge of cinematography at a higher level.

Organizations and individuals shall have the right to lodge a complaint with, or report to, the specialized inspection organization or State authority in charge of cinematography in respect of any breach of the law by any organization or individual engaging in cinematographic activities.

The authority receiving the complaint or report shall be responsible for examining and dealing with the matter in accordance with the provisions of the law.

CHAPTER V

Rewards and Dealing with Breaches

Article 29

Any organization or individual with notable achievements in cinematographic activities shall be rewarded in accordance with the provisions of the State.

The State shall award the Ho Chi Minh award and other State awards to authors and cinematographic works of high ideological and artistic value.

The Ministry of Culture and Information shall, in conjunction with the Vietnam Cinematographic Association, stipulate the standards and regimes for rewarding organizations and individuals with achievements in film production, film import and export, film publication and film projection.

Article 30

Any organization or individual breaching any provisions whilst carrying out film production, film publication and film export or import shall have its operations suspended immediately and shall, depending on the seriousness of the breach, be subject to administrative penalty or criminal prosecution.

Article 31

The powers and procedures for dealing with breaches must be implemented in accordance with the provisions of the laws on dealing with administrative breaches, compensation for damage, and criminal prosecution.

CHAPTER VI

Implementation Provisions

Article 32

1. Pursuant to this Decree, the Ministry of Culture and Information shall review the master plan for all cinematographic establishments, including agents and shops selling and renting videotapes throughout the country.
The Ministry of Culture and Information and people's committees of provinces and cities under central authority shall carry out the registration and re-establishment of cinematographic establishments falling within their respective jurisdictions.

2. The Ministry of Culture and Information shall stipulate the responsibilities of the Film Export, Import and Distribution Company of Vietnam in relation to film showing activities throughout the country, and film production establishments.

Article 33

The Ministry of Culture and Information shall, in conjunction with relevant ministries and branches, issue guidance circulars on the implementation of this Decree.

Article 34

This Decree shall be of full force and effect as of the date of its promulgation. All previous provisions which are inconsistent with this Decree are hereby repealed.

On behalf of the Government
Prime Minister

VO VAN KIET