

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 48-CP

Hanoi, 17 July 1995

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;

CHAPTER I

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.

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

CHAPTER II

Cinematographic organizations include the following:

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

SECTION 1

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

by the establishment.

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.

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

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.

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

Ministry of Planning and Investment
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XV-180

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.

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.

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.

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.

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

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.

Any organization or individual breaching anyr rsg13 Tw4.3(e96 Twa38im)10.0003 Tcilst ca(e96 Try.7(w4.3g out)8.5()69J-

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.

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

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