

Hanoi, 30 June 2009

THE GOVERNMENT

Pursuant to the Law on Government Organization December 25, 2001;
Pursuant to the Enterprise Law and Investment Law November 29, 2005
Proposal of the Minister of Planning and Investment,

DECREES:

CHAPTER 1.
GENERAL PROVISIONS

Article 1. Scope

This Decree prescribes the policies and management support state assistance for development of small and medium enterprises.

Article 2. Application scope

This Decree applies to small and medium enterprises, organizations and help develop small and medium enterprises and state management agencies to help develop small and medium enterprises.

Article 3. The definition of small and medium enterprises

1. Small and medium businesses that have business registration in accordance with law, is divided into three levels: micro, small and medium scale total capital (total capital equivalent to total assets is determined in the balance sheet of enterprises) or number of employees per year (total funding is the priority criteria), as follows:

Sector	Micro enterprises	Small-sized enterprises		Medium-sized enterprises	
	<i>Number of laborers</i>	<i>Total capital</i>	<i>Number of laborers</i>	<i>Total capital</i>	<i>Number of laborers</i>
I. Agriculture, forestry and fishery	10 persons or fewer	VND 20 billion or less	Between over 10 persons and 200 persons	Between over VND 20 billion and VND 100 billion	Between over 200 persons and 300 persons
II. Industry and construction	10 persons or fewer	VND 20 billion or less	Between over 10 persons and 200 persons	Between over VND 20 billion and VND 100 billion	Between over 200 persons and 300 persons
III. Trade and service	10 persons or fewer	VND 10 billion or less	Between over 10 persons and 50 persons	Between over VND 10 billion and VND 50 billion	Between over 50 persons and 100 persons

2. Depending on the nature and objectives of each policy, support programs that agencies can specify the criteria above as appropriate.

3. Ministry of Planning and Investment (GSO) shall, in coordination with other ministries and relevant agencies to investigate, synthesize and publish statistics on small and medium-sized businesses annually by the definition of small and medium enterprises specified in this Decree.

Article 4. Planning assistance for development of small and medium enterprises

Planning assistance for development of small and medium enterprises, including funding solutions and implementation, must be included in the annual plan and five years of the ministries, local and national economy.

Article 5. Support programs

1. Assistance programs for small and medium enterprises of the State (referred to as support programs) are targeted programs for small and medium businesses are built on the basis of economic development - social development sector, geographical area and are arranged in the annual plan and five years. Priority assistance programs for small and medium enterprises owned by women and small and medium enterprises use more female employees.

2. The assistance program for small and medium enterprises before the competent authorities shall be consulted for approval of state management agencies at the central assistance for development of small businesses and GUA are prescribed in Article 15 of this Decree in order to ensure consistency and integration in combination with other assistance programs for small and medium enterprises and other State.

3. The ministries, branches and local organizations to build and implement assistance programs in the field, management areas. Ministry of Planning and Investment is the focal point synthesis report on implementation of assistance programs and issues to be resolved to the Prime Minister.

4. Based on the nature and scope of each assistance program, the state business organizations, service providers are capable of participating in the program through a bidding method in accordance with law .

Article 6. Promulgate regulations related to small and medium enterprises

Agency drafting legal documents related to small and medium enterprises shall coordinate with the State management agencies at the central assistance for development of small and medium enterprises stipulated in Article 15 of this Decree to ensure that these laws create conditions favorable for the development of regional small and medium enterprises.

Chapter 2. POLICY SUPPORT

Article 7. Financial Assistance

1. The State encourages the establishment of credit guarantee fund for small and medium enterprises. Ministry of Finance will coordinate with relevant agencies to build mechanisms

for the establishment and operation of credit guarantee funds to the Prime Minister for decision and instructions to carry out the credit guarantee business SMEs.

2. The State Bank shall, in coordination with concerned agencies to the Prime Minister issued incentives for some projects and technical assistance to strengthen the capacity of financial institutions opening match wide credit for small and medium enterprises, diversification of products and services suitable to small and medium enterprises, providing support services to financial advisory, investment management and services Customer support is another object of small and medium enterprises.

3. Through training and assistance programs, state support for small and medium enterprises to improve project planning, business plan to meet the requirements of credit institutions when evaluating your loan documents Small and medium enterprises.

4. Establishment of development funds for small and medium enterprises

a) The purpose activities: fund raising program to help improve the competitiveness of small and medium enterprises, focusing on operational support innovative product development is highly competitive and friendly environment; investment, innovation and technical equipment, advanced technology, development of support industries, improve corporate governance.

b) Capital Development Fund for small and medium enterprises (referred to as the Fund) capital grant from the State budget capital, the contribution of domestic organizations and other aid, donor countries of the organization addition, other international organizations, profit from operations of the Fund and other lawful capital sources.

c) The main activities:

- To receive, manage and use financial resources at home and abroad to carry out activities supporting the development of small and medium enterprises as prescribed by law.
- Grants to fund programs and projects help improve competitiveness, technical competence, technology, business management capabilities for small and medium enterprises by ministries, branches and localities , business associations implemented after approval is granted.
- Trust for credit institutions to provide preferential loans for small and medium enterprises with viable investment projects in priority sectors, encouraging the State and in accordance with the purpose of the Fund's operations.

d) Ministry of Planning and Investment will coordinate with the Ministry of Finance, State Bank and other relevant agencies to build up the scheme fund the Prime Minister for approval; responsible for ensuring Funds activities intended purpose.

e) Ministry of Finance issued regulations on financial management of funds, checking and supervising the financial activities of the Fund.

Article 8. Production premises

On the basis of public economic development planning - social planning and land use planning in the province, the city has been approved by the Prime Minister, People's Committees of provinces and cities directly under the Central Committees for land and implement measures to encourage construction of industrial clusters for small and medium

enterprises as ground rent production, business or moved out of the inner city to ensure the landscape environment.

Article 9. Innovation, technological capacity, technical level

1. Through the assistance program, government policy implementation in accordance with assistance strategies and priority areas of economic development in each period as follows:

a) encourage investment in technological renovation and renewal of technical equipment according to the strategy development and production expansion of small and medium enterprises to export products, industrial products supported.

b) raise the technological capability of small and medium enterprises through programs to support research, technological development to produce new products, technology transfer and application of scientific techniques to produce production.

c) Introduction, provides information technology equipment for small and medium enterprises, supporting assessment, technology selection.

2. Development Fund of Science and Technology for an annual national funds to support small and medium enterprise innovation, technological capacity building.

3. Ministry of Science and Technology, People's Committees of provinces and cities under central planning and allocating funds to support small and medium enterprises to implement registration and protection, transfer of intellectual property rights Property for products and services, applying quality management system ISO and other international standards.

Article 10. Promoting market expansion

1. Annually, ministries, branches and local planning and arranging funding for the implementation of promotion activities to expand the market for small and medium enterprises.

2. State management agency on trade promotion annual national budget for a national trade promotion for small and medium enterprises and inform performance management agencies for the state aid distribution development of small and medium enterprises prescribed in Article 15 of this Decree.

Article 11. Participate in planning for procurement and supply of public services

1. Government and People's Committees of provinces and cities directly under the Central Government for specific rates for small and medium enterprises make contracts or orders to provide certain goods and services.

2. Prime Minister for promulgation mechanisms to encourage small and medium enterprises involved supplying products and services at the request of the Ministry of Finance.

Article 12. On information and advice

1. Government, ministries, branches and People's Committees of provinces and centrally through the electronic portal to provide information about the legal adjustment of business operations, policies, programs support the development of small and medium enterprises and other information to support business activities of enterprises.

2. Within 30 working days before implementation of policies and programs to support the development of small and medium enterprises, agencies shall submit information on policies and programs to business portal career management agency of state support for development of small and medium enterprises prescribed in Article 15 of this Decree to announce to the public.

3. Ministry of Planning and Investment and resource mobilization at home and abroad to upgrade the enterprise portal to provide information and connections help develop small and medium enterprises.

4. Government encourages domestic and foreign organizations to provide consulting services for small and medium enterprises.

Article 13. Help develop human resources

1. Ministry of Planning and Investment will coordinate with agencies concerned to guide planning assistance and training human resources for small and medium-sized businesses, primarily focused on corporate governance.

2. Planning assistance and training human resources for small and medium enterprises of the ministries, branches and localities to be mainstreamed into economic development plans - every year society, five years of the ministries, branches and localities .

3. Ministry of Planning and Investment shall, in general training support needs for small and medium enterprises as the basis for the Ministry of Finance to balance and allocate funding to support the planning of the annual budget ministries, sectors and localities.

Article 14. Business Incubator

1. The State encourages the establishment of business incubators to perform time-limited support business start-up phase in the process and systems through the provision for the nursery business space, services business support resources required to help enterprises realize, commercialization of business ideas and technology.

2. Ministry of Science and Technology shall coordinate with concerned agencies in formulating policies give priority to small and medium enterprises to participate in the "nursery technology base" and "basis of nursery technology enterprises ".

CHAPTER 3.

STATE MANAGEMENT OF BUSINESS DEVELOPMENT SUPPORT SMES

Article 15. Agency management of state support for development of small and medium enterprises in Central

1. Government unified state management on development promotion of small and medium enterprises. Ministry of Planning and Investment is the government agency to help unify the state management of development assistance to small and medium enterprises.

2. Business Development Department under the Ministry of Planning and Investment to assist the Minister of Planning and Investment shall perform the function of state management on the development of small and medium enterprises in accordance with the following contents:

a) Develop or participate in the elaboration of policies and other legal documents on the development of small and medium enterprises are submitted to competent authorities for promulgation; general plan, support programs, goal-oriented assistance, identifying criteria, the field of small and medium enterprises.

b) Provide training to enhance staff capacity to support the work of small and medium enterprises and fostering skills development assistance to small and medium enterprises, construction guidelines and capacity building for Us development system support for small and medium enterprises.

c) To act as international cooperation on development of small and medium enterprises, calling on external resources to assist small and medium enterprises.

d) Coordinate with other agencies and organizations concerned to provide necessary information for small and medium enterprises. Develop an annual report on small and medium enterprises. Synthesis report on the development of small and medium enterprises and the problems to be solved for the Minister of Planning and Investment to the Prime Minister for consideration and handling. Organizations implementing some pilot models, programs and projects help develop small and medium enterprises.

e) Make permanent secretariat of the Council encourage the development of small and medium enterprises.

Article 16. Council encourages the development of small and medium enterprises

1. Council encourage the development of small and medium enterprises (called the Council) on duty to advise the Prime Minister mechanisms and policies to encourage the development of small and medium enterprises. Members of the Council concurrently. Prime Minister's decision task at the request of Council President of the Council.

2. The composition of the Council encourage the development of small and medium businesses include:

- Chairman is the Minister of Planning and Investment;
- Permanent Secretary of the Board as Director of Business Development.
- Representatives of the leaders of the Ministry of Planning and Investment, Industry and Trade, Finance, Justice, Agriculture and Rural Development, Construction, Transport, Science and Technology, Natural Resources and Environment , Education and Training, Labour - War Invalids and Social Affairs Steering Committee for Innovation and Enterprise Development.
- Representative of the People's Committee leaders of cities: Hanoi, Ho Chi Minh City, Hai Phong, Da Nang and Can Tho.
- Representative of Chamber of Commerce leadership and Industry of Vietnam, the Cooperative Alliance Vietnam Association of Small and Medium Enterprises in Vietnam and some other business associations.
- Some experts in the fields of economy, science and technology on the basis of proposals of the governing body.

3. List of members of the Council by the Chairman of the Council decision on the proposal of the governing body.

4. At the request of the actual work of development assistance to small and medium enterprises and suggestions of the members, Chairman of the Council may set up a

subcommittee in charge under the Council is responsible for advising on areas to assist small and medium enterprises. Structural members and work regulations by the subcommittee chairman to decide.

5. Working Regulations of the Council by the Chairman of the Board decision.

6. The operational cost of the Council was in general budget of the Department of Business Development.

Article 17. Center for promotion of small and medium enterprises

Ministry of Planning and Investment Promotion Center established to develop small and medium enterprises (under the Enterprise Development Department) to implement some policies, support programs, and act as a consulting and implementation pilot model of technical assistance for small and medium enterprises.

Article 18. Agency management of state support for development of small and medium enterprises in local

1. People's Committees of provinces and cities directly under the Central Government is responsible for development assistance to small and medium enterprises in the province, as follows:

a) Orientation for the development of small and medium enterprises, building or participate in the construction of documents guiding the implementation of the provisions of state support for development of small and medium enterprises in the locality. Synthetic building assistance program for small and medium enterprises, coordinate, guide and inspect the implementation of support programs after they are approved.

b) Organizing dialogue between local governments and enterprises to exchange information, solve problems and difficulties in business operations of small and medium enterprises; commend and reward artists, business workers, small and medium enterprises have made outstanding achievements in business, creative design and communication training models.

c) Each year, reports the Ministry of Planning and Investment on the development assistance to small and medium enterprises and the problems to be solved for the synthesis of building an annual report on small and medium enterprises.

d) To coordinate with ministries, agencies and organizations related development aid to small and medium enterprises in localities under current regulations.

2. People's Committees of provinces and cities directly under the Central Department of Planning and Investment act and coordinate with other departments, formulating programs and plans for development of small and medium enterprises in the province to the provincial People's Committee for approval, issuance, and direct implementation of the organization. For the total number of local small and medium enterprises in 3000 (excluding cooperatives and small business) can set up a unit under the Department of Planning and Investment and performing tasks on help develop small and medium enterprises in the locality.

Article 19. These organizations help small and medium enterprises

Government encourages organizations associations, economic organizations, political organizations, socio-professional, social organizations and strengthen the established aid

organizations to develop small and medium enterprises, to participate in building and implementation of assistance programs for small and medium enterprises, development of business development services (BDS).

CHAPTER 4.
IMPLEMENTATION PROVISIONS

Article 20. Effect

1. This Decree takes effect from August 20, 2009 and replaces Decree No. 90/2001/ND-CP of November 23, 2001 the Government's development assistance to small and medium enterprises.

2. Annul all previous regulations contrary to this Decree.

Article 21. Responsibility for implementation

1. Ministry of Planning and Investment shall coordinate with ministries, branches and People's Committees of provinces and cities directly under the Central Government in implementing the Decree, the Prime Minister to report the implementation situation and the problems handle emerging needs.

2. The ministers, heads of ministerial-level agencies, heads of Government, President's Committee of provinces and cities directly under the Central Government shall implement this Decree. /.

ON BEHALF OF THE GOVERNMENT

PRIME MINISTER

Nguyen Tan Dung