

THE GOVERNMENT
No: 169/2007/ND-CP

**SOCIALIST REPUBLIC OF VIET
NAM**

**Independence - Freedom -
Happiness**

*Ha Noi, day 19 month 11 year
2007*

DECREE

On mobilization of scientific and technological resources for public security-related work

THE GOVERNMENT

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

Pursuant to the December 3, 2004 Law on National Security;

Pursuant to the November 29, 2005 Law on Public Security;

Pursuant to the June 9, 2005 Law on Science and Technology;

At the proposal of the Minister of Public Security,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

1. This Decree provides for the mobilization of scientific and technological resources for public security-related work.
2. The mobilization of scientific and technological resources for public security-related work in case of emergency state pronounced by the State is not governed by this Decree.

Article 2.- Subjects of application

This Decree applies to Vietnamese agencies, organizations and citizens as well as foreign individuals and organizations and international organizations operating in the Vietnamese territory.

When treaties to which the Socialist Republic of Vietnam is a contracting party otherwise provide for, those treaties prevail.

Article 3.- Mobilization objectives

1. To tap and make full use of scientific and technological resources with a view to raising the efficiency of the public security-related work; to actively prevent and fight crimes; to handle in time circumstances which may threaten national security and social order and safety.
2. To increase the scientific and technological resources of the public security force, contributing to building a revolutionary, regular, crack and incrementally modern public security force.
3. To efficiently use the state budget sources invested in scientific and technological activities.

Article 4.- Mobilization principles

1. Scientific and technological resources of agencies, organizations and individuals can be considered for mobilization by the State in service of public security-related work with a view to maintaining national security and social order and safety.
2. The mobilization must be decided by competent agencies or persons defined in Articles 13, 18, 19 and 21 of this Decree and strictly comply with the order and procedures prescribed in this Decree.
3. Mobilized scientific and technological resources must be used for proper purposes, ensuring efficiency.
4. The State guarantees the lawful rights and interests of organizations and individuals whose scientific and technological resources are mobilized; compensates in time and reasonably organizations and individuals for their mobilized scientific and technological resources.
5. Agencies, organizations and individuals whose scientific and technological resources are mobilized in service of public security-related work shall observe the legal provisions on protection of state secrets.
6. The State encourages and creates favorable conditions for domestic and foreign agencies, organizations and individuals to voluntarily provide assistance with, or contribute scientific and technological resources to the service of public security-related work in order to protect national security and maintain social order and safety.

Article 5.- Mobilization modes

Scientific and technological resources shall be mobilized by the

following modes:

1. Compulsion in case of urgency or threat to national security as well as social order and safety.
2. Agreement between agencies specialized in protection of national security, maintenance of social order and safety and agencies, organizations or individuals.
3. Voluntariness of agencies, organizations or individuals in assisting agencies specialized in protection of national security, maintenance of social order and safety.

Article 6.- Mobilized objects

Scientific and technological resources to be mobilized under this Decree cover:

1. Material and technical foundations comprising machinery, technical equipment, information and communication systems.
2. Research or business organizations engaged in scientific and technological activities.
3. Individuals involved in scientific and technological activities.
4. Scientific and technological achievements (scientific research and application results) relating to public security-related work.

Article 7.- Mobilization priority order

1. Scientific and technological resources are mobilized in the following priority order:

- a/ Scientific and technological resources managed by the State;
- b/ Scientific and technological resources jointly managed by the State and domestic or foreign organizations or individuals (joint ventures, associations, etc.);
- c/ Scientific and technological resources of domestic organizations or individuals not managed by the State;
- d/ Scientific and technological resources of foreign organizations or individuals as well as international organizations operating in the territory of the Socialist Republic of Vietnam.

2. To prioritize the mobilization of scientific and technological resources voluntarily contributed by domestic and foreign

organizations or individuals to the service of public security-related work.

Article 8.- Transfer of mobilized objects

1. Organizations or individuals being owners or managers of mobilized objects shall transfer them to mobilizing agencies strictly under mobilization decisions of competent state agencies.
2. The transfer of mobilized objects must be made in writing.
3. The Minister of Public Security shall provide the order and procedures for transfer of mobilized objects.

Article 9.- Return of mobilized objects

1. Mobilization-deciding agencies shall return mobilized objects to agencies, organizations or individuals that own or manage them. The return of mobilized objects is carried out upon:
 - a/ The issues of return decisions by agencies or persons competent to decide the application of mobilization measures;
 - b/ The conclusion of activities requiring the mobilization of scientific and technological resources;
 - c/ The expiration of the mobilization duration without decisions to prolong the mobilization duration issued by competent state agencies.
2. The return of mobilized objects must be made in writing.
3. The Minister of Public Security shall provide the order and procedures for return of mobilized objects.

Article 10.- Budget for the mobilization of scientific and technological resources in service of public security-related work

1. The state budget included in the annual budget estimates of the Ministry of Public Security covers:
 - Expenditures for scientific and technological non-business activities;
 - Regular expenditures on security activities.
2. Other lawful funding sources prescribed by law.
3. When necessary, the Prime Minister shall decide to add budget for the mobilization. The budget addition complies with the provisions of the State Budget Law.

4. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Public Security in, providing detailed guidance on the management, use, settlement and final settlement of funding for the mobilization specified in Clauses 1, 2 and 3 of this Article.

Article 11.- Prohibited acts

1. Mobilizing scientific and technological resources *ultra vires* and incompliant with the order and procedures specified in this Decree.
2. Taking advantage of the mobilization of scientific and technological resources to infringe upon the lawful rights and interests of organizations or individuals.
3. Hiding, dispersing, appropriating or destroying scientific and technological resources to be mobilized under decisions issued by competent state agencies.
4. Shirking, failing to abide by or improperly abiding by mobilization decisions of competent state agencies.
5. Disclosing state secrets, secrets of organizations or individuals in the mobilization of scientific and technological resources in service of public security- related work.
6. Other violation acts prescribed by law.

Chapter II

MOBILIZATION CONTENTS, ORDER AND PROCEDURES

Article 12.- Formulation of mobilization plans

1. The mobilization of scientific and technological resources in service of public security- related work must be carried out under the mobilization plans approved by competent bodies, except the mobilization provided in Article 21 of this Decree.
2. A plan on mobilization of scientific and technological resources is formulated based on:
 - a/ Socio-economic development strategies, plans or programs;
 - b/ The requirements of increasing scientific and technological resources for the public security force.
3. Plans on mobilization of scientific and technological resources are

special ones, which are included in general plans on science and technology and formulated annually and every five years. Mobilization plans must have central points, key points, focussing on high technologies in order to enhance the scientific and technological resources of the public security force, ensuring national security and social order and safety.

4. In case of urgency, mobilization plans will be separately formulated and added.

5. A plan on mobilization of scientific and technological resources must cover the following principal contents:

a/ Mobilized objectives and tasks;

b/ Mobilization objects;

c/ Mobilization mode;

d/ Mobilization fund;

e/ Competence to decide on mobilization of each type of mobilized objects;

f/ Responsibility to organize the implementation of the mobilization plans.

6. The Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology, other ministries, ministerial-level agencies, provincial-level People's Committees in, formulating five-year and annual mobilization plans and submit them to the Prime Minister for approval.

Article 13.- Mobilization decisions

1. Based on mobilization plans already approved by the Prime Minister, the Minister of Public Security shall issue mobilization decisions.

2. A mobilization decision covers the following contents:

a/ The mobilized objects;

b/ The mobilization modes;

c/ The mobilization duration and mobilization terminating time;

d/ The place and time for execution of mobilization decisions;

e/ Rights and obligations of organizations and individuals possessing or

managing the mobilized objects.

3. Mobilization decisions must be addressed to organizations or individuals possessing or managing the mobilized objects.

Article 14.- Responsibilities to implement mobilization plans

1. The Ministry of Public Security shall assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies and provincial-level People's Committees in, organizing the implementation of mobilization plans approved by the Prime Minister.

2. Ministries, ministerial-level agencies and provincial-level People's Committees shall, within the ambit of their tasks and powers, implement the mobilization plans approved by the Prime Minister.

3. Organizations and individuals subject to mobilization shall strictly and fully implement the plans on mobilization of scientific and technological resources in service of public security-related work under mobilization decisions of competent state bodies.

Article 15.- Supply of information on scientific and technological resources

Ministries, ministerial-level agencies and provincial-level People's Committees shall supply the Ministry of Public Security with information on scientific and technological resources related to national security and social order and safety at the request of the Ministry of Public Security and bear responsibility for the supplied information.

Article 16.- Mobilization of scientific and technological achievements

1. The State adopts policies to encourage domestic and foreign organizations and individuals to transfer advanced technologies and scientific and technological achievements for enhancement of scientific and technological resources of the public security force.

2. Based on annual and five-year mobilization plans already approved by the Prime Minister, the Ministry of Public Security shall coordinate with relevant ministries, branches and agencies in organizing the implementation thereof. Technologies and scientific and technological research achievements shall be mobilized in the following forms:

a/ Purchase, receipt of transfer of technologies as well as scientific research and technological development results and achievements under the Law on Technology Transfer, the Law on Intellectual Property and relevant laws.

b/ Compulsory purchase of technologies, scientific research and technological development results and achievements if they are of particularly importance for the maintenance of national security and social order and safety. The compulsory purchase shall comply with the provisions of law on compulsory purchase.

3. Agencies being transferred with, or performing the mobilization of technologies or scientific and technological results and achievements shall keep confidential mobilized technologies and secret information related to mobilized scientific and technological results and achievements.

Article 17.- Enhancement of scientific and technological personnel in service of public security- related work

1. Based on annual and five-year mobilization plans approved by the Prime Minister, the Ministry of Public Security shall coordinate with the Ministry of Education and Training, relevant ministries and agencies in organizing the training of scientific and technological personnel in service of public security- related work.

2. The State adopts policies of priority and creates conditions for the Ministry of Public Security to recruit and mobilize trained scientific and technological cadres, experts and employees in service of public security-related work and send qualified persons to study at scientific and technological training establishments at home and abroad.

The recruitment of pupils and students into the public security force, the selection and sending of pupils, students, public-security personnel for training at home and abroad in order to enhance scientific and technological resources in service of public security-related work comply with the provisions of Decree No. 43/2007/ND-CP of March 26, 2007, detailing and guiding the implementation of a number of articles of the Law on Public Security.

3. Ministries, ministerial-level agencies and provincial-level People's Committees shall direct their respective training establishments to perform the tasks of training scientific and technological personnel under plans on mobilization of scientific and technological resources in service of public security- related work, which are approved by competent authorities.

Article 18.- Mobilization of individuals engaged in scientific and technological activities

1. Individuals engaged in scientific and technological activities are

mobilized by the following modes:

a/ Voluntary participation in scientific and technological activities in service of public security- related work by scientific and technological activists;

b/ Agreement between competent state agencies and scientific and technological activists;

c/ Transfer of scientific and technological activists among state agencies.

2. The Minister of Public Security shall decide on mobilization of individuals engaged in scientific and technological activities on the basis of agreement reached with agencies, scientific and technological institutions managing those individuals or agreement with scientific and technological activists if they work independently and are not managed by state-run scientific and technological institutions according to plans approved by the Prime Minister.

3. Mobilization decisions must be notified to scientific and technological institutions where scientific and technological activists work.

Article 19.- Mobilization of national material and technical foundations

1. Part or whole of works, systems, equipment or technical means of state-run material and technical foundations can be mobilized in service of public security-related work to ensure national security as well as social order and safety.

2. The mobilization of part or whole of works, systems, equipment or technical means of state-run material and technical foundations in service of public security-related work must be approved by the Prime Minister in annual mobilization plans. Based on the approved mobilization plans, the Minister of Public Security shall decide on the mobilization.

Article 20.- Enhancement of material and technical foundations, information resources and databases in service of public security-related work

1. The enhancement of material and technical foundations, information resources and databases in service of public security-related work is effected under mobilization plans approved by the Prime Minister.

2. The State enhances material and technical foundations, information resources and databases in service of public security-related work

through the following activities:

a/ Investing in the construction of laboratories, testing stations, observation stations in professional domains of the public security force;

b/ Renewing means, tools and technologies in direct service of scientific research and technological development activities of the public security force;

c/ Investing in the construction of public security database systems.

Article 21.- Mobilization in circumstance of threat to national security, social order and safety.

In circumstance of threat to national security and social order and safety, the mobilization of scientific and technological resources is carried out as follows:

1. The Prime Minister shall decide on the compulsory purchase of works, equipment systems, means of transport, information and communication facilities, properties of organizations and individuals, modern scientific and technological achievements; on the requisition of scientists, scientific and technological experts in service of public security-related work at the proposal of the Minister of Public Security.
2. The Minister of Public Security and agencies specialized in national security protection under the Ministry of Public Security shall decide on the requisition of part or whole of works, systems, equipment, technical means of state-run material and technical foundations and the current users or operators of such works, systems, equipment or means in service of public security-related work.
3. The compulsory purchase and requisition order and procedures comply with provisions of law.
4. The mobilization decisions defined in Clauses 1 and 2 of this Article take immediate implementation effect.
5. Agencies, organizations and individuals subject to mobilization shall implement the mobilization decisions of competent state bodies or persons; in case of involuntary implementation, they will be forced to do so under the provisions of law.

Chapter III

RIGHTS AND OBLIGATIONS OF, AND POLICIES TOWARDS

AGENCIES, ORGANIZATIONS AND INDIVIDUALS SUBJECT TO MOBILIZATION

Article 22.- Rights and obligations of agencies, organizations and individuals having their scientific and technological resources mobilized

1. Agencies, organizations and individuals having their scientific and technological resources mobilized enjoy the following rights:

a/ To be informed of the mobilization related to their scientific and technological resources;

b/ To be compensated in time and reasonably for the damage caused to their legitimate interests due to the implementation of mobilization decisions;

c/ To enjoy intellectual property rights, to have their scientific and technological products kept secret upon mobilization under provisions of law, to be secured with their legitimate rights and interests arising from scientific and technological activities in the course of implementing the mobilization decisions;

d/ Individuals, who hold or are closely associated with state secrets in the scientific and technological domains and are mobilized in service of public security-related work, are protected under the provisions of law.

2. Agencies, organizations and individuals having their scientific and technological resources mobilized have the following obligations:

a/ To fully and promptly meet the mobilization requirements under mobilization decisions of competent bodies;

b/ To keep the state secrets on mobilization in accordance with the provisions of law on protection of state secrets.

Article 23.- Policies towards mobilized scientific and technological activists

1. While being mobilized, scientific and technological activists being cadres, officials or servants salaried by the state budget will enjoy full pays, regimes and policies like when they work at state agencies or organizations, which are paid by agencies managing those individuals. Besides, they will enjoy allowances to be paid by mobilizing public security agencies at the following levels:

a/ 30% of the salaries and position based allowances (if any) they enjoy before the mobilization, other allowances, if the mobilization

duration is under six months;

b/ 50% of the salaries and position-based allowances (if any) they enjoy before the mobilization, other allowances, if the mobilization duration ranges from 6 months to under one year;

c/ 80% of the salaries and position-based allowances (if any) they enjoy before the mobilization, other allowances, if the mobilization duration is one year or more.

2. Scientific and technological activists not salaried by the state budget, when mobilized, will enjoy pays, remuneration at levels agreed between them and mobilizing agencies but not in excess of the salary or remuneration levels of cadres, officials or servants with equivalent salary scale and rank. In addition, they are entitled to allowances specified at Points a, b and c, Clause 1 of this Article.

Pays to scientific and technological activists not salaried by the state budget will be paid by mobilizing public security agencies.

3. If they are mobilized to work extra hours, on weekends or public holidays, scientific and technological activists will enjoy regimes and policies applicable to laborers according to the provisions of the Labor Code and relevant state regulations.

4. In addition to the regimes and policies defined in Clauses 1, 2 and 3 of this Article, scientific and technological activists with outstanding achievements will be commended or rewarded and enjoy other preferential regimes prescribed by law.

5. The Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs, the Ministry of Finance, the Ministry of Labor, War Invalids and Social Affairs, and the Ministry of Science and Technology in, guiding the implementation of preferential regimes and policies prescribed in this Article for mobilized scientific and technological activists if they suffer from physical damage (diseases, injuries, death).

Article 24.- Compensation to organizations and individuals for their mobilized material and technical foundations

1. The compensation to state agencies having their material and technical foundations mobilized adheres with the provisions of law.

2. The compensation to organizations and individuals having their material and technical foundations mobilized complies with the following principles:

a/ All damage, losses caused to mobilized objects due to the mobilization shall be reasonably compensated;

b/ The compensation level is calculated at the market prices at the time of mobilization;

c/ The compensation must be made in time.

3. The State ensures budget for compensation when material and technical foundations are mobilized for public security-related work.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 25.- Commendation, reward, handling of violations and settlement of complaints and denunciations

1. Agencies, organizations and individuals with achievements in the mobilization of scientific and technological resources for public security-related work are commended or rewarded in accordance with law.

2. Agencies, organizations and individuals that violate the provisions of this Decree shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability; if causing damage, they shall pay compensation according to law.

3. Agencies, organizations and individuals may complain about or denounce acts of infringing upon their lawful rights and interests in the mobilization of scientific and technological resources for public security-related work. Complaints, denunciations and the settlement thereof comply with the Law on Complaints and Denunciations.

Article 26.- Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO."

Article 27.- Implementation responsibilities

The Minister of Public Security shall guide and organize the implementation of this Decree.

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial/municipal People's Committees, and concerned organizations and individuals shall

implement this Decree.

**THE GOVERNMENT
PRIME MINISTER**

(signed)

Nguyen Tan Dung

MINISTRY OF JUSTICE'S PORTAL