

THE NATIONAL ASSEMBLY

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Law No. 09/2017/QH14

Hanoi, June 19, 2017

LAW

ON TOURISM

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Tourism.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Law provides for tourism resources, tourism product development and tourism activities; rights and obligations of tourists, organizations and individuals doing tourism business, other organizations and individuals and local communities related to tourism activities; state management of tourism.

Article 2. Regulated entities

1. Vietnamese organizations and individuals involved in tourism activities in Vietnam and abroad.

2. Foreign organizations and individuals involved in tourism activities in Vietnam.

3. Tourism authorities, other authorities, organizations, individuals and local communities related to tourism activities.

Article 3. Definitions

For the purpose of this Law, the terms below are construed as follows:

1. “tourism” means activities in connection with trips taken by people outside their usual environment for not more than 12 consecutive months for sightseeing, leisure, recreation, study, and exploration and other legal purposes.
2. “tourist” is a person who travels for either tourism or for other purposes combined with tourism, except for those travel to study or work.
3. “tourism activity” means activities of tourists, organizations and individuals doing tourism business and organizations, individuals and local communities related to tourism activities;
4. “tourism resources” mean natural landscapes, natural elements and cultural values which are the basis for creation of tourism products, tourism areas, tourist attractions in order to meet tourists’ needs. Tourism resources include natural tourism resources and cultural tourism resources.
5. “tourism product” means a combination of services provided through tourism resource value in order to meet the needs of tourists.
6. “tourism area” means an area which has tourism resources and has been properly planned and invested for development with the aim of

meeting the various demands of tourists. Tourism area includes provincial tourism areas and national tourism areas.

7. "tourist attraction" means a place with tourism resources that are used to serve tourists.

8. "tour program" is a document stating an itinerary and services at tour price which has been fixed in advance for a tourist's trip from its beginning to end.

9. "travel services" include creating, selling and running part of or the entire tour program.

10. "tour guiding" means the provision of information, connection of services, assisting tourists in using services in a tour program.

11. "tour guide" is the person who is issued with a card for tour guiding practice.

12. "tourist accommodation establishment" means an establishment which provides accommodation services for tourists.

13. "tourism promotion" includes market research, propagation, promotion aimed at finding and grasping opportunities for development of tourism and attraction of tourists.

14. “sustainable tourism development” means the tourism development that meets the socio-economic and environmental requirements, defending the interests of the participants in tourism activities without having a negative effect on the ability to meet tourism needs in the future.

15. “community-based tourism” is a form of tourism that is developed on the basis of community’s cultural values managed, used and benefited by a local community.

16. “eco-tourism” means a form of tourism that is based on nature, connected with the local cultural identity and participated by local communities in combination with environmental education.

17. “cultural tourism” means a form of tourism that is developed on the basis of the use of cultural values which contribute to the preservation and upholding of traditional cultural values and respect for new cultural values of mankind.

18. “tourist environment” includes natural and social ones where tourism activities are carried out.

Article 4. Rules for tourism development

1. Develop targeted and sustainable tourism in line with strategies, master plans and plans

2. Develop tourism together with preservation and upholding of national cultural identity values, natural resources, exploitation of advantages of each area and promotion of regional cluster.

3. Ensure national sovereignty, national defense and security, social order and security, expand external relations and international integration, and promote the images of Vietnam and its people.

4. Protect national and community interests, lawful rights and interests of tourists, and organizations and individuals doing tourism business.

5. Develop both domestic and international tourism; respect and fairly treat tourists.

Article 5. Tourism development policies

1. The State shall introduce policies to mobilize sources for tourism development to ensure tourism is a national spearhead industry.

2. Organizations and individuals doing tourism business shall be entitled to the highest level of investment incentive and assistance when the State issues and adopts policies on investment incentive and assistance.

3. The State shall give priority to provision of funding for the following activities:

a) Inspection, assessment, preservation, enhancement and development tourism resources;

b) Formulation of master plans for tourism development;

c) Tourism promotion, development of national and local tourism trademarks;

d) Construction of infrastructure in service of tourism development.

4. The State shall apply assistance policies to the following activities:

a) Investment in high-quality tourism infrastructure and services;

b) Research into and orientation towards the development of tourism products;

c) Provision of training in tourism;

d) Investment in new tourism products that have positive impacts on the environment and increase the participation of local communities;

investment in sea and island tourism, eco-tourism, community-based tourism, cultural tourism and other typical tourism products;

dd) Application of modern science and technology to the management and development of tourism;

e) Development of tourism in areas with tourism potential; use of local human resources;

g) Investment in establishment of large-scale tourism service complexes; duty-free shops and shopping centers in service of tourists.

5. The State shall introduce policies to enable tourists to travel, stay, enter, exit, transit and follow customs procedures, facilitate value added tax refund, and protect other lawful rights and interests of tourists.

Article 6. Participation of local communities in tourism development

1. Local communities may participate in and enjoy lawful benefits from tourism activities; take responsibility for preserving tourism resources and local cultural identity; and maintaining security, social order and security and environmental protection.

2. Local communities shall be enabled to invest in tourism, restoration and promotion of various traditional cultures, folklore arts, crafts, and production of local goods in service of tourists, contributing to improvement of material and spiritual life of locals.

Article 7. Socio-professional organizations for tourism

1. The socio-professional organization for tourism is established and operated in accordance with regulations of law on associations.

2. A socio-professional organization for tourism shall:

a) comply with law and protect the lawful rights and interests of members;

b) make, disseminate, educate and supervise the implementation of regulations of law and policies on tourism;

c) participate in promotion of tourism, provision of training in tourism; carry out an assessment of and providing consultancy on professional standards and service quality for enterprises and employees in tourism industry; provide a sound business environment for members; mobilizing social sources to deploy tourism activities in accordance with law

d) adhere to the code of ethics, encouraging members doing tourism business to ensure the quality of services;

dd) detect and report violations against the law on tourism and environmental protection to a competent authority for imposition of penalties.

Article 8. Protection of tourism environment

1. The tourism environment shall be protected, enhanced and developed towards greenness, cleanliness, security, soundness and civilization.

2. Ministries and ministerial agencies shall issue regulations within their competence in order to protect, enhance and develop the tourism environment.

3. The local government at all levels shall take measures to protect, enhance and develop the tourism environment in conformity with local conditions.

4. Organizations and individuals doing tourism business shall be responsible for collecting and treating wastes discharged during their business operations; alleviating negative impacts on the environment caused by their business operations; and take measures to prevent and fight against social evils during their business operations.

5. Tourists, local communities and other organizations and individuals shall be responsible for protecting and preserving landscapes, environment, national cultural identity, customs and practices, and behaving in a polite and civilized manner in order to promote the image of the country, people and tourism of Vietnam.

Article 9. Prohibited acts in tourism activities

1. Cause harm to national sovereignty and interests, national defense, security, social order and security, national cultural traditions, ethics and fine traditions and customs.
2. Abuse tourism activities to illegally take people abroad or into Vietnam.
3. Damage tourism resources and environment.
4. Discriminate against tourists and make illicit profits from tourists; scramble for tourists or insist on or force tourists to purchase goods or use services.
5. Running a tourism business in case of ineligibility for business, without license or in case of failure to conditions for running business during operation in accordance with this Law and relevant regulations of law.
6. Use the license for provision of tour of another travel service provider or allow another organization or individual to use the license for provision of tour to do business.
7. Act as a tour guide without satisfying all conditions.
8. Advertise the wrong category or rating of the tourist accommodation establishment that has been recognized by a competent authority; advertise category and rating of the tourist accommodation establishment that is yet to be recognized by a competent authority.

9. Other acts prohibited by relevant laws.

Chapter II

TOURISTS

Article 10. Categorization of tourists

1. Tourists include domestic tourists, inbound tourists and outbound tourists.

2. Domestic tourists are Vietnamese citizens and foreigners permanently residing in Vietnam who travel within the territory of Vietnam for tourism purposes.

3. Inbound tourists visiting Vietnam are foreigners, overseas Vietnamese visiting Vietnam for tourism purposes.

4. Outbound tourists are Vietnamese citizens and foreigners permanently residing in Vietnam who travel abroad for tourism purposes.

Article 11. Rights of tourists

Tourists are entitled to:

1. use tourism services provided by organizations and individuals doing tourism business or travel on their own.

2. request organizations or individuals doing tourism business to provide necessary information on tour programs, tourism services and destinations under the signed contract.

3. be enabled to enter, exit, transit, follow customs procedures, stay and travel within the territory of Vietnam in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory.

4. have lawful rights and interests protected under the contract signed with the organizations and individuals doing tourism business and providing tourism services.

5. be fairly treated; have the safety of their lives, health and property ensured while using tourism services; have their honor and dignity respected; be rescued in case of emergency.

6. file a complaint or lawsuit against any acts against the law on tourism.

7. send complaints to operators of tourism areas and tourist attractions, tourism service providers and competent authorities about matters in connection with tourism activities.

8. be compensated for the damage in accordance with regulations of law.

Article 12. Obligations of tourists

1. Observe laws of Vietnam and laws of the host country; behave in a civilized manner, respect local customs and practices, cultural identity, protect and preserve tourism resources and environment; cause no harm to the image and cultural tradition of Vietnam

2. Comply with regulations of tourism areas, tourist attractions and tourism service providers.

3. Pay tourism services charges under the contract and other fees and charges in accordance with the regulations of law.

4. Be compensated for the damage in accordance with regulations of civil law.

Article 13. Assurance of safety for tourists

1. The competent authority shall take measures within its competence to ensure security, social order and security in tourism areas and tourist attractions.

2. The operators of tourism areas and tourist attractions shall take preventive measures against risks and establish units to provide guard and rescue services for tourists.

3. Organizations and individuals doing tourism business shall be responsible for warning tourists about dangers; promptly informing and providing guidance for tourists in case of emergency; taking necessary measures and cooperating with the relevant organizations and individuals in providing rescue services for tourists.

Article 14. Settlement of complaints from tourists

1. Organizations and individuals doing tourism business, and operators of tourism areas and tourist attractions shall receive and promptly settle complaints from tourists under their management.

2. Within their competence, the People's Committees shall receive and settle complaints from tourists within their area.

3. The Ministry of Culture, Sports and Tourism shall receive and settle complaints from tourists within its competence or cooperate with a competent authority in doing so.

Chapter III

TOURISM RESOURCES, TOURISM PRODUCT DEVELOPMENT AND MASTER PLAN FOR TOURISM

Section 1. TOURISM RESOURCES

Article 15. Categorization of tourism resources

1. Natural tourism resources consist of natural landscapes, geology, geomorphology, climate, hydrography, ecosystems and other natural elements which can be used for tourism purposes.
2. Cultural tourism resources include cultural, historical, revolutionary, archaeological, and architectural relics; traditional cultural values; festivals, folk literature and other cultural values; creative works by human beings which can be used for tourism purposes.

Article 16. Surveys into tourism resources

1. The Ministry of Culture, Sports and Tourism shall take charge and cooperate with the People's Committees of provinces and relevant regulatory authorities in surveying, assessing and categorizing tourism resources, which is the basis for the formulation of a master plan for tourism development; managing and using tourism resources, upholding their values and developing tourism products.
2. The Government shall elaborate this Article.

Article 17. Responsibilities for management, protection and use of tourism resources

1. The State shall introduce policies on management, protection, enhancement and proper use of tourism resources and upholding their value nationwide to develop sustainable tourism.

2. The Ministry of Culture, Sports and Tourism shall take charge and cooperate with the Ministries, ministerial agencies and the People's Committees of provinces in the management, protection, enhancement and proper use of tourism resources and upholding of their value.

3. Organizations, individuals and local communities managing tourism resources shall be responsible for protecting, investing and enhancing tourism resources, enabling tourists to visit and appreciate tourism resource values; cooperating with a competent tourism authority in protection and use of tourism resources for other economic targets.

4. Tourists, organizations and individuals doing tourism business and local communities shall be responsible for protecting tourism resources.

Section 2. TOURISM PRODUCT DEVELOPMENT

Article 18. Creation and development of tourism products

1. Organizations and individuals may create, develop, and trade in tourism products that meet tourists' demand and conform to regulations of law.

2. The Government shall introduce assistance policies to develop key tourism products in each area and nationwide according to each stage, which must meet market demand according to the assessment and categorization of tourism resources.

3. The State shall specify measures for keeping tourists safe from tourism products that may threaten the tourists' health or lives;

Article 19. Development of community-based tourism

1. Individuals and households in the area where community-based tourism is developed shall be provided with incentives and encouraged to provide accommodation and food services; guide tourists to visit and experience culture and lifestyle in their local communities; produce goods, traditional crafts and provide other services for tourists.

2. The People's Committees of provinces shall research into and select places that have the potential for development of community-based tourism; introduce assistance policies on initial necessary equipment and provide training in tourism services for individuals and households in the community participating in the provision of tourism services; assist in promotion of community-based tourism products.

3. The People's Committees of communes where community-based tourism is developed shall propagate, disseminate and raise community's awareness; take responsibility for demonstration of the community's commitment to preservation of cultural identity, protection of environment, civilized behaviors towards tourists.

4. Organizations and individuals developing community-based tourism shall be responsible for respecting culture and lifestyle, and share benefits obtained from tourism with communities.

Section 3. MASTER PLAN FOR TOURISM

Article 20. Rules for formulation of master plan for tourism development

1. Conform to the strategy and master plan for national socio-economic development, defense and security; strategy for tourism industry development and other master plans that have been approved by a competent authority in each period.

2. Properly and effectively use tourism resources and preserve historical - cultural relics, natural heritages towards sustainable development associated with environmental protection and climate change adaptation.

3. Ensure connectivity between areas within a region and between regions nationwide; make full use of the existing infrastructure; develop potential and advantage of each region and area therein in order to develop tourism products.

4. Minimize negative impacts of tourism development on economy, society and environment.

5. Ensure the participation of organizations, local communities and individuals during formulation of master plans; protect both interests of the

State and those of communities, interests of regions with those of areas therein.

6. Ensure scientificness and apply modern technology during formulation of master plan; meet standards and regulations and conform to national socio-economic development and international integration requirements.

Article 21. Contents of the master plan for tourism development

1. Roles and advantages of tourism in the socio-economic development of the country, regions and local governments;

2. Analysis and assessment of potential and current status of tourism resources and environment, tourism markets; capacity for attracting investment and resources for tourism development;

3. Viewpoints and objectives for tourism development; forecast targets and provide justifications for alternatives for tourism development;

4. Plan for the organization of the tourism space and tourism infrastructure system.

5. Plan for the development of tourism products and market;

6. Plan for investment in tourism development; determine the list of prioritized areas and projects and investment capital.

7. Plan for the protection of tourism resources and environment in accordance with law.

8. Proposed policies and measures for tourism management and development according to the master plan.

Article 22. Formulation, management and implementation of the master plan for tourism development

1. The formulation of master plan for tourism development must comply with rules and contents of formulation of the master plan for tourism development prescribed in Article 20 and Article 21 of this Law and relevant regulations of law.

2. The Government shall provide for the formulation, management and implementation of the master plan for tourism development.

Chapter IV

TOURIST ATTRACTIONS AND TOURISM AREAS

Article 23. Conditions for recognition of a tourist attraction

1. A tourist attraction will be recognized as a tourist attraction if it:

- a) has tourism resources and a definite boundary;
- b) has necessary infrastructure and services to serve tourists;
- c) satisfies conditions for security, social order and security and environmental protection in accordance with regulations of law.

2. The Government shall elaborate this Article.

Article 24. Application and procedures for recognition of a tourist attraction

1. An application for recognition of a tourist attraction includes:

- a) An application form for recognition of a tourist attraction according to the form specified by the Minister of Culture, Sports and Tourism.
- b) An explanatory document on the conditions for recognition of a tourist attraction according to Clause 1, Article 23 of this Law.

2. Procedures for submission of an application for recognition of a tourist attraction:

a) An operator of the tourist attraction shall submit 01 application to a tourism authority affiliated to the People's Committee of the province (below collectively referred to as "tourism authority of the province") where the tourist attraction is located;

b) Within 20 days from the day on which a valid application is received, the tourism authority of the province shall assess and submit it to the People's Committee of the province;

c) Within 10 days from the day on which the assessment results are available, the People's Committee of the province shall decide to recognize the tourist attraction; in case of refusal, a written response stating reasons thereof must be given

3. The People's Committee of the province shall revoke the decision on recognition of a tourist attraction in case such tourist attraction no longer satisfies the conditions set forth in Clause 1, Article 23 of this Law.

Article 25. Rights and obligations of operators of tourist attractions

1. An operator of the tourist attraction has the following rights:

a) Invest in, use and protect tourism resources;

b) Issue regulations; provide services for tourists;

c) Provide guiding services; specify and manage the employment of tour guides under their management;

d) Collect fees in accordance with law.

2. An operator of the tourist attraction has the following obligations:

a) Satisfy the conditions prescribed in Clause 1, Article 23 of this Law;

b) Enable tourists to visit the tourist attraction;

c) Manage and supervise the provision of tourism services under their management;

d) Ensure the safety of tourists, social order and security, environmental protection in the tourist attraction;

dd) Receive and promptly settle complaints from tourists under their management.

Article 26. Conditions for recognition of a tourism area

1. A tourist area will be recognized as a provincial tourism area if it:

a) has tourism resources with advantages of natural landscapes or cultural values and has a definite boundary;

b) has infrastructure and services that meet accommodation and food demand and other demands of tourists;

c) is connected to national traffic infrastructure system and national telecommunications;

d) satisfies conditions for security, social order and security and environmental protection in accordance with regulations of law.

2. A tourism area will be recognized as a national tourism area if it:

a) has various and extremely attractive tourism resources with advantages of natural landscapes or cultural values and has a definite boundary;

b) is included in the list of areas with potential for development of national tourism area approved by a competent authority;

c) has high-quality and uniform infrastructure and services that meet accommodation and food demand and other demands of tourists;

d) satisfies the conditions prescribed in Point c and Point d, Clause 1 of this Article;

3. The Government shall elaborate this Article.

Article 27. Application and procedures for recognition of a provincial tourism area

1. An application for recognition of a provincial tourism area includes:

a) An application form for recognition of a provincial tourism area according to the form specified by the Minister of Culture, Sports and Tourism.

b) An explanatory document on the conditions for recognition of a provincial tourism area according to Clause 1, Article 26 of this Law.

2. Procedures for recognition of a provincial tourism area:

a) The People's Committee of district or an operator of the tourism area shall submit 01 application to a tourism authority of the province where the tourism area is located;

b) Within 45 days from the day on which a valid application is received, the tourism authority of the province shall assess and submit it to the People's Committee of the province;

c) Within 15 days from the day on which the assessment results are received, the People's Committee of the province shall decide to recognize the provincial tourism area; in case of refusal, a written response stating reasons thereof must be given.

3. For the tourism area that is located in 02 administrative units of districts or more, the tourism authority of the province shall make an application for recognition of a provincial tourism area. The People's Committee shall establish an assessment council and decide to recognize the provincial tourism area.

4. The People's Committee of the province shall revoke the decision on recognition of a provincial tourism area in case such tourism area no longer satisfies the conditions set forth in Clause 1, Article 26 of this Law.

Article 28. Application and procedures for recognition of a national tourism area

1. An application for recognition of a national tourism area includes:

a) An application form for recognition of a national tourism area according to the form specified by the Minister of Culture, Sports and Tourism.

b) An explanatory document on the conditions for recognition of a national tourism area according to Clause 2, Article 26 of this Law.

2. The procedures for recognition of a national tourism area:

a) The People's Committee of the province shall submit 01 application to the General Department of Tourism;

b) Within 45 days from the day on which a valid application is received, the General Department of Tourism shall assess and submit it to the Minister of Culture, Sports and Tourism;

c) Within 15 days from the day on which the assessment results are received, to the Minister of Culture, Sports and Tourism shall decide to recognize and cooperate with the People's Committee of the province in announcing the national tourism area; in case of refusal, a written response stating reasons thereof must be given.

3. For the tourism area that is located in 02 administrative units of provinces or more, the Ministry of Culture, Sports and Tourism shall make an application for recognition of a national tourism area and submit it to the Prime Minister for recognition.

4. The person who has the power to recognize a national tourism area shall revoke the decision on recognition in case such tourism area no longer satisfies the conditions set forth in Clause 2, Article 26 of this Law.

Article 29. Management of tourism areas

1. Scope of management of a tourism area includes:

- a) Manage master plans and development investment;
- b) Manage tourism business and tour guides;
- c) Manage the investment in, use and protection of tourism resources;
- d) Ensure the safety of tourists, social order and security, environmental protection in the tourism area;
- dd) Put up signs and signboards and provide information for tourists;
- e) Other contents prescribed by law.

2. The Government shall provide for the national tourism area management model; the People's Committee of the province shall provide for provincial tourism area management model.

Chapter V

TOURISM BUSINESS

Section 1. TRAVEL SERVICES

Article 30. Scope of travel services

1. Provision of domestic tours for domestic tourists.
2. Provision of international tours for inbound tourists and outbound tourists.
3. The international travel service provider may provide international and domestic tours, except the case prescribed in Clause 4 of this Article.
4. Foreign-invested providers shall only provide international tours for inbound tourists, unless otherwise prescribed by the treaties to which the Socialist Republic of Vietnam is a signatory.

Article 31. Conditions for provision of travel services

1. A domestic travel service provider must satisfy the following conditions:
 - a) The enterprise is established as prescribed by the law on enterprises;
 - b) The enterprise must make has paid a deposit to a bank;
 - c) The person in charge of provision of travel services holds an associate degree or higher in travel; in case he/she holds an associate degree or higher in another major, a certificate of training in domestic tour operation is required

2. An international travel service provider must satisfy the following conditions:

a) The enterprise is established as prescribed by the law on enterprises;

b) The enterprise has paid a deposit to a bank;

c) The person in charge of provision of travel services holds a college degree or higher in travel; in case he/she holds a college degree or higher in another major, a certificate of training in international tour operation is required.

3. The enterprise satisfying the conditions set forth in Clause 1 and Clause 2 of this Article shall be issued with a license for provision of domestic tours and a license for provision of international tours respectively.

The fees for assessment and licensing of provision of international tours and domestic tours shall be governed by the law on fees and charges.

4. The Government shall elaborate the payment of deposit as prescribed in Point b, Clause 1 and Point b, Clause 2 of this Article.

5. The Minister of Culture, Sports and Tourism shall elaborate the person in charge of provision of travel services; training program, organization of examinations and issuance of certificates of training in international and domestic tour operation.

Article 32. Application and procedures for the issuance of a license for provision of domestic tours

1. An application for the license for provision of domestic tours includes:

a) An application form for issuance of the license for provision of domestic tours according to the form prescribed by the Minister of Culture, Sports and Tourism;

b) A certified true copy of the business registration certificate;

c) A certificate of deposit payment;

d) A certified true copy of the decision on appointment or employment contract between the travel service provider and the person in charge of provision of travel services;

dd) Certified true copy of qualifications of the person in charge of provision of travel services prescribed in Point c, Clause 1, Article 31 of this Law.

2. The procedures for issuance of the license for provision of domestic tours:

a) The enterprise applying for the license for provision of domestic tours shall submit 01 application to the tourism authority of the province where the enterprise is located;

b) Within 10 days from the day on which a valid application is received, the tourism authority of the province shall assess and issue the license for provision of domestic tours to enterprise; in case of refusal, a written response stating reasons thereof must be given.

3. The Minister of Culture, Sports and Tourism shall specify the specimen of the license for provision of domestic tours.

Article 33. Application and procedures for the issuance of the license for provision of international tours

1. An application for the license for provision of international tours includes:

a) An application form for issuance of the license for provision of international tours according to the specimen prescribed by the Minister of Culture, Sports and Tourism;

b) A certified true copy of the business registration certificate or investment registration certificate issued by a competent authority;

c) A certificate of deposit payment;

d) Certified true copy of qualifications of the person in charge of provision of travel services prescribed in Point c, Clause 2, Article 31 of this Law;

dd) A certified true copy of the decision on appointment or employment contract between the travel service provider and the person in charge of provision of travel services.

2. The procedures for issuance of the license for provision of international tours:

a) The enterprise applying for the license for provision of international tours shall submit 01 application to the General Department of Tourism;

b) Within 10 days from the day on which a valid application is received, the General Department of Tourism shall assess and issue the license for provision of international tours to the enterprise and inform the tourism authority of the province where the enterprise is located thereof; in case of refusal, a written response stating reasons thereof must be given;

3. The Minister of Culture, Sports and Tourism shall specify the specimen of the license for provision of international tours.

Article 34. Reissuance of the license for provision of tour

1. The provider shall apply for reissuance of the license for provision of tour in case such license is lost or damaged.

2. Procedures for reissuance of license for provision of tour:

a) The provider shall submit an application form for reissuance of license for provision of tour according to the form prescribed by the Minister of Culture, Sports and Tourism to a licensing authority;

b) Within 05 working days from the day on which the application form submitted by the enterprise is received, the licensing authority shall be responsible for reissuing the license for provision of tour to the enterprise; in case of refusal, a written response stating reasons thereof must be given.

The General Department of Tourism shall inform the tourism authority of the province where the enterprise is located thereof when reissuing the license for provision of international tours.

Article 35. Replacement of the license for provision of tour

1. The enterprise shall apply for replacement of the license for provision of tour in the following cases:

a) Change the business registration certificate or investment registration certificate;

b) Change scope of provision of international tours.

2. An application for replacement of the license for provision of tour includes:

a) An application form for replacement of the license for provision of tour according to the form prescribed by the Minister of Culture, Sports and Tourism;

b) The license for provision of tour of the provider;

c) A certified true copy of the business registration certificate or investment registration certificate in any of the cases specified in Point a, Clause 1 of this Article; a certificate of deposit payment in conformity with the scope of provision of tour in any of the cases specified in Point b, Clause 1 of this Article.

3. Procedures for replacement of the license for provision of tour:

a) The provider shall submit 01 application to the licensing authority;

b) Within 05 working days from the day on which a valid application is received, the licensing authority shall be responsible for issuing a new license for provision of tour to the enterprise; in case of refusal, a written response stating reasons thereof must be given;

The General Department of Tourism shall inform the tourism authority of the province where the enterprise is located thereof when issuing a new license for provision of international tours.

Article 36. Revocation of the license for provision of tour

1. The provider will have its license for provision of tour revoked in the following cases:

- a) Shut down its travel services or go bankrupt;
- b) Fail to satisfy any of the conditions for provision of tour specified in Clause 1 or Clause 1, Article 31 of this Law;
- c) Do not replace the license for provision of tour specified in Clause 1, Article 35 of this Law;
- d) Cause harm to national sovereignty and interests, national defense and security;
- dd) Abuse tourism activities to illegally take people abroad or into Vietnam;
- e) Allow another organization or individual to use its license for provision of tour to do business;
- g) Fail to fulfill all obligations specified in Point i, Clause 1, Article 37 of this Law, which cause serious harm to the tourists' lives, health and property;

h) Forge the application for issuance, replacement and reissuance of the license for provision of tour.

2. The provider whose license for provision of tour is revoked as prescribed in Point b and Point c, Clause 1 of this Article shall only apply for a license for provision of tour after 06 months from the effective date of the decision on revocation of license. The enterprise whose license for provision of tour is revoked as prescribed in Points d, dd, e, g and h, Clause 1 of this Article may only apply for a license for provision of tour after 12 months from the effective date of the decision on revocation of license.

3. The Minister of Culture, Sports and Tourism shall provide for the procedures for revocation of the license for provision of tour.

Article 37. Rights and obligations of the travel service provider

1. A domestic travel service provider has the following rights and obligations:

a) Develop, advertise, sell and provide tourism services and tour programs for tourists within the scope of business specified in the license;

b) Maintain the fulfillment of conditions for provision of tour specified in Clause 1, Article 31 of this Law; publish the name of provider and tour provision license number on the signboard of the provider, its branches, transaction offices, in travel contracts, on print advertisement and in electronic transactions;

c) Notify the change of the person in charge of provision of travel services, submit the profile on the new person in charge of provision of travel services to the licensing authority within 15 days since the change;

d) Provide information on the tour, tourism services and destinations for tourists;

dd) Buy insurance for tourists during their tours, except for those who have had insurance for the whole tour.

e) Employ tour guides to guide tourists under the travel contract; be responsible for tour guides' performance during the tour under the contract;

g) Observe, disseminate and guide tourists to observe local law and regulations; behave in a civilized manner, respect Vietnamese and local cultural identity, customs and practices; cooperate with a competent authority in promptly imposing penalties for the illegal acts committed by tourists during the tour;

h) Comply with regulations on reporting, statistics, accounting and keep documents in accordance with law.

i) Take measures to ensure safety of tourists' lives, health and property; promptly inform competent authorities of accidents and risks which may happen tourists and take remedial measures.

k) Manage tourists in accordance with the tour program signed with them.

2. An international travel service provider that serves inbound tourists has the following rights and obligations:

a) Right and obligations specified in Points a, c, d, dd, e, g, h, i and k, Clause 1 of this Article;

b) Maintain the fulfillment of conditions for provision of tour specified in Clause 2, Article 31 of this Law; publish the name of provider and tour provision license number on the signboard of the provider, its branches, transaction offices, in travel contracts, on print advertisement and in electronic transactions;

c) Assist tourists in entering, exiting, transiting and following customs procedures.

3. An international travel service provider that serves outbound tourists has the following rights and obligations:

a) Right and obligations specified in Points a, c, d, dd, g, h, i and k, Clause 1, Point b and Point c, Clause 2 of this Article;

b) Employ international tour guides to take tourists abroad under the travel contract; take responsibility for tour guides' performance during the tour.

Article 38. Foreign-invested enterprise providing tours

1. Foreign investors may contribute capital with Vietnamese partners in order to establish an enterprise providing tours in accordance with Vietnam's law and treaties to which the Socialist Republic of Vietnam is a signatory.

2. Conditions, necessary documents and procedures for the issuance, reissuance, replacement and revocation of the license for provision of international tours to foreign-invested enterprises are specified in Articles 31, 33, 34, 35 and 36 of this Law.

3. A foreign-invested enterprise providing tours has the rights and obligations specified in Clause 2, Article 37 of this Law.

Article 39. Travel contract

1. A travel contract is an agreement between the travel service provider and an enterprise, tourist or his/her representative on the execution of a tour program.

2. The travel contract shall be made in writing.

3. A travel contract shall contain the following details:

a) Description of the quantity, quality, time, and mode of provision of services during the tour;

b) Contract value and payment method;

c) Disclaimer in case of force majeure events;

d) Conditions for adjustment and cancellation of the contract and related liabilities;

dd) Insurance for the tourists.

Article 40. Travel agencies

1. Travel agency is a business an organization or individual that sells tours designed by another tour provider (the principal) to tourists in order to earn commissions.

2. A travel agency business must register its business at a competent authority and have an agency contract signed with the principal.

3. In the event a tourist buys a tour program through a travel agency, the travel contract shall be the one signed between the tourist and the principal; the contract shall specify the name and address of the travel agency.

Article 41. Travel agency contract

1. The travel agency contract shall be made in writing between a principal being a tour provider and a travel agent being an individual or organization doing travel agency business.

2. A travel agency contract shall contain the following details:

a) The names and addresses of the principal and the agent;

b) Tour programs and prices for tour programs under the agency contract; the commission rate and time of payment;

c) Rights and obligations of the parties;

d) Effective period of the travel agency contract.

Article 42. Responsibilities of the principal

1. Inspect and supervise the execution of the contract by the agent.

2. Run the tour programs that have been sold by its travel agent; take responsibility for tourists for tour programs sold by the travel agent;

3. Give instructions and provide the travel agent with information relating to the tours programs.

Article 43. Responsibilities of travel agency

1. Inform the tourism authority of the province of the inauguration time, business location and information about the principal.

2. Sell tour programs in line with the contents and price stated in the agency contract; do not run the tour programs.

3. Prepare and keep documents about the tours sold to tourists in accordance with law.

4. Display the signboard at a noticeable place at premises.

Article 44. Vietnam-based representative offices of foreign enterprises providing tours

1. The Vietnam-based representative office of a foreign enterprise providing tours shall be established as prescribed the law on commerce.

2. The tourism authority of the province shall receive and assess the application for issuance, reissuance, adjustment, replacement and revocation of the license for establishment of Vietnam-based representative offices of enterprises providing tours.

Section 2. TOURISTTRANSPORT

Section 45. Tourist transport business

1. Tourist transport business is the provision of air, sea, water, railway and land transport services for tourists according to tour programs and at tourism areas and tourist attractions.

2. Individuals and organizations doing tourist transport business specified in Clause 1 of this Article must meet the conditions for transport business; comply with regulations on technical and environmental protection to be applied to the means of transport; conditions to be met by operators of the means of transport, staff, equipment, service quality on each means of transport according to the regulations of law.

3. The Minister of Transport shall provide for the conditions to be met by the operators of means of transport, staff, equipment and service quality on the means of tourist transport after receiving comments from the Ministry of Culture, Sports and Tourism.

Article 46. Issuance of badges for means of tourist transport

1. The means of tourist transport shall be issued with badges if the conditions specified in Clause 2, Article 45 of this Law are met.

2. Means of tourists transport with their particular badges may transport passengers under the contract and be given priority when stopping or parking to pick up and discharge tourists at airports, seaports, railway stations, bus stations, tourism areas, near tourist attractions and tourist accommodation establishments and may operate without being restricted to the time for operating on the transport routes leading to tourist attractions, tourist accommodation establishments and places where tourism services are provided in accordance with regulations of local governments.

3. The Government shall provide for the procedures for the issuance of badges for means of tourist transport.

Article 47. Rights and obligations of organizations and individuals doing tourist transport business

1. Transport tourists under the contract signed with travel service providers and tourists in line with the appropriate routes.

2. Buy insurance for tourists carried on means of transport.

3. Ensure the fulfillment of standards and conditions as prescribed throughout the operation and use of the means of transport.

4. Display the transport badges at a noticeable place on the means of transport.

Section 3. TOURIST ACCOMMODATION

Article 48. Categories of tourist accommodation establishments

1. Hotel.
2. Tourist villa.
3. Tourist apartment.
4. Cruise ship.
5. Tourist guest house.
6. Houses with rooms for rent.
7. Tourist campsite.
8. Other tourist accommodation establishments.

Article 49. Conditions for tourist accommodation service business

1. The conditions for tourist accommodation service business:

- a) Have registered business in accordance with regulations of law;
- b) Meet the conditions for security and order, fire prevention and fighting, environmental protection and food safety in accordance with regulations of law;
- c) Meet the minimum conditions for infrastructure and services provided for tourists.

2. The Government shall elaborate Point c, Clause 1 of this Article.

Article 50. Ratings of tourist accommodation establishments

1. The owner of a tourist accommodation establishment may voluntarily apply for rating of the establishment by a competent authority.
2. Hotels, tourist villas, tourist apartments and cruise ships shall be rated according to the national standards. Tourist accommodation establishments shall be rated according to a 05 star system.
3. The power to rate tourist accommodation establishments:
 - a) The General Department of Tourism has the power to assign 04-star and 05-star ratings.

b) The tourism authority of the province shall assign as 01-star, 02-star and 03-star ratings.

4. An application for rating of a tourist accommodation establishment includes:

a) An application form for rating of a tourist accommodation according to the form specified by the Minister of Culture, Sports and Tourism.

b) A self-assessment form of the quality of the tourist accommodation establishment in accordance with the regulations of the national standards in rating of tourist accommodation establishments.

c) The list of managers and employees of the tourist accommodation establishment;

d) Certified true copy of qualifications, certificate of professional training and certificate of the working experience in tourism industry of the managers of the tourist accommodation establishment.

5. The procedures for rating a tourist accommodation establishment:

a) The owner of the tourist accommodation establishment shall submit 01 application to a competent authority specified in Clause 3 of this Article. In case the application is invalid, within 03 working days from the day on

which that application is received, the competent authority must issue a written notice and clearly state the contents that need revising;

b) Within 30 days from the day on which a valid application is received, the competent authority shall take charge and cooperate with the socio-professional organization for tourism in rating the tourist accommodation establishment; in case of refusal to rate, a written response stating reasons thereof must be given.

6. A decision on rating of a tourist accommodation establishment is valid for 05 years. After the expiry of the decision, the owner of the tourist accommodation establishment wishes to reapply for rating of his/her tourist accommodation establishment, he/she shall comply with regulations specified in Clauses 4, 5 and 7 of this Article.

7. The fees for rating of the tourist accommodation establishment shall comply with regulations of the law on fees and charges.

8. The rating plate of a rated tourist accommodation establishment shall be displayed at its main entrance gate.

The Minister of Culture, Sports and Tourism shall provide the specimen of the rating plate.

Article 51. Announcement and quality inspection of tourist accommodation establishments

1. The General Department of Tourism shall announce the list of rated tourist accommodation establishments within its competence; give instructions and inspect the ratings of tourist accommodation establishments assigned by the tourism authorities of provinces; inspect quality of tourist accommodation establishments nationwide.

2. The tourism authority of the province shall announce the list of rated tourist accommodation establishments within its competence; inspect quality of tourist accommodation establishments within its province.

Article 52. Revocation of the decision on rating and change of rating of a tourist accommodation establishment

1. The competent authority that has the power to rate a tourist accommodation establishment shall revoke the rating decision issued to the tourist accommodation establishment that fails to maintain its quality according to the defined standard.

2. Upon the change in infrastructure and services, the owner of the tourist accommodation establishment shall request a competent authority to re-rate his/her tourist accommodation establishment. Application and procedures for the change in the rating of a tourist accommodation establishment shall comply with regulations defined in Clauses 4, 5, 6, and 7, Article 50 of this Law.

Article 53. Rights and obligations of the owner of the tourist accommodation establishment

1. An owner of the tourist accommodation establishment has the following rights:

a) Reject any tourist in the cases where he/she acts against the law or regulations of the tourist accommodation establishment or the tourist accommodation establishment is no longer capable of meeting the tourist's demand;

b) Cancel the contract for provision with any tourist that act against the law or regulations of the tourist accommodation establishment.

2. An owner of the tourist accommodation establishment has the following obligations:

a) Maintain the fulfillment of conditions for tourist accommodation service business prescribed in Clause 1, Article 49 of this Law;

b) Openly post the prices of goods and services, and regulations of the tourist accommodation establishment.

c) Provide compensation for the damage for tourists in accordance with regulations of civil law;

d) Send a written notice to the tourism authority of the province where the tourist accommodation establishment is located upon the change in the name, scale and address of the establishment and of the legal representative;

dd) Only use the word “sao” (“star”) or star shape to advertise the tourist accommodation establishment after it is rated by a competent authority.

e) Comply with regulations on reporting, statistics and accounting in accordance with regulations of law.

3. The owner of a rated tourist accommodation establishment has the following rights and obligations:

a) Rights and obligations specified in Clause 1 and Clause 2 of this Article;

b) Display and advertise the rating plate which shows the exact rating of the establishment.

c) Maintain the quality of the tourist accommodation establishment corresponding to its rating and category.

Section 4. OTHER TOURISM SERVICES

Article 54. Types of other tourism services

1. Food services.

2. Shopping services.

3. Sports services.

4. Recreation services.

5. Healthcare services.

6. Other relevant services provided for tourists.

Article 55. Development of types of other tourism services

Organizations and individuals are encouraged by the State to do the following activities:

1. Invest in and build restaurant chains, food courts and food festivals with the aim of preserving and upholding values of traditional food and absorbing the world's elite food.

2. Invest in and build shopping centers, chain of shops selling domestic goods, souvenirs, handicrafts and duty-free shops; launch sale promotion campaigns on an annual basis;

3. Invest in tourism services attached to sports according to tourism resources and advantage in topography of Vietnam; organize sporting events to attract tourists;

4. Develop and hold traditional and contemporary art shows; connect the system of museums and theatres to tourism activities; develop folk games and traditional festivals that may attract tourists; build theme parks and recreation centers;

5. Provide health and beauty services on the basis of use of values of traditional medicine and modern medicine;

6. Provide other relevant services at the request of tourists and in conformity with regulations of law.

Article 56. Recognition of a provider of other tourism services qualified for provision of services for tourists

1. A provider of other tourism services may submit the application for recognition of qualified tourism establishment to competent authority.

2. An application for recognition includes:

a) An application form according to the form specified by the Minister of Culture, Sports and Tourism;

b) An explanatory document on the achievement of standards in provision of services for tourists.

3. The procedures for recognition:

a) The provider of other tourism services shall submit 01 application to the tourism authority of the province where their business establishment is located;

b) Within 20 days from the day on which a valid application is received, the tourism authority of the province shall assess and recognize; in case of refusal to recognize, a written response stating reasons thereof must be given.

4. The fees for assessment and recognition of a provider of other tourism services qualified for provision of services for tourists shall comply with regulations of law on fees and charges.

5. A decision on recognition of a provider of other tourism services qualified for provision of services for tourists is valid for 03 years. After the expiry of the decision, the provider of other tourism services wishes to reapply for recognition of the provider of other tourism services qualified for provision of services for tourists, he/she shall comply with regulations specified in Clauses 2, 3 and 4 of this Article.

6. The tourism authority of the province shall be responsible for inspecting the quality of the provider of other tourism services already qualified for provision of services for tourists within its province; revoking the decision

on recognition in case such provider fails to meet the standards in provision of services for tourists in accordance with regulations of law.

7. The Minister of Culture, Sports and Tourism shall issue the standards and the specimen of the signboard which shows the provider of other tourism services has been already qualified for provision of services for tourists.

Article 57. Rights and obligations of providers of other tourism services already qualified for provision of services for tourists

Such an establishment will be entitled to:

1. be added to the national tourism promotion database.
2. priority to take part in tourism promotion activities organized by tourism authorities at central and local levels.
3. display the signboard which shows the provider of other tourism services has been already qualified for provision of services for tourists and use the title for advertising.
4. Providers of other tourism services shall fulfill conditions for business and standards in provision of services for tourists in accordance with regulations of this Law and relevant regulations of law throughout the business operation.

Chapter VI

TOUR GUIDES

Article 58. Tour guides and tour guide cards

1. Tour guides include international tour guides, domestic tour guides and on-site tour guides.

2. Tour guide's scope of practice:

a) An international tour guide may guide domestic tourists, inbound tourists outbound tourists;

b) A domestic tour guide may guide domestic tourists who are Vietnamese citizens nationwide;

c) An on-site tour guide may guide tourists within a tourism area and tourist attraction;

3. To act as a tour guide, a person shall:

a) have a tour guide card;

b) for the international tour guide and domestic tour guide, sign an employment contract with the travel service provider, tour guiding service provider or member of the socio-professional organization for tourism.

c) sign a contract with a travel service provider or obtain an assignment order; for the on-site tour guide, the assignment given by an operator of the tourism area or tourist attraction is required.

4. The tour guide card includes international tour guide card, domestic tour guide card and on-site tour guide card.

An international tour guide card and domestic tour guide card is valid for 05 years.

5. The fees for assessment and issuance of tour guide cards shall comply with regulations of the law on fees and charges.

Article 59. Conditions for issuance of the tour guide card

1. To obtain the domestic tour guide card, a person shall:

a) have Vietnamese nationality, reside in Vietnam;

b) have full legal capacity;

c) have no contagious diseases and do not use any narcotics;

d) hold an associate degree or higher in tour guiding; in case of an associate degree or higher in another major, a certificate of training in domestic tour guiding is required.

2. To obtain the international tour guide card, a person shall:

a) satisfy the conditions prescribed in Points a, b and c, Clause 1 of this Article;

b) hold a college degree or higher in tour guiding; in case of a college degree or higher in another major, a certificate of training in domestic tour guiding is required;

c) have a good command of the foreign language registered.

3. Conditions for issuance of on-site tour guide cards:

a) Satisfy the conditions prescribed in Points a, b and c, Clause 1 of this Article;

b) Pass the on-site tour guiding examination hold by a tourism authority of the province.

4. The Minister of Culture, Sports and Tourism shall elaborate the specimen of the card, training program, organization of examinations and issuance of tour guiding certificates; on-site tour guiding examination; standards in language proficiency.

Article 60. Application and procedures for issuance of the international tour guide card and domestic tour guide card

1. An application for the international tourist guide card and domestic tourist guide card includes:

a) An application form for issuance of the tour guide card according to the form specified by the Minister of Culture, Sports and Tourism;

b) A curriculum vitae certified by the People's Committee of the commune where the applicant resides;

c) Certified true copy of qualifications corresponding to the conditions prescribed in Point d, Clause 1 or Point b and Point c, Clause 2, Article 59 of this Law;

d) A health certificate issued by a competent health facility for a maximum period of 06 months from the day on which an application is submitted;

dd) 02 3cm x 4cm color pictures.

2. Procedures for issuance of international tour guide cards and domestic tour guide cards:

a) The person who applies for the tour guide card shall submit 01 application to a tourism authority of the province;

b) Within 15 days from the day on which a valid application is received, the tourism authority of the province shall issue the tour guide card to the applicant; in case of refusal, a written response stating reasons thereof must be given.

Article 61. Application and procedures for issuance of the on-site tour guide card

1. An application for the on-site tour guide card includes:

a) An application form for issuance of the tour guide card according to the form specified by the Minister of Culture, Sports and Tourism;

b) The documents prescribed in Points b, d and dd, Clause 1, Article 60 of this Law;

2. Procedures for issuance of on-site tour guide card:

a) The tourism authority of the province shall announce the annual plan for organization of on-site tour guiding examinations;

b) The person who applies for the on-site tour guide card shall submit 01 application to a tourism authority of the province;

c) The tourism authority of the province shall hold an on-site tour guiding examination and issue the on-site tour guide card to those who have passed the examination within 10 days from the day on which the examination results are available.

Article 62. Replacement of tour guide card

1. International tour guide and domestic tour guide shall apply for replacement of his/her tour guide card when it expires.

2. An application for replacement of the tour guide card includes:

a) An application form for replacement of the tour guide card according to the form specified by the Minister of Culture, Sports and Tourism;

b) The documents prescribed in Points b, d and dd, Clause 1, Article 60 of this Law;

c) A certified true copy of the certificate of completion of refresher course for tour guides issued by a competent authority;

d) The issued tour guide card.

3. Procedures for replacement of the tour guide card:

a) The person who applies for replacement of the tour guide card shall submit 01 application to the issuing authority;

b) Within 10 days from the day on which a valid application is received, the issuing authority shall issue a new tour guide card to the applicant; in case of refusal, a written response stating reasons thereof must be given.

4. The Minister of Culture, Sports and Tourism shall elaborate the refresher course for international and domestic tour guides and the certificate of completion of refresher course for international and domestic tour guides.

Article 63. Reissuance of the tour guide card

1. The tour guide card shall be reissued in case of loss, damage or revised information. The expiry of the reissued tour guide card is the same as that of the old card.

2. An application for reissuance of the tour guide card includes:

a) An application form for reissuance of the tour guide card according to the form specified by the Minister of Culture, Sports and Tourism;

b) 02 3cm x 4cm color pictures;

c) Certified true copy of documents related to the revised information in case the card is reissued because information on the tour guide card is revised.

3. Procedures for reissuance of the tour guide card:

a) The person who applies for reissuance of the tour guide card shall submit 01 application to the issuing authority;

b) Within 10 days from the day on which a valid application is received, the issuing authority shall reissue the tour guide card to the applicant; in case of refusal, a written response stating reasons thereof must be given.

Article 64. Revocation of tour guide card

1. The tour guide card shall be revoked if the tour guide commits one of the following acts:

a) Cause harm to national sovereignty and interests, national defense and security;

b) Allow another person to use the tour guide card to practice;

c) Fail to meet the conditions for practice and issuance of tour guide cards as prescribed by this Law;

d) Forge the application for issuance, replacement and reissuance of the tour guide card.

2. The issuing authority shall issue a decision on revocation of tour guide card and publish it on the website of the the General Department of Tourism and the revoking authority.

3. The tour guide whose card is revoked shall only request a competent authority to issue a tour guide card after 12 months from the revocation date.

Article 65. Rights and obligations of tour guides

1. A tour guide has the following rights:

a) Participate in the socio-professional organizations for tour guiding;

b) Receive salary and other remunerations under the contract;

c) Complete refresher courses for tour guides;

d) In case of emergency or force majeure events, the tour guide has the right to adjust tour programs and standards of services provided for tourists.

2. A tour guide has the following obligations:

a) Guide tourists in conformity with the assignment order or the contract;

b) Observe and guide tourists to observe Vietnamese and local laws; local regulations; respect local customs and practices;

c) Provide tourists with information on the tour programs, services and lawful rights and interests of tourists;

d) Guide tourists in conformity with the tour program, be civilized, considerate and wholehearted towards tourists; inform the person in charge of provision of travel services of the change in the tour program at the request of tourists;

dd) Take responsibility for providing assistance in ensuring safety of tourists' lives, health and property;

e) Complete the refresher course as prescribed in Clause 4, Article 62 of this Law;

g) Wear the tour guide card during the tour;

h) The international and domestic tour guides must bring the assignment order given by the enterprise organizing the tour program, and tour program in Vietnamese during the tour. In case the tour guide guides international tourists, he/she must bring the tour program in Vietnamese and foreign languages.

Article 66. Responsibility for management of tour guides

1. The Ministry of Culture, Sports and Tourism shall be responsible for inspecting the issuance of tour guide cards, provision of training in tour guiding and tour guiding activities nationwide.

2. The tourism authority of the province shall be responsible for inspecting the issuance of tour guide cards, provision of training in tour guiding and tour guiding activities within its province.

3. The travel service provider and tour guiding service provider shall:

a) Inspect and supervise tour guides complying with laws and the contract signed with the enterprise;

b) Provide professional training and tour guiding skill courses.

Chapter VII

TOURISM PROMOTION AND TOURISM DEVELOPMENT ASSISTANCE FUND

Section 1. TOURISM PROMOTION

Article 67. Content of tourism promotion

1. Promote the images of Vietnam and its people, cultural heritages, historical - cultural relics, scenic beauties, man-made creative works and national cultural identity in order to attract tourists.
2. Develop tourism trademark of the country, regions, local governments and enterprises; conduct research into tourism markets and develop and advertise tourism products which meet tourists' needs.
3. Propagate and raise social awareness of tourism, thereby creating a secure, healthy and civilized tourism environment and upholding Vietnam's traditions of hospitality.
4. Grasp opportunities and mobilize various resources to invest in tourism infrastructure; diversify and improve the quality of tourism services.

Article 68. Tourism promotion activities

1. The Ministry of Culture, Sports and Tourism shall formulate national tourism promotion strategy, plan and program; coordinate inter-regional and inter-provincial tourism promotion activities.

2. Within their competence, Ministries, ministerial agencies, People's Committees at all levels shall formulate and organize the implementation of tourism promotion plan and program by sectors and under their management in conformity with the national tourism promotion strategy, plan and program.

3. The socio-professional organizations for tourism, relevant enterprises, organizations and individuals shall proactively formulate and organize the implementation of foreign and domestic tourism promotion plan and program in conformity with the national tourism promotion strategy, plan and program, and establish foreign-based tourism promotion offices. The expenses for tourism promotion shall be included in the enterprise's expense account.

Article 69. Establishment of Vietnam-based representative offices of foreign tourism authorities and regional and international tourism organizations

1. Foreign tourism authorities and regional and international tourism organizations may establish Vietnam-based representative offices.

2. An application for establishment of a Vietnam-based representative office shall be consularly legalized and includes:

a) An application form for establishment of a Vietnam-based representative office according to the form specified by the Minister of Culture, Sports and Tourism;

b) The decision on establishment of the foreign tourism authority and international and regional tourism organization;

c) The decision on establishment of the representative office of the foreign tourism authority and international and regional tourism organization;

d) The decision on appointment of the head of representative office.

3. Procedures for establishment of a Vietnam-based representative office:

a) The head of representative office shall submit 01 application to the Ministry of Culture, Sports and Tourism;

b) Within 30 days from the day on which a valid application is received, the Ministry of Culture, Sports and Tourism shall assess and submit it to the Prime Minister for consideration and decision;

c) Within 05 working days since the Prime Minister comments, the Ministry of Culture, Sports and Tourism shall send a written notice to the head of representative office.

Section 2. TOURISM DEVELOPMENT ASSISTANCE FUND

Section 70. Establishment of Tourism Development Assistance Fund

1. A Tourism Development Assistance Fund is a non-budget state financial fund, has its own legal status, seal and account, is established and has its Charter on Organization and Operation approved by the Prime Minister.

2. The Tourism Development Assistance Fund is exempt from tax and other liabilities to the State in accordance with regulations of law.

3. The Tourism Development Assistance Fund is formed by the following sources:

a) Charter capital provided by the State budget;

b) Each year, the additional State budget mainly comes from the fees for sightseeing tours, issuance of visas and other entry and exit papers to foreigners;

c) Legal funding and voluntary contributions from domestic and foreign enterprises, organizations and individuals;

d) Other legal revenues in accordance with regulations of law.

4. The Government shall elaborate Clause 3 of this Article.

Article 71. Purposes of Tourism Development Assistance Fund

1. Promote domestic and foreign tourism.
2. Provide assistance in research into tourism markets and product development.
3. Provide assistance in training and development of human resources for tourism.
4. Provide assistance in tourism communication activities in community.

Article 72. Principles of operation of the Tourism Development Assistance Fund

1. Operate for non-profit purposes; preserve charter capital and make up for expenses for management itself.
2. Take responsibility for revenues, expenditures and settlement, publish information on budgets, assets and accounting work in accordance with regulations of law.

3. Be subject to inspection and audit carried out by the finance authority and State Audit Office of Vietnam on financial operations of the Tourism Development Assistance Fund.

4. Ensure openness, transparency, thriftiness and effectiveness, use for the right purposes and in conformity with regulations of law.

5. The previous year's redundant funding of the Tourism Development Assistance Fund shall be transferred to the following year for further use.

Chapter VIII

STATE MANAGEMENT OF TOURISM

Article 73. Responsibility of the Government for state management of tourism

1. The Government shall uniform state management of tourism.

2. The Ministry of Culture, Sports and Tourism is a central authority responsible for assisting the Government in performing state management of tourism and has the following responsibilities and entitlements:

a) Promulgate legislative documents or submit them to a competent authority for promulgation and organize the implementation of such

documents; tourism development strategies, plans and policies; the list of places that have the potential for becoming a national tourism area.

b) Coordinate and connect inter-national, inter-regional and inter-provincial tourism activities;

c) Establish national standards and national technical regulations on tourism; establish the tourism management database;

d) Cooperate with relevant authorities and socio-professional organizations for tourism in disseminating and educating about the law on tourism;

dd) Provide and manage the provision of training in tourism; research into and apply science and technology to tourism; provide guidance on electronic transaction in tourism;

e) Carry out inspections and assessment of tourism resources;

g) Promote international cooperation on tourism; domestic and foreign tourism promotion activities;

h) Manage the issuance and revocation of licenses, tour guide cards and other certificates related to tourism activities;

i) Encourage private sector involvement in development of tourism products, tourism promotion, and provision of in tourism;

k) Carry out inspections, settle complaints and impose penalties for violations against law on tourism.

Article 74. Responsibility of Ministries and ministerial agencies for state management of tourism

1. Ministries and ministerial agencies shall cooperate with the Ministry of Culture, Sports and Tourism in performing state management of tourism within their competence.

2. The Ministry of Planning and Investment shall take charge and cooperate with the Ministry of Culture, Sports and Tourism and relevant authorities in promulgating the policies on investment incentive and assistance in tourism or submitting it to a competent authority for promulgation; mobilizing sources and attracting investment in tourism; integrating contents related to tourism activities into the strategies, programs, master plans and plans for socio-economic development.

3. The Ministry of Finance shall take charge and cooperate with the Ministry of Culture, Sports and Tourism and relevant authorities in promulgating the policies on finance, tax and customs or submitting it to a competent authority for promulgation in order to facilitate tourism development; providing financial resources for national tourism promotion activities.

4. The Ministry of Industry and Trade shall take charge and cooperate with the Ministry of Culture, Sports and Tourism and relevant authorities in promulgating the incentive policies on production and provision of high-

quality goods, souvenirs, handicrafts and services for tourism development or submitting it to a competent authority for promulgation, building duty-free shops serving tourists in key tourist areas; integrating tourism promotion into market promotion.

5. The Ministry of Foreign Affairs shall take charge and cooperate with the Ministry of Culture, Sports and Tourism and relevant authorities in promoting the images of Vietnam and its people; providing advice about policies on visas in service of tourism development.

Article 75. Responsibility of the People's Committees for state management of tourism

1. Within its competence, the People's Committee of the province shall perform state management of tourism within its province; formalize the strategies, plans, master plans and policies for tourism development in conformity with local conditions.

2. The People's Committees have the following duties and entitlements:

a) Promulgate policies on investment incentive and investment attraction or submit them to a competent authority for promulgation in order to develop potential and advantages in tourism of the local governments; provide assistance in the development of community-based tourism;

b) Manage tourism resources, tourism areas, tourist attractions, tourism business and tour guiding activities within their areas;

c) Ensure security, social order and security, environment and food safety in the tourism area, tourist attractions and places with a large number of tourists;

d) Propagate and raise people's awareness to create a friendly, healthy and civilized tourism environment;

dd) Provide stopping or parking positions for the vehicles issued with a badge for means of tourist transport to have access to tourist attractions and tourist accommodation establishments; organize review and erection of signs and signboards for tourism areas and tourist attractions;

e) Receive and settle complaints from tourists;

g) Perform other duties in accordance with regulations of law.

Chapter IX

IMPLEMENTATION CLAUSE

Article 76. Amendments to the list of fees and charges enclosed with the Law on Fees and Charges No. 97/2015/QH13

The Section 3.1 and Section 3.2 of Part VII - Fees pertaining culture, sports and tourism in the list of fees and charges enclosed with the Law on Fees and Charges No. 97/2015/QH13 is amended as follows:

3.1

Fees for rating of tourist accommodation establishments and providers of other tourism services qualified for provision of services for tourists

Ministry of Finance

3.2

Fees for assessment and licensing of provision of domestic tours and international tour

Ministry of Finance

Article 77. Effect

1. This Law comes into force from January 01, 2018.

2. The Law on Tourism No. 44/2005/QH11 is null and void from the effective date of this Law.

Article 78. Transition clauses

1. Enterprises issued with the license for provision of international tours before the effective date of this Law do not need apply for replacement of license but must maintain the fulfillment of conditions for business in accordance with regulations of this Law for 12 months from the effective date of this Law.

2. Domestic travel service provider shall apply for the license for provision of domestic tours for 12 months from the effective date of this Law. After such period, enterprises must not provide domestic travel services without a license.

3. International tour guides and domestic tour guides that are issued with a tour guide card before the effective date of this Law may keep practicing until the expiry of the card.

4. The ratings of tourist accommodation establishments assigned by competent authorities before the effective date of this Law shall remain unchanged until the expiry of the rating decisions.

This Law has been ratified in the 3rd session of the 14th National Assembly of the Socialist Republic of Vietnam dated June 19, 2017.

PRESIDENT OF THE NATIONAL ASSEMBLY

Nguyen Thi Kim Ngan