

**NATIONAL ASSEMBLY**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No. 40/2019/QH14

*Hanoi, June 13, 2019*

## **LAW**

### **ON ARCHITECTURE**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly hereby promulgates the Law on Architecture.*

#### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope**

This Law provides for management of architecture and practice of architecture; rights, obligations and responsibilities of entities and persons involved in architectural activities.

##### **Article 2. Subjects of application**

This Law applies to entities and persons involved in architectural activities and others related to architectural activities within the territory of Socialist Republic of Vietnam.

##### **Article 3. Interpretation**

For the purposes of this Law, terms used herein shall be construed as follows:

1. *Architecture* refers to an art, science and technology in making spatial arrangement and creating the sustainable living environment to meet human and public demands.
2. *Architectural activities* include management and practice of architecture.
3. *Architectural design* refers to an act of formulating architectural plans and expressing architectural concepts and architectural technological solutions in planning, construction, interior, exterior and landscaping design documentation.
4. *Architectural structure* refers to a single or combination of construction works or items developed by actualizing an architectural concept or design.

5. *Architectural structure of value* refers to a typical architectural construction work of architectural, historic, cultural and artistic value which is accredited by a competent authority.

6. *Practice of architecture* refers to a professional activity of an entity or person providing architectural services.

#### **Article 4. Principles of architectural activities**

1. Comply with this Law and other provisions of relevant laws.
2. Correspond to the strategy for development of Vietnamese architecture, urban planning and rural planning; meet demands for sustainable socio-economic growth, assurance of national defence, security, environmental protection and rational use of natural resources, adaptation to climate change, prevention and control of natural disasters.
3. Preserve, uphold and promote traditional architectural value and acquire the world's architectural quintessence. Build the Vietnamese architecture to become progressive, modern and full of traditional cultural values.
4. Apply scientific researches, high, advanced and new technologies to match practical conditions of Vietnam to ensure ergonomic, technical and artistic efficiency, economical and effective energy use.
5. Ensure institutional, public and personal involvements; balance state and public interests, rights and benefits of entities and persons.

#### **Article 5. Traditional cultural values in architectural activities**

1. Traditional cultural values in the architecture sector include typical characteristics, features and particular marks in terms of natural, socio-economic, cultural and artistic conditions; habits and customs of involved ethnics; construction techniques and materials, all of which must be incorporated in architectural structures and convey the signature style of Vietnamese architecture.
2. By taking account of typical features and characteristics of traditional culture at each locality, provincial-level People's Committees shall be responsible for conducting researches and surveys based on which statutory requirements concerning traditional cultural values will be assessed and integrated into rules and regulations as to management of architecture appropriated for respective jurisdictions.
3. Entities and persons shall be responsible for protecting, conserving and upholding traditional cultural values infused into architectural products.

#### **Article 6. State policies for architectural activities**

1. The State shall put its investments in the following activities:

- a) Developing the scheme for development of Vietnamese architecture;
- b) Conduct the statistics, survey and build the database of architectural activities; set technical standards and regulations on architecture;
- c) Produce architectural design models meeting requirements concerning sustainability, eco-friendliness and adaptation to climate change, prevention of and response to natural disasters; economical and effective energy use;
- d) Carry out architectural law propaganda, dissemination and education programs.

2. Over periods of time and based on capabilities of the state budget, the State shall give its investment support for the following activities:

- a) Building and improving infrastructure facilities and equipment incidental to architectural policy researches and architectural basic researches that may be conducted by science and technology institutions;
- b) Providing training and refresher courses for the architectural workforce; conducting scientific researches, applying and transferring advanced, progressive and new architectural technologies;
- c) Protecting, conserving and rehabilitating architectural structures of value which have not been ranked as historical - cultural heritages;
- d) Expanding and enhancing international cooperation in architecture;
- dd) Organizing architectural exhibition and promotion events.

3. The State shall provide organizations and individuals incentives to invest in activities specified in clauses 1 and 2 of this Article and the following activities:

- a) Forming cooperation and partnership in scientific researches, application and transfer of technologies, provision of technical services and others in the architecture sector;
- b) Encouraging private involvements in providing public services in the architecture sector;
- c) Giving free-of-charge assistance and counsels in the architecture sector in the public interests.

#### **Article 7. Vietnam's Architecture Day**

April 27 each year shall be selected as Vietnam's Architecture Day.

#### **Article 8. International cooperation in architecture**

1. International cooperation in architecture with countries and territories must adhere to the principles of equality, mutual interest, respect for national independence, sovereignty, territorial integrity and domestic legislation of each partner and international laws.

2. Tasks involved in international cooperation in architecture, including:

a) Scientific research, application and transfer of technologies and exchange of information about architecture;

b) Architectural workforce training and education;

c) Implementation of architectural activities;

d) Mutual recognition in the practice of architecture.

### **Article 9. Prohibited acts**

1. Hindering the management and practice of architecture.

2. Abusing the practice of architecture to cause adverse impacts on national defence, security, state and public interests, social order, living environment, legitimate rights and benefits of entities and persons.

3. Offering and accepting bribes, making illegal tying and brokerage arrangements in architectural activities.

4. Disclosing materials listed as state secrets; revealing business information provided by customers, unless otherwise agreed upon in writing by customers or prescribed in laws.

5. Building architectural structures inconsistently with the architectural design approved by the regulatory authority or in breach of the construction permit.

6. Infringing upon the intellectual property rights in architectural activities.

7. Providing counterfeit or untruthful materials and data; preparing architectural design and construction documentation which are not conformable to national technical regulations.

8. Carrying out fraudulent acts in taking examinations, issuing and using practicing certificates in architecture.

9. Abusing and making inappropriate use of powers, rights to or lacking responsibilities for the management of architecture.

## **Chapter II**

### **MANAGEMENT OF ARCHITECTURE**

## **Article 10. Requirements of architectural management**

1. Conform to principles of architectural activities set out in Article 4 herein.
2. Ensure consistency in management of architecture with respect to the overall and specific spatial arrangements of architectural structures.
3. Ensure protection of humans, architectural structures and residential areas from adverse impacts inflicted by nature or humans.
4. Avoid negative impacts on natural landscapes, historical – cultural heritages and architectural structures of value and biological environment.
5. Ensure economical and effective use of energy.

## **Article 11. Requirements of urban and rural architecture**

1. Urban architecture must meet the following requirements:
  - a) Harmonize with overall spaces, architecture and landscapes of the sites intended for construction of architectural structures; connect the architecture of the existing sites, newly developed ones and border crossings between urban and rural areas, and admire natural scenery;
  - b) Use colors, materials and decorate the outer faces of architectural structures in an aesthetic manner without causing any adverse impact on human eyes, health, environment and traffic safety;
  - c) Refurbishment of an existing residential home and construction of a new one must be combined concordantly to produce an architectural structure which fits into natural and climatic conditions, and detached residential homes must be aligned with the general architectural layout in a specific region;
  - d) Public construction works and urban utility facilities built along streets must be aesthetic, useful and safe to humans and means of transport;
  - dd) Signs, markers, advertisement billboards, lighting systems and decorative items used in urban areas must meet regulations and outdoor advertising planning requirements as well as fit into the overall urban architectural plan;
  - e) Statues, sculptures, sculpted reliefs, fountains and other decorative construction works must be designed to fit into landscape, meet requirements concerning public access and aesthetics;
  - g) Traffic amenities must be designed in a consistent manner to meet requirements concerning public access, aesthetics and characteristics of urban areas.

2. Rural architecture must meet requirements referred to in points a, b, c and e of clause 1 of this Article and the followings:

- a) Ensure that traditional architectural and cultural values are inherited; indigenous building materials and advanced engineering methods are preferred for use;
- b) Meet standards applied to residential homes, living spaces and cultural spaces so that rural architectural structures are adjusted to natural conditions, customs and habits of ethnic groups;
- c) As for areas prone to natural disasters, strengthen use of architectural designs for public works and residential homes at rural areas in order to meet requirements as to adaptation to climate change and prevention and control of natural disasters.

## **Article 12. Architectural design**

- 1. Owners of architectural structures must take charge of developing architectural design schemes and carrying out architectural designs.
- 2. Architectural designs must be produced by organizations and individuals satisfying qualification requirements specified herein and other provisions of law.
- 3. In order to produce an architectural design, architectural solutions must be integrated with architectural planning; all following requirements must be considered completely, including socio-economic efficiency, functional, practical use, engineering, fire safety and environmental protection, economical and effective energy use, traditional cultural value and other requirements applied to architectural structures; these architectural may be easily accessible to disabled, elderly people and children; gender equality must be respected.
- 4. Architectural design documentation can be used as a basis for construction designs after owners of architectural structure construction projects complete review and acceptance testing activities.
- 5. Minister of Construction shall be vested with authority to adopt specific regulations on architectural design documentation.

## **Article 13. Management of architectural structures of value**

- 1. Architectural structures of value which have already been ranked as historical – cultural relics shall be managed under law on cultural heritages.
- 2. Architectural structures of value which are not covered in clause 1 of this Article shall be reviewed and assessed on an annual basis or inventoried for official purposes by provincial-level People's Committees.

3. Provincial-level People's Committees shall consult with provincial-level architectural advisory councils and other related entities or persons about compilation of the list of architectural structures of value stipulated in clause 2 of this Article before reaching their approval decisions.

4. Owners and users of architectural structures in the list of architectural structures of value shall have the following rights and obligations:

a) Receive benefits from protection, conservation, repair, rehabilitation and operation of their architectural structures;

b) Receive the state subsidies for costs incurred from protection, conservation, repair and rehabilitation of their architectural structures;

c) Protect, conserve, repair and rehabilitation of architectural values of these structures; ensure safety for access to, use and operation of these structures;

d) Avoid changing the exterior architecture, textures and vicinity of their architectural structure of their own free will;

dd) Whenever detecting any sign of decrease in quality or unsafe texture, inform local authorities in a timely manner.

5. The Government shall be vested with authority to promulgate specific regulations on assessment and classification of architectural structures of value; processes and procedures for compiling, evaluating, approving and adjusting the list of architectural structures of value.

#### **Article 14. Regulations on management of architecture**

1. Regulations on management of architecture shall be adopted to apply to urban areas and rural residential spots in provinces and centrally-affiliated cities.

2. Regulations on management of architecture must ensure conformity with the following requirements:

a) In line with provisions laid down in Articles 10, 11 and 13 herein;

b) Correspond to urban architectural designs approved by competent authorities, national technical standards and regulations;

c) Match traditional cultural values, local actual features and conditions.

3. Regulations on management of architecture shall be comprised of the followings:

a) Regulations on management of architecture applied to all areas covered by these regulations; architecture of specific regions and streets;

- b) Determining requirements concerning traditional cultural values with respect to locality-specific architecture as per clause 1 of Article 5 herein;
- c) Identifying areas where particular urban designs are needed, streets and areas where architectural renovation priority is given, and implementation plan; areas subject to special management requirements;
- d) Regulations on management of architecture of residential homes, public construction works, urban public utility facilities, industrial facilities, technical infrastructure premises and construction projects that require architectural plan tests;
- dd) Regulations on management and protection of architectural structures of value;
- e) Regulating responsibilities of entities and persons for implementation of regulations on management of architecture;
- g) Maps, drawings and illustrating images;
- h) Appendix on the list of architectural structures of value.

4. Provincial-level People's Committees shall set out regulations on management of architecture and petition same-level People's Councils to adopt and enforce these regulations; as for regulations on management of architecture of special-class cities or class-I cities which are centrally-affiliated ones, the consent from the Ministry of Construction must be sought.

5. The Government shall promulgate specific regulations on contents of regulations on management of architecture; regulations on application and documentation procedures and processes for formulation, evaluation, collection of public opinions on, release and methods for implementation of regulations on management of architecture.

## **Article 15. Revision of regulations on management of architecture**

1. Provincial-level People's Committees shall review and evaluate the process of implementation of regulations on management of architecture on a quinquennial or ad-hoc basis before deciding whether regulations on management of architecture may be revised. Subject matters of review and evaluation of the process of implementation of regulations on management of architecture shall be subject to the Government's regulations.

2. Requirements for revision of regulations on management of architecture shall be regulated as follows:

- a) Any adjustment in urban planning, rural planning, urban design and boundaries of administrative subdivisions may affect the characteristics, functions and scale of areas covered by regulations on management of architecture;

- b) Existence of projects of national significance causes impacts on the spatial layout of entire areas covered by regulations on management of architecture;
- c) Regulations on management of architecture are not likely to be implemented or implementation of these regulations has adverse impacts on the socio-economic development, national defence, security, social protection, biological environment and historic – cultural relics;
- d) Revision of these regulations is made in state and public interests.

3. Principles of revision of regulations on management of architecture shall be regulated as follows:

- a) Attention must be paid to those regulations that need to be revised while legal value of those regulations that do not need to be revised as specified according to approval decisions shall remain unchanged;
- b) Revision must be made on the basis of analysis and evaluation of the current state and clear determination of requirements for revision provided that these regulations are adapted for developmental requirements.

4. Provincial-level People's Committees shall seek the consent from same-level People's Councils on revision of regulations on management of architecture before making their revision decisions; as for regulations on management of architecture of special-class cities or class-I cities which are centrally-affiliated ones, the unanimous opinion from the Ministry of Construction must be sought.

#### **Article 16. Architectural advisory council**

- 1. National architectural advisory council may be established under the Prime Minister's decision where necessary to give counsels to the Prime Minister on architecture-related matters and architecture of several important construction projects.
- 2. Provincial-level architectural advisory councils may be established under the decisions of the Chairman/Chairwomen of People's Committees where necessary to give counsels to the Chairmen/Chairwomen on matters arising in the architecture sector and architecture of several important construction projects and architectural structures of value under their jurisdiction.
- 3. Members of an architectural advisory council shall be representatives of state regulatory authorities in charge of architecture and experts involved in activities related to the architecture sector.
- 4. An architectural advisory council and members of an architectural advisory council shall bear responsibility before law and to the person making the decision on establishment of the council for its counsels and advices.

5. Members of an architectural advisory council may hold multiple offices; the council shall be automatically closed after completion of assigned missions.

### **Article 17. Architectural plan test**

1. Architectural plan test refers to a test designed to select the best architectural plan that meets requirements concerning planning, architecture, culture, socio-economic efficiency, national defence, security and environmental protection.

2. The following construction projects shall be subject to the compulsory requirement for participation in the architectural plan test, including:

a) Special-class or class-I public construction works;

b) Provincial-level central train terminals and civil aviation terminals; bridges inside class-II or higher-level urban areas and inner-city railway stations; statues and construction projects symbolic of tradition, culture and history at localities; important construction projects and landmarks located inside urban areas and along main streets that are specified in urban planning and design schemes and regulations on management of architecture approved by competent authorities.

3. Architectural plan test may be proposed in the investment policy or pre-feasibility study report.

4. Persons having competence in making investment decisions shall be accorded authority to decide on the forms of architectural plan test and decide to establish the architectural plan test council.

5. Costs incurred from such test shall be calculated as part of total investment in a project.

6. Based on the architectural plan successfully passing the test, entities and persons owning such plan can take further steps in a project if they meet requirements stipulated in law on construction and procurement law.

7. Information about the test, the architectural plan test council and marking results must be made publicly on mass media by the project owner.

8. The Government shall issue specific provisions of this Article.

### **Article 18. Document archival**

State regulatory authorities in charge of architecture and project owners shall be responsible for keeping archive of architectural design documents and materials. Consulting entities and persons, construction contractors and construction management boards shall be responsible for keeping archive of documentation on their activities in accordance with law on archival and other provisions of relevant law.

## **Chapter III**

### **PRACTICE OF ARCHITECTURE**

#### **Section 1. GENERAL PROVISIONS ON PRACTICE OF ARCHITECTURE**

##### **Article 19. Architectural services**

1. Architectural service is a business of design and construction design evaluation services.
2. Architectural services, including:
  - a) Construction architectural design;
  - b) Architectural design included in urban planning, rural planning and urban design schemes;
  - c) Landscape architectural design;
  - d) Interior design;
  - dd) Indications for architectural engineering characteristics of construction works;
  - e) Construction architectural assessment;
  - g) Architectural design evaluation.

##### **Article 20. Socio-professional associations in practice of architecture**

Socio-professional associations in practice of architecture must be established, organized and operated under law and other provisions of relevant law.

##### **Article 21. Requirements for practice of architecture**

1. The person holding the title as the leader of architectural design, the person bearing professional responsibility for architecture who working for entities providing architectural services and self-employed practicing architects must hold the certificate of practice of architecture, unless otherwise provided in Article 31 herein.
2. Persons who do not hold the certificate of practice of architecture may provide architectural services under the control of architecture practicing entities or may enter into partnership with other self-employed practicing architects.
3. Entities providing architectural services must meet qualification requirements specified in Article 33 herein.

##### **Article 22. Rules of professional conduct for practicing architects**

1. Rules of professional conduct for practicing architects must be conformable to legislative regulations and must include the followings:

- a) Practicing principles;
- b) Competitiveness in practice of architecture;
- c) Guarantee of gender equality;
- d) Intellectual property rights;
- dd) Interpersonal behaviors towards colleagues and customers.

2. Rules of professional conduct for practicing architects may be applied to entities and persons practicing architecture.

3. The Government shall set out specific regulations on authority over, processes and procedures for enforcement of rules of professional conduct for practicing architects.

### **Article 23. Ongoing career development**

1. Ongoing career development includes such activities as updating, maintaining, strengthening and improving knowledge and skills of practicing architects.

2. Socio-professional associations in practice of architecture, research institutes and training establishments providing training courses in the architecture major shall take charge of performing activities listed in clause 1 of this Article and shall carry out assessment of ongoing career development with respect to practicing architects.

3. The Government shall set out specific provisions of this Article.

### **Article 24. Management of information about practice of architecture**

1. Within 05 working days after issuance of certificate of practice of architecture or of receipt of the notice from architecture practicing entities basing their business at localities, regulatory authorities specialized in architecture under the control of provincial-level People's Committees shall have to publicize information about architecture practicing entities and persons on their respective websites and send information to the Ministry of Construction.

2. Within 05 working days of receipt of information from regulatory authorities specialized in architecture under the control of provincial-level People's Committees, the Ministry of Construction shall have to publicize information about architecture practicing entities and persons on the Ministry's portal.

## **Section 2. SELF-EMPLOYED PRACTICE OF ARCHITECTURE**

## **Article 25. Self-employed architects**

1. Self-employed architects are those architects with architecture qualification who are not under the control of entities practicing the architecture profession and act on their own account to render architectural services.
2. Self-employed practicing architects shall render architectural services under contracts with entities and persons specified herein and other provisions of relevant law.

## **Article 26. Test for grant of architecture practicing certificates**

1. Socio-professional associations in architecture, research institutes and establishments providing training courses in architecture shall give the test for grant of architecture practicing certificates.
2. The test for grant of architecture practicing certificates shall be designed to include the following questions:
  - a) Professional experience related to architecture;
  - b) Legal knowledge about the sector that examinees are practicing;
  - c) Specialized knowledge about architecture;
  - d) Knowledge about rules of professional conduct for practicing architects.
3. Socio-professional associations in architecture, research institutes and establishments providing training courses in architecture are recognized to be qualified for giving the test for grant of architecture practicing certificates if they meet the following requirements:
  - a) They must be established under law;
  - b) Their business relates to the architecture sector;
  - c) They must have an adequate number of employees and physical facilities necessary for the test.
4. The Government shall set out specific regulations on test arrangements, contents and forms; validity term of test results; requirements for being qualified for giving the test for grant of architecture practicing certificates that are applied to socio-professional associations in architecture, research institutes and establishments providing training courses in architecture.

## **Article 27. Authority to grant, renew, revoke and reissue architecture practicing certificates; validity period of architecture practicing certificates**

1. Regulatory authorities specialized in architectural activities that are put under the control of provincial-level People's Committees shall be authorized to issue, renew, revoke and reissue architecture practicing certificates.
2. Each architecture practicing certificate can be valid nationwide for the duration of 10 years.
3. Minister of Construction shall promulgate specified regulations on the sample architecture practicing certificate.

#### **Article 28. Requirements for issuance and renewal of architecture practicing certificates**

1. Requirements for issuance of architecture practicing certificates shall be regulated as follows:
  - a) The intended applicant must hold university or higher qualification in the architecture sector;
  - b) The intended applicant must have at least 3 years of experience acquired from previous involvement in providing architectural services or partnership with other self-employed practicing architects;
  - c) The intended applicant must successfully pass the test for eligibility to receive architecture practicing certificate.
2. Requirements for renewal of architecture practicing certificate shall be regulated as follows:
  - a) Architecture practicing certificate has expired;
  - b) Ongoing career development is guaranteed;
  - c) There is none of violations against rules of professional conduct for practicing architects.
3. Persons spending at least 10 successive years directly involving in exercising state management of architecture, taking university education or other higher training courses in the architecture sector or directly practicing architecture will be granted exemption from the requirements prescribed in point c of clause 1 of this Article.
4. Persons winning national or international architecture awards can be exempted from the requirements prescribed in point b of clause 1 of this Article.

#### **Article 29. Issuance and renewal of architecture practicing certificates**

1. Persons applying for issuance and renewal of architecture practicing certificates shall submit one set of documentation in person, online or by post to entities specialized in the architecture sector under the control of provincial-level People's Committees.
2. Regulatory authorities specialized in architectural activities that are put under the control of provincial-level People's Committees shall be authorized to establish a council to consider

issuing and renewing architecture practicing certificates. The council shall be composed of representatives of regulatory authorities specialized in architecture under the control of provincial-level People's Committees, socio-professional associations in practice of architecture or research institutes, establishments providing training courses in architecture and/or architecture experts.

3. The council and members of the council authorized to consider issuing and renewing architecture practicing certificates shall bear responsibility before law and to the person making the decision on establishment of the council for its counsels and advices.

4. Members of the council authorized to consider issuing and renewing architecture practicing certificates may hold multiple offices; the council shall be automatically closed after completion of assigned missions.

5. The Government shall set out specific regulations on documentation and application requirements and procedures for issuance and renewal of architecture practicing certificates.

### **Article 30. Withdrawal and reissuance of architecture practicing certificates**

1. Architecture practicing certificate shall be withdrawn under the following circumstances:

a) The holder has no longer been qualified for issuance and renewal of architecture practicing certificates as provided in Article 28 herein;

b) Application documentation for issuance, reissuance and renewal of architecture practicing certificate is forged;

c) There is none of serious violations against rules of professional conduct for practicing architects;

d) Professional and technical faults arising from rendering of architectural services has led to severe consequences according to conclusions of competent regulatory authorities;

dd) The affected holder is prohibited from practicing or performing activities related to architecture according to the Court's legitimate judgment or decision.

2. Architecture practicing certificate may be reissued under the following circumstances:

a) Architecture practicing certificate has been lost or damaged;

b) Personal information inscribed in architecture practicing certificate is changed.

3. In case of being revoked or withdrawn, the architecture practicing certificate falling into the situations prescribed in point c and d of clause 1 of this Article may be reissued 12 months after the revocation or withdrawal date, or the architecture practicing certificate falling into the situations prescribed in point dd of clause 1 of this Article may be reissued 12 months after the

expiry date of prohibition on practicing architecture or performing activities related to architecture, only when the requirements specified in clause 1 of Article 28 herein are met.

4. The Government shall set out specific regulations on application and documentation requirements and procedures for revocation, withdrawal or reissuance of architecture practicing certificates.

### **Article 31. Practice of architecture by foreign nationals in Vietnam**

1. Foreign citizens can practice architecture in Vietnam if they meet the following requirements:

a) Obtain architecture practicing certificates issued in Vietnam or valid ones issued by regulatory authorities in their home countries and recognized or converted in Vietnam;

b) Comply with Vietnam's law and rules of professional conduct for practicing architects in Vietnam.

2. Recognition and conversion of architecture practicing certificates shall be subject to the following regulations:

a) Foreign nationals who have already held architecture practicing certificates in use issued by competent regulatory authorities in their home countries, or has participated in rendering of architectural services in Vietnam for less than 6 months, shall follow procedures for recognition of architecture practicing certificates, or for at least 6 months, shall follow procedures for conversion of architecture practicing certificates, at regulatory authorities specialized in architecture under the control of provincial-level People's Committees;

b) Recognition and conversion of architecture practicing certificates between Vietnam and other countries on territories shall be subject to terms and conditions of international agreements or treaties to which the Socialist Republic of Vietnam is a signatory.

3. The Government shall promulgate specific regulations on the method of determination of period of rendering of architectural services in Vietnam; documentation requirements and procedures for recognition and conversion of architecture practicing certificates of foreign nationals practicing architecture in Vietnam.

### **Article 32. Rights and obligations of architects obtaining architecture practicing certificates**

1. Architects holding architecture practicing certificates shall be vested with the following rights:

a) Render architectural services;

b) Receive protection of intellectual property rights in accordance with law on intellectual property;

- c) Request project owners to provide information and documents related to assigned duties to produce architectural designs;
- d) Request project owners and construction contractors to obey approved architectural designs;
- dd) Refuse to perform any illegal request of project owners;
- e) Refuse to carry out the commissioning of construction works and items in breach of approved architectural designs, engineering standards or regulations;
- g) Request project owners to observe contractual terms and conditions.

2. Architects holding architecture practicing certificates shall assume the following obligations:

- a) Comply with rules of professional conduct for practicing architects;
- b) Have access to ongoing career development;
- c) Carry out the designer's supervision during the process of building architectural structures;
- d) Observe commitments to project owners stated in contracts.

### **Section 3. PRACTICE OF ARCHITECTURE BY ENTITIES**

#### **Article 33. Requirements for business operations and forms of practice of architecture**

1. Requirements for business operations of entities practicing architecture shall be regulated as follows:

- a) They must be established under law;
- b) They must hire employees with architecture practicing certificates that assume professional responsibilities related to architecture or lead architectural design activities;
- c) They must communicate information prescribed in point a and b of this clause to regulatory authorities specialized in architecture under the control of provincial-level People's Committees at the places where offices of entities practicing architecture are located.

2. Entities practicing architecture, including architect's offices, public service organizations or other businesses, shall be organized and operated under the provisions of this Law, Law on Enterprises and other provisions of relevant law.

3. Architect's offices must be established by architects holding architecture practicing certificates and operated in business form.

#### **Article 34. Rights and obligations of entities practicing architecture**

1. Entities practicing architecture shall be vested with the following rights:

- a) Render architectural services;
- b) Receive protection of intellectual property rights in accordance with law on intellectual property;
- c) Request project owners to provide information and documents related to assigned duties;
- d) Request project owners and construction contractors to obey approved architectural designs;
- dd) Refuse to perform any illegal request from project owners or any other than architectural design duties and in breach of contracts, or any request for architectural design modifications incompliant with engineering standards and regulations;
- e) Refuse to carry out the commissioning of construction works and items in breach of approved architectural designs.

2. Entities practicing architecture shall assume the following obligations:

- a) Operate within the registered scope of business;
- b) Duly execute contracts with customers in compliance with provisions of law;
- c) Purchase professional liability insurance in accordance with law;
- d) Bear responsibility for the quality of architectural works under contractual terms and conditions, compensate for any loss or damage prescribed in law that arises from improper or contract-breaching use of information, documents, engineering standards, regulations or solutions.

### **Article 35. Designer's supervision**

1. Entities practicing architecture or self-employed architects shall be held responsible for carrying out the designer's supervision during the construction period.

2. The performer of designer's supervision shall be vested with the following rights:

- a) Request project owners and construction contractors to obey approved architectural designs;
- b) Directly, or by authorizing other entities or persons holding architecture practicing certificates, perform designer's supervision under contractual terms and conditions and the provisions of relevant law;
- c) Inform or cease designer's supervision if the construction period is greater than the one specified in the contract, unless otherwise agreed;

d) Refuse to any request for unreasonable modifications in architectural designs from project owners;

dd) Refuse to sign project commissioning reports when construction projects are in breach of approved architectural designs.

3. The performer of designer's supervision shall assume the following obligations:

a) Participate in commissioning of completed projects in accordance with laws and contracts with project owners;

b) Make any correction of errors arising in architectural designs upon the project owner's request;

c) Inform project owners or state regulatory authorities in charge of architecture affairs at localities so that they can take necessary action in case of discovering that construction activities contravene approved architectural designs.

## **Chapter IV**

### **STATE MANAGEMENT OF ARCHITECTURE**

#### **Article 36. Tasks involved in state management of architecture**

1. Promulgate and submit to competent authorities for promulgation and take charge of the implementation of legislative normative documents on architecture.

2. Formulate and take charge of implementing the policy on Vietnam's architecture, strategy, program, project and plan for architectural activities.

3. Preside over and consistently take control of urban architecture and rural architecture; administer practice of architecture.

4. Grant, renew, revoke and reissue architecture practicing certificates.

5. Formulate and enforce engineering standards and regulations pertaining to architecture.

6. Preside over and take control of scientific researches and applications of architectural technologies; provide employees with training and refresher courses in architectural activities.

7. Carry out architectural law propaganda, dissemination and education programs.

8. Enter into international cooperation in architecture.

9. Set up and keep archives of documents, databases and provide information necessary for architectural activities.

10. Provide guidance on, inspect and evaluate implementation of laws on architecture; handle any complaint, denunciation and give rewards and impose sanctions on violations arising from architectural activities.

### **Article 37. Responsibilities of the Government, Ministries and Ministry-level agencies**

1. The Government shall exercise uniform state management of architecture on a nationwide scale.

2. The Ministry of Construction shall act as a presiding body assigned to assist the Government in exercising the state management of architectural activities throughout the nation and shall assume the following responsibilities:

a) Develop the policy on development of Vietnam's architecture and submit it to the Prime Minister to seek his approval;

b) Promulgate according to its competence or submit to competent authorities for promulgation and undertake the implementation of policies, legal normative documents, technical standards and regulations pertaining to architectural activities;

c) Take charge of architectural activities as part of project management and evaluation and construction design;

d) Provide instructions for, inspect and assess compliance with law on architecture;

dd) Handle any complaint, denunciation, give rewards and impose actions against violations arising from architectural activities;

e) Take control of scientific researches and applications of architecture technologies; execute architecture-related law propaganda, dissemination and education;

g) Provide professional training and refresher courses in architectural activities;

h) Cooperate with Ministries, Ministry-level agencies and provincial-level People's Committees in inspecting and evaluating the architectural quality of construction projects;

i) Issue architectural design samples for public works and residential homes at rural areas that meet requirements as to adaptation to climate change and prevention and control of natural disasters;

k) Set up the database pertaining to architecture and practice of architecture on a nationwide scale; manage and provide information necessary to perform architectural activities;

l) Enter into international cooperation in architecture.

3. Ministries and Ministry-level agencies shall, within the ambit of their tasks and powers, have the burden of cooperating with the Ministry of Construction in performing the task of State management of architectural activities.

### **Article 38. Responsibilities of all-level People's Committees**

1. Provincial-level People's Committees shall, within the ambit of their duties and powers, have the following responsibilities:

a) Exercise state management of architectural activities under the provisions of this Law and the powers delegated by the Government; issue regulatory documents under their delegated powers; take charge of providing instructions for, inspecting, evaluating and imposing sanctions against violations arising from implementation of law on architectural activities;

b) Implement and cooperate with Ministries and Ministry-level agencies in implementing, monitor, inspect and oversee compliance with regulations on the architectural quality of construction projects.

c) Provide professional training and refresher courses in architecture for managerial employees and staff members of entities under the delegated powers;

d) Set up the database pertaining to architecture and practice of architecture on a local scale; manage and provide information necessary to perform architectural activities;

dd) On an annual basis, submit a review report to the Ministry of Construction on the state management of architectural activities.

2. District-level People's Committees shall, within the ambit of their duties and powers, have the following responsibilities:

a) Exercise the state management of architectural activities within their respective remit in accordance with law;

b) Provide professional training and refresher courses in architecture for managerial employees and staff members of entities under the delegated powers.

## **Chapter V**

### **IMPLEMENTATION PROVISIONS**

#### **Article 39. Amendments and supplements to laws regarding architectural activities**

1. Amending and supplementing the Law on Construction No. 50/2014/QH13 already amended and supplemented by the Law No. 03/2016/QH14 and the Law No. 35/2018/QH14 as follows:

a) Amending and supplementing clause 1 of Article 91 as follows:

“1. Conform to the detailed construction planning scheme already approved by competent state authorities. As for construction works in areas or on streets inside established urban areas without detailed construction planning or urban designs, it is obligatory to conform to regulations on management of architecture promulgated by competent state authorities.”;

b) Amending and supplementing point a of clause 1 of Article 93 as follows:

“a) Correspond to purposes of use of land according to the approved land-use planning and regulations on management of architecture enforced by competent state authorities;”;

c) Attaching clause 4a to clause 4 of Article 148 as follows:

“4a. Entities and persons practicing architecture shall comply with provisions of law on architecture.”;

d) Inserting clause 4 after clause 3 of Article 149 as follows:

“4. Architecture practicing certificates shall be subject to provisions of law on architecture.”;

dd) Repealing Article 81.

2. Amending and supplementing the Law on Urban Planning No. 30/2009/QH12 already amended and supplemented by the Law No. 77/2015/QH13 and the Law No. 35/2018/QH14 as follows:

a) Amending and supplementing clause 1 of Article 69 as follows:

“1. Entities and persons building, renovating and repairing architectural structures, technical infrastructure facilities, social amenities and houses must obey the approved detailed planning, regulations on management of architecture and law on construction.”;

b) Amending and supplementing clause 6 of Article 72 as follows:

“6. Project owners identified in investment decisions shall be responsible for managing technical infrastructure, spaces and architecture according to the approved urban planning, regulations on management of architecture within the boundaries of project sites, except if management tasks are assigned to People’s Committees.”;

c) Repealing Article 60.

3. Replacing the phrase used in several following laws:

a) Replacing the phrase “regulations on management of urban planning and architecture” with “regulations on management of architecture” in clause 2 of Article 93 in the Law on Construction No. 50/2014/QH13 already amended and supplemented by the Law No. 03/2016/QH14 and the Law No. 35/2018/QH14;

b) Replacing the phrase “regulations on management of urban planning and architecture” with “regulations on management of architecture” in clause 2 of Article 20 in the Law on Housing No. 65/2014/QH13;

c) Replacing the phrase “regulations on management of urban planning and architecture” with “regulations on management of architecture” in Article 5, point e of clause 3 of Article 12, clause 3 of Article 13 and clause 1 of Article 52 in the Law on Urban Planning No. 30/2009/QH12 already amended and supplemented by the Law No. 77/2015/QH13 and the Law No. 35/2018/QH14.

4. Removing the phrase “or are selected” at the point d of clause 1 of Article 22 in the Law on Bidding No. 43/2013/QH13 already amended and supplemented by the Law No. 03/2016/QH14 and the Law No. 04/2017/QH14.

#### **Article 40. Entry into force**

This Law shall take effect on July 1, 2020.

#### **Article 41. Transitional provisions**

1. Regulations on management of urban planning and architecture already approved under the provisions of the Law on Urban Planning prior to the entry into force of this Law may be continue to exist till end of December 31, 2021.

2. Construction architectural design tests or selections governed under the provisions of the Law on Construction with the selection plan already approved prior to the entry into force of this Law may be continued to exist till end of December 31, 2021.

3. Construction practicing certificate granted a person providing construction architectural design and construction architectural design evaluation services under law on construction may be valid till end of the expiry date, unless otherwise prescribed in clause 4 of this Article.

4. If construction practicing certificate granted a person providing construction architectural design and construction architectural design evaluation services expires within the period from July 1, 2020 to end of December 31, 2020, it may be continued to exist till end of December 31, 2020; in case of being lost or damaged, it will be reissued in accordance with law on construction.

*This Law is passed in the 7<sup>th</sup> plenary session of the XIV<sup>th</sup> National Assembly of the Socialist Republic of Vietnam held on June 13, 2019.*

**NATIONAL ASSEMBLY’S CHAIRWOMAN**

**Nguyen Thi Kim Ngan**

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