

PRIME MINISTER

No.: **60/2009/QĐ-TTg**

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

Hanoi, 17th April 2009

DECISION

On the amendment of some articles of the Decision No. 14/2009/QĐ-TTg dated 21st January 2009 by the Prime Minister regarding the promulgation of the Regulation on guaranteeing for enterprises to borrow capital in commercial banks

PRIME MINISTER

Pursuant to the Government Organization Law dated 25th December 2001;

Pursuant to the Law on state budget dated 16th December 2002;

Pursuant to the Law on credit organizations dated 12th February 1997, the Law on amendment of some articles of the Law on credit organization dated 16th May 2004;

Pursuant to the Decree No. 90/2001/NĐ-CP dated 23rd November 2001 by the Government regarding assistance to the development of small and medium enterprises;

Pursuant to the Resolution No. 30/2008/NQ-CP dated 11th December 2008 by the Government regarding the urgent solutions to prevent economic recession, maintain economic growth and guarantee social security;

In consideration of the request of Minister of Finance,

DECIDES:

Article 1. To amend item 1 and item 3, the Article 3 of the Decision No. 14/2009/QĐ-TTg dated 21st January 2009 by the Prime Minister as follows:

1. Amend item 1, the Article 3 as follows:

“1. Amend and revise item 2, Article 15 of the Decision No. 193/2001/QĐ-TTg dated 20th December 2001 by item 5, Article 5 of the Regulation issued in attachment with the Decision.”

2. Revise item 3, Article 3 as follows:

“3. Replace Article 18 of the Decision No. 193/2001/QĐ-TTg dated 20th December 2001 by item 1 of Article 8 of the Regulation promulgated in attachment with the Decision.”

Article 2. Revise and amend some articles of the Regulation on guaranteeing for enterprises to borrow capital in commercial banks promulgated in attachment with the Decision No. 14/2009/QĐ-TTg dated 21st January 2009 by the Prime Minister as follows:

1. Amend Article 1 as follows:

“Article 1. Subjects of guarantee for capital loan

Subjects of guarantee for capital loan by the Vietnam Development Bank are enterprises of economic sectors (including Cooperatives) having maximum charter capital of 20 billion dong and using less than 1,000 laborers (in the Regulations collectively referred to as enterprises).

2. Amend item 2, Article 2 as follows:

“2. Do not guarantee enterprises to execute business and production projects in consultancy, property business (excluding construction projects of house sold to low income people; houses leased for workers and students; cemetery construction projects), securities business; borrow capital to pay debt of other credit contracts.”

3. Amend item 3, Article 5 as follows:

“3. Do not have overdue debt in credit organizations. In case enterprises have overdue debt in credit organizations but have investment projects, business and production projects and commit to pay overdue debt, the Guarantor appraises and decides to guarantee capital loan in accordance with the Regulation”.

4. Abrogate item 4, Article 5.

5. Revise item 6, Article 5 as follows:

“6. Use value of loan-based assets to execute investment project for guarantee mortgage at the Guarantor.”

6. Revise Article 7 as follows:

“**Article 7.** Period of guarantee for capital loan

Period of guarantee for capital loan complies with period of capital loan of the Guarantee receiver (including extension time of debt if any)”.

7. Revise item 3, Article 10 as follows:

“3. At the request for capital loan of the enterprise and notification of approval of guarantee of the Guarantor, the Guarantee receiver considers and signs in credit contract with the enterprise. Guarantee receiver must not re-appraise conditions as stated in the Article 5 of the Regulation”.

8. Revise point k, item 1, Article 14 as follows:

“k) Refuse to perform the obligation of guarantee when the Guarantee uses capital loan, loan-based assets for incorrect purpose.”

9. Revise point b, item 2, Article 14 as follows:

“b) Inspect and supervise the utilization of capital loan and loan-based assets of the Guarantee to guarantee that capital loan is used for correct purpose as committed in credit contract safely and effectively.

10. Revise the first bullet item 3, Article 15 as follows:

“- Instruct and have mechanism to create favorable conditions for commercial banks to apply guaranteed interest rate of capital loan lower than interest rate of normal loan of commercial banks in order to guarantee the preference in real interest rate of loan for enterprises.”

Article 3. The Decision comes into force since the date of signing.

Article 4. Ministers, Heads of ministerial-level agencies, Heads of Government agencies, Chairman of People's Committee of provinces, cities directly under Center, Chief Executive Officer and General Director of the Vietnam Development Bank are responsible for executing the Decision.

Destinations:

- Secretariat of CPV Central Committee;
- Prime Minister, Vice Ministers;
- Ministers, ministerial-level agencies; Government agencies;
- Central Steering Committee Office for corruption prevention, fighting;
- People's Council, People's Committee of provinces, cities directly under Central;
- Central Office and Committees of the Party;
- President Office;
- National Council and Committees of National Assembly;
- National Assembly Office;
- People's Supreme Court;
- The State Audit Office;
- The Vietnam Development Bank;
- Central Committee of Vietnamese Fatherland Front;
- Central Agencies of unions;
- National Administration Academy;
- VPCB: BTCN, Vice Chairmen, Government Website, Executive Committee 112, Spokesman of Prime Minister, Departments, Branches, directly under units, Official gazette;
- Store: Archives, KTTH (5b).

PRIME MINISTER

(Signed)

Nguyen Tan Dung