

GOVERNMENT
No. 238-2005-QD-TTg

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, 29 September 2005

**DECISION
ON
PERCENTAGE OF PARTICIPATION OF
FOREIGN PARTIES IN SECURITIES MARKET
OF VIETNAM**

The Prime Minister

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

Pursuant to Decree 144-2003-ND-CP of the Government dated 28 November 2003 on Securities and Securities Market;

Pursuant to Decree 187-2004-ND-CP of the Government dated 16 November 2004 on Conversion of State Owned Enterprises into Shareholding Companies;

Pursuant to Decree 38-2003-ND-CP of the Government dated 15 April 2003 on Conversion of a Number of Foreign Invested Enterprises into Shareholding Companies;

Pursuant to Decision 36-2003-QD-TTg of the Prime Minister dated 11 March 2003 issuing *Regulations on Capital Contribution and Purchase of Shares by Foreign Investors in Vietnamese Enterprises*;

On the proposal of the Minister of Finance;

Decides:

Article 1

Foreign organizations and individuals selling and purchasing securities on the securities market of Vietnam may hold:

- (a) A maximum of forty nine (49) per cent of the total shares listed or registered for trading by any one organization which has been listed or has registered for trading in a Securities Trading Centre. With respect to

organizations which have listed or organizations which have registered for trading being foreign invested enterprises which have been converted into operating in the form of a shareholding company in accordance with Decree 38-2003-ND-CP dated 15 April 2003, the total listed shares shall be the quantity of shares issued to the public in accordance with the plan approved by the competent body.

- (b) A maximum of forty nine (49) per cent of the total investment fund certificates which have been listed or registered for trading of a securities investment fund.
- (c) An unlimited percentage of bonds issued by any issuing organization.

Article 2

Foreign securities trading organizations may make capital contribution, purchase shares or make capital contribution to a joint venture for establishment of a securities company or a company for management of securities investment fund at the maximum rate of forty nine (49) per cent of the charter capital.

Article 3

Where an international treaty of which the Government of Vietnam is a signatory or participant provides otherwise, the international treaty shall apply.

Article 4

This Decision shall replace Decision 146-2003-QD-TTg of the Prime Minister dated 17 July 2003 and shall be of full force and effect after fifteen (15) days from the date of its publication in the Official Gazette.

Article 5

The Minister of Finance shall provide guidelines for implementation of this Decision. Ministers, heads of ministerial equivalent bodies and Government bodies, chairmen of people's committees of provinces and cities under central authority, chairmen of boards of management and general directors of State corporations, and relevant organizations and individuals shall be responsible for implementation of this Decision.

The Prime Minister

PHAN VAN KHAI