

**LAW**

**ON THE PROMULGATION OF LEGAL DOCUMENTS OF THE NATIONAL ASSEMBLY (12TH LEGISLATURE), 3RD SESSION**

*Pursuant to the 1992 Constitution of the Socialist Republic of Viet Nam, to which some amendments have been made in accordance with Resolution No. 51/2001/QH10;  
The National Assembly, hereby, enacts the Law on the Promulgation of Legal Documents.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Legal documents**

1. Legal documents are documents issued or jointly issued by state agencies in accordance with the authority, formats, sequence of steps and procedures prescribed in this Law or the Law on the Promulgation of Legal Documents of Peoples Councils and Peoples Committees, which includes common rules of conducts, which has compulsory effectiveness and the implementation of which is guaranteed by the Government to regulate social relations.
2. Documents which are issued or jointly issued by state agencies but not in accordance with the authority, formats, sequence of steps and procedures prescribed in this Law or the Law on the Promulgation of Legal Documents of Peoples Councils and Peoples Committees are not legal documents.

**Article 2. System of legal documents**

1. Constitution, laws and resolutions of the National Assembly.
2. Ordinances and resolutions of the Standing Committee of the National Assembly.
3. Orders and decisions of the State President.
4. Decrees of the Government.
5. Decisions of the Prime Minister.
6. Resolutions of the Justices Council of the Supreme Peoples Court and circulars of the Chief Justice of the Supreme Peoples Court.
7. Circulars of the President of the Supreme Peoples Procuracy.
8. Circulars of Ministers or Heads of Ministry-equivalent Agencies.
9. Decisions of the State Auditor General.
10. Joint resolutions of the Standing Committee of the National Assembly or the Government and the central offices of socio-political organizations.
11. Joint circulars of the Chief Justice of the Supreme Peoples Court and the President of the Supreme Peoples Procuracy; those of Ministers or Heads of Ministry-equivalent Agencies and the Chief Justice of

the Supreme Peoples Court, the President of the Supreme Peoples Procuracy; those of Ministers or Heads of Ministry-equivalent Agencies.

12. Legal documents of Peoples Councils and Peoples Committees.

### **Article 3. Principles in the development and promulgation of legal documents**

1. Ensuring the constitutionality, legality and consistence of legal documents in the legal system.
2. Complying with the prescribed authority, formats, sequence of steps and procedures in the development and promulgation of legal documents.
3. Ensuring publicity in the development and promulgation of legal documents except ones of the States secret; ensuring transparency of the provisions in legal documents.
4. Ensuring feasibility of legal documents.
5. Causing no difficulties or obstacles to the implementation of the international treaties of which the Socialist Republic of Viet Nam is a member.

### **Article 4. Participation in the development of legal documents**

1. The Viet Nam Fatherland Front and its member organizations, other organizations, state agencies, peoples armed forces and individuals shall have the right to provide comments on draft legal documents.
2. In the process of developing legal documents, the lead drafting agencies/organizations and other concerned agencies/organizations shall be responsible for enabling agencies, organizations, groups and individuals to provide comments on the draft documents and organizing the collection of comments from the direct objects of the legal documents.
3. Comments on the draft documents shall be considered and taken into account during the process of improving and finalizing the documents.

### **Article 5. Language and other technical aspects of legal documents**

1. The language used in legal documents shall be Vietnamese.

The language used in legal documents shall be accurate, popular, articulate and easy to understand.

2. Legal documents shall provide specific regulations directly related to issues that need to be regulated by the documents and no broad regulations and avoid duplication with other legal documents.
3. In the case that a legal document has a broad scope of regulation, it shall, depending on its contents, be divided into parts, chapters, sections, articles, clauses and items/paragraphs; in the case that a legal document has a narrow scope of regulation, it shall consist of articles, clauses and items/paragraphs. All parts, chapters, sections and articles of the legal document shall be titled. There shall be no separate chapter on inspection, complaints, denouncements, rewards and punishments in a legal document unless otherwise indicated.

### **Article 6. Translation of legal documents into ethnic minority and foreign languages**

1. Legal documents may be translated into ethnic minority and foreign languages.
2. The translation of legal documents into ethnic minority and foreign languages shall be decided by the Government.

### **Article 7. Numbering and coding of legal documents**

1. The numbering and coding of legal documents shall indicate clearly their ordinal numbers, years of promulgation, types of documents and promulgating agencies.
2. The ordinal numbering of legal documents shall depend on types of documents and years of promulgation. In the case of laws, ordinances and resolutions of the National Assembly and its Standing Committee, the ordinal numbering shall be based on types of documents and legislatures of the National Assembly.
3. The numbering and coding of legal documents shall be structured as follows:

a) The numbering and coding of laws and resolutions of the National Assembly shall be sequenced as follows: type of document: ordinal number/year of promulgation/abbreviated name of promulgating agency and legislature of the National Assembly ";

b) The numbering and coding of ordinances and resolutions of the Standing Committee of the National Assembly shall be sequenced as follows: type of document: ordinal number/year of promulgation/abbreviated name of promulgating agency and legislature of the National Assembly";

c) The numbering and coding of legal documents other than those referred to in (a) and (b) above shall be sequenced as follows: ordinal number/year of promulgation/type of document in abbreviation - abbreviated name of promulgating agency ".

#### **Article 8. Specific and detailed contents of legal documents**

1. The contents of legal documents shall be detailed and specific so that the documents may be effectively enforced as soon as they come into force; in the case that a legal document contains some articles and clauses related to matters of technical process and standards, which are not very stable, those articles and clauses may assign the relevant state agency to provide a document of detailed regulations on such matters. The assigned agency shall not further delegate this job to any others.

2. The latter document of detailed regulations shall provide specific provisions, which do not repeat those in the former document, and shall be promulgated to come into force at the same time with the former document or former articles, clauses and items/paragraphs.

3. An agency that is assigned to provide detailed regulations on several issues of one legal document may promulgate one document of detailed regulations on such issues, except that such detailed regulations should be split into different documents.

An agency that is assigned to provide detailed regulations on issues addressed by more than one legal documents may promulgate one document of detailed regulations on such issues.

#### **Article 9. Revision, replacement, cancellation, abolishment or suspension of legal documents**

1. Legal documents shall only be revised, substituted, cancelled or abolished by means of documentation by the state agencies that have promulgated those legal documents or shall be suspended, cancelled or abolished my means of documentation by relevant state agencies.

The documents, which stipulate the revision, replacement, cancellation, abolishment or suspension of other legal documents, shall specify the titles as well as the articles, clauses and items/paragraphs in question of the revised, substituted, cancelled, abolished or suspended documents.

2. When promulgating new legal documents, the promulgating agencies shall revise, cancel or abolish, in these documents, the old documents or the articles, clauses and items/paragraphs of the old documents previously promulgated by the same agencies and contradicting the new ones; in the case that the old documents cannot be revised immediately, the promulgating agencies shall include, in the new documents, a clear list of documents, articles, clauses and items/paragraphs contradicting the new ones and be responsible for revising them before the new documents come into force.

3. A legal document may be promulgated to simultaneously revise, supersede, cancel or abolish the contents of several legal documents promulgated by the same agency.

#### **Article 10. Submission and archiving of legal documents, sets of legal document development proposals and other supporting documents and draft legal documents**

1. Legal documents shall be submitted to relevant state agencies for monitoring and examination.

2. Complete sets of legal document development proposals and other supporting documents, drafts and originals of legal documents shall be archived in accordance with the current legislation on archiving.

## **Chapter II**

### **CONTENTS OF LEGAL DOCUMENTS**

#### **Article 11. Constitution, laws and resolutions of the National Assembly**

1. The National Assembly shall develop and revise the countrys Constitution.

The drafting, approval, launching and revision of the Constitution as well as procedures and sequential order of steps in interpreting the Constitution shall be prescribed by the National Assembly.

2. Laws of the National Assembly shall address fundamental issues in the following fields: economics, society, national defence and security, finance, money, budget, tax, ethnicity, religion, culture, education, health, science and technology, environment, external relations, organization and functioning of the state apparatus, civil service, public officials and civil servants, rights and obligations of citizens.

3. Resolutions of the National Assembly shall reflect its decisions on the following issues: socio-economic development tasks; state budget plans and central budget allocations; state budget adjustments; approval of state budget balance sheets; working regimes of the National Assembly as well as of its Standing Committee, Ethnic Council, other Committees and Deputies; ratification of international treaties; and decisions on other issues within the authority of the National Assembly.

#### **Article 12. Ordinances and resolutions of the Standing Committee of the National Assembly**

1. Ordinances of the Standing Committee of the National Assembly shall contain regulations on issues upon instruction by the National Assembly. After a certain period of implementation, these issues shall be proposed to be developed into laws for the National Assemblys consideration and decision.

2. Resolutions of the Standing Committee of the National Assembly shall aim to interpret the Constitution, laws and ordinances; guide the operations of Peoples Councils; decide to announce war and issue national or local appeals for resource mobilization; declare national or local emergencies; and decide on other issues within the authority of the Standing Committee.

#### **Article 13. Orders and decisions of the State President**

Orders and decisions of the State President shall aim to exercise the tasks and authority of the State President defined in the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly.

#### **Article 14. Decrees of the Government**

Decrees issued by the Government shall:

1. Provide detailed guidelines on the implementation of laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, orders and decisions of the State President;

2. Provide specific actions to implement policies in the following fields: economics, society, national defence and security, finance, money, budget, tax, ethnicity, religion, culture, education, health, science and technology, environment, external relations, organization and functioning of the state apparatus, civil service, public officials and civil servants, rights and obligations of citizens and other issues within the Governments management and administration authority;

3. Specify tasks, authority and organizational structures of Ministries and Ministry-equivalent Agencies, Government-affiliated Agencies and other agencies within the authority of the Government;

4. Identify other important issues which are not mature enough to be developed into laws or ordinances to meet governance and socio-economic management requirements. The issuance of decrees shall be subject to agreement by the Standing Committee of the National Assembly.

#### **Article 15. Decisions of the Prime Minister**

Decisions of the Prime Minister shall focus on:

1. Ways to lead, manage and administer the Governments operations and public administration system from the central to grassroots levels, working regimes of the cabinet members, Chairmen of Peoples Committees of provinces and cities under central management and other issues within the Prime Ministers authority;
2. Ways to guide and coordinate the cabinet members activities; and examine operations of Ministries and Ministry-equivalent Agencies, Government-affiliated Agencies and Peoples Committees at all levels in compliance with the States directions, policies and laws.

#### **Article 16. Circulars of Ministers and Heads of Ministry-equivalent Agencies**

Circulars of Ministers and Heads of Ministry-equivalent Agencies shall provide:

1. Detailed guidelines on the implementation of laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, orders and decisions of the State President, decrees of the Government and decisions of the Prime Minister;
2. Regulations on technical processes and standards as well as techno-economic norms of the sector/area covered by each Ministry or Ministry-equivalent Agency;
3. Ways to exercise management of the sector/area covered by each Ministry or Ministry-equivalent Agency and other issues upon instruction by the Government.

#### **Article 17. Resolutions of the Justices Council of the Supreme Peoples Court**

Resolutions of the Justices Council of the Supreme Peoples Court shall guide courts in applying/interpreting laws in a consistent manner.

#### **Article 18. Circulars of the Chief Justice of the Supreme Peoples Court and the President of the Supreme Peoples Procuracy**

1. Circulars of the Chief Justice of the Supreme Peoples Court shall aim to exercise management of local peoples courts and military courts in terms of organizational matters; and provide regulations on other issues within the authority of the Chief Justice of the Supreme Peoples Court.
2. Circulars of the President of the Supreme Peoples Procuracy shall provide ways to ensure the fulfillment of the tasks and authority of local peoples procuracies and military procuracies and regulations on other issues within the authority the President of the Supreme Peoples Procuracy.

#### **Article 19. Decisions of the State Auditor General**

Decisions of the State Auditor General shall prescribe the States auditing standards and guide their implementation; and provide detailed auditing process/procedures and supporting documentation.

#### **Article 20. Joint legal documents**

1. Joint resolutions of the Standing Committee of the National Assembly or the Government and the central offices of socio-political organizations shall provide guidelines on how to address the issues related to the participation of those organizations in state management as stipulated by law.
2. Joint circulars of the Chief Justice of the Supreme Peoples Court and the President of the Supreme Peoples Procuracy as well as those of Ministers/Heads of Ministry-equivalent Agencies and the Chief Justice of the Supreme Peoples Court/the President of the Supreme Peoples Procuracy shall guide the consistent application/interpretation of laws in litigation activities and provide regulations on other issues related to the tasks and authority of those agencies.
3. Joint circulars of Ministers and Heads of Ministry-equivalent Agencies shall provide guidelines on the implementation of laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, orders and decisions of the State President, decrees of the Government and decisions of the Prime Minister related to the functions, tasks and authority of each Ministry and Ministry-equivalent Agency.

## **Article 21. Legal documents of Peoples Councils and Peoples Committees**

Legal documents of Peoples Councils and Peoples Committees shall comply with the Law on the Promulgation of Legal Documents of Peoples Councils and Peoples Committees in terms of contents, authority, formats, sequential order of steps and procedures.

## **Chapter III**

### **DEVELOPMENT AND PROMULGATION OF LEGAL DOCUMENTS OF THE NATIONAL ASSEMBLY AND ITS STANDING COMMITTEE**

#### **Section 1. LAW AND ORDINANCE DEVELOPMENT PROGRAMMING**

##### **Article 22. Law and ordinance development programmes**

1. Law and ordinance development programmes shall be formulated on the basis of adhering to the Partys directions and policies, socio-economic development and national defence and security strategies as well as governance requirements in each period and ensuring fundamental rights and obligations of citizens.
2. A Law and ordinance development programme shall consist of a National Assembly term-based law and ordinance development sub-programme and an annual law and ordinance development sub-programme.
3. The National Assembly shall decide the National Assembly term-based law and ordinance development sub-programme at the second session of each legislature and the annual law and ordinance development sub-programme at the first session in the previous year.

##### **Article 23. Proposals and recommendations on law/ordinance development**

1. Agencies, organizations and deputies of the National Assembly with the right to submit proposed draft legal documents specified in Article 87 of the Constitution shall submit their law/ordinance development proposals and National Assembly deputies shall forward their recommendations on law/ordinance development to the Standing Committee of the National Assembly.

A law/ordinance development proposal shall indicate clearly the need to promulgate such a law or ordinance; its objects and scope of regulation; its basic views/policies and main contents; needed resources/conditions for drafting the document; reported preliminary impact assessment of the document; and expected date of requesting its approval by the National Assembly and its Standing Committee.

Recommendations on law/ordinance development shall indicate clearly the need to promulgate such a law or ordinance and its objects and scope of regulation.

2. The Government shall propose programmes for the development of laws/ ordinances on issues within its functions, tasks and authority to the Standing Committee of the National Assembly as well as provide its comments on law/ordinance development proposals of other agencies, organizations and deputies and recommendations of deputies on law/ordinance development.

The Ministry of Justice shall be responsible for supporting the Government in formulating proposed law/ordinance development programmes based on proposals from Ministries, Ministry-equivalent Agencies and Government-affiliated Agencies.

3. The Government shall consider and deliberate on proposed law/ordinance development programmes in the following format:
  - a) A representative of the Ministry of Justice presents the draft of a proposed law/ordinance development programme;
  - b) Representatives of the agencies/organizations invited to attend the meeting provide their comments;
  - c) The Government deliberates;
  - d) The Government conducts voting for the adoption of the proposed law/ordinance development programme.

## **Article 24. Deadline for submission of proposals and recommendations on law/ordinance development**

1. By March 01 in the previous year at the latest, proposals and recommendations on law/ordinance development shall be submitted to the Standing Committee of the National Assembly for the development of a proposed annual law/ordinance development programme and, at the same time, to the Committee for Legal Affairs of the National Assembly for verification.

By August 01 in the first year of the National Assembly term at the latest, proposals and recommendations on law/ordinance development shall be submitted to the Standing Committee of the National Assembly for the development of a proposed National Assembly term-based law/ordinance development programme and, at the same time, to the Committee for Legal Affairs of the National Assembly for verification.

2. Prior to submission of their proposals and recommendations on law/ordinance development to the Standing Committee, agencies, organizations and deputies of the National Assembly shall forward these proposals and recommendations to the Government for its comments.

## **Article 25. Verification of proposals and recommendations on law/ordinance development**

1. The Committee for Legal Affairs shall collect and play the lead role in verifying law/ordinance development proposals from agencies, organizations and deputies of the National Assembly and recommendations on law/ordinance development from deputies.

The verification shall focus on the need to promulgate the proposed laws/ordinances, their scopes and objects of regulation, their basic policies, consistence, feasibility and order of priority as well as conditions for ensuring their development and implementation.

2. The Ethnic Council and other Committees of the National Assembly shall be responsible for coordinating with the Committee for Legal Affairs in verifying proposals and recommendations on law/ordinance development and providing comments on the need for and order of priority of promulgating the proposed documents in the area covered by each of them.

## **Article 26. Formulating proposed law/ordinance development programmes**

1. The Standing Committee of the National Assembly shall consider and deliberate on proposals and recommendations on law/ordinance development in the following format:

a) A representative of the Government presents an introductory note supporting the submission of the proposed law/ordinance development programme.

Representatives of other agencies and organizations and deputies of the National Assembly provide comments on the proposal and recommendation on law/ordinance development;

b) A representative of the Committee for Legal Affairs presents a report on verification findings;

c) The participants contribute their comments/suggestions;

d) The Standing Committee of the National Assembly deliberates;

e) Representatives of the Government, other agencies and organizations and deputies that have proposals and recommendations in question provide clarification and/or additional explanations/information about the issues raised at the meeting;

f) The Chairperson makes concluding remarks.

2. Based on proposals and recommendations on law/ordinance development of agencies, organizations and deputies of the National Assembly as well as on the verification findings of the Committee for Legal Affairs, the Standing Committee shall prepare a proposed law/ordinance development programme for submission to the National Assembly for consideration and decision.

Documents supporting a proposed law/ordinance development programme shall include an introductory note supporting the submission of the programme and a draft resolution of the National Assembly on that programme. The proposed programme shall be posted on the National Assembly's website.

3. The Committee for Legal Affairs shall play the lead role and coordinate with the concerned agencies in assisting the Standing Committee of the National Assembly to formulate proposed law/ordinance development programmes.

**Article 27. Sequential order of steps in the process of considering and approving proposed law/ordinance development programmes**

1. The National Assembly shall consider and approve proposed law/ordinance development programmes in the following format:

a) A representative of the Standing Committee of the National Assembly presents an introductory note supporting the submission of the proposed law/ordinance development programme;

b) The National Assembly deliberates on the proposed law/ordinance development programme at its plenary session. Prior to this discussion at the plenary session, the proposed programme may be discussed by the deputies in groups;

c) Once the proposed law/ordinance development programme has been discussed and commented on by the National Assembly, the Standing Committee instructs the Committee for Legal Affairs, the Ministry of Justice and other concerned agencies/organizations to study and incorporate the comments and amend/improve the National Assembly's draft resolution on the proposed programme as well as prepare a report on the incorporation of the comments and amendments to the draft resolution;

d) The Standing Committee of the National Assembly reports to the latter on the incorporation of the comments and amendments to the draft resolution on the law/ordinance development programme;

e) The National Assembly votes for the adoption of its resolution on the law/ordinance development programme.

2. The resolution on the law/ordinance development programme shall indicate clearly the titles of the proposed law/ordinance and the draft resolution; in the case of an annual law/ordinance development programme, the resolution shall also indicate the expected date of submission of the proposed law/ordinance and the draft resolution to the National Assembly and its Standing Committee for their consideration and approval.

**Article 28. Implementation of law/ordinance development programmes**

1. The Standing Committee of the National Assembly shall play the steering role in implementing the law/ordinance development programme through the following activities:

a) Assigning agencies, organizations and deputies of the National Assembly to submit proposed laws/ordinances and draft resolutions; designating lead and participating agencies to verify the proposed laws/ordinances and draft resolutions.

In the case that the Standing Committee submits proposed laws and draft resolutions of the National Assembly, the National Assembly shall decide on verifying agencies or set up a provisional Committee for this purpose.

In the case that the Ethnic Council or a Committee of the National Assembly submits proposed laws/ordinances and draft resolutions, the Standing Committee shall decide on verifying agencies;

b) Establishing Drafting Boards for proposed laws/ordinances and draft resolutions in accordance with Clause 1 of Article 30 in this Law;

c) Deciding on the progress of formulating proposed laws/ordinances and draft resolutions as well as specific actions to ensure the implementation of the related law/ordinance development programmes.

2. The Committee for Legal Affairs shall be responsible for supporting the Standing Committee of the National Assembly in organizing the implementation of law/ordinance development programmes.

3. The Ministry of Justice shall be responsible for recommending lead drafting and cooperating agencies to the Government for its decision as well as for helping the Government advance the process of drafting the proposed laws/ordinances and draft resolutions submitted by the Government.



### **Article 29. Adjustment of law/ordinance development programmes**

The Standing Committee of the National Assembly shall decide on the adjustment of law/ordinance development programmes, as/if necessary, and report such adjustment to the National Assembly at the nearest session.

The adjustment of the law/ordinance development programmes shall comply with Articles 23, 24 and 25 in this Law.

## **Section 2. DEVELOPMENT OF LAWS, RESOLUTIONS OF THE NATIONAL ASSEMBLY AND ORDINANCES, RESOLUTIONS OF THE STANDING COMMITTEE**

### **Article 30. Establishment of Drafting Boards and appointment of lead drafting agencies**

1. The Standing Committee of the National Assembly shall establish Drafting Boards and appoint lead drafting agencies in the following cases:

- a) Proposed laws/ordinances and draft resolutions covering several sectors/areas;
- b) Proposed laws and draft resolutions of the National Assembly submitted by the Standing Committee;
- c) Proposed laws/ordinances and draft resolutions submitted by National Assembly deputies. The members of the Drafting Boards shall be decided by the Standing Committee at the request of the deputies.

2. In the case that proposed laws/ordinances and draft resolutions are submitted by the Government, the Government shall assign a Ministry or a Ministry-equivalent Agency to be the lead drafting agency, which shall establish a Drafting Board.

3. In the case that proposed laws/ordinances and draft resolutions are submitted by another agency/organization, that agency/organization shall establish a Drafting Board and act as the lead drafting agency.

### **Article 31. Members of Drafting Boards**

1. A Drafting Board shall consist of its Chairperson, who is the Head of the lead drafting agency/organization, and other members, who are representatives of the senior management of the lead drafting agency/organization and other concerned agencies/organizations and experts/scientists. In the case of a Drafting Board for a proposed law/ordinance and a draft resolution submitted by the Government, its members shall also include representatives of the leadership of the Ministry of Justice and the Office of the Government. A Drafting Board shall consist of at least nine members.

2. Members of a Drafting Board shall be the ones who are acquainted with technical issues of the proposed law/ordinance and draft resolution as well as available and able to participate in all activities of the Board.

### **Article 32. Tasks of Drafting Boards and their Chairpersons**

1. Drafting Boards shall be responsible for organizing the drafting of the proposed laws/ordinances and draft resolutions as well as be responsible to the lead drafting agencies/organizations for the quality and progress of this job.

2. Drafting Boards shall have the following tasks:

- a) Reviewing and approving the outlines of the draft laws/ordinances and resolutions;
- b) Deliberating on related basic policies and substantive issues of the proposed laws/ordinances and draft resolutions;
- c) Deliberating on the draft documents, introductory notes supporting the submission of the draft documents, detailed narratives of the proposed laws/ordinances and draft resolutions as well as on the incorporation of comments from agencies/organizations and individuals;
- d) Ensuring the relevance of the draft documents to the Partys directions and policies as well as their constitutionality, legality, consistence with the legal system and feasibility.

3. The Chairpersons of the Drafting Boards shall have the following tasks:

- a) Establishing editorial teams to support the Drafting Boards and guiding the editorial teams in preparing the outlines of the draft documents as well as in editing and improving the draft documents;
- b) Organizing meetings and other activities of the Drafting Boards.

**Article 33. Tasks of lead drafting agencies/organizations**

1. Reviewing law enforcement/implementation and assessing existing legal documents related to the proposed laws/ordinances and draft resolutions; surveying and assessing the actual status of social relations related to the main contents of the proposed laws/ordinances and draft resolutions; requesting concerned agencies/organizations to review and assess the enforcement/implementation of legal documents in the areas covered by the latter and related to the proposed laws/ordinances and draft resolutions, as/if necessary.

2. Organizing the impact assessment of and preparing impact assessment reports on the draft documents. These reports shall highlight issues that need to be addressed and solutions to each issue; analysis and comparison of the costs and benefits of these solutions.

3. Organizing the study of information, materials and international treaties of which the Socialist Republic of Viet Nam is a member, related to the proposed laws/ordinances and draft resolutions; requesting concerned agencies/organizations and individuals to provide relevant information and literature, as/if necessary.

4. Organizing the collection of comments from concerned agencies/organizations on the proposed laws/ordinances and draft resolutions; consolidating, studying and incorporating these comments.

5. Studying and incorporating the Governments assessments of and comments on the proposed laws/ordinances and draft resolutions not submitted by the Government.

6. Preparing draft documents, introductory notes supporting the submission of the draft documents, detailed narratives of the proposed laws/ordinances and draft resolutions as well as reports on the incorporation of comments from concerned agencies/organizations and individuals; impact assessment reports on the draft documents; and posting these materials on the websites of the Government and the lead drafting agencies/organizations.

7. Identifying the core substantive and also controversial issues of the proposed laws/ordinances and draft resolutions submitted by the Government and reporting these issues to the Government for consideration and decision.

8. Recommending that the drafting agencies identify specific articles, clauses and items/paragraphs of the draft documents.

9. Ensuring the provision of required working conditions to the Drafting Boards and the editorial teams.

In the case of proposed laws/ordinances and draft resolutions submitted by National Assembly deputies, the Office of the National Assembly shall be responsible for ensuring availability of the required working conditions for the Drafting Boards and the editorial teams.

**Article 34. Tasks of agencies/organizations and deputies of the National Assembly submitting proposed laws/ordinances and draft resolutions**

1. Agencies/organizations and deputies of the National Assembly submitting proposed laws/ordinances and draft resolutions shall have the following tasks:

a) Supervising/guiding the Drafting Boards in the drafting process; or supervising/guiding the lead drafting agencies in the case that the proposed laws/ordinances and draft resolutions are submitted by the Standing Committee of the National Assembly/the Government;

b) Considering and deciding the submission to the National Assembly of proposed laws and draft resolutions and to the Standing Committee of proposed ordinances and draft resolutions; in the case of failing to submit the proposed laws/ordinances and draft resolutions as per the schedule in the

law/ordinance development programme, reporting the case immediately to the Standing Committee for its consideration/decision together with clearly stated reasons.

2. In the case that the proposed laws/ordinances and draft resolutions are not submitted by the Government, the submitting agencies/organizations and deputies of the National Assembly shall forward complete sets of the proposed laws/ordinances and draft resolutions together with their supporting documents to the Government for its comments at least forty days before the opening date of the session of the Standing Committee.

3. A set of a proposed law/ordinance or draft resolution and supporting documents submitted to the Government for its comments shall include:

- a) An introductory note supporting the submission of the proposed law/ordinance or draft resolution;
- b) A draft document;
- c) A detailed narrative of the proposed law/ordinance or draft resolution and its impact assessment report;
- d) A review report on law enforcement/implementation and actual status of social relations related to the main contents of the proposed law/ordinance or draft resolution;
- e) Other documents (if any).

### **Article 35. Collection of comments on proposed laws/ordinances and draft resolutions**

1. In the process of drafting the proposed laws/ordinances and draft resolutions, the lead drafting agencies/organizations shall collect comments from concerned agencies/organizations and the direct objects of the legal documents; identifying issues relevant to each consulted agency/organization/object for them to comment on and specific addresses for receiving comments; posting the full texts of the draft legal documents on the websites of the Government and the lead drafting agencies/organizations within minimum sixty days for agencies/organizations and individuals to provide comments on.

2. Comments may be collected directly from the consulted agencies/organizations/individuals or by sending the draft documents to them for their comments or organizing consultative workshops, through the websites of the Government and the lead drafting agencies/organizations or through the mass media.

3. Concerned agencies/organizations shall be responsible for providing their written comments on the proposed laws/ordinances and draft resolutions; specifically, the Ministry of Finance shall be responsible for providing comments on financial sources, the Ministry of Home Affairs on human resources, the Ministry of Natural Resources and Environment on environmental impacts, and the Ministry of Foreign Affairs on relevance to related international treaties of which the Socialist Republic of Viet Nam is a member.

4. The lead drafting agencies/organizations shall be responsible for consolidating, studying and incorporating the collected comments.

### **Article 36. Assessment of proposed laws/ordinances and draft resolutions submitted by the Government**

1. The Ministry of Justice shall be responsible for assessing proposed laws/ordinances and draft resolutions prior to their submission to the Government.

In the case that the proposed laws/ordinances and draft resolutions are complex and related to several sectors/areas or drafted by the Ministry of Justice as the lead drafting agency, the Minister of Justice shall establish an Assessing Council consisting of representatives of concerned agencies, experts and scientists.

2. A complete set of documentation submitted for assessment shall include:

- a) An introductory note supporting the submission of the proposed law/ordinance or draft resolution submitted to the Government;
- b) A draft document;
- c) A detailed narrative of the proposed law/ordinance or draft resolution and its impact assessment report;

d) A review report on law enforcement/implementation and actual status of social relations related to the main contents of the proposed law/ordinance or draft resolution;

e) A consolidated note of comments from agencies/organizations/individuals on the proposed law/ordinance or draft resolution; a copy of comments from Ministries and Ministry-equivalent Agencies; a report on the incorporation of the comments on the proposed law/ordinance or draft resolution;

e) Other documents (if any).

3. Assessing agencies shall focus their assessment on the following issues:

a) The need to promulgate the legal documents in question, their objects and scopes of regulation;

b) The relevance of the draft documents to the Partys directions and policies;

c) Their constitutionality, legality, consistence with the legal system and relevance to related international treaties of which the Socialist Republic of Viet Nam is a member;

d) Their feasibility, including their responsiveness to the actual demands and level of social development as well as required conditions for ensuring their enforcement/implementation;

e) Language and drafting techniques.

The assessing agencies may request the lead drafting agencies to report on the issues related to the contents of the proposed laws/ordinances and draft resolutions, as/if necessary.

4. Assessment reports shall be forwarded to the lead drafting agencies within maximum twenty days from the date on which full sets of documentation submitted for assessment are received.

5. The lead drafting agencies shall be responsible for studying and incorporating the assessments into the amendment/finalization of the draft laws, ordinances and resolutions to be submitted to the Government.

#### **Article 37. Sets of proposed laws/ordinances and draft resolutions and supporting documents submitted to the Government**

1) An introductory note supporting the submission of the proposed law/ordinance or draft resolution submitted to the Government;

2) A draft document;

3) A detailed narrative of the proposed law/ordinance or draft resolution and its impact assessment report;

4) An assessment report, a report on the incorporation of the assessments, a consolidated note of comments on the proposed law/ordinance or draft resolution from agencies/organizations/individuals;

5) A review report on law enforcement/implementation and actual status of social relations related to the main contents of the proposed law/ordinance or draft resolution;

6) Other documents (if any).

#### **Article 38. Amendment and finalization of proposed laws/ordinances and draft resolutions prior to their submission to the Government**

In the case that there exist different opinions among Ministries and Ministry-equivalent Agencies about major substantive issues of a proposed law/ordinance or a draft resolution, the Minister-Chairman of the Office of the Government shall convene a meeting of representatives of the leadership of the lead drafting agency, the Ministry of Justice, other concerned Ministries and Ministry-equivalent Agencies to address those controversial issues prior to their submission to the Government for consideration/decision. Based on comments collected in this meeting, the lead drafting agency shall work with concerned agencies in further revising and finalizing the proposed law/ordinance or draft resolution for submission to the Government.

**Article 39. The Government deliberates and decides the submission of proposed laws/ordinances and draft resolutions**

1. The Government shall be responsible for holding collective consideration/ discussion and following the principle of majority voting in order to decide the submission of proposed laws/ordinances and draft resolutions.

2. The Office of the Government shall identify and report major issues, including controversial ones, of the proposed laws/ordinances and draft resolutions to the Government for its deliberations.

3. Depending on the nature and contents of a proposed law/ordinance or a draft resolution, the Government may consider and deliberate on it at one or several cabinet meetings in the following format:

- a) A representative of the lead drafting agency presents the proposed law/ordinance or draft resolution;
- b) A representative of the Office of the Government presents the remaining controversial issues of the proposed law/ordinance or draft resolution;
- c) Representatives of the agencies/organizations attending the meeting provide their comments;
- d) The Government deliberates;
- e) The Government votes for the submission of the proposed law/ordinance or draft resolution.

4. In the case that the Government has not adopted the submission of the proposed law/ordinance or draft resolution, the Prime Minister shall decide timing for its re-consideration. Based on the cabinet members comments, the lead drafting agency shall coordinate with concerned agencies/organizations in amending/adjusting the proposed law/ordinance or draft resolution.

At the next meeting, the Government shall deliberate on the proposed law/ordinance or draft resolution in the following format:

- a) The lead drafting agency reports the amendments/adjustments to the Government;
- b) The Government deliberates and votes for the submission of the proposed law/ordinance or draft resolution.

**Article 40. The Government provides comments on proposed laws/ordinances and draft resolutions it does not submit**

1. The Government shall be responsible for providing written comments on proposed laws/ordinances and draft resolutions submitted by other agencies/organizations and deputies of the National Assembly within twenty days from the date on which full sets of documentation are received.

2. Ministries and Ministry-equivalent Agencies which are assigned by Prime Minister to prepare comments shall play the lead role and collaborate with the Ministry of Justice in identifying issues that need to be commented on and submitting them to the Government for consideration/decision.

**Section 3. VERIFICATION OF PROPOSED LAWS, ORDINANCES AND DRAFT RESOLUTIONS**

**Article 41. The verification conducted by the Ethnic Council and other committees of the National Assembly.**

1. Proposed laws, ordinances and draft resolutions before being submitted to the National Assembly and the Standing Committee of National Assembly for discussion and comments shall be verified by the National Council and related committees of the National Assembly (hereinafter referred to as verifying agency).

The Ethnic Council and National Assembly committees shall play the lead role in the verification of proposed laws, ordinances and draft resolutions within their domains, and others assigned by the National Assembly, the Standing Committee of National Assembly; participating in the verification of proposed laws, ordinances and draft resolutions, led by other bodies of the National Assembly under the assignment by the Standing Committee of National Assembly.

2. The lead verifying agency has the responsibility to invite representatives of the assigned agencies to participate in the verification and to attend meetings in order to make comments on the contents of the proposed laws, ordinances and draft resolutions relating to their areas and other substantive issues of the proposed laws, ordinances and draft resolutions.

3. The lead verifying agency may invite representatives of the related agencies, organizations, experts/specialists, scientists and representatives of the direct objects of the proposed legal documents to attend meetings to provide comments on the substantive issues of the proposed laws, ordinances and draft resolutions.

4. The verifying agency shall be entitled to request the agencies, organizations and deputies of the National Assembly submitting proposed laws, ordinances and draft resolutions to report on substantive issues of these documents; they may be requested to hold workshops or conduct fact-finding surveys on substantive issues of the proposed laws, ordinances and draft resolutions by themselves or in collaboration with the lead drafting agency.

Agencies, organizations and individuals, when requested, shall be responsible for providing information, documents and responding to other requests raised by the verifying agency.

#### **Article 42. Sets of the proposed laws, ordinances, draft resolutions and other supporting documents and timing for verification**

1. A complete set of the proposed law, ordinance and draft resolution and other supporting documents shall include:

a) An introductory note supporting the submission of the proposed law, ordinance or draft resolution submitted to the National Assembly, the Standing Committee of National Assembly;

b) A draft document;

c) A detailed narrative of the proposed law, ordinance or draft resolution and an assessment report on the impacts of the draft document;

d) An assessment report on the proposed law, ordinance or draft resolution if the document is submitted by the Government; comments of the Government on the proposed law, ordinance or draft resolution if the document is not submitted by the Government; a consolidated note of comments on the proposed law, ordinance or draft resolution;

e) A review report on law enforcement/implementation and the actual status of social relations related to the main contents of the proposed law, ordinance or draft resolution;

f) Other documents (if any).

2. The deadline for the submission of the proposed laws, ordinances and draft resolutions to the Standing Committee of the National Assembly shall be maximum twenty days before the opening date of the Standing Committees session; the submitting agencies, organizations and NA deputies shall send their complete sets of documentation as specified in Clause 1 of this Article to the lead verifying agency and other verifying agencies for them to conduct the verification.

The deadline for the submission of proposed laws, ordinances and draft resolutions to the National Assembly shall be maximum thirty days before the opening date of the National Assemblys session; the submitting agencies, organizations and NA deputies shall send their complete sets of documentation as specified in Clause 1 of this Article to the lead verifying agency and other verifying agencies for them to conduct the verification.

#### **Article 43. Issues to be verified**

The verifying agency shall focus on the following key issues:

1. Scope and objects of regulation by the draft document;

2. Contents of the draft document and controversial issues;

3. The relevance of the draft document to the Partys directions and policies, the Constitution, the existing laws and its consistence with the existing legal system;
4. The feasibility of the draft document.

#### **Article 44. Modalities of verification**

1. The lead verifying agency shall organize a plenary meeting for verification; in the case of the National Assemblys proposed laws and draft resolutions submitted to the Standing Committee for comments, a meeting of Council Standing Members and Committee Standing Members may be convened for the purpose of initial verification.
2. In case that the proposed laws, ordinances and draft resolutions are jointly verified by several agencies, the verification can be conducted in either of the following ways:
  - a) The lead verifying agency arranges a verification meeting with the participation of the representatives of the verifying agencies;
  - b) The lead verifying agency arranges a verification meeting with the participation of the standing members of the verifying agencies.

#### **Article 45. Verification report**

1. The verification report shall demonstrate clearly the viewpoints of the verifying agencies on the issues under verification as specified in the Article 43 of this Law and recommend amendments.
2. The verification report shall fully reflect the comments of the members of the lead verifying agency and also those of the verifying agencies.

Article 46. Responsibilities of the Committee for Legal Affairs in verification to ensure the constitutionality, legality and consistence with the legal system of proposed laws, ordinances and draft resolutions

1. The Committee for Legal Affairs shall have the responsibility to participate in the verification led by other bodies of the National Assembly to ensure the constitutionality, legality and consistence with the legal system of the proposed laws, ordinances and draft resolutions before their submission to the National Assembly, the Standing Committee of National Assembly for review and ratification.
2. The Committee for Legal Affairs shall arrange a meeting of standing members of the Committee or the plenary meeting of the Committee for the preparation of verification comments and for the nomination of the Committees representative to attend the verification meeting of the lead verifying agency.
3. The issues under verification to ensure the constitutionality, legality and consistence with the legal system of the proposed laws, ordinances and draft resolutions shall comprise the followings:
  - a) Relevance of the draft laws and resolutions of the National Assembly to the Constitution; relevance of the draft ordinances and resolutions of the Standing Committee to the Constitution, existing laws and resolutions of the National Assembly.
  - b) The consistence of the draft laws and resolutions of the National Assembly with its existing laws and resolutions; consistence of the draft ordinances and resolutions of the Standing Committee with its existing ordinances and resolutions; consistence among the draft ordinances, laws and resolutions; consistence of drafting techniques.
4. When forwarding a complete set of documentation as specified in Article 42 of this Law, the agencies, organizations and deputies of the National Assembly submitting the proposed laws, ordinances draft resolutions shall also send a copy to the Committee for Legal Affairs.

#### **Article 47. Responsibilities of the Committee for Social Affairs in verifying the integration of gender equality into proposed laws, ordinances and draft resolutions**

1. The Committee for Social Affairs shall have the responsibility to participate in the verification of gender equality integration into proposed laws, ordinances and draft resolutions, which is led by other

bodies of the National Assembly in the case that those proposed laws, ordinances and draft resolutions contain elements related to gender equality.

2. The Committee for Social Affairs shall organize a meeting of the Committees Standing Members or its plenary meeting for the preparation of verification comments and nomination of its representative to attend the verification meeting of the lead verifying agency.

3. The verification of gender equality integration into the proposed laws, ordinances and draft resolutions shall be conducted as specified in Clause 2, Article 22 of the Law on Gender Equality.

4. When forwarding the complete set of documentation as specified in Article 42 of this Law, the agencies, organizations and deputies of National Assembly submitting the proposed laws, ordinances and draft resolutions shall also send a copy to the Committee for Social Affairs.

#### **Section 4. THE STANDING COMMITTEE OF THE NATIONAL ASSEMBLY REVIEWS AND COMMENTS ON PROPOSED LAWS AND DRAFT RESOLUTIONS OF THE NATIONAL ASSEMBLY**

##### **Article 48. Time frame for the Standing Committee of National Assembly to review and comment on the proposed laws and draft resolutions of the National Assembly**

Within maximum seven days before the opening date of the Standing Committees session, the agencies, the organizations and deputies of the National Assembly submitting proposed laws and draft resolutions shall forward the complete set of documentation as specified in Clause 1, Article 42 of this Law to the Standing Committee for comments.

The draft document, the introductory note supporting the submission of the draft document and the verification report on the proposed law or draft resolution shall be posted on the Website of the National Assembly.

##### **Article 49. Sequence of steps taken by the Standing Committee of National Assembly in reviewing and commenting on proposed laws and draft resolutions of the National Assembly.**

1. Depending on the nature and contents of the proposed law or draft resolution of the National assembly, the Standing Committee may review and comment on the draft document only once or repeat the process several times.

2. The Standing Committee of National Assembly shall review and comment on the draft document in the following sequence of steps:

a) The representative of the agency/organization or deputy of the National Assembly submitting the proposed law or draft resolution presents its main contents;

b) The representative of the lead verifying agency presents the verification report and recommends issues for the National Assembly to discuss;

c) The representatives of Agencies/organizations and individuals participating in the meeting provide comments;

d) The Standing Committee of National Assembly then has a discussion;

e) The chairperson makes concluding remarks.

##### **Article 50. The incorporation of the Standing Committees comments and amendment of proposed laws and draft resolutions of the National Assembly**

1. Based on the comments from the Standing Committee of National Assembly, the agencies, organizations and deputies of the National Assembly submitting proposed laws and draft resolutions of the National Assembly shall be responsible for studying and incorporating the comments into the adjustment/amendment of the proposed laws and draft resolutions.

In the case of a proposed law or a draft resolution submitted by the Government, the person authorized by the Prime Minister to submit the draft document shall be responsible for studying and incorporating the



comments into the adjustment/amendment of the proposed law or draft resolution, except for special cases which need to be reported to the Prime Minister for consideration and decision.

2. In case that the agencies, organizations and deputies of the National Assembly submitting proposed laws and draft resolutions of the National Assembly, have their comments different from those of the Standing Committee, the case shall be reported to the National Assembly for consideration and decision.

## **Section 5. DELIBERATION ON, INCORPORATION OF COMMENTS ON, AMENDMENT AND APPROVAL OF PROPOSED DRAFT LAWS, ORDINANCES AND RESOLUTIONS**

### **Article 51: Consideration and approval of proposed draft laws, ordinances and resolutions**

1. The National Assembly shall consider and approve proposed draft laws, ordinances and resolutions at one or two meeting sessions of the National Assembly.

Regarding those proposed draft laws, ordinances and resolutions to be submitted to the National Assembly for consideration and comments, and those submitted to the National Assembly for consideration and approval at a meeting session, complete sets of documentation for proposed draft laws, ordinances and resolutions shall be sent to National Assembly Deputies no later than 20 days before the commencement of the National Assembly Session.

Regarding those proposed draft laws, ordinances and resolutions that have been revised and improved through adopting comments of National Assembly Deputies at the previous meeting session and then submitted to the National Assembly for consideration and approval at the following meeting session, the Standing Committee of the National Assembly shall be responsible for sending those documents to National Assembly Deputies, delegations of National Assembly Deputies, the Ethnic Council and committees of the National Assembly for inputs of comments and improvements no later than 45 days before the commencement of the National Assembly Session.

Delegations of National Assembly Deputies, the Permanent Part of the Ethnicity Council, and the Permanent Parts of the National Assembly Committees shall be responsible for organizing discussions and inputs of comments in writing to be sent to the Office of the National Assembly no later than 20 days before the commencement of the National Assembly Session.

2. The Standing Committee of the National Assembly shall consider and approve proposed draft laws, ordinances and resolutions at one or two meetings of the Standing Committee of the National Assembly.

Complete sets of documentation for proposed draft laws, ordinances and resolutions shall be sent to members of the Standing Committee of the National Assembly no later than 20 days before the commencement of the meeting of the Standing Committee of the National Assembly.

3. Complete sets documentation for proposed draft laws, ordinances and resolutions to be submitted to the National Assembly and the Standing Committee of the National Assembly include those documents stipulated in Clause 1 Article 42 of this Law and reports on assessment of proposed draft laws, ordinances and resolutions.

Draft documents, submissions and reports on assessment of proposed draft laws, ordinances and resolutions shall be posted on the website of the National Assembly.

### **Article 52: Sequential procedures for consideration and approval of proposed draft laws and resolutions at a meeting session of the National Assembly**

The National Assembly shall consider and approve proposed draft laws and resolutions at one of its meeting sessions through the following sequential procedures:

1. Representatives of the agencies, organizations, National Assembly Deputies that submit their proposed draft laws and resolutions shall make presentations on those proposed draft laws and resolutions.

2. Representatives of the agencies that take the lead responsibility in assessing the drafts shall make a presentation on their reports on assessment of those documents.

3. The National Assembly shall discuss at plenary sessions basic contents and major issues of proposed draft laws and resolutions that are subject to controversy. Before being discussed at plenary sessions,

proposed draft laws and resolutions can be discussed at meetings of groups of National Assembly Deputies.

4. In the course of discussions, representatives of agencies and organizations and the National Assembly Member that submit their proposed draft laws and resolutions shall provide explanations regarding issues and problems related to those proposed draft laws and resolutions brought forward by National Assembly Deputies.

5. Regarding important issues of proposed draft laws and resolutions, and major issues that are still subject to controversy, the National Assembly shall apply majority voting at the request of the Standing Committee of the National Assembly. The agencies taking the lead responsibility in assessment of proposed draft laws and resolutions shall coordinate with those agencies, organizations and the National Assembly Member that submit their proposed draft laws and resolutions, the Secretariat of the National Assembly Session and institutions concerned to help the Standing Committee of the National Assembly to anticipate those issues and problems of proposed draft laws and resolutions to submit to the National Assembly for majority voting.

6. After the proposed draft laws and resolutions have been deliberated and commented upon, the Standing Committee of the National Assembly shall guide and organize the follow-up studies, adoption and improvement of the draft documents in the following sequential order:

a. The agencies taking the lead responsibility in assessment of proposed draft laws and resolutions (the lead assessing agencies) shall coordinate with those agencies, organizations and the National Assembly Member that submit their proposed draft laws and resolutions, the Law Committee, the Ministry of Justice and institutions concerned to conduct studies, adoptions and improvement of those draft documents and to prepare reports on adoptions and improvement of those draft documents to be submitted to the Standing Committee of the National Assembly.

b. Proposed draft laws and resolutions shall be sent to the Law Committee for scrutiny and perfection in terms of drafting techniques no later than 5 days before the date of voting for approval. The Law Committee shall take the lead responsibility and coordinate with the assessing agencies, representatives of agencies, organizations the National Assembly Member that submit the proposed draft laws and resolutions to organize checks and scrutiny to ensure constitutionality, legality and consistence of the proposed draft laws and resolutions with the law system.

7. The Standing Committee of the National Assembly shall report to the National Assembly on explanations on adoptions and improvement of the draft laws, ordinances and resolutions. In cases where agencies, organization and National Assembly Member that submit the proposed draft laws and resolutions have different ideas from what has been adopted and improved in the draft documents, those different ideas must be clearly mentioned in the reports.

8. The National Assembly shall approve the proposed draft laws and resolutions by majority voting. In cases where different ideas still remain regarding certain issues and problems, the National Assembly shall settle those differences by majority voting at the request of the Standing Committee of the National Assembly before approving the proposed draft laws and resolutions by majority voting.

9. The Chairperson of the National Assembly shall sign to certify those laws and resolutions passed by the National Assembly. In cases where the proposed draft documents have not been approved or have been approved in part, the improvement and approval of the draft documents shall be conducted in accordance with Clauses 2 and 3 Article 53 of this Law.

### **Article 53. Sequential procedures for consideration and approval of proposed draft laws and resolutions at 2 meeting sessions of the National Assembly**

The National Assembly shall consider and approve proposed draft laws and resolutions at 2 of its meeting sessions in the following sequential order:

1. At the first meeting session:

a. Representatives of agencies, organizations and the National Assembly Member that submit their proposed draft laws and resolutions shall make presentations on those draft documents.

b. Representatives of agencies that take the lead responsibility in assessment of those draft documents shall make presentations on their assessment reports.

c. The National Assembly shall deliberate on those basic contents and major issues and problems that are subject to controversy of the proposed draft laws and resolutions at plenary sessions. Before being deliberated at plenary sessions, proposed draft laws and resolutions can be discussed at meetings of groups of National Assembly Deputies. In the course of discussions, representatives of agencies and organizations and the National Assembly Member that submit their proposed draft laws and resolutions shall provide explanations regarding issues and problems related to those proposed draft laws and resolutions brought forward by National Assembly Deputies.

d. Regarding important issues of proposed draft laws and resolutions, and major issues that are still subject to controversy, the National Assembly shall apply majority voting at the request of the Standing Committee of the National Assembly.

The agencies taking the lead responsibility in assessment of proposed draft laws and resolutions shall coordinate with those agencies, organizations and the National Assembly Member that submit their proposed draft laws and resolutions, the Secretariat of the National Assembly Session and institutions concerned to help the Standing Committee of the National Assembly to anticipate those issues and problems of proposed draft laws and resolutions to submit to the National Assembly for majority voting.

e. The Standing Committee of the National Assembly shall direct the Secretariat of the Session to synthesize comments and ideas of National Assembly Deputies and the voting results to provide a basis for improvements.

2. During the time between the two sessions of the National Assembly, the Standing Committee of the National Assembly shall direct and organize the studies, adoptions and improvements of the draft documents in the following sequential order:

a. The lead assessing agency shall take the lead responsibility and coordinate with those agencies, organizations and the National Assembly Member that submit their proposed draft laws and resolutions, the Law Committee, the Ministry of Justice and institutions concerned for studies, adoptions and improvements of the draft documents and drafting reports on adoptions and improvements of draft documents.

b. The Standing Committee of the National Assembly shall consider and discuss reports on adoptions and improvements and the improved draft documents.

c. The Standing Committee of the National Assembly shall send the improved draft documents to National Assembly Deputies, the delegations of National Assembly Deputies, the Ethnic Council and Committees of the National Assembly for further comments.

d. The lead assessing agency shall synthesize comments from National Assembly Deputies, the delegations of National Assembly Deputies, the Ethnic Council and Committees of the National Assembly for studies, adoptions and improvements of draft documents and completion of reports on explanations for adoptions and improvements of draft documents to be submitted to the Standing Committee of the National Assembly.

3. At the second meeting session:

a. Representatives of the Standing Committee of the National Assembly shall deliver a report to the National Assembly on explanations for adoptions and improvement of the draft laws and resolutions. In cases where agencies, organization and National Assembly Member that submit the proposed draft laws and resolutions have different ideas from what has been adopted and improved in the draft documents, those different ideas must be clearly mentioned in the reports.

b. The National Assembly shall deliberate those contents of the proposed draft laws and resolutions that are still subject to different ideas.

c. The Standing Committee of the National Assembly shall direct and organize studies, adoptions and improvements for draft documents.

d. The proposed draft laws and resolutions shall be sent to the Law Committee for review and perfection in terms of drafting techniques no later than 5 days before the date of voting and approval. The Law Committee shall take the lead responsibility and coordinate with the lead assessing agency, representatives of the agencies, organizations, the National Assembly Member that submit their proposed draft laws and resolutions to conduct reviews to ensure constitutionality, legality and consistence of those draft documents with the law system.

e. The National Assembly shall approve the proposed draft laws and resolutions by majority voting. In cases where different ideas still remain regarding certain issues and problems, the National Assembly shall settle those differences by majority voting at the request of the Standing Committee of the National Assembly before approving the proposed draft laws and resolutions by majority voting.

f. The Chairperson of the National Assembly shall sign to certify those laws and resolutions passed by the National Assembly. In cases where the proposed draft documents have not been approved or have been approved in part, the consideration and approval of those draft documents shall be decided upon by the National Assembly at the request of the Standing Committee of the National Assembly.

**Article 54. Sequential procedures for consideration and approval of proposed draft ordinances and resolutions of the Standing Committee of the National Assembly**

1. The Standing Committee of the National Assembly shall consider and approve proposed draft ordinances and resolutions at one of its meetings in the following sequential order:

a. Representatives of agencies, organizations and the National Assembly Member that submit their proposed draft ordinances and resolutions shall make presentations on those draft documents.

b. Representatives of agencies that take the lead responsibility in assessment of those draft documents shall make presentations on their assessment reports.

c. The invited representatives of agencies, organizations and individuals shall state their opinions and views.

d. The Standing Committee of the National Assembly shall discuss, and the chairperson of the meeting shall draw conclusions.

e. The agency taking the lead responsibility for assessment of proposed draft documents shall be responsible for coordinating with agencies, organizations, National Assembly Deputies that submit their proposed draft ordinances and resolutions, the Law Committee, the Ministry of Justice and institutions concerned for studies, adoptions and improvements of the draft documents.

f. Proposed draft ordinances and resolutions shall be sent to the Law Committee for scrutiny and perfection in terms of drafting techniques no later than 3 days before the date of voting for approval. The Law Committee shall take the lead responsibility and coordinate with the assessing agencies, representatives of agencies, organizations the National Assembly Member that submit the proposed draft ordinances and resolutions to organize checks and scrutiny to ensure constitutionality, legality and consistence of the proposed draft ordinances and resolutions with the law system.

g. Representatives of the lead assessing agency shall report to the Standing Committee of the National Assembly on adoptions and improvements for the draft documents. In cases where agencies, organizations the National Assembly Member that submit the proposed draft ordinances and resolutions have different opinions from what has been revised and improved in the draft documents, those differences shall be clearly mentioned in the report.

h. The Standing Committee of the National Assembly shall approve the proposed draft ordinances and resolutions by majority voting. In cases where different opinions still remain, the Standing Committee of the National Assembly shall settle those differences at the request of the chairperson of the meeting before approving the proposed draft ordinances and resolutions by majority voting.

i. The Chairperson of the National Assembly shall sign the ordinances and resolutions passed by the Standing Committee of the National Assembly.

2. The Standing Committee of the National Assembly shall consider and approve proposed draft ordinances and resolutions at two of its meetings in the following sequential order:

a. At the first meeting session, the presentations and discussions shall be undertaken in the sequential order as stipulated in Clauses a, b, c and d of Part 1 of this Article. The Standing Committee of the National Assembly shall discuss and vote some issues of the proposed draft ordinances and resolutions at the request of assessing agency to provide a basis for revision and improvement.

b. During the time between the two meeting sessions, the lead assessing agency shall take the lead responsibility and coordinate with agencies, organizations and National Assembly Deputies that submit their proposed draft ordinances and resolutions, the Law Committee, the Ministry of Justice and institutions concerned for studies, adoptions and improvements for the draft documents under the direction of the Standing Committee of the National Assembly.

c. Proposed draft ordinances and resolutions shall be sent to the Law Committee for scrutiny and perfection in terms of drafting techniques no later than 3 days before the date of voting for approval. The Law Committee shall take the lead responsibility and coordinate with the assessing agencies, representatives of agencies, organizations the National Assembly Member that submit the proposed draft ordinances and resolutions to organize checks and scrutiny to ensure constitutionality, legality and consistence of the proposed draft ordinances and resolutions with the law system.

d. At the second meeting session, the lead assessing agency shall report to the Standing Committee of the National Assembly on the revision and improvement of the draft documents. In cases where agencies, organizations and National Assembly Deputies that submit their proposed draft ordinances and resolutions have different opinions from what has been revised and improved in the draft documents, those differences shall be clearly mentioned in the report.

e. The Standing Committee of the National Assembly shall approve the proposed draft ordinances and resolutions by majority voting. In cases where different opinions still remain, the Standing Committee of the National Assembly shall settle those differences at the request of the chairperson of the meeting before approving the proposed draft ordinances and resolutions by majority voting.

f. The Chairperson shall sign the ordinances and resolutions passed by the Standing Committee of the National Assembly.

**Article 55. Complete sets of documentation for proposed draft laws, ordinances and resolutions to be submitted to the National Assembly and the Standing Committee of the National Assembly for approval**

Complete sets of documentation for proposed draft laws, ordinances and resolutions to be submitted to the National Assembly and the Standing Committee of the National Assembly for approval include the following:

1. Reports on adoptions and improvements for the draft documents;
2. Revised and improved draft documents.

**Article 56. The approval dates of laws, ordinances and resolutions passed by the National Assembly and the Standing Committee of the National Assembly**

The date of approving laws, ordinances and resolutions passed by the National Assembly and the Standing Committee of the National Assembly shall be the one on which the National Assembly and the Standing Committee of the National Assembly approve those laws, ordinances and resolutions by majority voting.

**Section 6. PROMULGATION OF LEGAL DOCUMENTS PASSED BY THE NATIONAL ASSEMBLY AND THE STANDING COMMITTEE OF THE NATIONAL ASSEMBLY**

**Article 57. Promulgation of laws, ordinances and resolutions**

1. The President of the State shall issue orders for the promulgation of laws and resolutions passed by the National Assembly, ordinances and resolutions passed by the Standing Committee of the National Assembly no later than 15 days since the date on which laws, ordinances and resolutions were passed.

2. For those ordinances and resolutions that have been passed by the Standing Committee of the National Assembly but the President of the State requests the Standing Committee of the National Assembly to reconsider as ruled by Clause 7 Article 103 of the Constitution, the Standing Committee of the National Assembly shall reconsider what has been requested by the President of the State. If those ordinances and resolutions are still approved by the Standing Committee of the National Assembly by majority voting but are not agreed upon by the President of the State, the President of the State shall submit them to the National Assembly for determination at the nearest session. In these cases, those ordinances and resolutions shall be promulgated no later than 10 days since the date on which the Standing Committee of the National Assembly re-approved them or the National Assembly passed them.

## **Chapter IV**

### **PREPARATION AND PROMULGATION OF LEGAL DOCUMENTS OF THE PRESIDENT OF THE STATE**

#### **Article 58. Preparation and promulgation of orders and decisions of the President of the State**

1. The President of the State shall determine the agency to prepare the draft presidential orders and decisions, either by himself/herself or at the request of the Government, the Supreme Peoples Court and the Supreme Peoples Procuracy.
2. The nominated agency shall organize studies and researches and prepare draft presidential orders and decisions.
3. Depending on the content of the draft presidential orders and decisions, the President of the State shall decide to post the full texts on the website of the agency charged with preparing presidential orders and decisions. The posting of the full texts of draft documents shall allow at least 60 days for agencies, organizations and individuals to give their comments and inputs of ideas.
4. The agency charged with preparing presidential orders and decisions shall be responsible for undertaking studies and researches and adopting comments and ideas from agencies, organizations and individuals for the revision and improvement of draft orders and decisions, and shall report to the President of the State on so doing.
5. The President of the State shall consider and sign to promulgate presidential orders and decisions.

## **Chapter V**

### **PREPARATION AND ISSUANCE OF LEGAL DOCUMENTS OF THE GOVERNMENT, THE PRIME MINISTER, MINISTERS, HEADS OF MINISTRY-EQUIVALENT AGENCIES**

#### **Article 59. Formulation of the agenda for the development of decrees**

1. The Office of the Government shall take the lead responsibility and coordinate with the Ministry of Justice and agencies concerned to formulate the Governments tentative annual agenda for the development of decrees based on requests of Ministries, Ministry-equivalent Agencies, Government-affiliated Agencies, agencies, organizations and individuals.

Requests for the development of decrees shall have to highlight the need/ necessity, main contents and policies, and reports on assessment of preliminary impacts of the legal regulatory documents to be issued.

2. In cases of need, the Office of the Government shall take the lead responsibility and coordinate with the Ministry of Justice to organize meetings with participation of representatives of agencies and organizations concerned to consider requests for the development of decrees of the Government.

Agencies and organizations that submit their requests for the development of decrees shall nominate their representatives to make presentations on issues and problems related to their requests.

3. The Office of the Government shall formulate the Governments tentative agenda for the development of decrees and send it to Ministries, Ministry-equivalent agencies and Government-affiliated agencies for

comments and inputs of ideas and at the same time post it on the website of the Office of the Government for agencies, organizations and individuals to give their comments.

4. The Government shall endorse its tentative annual agenda for the development of decrees. The Prime Minister shall nominate Ministries, Ministry-equivalent agencies and Government-affiliated agencies to take the lead responsibility for development of draft decrees.

#### **Article 60. The Decree Drafting Board**

1. The lead drafting agency shall create a Decree Drafting Board. A Decree Drafting Board shall consist of a Chairperson who represents the lead drafting agency, and other members who are representatives of the lead assessing agency, agencies and organizations concerned, experts and scientists.

The Decree Drafting Board shall be responsible to the lead drafting agency for the quality and the progress of the development of draft decrees.

The Chairperson of the decree drafting board shall create an Editorial Team to support the Decree Drafting Board and to perform tasks assigned by the Decree Drafting Board.

2. The Decree Drafting Board has the following responsibilities:

- a) Considering and finalizing the outlines of draft decrees;
- b) Discussing main issues and contents of draft decrees, issues that are subject to different opinions of Ministries, Ministry-equivalent agencies, Government-affiliated agencies;
- c) Discussing those contents that need to be adopted, revised and improved according to the points of view of the lead assessing agency, and comments and ideas of agencies, organizations and individuals;
- d) Making sure that the rulings of draft documents are consistent with the guidelines and policies of the Party, the Constitution, laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly; ensuring unity and conformity of the draft documents with the system of laws; and ensuring feasibility of the documents.

3. Based on the outputs of discussions of the Decree Drafting Board, the Chairperson shall direct the Editorial Team to prepare, to revise and to improve draft decrees.

#### **Article 61. Responsibilities of the lead drafting agency for drafting a decree**

1. The lead drafting agency for drafting a decree shall be accountable to the Government for the content and quality of the draft decree and the progress of drafting the decree.

2. The lead drafting agency for drafting a decree has the following responsibilities:

- a) Undertaking synthesis reviews of the enforcement of laws, assessments of current legal regulatory documents related to the draft decree in question; conducting surveys and evaluations of the current status of the social relationships related to the main contents of the draft decree.
- b) Organizing studies and researches of information, documentations and those international treaties of which Vietnam is one of the signatories that are related to the draft decree.
- c) Organizing consultations, studies, adoptions, revisions and improvements for the draft decree; preparing submissions and reports on explanations for adoption of comments on the draft decree, reports on assessment of impacts of the draft decree, and posting those documents on the website of the Government or that of the lead drafting agency.
- d) Ensuring necessary conditions for the operation of the Decree Drafting Board and the Editorial Team.

#### **Article 62. Collection of comments and ideas as inputs for the preparation of the draft decree**

1. In the course of developing draft decrees, the lead drafting agency shall have to organize for the collection of comments and ideas from ministries, Ministry-equivalent agencies, Government-affiliated agencies, and target groups that are directly affected by the document in question. Issues and problems that are open for comments and suggestions, and the addresses to which comments are sent should be highlighted. The full text of the draft decree should be posted on the website of the Government or that of

the lead drafting agency at least for 60 days for agencies, organizations and individuals to submit their comments and ideas.

2. Collection of comments and ideas as inputs for the development of the draft decree can be undertaken in the form of direct comments and suggestions, circulation of the draft decree for comments and suggestions, organizing consultation workshops, making use of websites of the Government and the lead drafting agency or mass media.

3. The lead drafting agency shall be responsible for synthesis, studies and researches, and adoption of comments and suggestions.

#### **Article 63. Assessment and verification of draft decrees**

1. The Ministry of Justice shall be responsible for assessing and verifying draft decrees before they are submitted to the prime Minister.

Regarding those draft decrees that have complicated contents, related to many sectors and fields, or being prepared by the Ministry of Justice as the lead drafting agency, the Minister of Justice shall create an Assessors Council which consists of representatives of stakeholders, experts and scientists.

2. The complete set of documents to be submitted for assessment and verification include the following:

The submission to the Government on the draft decree;

The draft decree;

c) An account of detailed explanations and a report on assessment of impacts exerted by the draft decree;

d) A synthesis report on comments and suggestions from agencies, organizations, individuals and target groups directly affected by the draft decree; a photocopy of the account of comments and suggestions of Ministries, Ministry-equivalent agencies and Government-affiliated agencies; a report on adoption of comments and suggestions.

Other documents (if any).

3. The contents for the assessment and verification of the draft decree are stipulated at Clause 3 Article 36 of this Law.

4. In cases of need, assessing agencies may request the lead drafting agency to report on issues and problems covered by the draft decree, and assessing agencies themselves or together with the lead drafting agency may organize field surveys into issues and problems covered by the draft decree. The lead drafting agency shall be responsible for providing necessary information and documents to serve the assessment and verification of the draft decree.

5. Reports on assessment and verification of the draft decree shall be sent to the lead drafting agency no later than 15 days since the date on which the assessing agency received the complete sets of documents for assessment and verification.

6. The lead drafting agency shall be responsible for taking into consideration comments and suggestions of the assessing agency for the improvement of the draft decree to be submitted to the Prime Minister.

#### **Article 64. The complete set of the draft decree and supporting documents to be submitted to the Prime Minister**

This includes the following:

1. The submission to the Government on the draft decree.

2. The draft decree after being revised and improved with adoption of comments and suggestions of the assessing agency, other agencies, organizations and individuals.

3. An account of adoption of comments and suggestions of the assessing agency and of other agencies, organizations and individuals.

4. An account of detailed explanations and a report on assessment of impacts exerted by the draft decree.



5. A synthesis report on comments and suggestions from agencies, organizations, individuals.

Other documents (if any).

#### **Article 65. Improvement and finalization of draft decrees before submitting them to the Government**

In cases where different opinions and ideas remain amongst Ministries, Ministry-equivalent agencies and Government-affiliated agencies regarding major issues and problems covered by the draft decree, the Minister Chairman of the Office of the Government shall convene a meeting of representatives of the leadership of the lead drafting agency, the Ministry of Justice, the leadership of Ministries, Ministry-equivalent agencies and Government-affiliated agencies concerned to settle those differences before submitting them to the Government for consideration and decision. Based on the outputs of this meeting, the lead drafting agency in conjunction with agencies concerned shall continue to improve and finalize the draft decree to be submitted to the Government.

#### **Article 66. Sequential procedures for consideration and approval of draft decrees**

Depending on the nature and the content of the draft decree in question, the Government may consider and approve it at one or two of its meetings in the following sequential procedures:

1. Representatives of the lead drafting agency shall make presentations of the draft decree;
2. Representatives of the Office of the Government shall bring forward those issues and problems that need discussions;
3. Representatives of agencies and organizations attending the meeting to express their opinions and viewpoints;
4. The Government shall discuss.

The lead drafting agency shall coordinate with the Ministry of Justice, the Office of the Government and other agencies concerned to revise and improve the draft decree taking into consideration comments and ideas of the Government.

5. The Government shall approve the draft decree by majority voting.

In the case where the draft decree is not approved, the Prime Minister shall direct and guide those issues and problems that need revision and improvement and set the deadlines for re-submitting the draft decree, and at the same time assign the lead drafting agency to the job of perfecting the draft decree to be submitted to the Government for consideration and approval.

6. The Prime Minister shall sign decrees.

#### **Article 67. Preparation and issuance of decisions of the Prime Minister**

1. Ministries, Ministry-equivalent agencies, Government-affiliated agencies shall be responsible for preparing draft decisions of the Prime Minister as assigned by the Prime Minister.
2. The lead drafting agency shall be responsible for posting the full text of the draft decision of the Prime Minister on the website of the Government or that of the lead drafting agency for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.

Depending on the nature and the contents of the draft decision in question, the lead drafting agency shall send the draft decision to Ministries, Ministry-equivalent agencies, Government-affiliated agencies concerned to collect their comments and suggestions.

3. The Ministry of Justice shall be responsible for assessing and verifying the draft decision of the Prime Minister. The contents of assessment and verification is stipulated at Clause 3 Article 36 of this Law. The report on assessment and verification of the draft decision shall be sent to the lead drafting agency no later than 10 days since the date on which the complete set of the draft decision and supporting documents were fully received.

4. The lead drafting agency shall be responsible for taking into consideration comments and suggestions of the assessing agency, other agencies, organizations and individuals for revision and improvement of the draft decision and report to the Prime Minister.

5. The Prime Minister shall consider and sign to issue the decision.

**Article 68. Preparation and issuance of circulars of Ministers, Heads of Ministry-equivalent agencies**

1. The job of preparing draft circulars shall be assigned by Ministers and Heads of Ministry-equivalent agencies; and units under the Ministry, the Ministry-equivalent agency shall be engaged to do the job under the direction of Ministers and Heads of Ministry-equivalent agencies.

2. The draft circular shall be posted on the website of the issuing agency for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.

Depending on the nature and the content of the draft circular in question, it shall be sent to Ministries, Ministry-equivalent agencies, Government-affiliated agencies concerned to collect their comments and suggestions.

3. The departments of legal affairs of Ministries and the Ministry-equivalent agencies shall be responsible for assessing and verifying the draft circulars according to what is stipulated in Clause 3 Article 36 of this Law.

4. The units assigned with the job of preparing the draft circulars shall take the lead responsibility and coordinate with units concerned to consider and to adopt comments and suggestions of the assessing units, agencies, organizations and individuals for the revision and improvement of the draft circulars, and report to the Ministers and Heads of Ministry-equivalent agencies.

5. Ministers, Heads of Ministry-equivalent agencies shall consider, sign and issue circulars.

**Chapter VI**

**PREPARATION, PROMULGATION OF LEGAL DOCUMENTS OF THE JUSTICES COUNCIL OF THE SUPREME PEOPLES COURT, THE CHIEF JUSTICE OF THE SUPREME PEOPLES COURT, THE PRESIDENT OF THE SUPREME PEOPLES PROCURACY, THE STATE AUDITOR GENERAL**

**Article 69. Preparation and promulgation of resolutions of the Justices Council of the Supreme Peoples Court**

1. Preparation of draft resolutions of the Justices Council of the Supreme Peoples Court shall be organized and directed by the Chief Justice of the Supreme Peoples Court.

2. Draft resolutions shall be posted on the website of the Supreme Peoples Court for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.

Depending on the nature and content of the draft resolutions, the Chief Justice of the Supreme Peoples Court shall decide to send the draft resolution to the Supreme Peoples Procuracy, the Ministry of Justice, local Peoples Courts, military courts and agencies and organizations concerned to collect their comments and suggestions.

3. The Chief Justice of the Supreme Peoples Court shall direct the adoption of submitted comments and suggestions for the improvement of the draft resolution.

4. Draft resolutions shall be discussed at the meeting of the Justices Council of the Supreme Peoples Court with participation of the President of the Supreme Peoples Procuracy and the Minister of Justice.

5. The Justices Council of the Supreme Peoples Court shall approve the draft resolutions by majority voting.

In the cases where the President of the Supreme Peoples Procuracy, the Minister of Justice do not agree with the resolutions of the Justices Council of the Supreme Peoples Court, they shall be entitled to

reporting to the Standing Committee of the National Assembly for the latter to consider and give their viewpoints at the nearest meeting.

6. The Chief Justice of the Supreme Peoples Court shall sign the resolutions of the Justices Council of the Supreme Peoples Court.

**Article 70. Preparation and issuance of circulars of the Chief Justice of the Supreme Peoples Court**

1. Preparation of draft circulars of the Chief Justice of the Supreme Peoples Court shall be organized and directed by the Chief Justice of the Supreme Peoples Court.

2. Draft circulars shall be posted on the website of the Supreme Peoples Court for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.

Depending on the nature and content of the draft circulars, the Chief Justice of the Supreme Peoples Court shall decide to send the draft circulars to local Peoples Courts, military courts and agencies and organizations concerned to collect their comments and suggestions.

3. Draft circulars of the Chief Justice of the Supreme Peoples Court shall be discussed and commented upon by the Justices Council of the Supreme Peoples Court.

4. The Chief Justice of the Supreme Peoples Court shall direct the adoption of submitted comments and suggestions, consider, sign and issue the circulars.

**Article 71. Preparation and issuance of circulars of the President of the Supreme Peoples Procuracy**

1. Preparation of draft circulars of the President of the Supreme Peoples Procuracy shall be organized and directed by the President of the Supreme Peoples Procuracy.

2. Draft circulars shall be posted on the website of the Supreme Peoples Procuracy for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.

Depending on the nature and content of the draft circulars, the President of the Supreme Peoples Procuracy shall decide to send the draft circulars to local Peoples Procuracies, Military Procuracies and agencies and organizations concerned to collect their comments and suggestions.

3. Draft circulars of the President of the Supreme Peoples Procuracy shall be discussed and commented upon by the Procurators Committee of the Supreme Peoples Procuracy.

4. The President of the Supreme Peoples Procuracy shall direct the adoption of submitted comments and suggestions, consider, sign and issue the circulars.

**ARTICLE 72. PREPARATION AND ISSUANCE OF DECISIONS OF THE STATE AUDITOR GENERAL**

1. Preparation of draft decisions of the State Auditor General shall be organized and directed by the State Auditor General.

2. Draft decisions shall be posted on the website of the State Audit of Vietnam for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.

3. Depending on the nature and content of the draft decisions, the State Auditor General shall decide to send the draft decisions to agencies and organizations concerned to collect their comments and suggestions.

4. The State Auditor General shall direct the adoption of submitted comments and suggestions, consider, sign and issue the decisions.

## **Chapter VII**

### **PREPARATION AND PROMULGATION OF JOINT LEGAL DOCUMENTS**

#### **Article 73. Preparation and promulgation of joint legal documents**

1. The agency charged with the lead responsibility for preparing the draft joint resolutions (hereunder referred to as the lead drafting agency, for short) of the Standing Committee of the National Assembly or of the Government with central agencies of socio-political organizations shall be nominated by the Standing Committee of the National Assembly or the Government respectively.
2. The lead drafting agency shall be responsible for organizing the preparation of draft joint resolutions.
3. Draft joint resolutions shall be posted on the website of the lead drafting agency for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.
4. The lead drafting agency shall be responsible for considering and adopting submitted comments and suggestions for revision and improvement of the draft joint resolutions.
5. Draft joint resolutions shall be approved after agreement and consensus of the agencies that have the jurisdiction and competence to promulgate those joint resolutions has been obtained.

The Chairperson of the National Assembly or the Prime Minister and the head of the socio-political organization in question shall co-sign the joint resolutions.

#### **Article 74. Preparation and issuance of joint circulars**

1. The agency charged with the lead responsibility for preparing the draft joint circulars (hereunder referred to as the lead drafting agency, for short) of the Chief Justice of the Supreme Peoples Court and the President of the Supreme Peoples Procuracy; of the Chief Justice of the Supreme Peoples Court, the President of the Supreme Peoples Procuracy and a Minister or a Head of a Ministry-equivalent agency; or of Ministers and Heads of Ministry-equivalent agencies; shall be nominated by the Chief Justice of the Supreme Peoples Court, the President of the Supreme Peoples Procuracy, Ministers and Heads of Ministry-equivalent agencies with agreement and consensus on work division.
2. The lead drafting agency shall be responsible for organizing the preparation of the draft joint circulars.
3. Draft joint circulars shall be posted on the website of the lead drafting agency for at least 60 days for agencies, organizations and individuals to submit their comments and suggestions.

In preparing draft joint circulars of the Chief Justice of the Supreme Peoples Court or of the President of the Supreme Peoples Procuracy and Ministers or Heads of Ministry-equivalent agencies, comments and suggestions of members of the Justices Council of the Supreme Peoples Court, members of the Procurators Committee of the Supreme Peoples Procuracy shall be taken into account.

4. The lead drafting agency shall be responsible for considering and adopting submitted comments and suggestions for revision and improvement of the draft joint circulars.
5. Draft joint circulars shall be approved after agreement and consensus of the agencies that have the jurisdiction and competence to promulgate those joint circulars has been obtained.

The Chief Justice of the Supreme Peoples Court, the President of the Supreme Peoples Procuracy, Ministers and Heads of Ministry-equivalent agencies shall co-sign the joint circulars.

## **Chapter VIII**

### **PREPARATION AND PROMULGATION OF LEGAL DOCUMENTS USING THE ABRIDGED SEQUENTIAL PROCEDURES**

#### **Article 75. Cases of preparing and promulgating legal documents using the abridged sequential procedures**

1. In cases of emergency or in cases where urgent amendments or revisions are needed to ensure consistence with newly promulgated legal documents, the preparation and promulgation of laws and

resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, orders and decisions of the President of the State, decrees of the Government, and decisions of the Prime Minister can be undertaken using the abridged sequential procedures.

2. The Standing Committee of the National Assembly shall decide the preparation and promulgation of ordinances and resolutions of the Standing Committee of the National Assembly using the abridged sequential procedures; submit to the National Assembly the preparation and promulgation of laws and resolutions of the National Assembly using the abridged sequential procedures.

The President of the State shall decide the use of the abridged sequential procedures for the preparation and promulgation of orders and decisions of the President of the State.

The Prime Minister shall decide the use of the abridged sequential procedures for the preparation and promulgation of decrees of the Government and decisions of the Prime Minister.

3. Preparation and promulgation of legal documents using the abridged sequential procedures shall be undertaken as follows:

a) The lead drafting agency shall not necessarily create a Drafting Board or an Editorial Team to prepare the draft legal documents. Rather, it shall directly organize the preparation of such documents.

b) The lead drafting agency may organize the collection of comments and suggestions for the draft legal documents from agencies, organizations and individuals concerned.

c) The assessing agency and the examining and verifying agency shall be responsible for assessing the draft legal documents right after having received the complete sets of draft legal documents and supporting documents.

**Article 76. The complete set of documents for the submission of draft legal documents using the abridged sequential procedures**

1. The statement on the submission of the draft legal documents.

2. The draft legal documents.

3. The report on assessment of the draft decrees of the Government and draft decisions of the Prime Minister; the report on examination and verification of the proposed draft laws and draft resolutions of the National Assembly, the proposed draft ordinances and draft resolutions of the Standing Committee of the National Assembly.

**Article 77. Consideration and approval of proposed draft legal documents using the abridged sequential procedures**

In the case ruled by Clause 1 Article 75 of this Law, the National Assembly shall consider and approve the proposed draft legal documents at one of its meeting sessions; and the Standing Committee of the National Assembly and the Government shall consider and approve proposed draft legal documents at one of their meetings.

**Chapter IX**

**VALIDITY OF LEGAL DOCUMENTS, PRINCIPLES OF APPLYING AND PUBLICLY ANNOUNCING LEGAL DOCUMENTS**

**Article 78. Effective dates of legal documents and publication of legal documents on the Official Gazette**

1. Effective dates of legal documents shall be stipulated in the legal documents themselves but no sooner than 45 days since the dates of their promulgation or signatures.

In the event of legal documents stipulating measures to be taken in a state of emergency, and legal documents promulgated to promptly meeting requirements for natural disaster preparedness and outbreaks of epidemics, such legal documents may take effect on the dates of their promulgation or signatures on the condition that they are immediately posted on the website of the issuing agency and

announced on the mass media; and posted on the Official Gazette of the Socialist Republic of Vietnam (hereunder referred to as the Official Gazette) no later than 20 working days since the dates of their promulgation or signatures.

2. Legal documents must be published on the Official Gazette. Those legal documents fail to be published on the Official Gazette shall take no effect, except those legal documents that have contents classified as State secrets and those cases stipulated at Paragraph 2 Clause 1 of this Article.

The agency that issued the legal document shall have to send the legal document to the Official Gazette agency for it to be published on the Official Gazette no later than 2 working days.

The Official Gazette agency shall be responsible for publishing the full text of the legal document on the Official Gazette no later than 15 days from the date of receiving the legal document.

The legal document that is published on the Official Gazette shall be the official legal document which is as valid as the original legal document.

The Government shall establish detailed regulations on the Official Gazette.

#### **Article 79. Retrospective effect of legal documents**

1. Legal documents shall be designed to take retrospective effect only in cases of real need.

2. Legal documents shall not be designed to take retrospective effect in the following cases:

a) Imposing new liability upon those behaviors performed at a time in the past when no liability was imposed by the law.

b) Imposing heavier liability.

#### **Article 80. Legal documents ceasing to take effect**

1. Those legal documents whose implementation has been suspended shall cease to take effect until decisions to deal with them have been made by State competent agencies. If the State competent agencies issue decisions to abrogate them, such legal documents shall be rendered invalid. If they are not abrogated, they shall continue to take effect.

2. The date of ceasing to take effect, the date of continuing to take effect, and the date of being rendered invalid of legal documents shall be stipulated clearly in the decisions to suspend their implementation or decisions to deal with legal documents by the State competent agencies.

3. Decisions to suspend the implementation of legal documents or decisions to deal with legal documents shall be published on the Official Gazette and announced on mass media.

#### **Article 81. Cases where legal documents are no longer valid**

Legal documents shall become fully or partially invalid in the following cases:

1. The periods of validity expire as stipulated in legal documents.

2. Legal documents are amended, revised or replaced with new legal documents of the same State agencies that issued those legal documents in the first place.

3. Legal documents are abrogated or abolished by means of an official document of a State competent agency.

#### **Article 82. Validity of legal documents in terms of geography and target groups**

Legal documents promulgated by central State agencies shall take effect on a national scale and cover all the agencies, organizations and individuals except otherwise stipulated by legal documents or otherwise stipulated by international treaties of which the Socialist Republic of Vietnam is one of the signatories.

#### **Article 83. Application of legal documents**

1. Legal documents shall be applied since their effective dates.

Legal documents shall be applied to behaviors taking place at the point of time such legal documents are being valid. In the event of legal documents taking retrospective effect, such rulings shall be applied.

2. In the event of legal documents having different rulings on the same issue or problem, those legal documents taking superior legal effect shall be applied.

3. In the event of legal documents promulgated by the same State agency but having different rulings on the same issue or problem, the rulings of the legal documents promulgated later shall be applied.

4. In the event of new legal documents imposing no liability or imposing lesser liability on those behaviors taking place prior to their effective dates, the new legal documents shall be applied.

#### **Article 84. Publication and announcement of legal documents**

Full texts of legal documents shall be posted on the website of the promulgating agency no later than two days since the date of their promulgation or signatures, and shall be announced on the mass media, except those legal documents having contents classified as State secrets.

### **Chapter X**

#### **INTERPRETATION OF LAWS AND ORDINANCES**

##### **Article 85. Jurisdiction and competence to interpret laws and ordinances**

Agencies and organizations stipulated in Article 87 of the Constitution and National Assembly Deputies shall have the right to request the Standing Committee of the National Assembly to interpret laws and ordinances. The Standing Committee of the National Assembly shall consider and decide the interpretation of laws and ordinances.

##### **Article 86. Preparation and promulgation of draft resolutions on interpretation of laws and ordinances**

1. Depending on the nature and the content of the issue or problem that needs interpretation, the Standing Committee of the National Assembly shall assign the Government, the Supreme Peoples Court, the Supreme Peoples Procuracy, the Ethnic Council and committees of the National Assembly to prepare draft resolutions on interpretation of laws and ordinances to be submitted to the Standing Committee of the National Assembly.

The Standing Committee of the National Assembly shall assign the Ethnic Council or the committees of the National Assembly to examine and verify the consistence of the draft resolutions on interpretation of laws and ordinances against the spirit and contents of the legal documents that are being interpreted.

2. The Standing Committee of the National Assembly shall consider and approve draft resolutions on interpretation of laws and ordinances in the following sequential order:

a) Representatives of agencies, organizations and National Assembly Deputies that filed their request for interpretations shall be invited to the meeting to express ideas and opinions;

b) Representatives of agencies charged with the preparation of draft resolutions on interpretations shall make their presentations and read out loud the full texts of the draft resolutions;

c) Representatives of examining and verifying agencies shall deliver their reports on examination and verification;

d) Invited representatives of agencies, organizations and individuals shall express their ideas and opinions;

e) The Standing Committee of the National Assembly shall discuss;

f) The chairperson of the meeting shall give closing remarks;

g) The Standing Committee of the National Assembly shall vote;

h) The Chairperson of the National Assembly shall sign the resolutions on interpretation of laws and ordinances.

3. Resolutions on interpretation of laws and ordinances shall be published on the Official Gazette and announced on the mass media.

## **Chapter XI**

### **OVERSEEING, CHECKING, DEALING WITH LEGAL DOCUMENTS, MERGING LEGAL DOCUMENTS, AND PERFECTING THE SYSTEM OF LEGAL DOCUMENTS**

#### **Article 87. Oversight and check of legal documents**

Legal documents shall be overseen and checked by the State competent agencies in accordance with the law.

The overseeing and checking of legal documents shall be undertaken to detect those contents that are proven wrong or no longer appropriate so that implementation of such legal documents shall be suspended on a timely basis, necessary amendment, revision, abrogation or abolishment of all or part of such legal documents shall be undertaken, and at the same time to request State competent agencies to pinpoint the responsibility of agencies and individuals that promulgated the wrong legal documents.

#### **Article 88. Contents of overseeing and checking legal documents**

1. The consistence of legal documents with the Constitution, laws and resolutions of the National Assembly and legal documents of superior State agencies.
2. The consistence of form with content of legal documents.
3. The consistence of the contents of legal documents with the jurisdiction and competence of the agencies promulgating legal documents.
4. The consistence of current legal documents with newly promulgated legal documents of the same agencies.

#### **Article 89. Overseeing and dealing with legal documents that give signs and indications of being illegal**

1. The National Assembly, the Standing Committee of the National Assembly, the Ethnic Council and committees of the National Assembly, within the limits of their capacity, shall oversee the promulgation of legal documents.
2. Jurisdiction and competence, processes and procedures for the oversight of promulgation of legal documents and dealing with legal documents that give signs or indications of being illegal shall be undertaken in accordance with the Law on Oversight Operations of the National Assembly.

#### **Article 90. The Government checking and dealing with legal documents that give signs and indications of being illegal**

1. The Government shall check legal documents and deal with those legal documents of Ministries and Ministry-equivalent agencies that give signs and indications of being illegal.
2. The Prime Minister shall consider and decide to abolish or to suspend the implementation of all or part of legal documents promulgated by Ministers or Heads of Ministry-equivalent agencies that are proven inconsistent with the Constitution, laws and legal documents promulgated by superior State agencies.
3. The Ministry of Justice shall be responsible to the Government for performing State management of checking legal documents, assisting the Prime Minister in checking and dealing with those legal documents of Ministries and Ministry-equivalent agencies giving signs and indications of being illegal.

#### **Article 91. Ministers and Heads of Ministry-equivalent agencies checking and dealing with those legal documents that give signs and indications of being illegal**



1. Ministers and Heads of Ministry-equivalent agencies shall be responsible for checking legal documents issued by themselves, Ministries and Ministry-equivalent agencies with regard to those contents related to sectors and fields falling under their jurisdictions.

Upon detecting that legal documents issued by themselves are proven illegal, Ministers and Heads of Ministry-equivalent agencies themselves shall abolish, revise, amend such legal documents or issue other legal documents to replace them.

2. Ministers and Heads of Ministry-equivalent agencies charged with sectoral and field management shall have the right to request those Ministers and Heads of Ministry-equivalent agencies who issued legal documents governing those sectors or fields falling under their jurisdictions to abolish or to suspend the implementation of all or part of such legal documents. If their requests are not accepted, they shall submit them to the Prime Minister for determination.

#### **Article 92. Mergence of legal documents**

1. Documents providing revisions and amendments of some articles of legal documents shall be merged technically with the revised and amended documents.

2. The merging of legal documents shall be ruled by the Standing Committee of the National Assembly.

#### **Article 93. Check, systematization, codification of the system of legal documents**

1. State agencies within the limits of their responsibilities and powers shall be responsible for regularly checking and periodically systematizing legal documents. Upon detecting any legal documents that are against the law, contradictory, overlapping or no longer appropriate or suitable with the development of the country, they shall by themselves or request State competent agencies to revise, amend, replace, abolish and suspend the implementation of such legal documents.

Agencies, organizations and citizens shall have the right to petition to State competent agencies to consider revising, amending, replacing, abolishing and suspending the implementation of legal documents.

2. Legal and regulatory norms shall be checked and reviewed, collated and codified into thematic volumes of codes.

The codification of the system of legal normative documents shall be ruled by the Standing Committee of the National Assembly.

## **Chapter XII**

### **PROVISIONS FOR IMPLEMENTATION**

#### **Article 94. Funds for the preparation of legal documents**

Funds for the preparation of legal documents shall be allocated from the State budget.

#### **Article 95. Effective date of this Law**

1. This Law shall come into force from 01 January 2009.

This Law shall replace the Law on Promulgating Legal Documents 1996 and the Law on Revising and Amending some Articles of the Law on Promulgating Legal Documents 2002.

2. Those legal documents such as Decrees of the Government; Directives of the Prime Minister; decisions and directives of the Chief Justice of the Supreme Peoples Court, the President of the Supreme Peoples Procuracy, Ministers, Heads of Ministry-equivalent agencies; joint legal documents of between Ministers, Heads of Ministry-equivalent agencies and central agencies of socio-political organizations that have been promulgated prior to the effective date of this Law shall continue to take effect until they are abolished, abrogated or replaced with other legal documents.

*This Law was passed by the National Assembly of the Socialist Republic of Vietnam on 03 June 2008.*

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

**Nguyen Phu Trong**