THE NATIONAL ASSEMBLY	THE SOCIALIST REPUBLIC OF VIETNAM
-------	Independence - Freedom - Happiness

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LAW

ON ADMINISTRATIVE PROCEDURES

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Administrative Procedures.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation and tasks of the Law on Administrative Procedures

The Law on Administrative Procedures prescribes fundamental principles in administrative procedures; tasks, powers and responsibilities of procedure-conducting agencies and persons; rights and obligations of procedure participants and related agencies, organizations and individuals; order and procedures for instituting lawsuits, settling administrative cases, executing administrative judgments and settling complaints and denunciations in administrative procedures.

The Law on Administrative Procedures contributes to safeguarding justice, human rights, citizens' rights, the socialist regime, interests of the State, and lawful rights and interests of agencies, organizations and individuals; educates people in strictly abiding by law; and ensures the stability, continuity and effectiveness of the national administration.

Article 2. Subjects of application and effect of the Law on Administrative Procedures

1. The Law on Administrative Procedures applies to all administrative procedural activities conducted in the territory, including the mainland, islands, maritime zones and air space, of the Socialist Republic of Vietnam.

2. The Law on Administrative Procedures applies to administrative procedural activities conducted overseas by representative missions of the Socialist Republic of Vietnam.

3. The Law on Administrative Procedures applies to the settlement of administrative cases involving foreign elements. In case a treaty to which the Socialist Republic of Vietnam is a contracting party otherwise provides, such treaty will prevail.

4. Administrative cases involving foreign agencies, organizations and individuals and international organizations eligible for diplomatic or consular privileges and immunities in accordance with Vietnamese law or treaties to which the Socialist Republic of Vietnam is a contracting party shall be settled through diplomatic channels.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. Administrative decision means a document issued by a state administrative agency, another agency or organization assigned to perform the state administrative management or by a competent person in this agency or organization, on a specific matter in administrative management activities, and applicable once to one or a number of specific subjects.

2. Administrative decision over which a lawsuit is instituted means a decision defined in Clause 1 of this Article which gives rise to, changes, restricts or terminates lawful rights and interests of an agency, organization or individual or has a content which gives rise to an obligation or affects lawful rights and interests of an agency, organization or individual.

3. Administrative act means an act taken by a state administrative agency or a competent person in this agency or another agency or organization assigned to perform the state administrative management to or not to perform its/his/her tasks or official duties in accordance with law.

4. Administrative act over which a lawsuit is instituted means an act defined in Clause 3 of this Article which affects the exercise of the lawful rights and interests of an agency, organization or individual.

5. Disciplinary decision on dismissal means a written decision of the head of an agency or organization to apply the disciplinary form of dismissal to a civil servant under his/her management.

6. Internal administrative decisions and acts of an agency or organization means decisions and acts directing and administering the performance of tasks and working plans; managing and organizing personnel and assigned operation funds and assets; examining and inspecting the performance of tasks and official duties or the implementation of policies and laws toward cadres, civil servants, public employees, laborers and units under management by such agency or organization.

7. Involved parties include the plaintiff, defendant and persons with related interests and obligations.

8. Plaintiff means an agency, organization or individual that institutes an administrative lawsuit over an administrative decision or act, a disciplinary decision on dismissal, a decision on settlement of a complaint about a decision on handling of a competition case, or over a list of voters to elect National Assembly deputies, a list of voters to elect People's Council deputies or a list of voters in a referendum (below collectively referred to as voter list).

9. Defendant means an agency, organization or individual that has made an administrative decision, taken an administrative act or issued a disciplinary decision on dismissal, a decision on settlement of a complaint about a decision on handling of a competition case or made a voter list over which a lawsuit is instituted.

10. Person with related interests and obligations means an agency, organization or individual that, though being neither the plaintiff nor the defendant, has his/her/its interests and

obligations related to the settlement of an administrative case and, therefore, participates on his/her/its own initiative or at the request of another involved party as accepted by the people's court (below referred to as court) or summoned by the court to participate in procedures in the capacity as a person with related interests and obligations.

11. Agencies and organizations include state agencies, political organizations, sociopolitical organizations, socio-political-professional organizations, social organizations, socio-professional organizations, economic organizations, non-business units, people's armed forces units and other organizations established and operating in accordance with law.

12. Complicated case means a case relating to rights and interests of many persons; having contradictory documents and evidences which need examination, verification, assessment or expert opinions; or involving parties who are foreigners residing abroad or Vietnamese residing, learning or working abroad.

13. Objective obstacles means obstacles caused by objective circumstances rendering persons with interests and obligations unable to know that their lawful rights and interests are infringed upon or to exercise their rights or perform their obligations.

14. Force majeure event means an event that occurs objectively and remains unforeseeable and irremediable despite every necessary measure has been taken within permitted capacity.

Article 4. Compliance with law in administrative procedures

All administrative procedural activities of procedure-conducting agencies and persons, procedure participants and related agencies, organizations and individuals must comply with this Law.

Article 5. Right to request the court to protect lawful rights and interests

Agencies, organizations and individuals have the right to institute administrative lawsuits to request the court to protect their lawful rights and interests in accordance with this Law.

Article 6. Examination and handling of legal documents, administrative documents and acts related to administrative cases

1. In the course of settlement of an administrative case, a court may examine the legality of administrative documents and acts related to those on which the lawsuit is instituted and recommend competent agencies, organizations and individuals to re-examine such administrative documents and acts and notify it of re-examination results in accordance with this Law and other relevant laws.

2. The court may recommend competent agencies and individuals to examine, amend, supplement or annul legal documents when detecting that such documents are contrary to the Constitution, laws or legal documents of superior state agencies in accordance with this Law and other relevant laws in order to ensure lawful rights and interests of agencies, organizations and individuals. Competent agencies and individuals shall notify the court of results of the handling of legal documents recommended to be handled in accordance with law for use as a basis for the court to settle cases.

Article 7. Settlement of matters of damage compensation in administrative cases

1. The plaintiff and persons with related interests and obligations in an administrative case may concurrently claim compensation for damage caused by an administrative decision or act or a disciplinary decision on dismissal, or a decision on settlement of a complaint about a decision on handling of a competition case or a voter list.

The plaintiff and persons with related interests and obligations that claim compensation for damage shall provide documents and evidences. In case of necessity, the court may verify and collect documents and evidences to ensure the accurate settlement of the case.

A claim for compensation for damage in an administrative case shall be settled under regulations on state compensation liability and the civil procedure law.

2. In case an administrative case involves a claim for compensation for damage but under no condition can such claim be proved, the court may separate such claim from this case for subsequent settlement in another civil case in accordance with the civil procedure law.

In case the court has settled the claim for compensation for damage together with the administrative case but its ruling in the judgment on damage compensation is appealed or protested against or quashed by the appellate, cassation or reopening court for first-instance or appellate retrial, the ruling on damage compensation in this case constitutes part of the administrative case. Procedures for handling the ruling on damage compensation which is appealed or protested against or quashed for first-instance or appellate retrial must comply with this Law.

Article 8. Self-determination and discretion of plaintiffs

Agencies, organizations and individuals may decide to institute administrative lawsuits. Courts shall accept administrative cases for settlement only when lawsuit petitions are filed by plaintiffs. In the course of settlement of administrative cases, plaintiffs may change, add or withdraw their lawsuit claims and exercise other procedural rights in accordance with this Law.

Article 9. Provision of documents and evidences, burden of proof in administrative procedures

1. Involved parties have the right and obligation to furnish the court with documents and evidences and prove that their claims are grounded and lawful.

Individuals that institute lawsuits or claim the protection of lawful rights and interests of others have the right and obligation to collect and provide documents and evidences and prove their claims like involved parties.

2. The court shall assist involved parties in collecting documents and evidences and collect and verify evidences; request agencies, organizations and individuals to provide documents and evidences to it or involved parties in accordance with this Law.

Article 10. Obligation of competent agencies, organizations and individuals to provide documents and evidences

Agencies, organizations and individuals shall, within the ambit of their tasks and powers, sufficiently and promptly provide involved parties, the court and the people's procuracy (below referred to as the procuracy) with documents and evidences they are keeping or managing in accordance with this Law when so requested and take responsibility before law for such provision. If they cannot do so, they shall notify such in writing to involved parties, the court and the procuracy, clearly stating the reason.

Article 11. Guarantee of the first-instance and appellate trial regime

1. The first-instance and appellate trial regime is guaranteed, except the trial of administrative cases involving lawsuits over voter lists.

First-instance court judgments and rulings may be appealed or protested against in accordance with this Law.

First-instance court judgments and rulings, if not appealed or protested against according to appellate procedures within the time limit prescribed in this Law, shall become legally effective. For first-instance court judgments or rulings which are appealed or protested against, the cases shall be settled according to appellate procedures. Appellate court judgments and rulings shall be legally effective.

2. For legally effective court judgments and rulings, if law violations or new circumstances are discovered in accordance with this Law, they shall be reviewed according to cassation or reopening procedures.

Article 12. Participation of people's assessors in the trial of administrative cases

1. The first-instance trial of administrative cases shall be participated by people's assessors, except the trial conducted according to summary procedures in accordance with this Law.

2. When voting on case settlement rulings, people's assessors are equal in power to judges.

Article 13. Judges and people's assessors conduct trial independently and abide by law only

1. Judges and people's assessors shall conduct trial independently and abide by law only.

2. Agencies, organizations and individuals are prohibited to intervene into trial conducted by judges and people's assessors in any form.

Article 14. Assurance of impartiality and objectivity in administrative procedures

1. Court chief justices, judges, people's assessors, verifiers, court clerks, chief procurators, procurators, examiners, interpreters, expert witnesses and members of valuation councils may neither conduct nor participate in procedures if there are grounds to believe that they might neither be impartial nor objective while performing their tasks and powers.

2. The assignment of procedure-conducting persons must ensure they are impartial and objective while performing their tasks and exercising their powers.

Article 15. The court conducts trial on a collegial basis

The court shall conduct trial of administrative cases on a collegial basis and make rulings by majority, unless it conducts trial according to summary procedures.

Article 16. The court conducts trial in a prompt, fair and public manner

1. The court shall promptly conduct trial within the time limit prescribed in this Law, ensuring fairness.

2. The court shall conduct trial in public. In special cases where it is necessary to keep state secrets, preserve fine national traditions or customs, protect minors or keep professional, business or personal secrets at legitimate requests of involved parties, the court may conduct trial behind closed doors.

Article 17. Equality in rights and obligations in administrative procedures

1. In administrative procedures, everyone is equal before law, regardless of his/her nationality, gender, belief, religion, social stratum, educational level, occupation and social position.

2. All agencies, organizations and individuals are equal in exercising their rights and performing their obligations in administrative procedures before the court.

3. The court shall create conditions for agencies, organizations and individuals to exercise their rights and perform their obligations.

Article 18. Assurance of adversarial process in trial

1. The court shall guarantee the exercise by involved parties and defense counsels of lawful rights and interests of involved parties of the right to adversarial process in first-instance, appellate, cassation and reopening trial in accordance with this Law.

2. Involved parties and defense counsels of lawful rights and interests of involved parties may collect, submit and provide documents and evidences after the court accepts the administrative case and shall notify one another of submitted documents and evidences; may present their arguments, counter-arguments and viewpoints on the assessment of evidences and laws applied to defend their claims and lawful rights and interests or to reject claims of others in accordance with this Law.

3. In the course of trial, all documents and evidences shall be examined in an adequate, objective, comprehensive and public manner, except where such documents and evidences may not be publicized in accordance with this Law. The court shall administer the adversarial process, give questions about unclear matters and base itself on adversarial results to make judgments and rulings.

Article 19. Assurance of the right of involved parties to protect their lawful rights and interests

1. Involved parties may protect their lawful rights and interests by themselves or ask lawyers or others who are qualified in accordance with this Law to do so.

2. The court shall assure involved parties of the right to protect their lawful rights and interests.

3. The State shall ensure legal aid for persons eligible for legal aid as defined in the Law on Legal Aid so that they can exercise their right to protect their lawful rights and interests before the court.

4. No one can restrict the right to protect lawful rights and interests of involved parties in administrative procedures.

Article 20. Dialogues in administrative procedures

The court shall organize dialogues between involved parties and create favorable conditions for involved parties to have dialogues on the settlement of their case in accordance with this Law.

Article 21. Spoken and written languages used in administrative procedures

The spoken and written language used in administrative procedures is Vietnamese.

Administrative procedure participants may use spoken and written languages of their nations. In this case, interpreters are required.

Administrative procedure participants who are persons with hearing, speech or vision impairment may use languages, signs or letters used exclusively for persons with disabilities. In this case, persons who can hear and speak in languages, signs or letters used exclusively for persons with disabilities are required.

Article 22. Responsibilities of procedure-conducting agencies and persons

1. Procedure-conducting agencies and persons shall respect the People and submit to the People's supervision.

2. The court has the duty to safeguard justice, human rights, citizens' rights, the socialist regime, the interests of the State, and the lawful rights and rights of organizations and individuals.

The procuracy has the duty to safeguard the law, human rights, citizens' rights, the socialist regime, the interests of the State, and the lawful rights and rights of organizations and individuals, thus contributing to ensuring the strict and unified observance of law.

3. Procedure-conducting agencies and persons shall keep state secrets and work secrets in accordance with law; preserve fine national traditions and customs, protect minors, keep professional, business and personal secrets at legitimate requests of involved parties.

4. Procedure-conducting agencies and persons shall be held responsible before law for the performance of their duties and exercise of their powers. Procedure-conducting persons who commit illegal acts shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability in accordance with law.

5. While performing their duties and exercising their powers, if procedure-conducting persons commit illegal acts causing damage to agencies, organizations or individuals, agencies employing such persons shall pay compensations to damage sufferers in accordance with the law on state compensation liability.

Article 23. Assurance of the effect of court judgments and rulings

1. Legally effective court judgments and rulings shall be executed and respected by agencies, organizations and individuals. Related agencies, organizations and individuals shall strictly abide by legally effective court judgments and rulings.

2. Within the ambit of their duties and powers, the court, agencies and organizations assigned with duties related to the execution of court judgments and rulings shall strictly execute these judgments and rulings and be held responsible before law for their performance of these duties.

Article 24. Trial supervision

The Supreme People's Court shall supervise trials conducted by courts; superior people's courts shall supervise trials conducted by people's courts of provinces and centrally run cities (below collectively referred to as provincial-level people's courts), and people's courts of rural districts, urban districts, towns and cities of provinces and centrally run cities (below collectively referred to as district-level people's courts) within their territorial jurisdiction in order to ensure the uniform application of law in trial.

Article 25. Supervision of law observance in administrative procedures

1. Procuracies shall supervise the Jaw observance in administrative procedures in order to ensure timely and lawful settlement of administrative cases.

2. Procuracies shall supervise administrative cases from the time of acceptance for settlement to the time of completion of the settlement; participate in court hearings and sessions; supervise the law observance in the execution of court judgments and rulings; and exercise the rights to make claims, recommendations and protests in accordance with law.

3. For administrative decisions and acts related to the lawful rights and interests of minors or persons who have lost their civil act capacity, have civil act capacity restricted or meet difficulties in the cognition or control of their acts, if these persons have no representatives to institute lawsuits, procuracies may recommend commune-level People's Committees of localities where these persons reside to appoint guardians to institute administrative lawsuits to protect their lawful rights and interests.

Article 26. Responsibility of the court to deliver documents and papers

1. Courts shall deliver, hand or notify their judgments, rulings, summonses, invitations and other papers in accordance with this Law.

2. Commune-level People's Committees or related agencies, organizations or individuals shall deliver court judgments, rulings, summonses, invitations and other papers at the requests of the court and notify results of the delivery to the courts.

Article 27. Participation of agencies, organizations and individuals in administrative procedures

Agencies, organizations and individuals have the right and obligation to participate in administrative procedures in accordance with this Law, contributing to the prompt and lawful settlement of administrative cases at court.

Article 28. Assurance of the right to complain and denounce in administrative procedures

Agencies, organizations and individuals have the right to complain about, and individuals have the right to denounce, illegal acts and decisions of procedure-conducting agencies and persons or of any agencies, organizations or individual in administrative procedural activities.

Competent agencies, organizations and individuals shall receive, consider and settle in a timely and lawful manner complaints and denunciations; and notify in writing settlement results to complainants and denouncers.

Article 29. Legal cost, fees and procedural expenses -

Legal cost, fees and procedural expenses must comply with this Law and the law on legal cost and court fee.

Chapter II

JURISDICTION OF COURTS

Article 30. Lawsuits under jurisdiction of courts

1. Lawsuits over administrative decisions or acts, except:

a/ Administrative decisions or acts pertaining to state secrets in the fields of national defense, security and foreign affairs in accordance with law;

b/ Court rulings or acts in the application of administrative handling measures or handling of acts obstructing procedural activities;

c/ Internal administrative decisions or acts of agencies and organizations.

2. Lawsuits over disciplinary decisions on dismissal of civil servants holding the position of general director of a general department or equivalent or lower position.

3. Lawsuits over decisions on settlement of complaints about decisions on handling of competition cases.

4. Lawsuits over voter lists.

Article 31. Jurisdiction of district-level courts

District-level courts shall settle according to first-instance procedures:

1. Lawsuits over administrative decisions or acts of state administrative agencies at the district or lower level within the same administrative boundaries with courts or of competent persons in these agencies, except administrative decisions or acts of district-level People's Committees and district-level People's Committee chairpersons;

2. Lawsuits over disciplinary decisions on dismissal of civil servants under management by agencies or organizations at the district or lower level within the same administrative boundaries with courts, issued by heads of these agencies or organizations;

3. Lawsuits over voter lists made by agencies in charge of making voter lists within the same administrative boundaries with courts.

Article 32. Jurisdiction of provincial-level courts

Provincial-level courts shall settle according to first-instance procedures:

1. Lawsuits over administrative decisions or acts of ministries, ministerial-level agencies, government-attached agencies, the Presidential Office, the National Assembly Office, the State Audit Office of Vietnam, the Supreme People's Court and the Supreme People's Procuracy, and administrative decisions or acts of competent persons in these agencies, which are filed by plaintiffs whose places of residence, workplaces or head offices are located within the same administrative boundaries with the courts. In case plaintiffs have no places of residence, workplaces or head offices in the Vietnamese territory, courts of localities in which agencies or persons competent to issue administrative decisions or commit administrative acts are located have jurisdiction to settle these lawsuits;

2. Lawsuits over administrative decisions or acts of state agencies among those specified in Clause 1 of this Article, and administrative decisions or acts of competent persons in these agencies, which are filed by plaintiffs whose places of residence, workplaces or head offices are located within the same administrative boundaries with the courts. In case plaintiffs have no places of residence, workplaces or head offices in the Vietnamese territory, courts of localities in which agencies or persons competent to issue administrative decisions or commit administrative acts are located have jurisdiction to settle these lawsuits;

3. Lawsuits over administrative decisions or acts of provincial-level state agencies within the same administrative boundaries with the courts and of competent persons in these state agencies;

4. Lawsuits over administrative decisions or acts of district-level People's Committees and district-level People's Committee chairpersons within the same administrative boundaries with the courts;

5. Lawsuits over administrative decisions or acts of overseas representative missions of the Socialist Republic of Vietnam or of competent persons in these missions, which are filed by plaintiffs whose places of residence are located within the same administrative boundaries with the courts. In case plaintiffs have no places of residence in Vietnam, the People's Court of Hanoi city or Ho Chi Minh City has jurisdiction to settle these lawsuits;

6. Lawsuits over disciplinary decisions on dismissal issued by heads of provincial-level agencies or organizations, ministries or central agencies, which are filed by plaintiffs whose

workplaces by the time of disciplining are located within the same administrative boundaries with the courts;

7. Lawsuits over decisions on settlement of complaints about decisions on handling of competition cases, which are filed by plaintiffs whose places of residence, workplaces or head offices are located within the same administrative boundaries with the courts;

8. When necessary, provincial-level courts may pick up lawsuits under jurisdiction of district-level courts for settlement under Article 31 of this Law.

Article 33. Determination of jurisdiction in case both complaint and lawsuit petitions are filed

1. In case a plaintiff files a petition to institute an administrative lawsuit at a competent court and concurrently files a complaint with a person competent to settle complaints, the court shall request the plaintiff to select the agency to settle the case and notify such in writing to the court.

In case the plaintiff cannot make the petition on his/her/its own, he/she/it shall request the court to make a written record of selection of the agency to settle the case. On a case-by-case basis, the court shall:

a/ Accept the case for settlement according to general procedures, and concurrently notify the case to the person competent to settle complaints and request him/her to transfer the whole dossier for complaint settlement to the court, in case the plaintiff selects the court to settle the case:

b/ Base itself on Point e, Clause 1, Article 123 of this Law to return the lawsuit petition and enclosed documents to the plaintiff, in case the plaintiff selects the person competent to settle complaints to settle the case.

Upon the expiration of the time limit for complaint settlement, if the complaint remains unsettled or have been settled but the complainant disagrees with the settlement results and files a petition to institute an administrative lawsuit at court, the court shall consider to accept the case according to general procedures.

2. In case many persons institute an administrative lawsuit at a competent court and concurrently file a complaint with a person competent to settle complaints and all of them select either of these entities to settle the case, the competence to settle the case must comply with Clause 1 of this Article.

3. In case many persons institute an administrative lawsuit at a competent court and concurrently file a complaint with a person competent to settle complaints and some of them select the court to settle the case, while others select the persons competent to settle complaints or in case some only institute an administrative lawsuit at a competent court while others only file a complaint with a person competent to settle complaints, the competence to settle the case shall be determined as follows:

a/ In case the interests and obligations of the plaintiffs and complainants are independent from one another, the settlement of the claim of the plaintiffs falls under jurisdiction of the

court while the settlement of the complaint of the complainants falls under the competence of the person competent to settle complaints;

b/ In case the interests and obligations of the plaintiffs and complainants are not independent from one another, the court shall accept the case for settlement according to general procedures and notify such to the person competent to settle complaints, requesting him/her to transfer the whole dossier for complaint settlement to the court.

4. In case the plaintiff does not select an agency to settle the case, the court shall return the lawsuit petition to the plaintiff.

Article 34. Transfer of cases to other courts and settlement of disputes over jurisdiction

1. In the course of settlement of an administrative case according to the first-instance procedures, if the court determines that such case is a civil case but not an administrative one and the settlement thereof falls under its jurisdiction, it shall settle such case according to general procedures prescribed by the civil procedure law, and concurrently notify such to the involved parties and the same-level procuracy.

2. Before deciding to bring a case to trial according to the first-instance procedures, if there is a ground to determine that the settlement of the case falls under the jurisdiction of another court, the judge assigned to settle the administrative case shall issue a decision to transfer the case file to a competent court and delete it from the case acceptance book and concurrently notify such to the involved parties and the same-level procuracy.

3. After issuing a decision to bring a case to trial according to the first-instance procedures, if there is a ground to determine that the settlement of the administrative case falls under the jurisdiction of another court, the court shall hold a hearing for the trial panel to issue a decision to stop the trial and transfer the case file to the competent court.

4. When trying an administrative case according to appellate procedures, if determining that the case falls into the case specified in Clause 1 or 2 of this Article, the appellate court shall quash the first-instance judgment or ruling and transfer the case file to the court with the first- instance trial jurisdiction for first-instance retrial of the case in accordance with law.

5. When trying an administrative case according to cassation or reopening procedures, if determining that the case falls into the case specified in Clause 1 or 2 of this Article, the cassation or reopening court shall quash the legally effective judgment or ruling and transfer the case file to the court with the first-instance trial jurisdiction for first-instance retrial of the case in accordance with law.

6. Involved parties may file complaints and the same-level procuracy may file a petition about a decision specified in Clause 2 or 3 of this Article within 3 working days after receiving the decision. Within 3 working days after receiving the complaint or petition, the chief justice of the court that has issued the decision to transfer the administrative case shall settle the complaint or petition. The decision of the chief justice of the court is final and shall be immediately sent to the complaining involved parties and the petition-making procuracy.

7. The chief justice of a provincial-level court shall settle disputes over the jurisdiction to settle administrative cases between district-level courts in the same province or centrally run city.

Chief justices of superior people's courts shall settle disputes over the jurisdiction to settle an administrative case between district-level courts in different provinces or centrally run cities or between provincial-level courts under the territorial jurisdiction of superior people's courts.

The Chief Justice of the Supreme People's Court shall settle disputes over the jurisdiction between district-level courts in different provinces or centrally run cities or provincial-level courts under the territorial jurisdiction of different superior people's courts.

Article 35. Consolidation or split-up of administrative cases

1. A court may consolidate two or more cases it has separately accepted into a sole case for settlement according to administrative procedures when the following conditions are fully satisfied:

a/ Separately accepted cases have the same plaintiff instituting lawsuits over many administrative decisions or acts issued or taken by an agency or organization or a competent person in such agency or organization and are closely related to one another, or separately accepted cases have different plaintiffs instituting lawsuits over the same administrative decision or act;

b/ The consolidation of two or more administrative cases into a sole administrative case must ensure the quick, effective and thorough trial and shall be conducted within the time limit for trial preparation.

2. A court may split up a case involving different claims into two or more administrative cases for settlement in case an administrative decision over which a lawsuit is instituted is related to many plaintiffs whose interests and obligations are unrelated.

3. Upon consolidating cases or splitting up a case under Clause 1 or 2 of this Article, the court that has accepted this case shall issue a decision to this effect and promptly send it to the involved parties and same-level procuracy.

Chapter III

PROCEDURE-CONDUCTING AGENCIES AND PERSONS AND CHANGE OF PROCEDURE-CONDUCTING PERSONS

Article 36. Procedure-conducting agencies and persons

1. Administrative procedure-conducting agencies include:

a/ Courts;

b/ Procuracies.

2. Administrative procedure-conducting persons include:

a/ Chief justices, judges, people's assessors, verifiers and clerks of courts;

b/ Chief procurators, procurators and examiners.

Article 37. Duties and powers of chief justices of courts

1. Chief justices of courts have the following duties and powers:

a/ To organize the settlement of administrative cases under their courts' jurisdiction; to adhere to the principle that judges and people's assessors conduct trial independently and abide by law only;

b/ To decide to assign judges to settle administrative cases and people's assessors to participate in trial panels of administrative cases; to assign verifiers and court clerks to conduct procedures for administrative cases on the principles specified in Article 14 of this Law;

c/ To decide to change judges, people's assessors and court clerks before the opening of court hearings;

d/ To decide to change expert witnesses and interpreters before the opening of court hearings;

dd/ To issue administrative procedural decisions and conduct administrative procedural activities;

e/ To file protests against legally effective court judgments or rulings of courts according to cassation or reopening procedures or to recommend chief justices of competent courts to consider filing protests against legally effective court judgments or rulings of courts according to cassation or reopening procedures;

g/ To settle complaints and denunciations in accordance with this Law;

h/ To recommend agencies or individuals that have issued administrative decisions or taken administrative acts related to administrative decisions or acts over which lawsuits are instituted to consider amending, supplementing or annulling such decisions or terminating such acts if detecting a sign of unlawfulness;

i/ To recommend competent agencies or individuals to consider amending, supplementing or annulling legal documents if detecting a sign of contravention of the Constitution, laws or legal documents of superior state agencies in accordance with this Law;

k/ To handle acts obstructing administrative procedural activities in accordance with law;

l/ To perform other duties and exercise other powers in accordance with this Law.

2. When the chief justice of a court is absent, a deputy chief justice authorized by the chief justice shall perform the duties and exercise the powers of the chief justice, except the power to decide to file protests provided at Point e, Clause 1 of this Article. Authorized deputy

chief justices shall be answerable to chief justices for the performance of authorized duties and exercise of authorized powers.

Article 38. Duties and powers of judges

When assigned by chief justices of their courts, judges have the following duties and powers:

1. To process lawsuit petitions;

2. To make administrative case files;

3. To verify and collect documents and evidences; to organize court hearings and sessions to settle administrative cases in accordance with this Law;

4. To decide on application, change or cancellation of provisional urgent measures;

5. To decide on termination, suspension or resumption of the settlement of administrative cases;

6. To explain and guide involved parties in exercising the right to request legal aid in accordance with the law on legal aid;

7. To hold sessions to inspect the submission of, access to, and disclosure of evidences, and dialogues in accordance with this Law;

8. To decide to bring administrative cases to trial;

9. To summon participants in court hearings or sessions;

10. To request agencies, organizations and individuals to provide documents and evidences, or to verify and collect documents and evidences in accordance with this Law;

11. To chair or participate in panels trying administrative cases; to vote on matters falling under the jurisdiction of trial panels;

12. To examine the legality of administrative documents or acts related to administrative decisions or acts over which lawsuits are instituted and request chief justices of courts to propose competent agencies or individuals to review such administrative documents or acts in accordance with law;

13. To discover, and request chief justices of courts to propose competent agencies to amend, supplement or annul, legal documents showing signs of contravention of the Constitution, laws and legal documents of superior state agencies in accordance with this Law;

14. To handle acts obstructing administrative procedural activities in accordance with law;

15. To perform other duties and exercise other powers in accordance with this Law.

Article 39. Duties and powers of people's assessors

When assigned by chief justices of their courts, people's assessors have the following duties and powers:

1. To study case files;

2. To request chief justices of courts and judges assigned to settle administrative cases to issue necessary decisions within their competence;

3. To participate in panels trying administrative cases;

4. To conduct procedural activities and have the equal right with judges to vote on matters falling under the jurisdiction of trial panels.

Article 40. Duties and powers of verifiers

When assigned by chief justices of their courts, verifiers have the following duties and powers:

1. To verify administrative case files on which legally effective court judgments or rulings need to be reviewed according to cassation or reopening procedures;

2. To make conclusions on verified cases and report on verification results and propose ways to settle administrative cases to chief justices of courts;

3. To collect documents and evidences in accordance with this Law;

4. To perform other duties and exercise other powers in accordance with this Law.

Article 41. Duties and powers of court clerks

When assigned, court clerks have the following duties and powers:

1. To make necessary professional preparations before the opening of court hearings;

2. To announce internal rules of court hearings;

3. To check and report to trial panels on lists of persons summoned to court hearings;

4. To write minutes of court hearings or sessions and written records of testimonies of procedure participants;

5. To perform other duties and exercise other powers in accordance with this Law.

Article 42. Duties and powers of chief procurators

1. When supervising the law observance in administrative procedural activities, chief procurators have the following tasks and powers:

a/ To organize and direct the supervision of the law observance in administrative procedural activities;

b/ To decide to assign procurators to supervise the law observance in administrative procedural activities, participate in court hearings and sessions to settle administrative cases in accordance with this Law and notify such to courts; to assign examiners to conduct procedural activities for administrative cases on the principles specified in Article 14 of this Law;

c/ To decide to change procurators or examiners;

d/ To file protests against court judgments or rulings according to appellate, cassation or reopening procedures in accordance with this Law;

dd/ To make requests or recommendations in accordance with this Law;

e/ To settle complaints and denunciations in accordance with this Law;

g/ To perform other duties and exercise other rights in accordance with this Law.

2. When the chief procurator is absent, a deputy chief procurator authorized by the chief procurator shall perform the duties and exercise the powers of the chief procurator, except the power to decide to file protests provided at Point d, Clause 1 of this Article. Authorized deputy chief procurators shall be answerable to chief procurators for the performance of authorized duties and exercise of authorized powers.

Article 43. Duties and powers of procurators

When assigned by chief procurators of their procuracies to supervise the law observance in administrative procedural activities, procurators have the following duties and powers:

1. To supervise the return of lawsuit petitions;

2. To supervise the acceptance and settlement of cases;

3. To study case files; to verity and collect documents and evidences under Clause 6, Article 84 of this Law;

4. To participate in court hearings and sessions and present opinions of their procuracies on the settlement of cases in accordance with this Law;

5. To supervise court judgments and rulings;

6. To propose or request courts to conduct procedural activities in accordance with this Law;

7. To request competent chief procurators to file protests against court judgments and rulings involving law violations;

8. To supervise procedural activities of procedure participants; to propose or request competent agencies or organizations to strictly handle procedure participants who commit law violations;

9. To perform other duties and exercise other powers in accordance with this Law.

Article 44. Duties and powers of examiners

When assigned, examiners have the following duties and powers:

1. To study case files and report study results to procurators;

2. To make dossiers for supervision of administrative cases as assigned by procurators or chief procurators;

3. To assist procurators in supervising the law observance in accordance with this Law.

Article 45. Cases of refusal by or change of procedure-conducting persons

Procedure-conducting persons shall refuse to conduct procedures or be changed in any of the following cases:

1. They are concurrently involved parties, representatives or relatives of involved parties;

2. They have participated in the capacity as defense counsels of the lawful rights and interests of involved parties, witnesses, expert witnesses or interpreters in the same case;

3. They have participated in the issuance of administrative decisions or are related to administrative acts over which lawsuits are instituted;

4. They have participated in the issuance of decisions on settlement of complaints about administrative decisions or acts over which lawsuits are instituted;

5. They have participated in the issuance of disciplinary decisions on dismissal of civil servants or decisions on settlement of complaints about disciplinary decisions on dismissal of civil servants over which lawsuits are instituted;

6. They have participated in the issuance of decisions on handling of competition cases or decisions on settlement of complaints about decisions on handling of competition cases over which lawsuits are instituted;

7. They have participated in the making of voter lists which lawsuits are instituted;

8. There are other clear grounds to believe that they might be not impartial while performing their duties.

Article 46. Cases in which judges or people's assessors shall refuse to conduct procedures or be changed

Judges or people's assessors shall refuse to conduct procedures or be changed in any of the following cases:

1. They fall into one of the cases specified in Article 45 of this Law;

2. They are members of the same trial panel and relatives; in this case, only one of them may conduct procedures;

3. They have participated in the settlement of an administrative case according to first-instance, appellate, cassation or reopening procedures on which a first-instance judgment, an appellate judgment or ruling, a cassation or reopening ruling and a decision to terminate the settlement of the case or a decision to recognize successful dialogue results have been made, unless they are members of the Judicial Council of the Supreme People's Court or the judicial committee of a superior people's court who are allowed to participate in trying such case according to cassation or reopening procedures;

4. They have conducted procedures in the same case in the capacity as verifiers, court clerks, procurators or examiners.

Article 47. Cases in which court clerks or verifiers shall refuse to conduct procedures or be changed

Court clerks or verifiers shall refuse to conduct procedures or be changed in any of the following cases:

1. They fall into any of the cases specified in Article 45 of this Law;

2. They have conducted procedures in the same case in the capacity as judges, people's assessors, verifiers, court clerks, procurators or examiners;

3. They are relatives of any of other procedure participants in the case.

Article 48. Procedures for refusing to conduct procedures or requesting the change of judges, people's assessors, verifiers or court clerks

1. The refusal to conduct procedures or request for change of a judge, people's assessor, verifier or court clerk before the opening of a court hearing must be made in writing, clearly stating the reason and ground for the refusal or request.

2. The refusal to conduct procedures or request for change of a person specified in Clause I of this Article at a court hearing shall be recorded in the hearing minutes.

Article 49. Decisions on change of judges, people's assessors, verifiers or court clerks

1. Before the opening of a court hearing, the change of a judge, people's assessor, verifier or court clerk shall be decided by the chief justice of the court.

In case a judge requested to be changed is the chief justice of the court:

a/ The change of a judge being the chief justice of a district-level court shall be decided by the chief justice of a provincial-level court;

b/ The change of a judge being the chief justice of a provincial-level court shall be decided by the chief justice of a superior court having the territorial jurisdiction over such provincial-level court;

c/ The change of a judge being the chief justice of a superior court shall be decided by the Chief Justice of the Supreme People's Court.

2. During a court hearing, the change of a judge, people's assessor or court clerk shall be decided by the trial panel after hearing opinions of the person requested to be changed. The trial panel shall discuss the change in the deliberation room and make a decision by majority. In case a judge, people's assessor or court clerk must be changed without any alternative one for immediate replacement, the trial panel shall issue a decision to postpone the court hearing. The chief justice of the court shall decide to appoint a new judge, people's assessor or court clerk. If the changed person is the chief justice of the court, the competence to decide on appointment must comply with Clause 1 of this Article.

3. Within 5 working days after the court hearing is postponed, the chief justice of the court shall appoint a person in replacement of the changed one.

Article 50. Cases in which procurators or examiners shall refuse to conduct procedures or be changed

Procurators or examiners shall refuse to conduct procedures or be changed in any of the following cases:

1. They fall into any of thế cases specified in Article 45 of this Law;

2. They have conducted procedures in the same case in the capacity as judges, people's assessors, verifiers, court clerks, procurators or examiners.

Article 51. Procedures for refusing to conduct procedures or requesting the change of procurators or examiners

1. The refusal to conduct procedures or request for change of a procurator before the opening of a court hearing must be made in writing, clearly stating the reason and ground for the refusal or request.

The refusal to conduct procedures or request for change of an examiner must be made in writing, clearly stating the reason and ground for the refusal or request.

2. The refusal to conduct procedures or request for change of a procurator at a court hearing shall be recorded in the hearing minutes.

Article 52. Decisions on change of procurators or examiners

1. Before the opening of a court hearing, the change of a procurator shall be decided by the chief procurator of the same-level procuracy; if a procurator requested to be changed is the chief procurator, the change shall be decided by the chief procurator of the immediate superior procuracy.

The change of an examiner shall be decided by the chief procurator of the same-level procuracy.

2. During a court hearing, the change of a procurator shall be decided by the trial panel after hearing opinions of the person requested to be changed. The trial panel shall discuss the change in the deliberation room and make a decision by majority.

In case a procurator must be changed, the trial panel shall issue a decision to postpone the court hearing. The appointment of a new procurator to replace the changed one shall be decided by the chief procurator of the same-level procuracy. If the changed procurator is the chief procurator, the change shall be decided by the chief procurator of the immediate superior procuracy.

3. Within 3 working days after the court hearing is postponed, the chief procurator of the procuracy shall appoint a person in replacement of the changed one and notify such in writing to the court.

Chapter IV

PROCEDURE PARTICIPANTS AND THEIR RIGHTS AND OBLIGATIONS

Article 53. Procedure participants

Administrative procedure participants include involved parties, representatives of involved parties, defense counsels of the lawful rights and interests of involved parties, witnesses, expert witnesses and interpreters.

Article 54. Administrative procedure legal capacity and administrative procedure act capacity of involved parties

1. Administrative procedure legal capacity means the capacity to have law-established rights and obligations in administrative procedures. All agencies, organizations and individuals have the same administrative procedure legal capacity in requesting the court to protect their lawful rights and interests.

2. Administrative procedure act capacity means the capacity of a person to exercise his/ her administrative procedure rights or perform his/her administrative procedure obligations on his/her own or to authorize a representative to participate in administrative procedures.

3. An involved party who is aged full 18 years or older has the full administrative procedure act capacity, except those who have lost their civil act capacity or otherwise provided by law.

The administrative procedure act capacity of a person who has civil act capacity restricted or meets a difficulty in cognizing or controlling his/her acts shall be determined under a court ruling.

4. An involved party who is a minor or a person who has lost his/her civil act capacity or has civil act capacity restricted or meets a difficulty in cognizing or controlling his/her acts shall exercise his/her rights and perform his/her obligations in administrative procedures through his/ her at-law representative.

5. An involved party that is an agency or organization shall exercise its rights and perform its obligations in administrative procedures through its at-law representative.

Article 55. Rights and obligations of involved parties

When participating in procedures, involved parties have equal rights and obligations, including:

1. To respect the court and strictly observe internal rules of court hearings;

2. To pay legal cost advances, legal cost, fees and other procedural expenses prescribed by law;

3. To maintain, change, add or withdraw their claims;

4. To provide their residence or head office addresses in a sufficient and accurate manner; in the course of case settlement by the court, to promptly notify other involved parties and the court of any change in their residence or head office addresses;

5. To provide documents and evidences to prove and protect their lawful rights and interests;

6. To request agencies, organizations and individuals that are keeping or managing documents or evidences to provide such documents or evidences for furnishing them to the court;

7. To request the court to verify or collect documents and evidences of the case which they cannot verify or collect; to request the court to compel the production by other involved parties of documents or evidences which they are keeping or managing; to request the court to rule on compelling the provision by agencies, organizations or individuals that are keeping or managing evidences of such evidences; and to request the court to summon witnesses, solicit expert examination or valuation of assets;

8. To get access to, take notes and make copies of documents or evidences produced by other involved parties or collected by the court, except documents or evidences not permitted to be disclosed under Clause 2, Article 96 of this Law;

9. To submit copies of lawsuit petitions and documents or evidences to the court for sending to other involved parties or lawful representatives of other involved parties, except documents or evidences not permitted to be disclosed under Clause 2, Article 96 of this Law;

10. To request the court to rule on the application, change or cancellation of provisional urgent measures;

11. To request the court to hold sessions to check the submission of, access to, or disclosure of, evidences and dialogues, and participate in such sessions in the course of case settlement by the court;

12. To receive valid notices for exercising their rights and performing their obligations;

13. To defend their lawful rights and interests or ask lawyers or other persons to do so;

14. To request the change of procedure-conducting persons or procedure participants;

15. To participate in court hearings and session;

16. To be present in response to court summonses and abide by court rulings in the course of case settlement by the court;

17. To request the court to summon persons with related interests and obligations to participate in procedures;

18. To request the court to suspend the case settlement;

19. To give questions to other persons on matters related to the case or propose to the court matters on which questions must be given to other persons; to confront themselves with one another or with witnesses;

20. To make arguments at court hearings, present their opinions on evidence assessment and applicable laws;

21. To be provided with extracts of court judgments or rulings;

22. To appeal against or complain about court judgments or rulings;

23. To request competent persons to file protests against legally effective court judgments or rulings according to cassation or reopening procedures;

24. To strictly abide by legally effective court judgments and rulings;

25. To exercise their rights in a good will and refrain from abusing their rights to obstruct procedural activities of the court and other involved parties;

26. Other rights and obligations provided by law.

Article 56. Rights and obligations of plaintiffs

Plaintiffs have the following rights and obligations;

1. The rights and obligations specified in Article 55 of this Law;

2. To change contents of their lawsuit claims within the statute of limitations for lawsuit institution; to withdraw part or the whole of their lawsuit claims.

Article 57. Rights and obligations of defendants

Defendants have the following rights and obligations:

1. The rights and obligations specified in Article 55 of this Law;

2. To be informed by the court of lawsuits against them;

3. To prove the correctness and lawfulness of administrative decisions or acts over which lawsuits are instituted;

4. To modify or cancel administrative decisions, disciplinary decisions on dismissal, or decisions on settlement of complaints about decisions on handling of competition cases or voter lists over which lawsuits are instituted; to stop or remedy administrative acts over which lawsuits are instituted.

Article 58. Rights and obligations of persons with related interests and obligations

1. Persons with related interests and obligations may make independent claims and participate in procedures on the side of the plaintiff or the defendant.

2. Persons with related interests and obligations that make independent claims have the rights and obligations of the plaintiff specified in Article 56 of this Law.

3. Persons with related interests and obligations who participate in procedures on the side of the plaintiff or have interests only have the rights and obligations specified in Article 55 of this Law.

4. Persons with related interests and obligations who participate in procedures on the side of the defendant or have obligations only have the rights and obligations specified in Clauses 1 and 2, Article 57 of this Law.

Article 59. Inheritance of administrative procedural rights and obligations

1. In case the plaintiff being an individual is dead and his/her rights and obligations are bequeathed, his/her heir may participate in procedures.

2. In case the plaintiff' being an agency or organization is consolidated, merged, split up, divided or dissolved, the agency, organization or individual that inherits the rights and obligations of the former agency or organization shall exercise the procedural rights and perform the procedural obligations of such agency or organization.

3. In case the defendant is a competent person in an agency or organization that is consolidated, merged, split up, divided or dissolved, the person who takes over the rights and obligations of the defendant shall participate in procedures.

In case the defendant is a competent person in an agency or organization where his/her post no longer exists, the head of this agency or organization shall exercise the rights and perform the obligations of the defendant.

4. In case the defendant is an agency or organization that is consolidated, merged, divided or split up, the agency or organization that inherits the rights and obligations of the former agency or organization shall exercise the procedural rights and perform the procedural obligations of such agency or organization.

In case the defendant is a dissolved agency or organization with nobody to inherit its rights and obligations, its superior agency or organization shall exercise the rights and perform the obligations of the defendant.

5. In case of merger, division, splitting up, dissolution or adjustment of administrative boundaries of an administrative unit but the subject of the administrative decision sees a

change, the agency, organization or individual that has issued such administrative decision shall participate in procedures as the defendant at the court of the locality where such agency, organization or individual is based. The agency receiving the subject of the administrative decision over which a lawsuit is instituted shall participate in procedures as a person with related interests and obligations.

6. The inheritance of procedural rights and obligations may be accepted by the court at any stage in the process of settlement of an administrative case.

Article 60. Representatives

1. Representatives in administrative procedures include at-law representatives and authorized representatives.

2. An at-law representative in administrative procedures may be any of the following persons, unless his/her representation right is restricted in accordance with law:

a/ Father or mother, for a minor child;

b/ Guardian, for a ward;

c/ A person appointed by the court, for a person having civil act capacity restricted or having a difficulty in cognizing or controlling his/her act;

d/ Head of an agency or organization who is appointed or elected in accordance with law;

dd/ Other persons defined by law.

3. Authorized representatives in administrative procedures must have the full civil act capacity and be authorized in writing by involved parties or their at-law representatives.

In case a household, cooperative group or another organization without the legal person status participates in administrative procedures, its members may authorize one member among them or another person to act as their representative to participate in administrative procedures.

In case a defendant is an agency or organization or its head, he/she may only authorize his/her deputy to represent him/her in administrative procedures. The authorized person shall participate in the settlement of the whole case and fully exercise the rights and perform the obligations of defendants specified in this Law.

4. At-law representatives and authorized representatives in administrative procedures shall terminate their representation in accordance with the Civil Code.

5. At-law representatives in administrative procedures shall exercise administrative procedural rights and perform administrative procedural obligations of involved parties whom they represent.

Authorized representatives in administrative procedures shall exercise all administrative procedural rights and perform all administrative procedural obligations of their authorizers. An authorized person may not sub-authorize a third party.

6. The following persons may not act as representatives:

a/ Those being involved parties in the same case with to-be-represented persons whose lawful rights and interests conflict with those of to-be-represented persons;

b/ Those currently acting as representatives in administrative procedures for other involved parties whose lawful rights and interests conflict with those of to-be-represented persons in the same case.

7. Cadres and civil servants of courts, procuracies, inspectorates and judgment enforcement agencies; or civil servants, officers and non-commissioned officers in public security forces may not act as representatives in administrative procedures, unless they participate in the capacity as representatives of their agencies or as at-law representatives.

Article 61. Defense counsels of lawful rights and interests of involved parties

1. Defense counsels of the lawful rights and interests of involved parties are persons participating in procedures to defend the lawful rights and interests of involved parties.

2. The following persons may act as defense counsels of the lawful rights and interests of involved parties when requested by such involved parties and registered by the court as defense counsels of the lawful rights and interests of involved parties;

a/ Lawyers who participate in procedures in accordance with the law on lawyers;

b/ Legal counsels or persons who join in providing legal aid in accordance with the Law on Legal Aid;

c/ Vietnamese citizens who have the full civil act capacity and legal knowledge, have not yet been convicted or had been convicted but have had their criminal records remitted, are not subject to any administrative handling measure and are not cadres or civil servants of courts, procuracies, inspectorates or judgment enforcement agencies or civil servants, officers or noncommissioned officers in public security forces.

3. Defense counsels of the lawful rights and interests of involved parties may defend the lawful rights and interests of many involved parties in the same case, provided the lawful rights and interests of these parties do not conflict. Many defense counsels may jointly defend the lawful rights and interests of an involved party in a case.

4. When requesting the court to carry out procedures for registration of a defense counsel of the lawful rights and interests of involved parties, a requester shall produce the following papers:

a/ A lawyer shall produce the papers specified in Clause 2, Article 27 of the Law on Lawyers;

b/ A legal aid provider or a person participating in the provision of legal aid shall produce a document on appointment of a person providing legal aid issued by an organization providing legal aid and legal aid provider card or lawyer card;

c/ A Vietnamese citizen who fully satisfies the conditions prescribed at Point c, Clause 2 of this Article shall produce a written request of the involved parties and his/her personal identification paper.

5. After checking the produced papers and deeming that the requester fully satisfies the conditions for acting as a defense counsel of the lawful rights and interests of involved parties specified in Clause 2, 3 or 4 of this Article, within 3 working days after receiving the request, the court shall record in the register the defense counsel of the lawful rights and interests of involved parties and give certification in the written request for the defense counsel. In case of refusal to register the defense counsel, the court shall notify such in writing to the requester, clearly stating the reason.

6. Defense counsels of the lawful rights and interests of involved parties have the following rights and obligations:

a/ To participate in procedures from the time when the lawsuit is instituted or at any stage of the administrative proceedings:

b/ To collect documents and evidences and furnish the court with documents and evidences, study case files and take notes of and copy necessary documents included in case files for the purpose of defending the lawful rights and interests of involved parties, except documents and evidences not permitted to be disclosed under Clause 2, Article 96 of this Law;

c/ To participate in court hearings or sessions or send documents for defending the lawful rights and interests of involved parties to the court for examination in case of failure to participate in court hearings or sessions;

d/ To request on behalf of involved parties the change of procedure-conducting persons and other procedure participants in accordance with this Law;

dd/ To assist involved parties in legal matters related to the defense of their lawful rights and interests; to receive on behalf of involved parties procedural papers and documents delivered or notified by the court in case of being authorized by involved parties and forward such papers and documents to involved parties;

e/ The rights and obligations provided in Clauses 1, 6, 9, 16, 19 and 20, Article 55 of this Law.

g/ Other rights and obligations provided by law.

Article 62. Witnesses

1. Witnesses are persons who know circumstances related to cases and are summoned by the court at the request of involved parties to participate in procedures. Persons who have lost the civil act capacity may not act as witnesses.

2. Witnesses have the following rights and obligations;

a/ To provide all information, documents and objects in their possession which are related to the settlement of cases;

b/ To honestly testify to circumstances which they know and are related to the settlement of cases;

c/ To be held responsible before law for their testimonies, and pay compensations for damage caused by their untruthful testimonies to involved parties or other persons;

d/ To be present at court and court hearings in response to court summonses in case witness testimonies must be publicly taken at court or court hearings. In case witnesses are absent from court hearings without plausible reasons and their absence impedes the trial, the trial panel may issue decisions to escort them to court hearings;

dd/ To undertake before court to exercise their rights and perform their obligations, except minor witnesses;

e/ To refuse to make testimonies if their testimonies are related to state secrets, professional secrets, business secrets or privacy secrets or badly or adversely affect involved parties who are their relatives;

g/ To take leaves during the time they are summoned by the court or make testimonies;

h/ To have relevant expenses paid in accordance with law;

i/ To request courts that have summoned them and competent state agencies to protect their lives, health, honor, dignity, property, and other lawful rights and interests when they participate in procedures;

k/ To complain about procedural acts, and denounce illegal acts of procedure-conducting agencies and persons.

Article 63. Expert witnesses

1. Expert witnesses are persons who possess necessary knowledge and experience, as required by law, about the fields in which exist objects of expert examination, who are selected under agreement between involved parties or invited by the court to conduct expert examination of these objects at the request of an involved party or involved parties.

2. Expert witnesses have the following rights and obligations:

a/ To read documents included in case files and related to objects of expert examination; to request the court to provide documents necessary for the expert examination;

b/ To question procedure participants about matters related to objects of expert examination;

c/ To be present in response to court summonses and answer questions related to the expert examination;

d/ To notify in writing the court of the impossibility to conduct expert examination for the reason that contents necessary for expert examination fall beyond their professional capacity or documents provided for the expert examination are insufficient or unusable;

dd/ To preserve received documents and return them to the court together with expert examination conclusions or with a notice of the impossibility to conduct expert examination;

e/ To refrain from collecting documents by themselves for conducting expert examination or contacting other procedure participants if such contact might affect expert examination results; to refrain from disclosing secret information which they know while conducting expert examination or from notifying expert examination results to persons other than those who have decided to solicit expert examination opinions;

g/ To make independent, honest and grounded expert examination conclusions;

h/ To have relevant expenses paid in accordance with law;

i/ To undertake before the court to exercise their rights and perform their obligations.

3. Expert witnesses shall refuse to conduct expert examination or be changed in the following cases:

a/ They are concurrently involved parties, representatives or relatives of involved parties;

b/ They have participated in the procedures in the capacity as defense counsels of the lawful rights and interests of involved parties, witnesses or interpreters in the same case;

c/ They have examined the same object which needs to be examined in the same case;

d/ They have conducted the procedures in the same case in the capacity as judges, people's assessors, verifiers, court clerks, procurators or examiners;

dd/ There are other clear grounds to believe that they might be not impartial while performing their duties.

Article 64. Interpreters

1. Interpreters are persons who are capable of translating another language into Vietnamese and vice versa when a procedure participant cannot speak Vietnamese. An interpreter is selected by an involved party or under agreement between involved parties and accepted by the court or required by the court to interpret.

Those who know the language of persons with vision disability or those who can hear or speak the language of persons with hearing or speaking disability are also regarded as interpreters.

In case only a representative or relative of a person with vision, hearing or speaking disability knows the latter's language or signs, such representative or relative may be accepted by the court to act as an interpreter for such person with disability.

2. Interpreters have the following rights and obligations:

a/ To be present in response to court summonses;

b/ To interpret truthfully, objectively and correctly;

c/ To request procedure-conducting persons and procedure participants to further explain their statements which need to be interpreted;

d/ To refrain from contacting other procedure participants if such contact affects the truthfulness, objectivity and correctness of their interpretation;

dd/ To have relevant expenses paid in accordance with law;

e/ To undertake before the court to exercise their rights and perform their obligations.

3. Interpreters shall refuse to interpret or be changed in the following cases:

a/ They are concurrently involved parties, representatives or relatives of involved parties;

b/ They have participated in the procedures in the capacity as defense counsels of the lawful rights and interests of involved parties, witnesses or expert witnesses in the same case;

c/ They have conducted the procedures in the capacity as judges, people's assessors, verifiers, court clerks, procurators or examiners;

d/ There are other clear grounds to believe that they might be not impartial while performing their duties.

Article 65. Procedures for rejecting expert witnesses or interpreters or requesting change of expert witnesses or interpreters

1. Before the opening of a court hearing, the rejection of an expert witness or interpreter or the request for change of an expert witness or interpreter shall be made in writing, clearly stating the reason for such rejection or request. The change of an expert witness or interpreter shall be decided by the chief justice of the court.

2. At a court hearing, the rejection of an expert witness or interpreter or the request for change of an expert witness or interpreter shall be recorded in the court hearing minutes. The change of an expert witness or interpreter shall be decided by the trial panel after hearing opinions of the person requested to be changed.

Chapter V

PROVISIONAL URGENT MEASURES

Article 66. Right to request application of provisional urgent measures

1. In the course of settlement of a case, involved parties or their representatives may request the court currently settling the case to apply one or several provisional urgent measures

specified in Article 68 of this Law to provisionally deal with urgent requests of involved parties, protect evidences or preserve the current state so as to prevent irremediable damage or to assure the case settlement or judgment execution.

2. In emergency cases when it is necessary to immediately protect evidences or to prevent possible serious consequences, agencies, organizations or individuals may file applications to request competent courts to issue decisions on application of provisional urgent measures specified in Article 68 of this Law simultaneously with the filing of lawsuit petitions with such courts.

3. Requesters for application of provisional urgent measures are not required to pay a security.

Article 67. Competence to decide on application, change or cancellation of provisional urgent measures

1. The application, change or cancellation of provisional urgent measures before the opening of a court hearing shall be considered and decided by a judge.

2. The application, change or cancellation of provisional urgent measures during a court hearing shall be considered and decided by the trial panel.

Article 68. Provisional urgent measures

1. Suspension of execution of administrative decisions, disciplinary decisions on dismissal or decisions on handling of competition cases.

2. Suspension of performance of administrative acts.

3. Ban on or compulsion of performance of certain acts.

Article 69. Suspension of execution of administrative decisions, disciplinary decisions on dismissal or decisions on handling of competition cases

The measure of suspension of execution of an administrative decision, a disciplinary-decision on dismissal or a decision on handling of a competition case shall be applied if in the course of settlement of a case there is a ground to believe that the execution of such decision will lead to irremediable serious consequences.

Article 70. Suspension of performance of administrative acts

The measure of suspension of performance of an administrative act shall be applied when there is a ground to believe that the continued performance of such administrative act will lead to irremediable serious consequences.

Article 71. Ban on or compulsion of performance of certain acts

The measure of ban on or compulsion of performance of certain acts shall be applied if in the course of settlement of a case there is a ground to believe that performance or non-

performance of certain acts by an involved party has affected the settlement of the case or the lawful rights and interests of other persons involved in the case being settled by the court.

Article 72. Liability for request for, or application of, provisional urgent measures

1. An involved party that requests the court to issue a decision on application of a provisional urgent measure shall be held responsible before law for his/her request. If he/she is at fault in causing damage, he/she shall pay compensation.

2. The court that applies a provisional urgent measure not true to the request of an involved party, causing damage to the person subject to this measure or to a third party shall pay compensation.

3. The court that applies a provisional urgent measure not within the time limit prescribed by law or fails to apply a provisional urgent measure without a plausible reason, causing damage to the requester for application of such measure shall pay compensation.

4. The payment of compensation under Clauses 2 and 3 of this Article shall be made in accordance with the Law on State Compensation Liability.

Article 73. Procedures for application of provisional urgent measures

1. Persons who request the court to apply provisional urgent measures shall send their written requests to competent courts, enclosed with documents and evidences proving the necessity to apply these measures.

2. A written request for application of a provisional urgent measure must contain the following principal details:

a/ Date of writing the request;

b/ Name, address, telephone number, facsimile number and email address (if any) of the requester;

c/ Name, address, telephone number, facsimile number and email address (if any) of the person against whom the provisional urgent measure is requested to be applied;

d/ Summarized contents of the administrative decision, disciplinary decision on dismissal, decision on settlement of a complaint about a decision on handling of a competition case or administrative act over which the lawsuit is instituted;

dd/ Reason for application of the provisional urgent measure;

e/ Provisional urgent measure which needs to be applied and specific requirements.

3. For a request for application of a provisional urgent measure specified in Clause 1, Article 66 of this Law, the judge assigned to settle the case shall consider and handle the request. Within 48 hours after receiving a request, the judge shall issue a decision on application of a provisional urgent measure. In case of rejecting a request, the judge shall notify such in writing to the requester and same-level procuracy, clearly stating the reason.

In case the trial panel receives a request for application of a provisional urgent measure during a court hearing, it shall consider and issue a decision on immediate application of the provisional urgent measure. In case of rejecting a request, the trial panel shall notify such to the requester, clearly stating the reason, and record such in the court hearing minutes.

4. For a request for application of a provisional urgent measure specified in Clause 2, Article 66 of this Law, after receiving a request enclosed with a lawsuit petition and enclosed documents and evidences, the chief justice shall immediately designate a judge to accept and handle the request. Within 48 hours after receiving a request, the judge shall consider and issue a decision on application of a provisional urgent measure. In case of rejecting a request, the judge shall notify such in writing to the requester and same-level procuracy, clearly stating the reason.

Article 74. Change or cancellation of provisional urgent measures

1. At the request of involved parties, the court shall consider and decide to change provisional urgent measures being applied if deeming such measures no longer appropriate and it is necessary to replace them with other provisional urgent measures.

2. The court shall issue a decision to cancel an applied provisional urgent measure in one of the following cases:

a/ The requester for application of the measure requests the cancellation thereof;

b/ The ground for the application of the provisional urgent measure no longer exists;

c/ The case has been settled with a legally effective court judgment or ruling;

d/ One of the cases in which the court returns the lawsuit petition as prescribed in this Law;

dd/ The case has been terminated under Article 143 of this Law.

3. Procedures for changing or canceling provisional urgent measures must comply with Article 73 of this Law.

Article 75. Effect of decisions on application, chance or cancellation of provisional urgent measures

1. Decisions on application, change or cancellation of provisional urgent measures shall become effective immediately for implementation.

2. The court shall immediately deliver or send decisions on application, change or cancellation of provisional urgent measures to involved parties and procuracy and civil judgment enforcement agency at the same level.

Article 76. Complaints or recommendations about application, change or cancellation of provisional urgent measures

1. Involved parties may file complaints and procuracies may file recommendations with chief justices of courts currently settling cases about decisions on application, change or

cancellation of provisional urgent measures or non-issuance of such decisions by judges. The time limit for filing a complaint or recommendation is 3 working days after the receipt of a decision on application, change or cancellation of a provisional urgent measure or of a judge's notice of non-issuance of such decision.

2. At a court hearing, involved parties may complain and the procuracy may recommend to the trial panel about the application, change or cancellation of a provisional urgent measure or non-application, non-change or non-cancellation of such measure.

Article 77. Settlement of complaints or recommendations about application, change or cancellation of provisional urgent measures

1. Chief justices of courts shall consider and settle complaints or recommendations mentioned in Clause 1, Article 76 of this Law within 3 working days after receiving these complaints or recommendations.

2. Chief justices' decisions on settlement of complaints or recommendations are final and shall be immediately delivered or sent to involved parties and procuracies and civil judgment enforcement agencies at the same level.

3. The settlement of complaints or recommendations at court hearings falls within the jurisdiction of trial panels. Trial panels' decisions on settlement of complaints or recommendations are final.

Chapter VI

PROVING AND EVIDENCES

Article 78. Burden of proof in administrative procedures

1. Plaintiffs are obliged to provide copies of administrative decisions, disciplinary decisions on dismissal, decisions on settlement of complaints about decisions on handling of competition cases, or complaint settlement decisions (if any) and furnish other evidences to defend their lawful rights and interests. In case of failure to do so, they shall clearly state the reason.

2. Defendants are obliged to provide courts with complaint settlement dossiers (if any) and copies of documents based on which administrative decisions, disciplinary decisions on dismissal or decisions on settlement of complaints about decisions on handling of competition cases have been issued or administrative acts have been taken.

3. Persons with related interests and obligations are obliged to provide evidences to defend their lawful rights and interests.

Article 79. Circumstances and facts which are not required to be proved

1. The following circumstances and facts are not required to be proved:

a/ Those which are conspicuous to everyone's knowledge and accepted by the court;

b/ Those which have been identified in legally effective court judgments or rulings;

c/ Those which have been documented and duly notarized or authenticated. In case of suspicion about the authenticity of circumstances or facts in such document, a judge may request the agency, organization or individual that has provided or handed it to produce the original document.

2. If an involved party acknowledges or does not object to circumstances, facts or documents invoked by the other involved party, the latter is not required to prove them. If an involved party has a representative to participate in the procedures, this representative's acknowledgement or non-objection shall be regarded as such involved party's acknowledgement if the representation does not fall beyond the scope of representation.

Article 80. Evidences

Evidences in an administrative case include factual things which are handed or produced to the court by involved parties or other agencies, organizations or individuals in the process of conducting procedures or collected by the court according to the order and procedures prescribed in this Law and used by the court as grounds for determining whether factual circumstances of the case as well as claims or objections of involved parties are grounded and lawful.

Article 81. Evidence sources

Evidences are collected from the following sources:

1. Readable, audible or visible materials, or electronic data;

2. Exhibits;

3. Testimonies of involved parties;

4. Testimonies of witnesses;

5. Expert examination conclusions;

6. Written records of on-site appraisal results;

7. Asset valuation and price appraisal results;

8. Written certifications of legal facts or acts made by responsible persons;

9. Notarized or authenticated documents;

10. Other sources specified by law.

Article 82. Identification of evidences

1. Readable materials shall be regarded as evidences if they are originals or lawfully notarized or authenticated copies or provided and certified by competent agencies or organizations.

2. Audible or visible materials shall be regarded as evidences if they are presented by persons possessing them together with documents certifying their origins if such persons have made audio or visual recordings themselves, or written certifications by those that have provided them to presenters of their origins, or documents on events related to such audio or visual recording.

3. Electronic data messages expressed in the form of exchange of e-data, e-documents, emails, telegrams, facsimiles and other similar forms prescribed by the law on e-transactions.

4. Exhibits regarded as evidences must be the original and related to cases or matters being settled.

5. Testimonies of involved parties or witnesses shall be regarded as evidences if they are recorded in writing or in audio or video tapes or disks or other sound or image storage media as prescribed in Clause 2 of this Article or are orally made at court hearings.

6. Expert examination conclusions shall be regarded as evidences if the expert examination is conducted according to procedures prescribed by law.

7. Written records of on-site appraisal results shall be regarded as evidences if the appraisal is conducted according to procedures prescribed by law.

8. Asset valuation and price appraisal results shall be regarded as evidences if the valuation or appraisal is conducted according to procedures prescribed by law.

9. Documents certifying legal events or acts made on the spot by responsible persons shall be regarded as evidences if they have been made according to procedures prescribed by law.

10. Other sources identified as evidence sources in accordance with law.

Article 83. Handover of documents and evidences

1. In the course of settlement of an administrative case by the court, involved parties have the right and obligation to hand over documents and evidences to the court. If they fail to hand over documents and evidences or fail to hand over all documents and evidences to the requesting court without a plausible reason, the court shall base itself on the handed documents and evidences and those collected by itself under Clause 2, Article 84 of this Law to settle the case.

2. The handover of documents and evidences by involved parties to the court shall be recorded in writing. The written record must clearly indicate appellations, forms, contents and features of documents and evidences; number of copies and number of pages of documents and evidences and time of receipt; signatures or fingerprints of deliverers and recipients and seal of the court. A written record shall be made in two copies, one shall be included in the administrative case file and the other handed to the involved party that has handed over the documents and evidences.

3. A document or an evidence handed over by an involved party to the court which is in an ethnic minority language or a foreign language shall be enclosed with its duly notarized or authenticated Vietnamese translation.

4. The time limit for handing over documents and evidences shall be prescribed by a judge assigned to settle a case but must not exceed the time limit for preparation for trial according to first-instance procedures prescribed in Article 130 of this Law.

5. In case handed documents and evidences do not constitute sufficient grounds for the settlement of the case, the judge shall request involved parties to additionally hand over documents and evidences.

6. In case involved parties are unable to collect documents and evidences by themselves and request the collection of such documents and evidences, or when deeming it necessary, the court may verify and collect documents and evidences by itself or entrust the verification and collection of documents and evidences for clarifying circumstances of the case.

Article 84. Verification and collection of documents and evidences

1. Involved parties may collect evidences by themselves with the following measures:

a/ Collecting readable, audible or visible materials, or electronic data messages;

b/ Collecting exhibits;

c/ Identifying witnesses and taking certifications by witnesses;

d/ Requesting agencies, organizations or individuals to permit copying of or provide documents related to the settlement of the case which are currently kept or managed by the latter;

dd/ Requesting commune-level People's Committees to authenticate signatures of witnesses;

e/ Requesting the court to collect documents and evidences if they are unable to do so;

g/ Requesting the court to issue decisions to solicit expert examination or valuation of assets;

h/ Requesting agencies, organizations or individuals to perform other jobs in accordance with law.

2. In the cases specified by this Law, a judge may take one or several of the following measures to collect documents and evidences:

a/ Taking testimonies of involved parties and witnesses;

b/ Holding confrontations between involved parties and between involved parties and witnesses;

c/ Conducting on-site inspection and appraisal; d/ Soliciting expert examination;

dd/ Deciding on asset valuation;

e/ Entrusting the collection and verification of documents and evidences;

g/ Requesting agencies, organizations or individuals to provide readable, audible or visible documents or other exhibits related to the settlement of the case.

h/ Other measures prescribed by this Law.

3. When taking a measure specified at Point c, d, dd, e or g, Clause 2 of this Article, a judge shall issue a decision thereon, clearly stating the reason for application of the measure and requirement of the court.

4. At the stage of trial according to cassation or reopening procedures, verifiers may take the measures to collect evidences specified at Points a and g, Clause 2 of this Article.

When a verifier applies a measure specified at Point g, Clause 2 of this Article, the court shall issue a decision, clearly stating the reason for application of the measure and its requirement.

5. Within 3 working days after collecting documents and evidences, the court shall notify such to involved parties so that they can exercise their rights and perform their obligations.

6. The procuracy may request the court to verify and collect documents and evidences in the course of settlement of a case. In case of filing a protest against a court judgment or ruling according to appellate, cassation or reopening procedures, the procuracy may verily and collect documents and evidences to assure the protest filing.

Article 85. Taking of testimonies of involved parties

1. Judges shall take testimonies of involved parties only when the latter have not yet made written testimonies or contents of involved parties' testimonies are inadequate or unclear. Involved parties shall write their testimonies by themselves and give their signatures thereon. In case involved parties are unable to write testimonies, judges shall take testimonies. The taking of testimonies of involved parties must only focus on circumstances inadequately or unclearly testified by involved parties. Judges themselves or court clerks shall record testimonies of involved parties in minutes. Judges shall take testimonies of involved parties in the courthouse or outside the courthouse when necessary.

2. Minutes recording testimonies of involved parties shall be read or heard and signed or fingerprinted by these involved parties themselves. Involved parties may request modifications or supplementations to be written in the minutes and then sign or fingerprint for certification.

A minutes shall be signed by the person who takes the testimonies and the minutes recorder and appended with the seal of the court. For minutes made in loose pages, each page shall be signed and adjoining pages appended with a seal. For minutes recording testimonies of involved parties made outside the courthouse, the testimony taking shall be certified by witnesses or by commune-level People's Committees or police offices or by agencies or

organizations in which these minutes are made. For involved parties who are illiterate, there must be witnesses chosen by them.

3. The taking of testimonies of involved parties who are aged under 18 years or persons with restricted civil act capacity or persons having difficulties in cognizing or controlling their acts shall be conducted in the presence of their at-law representatives, managers or caretakers.

Article 86. Taking of testimonies of witnesses

1. At the request of involved parties or when finding it necessary, judges shall take testimonies of witnesses.

2. Procedures for taking testimonies of witnesses are the same as those for taking testimonies of involved parties specified in Article 85 of this Law.

Article 87. Confrontation

1. At the request of involved parties or when finding contradictions in testimonies of involved parties or witnesses, judges shall hold a confrontation between involved parties, between involved parties and witnesses, or between witnesses.

2. The confrontation must be recorded in writing with the signatures or fingerprints of confrontation participants.

Article 88. On-site inspection and appraisal

1. Judges shall conduct on-site inspection and appraisal in the presence of representatives of commune-level People's Committees or police offices, or agencies or organizations in which exist objects to be inspected or appraised. On-site inspection and appraisal shall be notified in advance to involved parties so that they can know and witness such inspection and appraisal.

2. On-site inspection and appraisal shall be recorded in minutes. A minutes must clearly state results of inspection and appraisal, clearly describe the scene and bear signatures of persons conducting the inspection and appraisal and signatures or fingerprints of involved parties if they are present, representatives of commune-level People's Committees or police offices, or agencies or organizations in which exist objects to be inspected or appraised, and other persons invited to participate in the inspection and appraisal. Such a minutes shall be signed and appended with a seal for certification by representatives of commune-level People's Committees or police offices, or agencies or organizations in which exist objects to be inspected or appraised.

3. Any acts obstructing the on-spot inspection and appraisal are prohibited.

4. Judges may request commune-level People's Committees or police offices in which on-spot inspection and appraisal are conducted to assist them in case there are acts obstructing the on-spot inspection and appraisal.

Article 89. Solicitation of, or request for, expert examination

1. Involved parties may request the court to solicit expert examination or request expert examination by themselves after requesting the court to solicit expert examination but have their requests are rejected by the court. The right to request expert examination shall be exercised before the court issues a decision to bring a case to first-instance trial.

2. At the request of involved parties or when finding it necessary, judges shall issue decisions to solicit expert examination. A decision to solicit expert examination must clearly indicate the name and address of the expert witness, object(s) and matters which need to be examined, and specific requirements that need conclusions of the expert witness.

3. If finding expert examination conclusions unclear, the court shall request the expert witness to explain such conclusions or summon the expert witness to the court hearing to directly present relevant contents at the request of involved parties or when finding it necessary.

4. At the request of involved parties or when finding it necessary, the court shall issue a decision on additional expert examination in case expert examination conclusions are inadequate or unclear or a new problem arises in relation to circumstances of the case on which expert examination conclusions have previously been made.

5. Expert re-examination shall be conducted in case there is a ground to believe that the initial expert examination conclusions are inaccurate or in violation of law or in a special case under a decision of the Procurator General of the Supreme People's Procuracy or the Chief Justice of the Supreme People's Court in accordance with the Law on Judicial Examination.

Article 90. Solicitation of expert examination of evidences denounced to be forged

1. In case an evidence is denounced to be forged, the provider of such evidence may withdraw it; if such evidence is not withdrawn, the denouncer may request the court to, or the court may, decide to solicit expert examination under Article 89 of this Law.

2. In case the evidence forgery shows signs of a crime, the court shall transfer it to a competent investigative agency for examination in accordance with the criminal procedure law.

3. Providers of forged evidences shall compensate for damage in accordance with law if the evidence forgery causes damage to others and shall bear examination expenses if the court decides to solicit expert examination.

Article 91. Asset valuation and price appraisal

1. Involved parties may provide asset prices; or reach agreement on asset valuation and provision of asset prices to the court.

2. Involved parties may agree on selection of a price appraisal organization to appraise asset prices and provide price appraisal results to the court.

The asset price appraisal shall be conducted in accordance with the law on asset price appraisal.

3. The court shall issue a decision on asset valuation and form a valuation council in one of the following cases:

a/ At the request of one involved party or involved parties;

b/ Involved parties provide different asset prices or cannot reach agreement on asset prices;

c/ Involved parties do not reach agreement on selection of an asset price appraisal organization;

d/ The plaintiff reaches agreement with a price appraisal organization on appraisal of asset prices higher than market prices in localities where valuated assets exist at the time of valuation for the purpose of seeking illicit profits from state assets, or the defendant reaches agreement with a price appraisal organization on appraisal of asset prices lower than market prices in order to shirk the responsibility to pay compensation to damage sufferers or there is a ground to believe that the price appraisal organization violates law when conducting the appraisal.

4. Order and procedures for forming a valuation council are as follows:

a/ A valuation council formed by the court is composed of its chairman being the representative of the finance agency and its members being representatives of related specialized agencies. Persons who have conducted the procedures in the same case and persons specified in Article 45 of this Law may not join the valuation council.

A valuation council shall conduct the valuation only when all of its members are present. When necessary, a representative of the commune-level People's Committee of the locality in which exist assets subject to valuation shall be invited to witness the valuation. Involved parties shall be notified in advance of the time and venue of conducting the valuation and may attend and give their opinions on the valuation. The competence to decide on prices of valuated assets rests with the valuation council.

b/ The finance agency and related specialized agencies shall appoint their persons to join the valuation council and create conditions for them to perform their duties. Persons appointed to be members of the valuation council shall take part in the whole process of valuation. In case the finance agency and related specialized agencies fail to appoint their persons to join the valuation council, the court shall request the competent management agency to direct the finance agency and specialized agencies in realizing its request. For persons appointed to join the valuation council who fail to join the council without a plausible reason, the court shall request leaders of their agencies to determine their responsibilities, appoint others as replacements and notify such to the court for continued valuation;

c/ The valuation shall be recorded in minutes, clearly stating opinions of each member and involved parties if they attend. A decision of the valuation council shall be voted for by more than half of its members. Members of the valuation council, involved parties and witnesses shall sign the minutes.

5. The asset revaluation shall be conducted in case there is a ground to believe that the initial valuation results are inaccurate or inconsistent with market prices in the locality where valuated assets exist at the time of settlement of the administrative case.

Article 92. Entrustment of collection of documents and evidences

1. In the course of settlement of an administrative case, the court may issue a decision to entrust another court or a competent agency specified in Clause 4 of this Article to take testimonies of involved parties and witnesses, to conduct on-site inspection and appraisal or asset valuation, or apply other measures to collect documents and evidences and verify circumstances of the case.

2. An entrustment decision must clearly state the names and addresses of the plaintiff and defendant and specific entrusted jobs to collect documents and evidences.

3. A court that receives an entrustment decision shall perform specific entrusted jobs within 30 days after receiving the entrustment decision and notify in writing results to the court that has issued the entrustment decision. If it cannot perform entrusted jobs, it shall notify such in writing, clearly stating the reason to the court that has issued the entrustment decision.

4. In case documents and evidences must be collected abroad, the court shall carry out procedures for entrustment through competent Vietnamese agencies or authorities of foreign countries under treaties to which Vietnam and these foreign countries are contracting members, or on the principles of reciprocity, non-contravention of Vietnamese law and conformity with international law and practices.

5. In case the entrustment cannot be made under Clause 3 or 4 of this Article or the entrustment has been made but the court has received no response, the court shall settle the case based on evidences available in the case file.

Article 93. Request for provision of documents and evidences by agencies, organizations or individuals

1. Involved parties may request agencies, organizations or individuals to provide documents and evidences. When so requesting, involved parties shall make written requests clearly specifying documents and evidences to be provided, reason for the provision, full names and addresses of individuals or names and addresses of agencies or organizations that are managing or keeping documents and evidences to be provided.

Agencies, organizations or individuals shall provide documents and evidences to involved parties within 15 days after receiving the latter's request. In case they cannot provide documents and evidences, they shall reply in writing, clearly stating the reason.

2. In case involved parties have taken all necessary measures but still fail to collect evidences by themselves, they may request the court to issue a decision to request agencies, organizations or individuals that are keeping or managing documents and evidences to provide them or do so themselves in order to assure the settlement of the administrative case.

Involved parties that request the court to collect documents and evidences shall make written requests clearly indicating matters to be proved; evidences to be collected; reason(s) why they cannot collect documents and evidences by themselves; full names and addresses of individuals, and names and addresses of agencies or organizations that are managing or keeping documents and evidences which need to be collected.

3. At the request of involved parties or when finding it necessary, the court shall request agencies, organizations or individuals to provide documents and evidences they are managing or keeping.

Agencies, organizations or individuals that are managing or keeping documents and evidences shall fully provide such documents and evidences as requested by the court within 15 days after receiving a request. In case they fail to do so upon the expiration of that time limit, the agencies, organizations or individuals shall reply in writing to the court, clearly stating the reason. Agencies, organizations or individuals that fail to do so without a plausible reason shall be handled in accordance with this Law and relevant laws. The handling of these agencies, organizations or individuals does not exempt them from the obligation to provide documents and evidences to the court.

4. In case the procuracy requests the provision of documents and evidences, agencies, organizations or individuals shall provide such documents and evidences under Clause 3 of this Article.

Article 94. Preservation of documents and evidences

1. The preservation of documents and evidences which have been handed over to the court rests with the court.

2. The preservation of documents and evidences which cannot be handed over to the court rests with their current keepers.

3. When necessary to hand over documents and evidences to third parties for preservation, judges shall issue decisions and make minutes of the handover of such documents and evidences to these parties for preservation. Persons undertaking the preservation shall sign the minutes, enjoy remuneration and take responsibility for the preservation of documents and evidences in accordance with law.

4. It is prohibited to destroy documents and evidences.

Article 95. Assessment of evidences

1. The assessment of evidences must be objective, comprehensive, adequate and accurate.

2. The court shall assess evidences one by one, the link between evidences and confirm the legality, relevance and proving value of every evidences.

Article 96. Disclosure and use of evidences

1. Every evidence shall be publicly and equally disclosed and used, except the case specified in Clause 2 of this Article.

2. The court shall not publicly disclose evidences pertaining state secrets, national fine customs and traditions, professional secrets, business secrets and privacy secrets at the legitimate request of involved parties but shall notify involved parties of evidences which may not be disclosed.

3. Procedure-conducting persons and procedure participants shall keep evidences confidential in the case specified in Clause 2 of this Article in accordance with law.

Article 97. Protection of evidences

1. In case an evidence is being destroyed or in danger of being destroyed or is hard to be collected in the future, involved parties may request in writing the court to decide on application of all necessary measures to preserve the evidence. The court may decide to apply one or several of the measures of sealing, keeping, photographing, audio-recording, video-recording, restoration, examination, minutes making and others.

2. In case a witness is intimidated, controlled or bought off for the purpose of not providing evidences or providing untruthful evidences, the court may decide to force the person who has committed the act of intimidating, controlling or buying off the witness to terminate his/her act. In case such act shows signs of a crime, the court shall request the procuracy to examine penal liability of such person.

Article 98. Right to access or exchange documents and evidences

1. Involved parties may know, take note of, copy or exchange documents and evidences handed over by other involved parties to the court or collected by the court, except those specified in Clause 2, Article 96 of this Law.

2. Involved parties that hand over documents and evidences to the court shall notify other involved parties of the handover within 5 working days so that the latter can contact the court to exercise the right to access such documents and evidences under Clause 1 of this Article.

3. Within 5 working days after collecting documents and evidences, the court shall notify involved parties of the collection so that they can exercise the right to access such documents and evidences under Clause 1 of this Article.

Chapter VII

PROVISION, DELIVERY OR NOTIFICATION OF PROCEDURAL DOCUMENTS

Article 99. Obligation to provide, deliver or notify procedural documents

Courts, procuracies and judgment enforcement agencies are obliged to provide, deliver or notify procedural documents to involved parties, other procedure participants and related agencies, organizations and individuals in accordance with this Law and other relevant laws.

Article 100. Procedural documents to be provided, delivered or notified

1. Written notices, summons and invitations in the administrative procedures.

2. Court judgments and rulings.

3. Protests of procuracies; documents of civil judgment enforcement agencies.

4. Other procedural documents required by law to be provided, delivered or notified.

Article 101. Persons conducting the provision, delivery or notification of procedural documents

1. Procedure-conducting persons or persons of procedural document-issuing agencies who are assigned to provide, deliver or notify procedural documents.

2. Persons with the delivering function.

3. Commune-level People's Committees of localities in which procedure participants reside or agencies or organizations in which procedure participants work when so requested by courts, procuracies or civil judgment enforcement agencies.

4. Involved parties, their representatives or defense counsels of their lawful rights and interests in the cases specified by this Law.

5. Employees of post service providers.

6. Other persons defined by law.

Article 102. Modes of provision, delivery or notification of procedural documents

1. Provision, delivery or notification made directly, by post or through authorized third parties.

2. Provision, delivery or notification made through electronic media at the request of involved parties or other procedure participants in accordance with the law on e-transactions.

3. Public posting.

4. Announcement in the mass media.

5. Provision, delivery or notification by other modes specified in Article 303 of this Law.

Article 103. Validity of provision, delivery or notification of procedural documents

1. The provision, delivery or notification of procedural documents which is made in accordance with this Law shall be considered valid.

2. Persons obliged to provide, deliver or notify procedural documents shall comply with this Law.

Article 104. Procedures for provision, delivery or notification of procedural documents

Persons conducting the provision, delivery or notification of procedural documents shall directly hand over these documents to relevant eligible persons. Persons to whom procedural documents are provided, delivered or notified or who are authorized to provide, deliver or notify these documents shall sign written records or books of delivery and receipt of procedural documents. The time for calculating the procedural time limit is the date they are provided with, delivered or notified of procedural documents.

Article 105. Procedures for provision, delivery or notification through electronic media

The provision, delivery or notification of procedural documents through electronic media must comply with the law on e-transactions.

The Supreme People's Court shall guide the implementation of this Article.

Article 106. Procedures for direct provision, delivery or notification to individuals

1. If persons to whom procedural documents are provided, delivered or notified are individuals, these documents shall be directly handed over to them.

2. In case persons to whom procedural documents are provided, delivered or notified have moved to new places of residence and who have notified such to the court, procedural documents shall be provided, delivered or notified to such persons at their new places of residence.

3. In case persons to whom procedural documents are provided, delivered or notified refuse to receive these documents, providers, deliverers or notifiers shall make written records of refusal, clearly stating reasons for refusal, with certification by heads of street quarters or chiefs of villages or hamlets (below collectively referred to as street quarter heads) or representatives of commune-level police offices, of such refusal.

4. In case persons to whom procedural documents are provided, delivered or notified are absent, the providers, deliverers or notifiers shall hand over such documents to relatives who have full civil act capacity and live in the same places of residence with them or to street quarter heads who shall sign the receipts of such documents, and request the latter to undertake to immediately hand them over to the persons to whom procedural documents are provided, delivered or notified.

In case persons to whom procedural documents are provided, delivered or notified are absent and the time of their return is or their addresses are unknown, providers, deliverers or notifiers shall make a written record of failure to provide, deliver or notify procedural documents, with certification by street quarter heads or representatives of commune-level police offices; and concurrently carry out procedures for publicly posting documents which need to be delivered under Article 108 of this Law.

Article 107. Procedures for direct provision, delivery or notification to agencies and organizations

In case persons to whom procedural documents are provided, delivered or notified are agencies or organizations, procedural documents shall be handed over directly to their at-law representatives or persons responsible for receiving documents who shall sign the receipts. In case agencies or organizations to which procedural documents are provided, delivered or notified have their representatives participating in the procedures or appoint their representatives to receive procedural documents, these representatives shall sign the receipts of these documents. The date of signing the receipt shall be regarded as the date of provision, delivery or notification.

Article 108. Procedures for public posting

1. The public posting of procedural documents shall be conducted when the direct provision, delivery or notification is impossible under Articles 106 and 107 of this Law.

2. The public posting of procedural documents shall be conducted directly by the court or persons with the delivering function authorized by the court, or commune-level People's Committees of localities in which involved parties reside according to the following procedures:

a/ Posting originals of procedural documents at courthouses or head offices of commune-level People's Committees of localities where individuals to whom such documents are provided, delivered or notified reside or last reside or where agencies or organizations to which such documents are provided, delivered or notified are based or last based;

b/ Posting copies of procedural documents in places or last places of residence of individuals to whom procedural documents are provided, delivered or notified or in places in which organizations to which procedural documents are provided, delivered or notified are based or last based;

c/ Making written records of performance of procedures for public posting, clearly stating the date of posting.

3. The duration of public posting of a procedural document is 15 days counting from the date this document is publicly posted.

Article 109. Procedures for announcement in the mass media

1. The announcement in the mass media shall be conducted only when it is so prescribed by law or when there is a ground to believe that the public posting does not guarantee that persons to whom procedural documents are provided, delivered or notified get information on these documents.

2. The announcement in the mass media may be conducted if so requested by other involved parties. In this case, involved parties requesting the announcement in the mass media shall bear expenses therefor.

3. An announcement in the mass media shall be published on the e-portal (if any) of the court and a central daily for three consecutive issues and broadcast on a central radio or television three times in three consecutive days.

Article 110. Notification of results of provision, delivery or notification of procedural documents

Persons conducting provision, delivery or notification of procedural documents who are neither procedure-conducting persons nor employees of procedural document-issuing agencies shall promptly notify' results of such provision, delivery or notification of procedural documents to the court or agencies issuing these documents.

Chapter VIII

DISCOVERY, AND RECOMMENDATION ON AMENDMENT, SUPPLEMENTATION OR ANNULMENT, OF LEGAL DOCUMENTS IN THE COURSE OF SETTLEMENT OF ADMINISTRATIVE CASES

Article 111. Discovery, and recommendation on amendment, supplementation, or annulment, of legal documents

1. In the course of settlement of an administrative case, if the court discovers a legal document relevant to the settlement showing signs of contravention of the Constitution, a law or a legal document of a superior state agency:

a/ In case a decision to bring the case to trial has not yet been issued, the chief justice of the court currently settling the case shall make recommendations according to his/her jurisdiction or request a competent person specified in Article 112 of this Law to do so;

b/ In case a decision to bring the case to trial has been issued or the case is being examined according to the cassation or reopening procedures, the trial panel shall request the chief justice of the court currently settling the case to make recommendations or request a competent person specified in Article 112 of this Law to do so.

2. A written recommendation or request for a competent person's recommendation on amendment, supplementation or annulment of a legal document must have the following principal contents:

a/ Name of the court issuing the written recommendation or request;

b/ Summarized contents of the case and legal matters which shall be dealt with to settle the case;

c/ Title, serial number and date of the legal document relevant to the case settlement and recommended to be amended, supplemented or annulled;

d/ Analysis of provisions of the legal document showing signs of contravention of the Constitution, a law or a legal document of a superior state agency;

dd/ The court's recommendation on, or request for, amendment, supplementation or annulment of the legal document.

3. The written recommendation or request for a competent person's recommendation shall be enclosed with the legal document recommended to be amended, supplemented or annulled.

Article 112. Competence to recommend amendment, supplementation or annulment of legal documents

1. Chief justices of district-level courts may recommend amendment, supplementation or annulment of legal documents of state agencies at the district level or lower level; propose chief justices of provincial-level courts to amend, supplement or annul legal documents of provincial- level state agencies; and report to chief justices of provincial-level courts for

proposing the Chief Justice of the Supreme People's Court to recommend amendment, supplementation or annulment of legal documents of central state agencies.

2. Chief justices of provincial-level courts and superior people's courts may recommend amendment, supplementation or annulment of legal documents of state agencies at the provincial level or lower levels; and propose the Chief Justice of the Supreme People's Court to recommend amendment, supplementation or annulment of legal documents of central state agencies.

3. The Chief Justice of the Supreme People's Court may recommend amendment, supplementation or annulment of legal documents of central state agencies on his/her own initiative or at the proposal of chief justices of courts specified in Clauses I and 2 of this Article.

4. In case the trial panel discovers at the court hearing a legal document showing signs of contravention of the Constitution, a law or a legal document of a superior state agency, it shall report such in writing to the chief justice specified in Clause 1,2 or 3 of this Article for the latter to exercise the right to make recommendations. In this case, the trial panel may suspend the court hearing under Point d, Clause I, Article 187 of this Law pending opinions of the chief justice or suspend the settlement of the case upon receiving a written recommendation of the chief justice of the competent court specified at Point e, Clause 1, Article 141 of this Law.

Article 113. Responsibility to respond to proposals for recommendation on amendment, supplementation or annulment of legal documents

Within 10 days after receiving a written request specified in Article 111 of this Law, the chief justice with the recommending competence shall consider and respond to it as follows:

1. In case the proposal is grounded, he/she shall make and send a written recommendation to the competent state agency to amend, supplement or annul the legal document in question and notify such to the proposing court so that the latter can issue a decision to suspend the settlement of the case.

2. In case the proposal is groundless, he/she shall issue a written reply to the proposing court for continued settlement of the case in accordance with law.

Article 114. Responsibility to realize recommendations on amendment, supplementation or annulment of legal documents

An agency receiving a court's recommendation on amendment, supplementation or annulment of a legal document shall realize such recommendation as follows:

1. Within 30 days after receiving a written recommendation of the chief justice of a court specified in Article 112 of this Law, on a legal document detailing or guiding the Constitution, a law or a legal document of a superior state agency, the agency that has issued such legal document shall consider and issue a written reply to the recommending court. Past that time limit, if receiving no reply, the court may apply a document of higher legal validity to settle the case.

2. The response to recommendations on amendment, supplementation or annulment of laws or resolutions of the National Assembly or ordinances or resolutions of the National Assembly Standing Committee must comply with law.

Chapter IX

INSTITUTION AND ACCEPTANCE OF LAWSUITS

1. Agencies, organizations or individuals may institute lawsuits over administrative decisions or acts or disciplinary decisions on dismissal in case they disagree with these decisions or acts or they have filed complaints with persons competent to settle complaints but their complaints remain unsettled upon the expiration of the law-prescribed time limit for complaint settlement or they disagree with the settlement of their complaints about these decisions or acts.

2. Individuals and organizations may institute lawsuits over decisions on settlement of complaints about decisions on handling of competition cases in case they disagree with these decisions.

3. Individuals may institute lawsuits over voter lists in case they have filed complaints with agencies competent to settle complaints but their complaints remain unsettled upon the expiration of the law-prescribed time limit for complaint settlement or they disagree with the settlement of their complaints.

Article 116. Statute of limitations for lawsuit institution

1. The statute of limitations for lawsuit institution means a time limit within which agencies, organizations or individuals may institute lawsuits to request courts settling administrative cases in order to protect their infringed lawful rights and interests. Upon the expiration of that time limit, they no longer have the right to institute lawsuits.

2. The statute of limitations for lawsuit institution in each case is:

a/ One year from the date of receipt of or knowledge about an administrative decision or act or a disciplinary decision on dismissal;

b/ Thirty days from the date of receipt of a decision on settlement of a complaint about a decision on handling of a competition case;

c/ The period from the date of receipt of a notice of results of complaint settlement by the voter list-making agency or the date of expiration of the time limit for complaint settlement, in case no notice of results of complaint settlement by the voter list-making agency is received, to the date five days prior to the election date.

3. In case an involved party files a complaint in accordance with law with a state agency or person competent to settle complaints, the statute of limitations for instituting a lawsuit is:

a/ One year from the date of receipt of or knowledge about the first-time or second-time complaint settlement decision;

b/ One year from the date of expiration of the law-prescribed time limit for complaint settlement, in case the competent state agency or person fails to settle the complaint and issues no reply to the complainant.

4. In case a plaintiff cannot institute a lawsuit within the time limit prescribed at Point a or b, Clause 2 of this Article due to a force majeure event or another objective obstacle, the period of existence of such force majeure event or another objective obstacle shall not be counted in the statute of limitations for lawsuit institution.

5. The Civil Code's provisions on the methods for determining time limits and statutes of limitations are also applicable to administrative procedures.

Article 117. Procedures for instituting lawsuits

1. When wishing to institute an administrative lawsuit, an agency, organization or individual shall make a lawsuit petition under Article 118 of this Law.

2. Individuals with the full administrative procedure act capacity may make lawsuit petitions by themselves or ask others to do so for them. The items of the plaintiff's name and address in a petition shall be filled with the individual's full name and address. The individual shall give his/her signature or press his/her fingerprint on the bottom of the petition.

3. Lawful representatives of individuals who are minors, have lost their civil act capacity, have their civil act capacity restricted or meet difficulties in cognizing or controlling their acts may make lawsuit petitions by themselves or ask others to do so. The items of the plaintiff's name and address in a petition shall be filled with the full name and address of the lawful representative of such an individual. The lawful representative shall give his/her signature or press his/her fingerprint on the bottom of the petition.

4. Individuals falling in the cases specified in Clauses 2 and 3 of this Article who are illiterate, have vision disability or are unable to make lawsuit petitions by themselves or to give their signatures or press their fingerprints on petitions may ask others to make lawsuit petitions to the witness of individuals with the full administrative procedure act capacity who shall give signatures on such petitions.

5. Lawful representatives of agencies or organizations that are plaintiffs may make lawsuit petitions by themselves or ask others to do so. The items of the plaintiff's name and address in a petition shall be filled with the name and address of the agency or organization and the full name and position of the lawful representative of such agency or organization. The lawful representative of the agency or organization shall give his/her signature and append the seal of the agency or organization on the bottom of the petition. In case the plaintiff is an enterprise, the use of its seal must comply with the Law on Enterprises.

Article 118. Lawsuit petitions

1. A lawsuit petition must contain the following principal contents:

a/ Date of its making;

b/ Court requested to settle the administrative case;

c/ Names, addresses, telephone numbers, facsimile numbers and email addresses (if any) of the plaintiff, defendant and persons with related interests and obligations;

d/ Contents of the administrative decision, the disciplinary decision on dismissal or the decision on settlement of a complaint about a decision on handling of a competition case, contents of settlement of the complaint about a voter list, or a brief description of the administrative act;

dd/ Contents of the complaint settlement decision (if any);

e/ Claims requested to be settled by the court;

g/ Assurance of non-filing of a complaint with a person competent to settle complaints.

2. Lawsuit petitions shall be enclosed with documents and evidences proving the infringed lawful rights and interests of plaintiffs. In case plaintiffs cannot fully enclose documents and evidences with their lawsuit petitions for objective reasons, they shall submit existing documents and evidences to prove their infringed lawful rights and interests. Plaintiffs shall additionally provide other documents and evidences on their own initiative or at the request of the court in the course of settlement of the case.

Article 119. Sending of lawsuit petitions to the court

Plaintiffs shall send their lawsuit petitions and enclosed documents and evidences to the court that has jurisdiction to settle cases by any of the following modes:

a/ Direct filing at court;

b/ Sending by post:

c/ Sending through the court's e-portal (if any).

Article 120. Determination of date of administrative lawsuit institution

1. In case a plaintiff directly files a lawsuit petition at a competent court, the date of lawsuit institution is the date of filing the petition.

2. In case a plaintiff sends a lawsuit petition online, the date of lawsuit institution is the date of sending the petition.

3. In case a plaintiff sends by post a lawsuit petition to a court, the date of lawsuit institution is the date of postmark of the postal service provider from which the petition is sent. In case the date on the postmark is unidentified, the date of lawsuit institution is the date the plaintiff leaves the petition at the postal service provider's. The plaintiff shall prove the date he/she leaves his/ her petition at the postal service provider's, otherwise the date of lawsuit petition is the date the court receives the petition delivered by the postal service provider.

4. In case an accepted lawsuit is transferred to another court under Clause 1, Article 34 or Clause 3, Article 165 of this Law, the date of lawsuit institution is the date the petition is sent to the court that ultra vires accepted the lawsuit, and shall be determined under Clause 1, 2 or 3 of this Article.

Article 121. Receipt and examination of lawsuit petitions

1. The court shall receive lawsuit petitions filed directly at its petition-receiving unit or sent by post by plaintiffs and shall record them in the petition register. If receiving a petition sent online, the court shall print it out and record it in the petition register.

The receipt of lawsuit petitions shall be recorded in the petition register and notified on the court's e-portal (if any).

Upon receiving a directly filed lawsuit petition, the court shall promptly issue a petition receipt to the plaintiff. Upon receiving a lawsuit petition sent online, the court shall issue a reply to the plaintiff via email. In case of receiving a lawsuit petition sent by post, the court shall send a notice of petition receipt to the plaintiff within 2 working days after receiving the petition.

3. Within 3 working days after receiving a lawsuit petition, the chief justice of the court shall assign a judge to examine it.

4. Within 3 working days after being assigned, the judge shall examine the lawsuit petition, and decide to:

a/ Request modification or supplementation of the petition;

b/ Carry out procedures for accepting the case according to general procedures or summary procedures if the case fully satisfies the conditions prescribed in Clause 1, Article 246 of this Law;

c/ Transfer the lawsuit petition to a court having jurisdiction to settle it and notify such to the plaintiff if the case falls under the jurisdiction of another court; or,

d/ Return the lawsuit petition to the plaintiff, in any of the cases specified in Clause 1, Article 123 of this Law.

4. The result of the petition settlement by a judge specified in Clause 3 of this Article shall be notified to the plaintiff, recorded in the petition register and notified in the court's e-portal (if any).

Article 122. Request for modification or supplementation of lawsuit petitions

1. After receiving a lawsuit petition, if finding that such petition does not contain all the details specified in Clause 1. Article 118 of this Law, the judge shall notify such in writing to the plaintiff, clearly indicating details which need to be modified or supplemented, for petition modification or supplementation within 10 days after the plaintiff receives the court's notice.

2. The period of modifying or supplementing the lawsuit petition shall not be counted into the statute of limitations for lawsuit institution.

3. In case the plaintiff has modified or supplemented his/her lawsuit petition under Clause 1, Article 118 of this Law, the judge shall continue accepting the case for settlement. If the plaintiff fails to modify or supplement his/her lawsuit petition as requested by the judge, the judge shall return the petition and enclosed documents and evidences to the plaintiff.

Article 123. Return of lawsuit petitions

1. The judge shall return a lawsuit petition in the following cases:

a/ The plaintiff has no right to institute a lawsuit;

b/ The plaintiff does not have full administrative procedure act capacity;

c/ The plaintiff files the lawsuit petition with the court when failing to satisfy one of the law-prescribed conditions for instituting lawsuits.

d/ The matter has been settled with a legally effective court judgment or ruling;

dd/ The matter does not fall under the jurisdiction of the court;

e/ The plaintiff chooses to have the case or matter settled according to complaint settlement procedures in the case specified in Article 33 of this Law;

g/ The lawsuit petition does not fully contain the contents specified in Clause 1, Article 118 of this Law and is neither modified nor supplemented by the plaintiff under Article 122 of this Law;

h/ The plaintiff fails to produce a receipt of legal cost advance to the court upon the expiration of the notified time limit specified in Clause 1, Article 125 of this Law, unless the plaintiff is exempted from legal cost advance, is not required to pay legal cost advance or has a plausible reason for such failure.

2. When returning the lawsuit petition and enclosed documents and evidences to the plaintiff, the judge shall make a document clearly stating the reason for the return. This document shall be sent immediately to the same-level procuracy.

Copies of lawsuit petitions and enclosed documents and evidences returned by the judge to plaintiffs shall be made and kept at the court for use as a basis for settlement of complaints and recommendations when so requested.

Article 124. Complaints and recommendations about the return of lawsuit petitions and settlement thereof

1. Within 7 days after receiving a document on return of the lawsuit petition, the plaintiff may file a complaint while the procuracy may file a recommendation with the court that has returned the petition.

2. Right after receiving a complaint or recommendation about the return of a lawsuit petition, the chief justice shall assign a judge to consider and settle such complaint or recommendation.

3. Within 5 working days after being assigned, the judge shall hold a session to consider and settle the complaint or recommendation. This session shall be attended by representatives of the same-level procuracy and complaining involved parties. In case the plaintiff or procurator is absent, the judge shall still proceed with the session.

4. Based on documents and evidences related to the return of the lawsuit petition and opinions of the representatives of the procuracy and complaining plaintiff at the session, the judge shall decide to:

a/ Uphold the return of the lawsuit petition and notify such to the plaintiff or the same- level procuracy; or,

b/ Receive back the lawsuit petition and enclosed documents and evidences in order to accept the case.

5. Within 7 days after receiving the judge's decision on response to the complaint or recommendation about the return of the lawsuit petition, the plaintiff may file a complaint or the procuracy may file a recommendation with the chief justice of the immediate superior court for consideration and settlement.

6. Within 10 days after receiving a complaint or recommendation about the return of a lawsuit petition, the chief justice of the immediate superior court shall decide to:

a/ Uphold the return of the lawsuit petition; or,

b/ Request the first-instance court to receive back the lawsuit petition and enclosed documents and evidences for acceptance of the case.

Complaint or recommendation settlement decisions of chief justices of immediate superior courts are final. Such a decision shall be immediately sent to the plaintiff, the same-level procuracy, the procuracy that has made the recommendation and the court that has issued the decision on return of the lawsuit petition.

Article 125. Acceptance of cases

1. After receiving the lawsuit petition and enclosed documents and evidences, if finding that the case falls under the jurisdiction of the court, the assigned judge shall notify such to the plaintiff for payment of legal cost advance. In case the plaintiff is exempt from, or not required to pay, legal cost advance, the assigned judge shall notify the plaintiff of the acceptance of the case.

Within 10 days after receiving a notice of legal cost advance payment, the plaintiff shall pay the legal cost advance and produce the legal cost advance receipt to the court.

2. The assigned judge shall accept the case on the date the plaintiff produces the legal cost advance receipt. In case the plaintiff is exempt from, or not required to pay, legal cost

advance, the date of case acceptance is the date the judge notifies the plaintiff of the acceptance. The acceptance of the case shall be recorded in the acceptance register.

3. In case the plaintiff produces the legal cost advance receipt to the court after the expiration of the time limit prescribed in Clause 1 of this Article:

a/ If the lawsuit petition has not yet been returned, the judge shall accept the case for settlement;

b/ If the lawsuit petition has been returned and the plaintiff can prove that he/she has paid the legal cost advance within the prescribed time limit but produces the legal cost advance receipt to the court after the expiration of the prescribed time limit due to a force majeure event or an objective obstacle, the judge shall request the plaintiff to file the lawsuit petition and enclosed documents and evidences again for acceptance of the case. In this case, the date of lawsuit institution is the date of filing the lawsuit petition for the first time;

c/ In case the plaintiff pays the legal cost advance and produces the legal cost advance receipt to the court after the judge returns the lawsuit petition not due to a force majeure event or an objective obstacle, the judge shall request the plaintiff to file the lawsuit petition and enclosed documents and evidences again for acceptance of the case. In this case, the date of lawsuit institution is the date of filing the lawsuit petition again.

4. In case the plaintiff fails to produce the legal cost advance receipt to the court upon the expiration of the time limit prescribed in Clause 1 of this Article, the court shall notify him/her of non-acceptance of the case for the reason of his/her failure to pay the legal cost advance. In this case, the plaintiff may file the lawsuit petition again provided the statute of limitations for lawsuit institution has not expired.

5. After the judge accepts the case, if the court receives an independent claim of a person with related interests and obligations under Article 129 of this Law for settlement in the same administrative case, the date of acceptance of the case shall be determined as follows:

a/ In case the person with related interests and obligations is exempt from, or not required to pay, the legal cost advance, the date of acceptance of the case is the date the court receives the independent claim of the person with related interests and obligations and enclosed documents and evidences;

b/ In case the person with related interests and obligations is required to pay the legal cost advance, the date of acceptance of the case is the date this person produces the legal cost advance receipt to the court;

c/ In case more than one person with related interests and obligations make independent claims, the date of acceptance of the case is the date the court receives the last claim, if these persons are all exempt from, or are not required to pay, the legal cost advance, or the date the last legal cost advance receipt is produced to the court, if these persons are required to pay the legal cost advance.

6. When receiving a legal cost advance receipt of an involved party, the court shall give him/her a written certification that it has received the legal cost advance receipt.

Article 126. Notification of acceptance of cases

1. Within 3 working days after accepting a case, the judge who has accepted such case shall notify in writing the defendant and persons with interests and obligations related to the settlement of the case and the same-level procuracy of the court's acceptance of the case and publicly notify it on the court's e-portal (if any).

2. A notice must have the following principal details:

a/ Date of making the notice;

b/ Name and address of the court that has accepted the case;

c/ Names and addresses of the plaintiff and defendant;

d/ Specific matters which are requested by the plaintiff to be settled by the court;

dd/ Whether the case is accepted according to general procedures or summary procedures;

e/ List of documents and evidences enclosed by the plaintiff with the lawsuit petition;

g/ Time limit for the defendant and persons with related interests and obligations to submit to the court their written opinions on the claim(s) of the plaintiff and enclosed documents and evidences or on independent claim(s) (if any);

h/ Legal consequences of the failure of the defendant and persons with related interests and obligations to submit to the court their written opinions on the claim(s) of the plaintiff.

Article 127. Assignment of judges to settle cases

1. Based on a case acceptance report of a judge assigned to accept a case, the chief justice shall decide to assign a judge to settle the case on the principles of impartiality, objectivity and random choice.

2. Within 3 working days after the date of acceptance of a case, the chief justice shall decide to assign a judge to settle the case.

For a complicated case requiring a prolonged duration of settlement, the chief justice shall assign an alternative judge to ensure trial is conducted within the time limit prescribed in this Law.

3. In the course of settlement of a case, if the assigned judge cannot continue with the assigned duty, the chief judge shall assign another judge to continue the duty. When the trial is underway without an alternative judge, the case shall be retried from the beginning and the retrial shall be notified to involved parties and the same-level procuracy.

Article 128. Rights and obligations of notified persons

1. Within 10 days after receiving a notice, the defendant and persons with related interests and obligations shall submit to the court their written opinions on the claim(s) of the plaintiff and enclosed documents and evidences or on independent claim(s) (if any).

If an extension of the time limit is needed, a notified person shall file an application for extension to the court, clearly stating the reason. If the application for extension is grounded, the court shall give a single extension of not more than 7 days.

2. In case the defendant and persons with related interests and obligations have received a notice but fail to submit their written opinions within the time limit prescribed in Clause 1 of this Article without a plausible reason, the court shall continue settling the case in accordance with this Law.

3. The defendant and persons with related interests and obligations may request the court to let them take note of or copy the lawsuit petition and enclosed documents and evidences (if any), except documents and evidences specified in Clause 2, Article 96 of this Law.

4. Within 10 days after receiving a notice, the procuracy shall assign a procurator and an alternative procurator (if any) to perform the duty and notify such to the court.

Article 129. Right of persons with related interests and obligations to make independent claims

1. In case persons with related interests and obligations do not participate in the procedures on the side of the plaintiff or the defendant, they may make independent claims when the following conditions are satisfied:

a/ The settlement of the case is related to their interests and obligations;

b/ Their independent claims are related to the case being settled;

c/ Their independent claims are settled in the same case, thereby making the settlement of the case more accurate and quicker.

2. Persons with related interests and obligations may make independent claims until the opening of a session to check the handover of, access to, and disclosure of evidences and dialogues.

Procedures for making independent claims must comply with this Law's provisions on procedures for initiating lawsuits by plaintiffs.

Chapter X

PROCEDURES FOR DIALOGUES AND TRIAL PREPARATION

Article 130. Time limit for trial preparation

The time limit for preparation for trial of a case, except cases to be tried according to summary procedures, cases involving foreign elements and cases involving lawsuits over voter lists, is prescribed as follows:

1. Four months after the date of case acceptance, for the case specified at Point a, Clause 2, Article 116 of this Law;

2. Two months after the date of case acceptance, for the case specified at Point b, Clause 2, Article 116 of this Law;

3. For complicated cases or cases encountering objective obstacles, the chief justice may decide to extend the time limit for trial preparation only once for not more than 2 months, for the case specified in Clause 1 of this Article, and for not more than 1 month, for the case specified in Clause 2 of this Article;

4. In case of a decision to suspend the settlement of a case, the time limit for trial preparation shall be recounted from the date the court's decision to resume the settlement of the case takes legal effect.

Article 131. Duties and powers of judges in the stage of trial preparation

1. To make the case file.

2. To request involved parties to additionally submit documents, evidences and written opinions with regard to the plaintiff's claims to the court; to request the plaintiff to submit copies of documents and evidences to the court for sending to involved parties.

3. To verify and collect documents and evidences in accordance with this Law.

4. To decide on the application, change or cancellation of provisional urgent measures.

5. To hold a session to check the handover of, access to, and disclose of evidences and dialogues in accordance with this Law, except for cases settled according to summary procedures and cases involving lawsuits over voter lists.

6. To decide to:

a/ Bring the case to trial;

b/ Suspend the settlement of the case; or,

c/ Terminate the settlement of the case.

Article 132. Making of administrative case files

1. An administrative case file must comprise a lawsuit petition and documents and evidences of involves parties and other procedure participants; documents and evidences related to the case which are collected by the court; and procedural documents of the court and procuracy on the settlement of the administrative case.

2. Documents and papers in an administrative case file must have their entry numbers, be arranged by date of entry and kept, managed and used in accordance with law.

Article 133. Handover of documents and evidences

1. Time limits for handing over documents .and evidences must comply with Clause 4. Article 83 of this Law.

2. In case an involved party hands over documents and evidences previously required by the court after the issuance of a decision to bring the case to trial according to first-instance procedures, such involved party shall state the reason for late handover. For documents and evidences not previously required by the court to be handed over by the involved party or documents and evidences which the involved party cannot know in the course of settlement of the case according to first-instance procedures, the involved party may hand over or present them at the first-instance court hearing.

Article 134. Principles of dialogue

1. Within the time limit for first-instance trial preparation, the court shall hold dialogues for involved parties to reach agreement on the settlement of the case, except for cases in which dialogues cannot be held, cases involving lawsuits over voter lists or cases tried according to summary procedures specified in Articles 135, 198 and 246 of this Law.

2. A dialogue shall be held on the following principles:

a/ Publicity, democracy and respect for opinions of involved parties are guaranteed;

b/ It is prohibited to force involved parties to settle the administrative case against their will;

c/ Contents and results of the successful dialogue between involved parties are not contrary to law and social ethics.

Article 135. Administrative cases for which dialogues cannot be held

1. Plaintiffs, defendants and persons with related interests and obligations who have been summoned twice by the court are intentionally absent.

2. Involved parties are unable to participate in the dialogue for plausible reasons.

3. Involved parties agree to request the dialogue not to be held.

Article 136. Notification of sessions to check the handover of, access to, and disclosure of evidences and dialogues

1. Before holding a session to check the handover of, access to, and disclosure of evidences and dialogues between involved parties, the judge shall notify involved parties, their lawful representatives and defense counsels of their lawful rights and interests of the time, venue and contents of the session.

2. For an administrative case for which dialogues cannot be held under Article 135 of this Law, the judge shall hold a session to check the handover of, access to, and disclosure of evidences without having to hold a dialogue.

Article 137. Participants in sessions to check the handover of, access to, and disclosure of evidences and dialogues

1. Participants in a session include:

a/ Judge who chairs the session;

b/ Secretary who makes the session minutes;

c/ Involved parties or their lawful representatives;

d/ Defense counsels of lawful rights and interests of involved parties (if any);

dd/ Interpreter(s) (if any).

2. When necessary, the judge may request related agencies, organizations and individuals to participate in the session.

3. For a case involving many parties, some of them are absent, and if the present involved parties still agree on holding a session which will not affect rights and obligations of the absent ones, the judge shall proceed the session between the present involved parties. If involved parties request postponement of the session so that all involved parties of the case can be present at the session, the judge shall postpone the session and notify in writing the involved parties of the postponement and resumption of the session.

Article 138. Proceedings of sessions to check the handover of, access to, and disclosure of evidences and dialogues

1. Before opening a session, the session secretary shall report to the judge on the presence or absence of session participants notified by the court. The judge chairing the session shall check the presence and personal identifications of present persons again and notify involved parties of their rights and obligations in accordance with this Law.

2. When checking the handover of, access to, and disclosure of evidences, the judge shall disclose documents and evidences included in the case file and question involved parties about the following matters:

a/ Requirements and scope of lawsuit institution, and modification, supplementation, change or withdrawal of lawsuit institution claims; matters already agreed by involved parties, and those not yet agreed and requested to be settled by the court;

b/ Handover of documents and evidences to the court and sending of documents and evidences to other involved parties;

c/ Addition of documents and evidences and request for the court's collection of documents and evidences and summoning of other involved parties, witnesses and other procedure participants at the court hearing;

d/ Other matters which involved parties find necessary.

3. After involved parties fully present their opinions, the judge shall consider those opinions and settle requests of involved parties regarding the matters specified in Clause 2 of this Article. The court shall notify session results to the absent involved parties.

4. After completely checking the handover of, access to, and disclosure of evidences under Clause 2 of this Article, the judge shall carry out procedures for a dialogue as follows:

a/ The judge shall inform involved parties of regulations relevant to the settlement of the case so that they can relate such regulations to their rights and obligations, and analyze legal consequences of the dialogue so that involved parties can voluntarily reach agreement on the settlement of the case;

b/ The plaintiff shall additionally explain his/her claim to institute the lawsuit and grounds to defend such claim and present his/her viewpoint on the way to settle the case (if any);

c/ The defendant shall additionally explain his/her opinions on the claim of the plaintiff, grounds for issuance of the administrative decision or performance of the administrative act over which a lawsuit is instituted, and propose the way to settle the case (if any);

d/ Persons with interests and obligations related to the case shall additionally explain or give their opinions on settlement of parts of the case related to them (if any);

dd/ Defense counsels of lawful rights and interests of involved parties or other participants in the dialogue session (if any) give their opinions;

e/ On a case-by-case basis, the judge shall request involved parties to identify relevant legal or administrative documents in order to assess the legality of the administrative decision or act over which the lawsuit is instituted, and concurrently check the legal effect of such documents. The judge may analyze contents of relevant legal or administrative documents so that involved parties may be properly aware of such documents before making their choices and decisions on the settlement of the case;

g/ After involved parties fully present their opinions, the judge shall identify matters already agreed and those not yet agreed by involved parties and request them to additionally explain unclear matters or matters not yet agreed;

h/ The judge shall make conclusions on matters already agreed and those not yet agreed by involved parties.

5. The secretary of a session to check the handover of, access to, and disclosure of evidences and dialogues shall make a minutes recording proceedings of the session.

Article 139. Minutes of sessions to check the handover of, access to, and disclosure of evidences; minutes of dialogues

1. The minutes of a session to check the handover of, access to, and disclosure of evidences must have the following details:

a/ Date of the session;

b/ Venue of the session;

c/ Session participants;

d/ Opinions of involved parties or their lawful representatives and defense counsels of their lawful rights and interests on the matters specified in Clause 2, Article 138 of this Law;

dd/ Other contents;

e/ The judge's conclusions on acceptance or non-acceptance of requests of involved parties.

2. The minutes of a dialogue must have the following details:

a/ The contents specified at Points a, b and c, Clause 1 of this Article;

b/ Opinions of involved parties or their lawful representatives and defense counsels of their lawful rights and interests;

c/ Matters already agreed and those not yet agreed by involved parties.

3. In cases specified in Article 135 of this Law in which dialogues cannot be held, minutes shall be made under Clause I of this Article.

4. A minutes must bear all signatures or fingerprints of session participants, of the session secretary who makes it and of the judge chairing the session. Session participants may access the session minutes right after the session is concluded, request the recording of modifications or supplementations in the minutes and give their signatures or fingerprints for certification.

Article 140. Handling of dialogue results

1. After the dialogue, if the plaintiff still retains the lawsuit institution claim, the defendant still upholds the decision or act over which the lawsuit is instituted and persons with related interests and obligations that have independent claims still retain their claims, the judge shall carry out procedures for opening a court hearing to try the case.

2. After the dialogue, if the plaint! ff voluntarily withdraws the lawsuit petition, the judge shall make a written record of such voluntary withdrawal and issue a decision to terminate the settlement of the case with regard to the claim of the plaintiff. The plaintiff may reinstitute the lawsuit if the statute of limitations for lawsuit institution has not yet expired.

3. After the dialogue, if the defendant commits to modifying, supplementing, replacing or annulling the administrative decision or terminating the administrative act over which the lawsuit is instituted and the plaintiff commits to withdrawing the lawsuit petition, the court shall make a written record of such commitments of involved parties. Within 7 days after the written record is made, the defendant shall send to the court the new administrative decision or notify the termination of the administrative act over which the lawsuit is instituted and the plaintiff shall send to the court the document on withdrawal of the lawsuit petition. Upon the expiration of that time limit, if either of these involved parties fails to realize his/her/its commitment, the judge shall carry out procedures for opening a court hearing to try the case.

If receiving the new administrative decision or document on withdrawal of the lawsuit petition, the court shall notify such to other involved parties. Within 7 days after being

notified by the court, if involved parties have no objection, the judge shall issue a decision to recognize the successful dialogue result and terminate the settlement of the case and promptly send it to involved parties and the same-level procuracy. This decision takes effect for execution immediately and shall not be appealed or protested against according to appellate procedures. In case there is a ground to believe that the involved parties have reached an agreement and made their commitments due to a mistake, fraudulence or intimidation or in contravention of law or social ethics, the court's decision may be reviewed according to cassation procedures.

Article 141. Suspension of the settlement of cases

1. The court shall decide to suspend the settlement of a case when:

a/ An involved party being an individual dies or an agency or organization is dissolved or declared bankrupt without any individual, agency or organization to inherit his/her/its procedural rights and obligations;

b/ An involved party has lost his/her civil act capacity or is a minor whose at-law representative is not yet identified;

c/ An involved party is absent for a plausible reason upon the expiration of the time limit for trial preparation, except where the case may be tried in the absence of such involved party;

d/ It is necessary to await results of settlement by other agencies or settlement results of other related cases;

dd/ It is necessary to await results of additional examination or re-examination; results of performance of judicial mandate, mandated collection of evidences, or provision by agencies or organizations of documents and evidences at its request for the settlement of the case;

e/ It is necessary to await results of handling of legal documents related to the settlement of the case showing signs of contravention of the Constitution, a law or legal document of a superior state agency which is recommended in writing by the court to be amended, supplemented or annulled by a competent agency.

2. A decision to suspend the settlement of the case may be appealed or protested against according to appellate procedures.

Article 142. Consequences of the suspension of settlement of cases

1. The court may not delete the name of an administrative case suspended from settlement from the case acceptance book but shall only note down in this book the serial number and date of the decision on suspension of the settlement of such case.

2. When the reason for suspension specified in Article 141 of this Law no longer exists, the court shall issue a decision on resumption of the settlement of the case and cancel the suspension decision.

3. Legal cost advances and fees paid by involved parties shall be handled when the court resumes the settlement of the case.

4. During the period of suspension of the settlement of a case, the judge assigned to settle the case shall still be responsible for the case settlement.

After the decision on suspension of the settlement of the case is issued under Clause 1, Article 141 of this Law, the judge assigned to settle the case shall monitor and urge agencies, organizations or individuals to redress the reason for suspension as soon as possible in order to promptly bring the case to settlement.

Article 143. Termination of settlement of cases

1. The court shall decide to terminate the settlement of a case when:

a/ The plaintiff being an individual dies while his/her rights and obligations are not inherited: or the plaintiff being an agency or organization is dissolved or declared bankrupt without any agency, organization or individual inheriting its procedural rights and obligations;

b/ The plaintiff withdraws the lawsuit petition in case there is no independent claim of persons with related interests and obligations. In case there is an independent claim of a person with related interests and obligations who retains his/her independent claim, the court shall issue a decision to suspend the settlement of the case with regard to the withdrawn claim of the plaintiff;

c/ The plaintiff withdraws the lawsuit petition and persons with related interests and obligations withdraw independent claims;

d/ The plaintiff fails to make an advance for property valuation expenses and other procedural expenses prescribed by law.

In case a person with related interests and obligations makes an independent claim without making an advance for property valuation expenses and other procedural expenses in accordance with this Law, the court shall terminate the settlement of such independent claim;

dd/ The plaintiff is absent though he/she has been duly summoned twice, unless he/she/ it requests the court to try the case in his/her/its absence or in case of a force majeure event or an objective obstacle;

e/ The defendant annuls the administrative decision, disciplinary decision on dismissal or decision on settlement of a complaint about a decision on handling of a competition case, or terminates the administrative act over which the lawsuit is instituted, and the plaintiff agrees to withdraw the lawsuit petition while persons with related interests and obligations who have made independent claims agree to withdraw their claims;

g/ The statute of limitations for lawsuit institution has expired;

h/ The cases specified in Clause 1, Article 123 of this Law in which the court has accepted the case.

2. Upon the issuance of a decision to terminate the settlement of a case, the court shall return the lawsuit petition, documents and evidences to involved parties if they so request.

3. Decisions on termination of the settlement of cases may be appealed or protested against according to appellate procedures.

Article 144. Consequences of the termination of settlement of cases

1. When a decision on termination of settlement of a case is issued, involved parties may not institute a lawsuit requesting the court to resettle this case if the subsequent lawsuit does not bring any difference from the previous one regarding the plaintiff, defendant and disputed legal relation, except the cases subject to termination under Points b, c and e, Clause 1, Article 123, and Points b and dd, Clause 1, Article 143, of this Law and other cases specified by law.

2. Legal cost advances and fees paid by involved parties shall be handled in accordance with the law on legal cost and court fee.

Article 145. Competence to issue decisions on suspension, resumption or termination of the settlement of cases

1. A judge assigned to settle a case may issue a decision on suspension, resumption or termination of the settlement of such case.

2. Within 3 working days after the judge issues a decision specified in Clause 1 of this Article, the court shall send such decision to involved parties and the same-level procuracy.

Article 146. Decisions to bring cases to trial

1. A decision to bring a case to trial must have the following principal details:

a/ Date and venue of opening the court hearing;

b/ Public or behind-closed-door trial;

c/ Names and addresses of procedure participants;

d/ Contents of the lawsuit;

dd/ Full names of judges, people's assessors, court clerk and procurators, and of alternative judges, people's assessors, court clerk and procurators (if any).

2. A decision to bring a case to trial shall be sent to involved parties and the same-level procuracy immediately after it is issued.

Article 147. Sending of case files to the procuracy

The court shall send case files together with decisions to bring cases to trial to the same-level procuracy for study. Within 15 days after receiving a case file, the procuracy shall return it to the court.

Chapter XI

FIRST-INSTANCE COURT HEARINGS

Section 1. GENERAL REQUIREMENTS ON FIRST-INSTANCE COURT HEARINGS

Article 148. General requirements on first-instance court hearings

A first-instance court hearing shall be conducted at the time and venue indicated in the decision to bring a case to trial or in the notice of resumption of the court hearing in case of postponement of the court hearing.

Article 149. Time limit for opening court hearings

Within 20 days after a decision to bring a case to trial is issued, the court shall open a court hearing. In case of a plausible reason, the time limit for opening a court hearing may be extended but must not exceed 30 days.

Article 150. Venues of court hearings

Court hearings may be held inside or outside courthouses but must ensure the solemnity and decoration of courtrooms prescribed in Article 151 of this Law.

Article 151. Decoration of courtrooms

1. The national emblem of the Socialist Republic of Vietnam shall be put up in the middle of the space above the courtroom and seats of the trial panel.

2. The courtroom must have areas exclusively reserved for the trial panel, procurator, court clerk, involved parties, defense counsels of lawful rights and interests of involved parties, other procedure participants and court hearing participants.

Article 152. Direct and oral trial

1. The trial shall be conducted orally and proceed in courtrooms.

2. The trial panel shall directly ascertain circumstances of the case during a court hearing by questioning and listening to presentations and direct arguments on circumstances and evidences of the case of the plaintiff, defendant, persons with interests and obligations related to the case, lawful representatives, and defense counsels of the lawful rights and interests, of involved parties, other procedure participants, and agencies and organizations invited to participate in the court hearing, and listen to the procuracy's opinions presented by a procurator.

Article 153. Internal rules of court hearings

1. When entering the courtroom, everyone shall submit to security check by the force responsible for protecting the court hearing.

2. It is prohibited to bring into the courtroom weapons, explosives, flammables, toxic substances, radioactive substances, objects banned from circulation, propaganda leaflets,

slogans and other documents and objects that may affect the solemnity of the court hearing, except exhibits of the case to serve the trial or weapons and supporting tools carried by competent persons to perform the duty of protecting the court hearing.

3. Participants in the court hearing summoned by the court shall produce their summons, invitations or other related papers to the court clerk at the clerk desk at least 15 minutes before the court hearing is opened and take their seats in the courtroom as instructed by the court clerk. Those to come late shall produce their summons, invitations or other related papers to the court clerk through the force responsible for protecting the court hearing.

4. Journalists attending the court hearing to report shall obey the presiding judge's instructions on the press box. Journalists who record speeches and take photos of the trial panel shall obtain approval of the presiding judge. The recording of speeches and taking of photos of involved parties and other procedure participants are subject to consent of these persons.

5. All participants in a court hearing must be properly dressed, show respect toward the trial panel, keep order and obey instructions of the presiding judge.

6. Persons may not wear hats and color glasses in the courtroom, unless they have plausible reasons and are permitted by the presiding judge to do so; use of cell phones, smoking, eating, drinking and other acts affecting the solemnity of the court hearing are not allowed in the courtroom.

7. All participants in a court hearing who are summoned by the court shall be present at the court hearing throughout the course of trial, unless they are permitted by the presiding judge to leave the courtroom for plausible reasons.

Under-16 persons may not enter the courtroom, unless they are summoned by the court to participate in the court hearing.

8. All people present in the courtroom shall rise when the trial panel enters the courtroom and when judgments are pronounced, unless they are permitted by the presiding judge to stay seated.

9. Only persons who are permitted by the trial panel may raise or answer questions or give statements. Persons shall stand while raising or answering questions or giving statements, unless they are permitted by the presiding judge to stay seated for poor health.

Article 154. Composition of first-instance trial panels

A first-instance trial panel is composed of one judge and two people's assessors, except the case specified in Clause 1, Article 249 of this Law. A first-instance trial panel may be composed of two judges and three people's assessors in the following cases:

1. A lawsuit is instituted over an administrative decision or act of a provincial-level People's Committee or provincial-level People's Committee chairperson which is related to many subjects;

2. A complicated case.

Article 155. Presence of members of trial panels and court clerks

1. A court hearing can be conducted only when all members of the trial panel and the court clerk are present.

2. In case a judge or people's assessor is absent or unable to continue participating in the trial of the case but there is an alternative judge or people's assessor attending the court hearing from the beginning, the latter may replace the absent member of the trial panel in participating in the trial of the case.

3. In case there is no alternative judge or people's assessor to replace the absent member of the trial panel under Clause 2 of this Article, the court hearing shall be postponed.

4. In case the court clerk is absent or unable to continue participating in the court hearing and there is no replacement, the court hearing shall be postponed.

Article 156. Presence of procurators

1. Procurators who are assigned by the chief procurator of the same-level procuracy shall participate in a court hearing. If they are absent, the trial panel shall still proceed with the court hearing.

2. In case a procurator is replaced during, or unable to continue participating in, a court hearing but there is an alternative procurator present at the court hearing from the beginning, such alternative procurator may continue participating in the trial of the case.

Article 157. Presence of involved parties, their representatives and defense counsels of their lawful rights and interests

1. When being duly summoned by the court for the first time, involved parties, their representatives and defense counsels of their lawful rights and interests shall be present at the court hearing. If any of these persons is absent, the trial panel shall postpone the court hearing, unless the absent person files a written request for trial to be conducted in his/her absence.

The court shall notify involved parties, their representatives and defense counsels of their lawful rights and interests of the postponement of the court hearing.

2. When being duly summoned by the court for the second time, involved parties, their representatives and defense counsels of their lawful rights and interests must be present at the court hearing. The case in which they are absent not for force majeure events or objective obstacles shall be handled as follows:

a/ Plaintiffs or their at-law representatives who have no representatives to participate in court hearings shall be regarded as having waived their lawsuits and the court shall issue decisions on termination of the settlement of cases with regard to their lawsuit claims, unless they request in writing trial to be conducted in their absence. Plaintiffs may institute lawsuits again, provided that the statute of limitations for lawsuit institution has not yet expired;

b/ For defendants or persons with related interests and obligations who make no independent claims and have no representatives to participate in court hearings, the court shall still conduct trial in their absence;

c/ Persons with related interests and obligations who make independent claims and have no representatives to participate in court hearings shall be regarded as having waived their independent claims and the court shall issue decisions on termination of the settlement of cases with regard to their independent claims, unless they request in writing trial to be conducted in their absence. Persons with related interests and obligations who make independent claims may institute lawsuits again with regard to their claims, provided that the statute of limitations for lawsuit institution has not yet expired;

d/ For defense counsels of the lawful rights and interests of involved parties, the court shall still conduct trial in their absence.

Article 158. Trial in absence of involved parties from court hearings

The court shall still conduct trial of a case in the following cases:

1. The plaintiff, defendant, persons with related interests and obligations and their representatives that are absent from the court hearing request in writing the court to conduct trial in their absence;

2. The plaintiff, defendant or persons with related interests and obligations that are absent from the court hearing have their representatives participating in the court hearing;

3. The cases specified at Points b and d, Clause 2, Article 157 of this Law.

Article 159. Presence of witnesses

1. Witnesses are obliged to participate in court hearings when summoned by the court to present circumstances of cases which they know. In case witnesses are absent but have earlier given their testimonies in person or sent their testimonies to the court, presiding judges of court hearings shall disclose these testimonies.

2. In case witnesses are absent, the trial panel shall decide to postpone the court hearing or to continue with the trial. In case witnesses are absent from the court hearing without a plausible reason and their absence impedes the trial, they may be escorted to the court hearing under decisions of the trial panel.

Article 160. Presence of expert witnesses

1. Expert witnesses are obliged to participate in court hearings when summoned by the court to clarify matters related to the expert examination and expert examination conclusions.

2. In case expert witnesses are absent, the trial panel shall decide to postpone the court hearing or to continue with the trial.

Article 161. Presence of interpreters

1. Interpreters are obliged to participate in court hearings when summoned by the court.

2. In case interpreters are absent without any replacements, the trial panel shall decide to postpone the court hearing.

Article 162. Postponement of court hearings

1. Cases in which a court hearing shall be postponed:

a/ The cases specified in Clauses 3 and 4, Article 155; Clause 1, Article 157; and Clause 2, Article 161, of this Law;

b/ A trial panel member, court clerk or interpreter is changed without any immediate replacement;

c/ An expert re-examination is required under Article 170 of this Law.

2. Cases of postponement of court hearings specified in Clauses 2, Article 159, and Clause 2, Article 160, of this Law.

Article 163. Duration of, decisions on and competence for postponement of court hearings

1. The duration of postponement of a first-instance court hearing must not exceed 30 days after the trial panel issues the postponement decision, or 15 days for a first-instance court hearing conducted according to summary procedures.

2. A decision on postponement of a court hearing must have the following principal contents:

a/ Date of issuance;

b/ Name of the court and full names of procedure-conducting persons;

c/ Case to be tried;

d/ Reason(s) for postponement;

dd/ Time and venue for resumption of the court hearing.

3. The court hearing postponement decision shall be signed by the presiding judge of the court hearing on behalf of the trial panel. In case the presiding judge of the court hearing is absent, the chief justice of the court shall issue a court hearing postponement decision. The court hearing postponement decision shall be immediately notified to procedure participants. For absent persons, the court shall immediately send the decision to them and concurrently to the same-level procuracy.

4. After postponing a court hearing, if the court cannot resume it at the time and venue indicated in the court hearing postponement decision, it shall immediately notify the same-level procuracy and procedure participants of the time and venue for resuming the court hearing.

Article 164. Procedures for rendering court judgments and rulings at court hearings

1. A judgment shall be discussed and passed by the trial panel in the deliberation room.

2. A decision to change a procedure-conducting person, an expert witness or interpreter, transfer the case, suspend or terminate the settlement of the case, or postpone the court hearing shall be discussed and passed in the deliberation room and made in writing.

3. A decision on other matters shall be discussed and passed by the trial panel in the courtroom, is not required to be made in writing but shall be recorded in the minutes of the court hearing.

Article 165. Suspension or termination of the settlement of cases at court hearings

1. At a court hearing, if any of the cases specified at Points a, b, c, d and e, Clause 1, Article 141 of this Law occurs, the trial panel shall issue a decision on suspension of the settlement of the case.

2. At a court hearing, if any of the cases specified in Clause 1, Article 143 of this Law occurs, the trial panel shall issue a decision on termination of the settlement of the case.

3. In case an involved party produces a new administrative decision which is related to the decision over which the lawsuit is instituted and does not fall under the jurisdiction of the court currently conducting the first-instance trial of the case, the trial panel shall terminate the trial and transfer the case file to a competent court.

Article 166. Minutes of court hearings

1. The minutes of a court hearing must fully indicate the following contents:

a/ The contents specified in Clause 1, Article 146 of this Law;

b/ All proceedings at the court hearing from the beginning to the end;

c/ Questions, answers and statements at the court hearing;

d/ Other contents which must be recorded in the minutes in accordance with this Law.

2. In addition to recording the minutes, the court may audio-record and video-record proceedings at the court hearing.

3. At the end of the court hearing, the trial panel shall examine the minutes, and the presiding judge of the court hearing and the court clerk shall sign it.

4. Procurators and procedure participants may have a look at the minutes of the court hearing and request the recording of modifications and supplementations in the minutes and sign it for certification.

Article 167. Preparations for opening of court hearings

Before a court hearing is opened, the court clerk shall:

1. Announce internal rules of the court hearing;

2. Check and identify the presence of court hearing participants who are summoned by the court. If any person is absent, the reason for the absence shall be clarified;

3. Maintain order in the courtroom;

4. Order all people present in the court room to rise when the trial panel enters the courtroom.

Article 168. Procedures for conducting trial in the absence of all procedure participants

1. The court may base itself on documents and evidences included in a case file to conduct trial in the absence of involved parties or procedure participants in accordance with this Law when the following conditions are fully satisfied:

a/ The plaintiff or his/her/its lawful representative requests in writing trial to be conducted in his/her/its absence;

b/ The defendant, a person with related interests and obligations, or his/her/its lawful representative requests in writing trial to be conducted in his/her/its absence or is still absent after being duly summoned twice;

c/ The defense counsel of lawful rights and interests of the plaintiff, defendant or person with related interests and obligations requests in writing trial to be conducted in his/her/its absence or is still absent after being duly summoned twice.

2. The presiding judge of the court hearing shall announce reasons for the absence of involved parties or their written requests for trial to be conducted in their absence.

3. The presiding judge of the court hearing shall briefly announce contents of the case and documents and evidences included in the case file. The trial panel shall discuss matters to be settled in the case.

4. The procurator shall present opinions of the procuracy.

5. The trial panel shall deliberate and pronounce judgments in accordance with this Law.

Section 2. PROCEDURES FOR COMMENCING COURT HEARINGS

Article 169. Opening of court hearings

1. The presiding judge shall open the court hearing and read out the decision to bring the case to trial.

2. The court clerk shall report to the trial panel on the presence or absence of court hearing participants who have been summoned by the court and reason(s) for their absence.

3. The presiding judge shall re-check the presence of the court hearing participants who have been summoned by the court and check the identity cards of involved parties.

4. The presiding judge shall announce the rights and obligations of involved parties and other procedure participants.

5. The presiding judge shall introduce full names of members of the trial panel, court clerk, procurator, expert witness and interpreter.

6. The presiding judge shall ask persons who have the right to request change of produce-conducting persons and interpreters to see if they request any change; and ask persons who have the right over expert witnesses about whether the expert witness has violated the provisions of Clause 3, Article 63 of this Law.

7. The presiding judge shall request witnesses to undertake to make truthful testimonies and bear responsibility before law for their untruthful testimonies, except for witnesses who are minors.

8. The presiding judge shall request the expert witness and interpreter to undertake to provide accurate examination results and verbatim interpretations.

Article 170. Response to requests for change of procedure-conducting persons, expert witnesses and interpreters

In case there is a request for change of a procedure-conducting person, an expert witness or an interpreter at the court hearing, the trial panel shall consider and decide to accept or reject the request in accordance with this Law. In case of rejection, the reason shall be clearly stated and recorded in the minutes of the court hearing.

In case there is an opinion that an expert witness has violated one of the provisions of Clause 3, Article 63 of this Law, the trial panel shall consider such opinion and decide on reexamination in accordance with law if such opinion is grounded.

Article 171. Assurance of objectivity of witnesses

1. Before witnesses are questioned about matters which they know and are related to the settlement of the case, the presiding judge of the court hearing may decide to take necessary' measures so that witnesses can neither hear each other’s testimonies nor contact with related persons.

2. If testimonies of involved parties and witnesses may influence one another, the presiding judge of the court hearing may decide to isolate involved parties from the witness before the latter is questioned.

Article 172. Questioning of involved parties about change, addition or withdrawal of their claims

1. The presiding judge of the court hearing shall ask the plaintiff about change, addition or withdrawal of part or the whole of their lawsuit claims.

2. The presiding judge of the court hearing shall ask persons with related interests and obligations that have made independent claims about change, addition or withdrawal of part or the whole of their independent claims.

Article 173. Consideration of change, addition or withdrawal of claims

1. The trial panel shall accept the change or addition of involved parties' claims provided that the change or addition does not go beyond the scope of their lawsuit claim or initial dependent claims.

2. In case involved parties voluntarily withdraw part or the whole of their claims, the trial panel shall accept the request and terminate the trial with regard to the withdrawn part or whole of claims.

Article 174. Change of procedural status

In case the plaintiff withdraws the whole of his/her/its lawsuit claim but persons with related interests and obligations still retain their independent claims, the latter shall become the plaintiff.

Section 3. ADVERSARY PROCESS AT COURT HEARINGS

Article 175. Contents and method of adversary process at court hearings

1. Adversary process at a court hearing consists of presentation of evidences, questioning, arguments and counter-arguments, answering, and presentation of viewpoints and arguments on assessment of evidences and circumstances of the case, disputed legal relations and laws applied to settle claims of involved parties in the case.

2. Adversary process at court hearings shall be conducted under control by the presiding judge.

3. Presiding judges may not limit the period of time for adversary process, shall create conditions for participants in the adversary process to fully present their opinions but may rule out opinions irrelevant to the case.

Article 176. Statements of involved parties

1. In case involved parties retain their claims and viewpoints and cannot reach agreement on the settlement of the case, the trial panel shall summarize contents of claims of involved parties, notify conclusions made at the session to check the handover of, access to, and disclosure of evidences and dialogues, matters to be discussed in the adversary process, and request involved parties to make statements on unclear or inconsistent matters in the following order:

a/ The defense counsel of lawful rights and interests of the plaintiff shall make statements on unclear or inconsistent matters and present evidences to prove that the plaintiff's claim is grounded and lawful. The plaintiff may make additional statements. In case the plaintiff is an agency or organization, its representative shall make statements on unclear or inconsistent matters and evidences to prove that the lawsuit institution claim is grounded and lawful;

b/ The defense counsel of lawful rights and interests of the defendant shall present the latter's statements on the claim of the plaintiff; requests and recommendations of the defendant and evidences to prove that such requests are grounded and lawful. The defendant may make additional statements;

c/ The defense counsels of lawful rights and interests of persons with related interests and obligations shall present the latter's statements on requests and recommendations of the plaintiff and defendant: their independent claims and requests and evidences to prove that such requests are grounded and lawful. Persons with related interests and obligations may make additional statements.

2. In case the plaintiff, defendant and persons with related interests and obligations have no defense counsel of their lawful rights and interests, they shall present by themselves their requests and recommendations and evidences to prove that such requests and recommendations are grounded and lawful.

3. At the court hearing, involved parties and defense counsels of their lawful rights and interests may only provide additional evidences under Clause 2, Article 133 of this Law to prove their requests and recommendations.

Article 177. Order and principles of questioning at court hearings

1. After listening to statements of involved parties and defense counsels of their lawful rights and interests under Article 176 of this Law, under the control by the presiding judge, the order of questioning by the following persons shall be as follows:

a/ The plaintiff and defense counsel of his/her/its lawful rights and interests shall raise questions first, followed by the defendant and defense counsel of his/her/its lawful rights and interests, persons with related interests and obligations and defense counsels of their lawful rights and interests;

b/ Other procedure participants;

c/ Presiding judge, people's assessors;

d/ Procurators participating in the court hearing.

2. Questions shall be raised in a clear and serious manner and must not be identical, and it is prohibited to take advantage of the questioning and answering to offend honor and dignity of procedure participants.

Article 178. Questioning of plaintiffs

1. In case there are more than one plaintiff, they shall be questioned separately one by one.

2. The plaintiff shall be questioned only about matters presented by himself/herself/ itself and the defense counsel of his/her/its lawful rights and interests which remain unclear, inconsistent or contradictory to their previous testimonies, or contradictory to the statements of the defendant, persons with related interests and obligations and defense counsels of the lawful rights and interests of these persons.

3. The plaintiff may himself/herself/itself give answers or the defense counsel of his/her/ its lawful rights and interests may give answers on his/her/its behalf, then he/she/it shall give additional answers.

Article 179. Questioning of defendants

1. In case there are more than one defendant, they shall be questioned separately one by one.

2. The defendant shall be questioned only about matters presented by himself/herself/ itself and the defense counsel of his/her/its lawful rights and interests which remain unclear, inconsistent or contradictory to their previous testimonies, or contradictory to the statements of the plaintiff, persons with related interests and obligations and defense counsels of the lawful rights and interests of these persons.

3. The defendant may himself/herself/itself give answers or the defense counsel of his/ her/its lawful rights and interests may give answers on his/her/its behalf, then he/she/it shall give additional answers.

Article 180. Questioning of persons with related interests and obligations

1. In case there are more than one person with related interests and obligations, they shall be questioned separately one by one.

2. Persons with related interests and obligations shall be questioned only about matters presented by themselves, defense counsels of their lawful rights and interests which remain unclear, inconsistent or contradictory to their previous testimonies, or contradictory to statements of the plaintiff, defendants and defense counsels of the lawful rights and interests of these persons.

3. Persons with related interests and obligations may themselves give answers or defense counsels of their lawful rights and interests may give answers on their behalf, then they shall give additional answers.

Article 181. Questioning of witnesses

1. In case there are more than one witness, they shall be questioned separately one by one.

2. Before questioning witnesses, the presiding judge of the court hearing shall ask clearly about the relationships between them and involved parties in the case. If witnesses are minors, the presiding judge of the court hearing may ask for help of their parents, guardians or teachers in questioning.

3. The presiding judge of the court hearing shall request witnesses to clearly state circumstances of the case which they know. After witnesses make their statements, they may only be further questioned about matters which remain unclear, incomplete or inconsistent in their statements or contradictory to their previous testimonies or statements of involved parties or of defense counsels of the lawful rights and interests of involved parties.

4. After making their statements, witnesses shall stay in the courtroom so that they may be further questioned.

5. When necessary to ensure safety for witnesses and their relatives, the trial panel shall decide not to disclose information on their personal identities and keep them from being seen by court hearing participants.

6. Involved parties and defense counsels of their lawful rights and interests shall question witnesses after obtaining consent of the presiding judge.

Article 182. Disclosure of documents of cases

1. The trial panel shall disclose documents of a case in the following cases:

a/ Procedure participants are absent from the court hearing but have given their testimonies in the stage of trial preparation;

b/ Testimonies given by procedure participants at the court hearing are contradictory to their previous testimonies;

c/ When the trial panel finds it necessary or when involved parties, defense counsels of lawful rights and interests of involved parties, other procedure participants or procurators so request.

2. In special cases where it is necessary to keep state secrets, to preserve fine national customs and practices, to keep professional secrets, business secrets or privacy secrets, or to protect minors at the request of involved parties, the trial panel shall not disclose documents included in the case file.

Article 183. Listening to audio tapes and disks and watching video tapes and disks and other sound- or image-recording media

At the request of involved parties, defense counsels of lawful rights and interests of involved parties, other procedure participants or procurators or when finding it necessary, the trial panel may play audio or video tapes and disks of other sound- or image-recording media to be listened to or watched at the court hearing, except the cases specified in Clause 2, Article 182 of this Law.

Article 184. Examination of material exhibits

1. Material exhibits, photos or written certifications of exhibits shall be presented for examination at the court hearing.

2. When finding it necessary, the trial panel may go together with involved parties for onsite examination of material exhibits which cannot be brought to the court hearing.

Article 185. Questioning of expert witnesses

1. The presiding judge of the court hearing shall request expert witnesses to present their conclusions on matters they are assigned to examine. During the presentation, expert witnesses may explain their expert examination conclusions and grounds for making these conclusions.

2. Procurators and procedure participants present at the court hearing may give comments on expert examination conclusions or ask about matters which remain unclear or inconsistent in expert examination conclusions or contradictory to other evidences of the case.

3. If expert witnesses are absent from the court hearing, the presiding judge of the court hearing shall disclose expert examination conclusions.

4. If any procedure participant disagrees with expert examination conclusions disclosed at the court hearing and requests an additional examination or re-examination, if finding the additional examination or re-examination unnecessary, the trial panel shall continue the court hearing; if finding the additional examination or re-examination necessary for the settlement of the case, the trial panel shall decide on additional examination or re-examination and postpone the court hearing to await results of additional examination or re-examination.

Article 186. Conclusion of questioning at court hearings

When seeing that circumstances of the case have been fully examined, the presiding judge of the court hearing shall ask the procurator, involved parties, defense counsels of the lawful rights and interests of involved parties and other procedure participants whether they have any further questions. In case someone has a question and he/she finds such question grounded, the presiding judge of the court hearing shall decide to continue the questioning.

Article 187. Postponement of court hearings

1. During the trial, the trial panel may postpone the court hearing when:

a/ A procedure-conducting person can no longer conduct the court hearing due to his/her poor health, a force majeure event or another objective obstacle, except where such person can be replaced;

b/ A procedure participant can no longer be present at the court hearing due to his/her poor health, a force majeure event or another objective obstacle, except where such person requests the trial to be conducted in his/her absence;

c/ Additional verification or collection of documents and evidences is required for the settlement of the case but cannot be conducted right at the court hearing;

d/ It is necessary to report to the chief justice of the competent court for request for, or recommendation on, amendment, supplementation or annulment of legal documents under Article 111 of this Law;

dd/ Involved parties request the court to postpone the court hearing for their dialogues;

e/ Results of additional examination or re-examination prescribed in Clause 4, Article 185 of this Law are not available yet.

2. The postponement of a court hearing shall be recorded in the minutes of the court hearing. The period of postponement of a court hearing must not exceed 30 days after the trial panel decides on postponement. The trial panel shall resume the court hearing if the reason for its

postponement no longer exists. Upon the expiration of this period, if the reason for postponement of the court hearing is not yet redressed, the trial panel shall issue a decision to suspend the settlement of the case and notify in writing procedure participants and the same-level procuracy of the time of resumption of the court hearing.

Article 188. Order for making statements during argument

1. After the questioning, arguments at the court hearing shall be made as follows:

a/ The defense counsel of the lawful rights and interests of the plaintiff shall make statements. The plaintiff may give additional opinions. In case the plaintiff is an agency or organization, its representative shall make statements;

b/ The defense counsel of the lawful rights and interests of the defendant shall make arguments and counter-arguments. The defendant may give additional opinions;

c/ Defense counsels of the lawful rights and interests of persons with related interests and obligations shall make statements. Persons with related interests and obligations may give additional opinions;

d/ Involved parties shall make arguments and counter-arguments under control by the presiding judge;

dd/ When finding it necessary, the trial panel may request involved parties to make additional arguments on specific matters to serve as a basis for the settlement of the case.

2. In case the plaintiff, defendant and persons with related interests and obligations have no defense counsels of their lawful rights and interests, they shall make statements by themselves during argument.

3. In case one of involved parties or defense counsels of their lawful rights and interests of involved parties and other procedure participants is absent from the court hearing, the presiding judge shall disclose their testimonies and documents on protection of lawful rights and interests of involved parties based on which involved parties present at the court hearing shall make arguments and counter-arguments.

Article 189. Making of statements during argument and counter-argument

When making statements on the assessment of evidences or presenting their viewpoints on the settlement of the case, persons participating in the argument shall base themselves on documents and evidences already collected and examined or verified at the court hearing as well as results of the questioning at the court hearing. They may reply to opinions of others.

Article 190. Statements of procurators

After procedure participants make their arguments and counter-arguments, the procurator shall make statements on the compliance with the procedure law by judges, people's assessors, court clerk and procedure participants throughout the course of settlement of the case, from the acceptance of the case to the time before the deliberation by the trial panel, and on the settlement of the case.

Right after the conclusion of the court hearing, the procurator shall send the document on presentation of statements to the court for inclusion in the case file.

Article 191. Deliberation

1. After the argument, the trial panel shall enter the deliberation room to make deliberation.

2. Only members of the trial panel can participate in the deliberation. During the deliberation, members of the trial panel shall decide on all matters of the case by majority voting on matter by matter. People's assessors shall vote first and judges shall vote last. If the trial panel is composed of 5 members, the presiding judge of the court hearing shall vote last. Members of minority opinion may present their opinions in writing which shall be recorded in the case file.

3. During the deliberation, the trial panel may base themselves only on documents and evidences already examined and considered at the court hearing, results of the adversary process at the court hearing, opinions of procurators, and provisions of law, and study and apply relevant administrative court precedents (if any) before deciding on the following matters:

a/ Legality and grounds in terms of presentation and contents of the administrative decision or the performance of the administrative act over which the lawsuit is instituted;

b/ Legality in terms of competence, order and procedures for issuance of the administrative decision or performance of the administrative act;

c/ Statute of limitations and time limit for issuance of the administrative decision or performance of the administrative act;

d/ Relationship between the administrative decision or administrative act and lawful rights and interests of the plaintiff and related persons;

dd/ Legality and grounds of relevant administrative documents (if any);

e/ Compensation for damage and other matters (if any).

4. The deliberation shall be recorded in a minutes with all opinions discussed and decisions of the trial panel. The deliberation minutes shall be signed by members of the trial panel in the deliberation room before the judgment pronouncement.

5. For a case involving many complicated circumstances and the deliberation requires a longer time, the trial panel may decide to prolong the deliberation time limit which must not exceed 5 working days after the argument is concluded at the court hearing.

The trial panel shall inform all persons present at the court hearing and procedure participants absent from the court hearing of the time, date and place of judgment pronouncement. If the trial panel has done so but some procedure participants are still absent, it shall still conduct the judgment pronouncement under Article 195 of this Law.

Article 192. Resumption of questioning and argument

Through argument or deliberation, if finding that certain circumstances of the case have not been examined, the questioning remains inadequate or more evidences should be examined, the trial panel shall decide to resume the questioning and argument.

Article 193. Jurisdiction of trial panel

1. The trial panel shall examine the legality of administrative decisions, administrative acts, disciplinary decisions on dismissal, decisions on settlement of complaints about decisions on handling of competition cases or voter lists over which lawsuits are instituted, complaint settlement decisions, and relevant legal documents.

2. The trial panel may decide to:

a/ Reject the lawsuit claim which is not legally grounded;

b/ Accept part or whole of the lawsuit claim, pronounce cancellation of part or whole of the unlawful administrative decision and relevant complaint settlement decision (if any); compel a state agency or a competent person in this state agency to perform tasks or public duties in accordance with law; and at the same time propose the handling of the cancelled unlawful administrative decision;

c/ Accept part or whole of the lawsuit claim, declare the administrative act unlawful; pronounce cancellation of part or whole of the relevant complaint settlement decision (if any); and compel a state agency or a competent person in this state agency to terminate the unlawful administrative act;

d/ Accept the lawsuit claim, pronounce cancellation of the unlawful disciplinary decision on dismissal; and compel the head of an agency or organization to perform tasks or public duties in accordance with law;

dd/ Accept part or the whole of the lawsuit claim, pronounce cancellation of part or the whole of the unlawful decision on settlement of the complaint about the decision on handling of a competition case; and compel the competent agency or person that has issued the decision on settlement of the complaint about the decision on handling of a competition case to resettle this case in accordance with the Law on Competition;

e/ Accept part or whole of the lawsuit claim: and compel the agency that has made the voter list to modify or supplement the list in accordance with law;

g/ Compel an agency or organization to pay compensation for damage, restore the lawful rights and interests of the agency, organization or individual which are infringed upon by the unlawful administrative decision, administrative act, disciplinary decision on dismissal or decision on settlement of the complaint about the decision on handling of a competition case;

h/ Request a competent state agency or its head to determine the responsibility of state agencies or competent persons of these agencies.

3. In case it is necessary to request a competent agency or person to consider and handle an administrative document relevant to the administrative decision or act over which the lawsuit is instituted as specified in Clause 1, Article 6 of this Law, the trial panel shall report such

to the chief justice of the court currently settling the case so that he/she can request in writing the competent agency or person to consider and handle such administrative document. In this case, the trial panel may postpone the court hearing to await results of handling by the competent agency or person. Within 30 days after receiving the decision of the court, the competent agency or person shall reply in writing the handling results to the court to serve as a basis for the settlement of the case. Past that time limit, if receiving no written reply of the competent agency or person, the trial panel may apply a document of the superior state agency to make a decision under Clause 2 of this Article.

4. If detecting a legal document relevant to the settlement of the administrative case showing signs of contravention of the Constitution, a law' or a legal document of a superior state agency, the trial panel shall postpone the court hearing under Article 112 of this Law.

Article 194. First-instance judgments

1. The court shall make judgments in the name of the Socialist Republic of Vietnam.

2. A judgment consists of an introductory part, a part on the contents of the case and reasoning of the court, and a part on the court ruling, specifically as follows:

a/ The introductory part must indicate the name of the first-instance court; serial number of the case and date of case acceptance; serial number of the judgment and date of judgment pronouncement; full names of members of the trial panel, court clerk, procurator, expert witness and interpreter; names and addresses of the plaintiff, defendant, persons with related interests and obligations; agency or organization being the plaintiff; lawful representatives, defense counsels of lawful rights and interests of involved parties; subject matter of the lawsuit; serial number and date of the decision to bring to case to public or behind-closed-door trial; and time and venue of trial.

b/ The part on the contents of the case and reasoning of the court must state the lawsuit claim of the plaintiff; lawsuit petition of the agency or organization; and requests and independent claims of persons with related interests and obligations.

The court shall base itself on results of the adversary process and evidences examined at the court hearing to fully and objectively analyze, assess and judge circumstances of the case, legal grounds and court precedents (if any) which it applies to accept or reject claims and requests of involved parties and defense counsels of the lawful rights and interests of involved parties, and settle other related matters;

c/ The part on the court ruling must clearly state legal grounds, rulings of the trial panel on each specific matter which needs to be settled in the case, application of provisional urgent measures, legal costs, procedural expenses and the right to appeal against the judgment. If there is a decision which must be executed without delay, such decision must be clearly stated.

3. When retrying a case on which the judgment or ruling has been partially or wholly quashed under a cassation or reopening ruling, the court shall settle the matters of property and obligations which have been performed under the legally effective judgment or ruling which is quashed, and clearly state such in the judgment.

Article 195. Pronouncement of judgments

The trial panel shall pronounce a judgment in the presence of involved parties. In case involved parties are present at the court hearing but absent when the judgment is pronounced or absent under Clause 5, Article 191 of this Law, the trial panel shall still pronounce the judgment. In case of behind-closed-door trial under Clause 2, Article 16 of this Law, the trial panel shall publicly pronounce the introductory part and the part on the court ruling of the judgment.

Upon pronouncement of a judgment, all people present in the courtroom shall rise, except those permitted by the presiding judge of the court hearing to stay seated. The presiding judge of the court hearing or another member of the trial panel shall read out the judgment and may give further explanations about the judgment execution and the right to appeal.

In case an involved party cannot understand Vietnamese, the interpreter shall, after the judgment pronouncement, interpret the full text of the judgment into the language he/she knows.

Article 196. Provision or sending of judgment extracts and judgments

1. Within 3 working days after the conclusion of a court hearing, involved parties shall be provided with judgment extracts by the court.

2. Within 7 days after the date of judgment pronouncement, the court shall provide or send the judgment to involved parties and the same-level procuracy.

3. Thirty days after the expiration of the time limit for filing appeals or protests, if no appeal or protest is filed, the court shall provide or send the legally effective judgment to involved parties, the same-level procuracy and civil judgment enforcement agency, and the immediate superior agency of the defendant.

4. Legally effective first-instance judgments of first-instance courts shall be published on e-portals (if any) of these courts, except judgments that contain information specified in Clause 2, Article 96 of this Law.

Article 197. Correction or supplementation of court judgments and rulings

1. Court judgments and rulings, once issued, may not be corrected or supplemented, except in case obvious spelling errors or erroneous data due to mistakes or miscalculation are detected. Documents on corrections or supplementations must be immediately sent by the court to involved parties and same-level procuracy. For legally effective judgments or rulings, such documents shall also be sent to the civil judgment enforcement agency at the same level and the immediate superior agency of the defendant.

2. The correction or supplementation of judgments and rulings specified in Clause 1 of this Article shall be made by the presiding judge of the court hearing in coordination with members of the trial panel trying such case or by the presiding judge. In case a member of the trial panel or the presiding judge cannot make correction or supplementation, the chief justice of the court shall do so.

Chapter XII

PROCEDURES FOR SETTLEMENT OF LAWSUITS OVER LISTS OF VOTERS TO ELECT DEPUTIES TO THE NATIONAL ASSEMBLY, LISTS OF VOTERS TO ELECT DEPUTIES TO PEOPLE'S COUNCILS, OR LISTS OF VOTERS FOR A REFERENDUM

Article 198. Receipt of lawsuit petitions and acceptance of cases

Upon receiving a petition to institute a lawsuit over a voter list, the chief justice of the court shall assign a judge to immediately accept the case.

Article 199. Time limit for settlement of cases

1. Within 2 days after the acceptance of a case, the judge assigned to accept the case shall decide to:

a/ Bring the case to trial; or,

b/ Terminate the case and return the lawsuit petition.

2. After issuing a decision to bring the case to trial, the court shall immediately send this decision to involved parties and the same-level procuracy.

3. Within 2 days after the issuance of the decision to bring the case to trial, the court shall open a court hearing.

Article 200. Presence of involved parties and procuracy representatives

Involved parties and the procurator of the same-level procuracy shall be present at the court hearing. In case they are absent, the trial panel shall still conduct the trial of the case.

Article 201. Application of other provisions of this Law

Other provisions of this Law may be applied to settle administrative cases with regard to lawsuits over voter lists in case this Chapter does not provide for to that effect, except provisions on postponement of court hearings and sending of case files to procuracies for study before the opening of court hearings and provisions on appellate, cassation and reopening procedures.

Article 202. Effect of court judgments or rulings to terminate cases

1. Judgments or rulings to terminate cases of settlement of lawsuits over voter lists take effect immediately for execution. Involved parties may not file appeals and procuracies may not file protests.

2. The court shall immediately send judgments or rulings to terminate cases to involved parties and the same-level procuracy.

Chapter XIII

APPELLATE PROCEDURES

Section 1. GENERAL PROVISIONS ON APPELLATE PROCEDURES

Article 203. Nature of appellate trial

Appellate trial means the retrial by an appellate court of a case with the first-instance court's judgment or ruling having not yet taken legal effect and being appealed or protested against.

Article 204. Persons having the right to appeal

Involved parties or their lawful representatives have the right to appeal against judgments or decisions of the first-instance court to suspend or terminate the settlement of cases in order to request the appellate court to conduct retrial according to appellate procedures.

Article 205. Appeal petition

1. When exercising the right to appeal, an appellant shall make an appeal petition which must contain the following principal details:

a/ Date of making;

b/ Full name, address, telephone and facsimile numbers and email address (if any) of the appellant;

c/ The appealed part or whole of the court judgment or ruling of the first-instance court which has not yet taken legal effect;

d/ The reason for filing the appeal and the appellant's claim;

dd/ Signature or fingerprint of the appellant.

2. An appellant who has the full administrative procedure act capacity may make an appeal petition by himself/herself. The items of name and address of the appellant in the petition shall be filled with the full name and address of the involved party that files the appeal. In the bottom of the appeal petition, the appellant shall give his/her signature or fingerprint.

3. If an appellant specified in Clause 2 of this Article does not file an appeal by himself/ herself, he/she may authorize another person to represent him/her in filing an appeal. The items of name and address of the appellant in the petition shall be filled with the full name and address of the authorized representative to file the appeal; full name and address of the authorizing involved party and power of attorney. In the bottom of the appeal petition, the authorized representative shall give his/her signature or fingerprint.

4. The at-law representative of an involved party being an agency or organization may file an appeal by himself/herself. The items of name and address of the appellant in the appeal petition shall be filled with the name and address of the involved party being an agency or organization; full name and position of the at-law representative of the involved party. In the bottom of the appeal petition, the at-law representative shall give his/her signature and

append the seal of the agency or organization. In case the appellant is an enterprise, the use of its seal must comply with the Law on Enterprises.

In case the at-law representative of an involved party being an agency or organization authorizes another person to represent such agency or organization in filing an appeal, the items of name and address of the appellant in the appeal petition shall be filled with the full name and address of the authorized representative filing the appeal; name and address of the involved party being the authorizing agency or organization; full name and position of the at-law representative of the involved party being such agency or organization and power of attorney. In the bottom of the appeal petition, the authorized representative shall give his/her signature or fingerprint.

5. The at-law representative of an invoked party being a minor or a person who has lost the civil act capacity may file an appeal petition by himself/herself. The items of name and address of the appellant in the appeal petition shall be filled with the full name and address of the at-law representative; full name and address of the involved party being a minor or a person who has lost the civil act capacity. In the bottom of the appeal petition, the appellant shall give his/her signature or fingerprint.

In case the at-law representative of an involved party authorizes another person to represent him/her in filing an appeal, the items of name and address of the appellant in the appeal petition shall be filled with the full name and address of the authorized representative and power of attorney; full name and address of the at-law representative of the authorizing involved party; full name and address of the involved party being a minor or a person who has lost the civil act capacity. In the bottom of the appeal petition, the authorized representative shall give his/her signature or fingerprint.

6. The authorization prescribed in Clauses 3. 4 and 5 of this Article shall be made in writing and lawfully notarized or authenticated, except where the power of attorney is made at the court to the witness of a judge or a person assigned by the chief justice of the court. A power of attorney must state that the involved party authorizes an authorized representative to file an appeal against the first-instance court's judgment or ruling on suspension or termination of the settlement of the case.

7. An appeal petition shall be filed with the first-instance court which has made the judgment or ruling which is appealed against. The appeal petition shall be enclosed with additional documents and evidences (if any) to prove that the appeal is grounded and lawful.

In case the appeal petition is filed with the appellate court, the appellate court shall transfer the petition to the first-instance court for carrying out necessary procedures under Article 216 of this Law.

Article 206. Time limit for filing an appeal

1. The time limit for filing an appeal against the first-instance court's judgment is 15 days counting from the date of judgment pronouncement; for involved parties that are absent from the court hearing or when the judgment is pronounced for a plausible reason, the time limit for filing an appeal shall be counted from the date the judgment is handed over to them or publicly posted up.

For involved parties that have participated in the court hearing but are absent when the court pronounces the judgment without a plausible reason, the time limit for filing an appeal shall be counted from the date of judgment pronouncement.

2. The time limit for filing an appeal against the first-instance court's ruling on suspension or termination of the settlement of a case is 7 days counting from the date the person having the right to appeal receives such ruling or the date such ruling is publicly posted up at the head office of the commune-level People's Committee of locality where he/she resides or is based in case the person having the right to appeal is an agency or organization.

3. In case the appeal petition is sent by post, the appeal date is the date postmarked on the envelope by the sending post service provider. In case the appellant is detained or held in custody, the appeal date is the date of filing the appeal petition as certified by the competent person of the detention camp or custody house.

Article 207. Examination of appeal petitions

1. After receiving an appeal petition, the first-instance court shall examine its validity under Article 205 of this Law.

2. In case an appeal petition is filed after the prescribed time limit, the first-instance court shall request the appellant to clearly state the reason and produce documents and evidences (if any) to prove that the reason for overdue filing of the appeal petition is plausible.

3. In case an appeal petition is made at variance with Article 205 of this Law. the first-instance court shall request the appellant to re-make, modify or supplement it within 5 working days after receiving the request of the court.

4. The court shall return an appeal petition in the following cases:

a/ The appellant has no right to appeal;

b/ The appellant fails to re-make, modify or supplement the appeal petition despite having received a request of the court under Clause 3 of this Article;

c/ The case specified in Clause 2, Article 209 of this Law.

Article 208. Overdue appeals and examination thereof

1. An appeal filed after the expiration of the time limit prescribed in Article 206 of this Law is considered overdue. After receiving an overdue appeal petition, the first-instance court shall forward the petition .and the appellant's written explanation about the reason for overdue filing, documents and evidences (if any) to the appellate court.

2. Within 10 days after receiving an overdue appeal petition and enclosed documents and evidences forwarded by the first-instance court, the appellate court shall form a panel consisting of 3 judges to examine the overdue appeal. A session to examine an overdue appeal shall be attended by the procurator of the same-level procuracy and the person filing the overdue appeal. In case the procurator and the person filing the overdue appeal are absent, the court shall still proceed with the session.

3. Based on documents and evidences relevant to the overdue appeal, opinions of the involved party filing the overdue appeal and the representative of the procuracy at the session, the panel for examination of the overdue appeal shall make a decision by majority on acceptance or rejection of the overdue appeal and clearly state the reason in the decision. The appellate court shall send the decision to the person filing the overdue appeal, same-level procuracy and first-instance court. If the appellate court accepts the overdue appeal, it shall request the first- instance court to carry out the procedures prescribed in Articles 209, 210 and 216 of this Law.

Article 209. Notice of payment of legal cost advances for appellate trial

1. After accepting a valid appeal petition, the first-instance court shall notify the appellant thereof so that the latter pays an legal cost advance for appellate trial as required by law, unless the latter is exempt from paying or not required to pay the legal cost advance for appellate trial.

2. Within 10 days after receiving the court's notice of payment of the legal cost advance for appellate trial, the appellant shall pay such advance and submit the advance receipt to the first-instance court. Past this time limit should the appellant fail to pay the legal cost advance for appellate trial, he/she/it shall be regarded as having waived the appeal.

Upon receiving the receipt of legal cost advance from the appellant, the court shall issue to him/her/it a written certification that it has received the advance receipt.

If the appellant submits to the court the receipt of legal cost advance for appellate trial after the expiration of the time limit of 10 days after receiving the court's notice of payment of such advance without a plausible reason, the first-instance court shall request the appellant to explain in writing the reason for late submission of the advance receipt within 3 working days for inclusion in the case file. This case shall be handled according to the procedures for examining overdue appeals.

Article 210. Notice of appeal

1. When sending the case file and the appeal petition to the appellate court, the first- instance court shall promptly notify the appeal in writing to the same-level procuracy and parties involved in the appeal.

2. Involved parties who are notified of the appeal may send to the appellate court documents expressing their opinions on the appealed contents. Such documents shall be included in the case file.

Article 211. Protest by procuracy

The chief procurator of the same-level procuracy or immediate superior level may file a protest against the first-instance court's judgment or ruling on suspension or termination of the settlement of the case in order to request the appellate court to resettle the case according to appellate procedures.

Article 212. Protest decision of procuracy

1. The procuracy's protest decision shall be made in writing and must contain the following principal details:

a/ Date of issuance and serial number of the decision;

b/ Name of the procuracy issuing the decision;

c/ Protested whole or part of the first-instance court's judgment or ruling which has not yet taken legal effect;

d/ Reason(s) and ground(s) for the protest and the procuracy's requests;

dd/ Full name of the person signing the decision and seal of the procuracy issuing the decision.

2. The protest decision shall be immediately sent to the first-instance court that has made the protested judgment or ruling so that such court shall carry out procedures prescribed in Article 216 of this Law. The protest decision shall be enclosed with additional documents and evidences (if any) to prove that the procuracy's protest is grounded and lawful.

Article 213. Time limit for filing a protest

1. The time limit for filing a protest against the first-instance court's judgment is 15 days for the same-level procuracy, or 30 days for the immediate superior procuracy, counting from the date of judgment pronouncement.

2. The time limit for filing a protest against the first-instance court's ruling on suspension or termination of the settlement of the case is 7 days for the same-level procuracy, or 10 days for the immediate superior procuracy, counting from the date the same-level procuracy receives such ruling.

3. If receiving a protest decision of the procuracy after the expiration of the time limit prescribed in Clause 1 or 2 of this Article, the first-instance court shall request the procuracy to explain in writing the reason for late filing.

Article 214. Notice of protest

1. The procuracy issuing a protest decision shall promptly send this decision to parties involved in the protest.

2. Persons who are notified of the protest may send documents expressing their opinions on the protested contents to the appellate court. Such documents shall be included in the case file.

Article 215. Consequences of appeal or protest

1. The appealed or protested part of the first-instance court's judgment or ruling shall not be executed, unless immediate execution is prescribed by law.

2. The first-instance court's judgment or ruling or part thereof which is not appealed or protested against will take legal effect on the date of expiration of the time limit for filing an appeal or a protest.

Article 216. Sending of case files, appeals and protests

The first-instance court shall send case files, appeals or protests and enclosed documents and evidences to the appellate court within 5 working days after the time limit for filing protests expires, and upon the expiration of the time limit for filing appeals, appellants shall submit receipts of legal cost advances for appellate trial to the first-instance court.

Article 217. Acceptance of cases for appellate trial

1. Right after receiving a case file, an appeal petition or a protest decision and enclosed documents and evidences, the appellate court shall record it in the case acceptance book.

Within 3 working days after accepting a case, the court shall notify in writing such acceptance to involved parties and the same-level procuracy and announce the acceptance on the court's e-portal (if any).

2. The chief justice of the appellate court shall form an appellate trial panel and assign a judge to preside over the court hearing and session. .

Article 218. Modification, supplementation or withdrawal of appeals or protests

1. If the time limit for filing appeals prescribed in Article 206 of this Law has not yet expired, an appellant may modify or supplement his/her appeal without being limited to the scope of the initial appeal.

If the time limit for filing protests prescribed in Article 213 of this Law has not yet expired, the protesting procuracy may modify or supplement its protest without being limited to the scope of the initial protest.

2. Before the opening of or during an appellate court hearing, the appellant may modify or supplement his/her appeal and the procuracy that has issued the protest decision may modify or supplement its protest provided that the modification or supplementation must not go beyond the scope of the initial appeal or protest, if the time limit for filing appeals or protests has expired.

3. Before the opening of or during an appellate court hearing, the appellant may withdraw his/her appeal and the procuracy that has issued the protest decision or the immediate superior procuracy may withdraw the protest.

The appellate court shall terminate the appellate trial of part of the case against which the appellant has withdrawn his/her appeal or the procuracy has withdrawn its protest.

The termination of the appellate trial prior to the opening of a court hearing shall be decided by the presiding judge of the court hearing or by the trial panel during a court hearing.

4. The modification, supplementation or withdrawal of an appeal or a protest before the opening of an appellate court hearing shall be made in writing and sent to the appellate court. The appellate court shall notify involved parties of such modification, supplementation or withdrawal, and notify the same-level procuracy of the modification, supplementation or withdrawal of the appeal of the involved party.

The modification, supplementation or withdrawal of an appeal or a protest during a court hearing must be recorded in the minutes of the court hearing.

Article 219. Addition of new evidences

1. Prior to or during an appellate court hearing, the appellant, the procuracy filing the protest, a person with interests and obligations related to the appeal or protest, and the defense counsels of the lawful rights and interests of involved parties may additionally provide new evidences.

2. The appellate court may itself or at the request of an involved party verify newly added evidences. It may entrust the verification of evidences under Article 92 of this Law.

Article 220. Scope of appellate trial

The appellate court shall only review part of the first-instance judgment or ruling which is appealed or protested against or related to the appealed or protested contents.

Article 221. Time limit for appellate trial preparation

Except for cases subject to appellate trial according to summary procedures or cases involving foreign elements, the time limit for appellate trial preparation is as follows:

1. Within 60 days after the date of accepting a case, the judge assigned to preside over the court hearing shall decide to:

a/ Suspend the appellate trial of the case;

b/ Terminate the appellate trial of the case; or,

c/ Bring the case to appellate trial.

2. For complicated cases or due to an objective obstacle, the chief justice of the appellate court may decide to prolong the trial preparation time limit specified in Clause 1 of this Article, provided the prolongation must not exceed 30 days.

3. Within 30 days after the date of issuance of the decision to bring the case to trial, the court shall open an appellate court hearing; in case of a plausible reason, this time limit is 60 days.

4. The decision to bring the case to appellate trial shall be forwarded to the same-level procuracy and persons related to the appeal or protest.

5. In case there is a decision on suspension of the appellate trial of the case, the time limit for appellate trial preparation shall be recounted from the date the court's decision to resume the settlement of the case takes legal effect.

Article 222. Composition of appellate trial panel

An appellate trial panel is composed of 3 judges, except the case specified in Clause 1, Article 253 of this Law.

Article 223. Presence of appellate trial panel members and court clerks

1. A court hearing may be conducted only when it is attended by all members of the trial panel and the court clerk.

2. In case a judge is absent or can no longer participate in the trial, an alternative judge who attends the court hearing from the beginning may replace the absent judge to participate in the trial of the case.

3. If there is no alternative judge to replace a member of the trial panel under Clause 2 of this Article, the court hearing shall be postponed.

4. In case the court clerk is absent or can no longer participate in the trial without a replacement, the court hearing shall be postponed.

Article 224. Presence of procurators

1. The procurator who is assigned by the chief procurator of the same-level procuracy has the duty to participate in the court hearing. The trial panel shall decide to postpone the court hearing when the procurator is absent in case the procuracy files a protest.

2. In case the procurator is absent or can no longer participate in the trial, an alternative procurator who attends the court hearing from the beginning may replace the absent procurator to participate in the trial of the case.

Article 225. Presence of involved parties, defense counsels of the lawful rights and interests of involved parties, expert witnesses, interpreters and witnesses

1. Upon the first valid summon of the court, the appellant, persons with interests and obligations related to the appeal or protest and defense counsels of their lawful rights and interests shall be present; in case any of them is absent, the trial panel shall postpone the court hearing.

The court shall inform the appellant, persons with interests and obligations related to the appeal or protest and defense counsels of their lawful rights and interests of the postponement of the court hearing.

2. Upon the second valid summon of the court, the appellant, persons with interests and obligations related to the appeal or protest and defense counsels of their lawful rights and interests shall be present. In case any of them is absent not for a force majeure event or an objective obstacle:

a/ If the appellant is absent without a representative participating in the court hearing, he/she shall be regarded as having waived his/her appeal and the court shall issue a decision to terminate the appellate trial of the first-instance court's judgment or ruling or part thereof which is appealed against by the absent appellant;

b/ If the persons with interests and obligations related to the appeal or protest and the defense counsels of lawful rights and interests of involved parties are absent, the court shall still conduct the trial in their absence.

3. The presence of witnesses, expert witnesses and interpreters at an appellate court hearing must comply with Articles 159, 160 and 161 of this Law.

4. In case a procedure participant requests in writing the court to conduct the trial in his/ her absence, the court shall conduct the appellate court hearing in his/her absence.

Article 226. Cases in which the appellate trial panel is neither required to open a court hearing nor summon involved parties

1. The appellate trial panel is not required to open a court hearing in the following cases:

a/ Reviewing an overdue appeal or protest;

b/ The case mentioned in Clause 2, Article 209 of this Law; reviewing an appeal or a protest about legal cost;

c/ Reviewing an appeal or a protest against rulings of the first-instance court.

2. In the cases specified in Clause 1 of this Article, the trial panel is not required to summon involved parties, except the case of examination of overdue appeals specified in Clause 2, Article 208 of this Law or when it is necessary to hear their opinions. The court shall still conduct the session in the absence of the summoned persons.

Article 227. Presentation of documents and evidences at appellate court

1. Involved parties may present additional documents and evidence during the appellate trial preparation in the following cases:

a/ Documents and evidences which the first-instance court has requested involved parties to present but they cannot present them for a plausible reason;

b/ Documents and evidences which the first-instance court does not request involved parties to present or which involved parties cannot know during the settlement of the case according to first-instance procedures.

2. The procedures for presentation of documents and evidences must comply with Article 83 of this Law.

Article 228. Suspension of appellate trial of a case

1. The appellate court shall issue a decision to suspend the appellate trial of a case; consequences of such suspension and the resumption of the appellate trial must comply with Articles 141 and 142 of this Law.

2. A decision to suspend the appellate trial of a case immediately takes legal effect.

3. A decision to suspend the appellate trial of a case shall be sent immediately to the involved parties and same-level procuracy.

Article 229. Termination of appellate trial of a case

1. The appellate court shall issue a decision to terminate the appellate trial of a case in the following cases:

a/ The case specified at Point a, Clause 1, Article 143 of this Law;

b/ The appeal is returned in accordance with this Law while the appellate court has accepted the case file;

c/ The appellant withdraws the whole of his/her appeal or the procuracy withdraws the whole of its protest;

d/ The appellant is still absent though he/she is duly summoned twice, except the case where he/she requests the court to conduct the trial in his/her absence or the case of occurrence of a force majeure event or an objective obstacle;

dd/ Other cases provided for by law.

2. In case the appellant-withdraws the whole of his/her appeal or the procuracy withdraws the whole of its protest before the appellate court issues a decision to bring the case to appellate trial, the judge assigned to preside over the court hearing shall issue a decision to suspend the appellate trial; in case the appellant withdraws the whole of his/her appeal or the procuracy withdraws the whole of its protest after the appellate court issues a decision to bring the case to appellate trial, the appellate trial panel shall issue a decision to terminate the appellate trial.

In these cases, the first-instance judgment or ruling will take legal effect on the date the appellate court issues a decision to terminate the appellate trial.

3. In case the appellant withdraws part of his/her appeal or the procuracy withdraws part of its protest, the appellate trial shall reason such withdrawal and decide to terminate the trial for such appealed or protested part of the appellate judgment.

4. In case the appellate panel terminates the appellate trial under Clause 2 of this Article while detecting that the first-instance judgment or ruling falls into one of the cases specified in Clause 1, Article 255 of this Law, it shall propose the chief justice of a competent court to make consideration according to cassation procedures.

5. The trial termination decision shall be immediately sent to the involved parties and same-level procuracy.

Article 230. Decision to apply, change or cancel provisional urgent measures

During the settlement of a case, the appellate court may decide to apply, change or cancel provisional urgent measures in accordance with Chapter V of this Law.

Article 231. Transfer of case files to procuracies

1. The appellate court shall transfer the case file together with the decision to bring the case to trial to the same-level procuracy.

2. The same-level procuracy shall study the case file within 15 days after receiving it; past this time limit, the procuracy shall return the case file to the court.

Article 232. Postponement of appellate court hearings

1. Cases of postponement of an appellate court hearing:

a/ The cases specified in Clause 2, Article 161; Clauses 3 and 4, Article 223; and Clause 1, Article 225, of this Law;

b/ A member of the trial panel, the procurator, court clerk or interpreter is changed without an immediate replacement;

c/ The expert witness is changed;

d/ It is necessary to verify or additionally collect documents and evidences but this cannot be done right at the court hearing.

2. Cases of postponement of an appellate court hearing are specified in Clause 2, Article 159, and Clause 2, Article 160, of this Law.

3. The duration of postponement of, and the decision to postpone, an appellate court hearing must comply with Article 163 of this Law.

Section 2. PROCEDURES FOR COMMENCING AN APPELLATE COURT HEARING

Article 233. Appellate trial procedures

1. Preparation for opening an appellate court hearing, procedures for commencing the hearing, procedures for disclosure of documents and examination of material exhibits at the hearing, judgment deliberation and pronouncement, and modification and supplementation of the appellate judgment shall be carried out like first-instance trial procedures provided in this Law.

2. After concluding the procedures for commencing the appellate court hearing, a member of the appellate trial panel shall announce the content of the case, the first-instance judgment's rulings and the content of the appeal or protest.

3. The presiding judge of the court hearing shall ask:

a/ The plaintiff whether he/she withdraws his/her lawsuit petition;

b/ The appellant or procurator whether he/she modifies, supplements or withdraws his/ her appeal or protest;

c/ The involved parties whether they reach agreement on settlement of the case.

4. In case the appellant withdraws part of his/her appeal or the procurator withdraws part of his/her protest, the court shall accept such withdrawal. In case the appellant or procurator adds a new content beyond the scope of the initial appeal or protest, the court shall not consider such content.

5. The presiding judge of the court hearing shall ask the involved parties and procurator about the modification, supplementation or withdrawal of their appeal or protest at the court hearing as follows:

a/ Asking the plaintiff whether he/she withdraws his/her lawsuit petition;

b/ Asking the appellant or procurator whether he/she modifies, supplements or withdraws his/her appeal or protest.

6. If the procuracy files a protest, the procurator shall present the procuracy's protest views on the first-instance judgment's rulings which are protested against.

Article 234. Plaintiffs withdrawing lawsuit petitions before the opening of or during appellant court hearings

1. If the plaintiff withdraws his/her lawsuit petition before the opening of or during the appellate court hearing, the appellate trial panel shall ask the defendant whether he/she agrees with such withdrawal and shall, on a case-by-case basis:

a/ Not accept the plaintiff's withdrawal of the lawsuit petition if the defendant disagrees with such withdrawal;

b/ Accept the plaintiff's withdrawal of the lawsuit petition if the defendant agrees with such withdrawal. The appellate trial panel shall issue a decision to cancel the first-instance judgment and terminate the settlement of the case. In this case, involved parties shall still bear the first- instance legal cost under the ruling of the first-instance court and bear half of the appellate legal cost as prescribed by law.

2. In case the appellate trial panel issues a decision to terminate the settlement of the case, the plaintiff may re-institute the case according to the procedures prescribed in this Law, if the statute of limitations for instituting a lawsuit has not yet expired.

Article 235. Defendants modifying or canceling administrative decisions, disciplinary decisions on dismissal or decisions settling complaints about decisions handling competition cases, or ceasing or remedying administrative acts over which a lawsuit is instituted

1. In case the defendant modifies or cancels the administrative decision, disciplinary decision on dismissal or decision settling complaints about the decision handling the competition

case, or ceases or remedies the administrative act over which a lawsuit is instituted and such modification, cancellation, cessation or remedy is related to rights and obligations of agencies, organizations or individuals, and the plaintiff agrees to withdraw the lawsuit petition while the person with related interests and obligations who makes an independent claim agrees to withdraw the claim, the appellate trial panel shall cancel the first-instance judgment or ruling and terminate the settlement of the case; the judgment's ruling must clearly state the involved parties' commitments for securing the execution of administrative judgments.

2. In case the defendant modifies or cancels the administrative decision, disciplinary decision on dismissal or decision settling complaints about the decision handling the competition case, or ceases or remedies the administrative act over which a lawsuit is instituted and such modification, cancellation, cessation or remedy is related to rights and obligations of other agencies, organizations or individuals that did not participate in first-instance procedures:

a/ If the plaintiff withdraws his/her lawsuit petition and the person with related interests and obligations who makes an independent claim withdraws his/her claim, the appellate trial panel shall cancel the first-instance judgment or ruling and terminate the settlement of the case. In this case, agencies, organizations and individuals with rights and obligations related to the modification or cancellation of the administrative decision, disciplinary decision on dismissal or decision settling complaints about the decision handling the competition case, or to the cessation or remediation of the administrative act over which a lawsuit is instituted may institute an administrative case according to general procedures;

b/ If the plaintiff does not withdraw his/her lawsuit petition and the person with related interests and obligations who makes an independent claim does not withdraw his/her claim, the appellate trial panel shall cancel the first-instance judgment or ruling for re-conducting the first-instance trial. In this case, the first-instance court shall involve agencies, organizations and individuals with rights and obligations related to the modification or cancellation of the administrative decision, disciplinary decision on dismissal or decision settling complaints about the decision handling the competition case, or to the cessation or remediation of the administrative act over which a lawsuit is instituted- in procedures in the capacity as persons with related interests and obligations.

Section 3. ADVERSARIAL PROCESS AT APPELLATE COURT HEARINGS

Article 236. Contents and method of adversarial process at appellate court hearings

Contents and method of adversarial process at appellate court hearings are specified in Article 175 of this Law.

Article 237. Presentations of involved parties and procurators at appellate court hearings

1. In case an involved party still retains his/her appeal or the procuracy retains its protest, presentations at the appellate court hearing shall be as follows:

a/ The defense counsel of lawful rights and interests of the appellant presents the content of and grounds for the appeal. The appellant may give additional opinions.

In case all involved parties file appeals, the presentations shall be made in the following order: the defense counsel of lawful rights and interests of the plaintiff filing an appeal and the plaintiff; the defense counsel of lawful rights and interests of the defendant filing an appeal and the defendant; the defense counsel of lawful rights and interests of the person with related rights and obligations filing an appeal and the person with related rights and obligations;

b/ In case only the procuracy makes a protest, the procurator shall present the content of and grounds for the protest. In case both appeal and protest are filed, the involved parties shall present the content of and grounds for their appeals first, then the procurator shall present the content of and grounds for the protest;

c/ The defense counsel of lawful rights and interests of other involved parties related to the appeal or protest shall present opinions on the content of the appeal or protest. The involved parties may give additional opinions.

2. In case involved parties have no defense counsel of their lawful rights and interests, they shall themselves present their opinions on the content of the appeal or protest and their proposals.

3. At the appellate court hearing, involved parties and procurator may produce additional documents and evidences.

Article 238. Suspension of appellate court hearings

The suspension of appellate court hearings must comply with Article 187 of this Law.

Article 239. Argument at appellate court hearings

1. At the appellate court hearing, involved parties and defense counsel of their lawful rights and interests may only make arguments regarding matters which fall within the scope of appellate trial and have been asked at the hearing.

2. The order of presentation of opinions upon argument is as follows:

a/ The defense counsel of lawful rights and interests of the appellant presents his/her opinions. The appellant may give additional opinions;

b/ The defense counsel of lawful rights and interests of involved parties makes arguments and counter-arguments. The involved parties may give additional opinions;

c/ The involved parties make arguments and counter-arguments under control by the presiding judge of the court hearing;

d/ When deeming it necessary, the trial panel may request the involved parties to make additional arguments on specific issues for use as a ground for settlement of the case.

3. The order of making arguments on the procuracy's protest is as follows:

a/ The defense counsel of lawful rights and interests of involved parties presents the lawfulness and grounds of the procuracy's protest. The involved parties may give additional opinions;

b/ The procurator presents opinions on issues mentioned by the defense counsel of lawful rights and interests of the involved parties and by the involved parties.

4. In case involved parties have no defense counsel of their lawful rights and interests, they shall themselves make arguments.

5. In case one of the involved parties or another procedure participant is absent, the presiding judge of the court hearing shall announce his/her testimonies for use as a ground for those who are present at the court hearing to make arguments and counter-arguments.

Article 240. Presentation by procurators at appellate court hearings

After procedure participants have made their arguments and counter-arguments, the procurator shall present the procuracy's opinions on compliance with law during the settlement of the administrative case at the stage of appellate trial.

Right after the end of the court hearing, the procurator shall send his/her written presentations to the court for the latter to include them in the case file.

Article 241. Jurisdiction of appellate trial panel

1. To reject the appeal or protest and uphold the first-instance judgment's rulings.

2. To modify part or the whole of the first-instance judgment if the first-instance court made an unlawful decision in the following cases:

a/ The burden of proof or collection of evidences was adequately carried out in accordance with Chapter VI of this Law;

b/ The burden of proof or collection of evidences was not adequately carried out at the first-instance level but evidences have been sufficiently added at the appellate court hearing.

3. To cancel the first-instance judgment and transfer the case file to the first-instance court for retrial in case there is a serious violation of procedures or when new important evidence needs to be collected which the appellate court cannot immediately add.

4. To cancel the first-instance judgment and terminate the settlement of the case if one of the cases specified in Clause 1, Article 143 of this Law occurs during the first-instance trial.

5. To terminate the appellate trial if such trial requires the presence of the appellant but the appellant is still absent though he/she has been duly summoned twice. In this case, the first-instance judgment takes legal effect.

6. When necessary to request a competent agency or person to consider and process the administrative document mentioned in Clause 1, Article 6 of this Law, the trial panel may suspend the court hearing pending the result of processing by the competent agency or person

and propose the chief justice of the court to request in writing such agency or person to consider and process such administrative document. Within 30 days after receiving the court's request, the competent agency or person shall give a written reply on the processing result to the court for use as a ground for settlement of the case. Past this time limit, if receiving no reply from the competent agency or person, the trial panel may apply documents issued by superior state management agencies for settlement of the case.

7. If discovering a legal document related to the settlement of the administrative case showing signs of being contrary to the Constitution, a law or legal document issued by a superior state agency, the trial panel shall request the chief justice of the court currently settling the case to recommend or propose the competent person defined in Article 112 of this Law to make a recommendation. In this case, the frial panel shall postpone the court hearing pending opinions of the chief justice of the court or suspend the settlement of the case as recommended in writing by the chief justice of the competent court.

Article 242. Appellate judgments

1. The appellate trial panel shall render an appellate judgment in the name of the Socialist Republic of Vietnam.

2. An appellate judgment must contain:

a/ An introductory part;

b/ A part on the case's content, appeal, protest, and reasoning of the court;

c/ A part on the ruling.

3. The introductory part must clearly state the name of the appellate court; the serial number and date of acceptance of the case; the serial number of the judgment and the date of judgment pronouncement; full names of the members of the trial panel, court clerk, procurator, expert witness and interpreter; full names and addresses of the plaintiff, defendant, person with related interests and obligations, and agency or organization instituting the lawsuit; lawful representatives or defense counsels of their lawful rights and interests; the appellant or protesting procuracy; public or behind-closed-door trial; and time and venue of trial.

4. The part on the case's content, the appeal or protest, and reasoning of the court must summarize the content of the case and ruling of the first-instance court; and content of the appeal or protest.

The court shall base itself on the adversarial process result and evidences examined at the court hearing to analyze, assess and reason the appeal, protest, circumstances of the case, settlement and trial by the first-instance court, and legal grounds and court precedents (if any) which the court has applied, to accept or reject the appeal or protest and settle other relevant issues.

5. The part on the ruling must state legal grounds and the trial panel's ruling on each matter to be settled in the case, application of provisional urgent measures, first-instance and appellate legal costs, and procedural expenses (if any).

6. When conducting retrial of the case with part or the whole of the legally effective judgment or ruling annulled under the cassation or reopening ruling, the court shall settle the issues on assets and obligations already executed under the annulled judgment or ruling.

7. The appellate judgment takes legal effect on the date it is pronounced.

Article 243. Appellate procedures for appealed or protested rulings of first-instance courts

1. Within 15 days after receiving an appeal or a protest, the appellate court shall hold a session and issue a decision on the settlement of the appeal or protest.

2. A member of the appellate trial panel who has reviewed the first-instance ruling which is appealed or protested against shall briefly present the content of this ruling, content of the appeal or protest, and enclosed documents and evidences (if any).

3. Appealing involved parties invited to the session shall present their opinions on the appeal; the trial panel shall still hold the session in their absence.

4. The procurator of the same-level procuracy shall participate in the appellate session and present opinions on the settlement of the appeal or protest before the appellate trial panel makes a decision. The trial panel shall decide to postpone the session when the procurator is absent in case the procuracy files a protest.

5. When reviewing the first-instance court ruling which is appealed or protested against, the appellate trial panel may:

a/ Uphold the ruling;

b/ Modify the ruling;

c/ Annul the ruling and transfer the case file to the first-instance court for further settlement of the case.

6. The appellate decision takes legal effect on the date it is issued.

Article 244. Sending of appellate judgments and rulings

1. Within 30 days after making an appellate judgment or ruling, the appellate court shall send it to the involved parties, the procuracy and the court that have conducted the first-instance trial, the same-level procuracy, competent civil judgment enforcement agency, and immediate superior agency of the defendant.

2. The appellate judgment shall be announced by the appellate court on its portal (if any), except judgments containing information specified in Clause 2, Article 96 of this Law.

Chapter XIV

SETTLEMENT OF ADMINISTRATIVE CASES ACCORDING TO SUMMARY PROCEDURES AT COURTS

Section 1. SETTLEMENT OF ADMINISTRATIVE CASES ACCORDING TO SUMMARY

PROCEDURES AT FIRST-INSTANCE COURTS

Article 245. Scope of application of summary procedures

1. Summary procedures in administrative procedures mean procedures for settling an administrative case when the conditions prescribed in this Law are satisfied with a view to shortening the time and simplifying procedures as compared to general procedures for settling an administrative case while ensuring lawful settlement of the case.

2. The court shall apply the provisions of this Chapter and other provisions of this Law which are not contrary to this Chapter for settling a case according to summary procedures.

3. In case other laws prescribe the application of summary procedures to administrative complaints or petitions, the provisions of this Law shall apply.

Article 246. Conditions for application of summary procedures

1. A case shall be settled according to summary procedures when the following conditions are fully satisfied:

a/ Its circumstances are simple with sufficient and clear documents and evidences, ensuring sufficient grounds for the settlement, not requiring the court to collect documents and evidences;

b/ Involved parties have clear addresses of residence and working offices;

c/ There is no involved party residing overseas, unless the involved party residing overseas agrees with the involved party in Vietnam to request the court to settle the case according to summary procedures.

2. During the settlement of a case according to summary procedures, the court shall issue a decision to shift to settling the case according to general procedures in any of the following cases:

a/ New circumstances occur on which the involved parties cannot reach agreement and which require verification and additional collection of documents or evidences or an expert examination;

b/ The involved parties cannot reach agreement on prices, requiring the asset valuation;

c/ A provisional urgent measure needs to be applied;

d/ There are more persons with related interests and obligations;

dd/ An independent claim is made;

e/ There is an involved party residing overseas, requiring judicial mandate, except the case specified at Point c, Clause 1 of this Article.

3. If a case is shifted to be settled according to general procedures, the time limit for preparing the trial of the case shall be re-counted from the date of issuance of the decision to shift to settling the case according to general procedures.

Article 247. Decisions to bring cases to settlement according to summary procedures

1. Within 30 days after accepting a case under Article 125 of this Law, the judge assigned to settle the case shall issue a decision to bring the case to settlement according to summary procedures and open a court hearing for trial within 10 days after issuing such decision.

2. A decision to bring a case to settlement according to summary procedures must have the following principal contents:

a/ Date of issuance;

b/ Name of the issuing court;

c/ The case to be settled according to summary procedures;

d/ Names, addresses, facsimile numbers, and emails (if any) of the plaintiff, defendant and person with related interests and obligations;

dd/ Full names of the judge, court clerk and procurator; and full names of alternate judge and procurator (if any);

e/ Time, date and venue of the court hearing;

g/ Public or behind-closed-door trial;

h/ Full names of persons summoned to participate in the court hearing.

3. A decision to bring a case to settlement according to summary procedures shall be sent to the involved parties and same-level procuracy together with the case file right after it is issued. Within 3 working days after receiving the case file, the procuracy shall study and return it to the court.

Article 248. Complaints and recommendations about decisions to bring cases to settlement according to summary procedures and settlement thereof

1. Within 3 working days after receiving the court's decision to bring a case to settlement according to summary procedures, the involved parties may file complaints and the same-level procuracy may make recommendations to the chief justice of such court.

2. Within 3 working days after receiving complaints and recommendations about the decision to bring a case to settlement according to summary procedures, the chief justice of the court shall decide to:

a/ Uphold such decision; or,

b/ Cancel such decision and shift to settling the case according to general procedures.

3. The chief justice's decisions to settle complaints and recommendations are final and shall be sent immediately to the involved parties and same-level procuracy.

Article 249. Court hearings according to summary procedures

1. The first-instance trial of an administrative case according to summary procedures shall be conducted by a judge.

2. The judge shall carry out procedures for opening the court hearing under Article 169 of this Law.

3. After opening the court hearing, the judge shall hold dialogues, except the case specified in Article 135 of this Law where a dialogue cannot be held. In case the involved parties can reach agreement on the settlement of the case, the judge shall make a written record of successful dialogue and issue a decision recognizing successful dialogue results under Article 140 of this Law. If they cannot reach agreement, the judge shall conduct trial.

Presentation of opinions, arguments and counter-arguments, and proposal of viewpoints on the settlement of a case must comply with Section 3, Chapter XI of this Law.

4. If new circumstances arise during the court hearing as prescribed in Clause 2, Article 246 of this Law, making the case no longer satisfy the conditions for application of summary procedures, the judge shall consider and decide to shift to settling the case according to general procedures; the duration of trial preparation shall be recounted under Clause 3, Article 246 of this Law.

Article 250. Effect of judgments and rulings made according to summary procedures

1. A first-instance court judgment or ruling made according to summary procedures may be appealed or protested against for requesting the appellate court to re-settle the case according to appellate summary procedures.

2. A judgment or ruling according to summary procedures may be protested against according to cassation or reopening procedures in accordance with this Law.

Section 2. SETTLEMENT OF ADMINISTRATIVE CASES ACCORDING TO SUMMARY PROCEDURES AT APPELLATE COURTS

Article 251. Time limit for filing appeals or protests against judgments and rulings according to summary procedures

1. The time limit for filing an appeal against a judgment or ruling of the first-instance court according to summary procedures is 7 days after the judgment is pronounced. In case the involved parties fail to be present at the court hearing, the time limit for filing an appeal shall be counted from the date the judgment or ruling is delivered to them or posted up.

2. The time limit for the same-level procuracy or immediate superior procuracy to protest against a judgment or ruling of the first-instance court according to summary procedures is 7 days or 10 days, respectively, after receiving the judgment or ruling.

Article 252. Time limit for preparing appellate trial

1. Within 30 days after accepting a case, the appellate court shall, on a case-by-case basis, decide to:

a/ Suspend the appellate trial of the case;

b/ Terminate the appellate trial of the case; or,

c/ Bring the case to appellate trial.

2. A decision to bring a case to appellate trial must have the contents specified in Clause 2, Article 247 of this Law.

3. A decision to bring a case to appellate trial shall be sent to persons related to the appeal or protest and the same-level procuracy together with the case file. Within 5 working days after receiving the case file, the procuracy shall study and return it to the court.

In case the court issues a decision to shift to settling the case according to general procedures under Clause 2, Article 246 of this Law, the time limit for preparing trial of the case shall be counted under Clause 3, Article 246 of this Law.

4. In case there is a decision to suspend the appellate trial of the case.dhe time limit for preparing appellate trial shall be recounted from the effective date of the court's decision to cancel the decision on suspension of the case.

Article 253. Appellate procedures for first-instance court judgments or rulings on settlement of cases according to summary procedures which are appealed or protested against

1. The appellate trial of an administrative case according to summary procedures shall be conducted by a judge. Within 15 days after the issuance of a decision to bring the case to trial, the judge shall open an appellate court hearing.

2. The court hearing shall be attended by the involved parties and procurator of the same-level procuracy. The trial panel shall still conduct trial in the procurator's absence, unless the procuracy files an appellate protest.

In case the involved parties are absent without plausible reasons though they have been duly summoned, or they make a written request for trial in their absence, the judge shall conduct the court hearing.

3. The judge shall briefly present the contents of the first-instance judgment or ruling which is appealed or protested against, contents of the appeal or protest, and enclosed documents and evidences (if any).

4. The defense counsel of lawful rights and interests of the involved parties shall present opinions and the involved parties shall add opinions on the contents of appeal or protest, make arguments and counter-arguments, and propose their viewpoints on the settlement of the case.

5. After all arguments and counter-arguments are made, the procurator shall present the procuracy's opinions on the law observance during the settlement of the case at the appellate stage.

6. When reviewing the first-instance court's judgment or ruling which is appealed or protested against, the judge may:

a/ Uphold the judgment or ruling;

b/ Modify the judgment or ruling;

c/ Annul the judgment or ruling and transfer the case file to the first-instance court for resettling the case according to summary procedures or general procedures if the case no longer satisfies the conditions for settlement according to summary procedures;

d/ Annul the first-instance judgment and terminate the settlement of the case;

dd/ Terminate the appellate trial and uphold the first-instance judgment.

7. An appellate judgment or ruling will take legal effect on the date it is made.

Chapter XV

CASSATION PROCEDURES

Article 254. Nature of cassation

Cassation means the review of a legally effective court judgment or ruling which is protested against according to cassation procedures when there are grounds prescribed in Article 255 of this Law.

Article 255. Grounds and conditions for protest according to cassation procedures

1. A legally effective court judgment or ruling shall be protested against according to cassation procedures when there is one of the following grounds:

a/ Its conclusion is not consistent with the objective circumstances of the case, causing damage to lawful rights and interests of the involved parties;

b/ There is a serious violation of procedures, rendering the involved parties unable to exercise their procedural rights and perform their procedural obligations, leading to the fact that their lawful rights and interests are not protected in accordance with law;

c/ There is a mistake in the application of law, resulting in issuance of incorrect judgments or rulings, causing damage to lawful rights and interests of the involved parties, public interests, interests of the State or lawful rights and interests of third parties.

2. Persons competent to protest defined in Article 260 of this Law shall file a protest against a legally effective court judgment or ruling when having one of the grounds prescribed in Clause 1 of this Article and when there is a written request prescribed in Articles 257 and 258 of this Law; such request is not required in case the judgment or ruling infringes upon public interests, interests of the State or lawful rights and interests of third parties.

Article 256. Discovery of legally effective judgments or rulings which need to be reviewed according to cassation procedures

1. Within 1 year from the date a court judgment or ruling takes legal effect, if discovering one of the grounds prescribed in Clause 1, Article 255 of this Law, the involved parties may file a written request to a person competent to protest defined in Article 260 of this Law to consider filing a protest according to cassation procedures.

2. In case the court, procuracy, or another agency, organization or individual discovers one of the grounds prescribed in Clause 1, Article 255 of this Law, it/he/she shall notify such in writing to a person competent to protest defined in Article 260 of this Law.

3. The chief justice of a provincial-level court shall propose the chief justice of the superior people's court or the Chief Justice of the Supreme People's Court, and the chief justice of the superior people's court shall propose the Chief Justice of the Supreme People's Court to consider filing a protest according to cassation procedures against a legally effective judgment or ruling if discovering one of the grounds prescribed in Clause 1, Article 255 of this Law.

Article 257. Written requests for reviewing legally effective court judgments or rulings according to cassation procedures

1. A written request must have the following principal contents;

a/ Date of making the request;

b/ Name and address of the requester;

c/ Name of the legally effective court judgment or ruling requested to be reviewed according to cassation procedures;

d/ Reasons and grounds for making the request, and requirements of the requester;

dd/ Signature or fingerprint, for a requester being an individual; or signature and seal of a lawful representative, for a requester being an agency or organization. For a requester being an enterprise, the use of its seals must comply with the Law on Enterprises.

2. The requester shall file a request enclosed with the legally effective court judgment or ruling, and documents and evidences (if any) to prove that his/her/its request is grounded.

3. The request and documents and evidences shall be sent to a person competent to protest according to cassation procedures defined in Article 260 of this Law.

Article 258. Procedures for receiving and examining written requests, notices or recommendations on review of legally effective court judgments or rulings according to cassation procedures

1. The court or procuracy shall receive a written request submitted directly by the involved parties or sent by post, take note in the request receipt book and issue a receipt to the involved parties. The date of sending the request is the date the involved parties submit the request at the court or procuracy or the date indicated in the postmark of the sending post office.

Upon receiving a notice or recommendation of an agency, organization or individual prescribed in Clause 2 or 3, Article 256 of this Law, the court or procuracy shall record such receipt in the acceptance book for settlement.

2. The court or procuracy shall accept a written request which has sufficient contents and enclosed documents prescribed in Article 257 of this Law. The court or procuracy may request the involved parties to supplement the request and enclosed documents which are incomplete. If the involved parties fail to make supplementation, the court or procuracy shall notify such in writing, return the request to the involved parties and take note in the request receipt book.

3. The person competent to protest according to cassation procedures shall assign a responsible officer to study the request, notice or recommendation and the case file and report such to him/her for consideration and decision. If making no protest, the competent person shall notify such in writing to the involved parties and agency, organization or individual that makes the notice or recommendation.

The Chief Justice of the Supreme People's Court shall assign a judge of the Supreme People's Court or the Procurator General of the Supreme People's Procuracy shall assign a procurator of the Supreme People's Procuracy to study the request, notice or recommendation and the case file and report such to the Chief Justice of the Supreme People's Court or the Procurator General of the Supreme People's Procuracy for consideration and decision on protest. If no protest is made, the Chief Justice of the Supreme People's Court or the Procurator General of the Supreme People's Procuracy shall himself/herself notify such in writing to the involved parties and agency, organization or individual that has made the notice or recommendation, or authorize a judge of the Supreme People's Court or a procurator of the Supreme People's Procuracy to do so.

Article 259. Supplementation and verification of documents and evidences in cassation procedures

1. The involved parties may provide documents and evidences to the court or procuracy competent to examine them according to cassation procedures if the first-instance court or appellate court has not requested the involved parties to submit these documents and evidences or it has so requested but the involved parties fail to submit these documents and evidences for plausible reasons or the involved parties could not know these documents and evidences during the settlement of the case.

2. During the settlement of a written request according to cassation procedures, the court or procuracy may request the requester to add documents and evidences or shall itself examine and verify necessary documents and evidences.

Article 260. Persons competent to protest according to cassation procedures

1. The Chief Justice of the Supreme People's Court and the Procurator General of the Supreme People's Procuracy have the competence to protest according to cassation procedures against legally effective judgments or rulings of superior people's courts and those of other courts when finding it necessary, except decisions of the Judicial Council of the Supreme People's Court.

2. Chief justices of superior people's courts and chief procurators of superior people's procuracies have the competence to protest according to cassation procedures against legally effective judgments or rulings of provincial- or district-level courts under their territorial jurisdiction.

Article 261. Postponement or suspension of enforcement of legally effective judgments or rulings

1. Persons competent to protest against legally effective court judgments or rulings may postpone the enforcement of such judgments or rulings in order to consider filing a protest according to cassation procedures. The postponement duration must not exceed 3 months.

For a civil ruling in an administrative court judgment or ruling, a person competent to protest may request the civil judgment enforcement agency to postpone the judgment enforcement in accordance with the law on enforcement of civil judgments.

2. A person who has made a protest according to cassation procedures against a legally effective judgment or ruling may decide to suspend the enforcement of such judgment or ruling until the cassation ruling is made.

Article 262. Decision to protest according to cassation procedures

A decision to protest according to cassation procedures must contain the following principal contents:

1. Serial number and date of the decision;

2. Position of the decision issuer;

3. Serial number and date of the legally effective judgment or ruling protested against;

4. Rulings of the legally effective judgment or ruling protested against;

5. Remarks and analysis of violations or errors of the legally effective judgment or ruling protested against;

6. Legal grounds for making the decision;

7. Decision to protest against part or the whole of the legally effective judgment or ruling;

8. Name of the court competent to conduct cassation review of the case;

9. Proposals of the protester.

Article 263. Time limit for protest according to cassation procedures

1. Persons competent to protest according to cassation procedures may file a protest within 3 years after the date the court judgment or ruling takes legal effect.

2. The time limit for protesting against the civil ruling in an administrative court judgment or ruling must comply with the civil procedure law.

Article 264. Sending of decisions to protest according to cassation procedures

1. A decision to protest according to cassation procedures shall be immediately sent to the court that has made the legally effective judgment or ruling protested against, involved parties, competent civil judgment enforcement agency and other persons with interests and obligations related to protest contents.

2. In case the Chief Justice of the Supreme People's Court or chief justice of a superior people's court files a protest, the protest decision and the case file shall be immediately sent to the same-level procuracy. Within 15 days after receiving the case file, the procuracy shall study and return it to the court competent to conduct cassation review.

3. In case the Procurator General of the Supreme People's Procuracy or chief procurator of a superior people's procuracie files a protest, the protest decision shall be immediately sent to the court competent to conduct cassation review.

4. In case the Chief Justice of the Supreme People's Court files a protest against a legally effective judgment or ruling of another court under Clause 1, Article 260 of this Law, he/she may assign a superior people's court to conduct trial according to cassation procedures.

Article 265. Modification, supplementation or withdrawal of protests

1. A person who has filed a protest according to cassation procedures may modify or supplement the protest decision if the protest time limit prescribed in Article 263 of this Law has not yet expired.

2. Before the opening of or during a court hearing, the person who has filed a protest may withdraw the protest. A written record of the withdrawal of the protest prior to the opening of a court hearing shall be made and sent under Article 264 of this Law. The withdrawal of a protest during a court hearing shall be recorded in the hearing's minutes and the cassation trial panel shall decide to terminate the cassation trial.

Article 266. Cassation jurisdiction

1. Judicial Committees of superior people's courts shall conduct cassation review of legally effective judgments and rulings of provincial- or district-level courts under their territorial jurisdiction which are protested against as follows:

a/ The Judicial Committee of a superior people's court shall, through forming a trial panel composed of 3 judges, conduct cassation trial of legally effective judgments and rulings of provincial- or district-level courts which are protested against according to cassation procedures;

b/ The entire Judicial Committee of a superior people's court shall conduct cassation trial of legally effective judgments and rulings mentioned at Point a, Clause 1 of this Article which are complicated, or judgments and rulings for which the Judicial Committee of the superior people's court has conducted cassation trial through forming a trial panel composed of 3 judges who did not reach agreement when voting to approve the decision on the settlement of the case.

2. The. Judicial Council of the Supreme People's Court shall conduct cassation review of legally effective judgments and rulings of superior people's courts which are protested against as follows:

a/ The Judicial Council of the Supreme People's Court shall, through forming a trial panel composed of 5 judges, conduct cassation trial of judgments and rulings of superior people's courts which are protested against according to cassation procedures;

b/ The entire Judicial Council of the Supreme People's Court shall conduct cassation trial of legally effective judgments and rulings mentioned at Point a of this Clause which are complicated, or judgments and rulings for which the Judicial Council of the Supreme People's Court has conducted cassation trial through forming a trial panel composed of 5 judges who did not reach agreement when voting to approve the decision on the settlement of the case.

3. Complicated cases mentioned at Point b, Clause 1, and Point b, Clause 2, of this Article are those falling in one of the following cases:

a/ The provisions applicable to issues that need to be settled in the case are not clear or not yet guided for uniform application;

b/ There are divergent opinions on assessment of evidences and application of law;

c/ The public pays special attention to the settlement of the case related to public interests, interests of the State or protection of human rights and citizens' rights.

4. The Chief Justice of a superior people's court shall consider and decide on the organization of cassation trial in the cases specified in Clause 1 of this Article. The Chief Justice of the Supreme People's Court shall consider and decide on the organization of cassation trial in the cases specified in Clause 2 of this Article.

5. In case legally effective judgments or rulings on the same administrative case fall within the cassation jurisdiction of a superior people's court and the Supreme People's Court, the

Supreme People's Court will have the competence to conduct cassation review of the whole case.

Article 267. Cassation hearing participants

1. A cassation hearing shall be participated by the same-level procuracy.

2. When finding it necessary, the court may summon the involved parties, lawful representatives or defense counsels of lawful rights and interests of the involved parties and other procedure participants involved in the protest to participate in a cassation hearing. The cassation trial panel shall still conduct the court hearing in the absence of these persons.

Article 268. Time limit for opening a cassation hearing

Within 60 days after receiving the protest enclosed with the case file, the court competent to conduct cassation review shall open a court hearing.

Article 269. Preparations for a cassation hearing

The chief justice of the court shall assign a judge to prepare a written presentation on the case at the court hearing. The presentation must summarize the contents of the case and judgments and rulings of the courts at all levels, and contents of the protest. The presentation shall be sent to members of the cassation trial panel at least 7 days before the date of opening the cassation hearing.

Article 270. Procedures at a cassation hearing

1. After the presiding judge opens the court hearing, a member of the cassation trial panel shall summarize the contents of the case, the case trial process, rulings of the legally effective court judgment or ruling protested against, grounds for and reasoning in the protest, and requests of the protester. If the procuracy files a protest, its representative shall present the protest contents.

2. The involved parties, lawful representatives or defense counsels of lawful rights and interests of the involved parties and other procedure participants who are summoned by the court to the cassation hearing shall present their opinions on issues as requested by the cassation trial panel. In case these persons are absent but send their written opinions to the hearing, the cassation trial panel shall disclose their opinions.

3. A representative of the procuracy shall present opinions on the protest decision and settlement of the case.

Right after the end of the court hearing, the procurator shall send a written record of opinions to the court for inclusion in the case file.

4. Members of the cassation trial panel shall present and discuss opinions. The cassation trial panel shall deliberate the judgment, vote on the settlement of the case and disclose the contents of the ruling on the case settlement at the court hearing. Judgment deliberation must adhere to the principles prescribed in Article 191 of this Law.

5. If the Judicial Committee of a superior people's court conducts trial under Point a, Clause 1, Article 266 of this Law, the trial panel's ruling shall be voted for by all of its members.

If the trial is conducted under Point b, Clause 1, Article 266 of this Law, the hearing by the entire Judicial Committee of the superior people's court shall be attended by at least two-thirds of the total members of the Committee; the Committee's ruling must be voted for by more than half of its total members.

6. If the Judicial Council of the Supreme People's Court conducts trial under Point a, Clause 2, Article 266 of this Law, the trial panel's ruling shall be voted for by all of its members.

If the trial is conducted under Point b, Clause 2, Article 266 of this Law, the hearing by the entire Judicial Council of the Supreme People's Court shall be attended by at least two-thirds of total members of the Council; the Council's ruling must be voted for by more than half of its total members.

Article 271. Scope of cassation review

1. The cassation trial panel shall only review parts of the legally effective judgment or ruling which are protested against or related to the review of the protested contents.

2. The cassation trial panel may review parts of the legally effective judgment or ruling which are neither protested against nor related to the protested contents if these parts infringe upon public interests, interests of the State, or lawful rights and interests of third parties other than the involved parties in the case.

Article 272. Jurisdiction of cassation review panel

1. To reject the protest and uphold the legally effective judgment or ruling.

2. To annul the legally effective judgment or ruling protested against and uphold the lawful judgment or ruling of a subordinate court which has been annulled or modified.

3. To annul the legally effective judgment or ruling protested against for retrial according to first-instance or appellate procedures.

4. To annul the judgment or ruling of the court that has settled the case, and terminate the settlement of the case.

5. To modify part or the whole of the legally effective court judgment or ruling.

Article 273. Annulment of legally effective judgments or rulings which are protested against and upholding of lawful judgments or rulings of subordinate courts which have been annulled or modified

The cassation trial panel shall issue a decision to annul the legally effective judgment or ruling protested against and uphold the lawful judgment or ruling of a subordinate court which has been annulled or partially or wholly modified by the legally effective judgment or ruling protested against.

In case the court judgment or ruling has been partly or wholly executed, the cassation trial panel shall redress consequences of such execution.

Article 274. Annulment of legally effective judgments or rulings which are protested against for retrial according to first-instance or appellate procedures

The cassation trial panel shall issue a decision to annul the legally effective judgment or ruling protested against for retrial according to first-instance or appellate procedures in the following cases:

1. The evidence collection and burden of proof have been carried out inadequately or in contravention of Chapter VI of this Law;

2. The conclusions in the judgment or ruling do not conform to the objective circumstances of the case or there is a serious mistake in the application of law;

3. The composition of the first-instance or appellate trial panel is incompliant with this Law or there is another serious procedural violation.

Article 275. Annulment of judgments or rulings of courts that have settled the cases and termination of settlement of the cases

The cassation trial panel shall issue a decision to annul the judgment or ruling of the court that has settled the case and to terminate the settlement of the case if, during the first-instance or appellate trial, there arises one of the cases specified in Clause 1, Article 143 of this Law. The cassation court shall return the case file to the court that has conducted the first-instance trial for returning the lawsuit petition together with enclosed documents and evidences to the plaintiff, if so requested.

In case the court judgment or ruling has been partly or wholly executed, the cassation trial panel shall redress consequences of such execution.

Article 276. Modification of part or whole of legally effective court judgments or rulings

1. The cassation trial panel shall issue a decision to modify part or the whole of the legally effective court judgment or ruling when the following conditions are fully satisfied:

a/ Documents and evidences in the case file are adequate and clear; there are enough grounds for clarifying circumstances in the case;

b/ The modification does not affect the rights and obligations of other agencies, organizations or individuals.

2. In case the court judgment or ruling has been partly or wholly executed, the cassation ừial panel shall redress consequences of such execution.

Article 277. Cassation ruling

1. The cassation trial panel shall make a cassation ruling in the name of the Socialist Republic of Vietnam.

2. A cassation ruling must have the following contents:

a/ Date and venue of the cassation court hearing;

b/ Full names of members of the cassation trial panel; or full name and position of the presiding judge and number of members participating in trial, in case the cassation trial panel is the Judicial Committee of a superior people's court or the Judicial Council of the Supreme People's Court;

c/ Full names of the court clerk and procurator participating in the court hearing;

d/ Name of the case brought to cassation trial by the panel;

dd/ Full names and addresses of the involved parties in the case;

e/ Summary of the contents of the case, rulings of the legally effective judgment or ruling protested against;

g/ Protest decision; reason for making the protest;

h/ Reasoning by the cassation trial panel, including an analysis of the grounds for accepting or rejecting the protest; and reasoning by the cassation trial panel on the legal issues raised and settled in the case (if any);

i/ Points, clauses and articles of the Law on Administrative Procedures which the cassation trial panel refers to in making the ruling;

k/ Ruling of the cassation trial panel.

3. A ruling of the cassation trial panel of the Judicial Council of the Supreme People's Court must have reasoning to clarify provisions which are understood in different ways; analyze and explain legal issues and events, and point out causes, solutions and legal norms that need to be applied (if any).

Article 278. Effect of cassation rulings

A cassation ruling takes legal effect on the date it is made by the cassation trial panel.

Article 279. Sending of cassation rulings

Within 5 working days after making a cassation ruling, the cassation trial panel shall send it to:

1. The involved parties;

2. The court that has rendered the legally effective judgment or ruling protested against, annulled or modified;

3. The same-level procuracy and procuracy competent to supervise the judgment execution;

4. The competent civil judgment enforcement agency;

5. The immediate superior agency of the defendant;

6. Cassation rulings shall be posted by the cassation court on its e-portal (if any), except those containing information mentioned in Clause 2, Article 96 of this Law.

Chapter XVI

REOPENING PROCEDURES

Article 280. Nature of reopening

Reopening means the review of a legally effective judgment or ruling which is protested against due to the occurrence of newly discovered circumstances which may substantially change the contents of such judgment or ruling and which were unknown to the court and involved parties when the court rendered such judgment or ruling.

Article 281. Grounds for protest according to reopening procedures

A legally effective court judgment or ruling shall be protested against according to reopening procedures when there is one of the following grounds:

1. An important circumstance of the case is newly discovered, which the court and involved parties could not know during the settlement of the case;

2. There is a ground to prove that the conclusions of the expert witness or interpretations of the interpreter were untruthful or an evidence was forged;

3. The judge, people's assessor or procurator intentionally falsified the case file or deliberately made unlawful conclusions;

4. The judgment or ruling of a court or decision of a state agency which the court has referred to for the settlement of the case has been annulled.

Article 282. Notification and verification of newly discovered circumstances

1. The involved parties or other agencies, organizations or individuals, when discovering new circumstances of the case, may send a written request to a person competent to protest defined in Article 283 of this Law for considering filing a protest according to reopening procedures.

2. If discovering new circumstances of the case, the procuracy or court shall notify them in writing to persons competent to protest defined in Article 283 of this Law.

3. If discovering new circumstances of the case, the chief justice of a provincial-level people's court shall propose the chief justice of a superior people's court or the Chief Justice of the Supreme People's Court, or the chief justice of a superior people's court shall propose the Chief Justice of the Supreme People's Court to consider filing a protest according to reopening procedures.

Article 283. Persons competent to protest according to reopening procedures

1. The Chief Justice of the Supreme People's Court and the Procurator General of the Supreme People's Procuracy have the competence to protest according to reopening procedures against legally effective judgments or rulings of superior people's courts or of other courts when finding it necessary, except rulings of the Judicial Council of the Supreme People's Court.

2. Chief justices of superior people's courts and chief procurators of superior people's procuracies have the competence to protest according to reopening procedures against legally effective judgments or rulings of provincial- and district-level courts under their teuritorial jurisdiction.

3. Persons who have protested against legally effective judgments or rulings may suspend the execution of such judgments or rulings until reopening decisions are issued.

Article 284. Time limit for protest according to reopening procedures

The time limit for protest according to reopening procedures is one year counting from the date a person competent to protest becomes aware of a ground for protest according to reopening procedures specified in Article 281 of this Law.

Article 285. Jurisdiction of the reopening trial panel

1. To reject the protest and uphold the legally effective judgment or ruling;

2. To annul the legally effective judgment or ruling for retrial according to first-instance procedures prescribed in this Law.

3. To annul the judgment or ruling of the court that has tried the case, and terminate the settlement of the case.

Article 286. Application of provisions of cassation procedures

Other provisions on reopening competence and procedures are applied like those on cassation procedures in this Law.

Chapter XVII

SPECIAL PROCEDURES FOR REVIEWING RULINGS OF THE JUDICIAL COUNCIL OF THE SUPREME PEOPLE'S COURT

Article 287. Requests, recommendations and proposals for reviewing rulings of the Judicial Council of the Supreme People's Court

1. When there is a ground for ascertaining that there is a serious violation of law or a newly discovered important circumstance which might substantially change the contents of a ruling of the Judicial Council of the Supreme People's Court, which were unknown to the Council and involved parties when such ruling was made, such ruling shall be reviewed if:

a/ It is requested by the National Assembly Standing Committee;

b/ It is recommended by the National Assembly's Judiciary Committee;

c/ It is recommended by the Procurator General of the Supreme People's Procuracy;

d/ It is proposed by the Chief Justice of the Supreme People's Court.

2. Upon request of the National Assembly Standing Committee, the Chief Justice of the Supreme People's Court shall report such to the Judicial Council of the Supreme People's Court for reviewing the latter's ruling.

3. Upon recommendation of the Judiciary Committee of the National Assembly or the Procurator General of the Supreme People's Procuracy or at the proposal of the Chief Justice of the Supreme People's Court when discovering a violation or a new important circumstance, the Chief Justice of the Supreme People's Court shall report such to the Judicial Council of the Supreme People's Court for considering such recommendation or proposal.

If agreeing with the recommendation of the Judiciary Committee of the National Assembly or the Procurator General of the Supreme People's Procuracy or with the proposal of the Chief Justice of the Supreme People's Court, the Judicial Council of the Supreme People's Court shall issue a decision to assign the Chief Justice of the Supreme People's Court to study the case file and report such to the Judicial Council of the Supreme People's Court for consideration and decision. If disagreeing with such recommendation or proposal, the Judicial Council of the Supreme People's Court shall issue a written notice clearly stating the reason.

4. The session of the Judicial Council of the Supreme People's Court to consider the recommendation or proposal mentioned in Clause 3 of this Article shall be attended by the Procurator General of the Supreme People's Procuracy.

Article 288. Sending of documents, case files and notices related to procedures for reviewing rulings of the Judicial Council of the Supreme People's Court

After receiving the request of the National Assembly Standing Committee or recommendation of the Judiciary Committee of the National Assembly, or after the Chief Justice of the Supreme People's Court proposes in writing the review of the ruling of the Judicial Council of the Supreme People's Court under Clause 1, Article 287 of this Law, the Supreme People's Court shall send to the Supreme People's Procuracy a copy of such request, recommendation or proposal enclosed with the case file for the latter to study them and prepare opinions for presentation at the session to consider recommendations and proposals under Article 291 of this Law. Within 15 days after receiving the case file, the Supreme People's Procuracy shall return it to the Supreme People's Court.

Article 289. Time limit for and notice of opening a session to consider recommendations and proposals

1. Within 30 days after receiving the recommendation of the Judiciary Committee of the National Assembly or the Procurator General of the Supreme People's Procuracy, or after

the Chief Justice of the Supreme People's Court makes a written proposal, the Judicial Council of the Supreme People's Court shall hold a session to consider such recommendation or proposal under Clause 3, Article 287 of this Law.

2. The Supreme People's Court shall notify in writing the Procurator General of the Supreme People's Procuracy of the time of opening the session to consider the recommendation or proposal under Clause 3, Article 287 of this Law.

Article 290. Attendees at a session of the Judicial Council of the Supreme People's Court to consider recommendations or proposals

1. The Procurator General of the Supreme People's Procuracy shall attend a session of the Judicial Council of the Supreme People's Court to consider the recommendation of the Judiciary Committee of the National Assembly or the Procurator General of the Supreme People's Procuracy or the proposal of the Chief Justice of the Supreme People's Court under Clause 4, Article 287 of this Law.

2. A representative of the Judiciary Committee of the National Assembly shall be invited to attend a session of the Judicial Council of the Supreme People's Court to consider the recommendation of the Judiciary Committee of the National Assembly.

Article 291. Order of conducting a session of the Judicial Council of the Supreme People's Court to consider recommendations or proposals

1. The Chief Justice of the Supreme People's Court shall himself/herself present or assign a member of the Judicial Council of the Supreme People's Court to present in brief the contents of the case and the settlement of the case.

2. A representative of the Judiciary Committee of the National Assembly, the Procurator General of the Supreme People's Procuracy or the Chief Justice of the Supreme People's Court who makes the recommendation or proposal for reviewing the ruling of the Judicial Council of the Supreme People's Court shall present:

a/ The contents of and grounds for such recommendation or proposal;

b/ Analysis and assessment of the case's circumstances, old evidences and additional evidences (if any) for clarifying the serious violation of law in the ruling of the Chief Justice of the Supreme People's Court, or new important circumstances that may substantially change the contents of such ruling.

3. In case of reviewing the recommendation of the Judiciary Committee of the National Assembly or proposal of the Chief Justice of the Supreme People's Court, the Procurator General of the Supreme People's Procuracy shall present his/her viewpoints on and the reason for agreement or disagreement with such recommendation or proposal.

Presentations of the Procurator General of the Supreme People's Procuracy shall be in writing and bear the signature of the Procurator General of the Supreme People's Procuracy and sent to the Supreme People's Court within 5 working days after the end of the session.

4. The Judicial Council of the Supreme People's Court shall discuss and vote by majority on agreement or disagreement with the recommendation or proposal for reviewing its ruling.

5. If agreeing with the recommendation of the Judiciary Committee of the National Assembly or Procurator General of the Supreme People's Procuracy or with the proposal of the Chief Justice of the Supreme People's Court, the Judicial Council of the Supreme People's Court shall decide hold a session to review its ruling and assign the Chief Justice of the Supreme People's Court to organize the study of the case file and report such to it for consideration and decision at the session to review its ruling.

6. If disagreeing with the recommendation or proposal, the Judicial Council of the Supreme People's Court shall notify such in writing to the agencies and individuals defined in Article 292 of this Law, clearly stating the reason.

7. All developments at the session to consider recommendations and proposals and rulings approved at the session shall be recorded in the session minutes and included in the dossier of review of recommendations and proposals.

Article 292. Notification of results of a session to consider recommendations or proposals for reviewing rulings of the Judicial Council of the Supreme People's Court

Within 5 working days after the end of the session to consider the recommendation or proposal for reviewing the ruling of the Judicial Council of the Supreme People's Court, the Judicial Council of the Supreme People's Court shall send to the Procurator General of the Supreme People's Procuracy and Judiciary Committee of the National Assembly a written notice of the Council's agreement or disagreement with such recommendation and proposal.

Article 293. Organization of study of case files

1. Upon receiving a request of the National Assembly Standing Committee or ruling of the Judicial Council of the Supreme People's Court as prescribed in Clause 5, Article 291 of this Law, the Chief Justice of the Supreme People's Court shall organize the study of the case file, and verify and collect documents and evidences when necessary.

2. The study of the case file and verification and collection of documents and evidences must clarify whether there is a serious violation of law or a new important circumstance that may substantially change the contents of the ruling of the Judicial Council of the Supreme People's Court.

Article 294. Holding of sessions to review rulings of the Judicial Council of the Supreme People's Court

1. Within 4 months after receiving the request of the National Assembly Standing Committee under Clause 2, Article 287 of this Law or after the ruling is made by the Judicial Council of the Supreme People's Court under Clause 5, Article 291 of this Law, the Judicial Council of the Supreme People's Court shall hold a session with the participation of all judges of the Supreme People's Court to review such ruling.

2. The Supreme People's Court shall send to the Supreme People's Procuracy a written notice of the time of holding the session to review the ruling of the Judicial Council of the

Supreme People's Court together with the case file. Within 15 days after receiving the case file, the Supreme People's Procuracy shall return it to the Supreme People's Court.

Article 295. The Procurator General of the Supreme People's Procuracy attending sessions to review rulings of the Judicial Council of the Supreme People's Court

1. The Procurator General of the Supreme People's Procuracy shall attend a session to review the ruling of the Judicial Council of the Supreme People's Court under Clause 4, Article 287 of this Law and present his/her opinions on whether there is a serious violation of law or a new important circumstance that may substantially change the contents of such ruling and on the settlement of the case.

2. Presentation of the Procurator General of the Supreme People's Procuracy shall be in writing and bear his/her signature and be sent to the Supreme People's Court within 5 working days after the conclusion of the session.

Article 296. Competence to review rulings of the Judicial Council of the Supreme People's Court

1. After hearing the report of the Chief Justice of the Supreme People's Court and opinions of the Procurator General of the Supreme People's Procuracy and related agencies, organizations and individuals (if any) that are invited to attend the session, the Judicial Council of the Supreme People's Court shall make a ruling to annul its ruling which contains a serious violation of law or a new important circumstance that may substantially change the contents of such ruling; annul the legally effective judgment or ruling of the subordinate court which contains a serious violation of law or a new important circumstance that may substantially change the contents of such judgment or ruling, and shall, on a case-by-case basis, decide to:

a/ Reject the lawsuit institution claim if it is groundless;

b/ Accept part or the whole of the lawsuit institution claim and pronounce to annul part or the whole of the unlawful administrative decision; and compel the state agency or a competent person of the state agency to perform tasks or official-duties prescribed by law;

c/ Accept part or the whole of the lawsuit institution claim and pronounce the administrative act as illegal; and compel the state agency or a competent person of the state agency to end such illegal administrative act;

d/ Accept the lawsuit institution claim and pronounce to annul the unlawful disciplinary decision on dismissal; and compel the head of the agency or organization to perform tasks or official duties prescribed by law;

dd/ Accept part or the whole of the lawsuit institution claim and pronounce to annul part or the whole of the decision on settlement of the complaint about the unlawful decision on handling the competition case; and compel the agency or person that has the competence to issue a decision on settlement of the complaint about the decision on handling the competition case to re-settle the case in accordance with the Competition Law;

e/ Determine the compensation liability for the cases specified at Points b, c, d and dd, Clause 1 of this Article, and compel agencies or organizations to pay compensation or restore lawful rights and interests of organizations or individuals, public interests, interests of the State, lawful rights and interests of third parties which are infringed upon by unlawful administrative decisions, administrative acts, or disciplinary decisions on dismissal or decisions on handling competition cases; determine the compensation liability of the Supreme People's Court that has made the ruling seriously violating law annulled due to its unintentional or intentional fault and causing damage to the involved parties, or determine the asset compensation liability in accordance with law;

g/ Propose a competent state agency or its head to examine the responsibility of this agency or a competent person of this agency if it/he/she intentionally violates law, causing serious consequences to agencies, organizations or individuals.

2. A ruling of the Judicial Council of the Supreme People's Court must be voted for by at least three-fourths of the total members of the Council.

Article 297. Notification of results of sessions of the Judicial Council of the Supreme People's Court to review its rulings

Within 30 days after the Judicial Council of the Supreme People's Court issues a ruling prescribed in Clause 1, Article 296 of this Law, the Supreme People's Court shall send the ruling to the National Assembly Standing Committee, Judiciary Committee of the National Assembly, Supreme People's Procuracy, court that has settled the case, and involved parties.

Chapter XVIII

PROCEDURES FOR SETTLEMENT OF ADMINISTRATIVE CASES INVOLVING FOREIGN ELEMENTS

Article 298. Principles of application

1. This Chapter prescribes procedures for settlement of administrative cases involving foreign elements. If this Chapter does not prescribe such procedures, other relevant provisions of this Law shall be applied to settle such cases.

2. Administrative case involving foreign elements means an administrative case falling in any of the following cases:

a/ An involved party is a foreigner, foreign agency or organization, branch or representative office of a foreign agency or organization, or an international organization or its representative agency in Vietnam;

b/ An involved party is an overseas Vietnamese citizen;

c/ The administrative legal relationship is established, changed or terminated overseas;

d/ The case involves overseas assets.

Article 299. Procedural rights and obligations of foreign agencies, organizations and individuals, branches or representative offices of foreign agencies and organizations, and international organizations or their representative agencies in Vietnam

1. Foreigners, foreign agencies and organizations, branches or representative offices of foreign agencies and organizations, and international organizations or their representative agencies in Vietnam may institute lawsuits at Vietnamese courts to request review of administrative decisions or administrative acts when having grounds to believe that such decisions or acts are illegal and infringe upon their lawful rights and interests.

2. When participating in administrative procedures, foreign agencies, organizations and individuals, branches or representative offices of foreign agencies and organizations, and international organizations or their representative agencies in Vietnam have procedural rights and obligations like Vietnamese citizens, agencies and organizations.

3. The Vietnamese State may apply the principle of reciprocity to restrict relevant administrative procedural rights of foreigners, foreign agencies and organizations, branches or representative offices of foreign agencies and organizations, and international organizations or their representative agencies in Vietnam which the courts of their countries have restricted toward Vietnamese citizens, agencies and organizations, and branches and representative offices of overseas Vietnamese agencies and organizations.

Article 300. Administrative procedure legal capacity and administrative procedure act capacity of foreigners

1. Administrative procedure legal capacity and administrative procedure act capacity of a foreigner shall be determined as follows:

a/ Under the law of the country of which he/she is a citizen. For a stateless foreigner, his/ her administrative procedure legal capacity and administrative procedure act capacity shall be determined under the law of the country where he/she resides. For a stateless foreigner residing in Vietnam, his /her administrative procedure legal capacity and administrative procedure act capacity shall be determined under Vietnamese law;

b/ Under the law of one of the countries of which he/she is a citizen and where he/she resides, if he/she has different foreign citizenships.

For a foreigner who has different citizenships and resides in a country of which he/she is not a citizen, his/her administrative procedure legal capacity and administrative procedure act capacity shall be determined under the law of the country of which he/she is a citizen for the longest time;

c/ Under Vietnamese law, if he/she has different citizenships including Vietnamese citizenship, or if he/she has a card for permanent residence or temporary residence in Vietnam.

2. A foreigner may have his/her administrative procedure act capacity recognized at a Vietnamese court if he/she has such capacity in accordance with Vietnamese law in spite of not having it in accordance with the law of the relevant foreign country.

Article 301. Administrative procedure legal capacity of foreign agencies and organizations, branches or representative offices of foreign agencies and organizations, and international organizations or their representative agencies in Vietnam

1. Administrative procedure legal capacity of a foreign agency or organization shall be determined in accordance with the law of the country where such agency or organization is established.

Administrative procedure legal capacity of a branch or representative office of a foreign agency or organization in Vietnam shall be determined in accordance with Vietnamese law.

2. Administrative procedure legal capacity of an international organization or its representative agency shall be determined under the treaty based on which such organization is established, the working regulation of such organization, or the treaty to which the Socialist Republic of Vietnam and such organization are contracting parties.

If the international organization declares to waive its privileges or immunities, its administrative procedures legal capacity shall be determined in accordance with Vietnamese law.

Article 302. Protection of lawful rights and interests of involved parties being foreigners, foreign agencies and organizations, branches or representative offices of foreign agencies and organizations, and international organizations or their representative agencies in Vietnam

The involved parties being foreigners, foreign agencies and organizations, branches or representative offices of foreign agencies and organizations, and international organizations or their representative agencies in Vietnam that participate in procedures at Vietnamese courts may ask lawyers to defend their lawful rights and interests in accordance with Vietnamese law.

Article 303. Modes of delivering and notifying courts' procedural documents to overseas involved parties

1. The court shall deliver or notify its procedural documents by any of the following modes:

a/ The mode prescribed in the treaty to which the Socialist Republic of Vietnam is a contracting party;

b/ Through the diplomatic channel, for the involved party residing in the country that, like the Socialist Republic of Vietnam, is not a contracting member to a relevant treaty;

c/ By post to the address of the involved party currently residing in a foreign country if this mode is accepted by the law of such country;

d/ By post to the overseas representative mission of the Socialist Republic of Vietnam for being delivered to the involved party being an overseas Vietnamese citizen;

dd/ Through its representative office or branch in Vietnam in accordance with this Law, for foreign agencies or organizations having representative offices or branches in Vietnam;

e/ By post to the Vietnam-based at-law representative or authorized representative of the involved party in a foreign country.

2. The modes of delivery specified at Points a and b, Clause 1 of this Article must comply with the law on mutual judicial assistance.

3. If the modes of delivery specified in Clause 1 of this Article are unsuccessfully applied, the court shall post up the procedural document at the head office of the relevant overseas representative mission of the Socialist Republic of Vietnam, the court currently settling the case, or the last place of residence of the involved party in Vietnam for 30 days and on the court's e-portal (if any) and the e-portal of the relevant overseas representative mission of the Socialist Republic of Vietnam. When necessary, the court may notify the procedural document in the global channel of the central radio or television 3 times in 3 consecutive days.

Article 304. Notification of acceptance of, and date for opening, sessions or court hearings

1. The court shall send a notice of acceptance of the case to overseas involved parties, clearly stating the time and venue for holding a session to examine the handover of, access to, and disclosure of evidences and dialogues (the session), or resumption of the session, and opening or resumption of the court hearing.

2. The time limit for opening a session or court hearing shall be determined as follows:

a/ A session shall be opened within 4 months to 6 months after the issuance of a written notice of acceptance of the case. The date of resumption of a session (if any) shall be fixed within 30 days after the date of opening such session.

b/ A court hearing shall be opened within 6 months to 8 months after the issuance of a written notice of acceptance of the case. The date of resumption of a court hearing (if any) shall be fixed within 30 days after the date of opening such court hearing, except the case specified in Clause 4, Article 305 of this Law.

Article 305. Handling of results of delivery of courts' procedural documents to overseas involved parties

Upon receiving results of delivery of the court's procedural document and results of collection of evidences in a foreign country, the court shall, on a case-by-case basis:

1. Not hold a session when it has received the delivery results by one of the modes specified in Clause 1, Article 303 of this Law and the involved parties have provided sufficient testimonies, documents and evidences, and the administrative case falls into the case where no dialogue can be held prescribed in Article 135 of this Law.

2. Postpone the session if the court has received the notice of delivery completion but until the date of holding the session, it receives no testimonies, documents or evidences from the involved parties that do not ask for permitted absence from the session. In case overseas involved parties are still absent on the date of session resumption, the court shall consider it impossible for holding a dialogue in the case.

3. Postpone the court hearing in the following cases:

a/ Overseas involved parties request in writing the postponement of the initial court hearing;

b/ Overseas involved parties are absent from the initial .court hearing, unless they make a written request for trial to be conducted in their absence.

4. Postpone the court hearing, if it receives no notice of delivery results or testimonies, documents or evidences of overseas involved parties and, on the date of opening the court hearing, these involved parties are still absent and make no written request for trial to be conducted in their absence.

Right after the postponement of the court hearing, the court shall request in writing the Ministry of Justice or overseas representative mission of the Socialist Republic of Vietnam to notify the delivery of the court's procedural document to the involved parties in case the court makes the delivery via this mission by one of the modes prescribed at Points a, b and d, Clause 1, Article 303 of this Law.

Within 30 days after receiving the court's request, the overseas representative mission of the Socialist Republic of Vietnam shall notify the court of the result of delivery of the procedural document to the overseas involved parties.

Within 10 days after receiving the court's request, the Ministry of Justice shall request in writing the competent foreign agency to give a reply on the result of judicial mandate.

Within 5 working days after receiving the reply from the competent foreign agency, the Ministry of Justice shall give a reply to the court.

Past the 3-month time limit from the date of transferring the court's request to the competent foreign agency, if receiving no reply, the Ministry of Justice shall notify such to the court for use as a ground for settlement of the case.

5. Conduct trial in the absence of overseas involved parties in the following cases:

a/ It has received the result of delivery of the procedural document to the involved parties by one of the modes prescribed in Clause 1, Article 303 of this Law and the involved parties have provided sufficient testimonies, documents or evidences and requested the court to conduct trial in their absence;

b/ It receives no notice from the competent agency mentioned in Clause 4 of this Article regarding the delivery result;

c/ It has taken the measures mentioned in Clause 3, Article 303 of this Law.

Article 306. Recognition of papers and documents made, issued or certified by competent foreign agencies or sent by post to Vietnamese courts by overseas individuals

1. Vietnamese courts shall recognize papers and documents made, issued or certified by competent foreign agencies or organizations in the following cases:

a/ Papers, documents and notarized or certified Vietnamese translations have been legalized by consular offices;

b/ Papers and documents are exempt from consular legalization in accordance with Vietnamese law or treaty to which the Socialist Republic of Vietnam is a contracting party.

2. Vietnamese courts shall recognize papers and documents made by overseas individuals in the following cases:

a/ Foreign-language papers and documents already translated into Vietnamese are lawfully notarized or certified in accordance with the Vietnamese law;

b/ Papers and documents made in a foreign country are notarized or certified in accordance with the law of that country and have been legalized by consular offices;

c/ Papers and documents made in Vietnamese by overseas Vietnamese citizens with their signatures certified in accordance with Vietnamese law.

Article 307. Time limit for appealing against court judgments or rulings on trial of administrative cases involving foreign elements

1. Involved parties present in Vietnam may appeal against a court judgment or ruling within the time limit specified in Article 206 of this Law.

2. For overseas involved parties who are absent from the court hearing, the time limit for them to appeal against a court judgment or ruling is 30 days after such judgment or ruling is duly delivered or posted up in accordance with law.

3. In case the court conducts trial in the absence of overseas involved parties under Point b, Clause 5, Article 305 of this Law, the time limit for filing an appeal is 12 months after the judgment is pronounced.

Article 308. Delivery or notification of procedural documents of appellate courts to overseas involved parties and handling of delivery or notification results

Appellate courts shall deliver or notify procedural documents to overseas involved parties and handle delivery or notification results in accordance with Articles 303, 304 and 305 of this Law.

Chapter XIX

PROCEDURES FOR EXECUTION OF COURT JUDGMENTS OR RULINGS ON ADMINISTRATIVE CASES

Article 309. Court judgments or rulings on administrative cases to be executed

1. Legally effective judgments or rulings of the first-instance court or parts thereof which are not appealed or protested against according to appellate procedures.

2. Judgments or rulings of the appellate court.

3. Cassation or reopening rulings of the court.

4. Rulings made according to special procedures of the Judicial Council of the Supreme People's Court under Article 296 of this Law.

5. Court rulings to apply provisional urgent measures though they may be appealed or protested against.

Article 310. Explanation of court judgments and rulings

1. The judgment creditor, judgment debtor, person with interests and obligations related to the execution of a court judgment or ruling, and the civil judgment enforcement agency may request in writing the court that has made the judgment or ruling specified in Clause 1, 2, 3 or 4, Article 309 of this Law to explain unclear contents in the judgment or ruling for execution.

2. The presiding judge of the court hearing or session shall explain the court judgment or ruling. In case he/she no longer works as judge of the court, the chief justice of such court shall explain the judgment or ruling.

3. The explanation of a court judgment or ruling shall be based on such judgment or ruling, minutes of the court hearing or session and minutes of judgment deliberation.

4. Within 15 days after receiving a written request, the court shall send a written explanation to the agency, organization and individual to which/whom the judgment or ruling is issued or sent in accordance with this Law.

Article 311. Execution of court judgments and rulings

1. A court judgment or ruling on an administrative case specified in Article 309 of this Law shall be executed as follows:

a/ If it rejects the claim for institution of a lawsuit over an administrative decision, disciplinary decision on dismissal, or decision on settlement of a complaint about the decision on handling a competition case or voter list, the involved parties shall continue implementing such decision in accordance with law;

b/ If it has annulled the whole or part of an administrative decision or decision on settlement of a complaint about the decision on handling a competition case, the decision or part of decision which has been annulled is no longer effective. The involved parties shall execute the judgment or ruling based on the rights and obligations already identified therein;

c/ If it has annulled the disciplinary decision on dismissal, this decision is no longer effective. The head of the agency or organization that has issued such decision shall execute the judgment or ruling;

d/ If it has declared the taken administrative act as illegal, the judgment debtor shall terminate such act from the date of receiving the court judgment or ruling;

dd/ If it has declared the act of failing to perform a task or an official duty as illegal, the judgment debtor shall perform this task or official duty in accordance with law upon receiving the court judgment or ruling;

e/ If it has compelled the voter list-making agency to modify and supplement this list, the judgment debtor shall immediately modify or supplement the list upon receiving the court judgment or ruling;

g/ If the court has issued a decision on application of a provisional urgent measure, the person to whom such measure is applied shall execute such decision upon receiving it;

h/ Rulings on assets in the court judgment or ruling shall be executed in accordance with the law on execution of civil judgments.

2. Time limit for voluntary judgment execution shall be determined as follows:

a/ The judgment debtor shall execute the court judgment or ruling prescribed at Point e or g, Clause 1 of this Article upon receiving it;

b/ The judgment debtor shall execute the court judgment or ruling prescribed at Point a, b, c, d or dd, Clause 1 of this Article within 30 days after receiving it.

The agency obliged to execute the court judgment or ruling shall notify in writing the judgment execution result prescribed in this Clause to the court that has conducted the first-instance trial and the same-level civil judgment enforcement agency.

1. Past the time limit prescribed in Clause 2 of this Article, if the judgment debtor fails to execute the court judgment or ruling, the judgment creditor may file a written request to the court that has conducted the first-instance trial for issuance of a decision compelling the execution of such judgment or ruling under Clause 1, Article 312 of this Law.

Article 312. Request for, and decision compelling, execution of court judgments or rulings

1. Within 1 year after the expiration of the time limit prescribed at Point b, Clause 2, Article 311 of this Law, if the judgment debtor fails to voluntarily execute the court judgment or ruling, the judgment creditor may file a written request enclosed with a copy of the judgment or ruling and other relevant documents to the court that has conducted the first-instance trial for issuance of a decision compelling the execution of such judgment or ruling.

If the judgment execution requester can prove that he/she/it cannot request the judgment execution within the prescribed time limit due to an objective obstacle or a force majeure event, the duration in which such obstacle or event exists will not be included in the time limit for making a judgment execution request.

2. Within 5 working days after receiving the judgment creditor's request, the court that has conducted the first-instance trial shall issue a decision compelling the execution of the administrative judgment. This decision shall be sent to the judgment debtor, judgment creditor, head of the immediate superior agency of the judgment debtor and same-level procuracy. The head of the immediate superior agency of the judgment debtor shall examine, urge, and determine responsibilities of, the judgment debtor in accordance with law. Such

decision shall also be sent to the civil judgment enforcement agency of the locality where the court has conducted the first- instance trial for monitoring the execution of the administrative judgment under the court ruling.

3. The Government shall specify time limit, order and procedures for execution of administrative judgments and determination of responsibilities of persons who fail to execute court judgments or rulings.

Article 313. State management of execution of administrative judgments

1. The Government shall perform the unified state management of the execution of administrative judgments nationwide; coordinate with the Supreme People's Court and the Supreme People's Procuracy in the state management of the execution of administrative judgments; and annually report on the execution of administrative judgments to the National Assembly.

2. The Ministry of Justice shall take responsibility before the Government for performing the state management of the execution of administrative judgments, and has the following tasks and powers:

a/ To promulgate or submit to competent agencies for promulgation legal documents on execution of administrative judgments;

b/ To ensure payrolls, physical facilities and equipment for the state management of the execution of administrative judgments;

c/ To guide, direct and provide professional training in the management of the execution of administrative judgments; to disseminate and educate about the law on execution of administrative judgments;

d/ To conduct examination and inspection, and settle complaints and denunciations about the management of the execution of administrative judgments;

dd/ To report on the execution of administrative judgments to the Government;

e/ To work out, and organize the implementation of, plans on statistics, monitoring and review of the execution of administrative judgments.

Article 314. Handling of violations in the execution of administrative judgments

1. Agencies, organizations and individuals that are obliged to execute court judgments or rulings or decisions compelling judgment execution but intentionally fail to execute them shall, on a case-by-case basis, be disciplined, administratively sanctioned or examined for penal liability in accordance with law.

2. Those who abuse their positions and powers to intentionally obstruct the judgment execution shall, on a case-by-case basis, be disciplined, administratively sanctioned or examined for penal liability in accordance with law and, if causing damage, pay compensation in accordance with law.

Article 315. Supervision of the execution of court judgments and rulings

Procuracies shall supervise the law observance by the involved parties and agencies, organizations and individuals related to the execution of court judgments or rulings in order to ensure the timely, adequate and lawful execution.

Procuracies may propose agencies, organizations and individuals obliged to execute administrative judgments and immediate superior agencies and organizations of agencies and organizations obliged to execute court judgments and rulings to take measures to organize the strict execution of court judgments and rulings.

Chapter XX

HANDLING OF ACTS OBSTRUCTING ADMINISTRATIVE PROCEDURES

Article 316. Handling of acts violating rules of court hearings

1. Persons who violate the rules of court hearings prescribed in Article 153 of this Law shall, depending on the nature and severity of their violations, be administratively sanctioned as decided by the presiding judge in accordance with law.

2. The presiding judge may issue a decision compelling violators defined in Clause 1 of this Article to leave the court room. The public security agency tasked to protect the court hearing or person tasked to maintain order at the court hearing shall execute the presiding judge's decision or temporarily hold in custody those who cause disorder at the court hearing.

3. In case violations are serious enough for violators to be examined for penal liability, the court may institute a criminal case in accordance with the criminal procedure law.

4. The provisions of this Article also apply to persons who commit violations at court sessions.

Article 317. Handling of contempt of court, acts harming the honor, dignity or health of procedure-conducting persons or others performing tasks at the request of the court

Those who commit contempt of court, or acts harming the honor or dignity of procedure conducting persons or others who perform tasks at the request of the court shall, depending on the nature and severity of their violations, be administratively sanctioned or examined for penal liability in accordance with law.

Article 318. Handling of acts obstructing the verification and collection of evidences by the court

Those who commit any of the following acts shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability in accordance with law:

1. Forging or destroying important documents to obstruct the settlement of the case by the court;

2. Refusing to declare, making untruthful declaration, or providing untruthful documents when acting as a witness;

3. Rejecting expert-examination conclusions, refusing to provide documents without a plausible reason, or making untruthful expert-examination conclusions;

4. Deceiving, threatening, forcing, bribing, or using force to prevent, a witness from giving testimonies, or compelling others to deceitfully act as a witness;

5. Deceiving, threatening, forcing, bribing, or using force to prevent, an expert witness from performing his/her duty, or compelling him/her to make an untruthful conclusion;

6. Deceiving, threatening, forcing, bribing, or using force to prevent, an interpreter from performing his/her duty or compelling him/her to give untruthful, biased or wrong interpretation;

7. Obstructing a procedure-conducting person to make on-spot consideration and appraisal, decide on valuation, decide on solicitation of expert examination, or verify or collect other evidences in accordance with this Law;

8. Intentionally giving untruthful interpretation;

9. Failing to assign a person to join the Valuation Council at the request of the court without a plausible reason; failing to perform the duties of the Valuation Council without a plausible reason.

Article 319. Handling of acts of intentionally failing to be present though having been summoned by the court

1. A witness, an interpreter or an expert witness who has been validly summoned by the court but intentionally fails to come to or is absent from the court hearing or session without a plausible reason shall be administratively sanctioned in accordance with law if his/her absence impedes the evidence collection or verification or settlement of the case.

2. In the case specified in Clause 1 of this Article, the court may issue a ruling to escort the witness to the court hearing or session, unless the witness is a minor. The witness escort decision must clearly state the time and venue of issuance; full name and position of the issuer; full name, date of birth and place of residence of the witness; and time and venue when and where the witness must show up.

3. The public security agency shall execute the court's witness escort decision. The person executing this decision shall read and explain it to the escorted person and make a record of the escort.

Article 320. Handling of acts interfering in the settlement of cases

Those who use their influence to exert impacts in any form on the judge or another member of the trial panel in order to make the settlement of the case biased or unlawful shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability in accordance with law.

Article 321. Responsibilities of the court and procuracy when the court institutes criminal cases

1. If the court institutes a criminal case under Clause 3, Article 316 of this Law, within 15 days after issuing a decision on institution of criminal case, the court shall hand it to the procuracy competent to decide to institute criminal cases and documents and evidences for proving the criminal act.

2. The procuracy shall consider and handle the case in accordance with the Criminal Procedure Code.

Article 322. Handling of acts obstructing the handover, receipt, issuance or delivery or notification of court procedural documents

Those who commit any of the following acts shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability in accordance with law:

1. Failing to issue, hand over, deliver or notify without a plausible reason the court procedural document though having been requested by the court;

2. Destroying the court procedural document handed over to them for issuance or delivery as requested by the court;

3. Forging the result of delivery or notification of the court procedural document as assigned to them;

4. Obstructing the issuance, handover, receipt, delivery or notification of the court procedural document.

Article 323. Handling of acts preventing representatives of agencies, organizations or individuals from participating in procedures as requested by courts

Those who threaten, assault, or take advantage of others' dependence to prevent representatives of agencies, organizations or individuals from being present at court hearings or sessions as summoned by the court shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability in accordance with law.

Article 324. Handling of acts of reporting untruthful information in order to obstruct the settlement of cases by the court

Those who report untruthful information in order to obstruct the settlement of the case shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability in accordance with law.

Article 325. Handling of failure of agencies, organizations and individuals to execute court rulings on provision of documents and evidences to the court

1. Agencies, organizations or individuals that fail to execute the court ruling on provision of documents and evidences they are currently managing or keeping shall be administratively sanctioned in accordance with law.

2. Individuals or heads of agencies or organizations defined in Clause 1 of this Article shall, depending on the severity of their violations, be disciplined or examined for penal liability in accordance with law.

Article 326. Sanctioning forms, competence, order and procedures The forms, competence, order and procedures for administratively sanctioning acts obstructing administrative procedure activities must comply with the Law on Handling of Administrative Violations and other relevant laws.

Chapter XXI

COMPLAINTS AND DENUNCIATIONS IN ADMINISTRATIVE PROCEDURES

Article 327. Decisions and acts in administrative procedures which may be complained about

1. Agencies, organizations and individuals may complain about decisions or acts of administrative procedure-conducting agencies or persons in administrative procedures when they have grounds to believe that such decisions or acts are illegal or infringe upon their lawful rights and interests.

2. First-instance, appellate, cassation or reopening court judgments or rulings against which appeals or protests are filed or other procedural decisions issued by administrative procedure conducting persons about which complaints or recommendations are filed shall be settled under relevant chapters of this Law rather than this Chapter.

Article 328. Rights and obligations of complainants

1. A complainant has the following rights:

a/ To file a complaint by himself/herself or through a representative;

b/ To file a complaint at any stage of the process of settlement of the case;

c/ To withdraw a complaint at any stage of the process of settlement of the complaint;

d/ To receive a written reply on the acceptance of his/her complaint for settlement; to receive the complaint settlement decision;

dd/ To have his/her infringed lawful rights or interests restored; to receive compensation for damage in accordance with law.

2. A complainant has the following obligations:

a/ To file a complaint with a person who is competent to settle it;

b/ To give truthful statements, provide information and documents to the person settling the complaint; to take responsibility before law for the contents of their statements and provided information and documents;

c/ To refrain from abusing the right to complaint to obstruct procedural activities of the court;

d/ To abide by decisions and obey acts of the procedure-conducting person with whom he/she files the complaint during the time of complaint;

dd/ To abide by the legally effective complaint settlement decision.

Article 329. Rights and obligations of complained persons

1. A complained person has the following rights:

a/ To be in formed of grounds for the complainant to file the complaint; to produce evidences of the lawfulness of his/her decision or act in administrative procedures which is complained about;

b/ To receive the complaint settlement decision concerning his/her decision or act in administrative procedures.

2. A complained person has the following obligations:

a/ To explain his/her decision or act in administrative procedures which is complained about; to provide relevant information or documents when so requested by competent agencies, organizations or individuals;

b/ To abide by the legally effective complaint settlement decision;

c/ To pay compensation for damage or reimburse or remedy the consequences caused by his/her illegal decision or act in administrative procedures in accordance with law.

Article 330. Statute of limitations for filing a complaint

The statute of limitations for filing a complaint is 10 days after the complainant receives or knows about the procedural decision or act which he/she considers illegal.

In case the complainant cannot exercise his/her right to file a complaint within the time limit prescribed in this Article due to a force majeure event or an objective obstacle, the duration in which such event or obstacle exists will not be included in the statute of limitations for filing a complaint.

Article 331. Mode of filing a complaint

A complaint shall be lodged in writing. The written complaint must clearly state the date of the complaint; full name and address of the complainant; contents of and reason for filing the complaint, and request of the complainant, and shall be signed or fingerprinted by the complainant.

Article 332. Competence to settle complaints about decisions or acts of procedure-conducting persons

1. The chief justice of the court currently settling the administrative case has the competence to settle a complaint about the decision or act of the procedure-conducting person being the judge, deputy chief justice, verifier, court clerk or people's assessor.

For a complaint about the procedural decision or act of the chief justice of a court, the chief justice of the immediate superior court has the competence to settle it.

2. The chief procurator of a procuracy has the competence to settle a complaint about the decision or act of the procedure-conducting person being the procurator, deputy chief procurator or examiner.

For a complaint about the procedural decision or act of the chief procurator of a procuracy, the chief procurator of the immediate superior procuracy has the competence to settle it.

3. The chief justice of the immediate superior court or chief procurator of the immediate superior procuracy has the competence to settle a complaint about the first-time complaint settlement decision of the court's chief justice or procuracy's chief procurator prescribed in Clauses 1 and 2 of this Article.

Article 333. Time limit for complaint settlement

The time limit for first-time complaint settlement is 15 days after the court or procuracy receives the complaint. When necessary, for a complicated case, the time limit for complaint settlement may be prolonged but must not exceed 15 days after it expires.

Article 334. Contents of first-time complaint settlement decisions

1. A person who conducts first-time complaint settlement shall issue a written decision on complaint settlement. This decision must contain the following:

a/ Date of issuance;

b/ Names and addresses of the complainant and complained person;

c/ Complaint contents;

d/ Result of the verification of complaint contents;

dd/ Legal grounds for the complaint settlement;

e/ The subject of the decision.

2. The first-time complaint settlement decision shall be sent to the complainant and related agencies, organizations and individuals; the complaint settlement decision of the court chief justice shall also be sent to the same-level procuracy.

Article 335. Procedures for second-time complaint settlement

1. Within 5 working days after the complainant receives the first-time complaint settlement decision, if he/she disagrees with it or past the time limit prescribed in Article 333 of this Law, the complaint remains unsettled, the-complainant may file the complaint with the person competent to conduct second-time complaint settlement.

2. The complaint shall be enclosed with a copy of the first-time complaint settlement decision and relevant documents.

3. The second-time complaint settlement decision must contain the following:

a/ The contents specified at Points a, b, c, d and dd, Clause 1, Article 334 of this Law;

b/ Result of complaint settlement by the person who has conducted the first-time complaint settlement;

c/ Conclusion on each specific issue in the complaint of the complainant and settlement by the person who has conducted the second-time complaint settlement.

4. The second-time complaint settlement decision shall be sent to the complainant and related agencies, organizations and individuals; the complaint settlement decision of the court's chief justice shall also be sent to .the same-level procuracy.

5. The second-time complaint settlement decision takes effect for implementation.

Article 336. Settlement of complaints about expert examination in administrative procedures

The settlement of complaints about expert examination in administrative procedures must comply with the law on judicial assessment and other relevant laws.

Article 337. Persons with the right to denounce

Individuals may file denunciations with competent agencies, organizations or persons about illegal acts of persons with procedure-conducting competence which cause or threaten to cause damage to public interests, interests of the State or lawful rights and interests of agencies, organizations or individuals.

Article 338. Rights and obligations of denouncers

1. A denouncer has the following rights:

a/ To file his/her denunciation or personally present it to a competent agency, organization or person;

b/ To request his/her full name, address and autograph to be kept secret;

c/ To request the result of settlement of his/her denunciation to be informed to him/her;

d/ To request competent agencies, organizations or persons to protect him/her from intimidation, repression or revenge.

2. A denouncer has the following obligations:

a/ To honestly present the contents of his/her denunciation;

b/ To clearly state his/her full name and address;

c/ To take responsibility before law for untruthful denunciation.

Article 339. Rights and obligations of denounced persons

1. A denounced person has the following rights:

a/ To be notified of denunciation contents;

b/ To produce evidences proving that denunciation contents are untrue;

c/ To have his/her lawful rights and interests that have been infringed upon restored; to have his/her honor restored; and to receive compensation for the damage caused by the untrue denunciation;

d/ To request competent agencies, organizations or persons to handle persons who make untruthful denunciations.

2. A denounced person has the following obligations:

a/ To explain his/her denounced act; to provide relevant information and documents when so requested by competent agencies, organizations or persons;

b/ To abide by the handling decision of the competent agency, organization or person;

c/ To pay compensation for damage, reimburse or remedy consequences caused by his/ her illegal administrative procedural acts in accordance with law.

Article 340. Competence and time limit for settlement of denunciations

1. Denunciations against illegal acts of a person with procedure-conducting competence of a certain competent agency shall be settled by the head of such agency.

In case a denunciation is filed against the chief justice or a deputy chief justice of a court or the chief procurator or a deputy chief procurator of a procuracy, the chief justice of the immediate superior court or the chief procurator of the immediate superior procuracy shall settle such denunciation.

The time limit for settlement of a denunciation is 60 days after it is received; for a complicated case, this time limit may be longer but must not exceed 90 days.

2. Denunciations against illegal acts which show criminal signs shall be settled in accordance with the Criminal Procedures Code.

Article 341. Procedures for settlement of denunciations

The procedures for settlement of denunciations must comply with the law on denunciations.

Article 342. Responsibilities of persons competent to settle complaints or denunciations

1. Competent agencies, organizations or persons shall, within the ambit of their tasks and powers, receive and promptly and lawfully settle complaints or denunciations; strictly handle violators; apply necessary measures to prevent possible damage; ensure strict execution of complaint or denunciation settlement decisions, and take responsibility before law for their decisions.

2. Those who are competent to settle complaints or denunciations but fail to settle them, show irresponsibility in settling them or settle them illegally shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability and, if causing damage, pay compensation in accordance with law.

Article 343. Supervision of law observance in the settlement of complaints and denunciations in administrative procedures

Procuracies shall supervise law observance in the settlement of complaints and denunciations in administrative procedures in accordance with law. Procuracies may request or recommend courts at the same or subordinate level or responsible agencies, organizations and persons to ensure the grounded and lawful settlement of complaints and denunciations.

The Procurator General of the Supreme People's Procuracy shall assume the prime responsibility for, and coordinate with the Chief Justice of the Supreme People's Court in, detailing this Article.

Chapter XXII

LEGAL COSTS, FEES AND OTHER PROCEDURAL EXPENSES

Section 1. LEGAL COSTS AND FEES

Article 344. Legal cost advances, legal costs and fees

1. Legal cost advances include first-instance legal cost advance and appellate legal cost advance.

2. Legal costs include first-instance legal cost and appellate legal cost.

3. Fees include fee for issuance of copies of court judgments, rulings, decisions or other papers and other fees prescribed by law.

Article 345. Handling of collected legal cost advances, legal costs and fees

1. All collected legal cost and fee amounts shall be fully and promptly remitted into the state budget at the state treasury.

2. Legal cost advances shall be paid to competent judgment enforcement agencies for depositing into custody accounts opened at state treasuries and shall be withdrawn for judgment execution under court rulings.

3. The paid legal cost advance shall be remitted into the state budget riuht after the court judgment or ruling takes effect.

If the person who has paid the legal cost advance is entitled to refund of part or the whole of such advance under the court judgment or ruling, the judgment enforcement agency that has collected such advance shall carry out procedures for refunding the advance to the payer.

4. If the settlement of an administrative case is suspended, the paid legal cost advance shall be handled when the settlement of such case resumes.

Article 346. Collection and payment of legal cost advances, legal costs and fees

The collection of legal cost advances and legal costs, payment of legal cost advances, and collection of fees must comply with law.

Article 347. Obligation to pay legal cost advances

The plaintiff and person with related interests and obligations who have independent claims in an administrative case shall pay first-instance legal cost advance while the person filing an appeal according to appellate procedures shall pay appellate legal cost advance, unless they are entitled to exemption from or not required to pay such advance.

Article 348. Obligation to pay first-instance legal cost

1. Involved parties shall bear first-instance legal cost if their request is rejected by the court, unless they are entitled to exemption from or not required to bear such fee.

2. Before opening a court hearing, the court shall hold a dialogue; if the involved parties have a successful dialogue on the settlement of the case, they shall bear only 50% of the first- instance legal cost prescribed in Clause 1 of this Article.

3. If an involved party is entitled to exemption from first-instance legal cost, other involved parties shall still pay such cost under Clauses 1 and 2 of this Article.

4. If the case is suspended from settlement, the obligation to pay first-instance legal cost shall be decided when the settlement resumes under this Article.

Article 349. Obligation to bear appellate legal cost

1. Appealing involved parties shall pay appellate legal cost if the appellate court upholds the first-instance judgment or ruling which is appealed against, unless they are entitled to exemption from or not required to bear such fee.

2. If the appellate court modifies the first-instance judgment or ruling which is appealed against, the appealing involved party is not required to pay appellate legal cost; the appellate

court shall re-determine the obligation to pay first-instance legal cost under Article 348 of this Law.

3. If the appellate court annuls the first-instance judgment or ruling which is appealed against for first-instance retrial, the appealing involved party is not required to pay appellate legal cost; the obligation to pay legal cost shall be re-determined upon the first-instance retrial of the case.

Article 350. Obligation to pay fees

The obligation to pay fees shall be determined depending on each type of job and prescribed by law.

Article 351. Specific provisions on legal costs and fees

Pursuant to the Law on Charges and Fees and this Law, the National Assembly Standing Committee shall specify legal costs and court fees; rates of legal costs and court fees for each type of case; cases in which involved parties are entitled to exemption from or are not required to pay legal costs; and other specific matters related to legal costs and court fee.

Section 2. OTHER PROCEDURAL EXPENSES

Article 352. Judicial mandate expense and offshore judicial mandate expense advance

1. Offshore judicial mandate expense advance means a sum of money the court temporarily calculates to be paid for judicial mandate upon collecting and providing evidences, delivering papers, dossiers or documents, summoning witnesses or expert witnesses, and performing mutual judicial assistance related to the settlement of an administrative case.

2. Judicial mandate expense means a necessary and reasonable sum of money to be paid for judicial mandate in accordance with the laws of Vietnam and the country requested for judicial mandate.

Article 353. Obligation to pay offshore judicial mandate expense advance

The plaintiff and person filing an appeal according to appellate procedures or another involved party in a case shall pay an offshore judicial mandate expense advance if their request results in the arising of offshore judicial mandate.

Article 354. Obligation to bear offshore judicial mandate expense

Unless otherwise agreed by involved parties or provided by law, the obligation to bear offshore judicial mandate expense shall be determined as follows:

1. Involved parties shall bear offshore judicial mandate expense if their request for settlement of the case is rejected by the court;

2. If the settlement of the case is suspended under Point c, Clause 1, Article 143, or Clause 1, Article 234, of this Law, the plaintiff shall bear offshore judicial mandate expense.

If appellate trial is suspended under Point a, Clause 2, Article 225, or Point c, Clause 1, Article 229, of this Law, the person filing an appeal according to appellate procedures shall bear offshore judicial mandate expense;

3. For other cases of suspension of settlement of cases in accordance with this Law, the requester shall bear offshore judicial mandate expense.

Article 355. Handling of offshore judicial mandate expense advance

1. If the person who has paid a judicial mandate expense advance is not liable to bear such expenses, the person who has to bear such expenses under the court ruling shall refund such advance to the former.

2. If the person who has paid a judicial mandate expense advance is liable to bear such expense, and the paid advance is smaller than the actual judicial mandate expense, he/she shall pay the deficit; if the paid advance is larger than the actual judicial mandate expense, he/she will have the surplus refunded under the court ruling.

Article 356. On-spot consideration and appraisal expense advance and on-spot consideration and appraisal expense

1. On-spot consideration and appraisal expense advance means a sum of money amount the court temporarily calculates for conducting on-spot consideration and appraisal.

2. On-spot consideration and appraisal expense means a necessary and reasonable sum of money to be paid for on-spot consideration and appraisal as prescribed by law.

Article 357. Obligation to pay on-spot consideration and appraisal expense advance

1. The person requesting the court to conduct on-spot consideration and appraisal shall pay an on-spot consideration and appraisal expense advance as requested by the court.

2. When the court finds it necessary and decides to conduct on-spot consideration and appraisal, the plaintiff and person filing an appeal according to appellate procedures shall pay an on-spot consideration and appraisal expense advance.

Article 358. Obligation to bear on-spot consideration and appraisal expense

Unless otherwise agreed by involved parties or provided by law, the obligation to bear on-spot consideration and appraisal expense shall be determined as follows:

1. The involved parties shall bear on-spot consideration and appraisal expense if their request is rejected by the court;

2. If the settlement of the case is suspended under Point c, Clause 1, Article 143, or Clause 1, Article 234, of this Law, the involved parties shall bear on-spot consideration and appraisal expense.

If appellate trial is suspended under Point a, Clause 2, Article 225, or Point c, Clause 1, Article 229, of this Law, the person filing an appeal according to appellate procedures shall bear on-spot consideration and appraisal expense;

3. For other cases of suspension of settlement of cases in accordance with this Law, the requester for consideration or appraisal shall bear on-spot consideration and appraisal expense.

Article 359. Handling of on-spot consideration and appraisal expense advances

1. If the person who has paid an on-spot consideration and appraisal expense advance is not liable to bear such expense, the person who has to bear such expenses under the court ruling shall refund such advance to the former.

2. If the person who has paid an on-spot consideration and appraisal expense advance is liable to bear such expense, and the paid advance is smaller than the actual on-spot consideration and appraisal expense, he/she shall pay the deficit; if the paid advance is larger than the actual on-spot consideration and appraisal expense, he/she will have the surplus refunded under the court ruling.

Article 360. Expert examination expense advance, expert examination expense

1. Expert examination expense advance means a sum of money the expert witness temporarily calculates for conducting expert examination under the court ruling or at the request of the involved parties.

2. Expert examination expense means a necessary and reasonable sum of money to be paid for expert examination and shall be calculated by the expert witness in accordance with law.

Article 361. Obligation to pay expert examination expense advance

Unless otherwise agreed by the involved parties or provided by law, the obligation to pay expert examination expense advance shall be determined as follows:

1. The person requesting the court to solicit expert examination shall pay an expert examination expense advance.

If the involved parties request the court to solicit expert examination of the same object, either of the involved parties shall pay half of the expert examination expense advance;

2. If the court finds it necessary and decides to solicit expert examination, the plaintiff and person filing an appeal according to appellate procedures shall pay an expert examination expense advance;

3. The involved parties and appellant who have requested the court to solicit expert examination but whose request is rejected and who request by themselves another organization or individual to conduct expert examination shall pay expert examination expense advance in accordance with the Law on Judicial Assessment.

Article 362. Obligation to bear expert examination expense

Unless otherwise agreed by the involved parties or provided by law, the obligation to bear expert examination expense shall be determined as follows:

1. The person requesting the court to solicit expert examination shall bear expert examination expense if the expert examination result proves his/her request groundless. If the expert examination result proves his/her request partly grounded, he/she shall bear the expert examination expense for the part of his/her request already proved groundless;

2. The person who rejects the other involved party's request for expert examination in a case shall pay the expert examination expense if the expert examination result proves his/her request grounded. If the expert examination result proves his/her request partly grounded, the person who rejects the request shall bear the expert examination expense for the part of the request already proved grounded;

3. If the settlement of the case is suspended under Point c, Clause 1, Article 143,or Clause 1, Article 234, of this Law, the plaintiff shall bear expert examination expense.

If appellate trial is suspended under Point a, Clause 2, Article 225, or Point c, Clause 1, Article 229, of this Law, the person filing an appeal according to appellate procedures shall bear expert examination expense;

4. In case a person who himself/herself requests expert examination under Clause 3, Article 361 of this Law, if the expert examination result proves such request grounded, the losing party shall bear expert examination expense. If the expert examination result proves his/her request partly grounded, he/she shall pay the expert examination expense for the part of his/her request already proved groundless;

5. For other cases of suspension of settlement of cases in accordance with this Law, the requester for expert examination shall bear expert examination expense.

Article 363. Handling of paid expert examination expense advance

1. If the person who has paid an expert examination expense advance is not liable to pay such expense, the person who has to bear such expense under the court ruling shall refund such advance to the former.

2. If the person who has paid an expert examination expense advance is liable to bear such expense and the paid advance is smaller than the actual expert examination expense, he/she shall pay the deficit; if the paid advance is larger than the actual expert examination expense, he/she will have the surplus refunded under the court ruling.

Article 364. Asset valuation expense advance, asset valuation expense

1. Asset valuation expense advance means a sum of money the Valuation Council temporarily calculates for conducting valuation under the court ruling.

2. Asset valuation expense means a necessary and reasonable sum of money to be paid for asset valuation and shall be calculated by the Valuation Council in accordance with law.

Article 365. Obligation to pay asset valuation expense advance

Unless otherwise agreed by the involved parties or provided by law, the obligation to bear asset valuation expense shall be determined as follows:

1. The requester for asset valuation shall pay an asset valuation advance;

2. If the involved parties cannot reach agreement on price and together request the court to valuate assets, either of them shall pay half of the asset valuation expense advance. If there are more than two involved parties, they shall pay asset valuation expense advance at the level decided by the court;

3. In the case specified in Clause 3, Article 91 of this Law, the plaintiff and appellant shall pay asset valuation expense advance.

Article 366. Obligation to bear asset valuation and asset price appraisal expenses

Unless otherwise agreed by the involved parties or provided by law, the obligation to bear asset valuation and asset price appraisal expenses shall be determined as follows:

1. The involved parties shall bear asset valuation expense if their request is rejected by the court;

2. If the court issues a valuation decision under Point d, Clause 3, Article 91 of this Law:

a/ The involved parties shall bear asset valuation expense prescribed in Clause 1 of this

Article if the valuation result proves the court's asset valuation decision grounded;

b/ The court shall pay asset valuation expense if the valuation result proves the court's asset valuation decision groundless.

3. If the settlement of the case is suspended under Point c, Clause 1, Article 143, or Clause 1, Article 234, of this Law, and the Valuation Council has conducted valuation, the plaintiff shall bear asset valuation expense.

If appellate trial is suspended under Point a, Clause 2, Article 225, or Point c, Clause 1, Article 229, of this Law, and the Valuation Council has conducted valuation, the person filing an appeal according to appellate procedures shall bear asset valuation expense;

4. For other cases of suspension of settlement of cases in accordance with this Law, if the Valuation Council has conducted valuation, the valuation requester shall bear asset valuation expense.

5. The involved parties' obligation to bear asset price appraisal expense is the same as the obligation to bear asset valuation expense prescribed in Clauses 1, 3 and 4 of this Article.

Article 367. Handling of asset valuation expense advance

1. If the person who has paid an asset valuation expense advance is not liable to bear such expense, the person who has to bear such expenses under the court ruling shall refund such advance to the former.

2. If the person who has paid an asset valuation expense advance is liable to bear such expense and the paid advance is smaller than the actual asset valuation expense, he/she shall pay the deficit; if the paid advance is larger than the actual asset valuation expense, he/she will have the surplus refunded.

Article 368. Expenses for witnesses

1. The involved parties shall bear reasonable and actual expenses to be paid to witnesses.

2. The person who requests the court to summon a witness shall bear expenses to be paid to this witness if his/her testimonies are truthful but do not satisfy the requester's claim. If testimonies are truthful and have satisfied the requester's claim, such expenses shall be borne by the involved party that makes a claim which is independent from the requester's.

Article 369. Expenses for interpreters and lawyers

1. Expense for an interpreter means a sum of money to be paid to the interpreter during the settlement of an administrative case as agreed by the involved parties and interpreter or prescribed by law.

2. Expense for a lawyer means a sum of money to be paid to the lawyer as agreed by the involved parties and lawyer in accordance with regulations of the law-practicing organization and law.

3. Expenses for interpreters and lawyers shall be borne by requesters, unless otherwise agreed by the involved parties.

4. If the court requests interpreters, it shall pay expenses for such interpreters.

Article 370. Specific provisions on other procedural expenses

Pursuant to this Law, the National Assembly Standing Committee shall specify expenses for offshore judicial mandate, on-spot consideration and appraisal, expert examination and asset valuation, and witnesses and interpreters, other procedural expenses prescribed by other laws, and procedural expense exemption or reduction during the settlement of cases.

Chapter XXIII

IMPLEMENTATION PROVISIONS

Article 371. Effect

1. This Law takes effect on July 1, 2016, except the following provisions relevant to the provisions of Civil Code No. 91/2015/QH13 which will take effect on January 1, 2017:

a/ Provisions concerning persons having difficulty in cognizing and controlling their acts;

b/ Provisions concerning legal persons being representatives or guardians;

c/ Provisions concerning households, cooperative groups or organizations without the legal person status.

2. Law No. 64/2010/QH12 on Administrative Procedures ceases to be effective on the effective date of this Law.

Article 372. Detailing provision

The National Assembly Standing Committee, the Government, the Supreme People's Court and the Supreme People's Procuracy shall, within the ambit of their tasks and powers, detail the articles and clauses in this Law as assigned to them.

This Law was passed on November 25, 2015, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 10th session.-

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Sinh Hung