

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 21/2015/L-CTN

Hanoi, December 8, 2015

ORDER
On the promulgation of law¹

**THE PRESIDENT OF THE SOCIALIST REPUBLIC
OF VIETNAM**

*Pursuant to Articles 88 and 91 of the Constitution of the Socialist
Republic of Vietnam;*

*Pursuant to Article 91 of the Law on Organization of the National
Assembly,*

*Pursuant to Article 57 of the Law on Promulgation of Legal
Documents,*

PROMULGATES

The Civil Procedure Code,

which was passed on November 25, 2015, by the XIIIth National
Assembly of the Socialist Republic of Vietnam at its 10th session.-

President of the Socialist Republic of Vietnam
TRUONG TAN SANG

¹ Công Báo Nos 1251-1256 (29/12/2015)

No. 92/2015/QH13

THE CIVIL PROCEDURE CODE²

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Civil Procedure Code.*

PART ONE GENERAL PROVISIONS

Chapter 1 MISSION AND EFFECT OF THE CIVIL PROCEDURE CODE

Article 1. Scope of regulation and mission of the Civil Procedure Code

The Civil Procedure Code prescribes basic principles in civil proceedings; the order and procedure for initiating lawsuits at the people's court (below referred to as court) to settle cases of civil, marriage and family, business, commercial and labor disputes (below referred to collectively as civil cases) and the order and procedure to request court to settle matters related to civil, marriage and family, business, commercial or labor claims (below referred to collectively as civil matters); the order and procedure for settlement of civil cases and civil matters (below referred to collectively as civil cases and matters) at court; the procedure for recognition and enforcement in Vietnam of civil

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judgments and decisions of foreign courts and of awards of foreign arbitrators; enforcement of civil judgments; tasks, powers and responsibilities of proceeding-conducting agencies and proceeding-conducting persons; rights and obligations of proceeding participants and of related individuals, state agencies, people's armed force units, economic organizations, political organizations, socio-political organizations, socio-politico-professional organizations, social organizations, and socio-professional organizations (below referred to collectively as agencies and organizations) in order to ensure quick, accurate, judicious and lawful settlement of civil cases and matters.

The Civil Procedure Code contributes to the protection of justice, human rights and citizens' rights, safeguard of the socialist regime, and protection of the interests of the State and lawful rights and interests of agencies, organizations and individuals; and to education of everyone to seriously observe the law.

Article 2. Objects of application and the effect of the Civil Procedure Code

1. The Civil Procedure Code shall apply to all civil proceedings in the territory of the Socialist Republic of Vietnam, encompassing its mainland, islands, sea and air space.

2. The Civil Procedure Code shall apply to all civil proceedings conducted overseas by representative missions of the Socialist Republic of Vietnam.

3. The Civil Procedure Code shall apply to the settlement of civil cases and matters involving foreign elements; in cases in which a treaty to which the Socialist Republic of Vietnam is a contracting member prescribes otherwise, the provisions of such treaty shall prevail.

4. For foreign agencies, organizations and individuals that are entitled to diplomatic or consular privileges and immunities under Vietnamese laws or under treaties to which the Socialist Republic of Vietnam is a contracting party, civil cases and matters involving such agencies, organizations and individuals shall be settled through diplomatic channels.

Chapter II

FUNDAMENTAL PRINCIPLES

Article 3. Abidance by law in civil proceedings

All civil proceedings of proceeding-conducting agencies, proceeding-conducting persons and proceeding participants and of related agencies, organizations and individuals shall comply with the provisions of this Code.

Article 4. Right to request the court to protect lawful rights and interests

1. Agencies, organizations and individuals defined by this Code have the right to institute a civil case or to request the settlement of a civil matter at a competent court in order to request the latter to protect justice, protect human rights and citizens' rights, and protect the interests of the State, and lawful rights and interests of their own or others.

2. The court may not refuse to settle a civil case or matter on the grounds of the non-existence of applicable law.

A civil case or matter for which applicable law does not exist is the one that falls within the scope of regulation of civil law but at the time it arises and the court is requested to settle it, there is no applicable law.

The settlement of a civil case or matter prescribed in this Clause shall be effected according to the principles prescribed by the Civil Code and this Code.

Article 5. Parties' right to decision and self-determination

1. Parties have the right to decide whether to initiate a civil lawsuit about or to request a competent court to settle their civil case or matter. The court shall only accept for settlement a civil case or matter when it receives a lawsuit petition or written request from a party and shall settle the case or matter only within the scope of such lawsuit petition or written request.

2. During the settlement of a civil case or matter, the parties shall be entitled to terminate or change their requests, or reach agreement with one another on a voluntary basis, which must neither violate prohibitions imposed by law nor be contrary to social morality.

Article 6. Supply of evidence and proof in civil proceedings

1. The parties have the right and obligation to proactively collect and hand over evidence to the court and to prove that their requests are grounded and lawful.

An agency, organization or individual that initiates a lawsuit or files a request to protect the lawful rights and interests of another person has the right and obligation to collect and supply evidence and proof as though it/he/she is a party.

2. The court shall assist the parties in the collection of evidence and shall only collect and verify evidence in the cases prescribed by this Code.

Article 7. Responsibility of competent agencies, organizations and individuals to supply documents and evidence

Agencies, organizations and individuals shall, within the scope of their respective tasks and powers, provide the parties, the court and the people's procuracy (below referred to as procuracy) with documents and evidence currently in their possession or under their management at the latter's request in accordance with this Code, and take responsibility before the law for such provision; if unable to provide them, they shall notify the latter in writing, clearly stating the reason.

Article 8. Equality in rights and obligations in civil proceedings

1. In civil proceedings, everyone is equal before the law, regardless of their nationality, gender, belief, religion, social stratum, educational level, occupation and social status.

All agencies, organizations and individuals are equal in the exercise of their rights and performance of their obligations related to civil proceedings before the court.

2. The court shall guarantee the principle of equality for agencies, organizations and individuals to exercise their rights and perform their obligations in civil proceedings.

Article 9. Guarantee of the parties' right to defend their lawful rights and interests

1. The parties have the right to defend by themselves or engage a lawyer or another person who satisfies the conditions prescribed by this Code to defend their lawful rights and interests.

2. The court shall guarantee that the parties can exercise their right to defense.

3. The State shall guarantee legal aid for eligible subjects prescribed by law to exercise their right to defend their lawful rights and interests before the court.

4. Nobody may restrict the parties' right to defend their lawful rights and interests in civil proceedings.

Article 10. Conciliation in civil proceedings

The court shall conduct a conciliation and create favorable conditions for the parties to reach agreement with one another on the settlement of a civil case or matter in accordance with this Code.

Article 11. Participation of people's assessors in the trial of a civil case

1. The first-instance trial of a civil case shall be participated by people's assessors in accordance with this Code, unless such trial is conducted according to summary procedures.

2. When voting to decide on the settlement of a civil case, people's assessors are equal in power to the judge.

Article 12. Judges and people's assessors to hear civil cases and judges to settle civil matters independently and to abide only by the law

1. Judges and people's assessors shall hear civil cases and judges shall settle civil matters independently and shall abide only by the law.

2. Agencies, organizations and individuals are strictly prohibited from interfering in any way in the trial by judges and people's assessors and in the settlement of civil matters by judges.

Article 13. Responsibilities of civil proceeding-conducting agencies and persons

1. Civil proceeding-conducting agencies and persons shall respect the People and submit to their supervision.

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

The procuracy has the duty to protect the law, human rights, citizens' rights, the socialist regime, the interests of the State and lawful rights and interests of organizations and individuals, contributing to the serious and consistent observance of the law.

3. Civil proceeding-conducting agencies and persons shall keep state secrets and work secrets in accordance with law; preserve the nation's fine customs and practices, protect minors, and keep professional secrets, business secrets, personal secrets and family secrets of the parties at their legitimate request.

4. Proceeding-conducting agencies and persons shall be held responsible before the law for the performance of their tasks and exercise of their powers. When a proceeding-conducting person commits an illegal act, he/she shall, depending on the nature and seriousness of his/her violation, be disciplined or examined for penal liability in accordance with law.

5. If a proceeding-conducting person, when performing his/her tasks and exercising his/her powers, commits an illegal act, causing damage to an agency, organization or individual, the agency directly

managing such person shall pay damages to the victim in accordance with the law on the State's compensation liability.

Article 14. Trial on a collegial basis by the court

The court shall hear civil cases on a collegial basis and make decisions by majority vote, except for hearings according to summary procedures.

Article 15. Prompt, fair and public trial by the court

1. The court shall promptly conduct hearings within the time limit prescribed by this Code, ensuring fairness.

2. The court shall conduct hearings publicly. In special cases in which it is necessary to keep state secrets or preserve the nation's fine customs and practices, protect minors, keep professional secrets, business secrets, personal secrets or family secrets of parties at their legitimate request, the court may conduct closed hearings.

Article 16. Guarantee of impartiality and objectivity in civil proceedings

1. Chief justices, judges, people's assessors, verifiers, court clerks, chief procurators, procurators, controllers, interpreters, expert witnesses and members of valuation councils may neither conduct nor participate in proceedings if there are plausible reasons to believe that they may not be impartial and objective in performing their tasks and exercising their powers.

2. The assignment of a proceeding-conducting person must ensure that he/she is impartial and objective when performing his/her tasks and exercising his/her powers.

Article 17. Guarantee of the first-instance and appellate hearing regime

1. The first-instance and appellate hearing regime shall be guaranteed.

A court's first-instance judgment or decision may be appealed or protested against in accordance with this Code.

A court's first-instance judgment or decision which is not appealed or protested against according to appellate procedures within the time limit prescribed by this Code shall take legal effect. When a court's first-instance judgment or decision is appealed or protested against, the case must undergo appellate trial. The appellate judgment or decision shall take legal effect.

2. A court's first-instance judgment or decision which has taken legal effect but has been detected to be illegal or new details are found as prescribed by this Code, shall be reviewed according to cassation or reopening procedures.

Article 18. Supervision of trial

The Supreme People's Court shall supervise trial by the courts. A superior people's court shall supervise trial by the courts of provinces or centrally run cities (below referred to as provincial-level courts), people's courts of rural districts, urban districts, towns, cities under provinces and cities under centrally run cities (below referred to as district-level courts) within its territorial jurisdiction in order to ensure strict and consistent application of law.

Article 19. Guarantee of the effect of the court's judgments and decisions

1. A court's legally effective judgment or decision shall be enforced and respected by all agencies, organizations and individuals; and shall be strictly executed by related agencies, organizations and individuals.

2. Within the scope of their respective tasks and powers, the court and agency or organization assigned to enforce the court's judgment or decision shall strictly enforce it and bear responsibility before the law for such enforcement.

3. The court has the right to request judgment enforcement agencies to notify the progress and results of enforcement of the court's judgments and decisions. Judgment enforcement agencies that directly organize the enforcement shall report to the court.

Article 20. Spoken and written language used in civil proceedings

The spoken and written language to be used in civil proceedings must be Vietnamese.

Civil proceeding participants may use the spoken and written languages of their own ethnic group; in this case there must be an interpreter.

A civil proceeding participant who is audibly, verbally or visually impaired has the right to use the language, symbols and scripts exclusively used for persons with disabilities. In this case, there must be a person who knows such language, symbols or scripts to translate for him/her.

Article 21. Supervision of observance of law in civil proceedings

1. The procuracy shall supervise the observance of law in civil proceedings and exercise the right to request, recommend or protest in

accordance with law in order to ensure the lawful and timely settlement of civil cases or matters.

2. The procuracy shall participate in first-instance meetings on civil matters and first-instance court hearings on cases in which evidence is collected by the court or disputed objects are public assets, public interests or land or house use rights, or a party is a minor, a person who has lost his/her civil act capacity, a person who has a limited civil act capacity, or a person who has difficulty in perceiving and controlling his/her acts, or in the cases prescribed in Clause 2, Article 4 of this Code.

3. The procuracy shall participate in appellate, cassation or re-opening court hearings and meetings.

4. The Supreme People's Procuracy shall assume the prime responsibility for, and coordinate with the Supreme People's Court in, guiding the implementation of this Article.

Article 22. The court's responsibility to deliver documents and papers

1. The court shall serve, deliver or notify its judgments, decisions, summons, invitations and other papers in accordance with this Code.

2. Commune-level People's Committees or related agencies, organizations and individuals shall, at the request of the court, deliver the judgments, decisions, summons, invitations and other papers of the court, and notify the court of the results thereof.

Article 23. Participation of agencies, organizations and individuals in civil proceedings

Agencies, organizations and individuals have the right and obligation to participate in civil proceedings in accordance with this Code, contributing to the timely and lawful settlement of civil cases and matters at court.

Article 24. Guarantee of the adversarial process in hearings

1. The court shall guarantee that parties and defense counsels of lawful rights and interests (below referred to as defense counsels) of parties can exercise their right to an adversarial process in first-instance, appellate, cassation and re-opening hearings as prescribed by this Code.

2. Parties and their defense counsels have the right to collect and hand over documents and evidence from the time the court accepts their civil case or matter, and have the obligation to notify one another of documents and evidence already handed over; and shall present their responses, views and arguments on the assessments of evidence and

applicable law to defend their claims, lawful rights and interests or refute claims of other persons in accordance with this Code.

3. During the hearings, all documents and evidence shall be considered in a complete, objective, comprehensive and public manner, except the case of secrecy prescribed in Clause 2, Article 109 of this Code. The court shall conduct the adversarial process, inquire about unclear matters and render judgments or decisions on the basis of the outcomes of the adversarial process.

Article 25. Guarantee of the right to complain and to denounce in civil proceedings

Agencies, organizations and individuals have the right to complain about, and individuals have the right to denounce, illegal acts and decisions of proceeding-conducting agencies or persons or of any agencies, organizations or individuals involved in civil proceedings.

Competent agencies, organizations or individuals shall accept, consider and settle promptly and lawfully complaints and denunciations; and shall notify in writing the complainants and denouncers of settlement results.

Chapter III

JURISDICTION OF THE COURT

Section 1

CIVIL CASES AND MATTERS WITHIN THE JURISDICTION OF THE COURT

Article 26. Civil disputes within the jurisdiction of the court

1. Disputes over Vietnamese citizenship between individuals.
2. Disputes over ownership and other rights over property.
3. Disputes over civil transactions and civil contracts.
4. Disputes over intellectual property rights, technology transfer, except the case prescribed in Clause 2, Article 30 of this Code.
5. Disputes over property inheritance.
6. Disputes over non-contractual compensation for damage.
7. Disputes over compensation for damages due to the wrongful application of administrative preventive measures under the competition

law, except the case in which the claim for compensation for damages is settled in an administrative case.

8. Disputes over the exploitation and use of water resources or discharge of waste into water sources as prescribed by the Law on Water Resources.

9. Disputes over land as prescribed by the land law; disputes over the rights to own or use forests as prescribed by the Law on Forest Protection and Development.

10. Disputes related to press activities as prescribed by the press law.

11. Disputes related to requests for declaration that a notarized document is invalid.

12. Disputes related to assets forfeited to enforce judgments in accordance with the law on enforcement of civil judgments.

13. Disputes over property auction results and payment of expenses for registration to buy property through auction in accordance with the law on enforcement of civil judgments.

14. Other civil disputes, except cases that fall under the competence of other agencies or organizations as prescribed by law.

Article 27. Civil requests within the jurisdiction of the court

1. Requests for declaration that a person has lost his/her civil act capacity, has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts, or for cancellation of a decision declaring that a person has lost his/her civil act capacity, has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts.

2. Requests for announcement of the search of a person who is absent from his/her place of residence and management of his/her property.

3. Requests for declaration that a person is missing or for cancellation of a decision declaring that a person is missing.

4. Requests for declaration that a person is dead or for cancellation of a decision declaring that a person is dead.

5. Requests for recognition and enforcement in Vietnam or for non-recognition of a civil judgment or decision or a decision on property in a criminal or administrative judgment or decision of a foreign court, or for non-recognition of a civil judgment or decision or a decision on property in a criminal or administrative judgment or decision of a foreign court, which is not requested to be enforced in Vietnam.

6. Requests for declaration that a notarized document is invalid.
7. Requests for recognition of a successful conciliation outside the court.
8. Requests for recognition that a property located in the Vietnamese territory is derelict, for recognition of ownership by the current manager of a derelict property located in the Vietnamese territory in accordance with Point d, Clause 2, Article 470 of this Code.
9. Requests for determination of property ownership and use rights; for division of common property for judgment enforcement and other requests as prescribed in the Law on Enforcement of Civil Judgments.
10. Other civil requests, except cases that fall within the competence of other agencies and organizations as prescribed by law.

Article 28. Marriage and family-related disputes within the jurisdiction of the court

1. Divorce, disputes over child custody or property division upon divorce; property division after divorce.
2. Disputes over division of spousal common property during the marital period.
3. Disputes over change of a direct child custodian after divorce.
4. Disputes over determination of a child's parents; or determination of a child for parents.
5. Disputes over alimony.
6. Disputes over child birth as a result of assisted reproductive technology or surrogacy for humanitarian purposes.
7. Disputes over child custody, division of property of male and female co-living as spouses without marriage registration or upon cancellation of an illegal marriage.
8. Other marriage and family-related disputes, except cases that fall within the competence of other agencies and organizations as prescribed by law.

Article 29. Marriage and family-related requests within the jurisdiction of the court

1. Requests for cancellation of an illegal marriage.
2. Requests for recognition of a voluntary divorce, the agreement on child custody or property division after divorce.
3. Requests for recognition of a parental agreement on change of a direct child custodian after divorce or for recognition of change of a

direct child custodian after divorce by an agency, organization or individual as prescribed by the law on marriage and family.

4. Requests for restriction of rights of a parent toward a minor child or his/her right to visit his/her child after divorce.

5. Requests for termination of the adoption of a child;

6. Requests in relation to surrogacy as prescribed by the law on marriage and family.

7. Requests for recognition of an agreement on termination of the division of common property during the marital period already executed under a court's judgment or decision.

8. Requests for declaration that an agreement on the spousal property regime is invalid in accordance with the law on marriage and family.

9. Requests for recognition and enforcement in Vietnam or for non-recognition of a judgment or decision of a foreign court or another competent foreign agency on marriage and family, or for non-recognition of a judgment or decision of a foreign court or another competent foreign agency on marriage and family, which is not requested to be enforced in Vietnam;

10. Requests for determination of a child's parents; or determination of a child for parents in accordance with the law on marriage and family.

11. Other marriage and family-related requests, except cases that fall under the competence of other agencies and organizations as prescribed by law.

Article 30. Business and commercial disputes within the jurisdiction of the court

1. Disputes arising from business or commercial activities between individuals and organizations with business registration, which are all for profit purposes.

2. Disputes over intellectual property rights or technology transfers between individuals and organizations, which are all for profit purposes.

3. Disputes between non-members of a company who have transactions involving transfer of capital contributions with the company or a company member.

4. Disputes between a company and its members; dispute between a limited liability company and its managers, between a joint stock company and members of the board of directors, director or director general, or between members of a company regarding the establishment,

operation, dissolution, merger, consolidation, division, splitting, handover of assets of the company, or organizational transformation of the company.

4. Other business and commercial disputes, except cases that fall under the competence of other agencies and organizations as prescribed by law.

Article 31. Business or commercial requests within the jurisdiction of the court

1. Requests for cancellation of a resolution of the general shareholders' meeting or a resolution of the members' council in accordance with the law on enterprises.

2. Requests in relation to the resolution of a dispute by a Vietnamese commercial arbitrator in accordance with the law on commercial arbitration;

3. Requests for arrest of an aircraft or a seagoing ship in accordance with Vietnamese law on civil aviation or maritime law, except the case of arrest of an aircraft or a seagoing ship to secure the settlement of a case.

4. Requests for recognition and enforcement in Vietnam of a foreign court's judgment or decision on business or commercial matters, or for non-recognition of a foreign court's judgment or decision on business or commercial matters, which is not requested to be enforced in Vietnam.

5. Requests for recognition and enforcement in Vietnam of a foreign arbitral award on business or commercial matters.

6. Other business or commercial requests, except cases that fall under the competence of other agencies and organizations as prescribed by law.

Article 32. Labor disputes within the jurisdiction of the court

1. Individual labor disputes between an employee and an employer, which have been successfully conciliated by labor conciliators but the parties fail to comply or fail to properly comply with the conciliation results, or which cannot be conciliated, or which are not conciliated within the time limit prescribed by law, except the following labor disputes which are not required to be conciliated:

a/ Disputes over labor discipline in the form of dismissal or over cases of unilateral termination of a labor contract;

b/ Disputes over compensation for damages or over allowance upon termination of a labor contract;

c/ Disputes between a domestic maid and his/her employer;

d/ Disputes over social insurance in accordance with the social insurance law; over health insurance in accordance with the health insurance law; over unemployment insurance in accordance with the employment law; or over occupational accident or disease insurance in accordance with the occupational safety and health law;

dd/ Disputes over compensation for damages between a worker and an enterprise or a non-business unit that sends the worker to work overseas under a contract.

2. Collective labor disputes over rights between an employees' collective and an employer in accordance with the labor law, which have been settled by a district-level People's Committee chairperson but the employees' collective or employer disagrees with the decision of the district-level People's Committee chairperson, or which are not settled by a district-level People's Committee chairperson within the prescribed time limit.

3. Labor-related disputes including:

a/ Disputes over apprenticeship or internship;

b/ Disputes over sub-lease of employees;

c/ Disputes over trade union rights or dues;

d/ Disputes over occupational safety and health.

4. Disputes over compensation for damage caused by illegal strikes.

5. Other labor disputes, except cases that fall under the competence of other agencies and organizations in accordance with law.

Article 33. Labor requests within the jurisdiction of the court

1. Requests for declaration that a labor contract or collective labor agreement is invalid.

2. Requests for consideration of the legality of a strike.

3. Requests for recognition and enforcement in Vietnam or non-recognition of a foreign court's labor judgment or decision, or for non-recognition of a foreign court's labor judgment or decision which is not requested to be enforced in Vietnam.

4. Requests for recognition and enforcement in Vietnam of a labor award of foreign arbitrators.

5. Other labor requests prescribed by law, except cases that fall under the competence of other agencies and organizations in accordance with law.

Article 34. Jurisdiction of the court over specific decisions of an agency or organization

1. During the course of settling a civil case or matter, the court may cancel an illegal specific decision of an agency or an organization or a competent person which infringes upon lawful rights and interests of a party in this civil case or matter.

2. The specific decision referred to in Clause 1 of this Article is a decision that has been issued on a specific issue and applied once to one or more than one specific subject. If a civil case or matter relates to this decision, they shall be considered by the court altogether.

3. When considering cancelling a decision referred to in Clause 1 of this Article, the court shall order the agency, organization or competent person that has issued such decision to participate in the proceedings in the capacity as a person with related interests or obligations.

The agency, organization or competent person that has issued the specific decision being considered by the court shall participate in the proceedings and present its/his/her opinion on the decision.

4. The jurisdiction of the court to settle a civil case or matter including consideration of cancellation of a specific decision referred to in Clause 1 of this Article shall be determined under relevant provisions of the Law on Administrative Procedures concerning the jurisdiction of district-level and provincial-level people's courts.

Section 2

JURISDICTION OF THE COURTS OF DIFFERENT LEVELS

Article 35. Jurisdiction of a district-level people's court

1. A district-level people's court has jurisdiction to settle according to first-instance procedures the following disputes:

a/ Civil and marriage and family-related disputes prescribed in Articles 26 and 28 of this Code, except disputes prescribed in Clause 7, Article 26 of this Code;

b/ Business and commercial disputes prescribed in Clause 1, Article 30 of this Code;

c/ Labor disputes prescribed in Article 32 of this Code.

2. A district-level people's court has jurisdiction to settle the following requests:

a/ Civil requests prescribed in Clauses 1, 2, 3, 4, 6, 7, 8, 9 and 10, Article 27 of this Code;

b/ Marriage and family-related requests prescribed in Clauses 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11, Article 29 of this Code;

c/ Business and commercial requests prescribed in Clauses 1 and 6, Article 31 of this Code;

d/ Labor requests prescribed in Clauses 1 and 5, Article 33 of this Code.

3. The disputes and requests prescribed in Clauses 1 and 2 of this Article which involve an overseas party or property or which require judicial entrustment to an overseas representative mission of the Socialist Republic of Vietnam or to a foreign court or competent agency, do not fall under the jurisdiction of a district-level people's court, except the cases prescribed in Clause 4 of this Article.

4. District-level people's courts in the places of residence of Vietnamese citizens shall cancel illegal marriages, settle divorces and disputes over rights and obligations of spouses, parents and child, recognition of parents and child, adoption, and guardianship between Vietnamese citizens residing in border areas and citizens of neighboring countries residing in areas bordering on Vietnam, in accordance with this Code and other Vietnamese laws.

Article 36. Jurisdiction of specialized courts of a district-level people's court

1. The civil court of a district-level people's court has jurisdiction to settle according to first-instance procedures civil, business, commercial and labor cases and matters that fall under the jurisdiction of district-level people's courts prescribed in Article 35 of this Code.

2. The family and juvenile court of a district-level people's court has jurisdiction to settle according to first-instance procedures marriage and family-related cases and matters that fall under the jurisdiction of district-level people's courts prescribed in Article 35 of this Code.

3. For a district-level people's court that has no specialized court, its chief justice shall organize trials and assign judges to settle cases and matters that fall under the jurisdiction of a district-level people's court.

Article 37. Jurisdiction of a provincial-level people's court

1. A provincial-level people's court has jurisdiction to settle according to first-instance procedures the following cases and matters:

a/ Civil, marriage and family-related, business, commercial or labor disputes prescribed in Articles 26, 28, 30 and 32 of this Code, except

disputes that fall under the jurisdiction of a district-level people's court prescribed in Clauses 1 and 4, Article 35 of this Code;

b/ Civil, marriage and family-related, business, commercial or labor requests prescribed in Articles 27, 29, 31 and 33 of this Code, except requests that fall under the jurisdiction of a district-level people's court prescribed in Clauses 2 and 4, Article 35 of this Code;

c/ Disputes and requests prescribed in Clause 3, Article 35 of this Code.

2. A provincial-level people's court has jurisdiction to settle according to first-instance procedures civil cases and matters that fall under the jurisdiction of a district-level people's court prescribed in Article 35 of this Code, which are taken up by the former for settlement when it considers necessary or at the request of the district-level people's court.

Article 38. Jurisdiction of specialized courts of a provincial-level people's court

1. The civil court of a provincial-level people's court has jurisdiction to:

a/ Settle according to first-instance procedures civil disputes and requests that fall under the jurisdiction of a provincial-level people's court as prescribed in Article 37 of this Code;

b/ Settle according to appellate procedures cases and matters involving a civil judgment or decision of a district-level people's court which has not yet taken legal effect but is appealed or protested against in accordance with this Code.

2. The family and juvenile court of a provincial-level people's court has jurisdiction to:

a/ Settle according to first-instance procedures marriage and family-related disputes and requests that fall under the jurisdiction of a provincial-level people's court as prescribed in Article 37 of this Code;

b/ Settle according to appellate procedures cases and matters involving a marriage and family-related judgment or decision of a district-level people's court which has not yet taken legal effect but is appealed or protested against in accordance with this Code.

3. The economic court of a provincial-level people's court has jurisdiction to:

a/ Settle according to first-instance procedures business or commercial disputes and requests that fall under the jurisdiction of a provincial-level people's court as prescribed in Article 37 of this Code;

b/ Settle according to appellate procedures cases and matters involving a business or commercial judgment or decision of a district-level people's court which has not yet taken legal effect but is appealed or protested against in accordance with this Code.

4. The labor court of a provincial-level people's court has jurisdiction to:

a/ Settle according to first-instance procedures labor disputes and requests that fall under the jurisdiction of a provincial-level people's court as prescribed in Article 37 of this Code;

b/ Settle according to appellate procedures cases and matters involving a labor judgment or decision of a district-level people's court which has not yet taken legal effect but is appealed or protested against in accordance with this Code.

Article 39. Territorial jurisdiction of the court

1. Territorial jurisdiction of the court to settle civil cases shall be determined as follows:

a/ The court of the locality where the defendant resides or works, if the defendant is an individual, or where the defendant's head office is located, if the defendant is an agency or organization, has jurisdiction to settle according to first-instance procedures civil, marriage and family-related, business, commercial or labor disputes prescribed in Articles 26, 28, 30 and 32 of this Code;

b/ The parties may agree with each other in writing to request the court of the locality where the plaintiff resides or works, if the plaintiff is an individual, or where the plaintiff's head office is located, if the plaintiff is an agency or organization, to settle civil, marriage and family-related, business, commercial or labor disputes prescribed in Articles 26, 28, 30 and 32 of this Code;

c/ The court of the locality where immovable property is located has jurisdiction to settle a dispute over such property.

2. Territorial jurisdiction of the court to settle civil matters shall be determined as follows:

a/ The court of the locality where the person whom the court is requested to declare to have lost his/her civil act capacity or to have a limited civil act capacity or to have difficulty in perceiving and controlling his/her acts, resides or works, has jurisdiction to settle such request;

b/ The court of the locality where the absent person for whom the court is requested to announce the search or to declare his/her missing or

death last resides, has jurisdiction to settle requests for announcement of the search for such person and management of his/her properties or requests for declaration of his/her missing or death;

c/ The court of the locality where the person who requests cancellation of a decision declaring that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts, resides or works, has jurisdiction to cancel such decision.

The court that has issued a decision declaring that a person is missing or dead has jurisdiction to settle a request for cancellation of such decision;

d/ The court of the locality where the person who is obliged to execute a foreign court's civil, marriage and family, business, commercial or labor judgment or decision resides or works, if the judgment debtor is an individual, or where the judgment debtor's head office is located, if the judgment debtor is an agency or organization, or where the property related to the enforcement of such foreign court's judgment or decision is located, has jurisdiction to settle a request for recognition and enforcement in Vietnam of a foreign court's civil, marriage and family, business, commercial or labor judgment or decision;

dd/ The court of the locality where the requester resides or works, if the requester is an individual, or where the requester's head office is located, if the requester is an agency or organization, has jurisdiction to settle a request for non-recognition of a foreign court's civil, marriage and family, business, commercial or labor judgment or decision, which is not requested to be enforced in Vietnam;

e/ The court of the locality where the person who is obliged to comply with a foreign arbitral award resides or works, if the judgment debtor is an individual, or where the judgment debtor's head office is located, if the judgment debtor is an agency or organization, or where the property related to the enforcement of the foreign arbitral award is located, has jurisdiction to settle a request for recognition and enforcement in Vietnam of the foreign arbitral award;

g/ The court of the locality where an illegal marriage is registered has jurisdiction to settle a request for cancellation of such illegal marriage;

h/ The court of the locality where one of the parties to a voluntary divorce or an agreement on child custody or property division after

divorce resides or works has jurisdiction to settle a request for recognition of such voluntary divorce or agreement;

i/ The court of the locality where one of the parties to an agreement on change of a post-divorce child custodian resides or works has jurisdiction to settle a request for recognition of such agreement;

If the request for change of a child's post-divorce custodian is filed by an agency, organization or individual, the court of the locality where the child resides has jurisdiction to settle that request;

k/ The court of the locality where a parent of a minor child resides or works has jurisdiction to settle a request to restrict the rights of such parent toward the minor child or his/her right to visit the child after divorce;

l/ The court of the locality where an adoptive parent or adopted child resides or works has jurisdiction to settle a request for termination of the child's adoption;

m/ The court of the locality where the notarization practicing organization that has performed notarization is located has jurisdiction to settle a request for declaration that a document notarized by such organization is invalid;

n/ The court of the locality where a competent judgment enforcement agency's head office is located or where the property related to the judgment enforcement is located has jurisdiction to settle a request for determination of the property's ownership or use rights and for division of common property for judgment enforcement, and other requests in accordance with the Law on Enforcement of Civil Judgments;

p/ The territorial jurisdiction of the court to settle requests related to the settlement by Vietnamese commercial arbitrations of disputes must comply with the law on commercial arbitration;

q/ The court of the locality where the surrogate mother resides or works has jurisdiction to settle a request in relation to her surrogacy;

r/ The court of the locality where one of the persons who have common property resides or works has jurisdiction to settle a request for recognition of the agreement on the invalidity of the division of common property created during the marital period which was effected under a court's judgment or decision;

s/ The court of the locality where the requester resides or works has jurisdiction to settle a request for recognition of a successful conciliation outside the court;

t/ The court of the locality where the requester resides or works has jurisdiction to settle a request for declaration that the agreement on the spousal property regime is invalid in accordance with the law on marriage and family; and to determine a child's parents or a child for parents in accordance with the law on marriage and family;

u/ The court of the locality where an enterprise's head office is located has jurisdiction to settle a request for cancellation of a resolution of its shareholders' general meeting or of its members' council;

v/ The court of the locality where a labor contract or collective labor agreement is entered into or performed has jurisdiction to settle a request for declaration that such contract or agreement is invalid;

x/ The court of the locality where a strike takes place has jurisdiction to settle a request for consideration of the legality of such strike;

y/ The territorial jurisdiction of the court to settle a request for arrest of an aircraft or seagoing ship must comply with Article 421 of this Code.

3. In case a civil case has been accepted by the court and is currently settled in accordance with the provisions of this Code on the territorial competence of the court, it shall be further settled by such court even though the place of residence, head office or place of transaction of a party has changed.

Article 40. Jurisdiction of the court selected by a plaintiff or a requester

1. A plaintiff has the right to select a court for settlement of a civil, marriage and family, business, commercial or labor dispute in the following cases:

a/ If the plaintiff does not know where the defendant resides or works or where its head office is located, the plaintiff may refer the case to the court of the locality where the defendant last resides or works or where the defendant's head office is last located or where the defendant's property is located;

b/ If the dispute arises from the operation of a branch of an organization, the plaintiff may refer such dispute to the court of the locality where the organization's head office is located or where its branch is located;

c/ If the defendant has no place of residence, workplace or head office in Vietnam or the case is related to a dispute over alimony, the

plaintiff may refer the case to the court of the locality where the plaintiff resides or works or its head office is located;

d/ If the dispute is over non-contractual compensation for damages, the plaintiff may refer such dispute to the court of the locality where the plaintiff resides, works or its head office is located or where the damage occurs;

dd/ If the dispute is over compensation for damages or allowance upon termination of a labor contract, over social insurance, health insurance, unemployment insurance, rights and interests in relation to the job, wage, income and other working conditions for workers, the plaintiff being a worker may refer such dispute to the court of the locality where he/she resides or works;

e/ If the dispute arises from the employment by a sub-contractor or mediator, the plaintiff may refer such dispute to the court of the locality where his/her actual employer resides, works or its head office is located or where the sub-contractor or the mediator resides or works;

g/ If the dispute arises from contractual relations, the plaintiff may refer such dispute to the court of the locality where the contract is performed;

h/ If there are multiple defendants that reside, work or whose head offices are located in various places, the plaintiff may refer the case to the court of the locality where one of the defendants resides or works or its head office is located;

i/ If the dispute is over various immovable properties which are located in different localities, the plaintiff may refer such dispute to the court of the locality where one of such immovables is located.

2. A requester has the right to select a court to settle a civil or marriage and family-related request in the following cases:

a/ For a civil request prescribed in Clause 1, 2, 3, 4, 6, 7, 8, 9 or 10 of Article 27 of this Code, the requester may refer the request to the court of the locality where the requester resides, works or its head office is located or where the property of the person against whom the request is filed is located;

b/ For a request for termination of an illegal marriage under Clause 1, Article 29 of this Code, the requester may refer the request to the court of the locality where either of the parties to the illegal marriage resides;

c/ For a request for restriction of parents' rights over their minor child or their right to visit the child after divorce, the requester may refer the request to the court of the locality where the child resides.

Article 41. Transfer of a civil case or matter to another court; settlement of a dispute over jurisdiction

1. If the court has accepted a civil case or matter which is not within its jurisdiction, it shall issue a decision to transfer the case or matter file to a competent court and remove the name of the case or matter in the case acceptance register. This decision shall be immediately sent to the same-level procuracy, the parties and related agencies, organizations and individuals.

Within 3 working days after receiving the decision, the parties and related agencies, organizations and individuals have the right to file a complaint about and the procuracy has the right to make a recommendation on such decision. Within 3 working days after receiving a complaint or recommendation, the chief justice of the court that has issued the decision shall settle the complaint or recommendation. The ruling of the chief justice of the court is final.

2. A dispute over jurisdiction between district-level people's court within a province or centrally run city shall be settled by the chief justice of the provincial-level people's court.

3. A dispute over jurisdiction between district-level people's court of different provinces or centrally run cities or between provincial people's court that falls under the territorial jurisdiction of a superior people's court shall be settled by the chief justice of the superior people's court.

4. A dispute over jurisdiction between district-level people's court of different provinces or centrally run cities or between provincial-level people's court that falls under the territorial jurisdiction of different superior people's court shall be settled by the Chief Justice of the Supreme People's Court.

Article 42. Joinder or separation of cases

1. The court may join two or more cases which it has separately accepted into a single case for settlement provided that such joinder and settlement strictly comply with the law.

For a case in which multiple persons file lawsuit petitions against the same person or agency or organization, the court may join their lawsuits in the same case for settlement.

2. The court may separate a case with different claims into two or more cases provided that the separation and settlement of the separated cases strictly comply with the law.

3. Upon joinder of cases or separation of a case prescribed in Clause 1 or 2 of this Article, the court which has accepted the case shall issue a decision and immediately send it to the same-level procuracy, the parties and related agencies, organizations and individuals.

Section 3

SETTLEMENT OF CIVIL CASES AND MATTERS IN THE ABSENCE OF APPLICABLE LAW

Article 43. Principles of determination of jurisdiction of the court for a case in which there is no applicable law

The jurisdiction of the court to accept and settle a civil case or matter in the absence of applicable law must comply with the provisions in Articles 35 thru 41 of this Code.

Article 44. The order and procedure for accepting and settling a civil case or matter in the absence of applicable law

The order and procedure for accepting and settling a civil case or matter in the absence of applicable law must comply with the provisions of this Code.

Article 45. Principles of settlement of a civil case or matter in the absence of applicable law

1. The application of customary practices is prescribed as follows:

The court shall apply customary practices to settle a civil case or matter in case the parties have no agreement and such case or matter is not regulated by law. Applicable customary practices must not be contrary to the fundamental principles of civil law prescribed in Article 3 of the Civil Code.

When requesting the court to settle a civil case or matter, the parties may refer to customary practices for consideration and application by the court.

The court shall determine the validity of the application of customary practices to ensure compliance with Article 5 of the Civil Code.

In case the parties make reference to different customary practices, the applicable customary practice is the one recognized in the locality where the case or matter arises.

2. The application of analogous law is prescribed as follows:

The court shall apply analogous law to settle a civil case or matter in case the parties have no agreement, such case or matter is not regulated by law and there is no applicable customary practice as prescribed in Article 5 of the Civil Code and Clause 1 of this Article.

When applying analogous law, the court shall clearly determine the legal characteristics of the civil case or matter, clearly ascertain that in the current legal system there are no legal provisions applicable to such relation and determine analogous legal provisions that regulate the civil relation.

3. The application of the fundamental principles of civil law, court precedents and equity is prescribed as follows:

The court shall apply the fundamental principles of civil law, court precedents and equity to settle a civil case or matter when it cannot apply customary practices or analogous law as prescribed in Article 5, and Clause 1, Article 6, of the Civil Code, and in Clauses 1 and 2 of this Article.

The fundamental principles of civil law are those prescribed in Article 3 of the Civil Code.

Court precedents to be studied and applied by the court to the settlement of a civil case or matter are those that have been selected by the Judicial Council of the Supreme People's Court and announced by the Chief Justice of the Supreme People's Court.

Equity shall be determined on the basis of righteousness recognized by everyone in the society, conformity with the principles of humanity, impartiality and equality in rights and obligations of the parties in the civil case or matter concerned.

Chapter IV

PROCEEDING-CONDUCTING AGENCIES, PROCEEDING- CONDUCTING PERSONS AND REPLACEMENT OF PROCEEDING-CONDUCTING PERSONS

Article 46. Proceeding-conducting agencies, proceeding-conducting persons

1. Civil proceeding-conducting agencies include:

a/ The court;

b/ The procuracy.

2. Civil proceeding-conducting persons include:

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

b/ Chief procurators, procurators and controllers.

Article 47. Tasks and powers of a chief justice

1. A chief justice has the following tasks and powers:

a/ To organize the settlement of a civil case or matter that falls under the court's jurisdiction, ensuring the principle that judges and assessors are independent and abide only by the law at trial;

b/ To decide to assign a judge to accept a civil case or matter, a judge to settle a civil case or matter, people's assessors to participate in a trial panel to hear a civil case; and to decide to assign a verifier and a court clerk to conduct proceedings for a civil case or matter, ensuring the principles prescribed in Clause 2, Article 16 of this Code;

c/ To decide to replace a judge, a people's assessor, a verifier and a court clerk before the opening of a court hearing;

d/ To decide to replace an expert witness or an interpreter before the opening of a court hearing;

dd/ To issue decisions and conduct civil proceedings in accordance with this Code;

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

g/ To protest according to cassation or reopening procedures against a court's legally effective judgment or decision in accordance with this Code or propose the chief justice of a competent court to consider protesting according to cassation or reopening procedures against a court's legally effective judgment or decision;

h/ To recommend a competent state agency to consider, amend, supplement or annul a legal document if detecting such document shows signs of contravention of the Constitution, a law or resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee, or a legal document of a superior state agency in accordance with this Code;

i/ To handle acts that obstruct civil proceedings in accordance with law;

k/ To perform other tasks and exercise other powers in accordance with law.

2. When the chief justice is absent, a deputy chief justice shall be authorized by the chief justice to discharge the chief justice's tasks and

powers, except the right to protest prescribed at Point g, Clause 1 of this Article. The deputy chief justice shall report to the chief justice on the authorized tasks.

Article 48. Tasks and powers of a judge

When assigned by the chief justice, a judge has the following tasks and powers:

1. To handle a lawsuit petition or a written request and accept a civil case or matter in accordance with this Code;
2. To compile the file of a civil case or matter;
3. To collect and verify evidence, hold court hearings and meetings to settle a civil case or matter in accordance with this Code;
4. To decide to apply, change or cancel provisional urgent measures;
5. To decide to suspend or terminate or resume the settlement of a civil case or matter;
6. To explain and guide the parties to exercise the right to legal aid in accordance with the law on legal aid;
7. To hold a meeting to examine the handover of, access to and disclosure of evidence and conduct a conciliation, and issue a decision to recognize the agreement of the parties in accordance with this Code;
8. To decide to hear a civil case or settle a civil matter;
9. To summon people to participate in a court hearing or a meeting;
10. To chair or participate in the trial of a civil case or settlement of a civil matter;
11. To propose the chief justice to assign verifiers to assist in conducting proceedings in accordance with this Code;
12. To detect and propose the chief justice to propose competent state agencies to consider, amend and supplement or annul a legal document that shows signs of contravention of the Constitution, a law or resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee, or a legal document of a superior state agency in accordance with this Code;
13. To handle acts that obstruct civil proceedings in accordance with law;
14. To carry out other proceedings when settling a civil case or matter in accordance with this Code.

Article 49. Tasks and powers of a people's assessor

When being assigned by the chief justice of the court, a people's assessor has the following tasks and powers:

1. To study the case file before the opening of a court hearing;
2. To propose the chief justice and the judge to issue necessary decisions under their competence;
3. To participate in the trial panel for a civil case;
4. To carry out proceedings and have equal rights as the judge when voting on issues that fall under the jurisdiction of the trial panel.

Article 50. Tasks and powers of a verifier

When being assigned by the chief justice of the court, a verifier has the following tasks and powers:

1. To verify the file of a civil case or matter involving a court's legally effective judgment or decision which needs to be reviewed according to cassation or reopening procedures;
2. To reach conclusions of a verification and report on verification results and propose solutions to settling a civil case or matter to the chief justice of the court;
3. To collect documents and evidence related to a civil case or matter in accordance with this Code;
4. To assist the judges in carrying out proceedings in accordance with this Code;
5. To perform other tasks in accordance with this Code.

Article 51. Tasks and powers of a court clerk

When being assigned by the chief justice of the court, a court clerk has the following tasks and powers:

1. To make necessary professional preparations before the opening of a court hearing;
2. To announce the internal rules of a court hearing;
3. To check and report to the trial panel on the list of persons summoned to a court hearing;
4. To write minutes of the court hearings and meetings and records of the testimony of participants in the proceedings.
5. To perform other tasks in accordance with this Code.

Article 52. Cases in which a proceeding-conducting person shall refuse or shall be replaced

A proceeding-conducting person shall refuse to conduct the proceedings or be replaced in the following cases:

1. He/she is a party, a representative or a relative of a party in the case;
2. He/she participates in the proceedings in the capacity as a party's defense counsel, as a witness, an expert witness or an interpreter in the same case or matter;
3. There are obvious grounds that he/she may not be impartial when performing his/her tasks.

Article 53. Replacement of a judge or a people's assessor

A judge or people's assessor shall refuse to participate in the proceedings or be replaced in the following cases:

1. He/she falls into one of the cases prescribed in Article 52 of this Code;
2. They are relatives and sit on the same trial panel; in this case only one of them may conduct the proceedings;
3. He/she has participated in the settlement of the civil case or matter according to first-instance, appellate, cassation or reopening procedures and issued the first-instance judgment, appellate judgment or decision, cassation or reopening decision, decision on settlement of the civil matter, decision on termination of the settlement of the case or matter, decision on recognition of the agreement of the parties; if he/she is member of the Judicial Council of the Supreme People's Court or of the judicial committee of a superior people's court, he/she may still participate in the settlement of the case or matter according to cassation or reopening procedures;
4. He/she conducts the proceedings in the case or matter concerned in the capacity as a verifier, a court clerk, a procurator or a controller.

Article 54. Replacement of a court clerk or a verifier

A court clerk or a verifier shall refuse to conduct the proceedings or be replaced in the following cases:

1. He/she falls into one of the cases prescribed in Article 52 of this Code;
2. He/she conducts the proceedings in the case or matter concerned in the capacity as a judge, a people's assessor, a verifier, a court clerk, a procurator or a controller;
3. He/she is a relative of another person who conducts the proceedings in the case or matter concerned.

Article 55. Procedure for refusal to conduct proceedings or request for replacement of a judge, a people’s assessor, a verifier or a court clerk

1. The refusal to conduct proceedings or a request for replacement of a judge, a people’s assessor, a verifier or a court clerk before the opening of a court hearing or meeting shall be made in writing, specifying the reason and grounds for such refusal or request.

2. The refusal to conduct proceedings or a request for replacement of a person mentioned in Clause 1 of this Article at a court hearing or meeting shall be recorded in the minutes of such hearing or meeting.

Article 56. Decision to replace a judge, a people’s assessor, a verifier or a court clerk

1. Before the opening of a court hearing, the replacement of a judge, a people’s assessor, a verifier or a court clerk shall be decided by the chief justice of the court. If the judge to be replaced is the chief justice, the competence to decide on the replacement is prescribed as follows:

a/ If the judge is the chief justice of a district-level people’s court, the chief justice of the provincial-level people’s court shall decide on his/her replacement;

b/ If the judge is the chief justice of a provincial-level people’s court, the chief justice of the superior people’s court that has territorial jurisdiction over such provincial-level people’s court shall decide on his/her replacement;

c/ If the judge is the chief justice of a superior people’s court, the Chief Justice of the Supreme People’s Court shall decide on his/her replacement.

2. At a court hearing, the replacement of a judge, a people’s assessor, a verifier or a court clerk shall be decided by the trial panel after hearing the opinion of the person requested to be replaced. The trial panel shall discuss in the deliberation room and make its decision by majority vote. If deciding to replace a judge, a people’s assessor, a verifier or a court clerk, the trial panel shall issue a decision to postpone the court hearing. The chief justice of the court shall decide to appoint the replacing judge, people’s assessor, verifier or court clerk. If the replaced person is the chief justice of the court, the competence to replace him/her must comply with Clause 1 of this Article.

3. Replacement of a judge and a court clerk in the settlement of a civil matter must comply with Clauses 1 and 2, Article 368 of this Code.

4. Within 3 working days after postponing a court hearing or meeting, the chief justice of the court shall appoint the replacing person.

Article 57. Tasks and powers of the chief procurator of a procuracy

1. In supervising the observance of law in civil proceedings, the chief procurator of a procuracy has the following tasks and powers:

a/ To organize and direct the work of supervising the observance of law in civil proceedings;

b/ To decide to assign a procurator to supervise the observance of law in civil proceedings, to participate in a court hearing on a civil case or a meeting to settle a civil matter in accordance with this Code and notify such assignment to the court; to decide to assign a controller of the conduct of proceedings for a civil case or matter to ensure the principles prescribed in Clause 2, Article 16 of this Code;

c/ To decide on the replacement of a procurator or controller;

d/ To protest according to appellate, cassation or reopening procedures against a court's judgment or decision in accordance with this Code;

dd/ To make requests and recommendations in accordance with this Code;

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

g/ To perform other tasks and exercise other powers as prescribed by law.

2. When the chief procurator is absent, a deputy chief procurator shall be authorized by the chief procurator to perform and exercise the latter's tasks and powers, except the power to make protests prescribed at Point d. Clause 1 of this Article. The deputy chief procurator shall report to the chief procurator on the authorized tasks and powers.

Article 58. Tasks and powers of a procurator

When assigned to supervise the observance of law in civil proceedings, a procurator has the following tasks and powers:

1. To supervise the return of a lawsuit petition or written request;

2. To supervise the acceptance and settlement of a civil case or matter;

3. To study the file of a case or matter; to request the court to verify and collect evidence during the settlement of a civil case or matter in

accordance with this Code; to collect documents and evidence in accordance with Clause 6, Article 97 of this Code;

4. To participate in a court hearing or a meeting and present the procuracy's opinions on the settlement of a civil case or matter in accordance with this Code;

5. To supervise a court's judgment or decision;

6. To recommend and propose the court to conduct proceedings in accordance with this Code;

7. To propose the chief procurator of a competent procuracy to protest a court's illegal judgment or decision;

8. To supervise litigation activities of proceeding participants; to request or propose a competent agency or organization to strictly handle a proceeding participant who violates the law;

9. To perform other tasks and exercise other powers within the procuracy's jurisdiction in accordance with this Code.

Article 59. Tasks and powers of a controller

When being assigned to conduct proceedings, a controller has the following tasks and powers:

1. To study the file of a case or matter and report the result to the procurator;

2. To prepare written records of supervision of a civil case or matter as assigned by the procurator or the chief procurator of the procuracy;

3. To assist the procurator in supervising the observance of law in civil proceedings.

Article 60. Replacement of a procurator or a controller

A procurator or a controller shall refuse to conduct the proceedings or be replaced in the following cases:

1. He/she falls into one of the cases prescribed in Article 52 of this Code;

2. He/she is a proceeding-conducting person in a civil case or matter in the capacity as a judge, a people's assessor, a verifier, a court clerk, a procurator or a controller.

Article 61. Procedure for refusal to conduct proceedings or request for replacement of a procurator or a controller

1. Before the opening of a court hearing, the refusal to conduct proceedings or a request for replacement of a procurator shall be made in writing, specifying the reason and ground for such refusal or request.

The refusal to conduct proceedings or a request for replacement of a controller shall be made in writing, specifying the reason and ground for such refusal or request.

2. At a court hearing, the refusal to conduct proceedings or a request for replacement of a procurator shall be recorded in the minutes of the hearing.

Article 62. Decision to replace a procurator or a controller

1. Before the opening of a court hearing, the replacement of a procurator shall be decided by the chief procurator of the same-level procuracy; if the procurator to be replaced is the chief procurator, his/her replacement shall be decided by the chief procurator of the immediate higher-level procuracy.

The replacement of a controller shall be decided by the chief procurator of the same-level procuracy.

2. At a court hearing, the replacement of a procurator shall be decided by the trial panel after hearing the opinion of the person requested to be replaced. The trial panel shall discuss the matter in the deliberation room and make its decision by a majority vote.

If deciding to replace the procurator, the trial panel shall issue a decision to postpone the court hearing. The chief procurator of the same-level procuracy shall decide to appoint the replacing procurator. If the procurator to be replaced is the chief procurator of the procuracy, the chief procurator of the immediate higher-level procuracy shall decide on the replacement.

3. Replacement of a procurator in the settlement of a civil matter must comply with Clause 3, Article 368 of this Code.

4. Within 3 working days after postponing a court hearing or a meeting, the chief procurator of the procuracy shall appoint the replacing person and notify such appointment to the court.

Chapter V

**COMPOSITION FOR SETTLEMENT OF
A CIVIL CASE OR MATTER**

Article 63. First-instance trial panel of a civil case

The first-instance trial panel of a civil case must be composed of one judge and two people's assessors, except the cases prescribed in

Article 65 of this Code. In special cases, a first-instance trial panel may consist of two judges and three people's assessors.

For a case in which a party is a minor, the trial panel must have a people's assessor being a person who previously worked or is working at the Ho Chi Minh Communist Youth Union, Vietnam Women's Union, a state management agency in charge of families or a state management agency in charge of children.

For a labor case, the trial panel must have a people's assessor being a person who previously worked or is working in an employees' collective representative organization or is knowledgeable about labor law.

Article 64. Composition of an appellate trial panel of a civil case

An appellate trial panel of a civil case must be composed of three judges, except the cases prescribed in Article 65 of this Code.

Article 65. Trial of a civil case according to summary procedures

The first-instance or appellate trial of a civil case according to summary procedures shall be conducted by one judge.

Article 66. Cassation or reopening trial panel of a civil case

1. The Judicial Committee of a superior people's court shall conduct cassation or reopening trial through a trial panel consisting of three judges or all members of the Committee.

2. The Judicial Council of Supreme People's Court shall conduct cassation or reopening trial through a trial panel consisting of five judges or all judges of the Council.

Article 67. Composition for settlement of a civil matter

1. A civil, marriage and family, business, commercial or labor request prescribed in Clause 5 of Article 27, Clause 9 of Article 29, Clause 4 or 5 of Article 31, or Clause 2, 3 or 4, Article 33, of this Code or an appeal or a protest against a decision on settlement of a civil matter shall be settled by a panel of three judges.

2. A civil, marriage and family, business, commercial or labor request which does not fall into the cases prescribed in Clause 1 of this Article shall be settled by one judge.

3. The composition of a panel for settlement of a business or commercial request prescribed in Clause 2, Article 31 of this Code must comply with the law on commercial arbitration.

Chapter VI

PROCEEDING PARTICIPANTS

Section 1

PARTIES IN A CIVIL CASE

Article 68. Parties in a civil case

1. A party in a civil case may be an agency, organization or individual, including the plaintiff, the defendant and a person with related interests or obligations.

A party in a civil matter may be an agency, organization or individual, including the requester for settlement of a civil matter and a person with related interests or obligations.

2. The plaintiff in a civil case means the person who initiates a lawsuit or the person in favor of whom an agency or organization or another individual prescribed by this Code initiates a lawsuit to request the court to settle a civil case when it/he/she considers that the lawful rights and interests of such person are infringed upon.

An agency or organization prescribed by this Code which initiates a civil lawsuit to request the court to protect public interests or the interests of the State in a field under its charge is also a plaintiff.

3. The defendant in a civil case means the person against whom the plaintiff or an agency or organization or another individual prescribed by this Code initiates a lawsuit to request the court to settle a civil case when it/he/she considers that the lawful rights and interests of the plaintiff are infringed upon by such person.

4. A person with related interests or obligations in a civil case means a person who does not initiate a lawsuit or against whom no lawsuit is initiated, but the settlement of the civil case relates to his/her interests or obligations and, therefore, he/she requests on his/her own to participate or another party requests to involve him/her in the proceedings in the capacity as a person with related interests or obligations and such request is accepted by the court.

In case the settlement of a civil case relates to the interests or obligations of a certain person but no one requests to involve him/her in the proceedings in the capacity as a person with related interests or obligations, the court shall involve that person in the proceedings in the capacity as a person with related interests or obligations.

5. The requester for settlement of a civil matter means a person who requests the court to recognize or not to recognize a legal event that gives rise to civil, marriage and family, business, commercial or labor rights and obligations of his/her own or of an agency or organization or another individual; or a person who requests the court to recognize his/her civil, marriage and family, business, commercial or labor rights.

6. A person with related interests or obligations in a civil matter means a person who does not request the settlement of a civil matter, but the settlement of a civil matter relates to his/her interests or obligations and, therefore, he/she requests on his/her own to participate or a party in the civil matter requests to involve him/her in the proceedings in the capacity as a person with related interests or obligations and such request is accepted by the court.

In case the settlement of a civil matter relates to the interests or obligations of a certain person but no one requests to involve him/her in the proceedings in the capacity as a person with related interests or obligations, the court shall involve such person in the proceedings in the capacity as a person with related interests or obligations.

Article 69. Legal capacity in civil proceedings and act capacity in civil proceedings of parties

1. Legal capacity in civil proceedings means the capability to enjoy the rights and obligations in civil proceedings as prescribed by law. Every agency, organization or individual has the same legal capacity in civil proceedings in requesting the court to protect its/his/her lawful rights and interests.

2. Act capacity in civil proceedings means the capability to exercise by oneself one's own rights and perform by oneself one's own obligations in civil proceedings or authorize a representative to participate in civil proceedings.

3. A party who has reached full 18 years of age has full act capacity in civil proceedings, except those who have lost their civil act capacity or unless otherwise prescribed by law.

For a person with a limited civil act capacity or who has difficulty in perceiving and controlling his/her acts, his/her act capacity in civil proceedings shall be determined under a court's decision.

4. A party who is aged under 6 years or who has lost his/her civil act capacity has no act capacity in civil proceedings. The exercise of rights and performance of obligations in civil proceedings and the defense of lawful rights and interests of such person at court shall be carried out by his/her lawful representative.

5. For a party aged between full 6 and under 15 years, the exercise of rights and performance of obligations in civil proceedings and defense of lawful rights and interests of such person at court shall be carried out by his/her lawful representative.

For a person with a limited civil act capacity or who has difficulty in perceiving and controlling his/her acts, the exercise of rights and performance of obligations in civil proceedings and defense of lawful rights and interests of such person shall be determined under a court's decision.

6. A party who is aged between full 15 years and under 18 years, and works under a labor contract or is involved in a civil transaction with his/her own property may himself/herself participate in civil proceedings with respect to matters related to such labor or civil relation. In this case, the court may summon his/her lawful representative to participate in the proceedings. For other matters, such party's rights and obligations at court shall be exercised and performed by his/her lawful representative.

7. For a party being an agency or organization, its lawful representative shall participate in the proceedings.

Article 70. Rights and obligations of parties

Parties have equal rights and obligations when participating in proceedings. When participating in the proceedings, a party has the following rights and obligations:

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

2. To advance and pay court fees and other proceeding costs as prescribed by law;

3. To provide the complete and accurate address of his/her place of residence or its head office; during the settlement of a case or matter by the court, to promptly notify any change in such address to other parties and the court;

4. To maintain, modify, supplement or withdraw his/her/its claims in accordance with this Code;

5. To provide documents and evidence and prove to defend his/her/its lawful rights and interests;

6. To ask agencies, organizations and individuals that are keeping or managing documents and evidence to provide such documents and evidence;

7. To request the court to verify and collect documents and evidence of the case or matter when they cannot do so by himself/herself/itself; to

request the court to require other parties to produce documents and evidence that they are keeping; to request the court to issue decisions to demand agencies, organizations and individuals that are keeping or managing documents and evidence to provide such documents and evidence; to request the court to summon a witness, solicit an expert assessment, or decide on a property's valuation;

8. To access, take note of, and photocopy documents and evidence produced by other parties or those collected by the court, except those prescribed in Clause 2, Article 109 of this Code;

9. To be obliged to send copies of his/her/its lawsuit petition and documents and evidence to other parties or to their lawful representatives, except documents and evidence that other parties already have and those prescribed in Clause 2, Article 109 of this Code.

If unable to photocopy or send his/her/its lawsuit petition, documents and evidence for a plausible reason, to be entitled to request the court to assist him/her/it in doing so;

10. To request the court to decide on the application, change or cancellation of a provisional urgent measure;

11. To reach agreement with other parties on the settlement of their case; to participate in a conciliation conducted by the court;

12. To receive valid notices for the exercise of his/her/its rights and performance of his/her/its obligations;

13. To defend by himself/herself/itself or ask another person to defend his/her/its lawful rights and interests;

14. To request replacement of a proceeding-conducting person or proceeding participant in accordance with this Code;

15. To attend court hearings and meetings in accordance with this Code;

16. To be present according to the court's summons and abide by the court's decision during the court's settlement of his/her/its case;

17. To request the court to involve a person with related interests or obligations in the proceedings;

18. To request the court to suspend the settlement of his/her/its civil case in accordance with this Code;

19. To raise questions to other persons on matters that relate to the civil case or propose to the court matters that need to be asked of other persons; to confront the other party or a witness;

20. To debate at a court hearing and present arguments on the assessment of evidence and applicable law;

21. To be provided with an extract of the court's judgment, and the court's judgment and decision;

22. To appeal against or complain about the court's judgment or decision in accordance with the Code;

23. To request a competent person to make a protest according to cassation or reopening procedures against the court's legally effective judgment or decision;

24. To strictly abide by the court's legally effective judgment or decision;

25. To exercise the rights of a party in good faith, to refrain from abusing these rights in order to obstruct the proceedings of the court and litigation acts of other parties; to bear consequences as prescribed by this Code for failure to perform an obligation;

26. To have other rights and obligations as prescribed by law.

Article 71. Rights and obligations of the plaintiff

1. To have the rights and obligations of a party as prescribed in Article 70 of this Code.

2. To modify the content of a lawsuit; to withdraw part or the whole of the lawsuit;

3. To accept or reject part or the whole of a counter-claim of the defendant or an independent claim of the person with related interests or obligations.

Article 72. Rights and obligations of the defendant

1. To have the rights and obligations of a party as prescribed in Article 70 of this Code.

2. To be notified by the court of a lawsuit against him/her.

3. To accept or reject part or the whole of a claim of the plaintiff or an independent claim of a person with related interests or obligations.

4. To make a counter-claim against the plaintiff if it relates to a claim of the plaintiff or propose clearance against the obligation of the plaintiff. For this counter-claim, to have the same rights and obligations of the plaintiff as prescribed in Article 71 of this Code.

5. To make an independent claim with regard to a person with related interests or obligations which relates to the settlement of the case.

For this independent claim, to have the same rights and obligations of the plaintiff as prescribed in Article 71 of this Code.

6. If his/her/its counter-claim or independent claim is not accepted by the court for settlement in the same case, the defendant shall be entitled to file a lawsuit in another case.

Article 73. Rights and obligations of a person with related rights or obligations

1. A person with related rights or obligations has the following rights and obligations:

a/ The rights and obligations as prescribed in Article 70 of this Code;

b/ To be allowed to make an independent claim or participate in the proceedings on the side of the plaintiff or the defendant.

2. If a person with related interests or obligations makes an independent claim relating to the settlement of the case, he/she shall have the rights and obligations of the plaintiff as prescribed in Article 71 of this Code. If his/her independent claim is not accepted by the court for settlement in the same case, the person with related interests or obligations shall be entitled to file a lawsuit in another case.

3. If a person with related interests or obligations participates in the proceedings on the side of the plaintiff or only has related interests, he/she shall have the same rights and obligations of the plaintiff as prescribed in Article 71 of this Code.

4. If a person with related interests or obligations participates in the proceedings on the side of the defendant or only has related obligations, he/she shall have the same rights and obligations of the defendant as prescribed in Article 72 of this Code.

Article 74. Inheritance of rights and obligations in proceedings

1. In case a party who is an individual dies during the course of participating in the proceedings and his/her property rights and obligations are inherited, his/her heir shall be entitled to participate in the proceedings.

2. In case a party that is an agency or organization has to terminate its operation or be dissolved, consolidated, merged, divided, split or organizationally transformed during the course of participating in the proceedings, the inheritance of its rights and obligations in the proceedings shall be determined as follows:

a/ In case the organization that has to terminate operation or be dissolved is a joint stock company, a limited liability company or a

partnership, the individuals and organizations being members of such organization or their lawful representatives shall be entitled to participate in the proceedings;

b/ In case the agency or organization that has to terminate operation or be dissolved is a state agency, a people's armed force unit, a political organization, a socio-political organization, a socio-politico-professional organization, a social organization, a socio-professional organization or a state enterprise, the lawful representative of the superior agency of such agency or organization or the lawful representative of the agency or organization that takes over the former's rights and obligations shall be entitled to participate in the proceedings;

c/ In case the organization undergoes consolidation, merger, division, splitting or organizational transformation, the individual or organization that takes over the former's rights and obligations shall be entitled to participate in the proceedings.

3. In case the organization's owner is changed and its rights and obligations are transferred to the new owner, the new owner shall take over the rights and obligations in the proceedings.

4. In case an organization acquires rights and obligations in accordance with the civil law, it shall also take over rights and obligations in the proceedings.

5. In case an organization without legal person status participates in civil relations and its representative dies during the course of participation in the proceedings, such organization shall appoint another representative to participate in the proceedings; if such organization fails to appoint another representative or has to terminate operation or to be dissolved, the individuals being members of such organization shall participate in the proceedings.

Section 2

OTHER PROCEEDING PARTICIPANTS

Article 75. Defense counsel of lawful rights and interests of a party

1. The defense counsel of lawful rights and interests of a party (below referred to as defense counsel) means the person who participates in the proceedings to defend lawful rights and interests of a party.

2. Any of the following persons can act as defense counsel of a party when so requested by the party and if registered by the court to act as defense counsel for such party:

a/ A lawyer who participates in the proceedings in accordance with the law on lawyers;

b/ A legal aid officer or legal aid participant as prescribed by the law on legal aid;

c/ A representative of the employees' collective representative organization to protect lawful rights and interests of workers in a labor case or matter in accordance with the labor and trade union laws;

d/ A Vietnamese citizen who has full civil act capacity, has never been convicted or has been convicted but has had his/her criminal records expunged, who is not subject to any administrative handling measure; who is neither a cadre or a civil servant in the court or procuracy sector, nor a civil servant, an officer or a non-commissioned officer in the public security force.

3. A defense counsel may defend lawful rights and interests of more than one party in the same case, provided that those parties' lawful rights and interests do not conflict one another. Multiple defense counsels may jointly defend lawful rights and interests of a single party in a case.

4. When requesting the court to register a defense counsel of a party, the requester shall produce the following papers:

a/ A lawyer shall produce papers as prescribed by the Law on Lawyers;

b/ A legal aid officer or legal aid participant shall produce the document of appointment of a legal aid officer issued by a legal aid organization, and a legal aid officer or lawyer card;

c/ The representative of an employees' collective representative organization shall produce such organization's document of appointment of a representative to defend lawful rights and interests of an employee or the employees' collective;

d/ A Vietnamese citizen who meets all the conditions prescribed at Point d, Clause 2 of this Article shall produce the written request from the party and his/her identification papers.

5. After checking the papers and seeing that the requester fully meets the conditions for acting as defense counsel for a party as prescribed in Clauses 2, 3 and 4 of this Article, within 3 working days after receiving the request, the court shall record it in the register of defense counsels of parties and give certification in the party's written request for a defense counsel. If refusing to register such defense counsel, the court shall issue a written notice specifying the reason to the requesting party.

Article 76. Rights and obligations of the defense counsel of a party

1. To participate in the proceedings right from the time a lawsuit is filed or at any stage in the proceedings.

2. To collect and supply documents and evidence to the court, study the case file and take notes, and photocopy necessary documents in the case file in order to defend lawful rights and interests of the party, except those prescribed in Clause 2, Article 109 of this Code.

3. To participate in conciliation, court hearings and meetings or, if unable to do so, send his/her written defenses to the court for consideration.

4. To request on behalf of the party the replacement of a proceeding-conducting person and another proceeding participant in accordance with this Code.

5. To assist the party in legal matters related to the defense of his/her/its lawful rights and interests. If authorized by the party, to receive on behalf of the party procedural papers and documents served or notified by the court and hand them over to the party.

6. The right and obligations prescribed in Clauses 1, 6, 16, 17, 18, 19 and 20, Article 70 of this Code.

7. Other rights and obligations as prescribed by law.

Article 77. Witness

A person who knows details related to a case or matter may be requested by a party or summoned by the court to participate in the proceedings in the capacity as a witness. A person who has lost his/her civil act capacity cannot act as a witness.

Article 78. Rights and obligations of a witness

1. To provide all information, documents and objects in his/her possession which are related to the settlement of a civil case or matter.

2. To honestly declare details he/she knows to be related to the settlement of a civil case or matter.

3. To refuse to give testimony if such testimony is related to state secrets, professional secrets, business secrets, personal privacy or such testimony adversely affects or is harmful to a party who is the witness's relative.

4. To take leave when the court subpoenas him/her or take his/her testimony, if he/she works in an agency or organization.

5. To be paid for all related expenses in accordance with law.

6. To request the court which has subpoenaed him/her and competent state agencies to protect his/her life, health, honor, dignity, property and other lawful rights and interests when participating in the proceedings; to complain about proceeding acts of procedure-conducting persons.

7. To compensate and bear responsibility before the law for damage caused to the party or to other persons by untruthful testimony.

8. To be present at the court and its hearings or meetings under the court's subpoenas if the witness's testimony is to be taken publicly in court and at court hearings or meetings; if a witness fails to be present at a court hearing or meeting without a plausible reason and his/her absence obstructs the trial or settlement, the judge, trial panel or settlement council for the civil matter may issue a decision to escort him/her to the court hearing or meeting, unless she/she is a minor.

9. To make undertakings before the court on the exercise of his/her rights and performance of his/her obligations, unless he/she is a minor.

Article 79. Expert witness

An expert witness is a person who has necessary knowledge about and experience as prescribed by law in the field relevant to an object to be assessed and is summoned by the court or requested by a party to assess the object in accordance with Article 102 of this Code.

Article 80. Rights and obligations of an expert witness

1. An expert witness has the following rights and obligations:

a/ To read documents in the case file which relate to the object to be assessed; to request the court to provide documents necessary for the assessment;

b/ To raise questions to proceeding participants about matters related to the object being assessed;

c/ To be present according to the court's subpoena; to present, explain and respond to matters in relation to the assessment and assessment conclusions in an honest, grounded and objective manner;

d/ To notify the court in writing when he/she is unable to perform an assessment because the object to be assessed goes beyond his/her professional capability or documents available for the assessment are inadequate or unusable;

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

e/ Neither to collect documents by himself/herself to perform the assessment nor to contact other proceeding participants if such contact may affect the assessment results; nor to disclose secret information to which he/she has access during the course of performing the assessment nor to inform the assessment results to other persons than the judge who requires the assessment;

g/ To be paid for all related expenses in accordance with law;

h/ To make undertakings before the court on the exercise of his/her rights and performance of his/her obligations.

2. An expert witness shall refuse to perform an assessment or be replaced in the following cases:

a/ He/she falls into one of the cases prescribed in Clauses 1 and 3 of Article 52 of this Code, or in Article 34 of the Law on Judicial Assessment;

b/ He/she participates in the proceedings in the capacity as a party's defense counsel, a witness or an interpreter in the same case;

c/ He/she conducts the proceedings in the capacity as a judge, a people's assessor, a verifier, a court clerk, a procurator or a controller in the same case.

Article 81. Interpreter

1. An interpreter is a person who is capable to translate a language into Vietnamese and vice versa in case a proceeding participant is unable to use Vietnamese. An interpreter may be selected by a party or according to the agreement among the parties and shall be accepted by the court, or may be requested by the court to provide interpretation services.

2. A person who knows the script of vision-impaired persons or knows how to hear or speak in the language and symbols of hearing-impaired or speech-impaired persons shall be also regarded as an interpreter.

Article 82. Rights and obligations of an interpreter

1. An interpreter has the following rights and obligations:

a/ To be present according to the court's summons;

b/ To interpret truthfully, objectively and accurately;

c/ To request a proceeding-conducting person or proceeding participant to further explain his/her words which need to be interpreted;

d/ Not to contact other proceeding participants if doing so could affect the truthfulness, objectivity and accuracy of the interpretation;

dd/ To be paid for all related expenses in accordance with law;

e/ To make undertakings before the court on the exercise of his/her rights and performance of his/her obligations.

2. An interpreter shall refuse to provide interpretation services or be replaced in the following cases:

a/ He/she falls into one of the cases prescribed in Clauses 1 and 3 of Article 52 of this Code;

b/ He/she participates in the proceedings in the capacity as a party's defense counsel, a witness or an expert witness in the same case;

c/ He/she conducts the proceedings in the capacity as a judge, a people's assessor, a verifier, a court clerk, a procurator or a controller.

Article 83. Procedure for refusal to provide an expert assessment or interpretation services or request for replacement of an expert witness or an interpreter

1. The refusal to provide an expert assessment or interpretation services or the request for replacement of an expert witness or an interpreter before the opening of a court hearing or a meeting shall be made in writing, clearly stating the reason.

2. The refusal to provide an expert assessment or interpretation services or the request for replacement of an expert witness or an interpreter at a court hearing or a meeting shall be recorded in the minutes of the court hearing or meeting.

Article 84. Decision to replace an expert witness or an interpreter

1. Before the opening of a court hearing or a meeting, the replacement of an expert witness or an interpreter shall be decided by the court's chief justice.

2. During a court hearing or a meeting, the replacement of an expert witness or an interpreter shall be decided by the judge, trial panel or council for settlement of the civil matter after listening to the opinion of the person requested to be replaced. The trial panel or council for settlement of the civil matter shall discuss in the deliberation room and make decision by majority vote.

In case an expert witness or an interpreter shall be replaced, the judge, trial panel or council for settlement of the civil case shall issue a decision to postpone the court hearing or meeting. The solicitation for

another expert witness or interpreter must comply with Articles 79 and 81 of this Code.

Article 85. Representatives

1. Representatives in civil proceedings include at-law representatives and authorized representatives. A representative may be an individual or a legal person as prescribed by the Civil Code.

2. An at-law representative defined in the Civil Code is the at-law representative in civil proceedings, except for cases in which the right to represent is restricted under law.

An agency, organization or individual that initiates a lawsuit to protect lawful rights and interests of another person is also the at-law representative of the protected person in civil proceedings.

3. An employees' collective representative organization is the at-law representative of the employees' collective that initiates a labor lawsuit and participates in the proceedings at the court when the employees' collective's lawful rights and interests are infringed upon; the employees' collective representative organization shall represent an employee who initiates a labor lawsuit and participates in the proceedings at the court when authorized by the employee.

In case multiple employees make the same claim against their employer, in the same enterprise or unit, they may authorize a representative of the employees' collective representative organization to initiate a lawsuit and participate in the proceedings at the court on their behalf.

4. An authorized representative defined in the Civil Code is the authorized representative in civil proceedings.

In a divorce case, a party may not authorize another person to participate in the proceedings on his/her behalf. In case a parent or another relative requests the court to settle a divorce in accordance with Clause 2, Article 51 of the Law on Marriage and Family, he/she shall act as a representative.

Article 86. Rights and obligations of a representative

1. An at-law representative in civil proceedings shall exercise the rights and perform the obligations of the party in the proceedings within the scope of his/her representation.

2. An authorized representatives in civil proceedings shall exercise the rights and perform the obligations of the party in accordance with the contents of the document of authorization.

Article 87. Cases of ineligibility to act as a representative

1. A person may not act as an at-law representative in the following cases:

a/ He/she is a party in the same case or matter with the represented person and his/her lawful rights and interests are contrary to those of the represented person;

b/ He/she is acting as the at-law representative in civil proceedings for another party whose lawful rights and interests are contrary to those of the party he/she represents in the same civil case or matter.

2. The provisions in Clause 1 of this Article also apply to an authorized representative in civil procedures.

3. A cadre or a civil servant in the court, procuracy or police sector may not act as a representative in civil proceedings, except for cases in which he/she participates in civil proceedings in the capacity as a representative of his/her agency or as an at-law representative.

Article 88. Appointment of a representative in civil procedures

1. During the conduct of civil proceedings, if any party is a minor, or a person who has lost his/her civil act capacity, has a limited civil act capacity, or has difficulty in perceiving and control his/her acts but has no representative or his/her at-law representative falls into one of the cases prescribed in Clause 1, Article 87 of this Code, the court shall appoint a representative to participate in the proceedings.

2. For a labor case or matter with a party that falls into the case prescribed in Clause 1 of this Article or involving a minor employee who has no representative and the court is unable to appoint a representative in accordance with Clause 1 of this Article, the court shall appoint the employees' collective representative organization to represent such employee.

Article 89. Termination of representation in civil proceedings

An at-law representative or an authorized representative in civil proceedings shall terminate his/her representation in accordance with the Civil Code.

Article 90. Consequences of the termination of representation in civil proceedings

1. In the case of termination of representation at law in which the represented person has become an adult or has had his/her civil act capacity restored, such person may participate in civil proceedings on his/her own or may authorize another person to participate in civil proceedings according to the procedures prescribed by this Code.

2. In the case of termination of authorized representation, the party concerned or his/her heir shall participate in civil proceedings in person or may authorize another person to participate in the proceedings according to the procedures prescribed by this Code.

Chapter VII

PROVING AND EVIDENCE

Article 91. Burden of proof

1. A party that requests the court to protect his/her/its lawful rights and interests shall collect, supply and hand over to the court documents and evidence to prove that his/her/its request is grounded and lawful, except in the following cases:

a/ A suing consumer does not have the burden to prove the fault of a goods trader or service provider. The sued goods trader or service provider has the burden to prove he/she/it is not at fault for causing the damage in accordance with the Law on Protection of Consumer Interests;

b/ A party being an employee in a labor case cannot supply and hand over to the court documents and evidence because such documents and evidence are managed and kept by his/her employer; in this case the employer is required to supply and hand over such documents and evidence to the court.

In the case in which an employee sues against the unilateral termination of his/her labor contract in the case in which the employer is prohibited by the labor law from unilaterally terminating such labor contract or from disciplining the employee, the burden of proof rests on the employer.

c/ Cases in which the burden of proof is otherwise prescribed by law.

2. A party that protests against another person's claim against him/her/it shall make a written protest and collect, supply and hand over to the court documents and evidence to prove his/her protest.

3. An agency, organization or individual that initiates a lawsuit to protect public interests or the State's interests, or requests the court to protect another person's lawful rights and interests shall collect, supply and hand over to the court documents and evidence to prove that its/his/her lawsuit or request is grounded and lawful.

A social organization participating in protecting consumer interests does not have the burden to prove the fault of a goods trader or service provider in accordance with the Law on Protection of Consumer Interests.

4. In case a party that has the burden of proof fails to produce any evidence or produces insufficient evidence, the court shall settle the civil case or matter based on collected evidence available in the case or matter file.

Article 92. Details and facts that are not required to be proved

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

a/ Details and facts that are clear and known by everyone and are accepted by the court;

b/ Details and facts that have been confirmed in a court's legally effective judgment or decision or a legally effective decision of a competent state agency;

c/ Details and facts that have been recorded in lawfully notarized or certified documents; if doubting the objectivity of these details and facts or of notarized or certified documents, the judge may ask the party, notarizing or certifying agency or organization to produce the master or original documents.

2. If one party admits or does not object details, facts, materials, documents or conclusions of professional agencies which are presented by the other party, the other party shall not be required to prove them.

3. If a party has a representative to participate in the proceedings, that representative's admission shall be regarded as the admission of such party, provided that such admission does not fall beyond the scope of representation.

Article 93. Evidence

Evidence in a civil case or matter is any matter of fact which is handed over or produced to the court by the parties, agencies, organizations or other individuals during the litigation process or which is collected by the court according to the order and procedures prescribed by this Code and is used by the court as the basis for ascertaining objective details of the case as well as whether or not the parties' claims or protests are grounded and lawful.

Article 94. Sources of evidence

Evidence may be collected from the following sources:

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

2. Material evidence;
3. A party's testimony;
4. A witness's testimony;
5. An expert witness's conclusions;
6. On-site appraisal result records;
7. Property valuation and price appraisal results;
8. Documents recording events or legal acts, made by a person with official functions;
9. Notarized or certified documents;
10. Other sources as prescribed by law.

Article 95. Identification of evidence

1. Readable materials shall be regarded as evidence if they are originals or lawfully notarized or certified copies, or are supplied and certified by a competent agency or organization.

2. Audible and visible materials shall be regarded as evidence if they are produced together with a document of the possessor of such materials describing the origin of those materials, if the possessor himself/herself performed the audio- or video-recording, or with a document containing the certification by the supplier of the origin of such materials, or with a document on the audio or video recorded event.

3. Electronic data messages that are expressed in the form of exchange of electronic data, electronic documents, emails, telegraphs, telex, fax and other similar forms as prescribed by the law on electronic transactions.

4. To be regarded as evidence, material evidence must be an original object related to a civil case or matter.

5. A party's or witness's testimony shall be regarded as evidence if it is recorded in writing or in an audio tape or disk, a video tape or disk or another device storing sounds and images as prescribed in Clause 2 of this Article, or is given orally at a court hearing.

6. Expert witness's conclusions shall be regarded as evidence if the expert assessment has been performed strictly according to the procedures prescribed by law.

7. An on-site appraisal result minutes shall be regarded as evidence if the appraisal has been conducted strictly according to the procedures prescribed by law.

8. Property valuation and price appraisal results shall be regarded as evidence if the valuation or price appraisal has been conducted strictly according to the procedures prescribed by law.

9. A document recording events or legal acts, made by a person with official functions, shall be regarded as evidence if such document has been established strictly according to the procedures prescribed by law.

10. A notarized or certified document shall be regarded as evidence if the notarization or certification has been performed according to the procedures prescribed by law.

11. Other sources as prescribed by law shall be regarded as evidence according to the conditions and procedures prescribed by law.

Article 96. Handover of documents and evidence

1. During the settlement of a civil case or matter by the court, the parties have the right and obligation to hand over documents and evidence to the court. In case the handed over documents and evidence fail to ensure adequate grounds for the settlement of the case or matter, the judge may ask the parties to hand over additional documents and evidence. If they fail to hand over or hand over insufficient documents and evidence without a plausible reason as demanded by the court, the court shall settle the civil case or matter on the basis of the documents and evidence that have been handed over by the parties and collected by the court in accordance with Article 97 of this Code.

2. The handover of documents and evidence to the court by a party shall be recorded in writing. Such record must specify names, forms, contents and characteristics of documents and evidence; number of copies and number of pages of evidence and time of receipt; and contain the signature or fingerprint of the party handing over the evidence, and the signature of the recipient and the seal of the court. The record shall be made in two copies, one shall be put in the civil case or matter file and the other handed to the party handing over the evidence.

3. Documents and evidence in an ethnic minority language or a foreign language shall be handed over together with their lawfully notarized or certified Vietnamese translations.

4. The time limit for handover of documents and evidence shall be set by the judge assigned to settle the civil case or matter but must not exceed the time limit for preparation for first-instance trial or for settlement of a civil matter prescribed by this Code.

If, for a plausible reason, a party hands over documents and evidence as requested by the court after the decision to bring the case for first-instance trial or to open a meeting to settle the civil matter is issued,

the party shall prove the plausible reason for the late handover. For documents and evidence that are not requested by the court or are unknown to a party during the settlement of the civil case or matter according to first-instance procedures, such party may hand over and produce such documents and evidence at the first-instance court hearing or the meeting to settle the civil matter or in the subsequent proceedings of the settlement of the civil case or matter.

5. When handing over documents and evidence to the court, a party shall make copies of such documents and evidence and send them to the other parties or his/her/its lawful representative; for documents and evidence prescribed in Clause 2, Article 109 of this Code or those that cannot be copied and sent, the party shall notify in writing such documents and evidence to the other parties or his/her/its lawful representative.

Article 97. Verification and collection of evidence

1. Agencies, organizations and individuals have the right to collect by themselves documents and evidence by the following measures:

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

b/ Collecting material evidence;

c/ Identifying witnesses and collecting certifications from these witnesses;

d/ Requesting other agencies, organizations and individuals to copy or supply documents related to the settlement of the civil case or matter which they are keeping or managing;

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

e/ Requesting the court to collect documents and evidence if a party is unable to do so;

g/ Requesting the court to issue a decision to solicit expert assessment or property valuation;

h/ Requesting other agencies, organizations and individuals to perform other tasks in accordance with law.

2. In the cases prescribed by this Code, the court may take one or several of the following measures to collect documents and evidence:

a/ Taking testimony of the parties and witnesses;

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

- c/ Soliciting expert assessment;
- d/ Soliciting property valuation;
- dd/ Conducting on-site inspection and appraisal;
- e/ Entrusting the collection and verification of documents and evidence;
- g/ Requesting agencies, organizations and individuals to supply readable, audible and visible materials or other objects related to the settlement of the civil case or matter;
- h/ Verifying the presence or absence of a party at his/her place of residence.
- i/ Taking other measures as prescribed by this Code.

3. When applying the measures prescribed at Points c, d, dd, e, and g, Clause 2 of this Article, the court shall issue a decision specifying the reason and its request.

4. At the stage of cassation or reopening review, a verifier may take the measures to collect documents and evidence as prescribed at Points a, g and h, Clause 2 of this Article.

When a verifier takes the measure prescribed at Point g, Clause 2 of this Article, the court shall issue a decision specifying the reason and its request.

5. Within 3 working days after having collected documents and evidence, the court shall notify such documents and evidence to the parties for the latter to exercise their rights and performing their obligations.

6. The procuracy may collect documents and evidence to ensure the exercise of the right to protest according to appellate, cassation or reopening procedures.

Article 98. Taking of testimony of a party

1. A judge shall take testimony of a party only when the latter has not yet provided a written testimony or such party's written testimony is insufficient and unclear. A party shall write the testimony himself/herself and sign it. For a party who cannot write, the judge shall take his/her testimony. The taking of a party's testimony must only focus on details that are declared insufficiently and unclearly by the party. The judge himself/herself or the court clerk shall record in writing the party's testimony. The judge may take testimony of a party at the court house or outside the court house in case of necessity.

2. The written record of a party's testimony shall be read or listened to and signed by such party or pressed with his/her fingerprint. The party may request modifications and additions to the written record before signing or pressing his/her fingerprint on it for certification. The written record shall be also signed by the person who has taken the testimony and by the record writer and affixed with the court's seal. If the written record consists of loose pages, each page shall be signed and affixed with a seal on its edge adjoining the other page. In case the written record of a party's testimony is made outside the court house, the testimony taking shall be certified by a witness or by the commune-level People's Committee or police office or by the agency or organization at which the written record is made.

3. The taking of a party's testimony in one of the cases prescribed in Clauses 4 and 5, Article 69 of this Code shall be carried out in the presence of the lawful representative of such party.

Article 99. Taking of testimony of a witness

1. At the request of a party or when deeming it necessary, the judge may take testimony of a witness at or outside the court house.

Before taking testimony of a witness, the judge shall explain to the witness his/her rights and obligations and request the witness to make undertakings on his/her testimony.

2. The procedures for taking a witness's testimony are as the same as those for taking a party's testimony as prescribed in Clause 2, Article 98 of this Code.

3. The taking of testimony of a witness who has not reached full 18 years, or of a person with a restricted civil act capacity or who has difficulty in perceiving and controlling his/her acts shall be carried out in the presence of his/her at-law representative or the person managing or taking care of such person.

Article 100. Confrontation

1. At the request of a party or when deeming that the testimonies of a party and a witness are contradictory, the judge may hold confrontations among the parties, between the party and the witness or among the witnesses.

2. A confrontation shall be recorded in writing and the written record shall be signed by the participants in such confrontation.

Article 101. On-site inspection and appraisal

1. At the request of a party or when deeming it necessary, the judge may conduct on-site inspection and appraisal in the presence of a

representative of the commune-level People's Committee or police office or the agency or organization at which the object to be inspected and appraised is located, and shall notify in advance the on-site inspection and appraisal to the parties for attending such inspection and appraisal.

2. An on-site inspection and appraisal shall be recorded in writing. The written record must specify the inspection and appraisal result, clearly describe the site, and bear the signatures of the inspectors and appraisers and the signatures or fingerprints of the parties, if they are present, the representative of the commune-level People's Committee or police office or the agency or organization at which the inspected and appraised object is located, and of other persons who are invited to participate in the inspection and appraisal. After the inspection and appraisal written record is completed, the representative of the commune-level People's Committee or police office or agency or organization at which the inspected and appraised object is located shall be asked to sign and affix a seal on the written record for certification.

3. Acts of obstructing on-site inspection and appraisal are prohibited.

4. In case an on-site inspection and appraisal is obstructed, the judge may ask for help from the commune-level People's Committee or police office of the locality where the inspected and appraised object is located.

Article 102. Solicitation and request for an expert assessment

1. A party may request the court to solicit an expert assessment or request by himself/herself an expert assessment in case his/her request for the court to solicit an expert assessment is refused by the court. The right to request an expert assessment shall be exercised before the court issues a decision to bring the case for first-instance trial or to open a meeting to settle the civil matter,

2. At the request of a party or when deeming it necessary, the judge shall issue a decision to solicit an expert assessment. A decision to solicit an expert assessment must specify the name and address of the expert witness, the object to be assessed and specific requirements for expert assessment conclusions.

3. If deeming that the conclusions of an expert assessment are insufficient or unclear or unlawful, at the request of a party or when deeming it necessary, the court may request the expert witness to explain the expert assessment conclusions or summon him/her to a court hearing or meeting to directly present necessary contents.

4. At the request of a party or when deeming it necessary, the court shall issue a decision to solicit an additional assessment in case the expert assessment conclusions are insufficient and unclear or arise new issues that relate to the details of the case or matter on which expert assessment conclusions have been made.

5. Re-assessment may be conducted in case there are grounds to believe that the initial expert assessment conclusions are inaccurate or violate the law or in special cases as decided by 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 Assessment.

Article 103. Solicitation for expert assessment of an evidence denounced to be forged

1. In case an evidence is denounced to be forged, the producer of such evidence may withdraw such evidence; otherwise, the denouncer may request the court to, or the court may, solicit an expert assessment in accordance with Article 102 of this Code.

2. In case the evidence forgery shows criminal signs, the court shall deliver the documents and evidence in question to a competent criminal investigation body for consideration in accordance with the criminal procedure law.

3. The producer of an evidence that is concluded to be forged shall compensate for damage if the forgery of the evidence causes damage to other persons and pay for the expert assessment if it was performed as decided by the court.

Article 104. Property valuation and price appraisal

1. A party has the right to provide the price of the property in dispute; and reach agreement on the price of such property.

2. The parties have the right to agree on the selection of a property price appraisal organization to appraise the price of the property in question and provide the price appraisal result to the court.

The property price appraisal must comply with the law on property price appraisal.

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

a/ It is so requested by one or all of the parties;

b/ The parties fail to agree on the selection of a property price appraisal organization, or they offer different prices for the property, or fail to agree on the property's price;

c/ The parties agree with one another or with the property price appraisal organization on a price lower than the market price in the locality where the property in question is located at the time of valuation in order to shirk their obligation toward the State or a third party, or when there is a ground to believe that the property price appraisal organization violates the law when conducting the appraisal.

4. The order and procedure for forming a valuation council and for property valuation are as follows:

a/ The valuation council that is formed by the court must be composed of a chairperson who is a representative of the finance agency and members who are representatives from relevant professional agencies. A person who has conducted the proceedings in the same case and those prescribed in Article 52 of this Code may not participate in the council.

The valuation council may carry out the valuation only in the presence of all of its members. When necessary, a representative from the commune-level People's Committee of the locality where the property subject to valuation is located may be invited to witness the valuation. The parties shall be notified in advance of the time and venue of the valuation and may participate in, and give opinions on, the valuation. The valuation council has the right to decide on the property's price;

b/ The finance agency and relevant professional agencies shall appoint their officers to join the valuation council and create conditions for them to perform their tasks. A person who is appointed as member of the valuation council shall take part in the valuation from the beginning to the end. In case the finance agency or a professional agency fails to appoint its officer to join the valuation council, the court shall request a competent management agency to directly instruct such agency to observe the request of the court. In case a person appointed to join the valuation council fails to take part in the valuation without a plausible reason, the court shall request the leader of the agency that has appointed such person to examine his/her responsibility and appoint a replacing person and notify such appointment to the court for proceeding with the valuation;

c/ A valuation shall be recorded in writing and the written record must contain all opinions of each of its members, and of the parties if they attend. A decision of the valuation council shall be voted for by more than half of its total members. All the valuation council members, parties and witnesses shall sign or press their fingerprints on the written record.

5. Re-valuation of a property shall be conducted when there are grounds to believe that the valuation result is inaccurate or does not match the market price in the locality where the property is located at the time of settlement of the civil case.

Article 105. Entrustment of collection of evidence

1. During the settlement of a civil case or matter, a court may issue a decision to entrust another court or a competent agency defined in Clause 4 of this Article to take testimony of a party or a witness, to conduct a property price appraisal or property valuation or to take other measures to collect evidence and verify details of the civil case or matter.

2. An entrustment decision must clearly state the names and addresses of the plaintiff and defendant, and the disputed relation, and specify the entrusted tasks of evidence collection.

3. The court that receives an entrustment decision shall perform the specific tasks within one month after receiving the decision and notify in writing the result to the court that has issued the decision. In case it cannot perform the entrusted tasks, it shall send a written notification of such failure clearly stating the reason to the court that has issued the entrustment decision.

4. In case the collection of evidence is to be conducted abroad, the court shall carry out the entrustment procedures through a competent Vietnamese agency or a competent agency of the foreign country that has, together with Vietnam, acceded to a treaty containing provisions on this matter.

5. If unable to perform the entrustment as prescribed in Clauses 3 and 4 of this Article or having performed the entrustment but receiving no reply, the court shall settle the case based on evidence available in its file.

Article 106. Request for supply of documents and evidence by agencies, organizations and individuals

1. A party has the right to request an agency, organization or individual to supply documents and evidence. When requesting supply of documents and evidence, a party shall make a written request specifying the documents and evidence to be supplied; the reason for supply; and the full name and address of the individual, or the name and address of the agency or organization that is managing and keeping such documents and evidence.

An agency, organization or individual shall supply documents and evidence to the requesting party within 15 days after receiving the

latter's request; if failing to supply, it/he/she shall issue a written reply specifying the reason to the requesting party.

2. If failing to collect documents and evidence after having taken all necessary measures, a party may request the court to issue a decision to request an agency, organization or individual that is keeping or managing documents and evidence to supply them, or may request the court to collect documents and evidence in order to ensure the proper settlement of the civil case or matter.

A party that requests the court to collect documents and evidence shall make a written request clearly stating the matter to be proved; documents and evidence to be collected; the reason why he/she/it is unable to collect documents and evidence; and the full name and address of the individual, or the name and address of the agency or organization, that is managing and keeping such documents and evidence.

3. At the request of a party or when deeming it necessary, the court shall issue a decision to request an agency, organization or individual that is managing or keeping documents and evidence to supply them to the court.

An agency, organization or individual that is managing or keeping documents and evidence shall supply all documents and evidence requested by the court within 15 days after receiving a request; if failing to supply all documents and evidence as requested within this time limit, it/he/she shall issue a written reply stating the reason. Failure to comply with the request of the court without a plausible reason must, depending on the nature and seriousness of the violation, be subject to an administrative sanction or examination for penal liability in accordance with law. The administrative sanction or examination for penal liability in accordance with law must not be an excuse for exemption from the obligation to supply documents and evidence to the court.

4. If requested by the procuracy to supply documents and evidence, an agency, organization or individual shall comply with Clause 3 of this Article.

Article 107. Preservation of documents and evidence

1. Documents and evidence that have been handed over to the court shall be preserved by the court.

2. Documents and evidence that cannot be handed over to the court shall be preserved by their current keeper.

3. For documents and evidence that need to be handed over to a third person for preservation, the judge shall issue a decision and make a written record of handover. The person who receives the documents and

evidence for preservation shall sign the written record and shall be entitled to remuneration and bear the responsibility for the preservation in accordance with law.

4. Destruction of documents and evidence is prohibited.

Article 108. Assessment of evidence

1. The assessment of evidence shall be conducted in an objective, comprehensive, complete and accurate manner.

2. The court shall assess evidence one by one and examine the link between different types of evidence, and shall confirm the legality, relevance and value of proof of every evidence.

Article 109. Disclosure and use of documents and evidence

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

2. The court may not disclose the contents of documents and evidence that are related to state secrets, fine customs and practices of the nation, professional secrets, business secrets, personal privacy and family secrets at the legitimate request of the parties, but shall notify the parties of documents and evidence that shall not be disclosed.

3. Proceeding-conducting persons and proceeding participants shall keep secret documents and evidence prescribed in Clause 2 of this Article in accordance with law.

Article 110. Protection of evidence

1. In case evidence is being destroyed or is in danger of being destroyed or is hard to be collected in the future, a party may request the court to decide on the application of necessary measures to preserve the evidence intact. Such request shall be made in writing. The court may decide to apply one or several of the measures of sealing, collection, photographing, audio-recording, video-recording, restoration, examination, recording in writing and other measures.

2. In case a witness is deceived, threatened, coerced or bought off for not supplying evidence or for supplying untrue evidence, the court may issue a decision to compel the person who has deceived, threatened, coerced or bought off the witness to stop his/her act. If such an act shows criminal signs, the court shall request the procuracy to examine the penal liability of the person who has taken such act.

Chapter VIII

PROVISIONAL URGENT MEASURES

Article 111. The right to request application of provisional urgent measures

1. During the settlement of a civil case, a party or his/her lawful representative or an agency, organization or individual initiating a lawsuit in accordance with Article 187 of this Code may request the court that is handling the case to apply one or several of the provisional urgent measures prescribed in Article 114 of this Code to provisionally deal with an urgent claim of the party, protect life, health and property, collect and protect evidence, and preserve the current status in order to prevent irrecoverable damage and ensure the settlement of the case or judgment enforcement.

2. In an urgent circumstance in which prompt protection of evidence or prevention of possible serious consequences is needed, an agency, organization or individual may request a competent court to issue a decision to apply provisional urgent measures prescribed in Article 114 of this Code at the same time with filing a lawsuit petition with the court.

3. The court may issue a decision at its own discretion to apply provisional urgent measures only in the case prescribed in Article 135 of this Code.

Article 112. Competence to decide on the 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 the judge.

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

Article 113. Liability for improper application of provisional urgent measures

1. A person who requests the court to apply a provisional urgent measure must be liable before law for his/her request. In case the request for application of a provisional urgent measure is incorrect, causing damage to the person against whom such measure is applied or to a third person, compensation shall be paid.

2. The court that improperly applies a provisional urgent measure, causing damage to the person against whom such measure is applied or to a third person, shall pay compensation in one of the following cases:

a/ It has applied the provisional urgent measure at its own discretion;

b/ It has applied a provisional urgent measure different from the requested one;

c/ It has applied the provisional urgent measure beyond the requested scope;

d/ It has applied the provisional urgent measure beyond the time limit prescribed by law or fails to apply it without a plausible reason.

3. The compensation for damage prescribed in Clause 2 of this Article must comply with the Law on the State's Compensation Liability.

Article 114. Provisional urgent measures

1. Assigning a minor or a person who has lost his/her civil act capacity or has difficulty in perceiving and controlling his/her acts to an individual or organization for attendance, nurture, care and education.

2. Forcing the prior performance of part of the alimony obligation.

3. Forcing the prior performance of part of the obligation to compensate for damage for infringement upon life and health.

4. Forcing an employer to advance wage, health insurance sum, social insurance sum, unemployment insurance sum, payment for treatment of an injury caused by a labor accident or of an occupational disease, and compensation money and allowance for an injury caused by a labor accident or for an occupational disease suffered -----by an employee.

5. Suspending the execution of a decision on bilateral termination of a labor contract or a decision on dismissal of an employee.

6. Distraining a disputed property.

7. Prohibiting the transfer of rights over a disputed property.

8. Prohibiting the change of the current state of a disputed property.

9. Permitting the harvest and sale of a subsidiary food crop or another product or commodity.

10. Freezing an account at a bank, another credit institution or a state treasury; freezing a property at its depository.

11. Freezing the obligor's property.

12. Prohibiting, or forcing the performance of, certain acts.

13. Prohibiting the obligor's exit from Vietnam.

14. Prohibiting contact with a victim of domestic violence.

15. Suspending the bid closure and bidding-related activities.

16. Arresting an aircraft or a seagoing ship to secure the settlement of a case.

17. Other provisional urgent measures as prescribed by law.

Article 115. Assigning a minor or a person who has lost his/her civil act capacity or has difficulty in perceiving and controlling his/her acts to an individual or organization for attendance, nurturing, care and education.

Assigning a minor or a person who has lost his/her civil act capacity or has difficulty in perceiving and controlling his/her acts to an individual or organization for attendance, nurturing, care and education shall apply if the settlement of a case relates to such person and he/she has no guardian.

The assignment of a minor who has reached 7 years of age must take into consideration his/her aspiration.

Article 116. Forcing prior performance of part of the alimony obligation

Forcing prior performance of part of the alimony obligation shall apply when the settlement of a case relates to a claim for alimony which is considered grounded and the failure to immediately perform in advance part of the alimony obligation will affect the health and life of the person entitled to the alimony.

Article 117. Forcing prior performance of part of the obligation to pay compensation for damage to health or life

Forcing prior performance of part of the obligation to pay compensation for damage to health or life shall apply if the settlement of a case relates to a request for compensation for damage to health or life.

Article 118. Forcing an employer to advance wage, health insurance sum, social insurance sum, unemployment insurance sum, payment for treatment of an injury caused by a labor accident or of an occupational disease, and compensation money and allowance for an injury caused by a labor accident or for an occupational disease suffered by an employee

Forcing an employer to advance wage, health insurance sum, social insurance sum, unemployment insurance sum, payment for treatment of an injury caused by a labor accident or of an occupational disease, and compensation money and allowance for an injury caused by a labor accident or for an occupational disease suffered by an employee shall apply to protect lawful rights and interests of an employee which are

related to wage, insurance sum, compensation money, allowance or health care benefits as prescribed by law.

Article 119. Suspending the execution of a decision on unilateral termination of a labor contract or dismissal of an employee

Suspending the execution of a decision on unilateral termination of a labor contract or dismissal of an employee shall apply if the settlement of a case relates to the unilateral termination of a labor contract or dismissal of an employee that falls into the case in which an employer is prohibited by the labor law from unilaterally terminating labor contracts or dismissing employees.

Article 120. Distraining a disputed property

1. Distraining a disputed property shall apply if during the settlement of a case there are grounds to believe that the keeper of a disputed property is dispersing or destroying such property.

2. An attached property may be seized and preserved at the office of a judgment enforcement agency or assigned to a party or a third person for management until the court issues a decision and such assignment shall be recorded in writing.

Article 121. Prohibiting the transfer of rights over a disputed property

Prohibiting the transfer of rights over a disputed property shall apply if during the settlement of a case there are grounds to believe that the person who possesses or keeps a disputed property is transferring the rights over such property to another person.

Article 122. Prohibiting the change of the current state of a disputed property

Prohibiting the change of the current state of a disputed property shall apply if during the settlement of a case there are grounds to believe that the person who possesses or keeps a disputed property is disassembling, assembling, expanding or otherwise changing the current state of such property.

Article 123. Permitting the harvest and sale of a subsidiary food crop or another product or commodity

Permitting the harvest and sale of a subsidiary food crop or another product or commodity shall apply if during the settlement of a case involving a disputed or dispute-related property there is a subsidiary food crop or another product or commodity being in the period of harvest or unable to be preserved for a long time.

Article 124. Freezing an account at a bank or another credit institution or a state treasury

Freezing an account at a bank or another credit institution, or at a state treasury shall apply if during the settlement of a case there are grounds to believe that the obligor has an account at a bank or another credit institution or a state treasury and the application of this measure is necessary to secure the settlement of the case or the judgment enforcement.

Article 125. Freezing a property at its depository

Freezing a property at its depository shall apply if during the settlement of a case there are grounds to believe that the obligor has a property which is deposited and the application of this measure is necessary to secure the settlement of the case or judgment enforcement.

Article 126. Freezing the obligor's property

Freezing the obligor's property shall apply if during the settlement of a case there are grounds to believe that the obligor has a property and the application of this measure is necessary to secure the settlement of the case or judgment enforcement.

Article 127. Prohibiting, or forcing the performance of, certain acts

Prohibiting, or forcing the performance of, certain acts shall apply if during the settlement of a case there are grounds to believe that the non-performance or performance of certain acts by a party or another agency, organization or individual will affect the settlement of the case or lawful rights and interests of others that are involved in the case being settled by the court.

Article 128. Prohibiting the obligor's exit from Vietnam

Prohibiting the obligor's exit from Vietnam shall apply if there are grounds to believe that the settlement of a case relates to his/her obligation toward the State and another agency, organization or individual, and his/her exit from Vietnam will affect the settlement of the case and the State's interests or lawful rights and interests of another agency, organization or individual, or in order to secure the judgment enforcement.

Article 129. Prohibiting contact with a victim of domestic violence

Prohibiting contact with a victim of domestic violence shall apply if this measure is necessary to protect the life, health and honor of a victim of domestic violence in accordance with the Law on Prevention and Combat of Domestic Violence.

Article 130. Suspending the bid closure and bidding-related activities

Suspending the bid closure, the approval of the short list and the contractor or investor selection result, and the signing or performance of a contract shall apply if the settlement of a case shows that the application of this measure is necessary to secure the settlement of the case in accordance with law.

Article 131. Arresting an aircraft or a seagoing ship to secure the settlement of a case

1. A court shall decide to apply the provisional urgent measure of arresting an aircraft in order to secure the settlement of a civil case in which the owner of an aircraft or the creditor, if the aircraft is a security asset, the sufferer of the damage caused by the aircraft, or a person with rights and interests related to the aircraft, initiates a lawsuit in accordance with the law on civil aviation of Vietnam.

2. A court shall decide to apply the provisional urgent measure of arresting a seagoing ship in the following cases:

a/ The arrest of the seagoing ship aims to secure the settlement of a maritime claim for which the requester for the arrest has filed a civil lawsuit at the court;

b/ The ship owner has a property obligation in the case being settled and remains to be the owner of the ship at the time of application of the measure;

c/ The bareboat charterer, time charterer, voyage charterer or ship operator has a property obligation in a civil case arising from a maritime claim prescribed in the Vietnam Maritime Code and remains to be the bareboat charterer, time charterer, voyage charterer, ship operator or ship owner at the time of application of the measure;

d/ The dispute being settled in the case arises from the mortgage of the seagoing ship concerned;

dd/ The dispute being settled in the case is related to the right to own or possess the seagoing ship concerned.

3. The order and procedures for arresting an aircraft or a seagoing ships must comply with the law on arrest of aircraft and seagoing ships.

Article 132. Other provisional urgent measures

In addition to the provisional urgent measures prescribed in Clauses 1 thru 16, Article 114 of this Code, the court may settle requests for application of other provisional urgent measures prescribed by other laws.

Article 133. Procedures for application of a provisional urgent measure

1. A person who requests the court to apply a provisional urgent measure shall file his/her request with a competent court. Such request must contain the following principal details:

a/ Date of making the request;

b/ Name, address, telephone number, fax number and email address (if any) of the requester for the application of the provisional urgent measure;

c/ Name, address, telephone number, fax number and email address (if any) of the person subject to the provisional urgent measure;

d/ Summarized content of the dispute or infringement upon the lawful rights and interests of the requester;

dd/ Reason for the application of the provisional urgent measure;

e/ The provisional urgent measure to be applied and specific requirements.

Depending on the request for application of a provisional urgent measure, the requester shall provide the court with evidence to prove the necessity to apply such provisional urgent measure.

2. A request for the application of a provisional urgent measure prescribed in Clause 1, Article 111 of this Code shall be settled as follows:

a/ In case the court receives a written request before opening a hearing, the judge assigned to settle the case shall consider and settle the request. Within 3 working days after receiving the request, if the requester is not required to implement a security measure or immediately after such person implements a security measure as prescribed in Article 136 of this Code, the judge shall issue a decision to apply the provisional urgent measure; if rejecting the request, the judge shall notify its rejection in writing, clearly stating the reason, to the requester;

b/ In case the trial panel receives a written request for application of a provisional urgent measure at a court hearing, it shall consider the request and issue a decision to apply the provisional urgent measure immediately or after the requester has fulfilled the security measure as prescribed in Article 136 of this Code. The security measure shall be taken from the time the trial panel issues a decision forcing the implementation of the security measure, but the requester shall produce evidence to prove his/her/its fulfillment of the security measure before the trial panel enters the deliberation room; if rejecting the request for

application of a provisional urgent measure, the trial panel shall immediately notify its rejection at the courtroom and it shall be recorded in the court hearing's transcript.

3. For the case of requesting the application of a provisional urgent measure prescribed in Clause 2, Article 111 of this Code, after receiving a written request together with the lawsuit petition and accompanying evidence, the chief justice of the court shall appoint one judge to receive and settle the request. Within 48 hours after receiving the written request, the judge shall consider and issue a decision to apply the provisional urgent measure; if rejecting the request, the judge shall notify his/her rejection in writing, clearly stating the reason, to the requester.

4. In case of applying the provisional urgent measure prescribed in Clause 10 or 11 of Article 114 of this Code, it is only permitted to freeze the bank account or property with a value equivalent to the property obligation to be performed by the person against whom the provisional urgent measure is applied.

Article 134. Proposal for application of a provisional urgent measure by an agency, organization or individual that initiates a lawsuit to protect public interests, the State's interests, or lawful rights and interests of another person

An agency, organization or individual that initiates a lawsuit under Article 187 of this Code shall propose in writing the court to apply a provisional urgent measure and clearly state the reason therefor; the to-be-applied provisional urgent measure; name and address of the person whose lawful rights and interests are to be protected; name and address of the person against whom the provisional urgent measure should be applied; summarized content of the dispute or infringement upon lawful rights and interests of the party; and evidence proving that the proposal is grounded and lawful.

Article 135. Issuance by the court at its own discretion of a decision to apply a provisional urgent measure

The court may issue a decision at its own discretion to apply a provisional urgent measure prescribed in Clause 1, 2, 3, 4 or 5, Article 114 of this Code, in case the parties do not request the application thereof.

Article 136. Forcible application of a security measure

1. A person who requests the court to apply one of the provisional urgent measure prescribed in Clauses 6, 7, 8, 10, 11, 15 and 16, Article 114 of this Code shall submit to the court a document of an asset-secured guarantee issued by a bank or another credit institution or of another

agency, organization or individual, or shall deposit a sum of money, precious metals, gems or valuable papers as determined by the court which must be equivalent to the loss or damage which may arise from the wrong application of the provisional urgent measure in order to protect the interests of the person against whom the provisional urgent measure is applied and to prevent abuse of the right to request the application of a provisional urgent measure.

For the case prescribed in Clause 2, Article 111 of this Code, the time limit for implementation of a security measure prescribed in this Clause is 48 hours, counting from the time of filing a written request.

2. Sums of money, precious metals, gems or valuable papers shall be deposited within the time limit set by the court into a frozen account at a bank in the locality where the court deciding to apply the provisional urgent measure is located.

In case the security measure is implemented on a public holiday or a weekend, the sum of money used as security shall be given to the court for safekeeping; the court shall carry out the handover and receipt procedures and, on the following working day, immediately deposit such sum of money at a bank.

Article 137. Change of a provisional urgent measure and application of additional ones

In case the provisional urgent measure being applied is deemed no longer appropriate and needs to be changed or another provisional urgent measure should be additionally applied, the procedures for changing the provisional urgent measure or applying additional ones shall be carried out in accordance with Article 133 in this Code.

Article 138. Cancellation of the application of a provisional urgent measure

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

a/ The cancellation is requested by the requester for the application of the provisional urgent measure;

b/ The person who is obliged to execute the decision on application of the provisional urgent measure has handed over his/her property or has had another person take a measure to secure the performance of the obligation toward the requester;

c/ The civil obligation of the obligor terminates in accordance with the Civil Code;

d/ The settlement of the case is terminated in accordance with this Code;

dd/ The decision on the application of the provisional urgent measure was issued in violation of the provisions of this Code;

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

g/ The case or matter has been settled under a court's judgment or decision that has taken legal effect;

h/ Cases in which the court has returned the lawsuit as prescribed by this Code.

2. In case of canceling a provisional urgent measure, the court shall consider and permit the person that has requested the application of the provisional urgent measure to receive back the bank or another credit institution's document of asset-secured guarantee or the sum of money, precious metals, gems or valuable papers prescribed in Article 136 of this Code, except the case prescribed in Clause 1, Article 113 of this Code.

3. The procedures for issuing a decision to cancel the application of a provisional urgent measure must comply with Article 133 of this Code. In case the court's judgment or decision has taken legal effect, a request for cancellation of the decision on the application of the provisional urgent measure shall be settled by a judge assigned by the chief justice of the court that has issued the decision on the application of the provisional urgent measure.

Article 139. Effect of a decision on application, change or cancellation of a provisional urgent measure

1. A decision on application, change or cancellation of a provisional urgent measure shall take immediate effect.

2. Immediately after issuing a decision on application, change or cancellation of a provisional urgent measure, a court shall send it to the requester, the person subject to the measure, the related agency, organization or individual, the competent civil judgment enforcement agency and the same-level procuracy.

Article 140. Complaints and recommendations about a decision on application, change or cancellation or non-application, non-change or non-cancellation of a provisional urgent measure

A party has the right to complain, and the procuracy has the right to recommend the chief justice of the court that is settling the case about the decision on the application, change or cancellation of a provisional

urgent measure, or about the non-issuance of such decision by the judge. The time limit for filing a complaint or recommendation is 3 working days after receiving the decision on the application, change or cancellation of a provisional urgent measure, or the reply of the judge on the non-issuance of such decision.

Article 141. Settlement of complaints and recommendations about a decision on application, change, cancellation, or non-application, non-change, non-cancellation of a provisional urgent measure

1. The chief justice of a court shall consider and settle complaints and recommendations prescribed in Article 140 of this Code within 3 working days after receiving them.

2. The chief justice's decision on settlement of a complaint or recommendation is final and shall be granted or sent immediately in accordance with Clause 2, Article 139 of this Code.

3. At a court hearing, the settlement of a complaint or recommendation falls within the jurisdiction of the trial panel. The trial panel's decision on the settlement of a complaint or recommendation is final.

Article 142. Execution of a decision on application, change or cancellation of a provisional urgent measure

1. A decision on application, change or cancellation of a provisional urgent measure shall be executed in accordance with the law on civil judgment enforcement.

2. For a decision on application of a provisional urgent measure involving a property with registered ownership or use rights, the party concerned shall submit a copy of such decision to the ownership or use rights registration management agency.

Chapter IX

COURT FEE, FEES AND OTHER LITIGATION COSTS

Section 1

COURT FEE AND FEES

Article 143. Court fee advance, fee advance; court fee and fees

1. The court fee advance includes first-instance court fee advance and appellate court fee advance.

2. The court fee includes first-instance court fee and appellate court fee.

3. The fee advance for settlement of a civil matter includes first-instance fee advance and appellate fee advance.

4. Fees include a fee for provision of copies of judgments, decisions or other papers of the court, a fee for filing a written request for the court to settle a civil matter, a fee for settlement of a civil matter and other fees prescribed by law.

Article 144. Handling of the collected court fee advance, fee advance, court fee and fees

1. All collected court fees and fees shall be fully and timely remitted into the state budget at a state treasury.

2. The court fee advance and fee advance shall be paid to a competent judgment enforcement agency for deposit in a custody account opened at a state treasury, and shall be withdrawn for judgment enforcement under the court's decision.

3. If a person who has advanced a court fee or a fee is liable to pay such fee, immediately after the court's judgment or decision takes legal effect, the collected advance amount shall be remitted into the state budget.

In case a person who has advanced a court fee or a fee is entitled to partial or full reimbursement of the amount he/she has paid according to the court's judgment or decision, the judgment enforcement agency which has collected the court fee advance or fee advance shall refund the money to such person.

4. In case the settlement of a civil case or matter is suspended, the already advanced court fee or fee shall be handled when the settlement of the civil case or matter resumes.

Article 145. Collection and spending of a court fee advance, a fee advance, a court fee and a fee

The collection of a court fee advance, a court fee, a fee advance and a fee; and the spending of the court fee advance and fee advance must comply with law.

Article 146. Obligation to advance a court fee and a fee

1. The plaintiff or defendant who makes a counter-claim against the plaintiff, and a person with related rights or interests who makes an independent claim in a civil case shall advance a first-instance court fee; a person who files an appeal according to appellate procedures shall

advance an appellate court fee, except for those entitled to exemption from or non-payment of a court fee advance.

2. A person who files a written request for the court to settle a civil matter shall advance a fee for the settlement of a civil matter, except for those entitled to exemption from or non-payment of a fee advance.

For a request for recognition of their voluntary divorce and agreements on post-divorce child custody and property division, wife and husband may agree on the payment of the fee advance, except cases of exemption from, or non-payment of, a fee advance as prescribed by law. In case wife and husband fail to reach agreement on whom to pay a fee advance, each shall pay half of the fee advance.

Article 147. Obligation to pay the first-instance court fee

1. The party whose request is rejected by the court shall pay the first-instance court fee, except for those entitled to exemption from or non-payment of the first-instance court fee.

2. In case the parties cannot themselves determine their own portions in a common property and request the court to settle the division of their common property, each party shall pay the first-instance court fee corresponding to the value of the property portion he/she is entitled to.

3. Before the opening of a hearing, the court shall conduct conciliation; if the parties can reach agreement on the settlement of the case, they shall pay half of the first-instance court fee prescribed in Clauses 1 and 2 of this Article.

4. The plaintiff in a divorce case shall pay the first-instance court fee, regardless of whether or not the court accepts his/her request. In case both parties voluntarily agree on their divorce, each party shall pay half of the first-instance court fee.

5. When a party in the case is exempted from the first-instance court fee, the other party shall pay the first-instance court fee as prescribed in Clauses 1, 2, 3 and 4 of this Article.

6. When a case is suspended, the obligation to pay the first-instance court fee shall be determined in accordance with this Article when the settlement of the case resumes.

Article 148. Obligation to pay the appellate court fee

1. The appealing party shall pay the appellate court fee if the appealed first-instance judgment or decision is upheld by the court of appeals, except for those entitled to exemption from or non-payment of the appellate court fee.

2. The appealing party shall not be required to pay the appellate court fee if the appealed first-instance judgment or decision is amended by the court of appeals. The court of appeals shall re-determine the obligation to pay the first-instance court fee in accordance with Article 147 of this Code.

3. If the court of appeals cancels the appealed first-instance judgment or decision for re-trial according to first-instance procedure, the appellant does not have to pay the appellate court fee. The obligation to pay the court fee shall be re-determined when the case is re-tried according to first-instance procedures.

Article 149. Obligation to pay a fee

1. The obligation to pay a fee shall be determined based on each civil matter and shall be prescribed by a law.

2. For a request for recognition of their voluntary agreement and agreement on child custody and property division upon divorce, wife and husband may reach agreement on the payment of the fee, except for cases in which they are exempted from or do not have to pay such fee as prescribed by law.

If wife and husband fail to reach agreement on whom to pay the fee, each shall pay half of the fee.

Article 150. Specific provisions on the court fee and fees

Pursuant to the Law on Charges and Fees and this Code, the National Assembly Standing Committee shall issue specific regulations on court fee and legal fees and their levels applicable to each specific type of case or matter; cases of exemption from, or non-payment of, the court fee and legal fees, and the collection, payment, management and use of the court fee and legal fees.

Section 2

OTHER LITIGATION COSTS

Article 151. Overseas judicial entrustment cost advance and overseas judicial entrustment cost

1. The overseas judicial entrustment cost advance is a sum of money estimated by the court to be paid for judicial entrustment to collect and supply evidence, serve papers, records and documents, summon witnesses and expert witnesses, and for a mutual judicial assistance request related to the settlement of a civil case or matter.

2. The overseas judicial entrustment cost is the necessary and reasonable sum of money to be paid for the performance of judicial entrustment in accordance with the laws of Vietnam and the country requested to carry out the entrusted judicial work.

Article 152. Obligation to pay the overseas judicial entrustment cost advance

1. The plaintiff, a person who files an appeal according to appellate procedures, or another party in a civil case shall pay the overseas judicial entrustment cost advance when his/her request gives rise to the overseas judicial entrustment.

2. A person who requests the court to settle a civil matter, a person who files an appeal according to appellate procedures, or another party in a civil matter shall pay the overseas judicial entrustment cost advance when his/her request gives rise to the overseas judicial entrustment.

Article 153. Obligation to pay the overseas judicial entrustment cost

Unless otherwise agreed by the parties or prescribed by law, the obligation to pay the overseas judicial entrustment cost shall be determined as follows:

1. The party shall pay the overseas judicial entrustment cost if his/her request for settlement of the case or matter is rejected by the court;

2. In case the parties request the court to divide their common property, each party shall pay part of the overseas judicial entrustment cost in proportion to the value of the property portion divided to him/her;

3. In a divorce case, the plaintiff shall pay the overseas judicial entrustment cost, regardless of whether the court accepts his/her request. In case the divorce is voluntary, each party shall pay half of the overseas judicial entrustment cost;

4. If the settlement of a case is terminated under Point c, Clause 1, Article 217, or Point b, Clause 1, Article 299, of this Code, the plaintiff shall bear the overseas judicial entrustment cost.

If the appellate trial of the case is terminated under Point b, Clause 1, Article 289, or Clause 3, Article 296, of this Code, the appellant shall bear the overseas judicial entrustment cost;

5. For other cases of termination of the settlement of a case in accordance with this Code, the requester shall pay the overseas judicial entrustment cost.

Article 154. Handling of the paid overseas judicial entrustment cost advance

1. In case the person who has advanced the overseas judicial entrustment cost is not liable to pay the judicial entrustment cost, the person who is liable to pay the cost under a court's decision shall refund the money to the former.

2. In case the person who has advanced the overseas judicial entrustment cost is liable to pay the judicial entrustment cost and the advanced amount is lower than the actual cost, he/she shall additionally pay the deficit; if the advanced amount is higher than the actual cost, he/she shall be refunded the surplus under a court's decision.

Article 155. On-site inspection and appraisal cost advance, on-site inspection and appraisal cost

1. The on-site inspection and appraisal cost advance is a sum of money estimated by the court for conducting an on-site inspection and appraisal.

2. The on-site inspection and appraisal cost is a necessary and reasonable sum of money to be paid for a non-site inspection and appraisal and determined in accordance with law.

Article 156. Obligation to pay the on-site inspection and appraisal cost advance

1. A person who requests the court to conduct an on-site inspection and appraisal shall pay the on-site inspection and appraisal cost advance as requested by the court.

2. In case the court deems it necessary and decides on its own to conduct an on-site inspection and appraisal, the plaintiff, the person who requests the settlement of the civil matter or the person who files an appeal according to appellate procedures shall pay the on-site inspection and appraisal cost advance.

Article 157. Obligation to pay the on-site inspection and appraisal cost

Unless otherwise agreed by the parties or prescribed by law, the obligation to pay the on-site inspection and appraisal cost shall be determined as follows:

1. The party whose request is rejected by the court shall pay the on-site inspection and appraisal cost;

2. In case the parties request the court to divide their common property, each party shall pay part of the on-site inspection and appraisal cost in proportion to the value of the property portion divided to him/her;

3. In a divorce case, the plaintiff shall pay the on-site inspection and appraisal cost, regardless of whether the court accepts his/her request. In case the divorce is voluntary, each party shall pay half of the on-site inspection and appraisal cost.

4. If the settlement of a case is terminated under Point c, Clause 1, Article 217, or Point b, Clause 1, Article 299, of this Code, the plaintiff shall pay the on-site inspection and appraisal cost.

If the appellate trial of a case is terminated under Point b, Clause 1, Article 289, or Clause 3, Article 296, of this Code, the appellant shall pay the on-site inspection and appraisal cost;

5. For other cases of termination of the settlement of a case in accordance with this Code, the requester for an on-site inspection and appraisal shall pay the on-site inspection and appraisal cost.

Article 158. Handling of the paid on-site inspection and appraisal cost advance

1. In case the person who has advanced the on-site inspection and appraisal cost is not liable to pay the cost, the person who is liable to pay the cost under a court's decision shall refund the money to the former.

2. In case the person who has advanced the on-site inspection and appraisal cost is liable to pay the cost and the advanced amount is lower than the actual cost, he/she shall pay the deficit; if the advanced amount is higher than the actual cost, he/she shall be refunded the surplus under a court's decision.

Article 159. Expert assessment cost advance, expert assessment cost

1. The expert assessment cost advance is a sum of money estimated by an expert witness for conducting an expert assessment under a court's decision or at a party's request.

2. The expert assessment cost is a necessary and reasonable sum of money to be paid for an expert assessment, which is calculated by an expert witness in accordance with law.

Article 160. Obligation to pay the expert assessment cost advance

Unless otherwise agreed by the parties or prescribed by law, the obligation to pay the expert assessment cost advance shall be determined as follows:

1. A person who requests the court to solicit an expert assessment shall pay the expert assessment cost advance.

In case the parties request the court to solicit an expert assessment of the same object, each party shall pay half of the expert assessment cost advance;

2. In case the court deems it necessary and decides on its own to solicit an expert assessment, the plaintiff, the person who requests the settlement of the civil matter or the person who files an appeal according to appellate procedures shall pay the expert assessment cost advance.

3. In case the plaintiff, the person who requests the settlement of a civil matter or the appellant requests the court to solicit an expert assessment but his/her request is rejected and he/she requests an expert assessment at his/her/its discretion, he/she shall pay the expert assessment cost advance in accordance with the Law on Judicial Assessment.

Article 161. Obligation to pay the expert assessment cost

Unless otherwise agreed by the parties or prescribed by law, the obligation to pay the expert assessment cost shall be determined as follows:

1. A person who requests the court to solicit an expert assessment shall pay the expert assessment cost if the expert assessment result proves that his/her request is groundless. He/she shall pay the expert assessment cost for part of his/her request if the expert assessment result proves that his/her request is just partially grounded;

2. A person who does not accept the request for an expert assessment filed by another party in a case shall pay the expert assessment cost if the expert assessment result proves that the request for an expert assessment is grounded. He/she shall pay the expert assessment cost for the part of the request if the expert assessment result proves that such part of the request is grounded;

3. In case of termination of the settlement of a case prescribed at Point c, Clause 1, Article 217, and Point b, Clause 1, Article 299, of this Code, the plaintiff shall pay the expert assessment cost.

In case of termination of an appellate trial as prescribed at Point b, Clause 1, Article 289, and in Clause 3, Article 296, of this Code, the appellant shall pay the expert assessment cost;

4. In case an expert assessment is requested under Clause 3, Article 160 of this Code, if the expert assessment result proves that the request is grounded, the losing party in the case shall pay the expert assessment cost. If the expert assessment result proves that only part of the request for an expert assessment is grounded, the requesting party shall only pay

the expert assessment cost for the part of his/her request which is proved groundless;

5. In other cases of termination of the settlement of a case in accordance with this Code, the requesting party for an expert assessment shall pay the expert assessment cost.

Article 162. Handling of the paid expert assessment advance

1. In case the person who has advanced the expert assessment cost is not liable to pay the cost, the person who is liable to pay the cost under a court's decision shall refund the money to the former.

2. In case the person who has advanced the expert assessment cost is liable to pay the cost and the advanced amount is lower than the actual cost, he/she shall pay the deficit; if the advanced amount is higher than the actual cost, he/she shall be refunded the surplus under a court's decision.

Article 163. Property valuation cost advance, property valuation cost

1. The property valuation cost advance is a sum of money estimated by the valuation council for conducting a property valuation under a court's decision.

2. The valuation cost is a necessary and reasonable sum of money to be paid for a property valuation and calculated by a valuation council in accordance with law.

Article 164. Obligation to advance the property valuation cost

Unless otherwise agreed by the parties or prescribed by law, the obligation to pay the property valuation cost advance shall be determined as follows:

1. A person who requests a property valuation shall pay the property valuation cost advance;

2. In case the parties cannot agree on the price and jointly request the court to conduct a property valuation, each party shall pay half of the valuation cost. In case there are more than two parties, the parties shall jointly pay the property valuation cost advance under a court's decision;

3. For the case prescribed in Clause 3, Article 104 of this Code, the plaintiff or appellant shall pay the property valuation cost advance.

Article 165. Obligation to pay the property valuation cost and price appraisal cost

Unless otherwise agreed by the parties or prescribed by law, the obligation to pay the property valuation or price appraisal cost shall be determined as follows:

1. The party whose request is rejected by the court shall pay the property valuation cost;

2. If requesting the court to divide their common property, each party shall pay part of the property valuation cost in proportion to the value of property divided to him/her;

3. In case the court issues a decision on property valuation as prescribed at Point c, Clause 3, Article 104 of this Code, the obligation to pay the property valuation cost shall be determined as follows:

a/ The party shall pay the property valuation cost as prescribed in Clause 1 of this Article if the valuation result proves that the court's valuation decision is grounded;

b/ The court shall pay the property valuation cost if the property valuation result proves that its valuation decision is groundless.

4. In case of termination of the settlement of a case as prescribed at Point c, Clause 1, Article 217, and Point b, Clause 1, Article 299, of this Code, and the valuation council has conducted the valuation, the plaintiff shall pay the property valuation cost.

In case of termination of an appellate trial as prescribed at Point b, Clause 1, Article 289, and in Clause 3, Article 296, of this Code, and the valuation council has conducted the valuation, the appellant shall pay the property valuation cost;

5. In other cases of termination of the settlement of a case in accordance with this Code and the valuation council has conducted the valuation, the requester for property valuation shall pay the property valuation cost;

6. A party shall perform the obligation to pay the property price appraisal cost like performing the obligation to pay the property valuation cost prescribed in Clauses 1, 2, 4 and 5 of this Article.

Article 166. Handling of the paid property valuation cost advance

1. In case the person who has advanced the property valuation cost is not liable to pay the valuation cost, the person who is liable to pay the valuation cost under a court's decision shall refund the money to the former.

2. In case the person who has advanced the property valuation cost is liable to pay it, but the advanced amount is lower than the actual cost,

such person shall pay the deficit. If the advanced amount is higher than the actual cost, he/she shall be refunded the surplus.

Article 167. Expenses for a witness

1. Reasonable and actual expenses for a witness shall be borne by the party.

2. A person who requests the court to subpoena a witness shall pay expenses for such witness, if the testimony of the witness is true but does not match the claim of the person requesting such witness. If the testimony is true and matches the claim of the person requesting such witness, the expenses shall be paid by the party making a claim independent from the former's claim.

Article 168. Cost of an interpreter and a defense counsel

1. The cost of an interpreter means a sum of money payable to an interpreter during the settlement of a civil case or matter as agreed upon by the party and the interpreter or as prescribed by law.

2. The cost of a defense counsel means a sum of money payable to a defense counsel as agreed upon by the party and the defense counsel within the scope of defense determined by the law-practicing organization and prescribed by law.

3. The cost of an interpreter or a defense counsel shall be paid by the person requesting such interpreter or defense counsel, unless otherwise agreed upon by the parties.

4. In case the court requests an interpreter, it shall pay the cost of the interpreter.

Article 169. Specific provisions on litigation costs

In pursuance to this Code, the National Assembly Standing Committee shall issue specific regulations on the costs of overseas judicial entrustment, on-site inspection and appraisal, expert assessment, property valuation, witnesses and interpreters; other litigation costs prescribed by other laws, and the exemption from and reduction of litigation costs during the settlement of the case.

Chapter X

ISSUANCE, SERVICE AND NOTIFICATION OF PROCEDURAL DOCUMENTS

Article 170. Obligation to issue, serve or notify procedural documents

The court, procuracy and judgment enforcement agencies shall issue, serve and notify procedural documents to the parties, other proceeding participants and related agencies, organizations and individuals in accordance with this Code and relevant laws.

Article 171. Procedural documents to be issued, served or notified

1. Written announcements, notices, summons and invitations in civil proceedings.
2. The court's judgments and decisions.
3. Protest decisions of the procuracy; documents of judgment enforcement agencies.
4. Other procedural documents as prescribed by law.

Article 172. Persons issuing, serving or notifying procedural documents.

The issuance, service or notification of procedural documents shall be carried out by the following persons:

1. Proceeding-conducting persons or persons of procedural document-issuing agencies who are tasked to issue, serve or notify procedural documents;
2. Commune-level People's Committees of localities where civil proceeding participants reside or agencies or organizations where civil proceeding participants work when so requested by the court;
3. The parties, their representatives or defense counsels in the cases prescribed by this Code.
4. Employees of postal service organizations;
5. Persons with the paper-serving function;
6. Other persons as prescribed by law.

Article 173. Modes of issuing, serving or notifying procedural documents

The issuance, service or notification of procedural documents shall be effected by the following modes:

1. Issuance, service or notification in person or by postal service or by an authorized third person;
2. Issuance, service or notification by electronic means at the request of the party or other proceeding participants in accordance with the law on e-transactions;
3. Public display;

4. Announcement in the mass media;
5. Issuance, service or notification by other modes as prescribed in Chapter XXXVIII of this Code.

Article 174. Lawfulness of the issuance, service or notification of procedural documents

1. The issuance, service or notification of procedural documents which is carried out in accordance with this Code shall be considered lawful.

2. A person who is obliged to issue, serve or notify procedural documents shall comply with the provisions of this Code.

A person who is obliged to comply with a lawfully issued, served or notified procedural document shall strictly comply with it.

Article 175. Procedures for issuance, service or notification of procedural documents

1. A person who issues, serves or notifies a procedural document shall directly hand over such document to the person to whom it is issued, served or notified. The latter shall sign a written record or a register of delivery and receipt of procedural documents. The time for counting a litigation time limit is the date he/she is issued, served or notified of the procedural document.

2. The issuance, service or notification of a procedural document by postal service shall be effected via registered mail and certified by the recipient.

The document containing the certification shall be delivered back to the court.

The time for counting a litigation time limit is the date the recipient certifies his/her receipt of the procedural document delivered by a postal service organization.

Article 176. Procedures for issuance, service or notification by electronic means

The issuance, service or notification by electronic means shall be effected in accordance with the law on electronic transactions.

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

Article 177. Procedures for direct issuance, service or notification to an individual

1. A procedural document shall be issued, served or notified at the address that the party has notified to the court and by the mode requested by the party or at the address agreed upon by the parties which the court is requested to use for contact.

2. If the person to whom a procedural document is issued, served or notified is an individual, the procedural document shall be delivered directly to him/her. This party shall sign to certify the receipt under Clause 1, Article 175 of this Code.

3. If the person to whom a procedural document is issued, served or notified has moved to a new residence and such new residence has been notified to the court, the document shall be issued, served or notified at his/her new address. This party shall sign or press his/her fingerprint to certify the receipt under Clause 1, Article 175 of this Code. If he/she does not notify the court of his/her move and the address of the new residence, the court shall follow the provisions of Articles 179 and 180 of this Code.

4. If the person to whom a procedural document is issued, served or notified refuses to receive such document, the person who issues, serves or notifies such document shall make a written record clearly stating the reason for the refusal and containing the certification of such refusal from a representative of the residential group or commune, ward or township police office. This written record shall be included in the case file.

5. If the person to whom a procedural document is issued, served or notified is absent, the person who issues, serves or notifies such document shall make a written record and hand over the document to a relative who has full civil act capacity and lives in the same residence with such person, or to the head of the residential group or village chief who shall be asked to sign or press his/her fingerprint to certify the receipt and hand over the document to the person concerned. This written record shall be included in the case file.

If the person to whom a procedural document is issued, served or notified is absent from his/her place of residence and his/her time of return or the address of his/her new place of residence is unknown, the person who issues, serves or notifies such document shall make a written record of the failure to issue, serve or notify the document, and ask a representative of the residential group or commune, ward or township police office to give certification in the written record; and concurrently publicly post the procedural document in accordance with Article 179 of this Code. This written record shall be included in the case file.

Article 178. Procedures for direct issuance, service or notification to an agency or organization

1. In case the party to whom a procedural document is issued, served or notified is an agency or organization, the procedural document shall be handed over directly to its at-law representative or person in charge of receiving documents, who shall sign to certify the receipt of the document. If the agency or organization to which a procedural document is issued, served or notified has a representative participating in the proceedings or has appointed a representative to receive procedural documents, such representative shall sign to certify the receipt. The date of signing for receipt shall be regarded as the date of issuance, service or notification.

2. If the person to whom a procedural document is issued, served or notified refuses to receive the document or is absent, Clauses 4 and 5, Article 177 of this Code shall be complied with.

Article 179. Procedures for public posting

1. A procedural document shall be publicly posted in case it cannot be issued, served or notified directly in accordance with Articles 177 and 178 of this Code.

2. A procedural document shall be publicly posted by the court itself or, under the court's authorization, by a person with the paper-serving function or by the commune-level People's Committee of the locality where the party resides or where the head office of the agency or organization concerned is located according to the following procedures:

a/ Posting the original of the procedural document at the office of the court or the commune-level People's Committee of the locality where the individual concerned resides or last resided or where the head office of the agency or organization concerned is located or last located;

b/ Posting a copy of the procedural document at the residence or last residence of such individual or at the head office or last head office of the agency or organization concerned;

c/ Making a written record of the public posting, clearly stating the date of posting.

3. The time limit for public posting of a procedural document is 15 days counting from the first date of posting.

Article 180. Procedures for announcement in the mass media

1. Announcement in the mass media shall be made when it is so prescribed by law or when there are grounds to believe that public posting does not guarantee that the person to whom a procedural

document is issued, served or notified gets information about such document.

2. Announcement in the mass media may be effected if so requested by other parties. In this case, the charge for announcement in the mass media shall be paid by the announcement requesters.

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

Article 181. Notification of results of issuance, service or notification of procedural documents

In case a person who issues, serves or notifies a procedural document is neither the court nor a procedural document-issuing agency, nor its official, such person shall immediately notify the result of issuance, service or notification to the court or the agency that has issued such procedural document.

Chapter XI

LITIGATION TIME LIMITS

Article 182. Litigation time limits

1. Litigation time limit is a period of time which is determined from this point of time to another during which a proceeding-conducting person, a proceeding participant or a related agency, organization or individual shall perform litigation acts as prescribed by this Code.

2. A litigation time limit may be determined in hour, day, week, month or year or based on an event likely to occur.

Article 183. Application of the Civil Code's provisions on time limit

The method of counting a litigation time limit, litigation time limits, the starting time and ending time of a litigation time limit referred to in this Code must comply with relevant provisions of the Civil Code.

Article 184. Statute of limitations for initiation of a lawsuit, statute of limitations for request for settlement of a civil matter

1. The statute of limitations for initiation of a lawsuit and the statute of limitations for request for settlement of a civil matter must comply with the Civil Code.

2. The court may only apply the provisions on the statute of limitations at a request for application of the statute of limitations made by one party or all parties provided that this request is made before the first-instance court issues a judgment or decision on settlement of the case or matter.

A person who benefits from the application of the statute of limitations may refuse the application of the statute of limitations, unless such refusal aims to shirk the performance of an obligation.

Article 185. Application of the Civil Code's provisions on statute of limitations

The Civil Code's provisions on statute of limitations shall apply in the civil proceedings.

PART TWO

PROCEDURES FOR SETTLEMENT OF A CASE AT THE FIRST-INSTANCE COURT

Chapter XII

INITIATION OF A LAWSUIT AND ACCEPTANCE OF A CASE

Article 186. Right to initiate a lawsuit

An agency, organization or individual is entitled to initiate a lawsuit by itself/himself/herself or through its/his/her lawful representative (below referred collectively to as suer) at a competent court to request protection of its/his/her lawful rights and interests.

Article 187. Right to initiate a civil lawsuit to protect lawful rights and interests of another person, public interests or the State's interests

1. The state management agency in charge of family, the state management agency in charge of children and the Vietnam Women's Union shall, within the ambit of their tasks and powers, have the right to initiate a marriage and family-related lawsuit in accordance with the Law on Marriage and Family.

2. An employees' collective representative organization has the right to initiate a labor lawsuit when it is necessary to protect lawful rights and interests of the employees' collective or when so authorized by the latter in accordance with law.

3. A social organization participating in the protection of consumer interests has the right to initiate on behalf of consumers a lawsuit to protect the consumers' interests or initiate a lawsuit at its own discretion to protect public interests in accordance with the Law on Protection of Consumer Interests.

4. An agency or organization, within the ambit of its tasks and powers, has the right to initiate a civil lawsuit to request the court to protect public interests or the State's interests in the field under its charge or in accordance with law.

5. An individual has the right to initiate a marriage and family-related lawsuit to protect lawful rights and interests of another person in accordance with the Law on Marriage and Family.

Article 188. Scope of initiation of a lawsuit

1. An agency, organization or individual may initiate a lawsuit against another or many other agencies, organizations or individuals with regard to one legal relation or many interrelated legal relations for settlement in the same case.

2. Multiple agencies, organizations or individuals may jointly initiate a lawsuit against another individual, agency or organization with regard to one legal relation or many interrelated legal relations for settlement in the same case.

3. An agency, organization or individual defined in Article 187 of this Code may initiate a lawsuit against another or many other agencies, organizations or individuals with regard to one legal relation or many interrelated legal relations for settlement in the same case.

Article 189. Form and details of a lawsuit petition

1. An agency, organization or individual that initiates a lawsuit shall make a lawsuit petition.

2. An individual shall make a lawsuit petition as follows:

a/ An individual who has full civil litigation act capacity may himself/herself make or ask another person to make a lawsuit petition. The petition's sections of the suer's name and residential address shall be filled out with the full name and residential address of such individual, who shall sign or press his/her fingerprint at the bottom of the petition;

b/ For an individual who is a minor, who has lost his/her civil act capacity or has difficulty in perceiving and controlling his/her acts, his/her lawful representative may himself/herself make or ask another person to make a lawsuit petition. The petition's sections of the suer's name and residential address shall be filled out the full name and

residential address of the lawful representative of such individual. The lawful representative shall sign or press his/her fingerprint at the bottom of the petition;

c/ An individual who falls into the case prescribed at Point a or b of this Clause and is illiterate, visually impaired, or unable to make a lawsuit petition or sign or press his/her fingerprint may ask another person to make a lawsuit petition for him/her in the presence of a witness with full civil litigation capacity. The witness shall sign for certification the lawsuit petition.

3. If the suer is an agency or organization, its lawful representative shall himself/herself make or ask another person to make a lawsuit petition. The petition's sections of the suer's name and residential address shall be filled out with the name and address of the agency or organization and full name and residential address of its lawful representative, who shall sign and affix the agency's or organization's seal at the bottom of the petition; if the suer is an enterprise, the use of its seal must comply with the Law on Enterprises.

4. A lawsuit petition must contain the following principal details:

a/ Date of making;

b/ Name of the court receiving the petition;

c/ Name, residence and workplace of the suer being an individual or head office of the suer being an agency or organization; telephone number, fax number and email address (if any).

If the parties agree on an address for contact by the court, that address shall be indicated;

d/ Name, residence and workplace of the person whose rights and interests are protected, or head office of the agency or organization whose rights and interests are protected; telephone number, fax number and email address (if any);

dd/ Name, residence and workplace of the sued individual or head office of the sued agency or organization; telephone number, fax number and email address (if any). In case the current residence, workplace or head office of the sued party are unknown, the last residence, workplace or head office of the sued party shall be indicated;

e/ Name, residence and workplace of a person with related rights or obligations, or the head office of the agency or organization with related rights or obligations; telephone number, fax number and email address (if any);

In case the current residence, workplace or head office of the party with related rights or obligations are unknown, the last residence, workplace or head office of such party shall be written;

g/ Lawful rights and interests of the suer that are infringed upon; specific matters requested to be settled by the court in relation to the sued person and the person with related rights or obligations;

h/ Full name and address of a witness, if any;

i/ List of documents and evidence accompanying the petition.

5. A lawsuit petition shall be accompanied by documents and evidence proving lawful rights and interests of the suer that are infringed upon. If, for an objective reason, the suer cannot submit adequate documents and evidence together with the petition, he/she/it shall submit available documents and evidence to prove that his/her/its lawful rights and interests are infringed upon. The suer shall supplement his/her documents and evidence or add other documents and evidence as requested by the court during the settlement of the case.

Article 190. Sending of a lawsuit petition to the court

1. A person who initiates a lawsuit shall send his/her/its lawsuit petition together with available documents and evidence to the court competent to settle the case by the following modes:

a/ Direct handover at the court;

b/ Sending by post;

c/ Sending online via the e-portal of the court (if any).

2. The date of a lawsuit is the date on which the lawsuit petition is filed with the court or the date on the postmark of the sending postal service organization.

If it is unable to identify the date on the postmark of the sending post office, the date of a lawsuit must be the date the party sends the petition at a postal service organization. The date of sending the petition at a postal service organization shall be proved by the party. If the party is unable to prove, the date of a lawsuit is the date the court receives the lawsuit petition from the postal service organization.

3. In case the suer sends his/her petition online, the date of a lawsuit is the date of sending the petition.

4. If the case is transferred to the court under Article 41 of this Code, the date of the lawsuit is the date of sending the petition to the court that has accepted the case *ultra vires* and that date shall be determined under Clause 2 or 3 of this Article.

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

Article 191. Procedures for receiving and handling a lawsuit petition

1. The court shall, through its petition receipt section, receive a lawsuit petition filed by a suer directly or by postal service and shall record it in the petition receipt register; for a petition received online, the court shall print it out and record it in the petition receipt register.

Upon receiving a lawsuit petition directly from a suer, the court shall immediately issue a written certification of the receipt to the suer. When receiving a lawsuit petition sent by postal service, within 2 working days after receiving it, the court shall send a notice of the receipt to the suer. When receiving a lawsuit petition online, the court shall immediately notify the receipt to the suer via its e-portal (if any).

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

3. Within 5 working days after being assigned, the judge shall consider the lawsuit petition and issue one of the following decisions:

a/ To request modification and supplementation of the petition;

b/ To accept the case according to general procedures or according to summary procedures if it is eligible for settlement according to summary procedures as prescribed in Clause 1, Article 317 of this Code;

c/ To forward the petition to a competent court and notify the suer thereof if the case falls under the jurisdiction of another court;

d/ To return the petition to the suer if such case or matter falls beyond the court’s jurisdiction.

4. The result of handling a petition by a judge prescribed in Clause 3 of this Article shall be recorded in the petition receipt register and notified to the suer via the e-portal of the court (if any).

Article 192. Return of a lawsuit petition, consequences of return of a lawsuit petition

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

a/ The suer neither has the right to sue as prescribed in Articles 186 and 187 of this Code nor has full civil litigation act capacity;

b/ Lack of the lawsuit conditions prescribed by law.

Lack of the lawsuit conditions means the case in which the suer fails to meet one of the conditions prescribed by law when initiating a lawsuit to the court;

c/ The matter has been settled under a legally effective judgment or decision of a court or under an effective decision of a competent state agency, except cases in which the court has rejected the written request for divorce, change in child custody, change of alimony or compensation level, or change of the property or heritage manager or guardian, or the case of claiming back a property, a leased or lent property or a house or land use rights leased, lent or given for free stay in which the court has rejected the claim and the suer is allowed by law to re-initiate a lawsuit;

d/ The time limit prescribed in Clause 2, Article 195 of this Code has expired but the suer fails to hand to the court a receipt of the court fee advance, except cases in which the suer is exempted from paying or is not liable to pay a court fee advance or encounters an objective obstacle or a *force majeure* event;

dd/ The case falls beyond the court's jurisdiction;

e/ The suer fails to modify or supplement his/her petition at the request of the judge as prescribed in Clause 2, Article 193 of this Code.

In case the suer's petition indicates a complete and correct address of the residence of the sued party or a person with related interests or obligations but such person does not stably reside in such place or regularly changes his/her residence or its head office without notifying the new address to competent agencies or persons in accordance with the law on residence, which aims to conceal the address or shirk the performance of obligations to the suer, the judge shall not return the petition and shall ascertain that the sued party or a person with related interests or obligations deliberately conceals his/her/its address, and shall accept and settle the case according to general procedures.

In case the suer's petition does not indicate a complete or specific or correct name and address of the sued party or person with related interests or obligations and the suer fails to correct or supplement petition details at the request of the judge, the judge shall return the petition.

g/ The suer withdraws his/her petition.

2. When returning a lawsuit petition and accompanying documents and evidence to the suer, the judge shall issue a document clearly stating the reason for the return and concurrently send it to the same-level procuracy. The lawsuit petition and accompanying documents and evidence returned to the suer shall be copied and such copies shall be

preserved at the court for use as a basis for settlement of complaints and proposals upon request.

3. A party may re-file a lawsuit petition in the following cases:

a/ The suer has acquired full civil litigation act capacity;

b/ The request for divorce, change in child custody, change of alimony or compensation level, or change of a property or heritage manager or change of a guardian, or claim back of a property, a leased or lent property or a house or land use rights leased, lent or offered for another person's free stay, was previously rejected by the court but can be re-filed in accordance with law;

c/ All lawsuit conditions are met;

d/ Other cases as prescribed by law.

4. The Supreme People's Court shall guide the implementation of Clauses 1 and 3 of this Article.

Article 193. Request for modification and supplementation of a lawsuit petition

1. In case a lawsuit petition does not fully contain the details prescribed in Clause 4, Article 189 of this Code, the judge shall notify such in writing to the suer for modification and supplementation of his/her/its petition within a time limit set by the judge, which, however, must not exceed one month; for special cases, the judge may extend that time limit for another 15 days at most. Such notice may be handed directly, sent online or by post to the suer and shall be recorded in the petition receipt register. The period of modification and supplementation of a lawsuit petition shall not be included in the statute of limitations for initiating a lawsuit.

2. Once the suer has modified and supplemented his/her petition in accordance with Clause 4, Article 189 of this Code, the judge shall accept the case; if he/she/it fails to modify and supplement his/her petition as requested, the judge shall return to him/her/it the petition and accompanying documents and evidence.

Article 194. Filing and settlement of a complaint or proposal about the return of a lawsuit petition

1. Within 10 days after receiving back the lawsuit petition, the suer may file a complaint with or the procuracy may make a proposal to the court that has returned the lawsuit petition.

2. Upon receiving a complaint or proposal about the return of a lawsuit petition, the chief justice of the court shall assign another judge to consider and settle such complaint or proposal.

3. Within 3 working days after being assigned, the judge shall hold a meeting to consider and settle the complaint or proposal, which shall be attended by a representative from the same-level procuracy and the complainant; if the complainant is absent, the meeting may still proceed.

4. Based on the documents and evidence related to the return of the lawsuit petition and the opinions of the procuracy's representative and the complainant present at the meeting, the judge shall issue one of the following decisions:

a/ To maintain the return of the lawsuit petition and notify such to the same-level procuracy;

b/ To receive back the lawsuit petition and accompanying documents and evidence in order to accept the case.

5. Within 10 days after receiving the decision of the judge in response to the complaint or proposal about the return of the lawsuit petition, the suer may file a complaint with or the procuracy may make a proposal to the chief justice of the immediate superior court for consideration and settlement.

6. Within 10 days after receiving a complaint or proposal about the return of a lawsuit petition, the chief justice of the immediate superior court shall issue one of the following decisions:

a/ To maintain the return of the lawsuit petition;

b/ To request the first-instance court to receive back the lawsuit petition and accompanying documents and evidence in order to accept the case.

The decision of the chief justice of the immediate superior court on the settlement of a complaint or proposal is final, which shall be immediately sent to the suer, the same-level procuracy, the proposal-making procuracy and the court that has decided to return the lawsuit petition.

7. If having grounds to believe that the settlement decision of the chief justice of the immediate superior court referred to in Clause 6 of this Article is unlawful, within 10 days after receiving the decision, the party may file a complaint with or the procuracy may make a proposal to the chief justice of the superior people's court, if such decision was issued by the chief justice of a provincial-level people's court, or to the Chief Justice of the Supreme People's Court, if such decision was issued by the chief justice of a superior people's court.

Within 10 days after receiving the complaint or proposal, the chief justice shall settle it. The decision of the chief justice is final.

Article 195. Acceptance of a case

1. After receiving a lawsuit petition and accompanying documents and evidence, if deeming that the case falls within the court's jurisdiction, the judge shall immediately notify the suer thereof for the latter to come to the court for paying the court fee advance in case the suer is liable to do so.

2. The judge shall estimate the court fee advance, write it down in a notice and hand it to the suer for payment. Within 7 days after receiving the court's notice of the court fee advance payment, the suer shall pay such advance and hand over the receipt thereof to the court.

3. The judge shall accept the case after the suer hands over the court fee advance receipt to the court.

4. In case the suer is exempted from or not liable to pay the court fee advance, the judge shall accept the case after receiving the lawsuit petition and accompanying documents and evidence.

Article 196. Notification of the acceptance of a case

1. Within 3 working days after accepting a case, the judge shall send a written notice of his/her acceptance of the case to the plaintiff, defendant, agencies, organizations and individuals with interests or obligations related to the settlement of the case, and to the same-level procuracy.

For a lawsuit initiated by consumers, within 3 working days after accepting the case, the court shall publicly post up at its office information about its acceptance of the case.

2. A written notice must contain the following principal details:

a/ Date of its making;

b/ Name and address of the court accepting the case;

c/ Name, address; telephone number, fax number and email address (if any) of the suer;

d/ Specific matters requested by the suer for settlement by the court;

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

e/ List of documents and evidence accompanying the lawsuit petition;

g/ The time limit for the defendant and a person with related interests or obligations to submit to the court their written opinions on

the suer's claim and accompanying documents and evidence, his/her/its counter-claim or independent claim (if any);

h/ Legal consequences of the failure of the defendant and a person with related interests or obligations to submit their written opinions on the claim in question to the court.

3. In case the plaintiff makes a written request for the court to assist in sending documents and evidence, the court shall send together with the notice of acceptance of the case copies of documents and evidence supplied by the plaintiff to the defendant and a person with related interests or obligations.

Article 197. Assignment of a judge to settle a case

1. On the basis of the case acceptance report made by the judge assigned to accept the case, the chief justice of the court shall decide to assign a judge to settle the case, ensuring the principle of impartiality, objectivity and randomness.

2. Within 3 working days after a case is accepted, the chief justice of the court shall assign a judge to settle the case.

For a complicated case that may be settled over a longer time, the chief justice shall assign an alternate judge to ensure the trial within the time limit prescribed by this Code.

3. During the settlement of a case, if the assigned judge cannot continue with his/her assigned task, the chief justice of the court shall assign another judge to continue that work; in case the trial is underway without an alternate judge, the case shall be re-tried from the beginning and this shall be notified by the court to the parties and same-level procuracy.

Article 198. Tasks and powers of a judge when preparing a case file

1. To prepare a case file in accordance with Article 204 of this Code.

2. To request the parties to hand over documents and evidence to the court.

3. To verify and collect evidence in accordance with Clauses 2 and 3, Article 97 of this Code.

Article 199. Rights and obligations of the notified defendant and person with related interests or obligations

1. Within 15 days after receiving a notice, the defendant or a person with related interests or obligations shall submit his/her/its written

opinion on the suer's claim and accompanying documents and evidence, his/her/its counter-claim or independent claim (if any) to the court.

If needing more time, the defendant or a person with related interests or obligations shall file a written request with the court, clearly stating the reason; if the request is grounded, the court shall permit an extension not exceeding 15 days.

2. The defendant or a person with related interests or obligations may request the court to allow him/her/it to read, take note of or copy the lawsuit petition and accompanying documents and evidence, except documents and evidence prescribed in Clause 2, Article 109 of this Code.

Article 200. Right of the defendant to make a counter-claim

1. Together with submitting to the court his/her written opinion on the plaintiff's claim, the defendant may file a counter-claim against the plaintiff or a person with related interests or obligations who files an independent claim.

2. The defendant's counter-claim against the plaintiff or a person with related interests or obligations who files an independent claim may be accepted in one of the following cases:

a/ The counter-claim is made for clearance of the liability against the claim of the plaintiff or the independent claim of the person with related interests or obligations;

b/ The counter-claim, if accepted, will result in the exclusion of the acceptance of part or the whole of the claim of the plaintiff or the independent claim of the person with related interests or obligations;

c/ There is an interrelation between the counter-claim and the claim of the plaintiff or the independent claim of the person with related interests or obligations, and if these claims are settled in the same case, the settlement of such case will be more accurate and quicker.

3. The defendant may file a counter-claim before the opening of a meeting to examine the handover of, access to, and disclosure of, evidence, and conduct a conciliation.

Article 201. Right of a person with related interests or obligations to make an independent claim

1. In case a person with related interests or obligations participates in the proceedings neither on the side of the plaintiff nor on the side of the defendant, he/she may make an independent claim when the following conditions are met:

a/ The settlement of the case relates to his/her interests or obligations;

b/ His/her independent claim relates to the case being settled;

c/ If his/her independent claim is settled in the same case, the settlement of such case will be more accurate and quicker.

2. A person with related interests or obligations has the right to file an independent claim before the opening of a meeting to examine the handover of, access to, and disclosure of, evidence, and conduct a conciliation.

Article 202. Procedures for making a counter-claim or an independent claim

The procedures for making a counter-claim or an independent claim must comply with this Code's provisions on procedures for the plaintiffs to initiate a lawsuit.

Chapter XIII

CONCILIATION AND PREPARATION FOR TRIAL

Article 203. Time limit for preparation for trial

1. The time limit for preparation for trial of cases of various types, except those to be tried according to summary procedures or involving foreign elements, is prescribed below:

a/ For the cases prescribed in Articles 26 and 28 of this Code, the time limit is 4 months counting from the date of acceptance of a case;

b/ For the cases prescribed in Articles 30 and 32 of this Code, the time limit is 2 months counting from the date of acceptance of a case.

For a complicated case, or when due to a *force majeure* event or an objective obstacle, the chief justice of the court may decide to extend the trial preparation time limit for 2 months at most for the cases prescribed at Point a, or for one month at most for the cases prescribed at Point b of this Clause.

In case a decision to suspend the settlement of a case is issued, the time limit for preparation for trial shall be re-counted from the date the decision on resumption of the settlement of the case takes legal effect.

2. Within the trial preparation time limit, the judge shall perform the following tasks and powers:

a/ To prepare the case file as prescribed in Article 198 of this Code;

b/ To determine the capacity of the parties and other proceeding participants;

c/ To determine the disputed relation between the parties and applicable law;

d/ To clarify the objective details of the case;

dd/ To verify and collect evidence in accordance with this Code;

e/ To apply a provisional urgent measure;

g/ To hold a meeting to examine the handover of, access to, and disclosure of, evidence, and to conduct a conciliation in accordance with this Code, except for cases to be heard according to summary procedures;

h/ To perform other tasks and powers as prescribed by this Code.

3. Within the trial preparation time limit prescribed in Clause 1 of this Article, on a case-by-case basis, the judge shall issue one of the following decisions:

a/ To recognize the agreement between the parties;

b/ To suspend the settlement of the case;

c/ To stop the settlement of the case;

d/ To bring the case for trial.

4. Within 1 month after issuing a decision to bring the case for trial, the court shall open a hearing. If having a plausible reason, this time limit may be 2 months.

Article 204. Preparation of a file for a civil case

1. A file of a civil case must include the petition and all documents and evidence of the parties and other proceeding participants; documents and records collected by the court and related to the case; and procedural documents of the court and the procuracy concerning the settlement of the case.

2. All papers and documents in a file of a civil case shall be numbered and arranged by date of making, with the latest papers and documents put on top. These papers and documents shall be managed, archived and used in accordance with law.

Article 205. Principles of conciliation

1. The court shall, during the period of preparation for first-instance trial, hold a conciliation for the parties to reach agreement on the settlement of the case, except cases which may not be conciliated or cannot be conciliated as prescribed in Articles 206 and 207 of this Code, or cases to be settled according to summary procedures.

2. Conciliation shall be conducted on the following principles:

a/ Respect for the voluntary agreement of the parties, non-use of force or non-threat to use force to compel the parties to reach agreements against their will;

b/ The agreement contents must neither violate the prohibitions imposed by law nor be contrary to social morality.

Article 206. Civil cases which may not be conciliated

1. Claims for compensation for damage caused to the State's assets.
2. Cases arising from transactions which violate the prohibitions imposed by law or are contrary to social morality.

Article 207. Civil cases which cannot be conciliated

1. The defendant or a person with related interests or obligations is intentionally absent although having been duly summoned twice by the court.
2. The parties cannot take part in the conciliation for a plausible reason.
3. The party being wife or husband in a divorce case has lost his/her civil act capacity.
4. One of the parties requests non-conciliation.

Article 208. Notification of a meeting to examine the handover of, access to, and disclosure of, evidence, and to conduct a conciliation

1. The judge shall hold a meeting to examine the handover of, access to, and disclosure of, evidence, and to conciliate the parties. Before holding the meeting, the judge shall notify the parties, their lawful representatives and defense counsels of the time, venue and content of the meeting.

2. For a case which may not be conciliated or cannot be conciliated as prescribed in Articles 206 and 207 of this Code, the judge shall hold a meeting to examine the handover of, access to, and disclosure of, evidence but not to conciliate the parties.

3. For a marriage and family-related case involving a minor, before holding a meeting to examine the handover of, access to, and disclosure of, evidence and conciliate the parties, the judge and verifier assigned by the chief justice of the court shall collect documents and evidence to identify the cause of the dispute. When deeming it necessary, the judge may refer to opinions of the state management agencies in charge of family and children on the family circumstances, cause of the dispute and aspirations of the spouses and children in the case.

For a dispute over child custody upon divorce or change of the direct child custodian after divorce, the judge shall consult the child who has reached seven years of age, and, when necessary, invite representatives from the state management agencies in charge of family and children to witness and give opinions. The consultation of a minor child and other proceedings involving a minor must be friendly and suitable to the psychology, age, level of maturity and perception ability of the minor, ensuring his/her lawful rights and interests and personal privacy.

Article 209. Participants in a meeting to examine the handover of, access to, and disclosure of, evidence, and to conduct a conciliation

1. Participants in the meeting must include:

a/ The judge who shall preside over the meeting;

b/ The court clerk who shall make a minutes of the meeting;

c/ The parties or their lawful representatives;

d/ A representative of the employees' collective representative organization, for a labor case, as requested by the employees, except labor cases in which the employees' collective representative organization acts as a representative or a defense counsel of the employees' collective. If the representative of the employees' collective representative organization does not participate in the conciliation, he/she shall provide his/her written opinions;

dd/ The defense counsels of the parties (if any);

e/ An interpreter, if any.

2. When necessary, the judge may request related individuals, agencies and organizations to participate in the meeting; for a marriage and family-related case, the judge shall request representatives from the state management agencies in charge of family and children and Vietnam Women's Union to participate in the meeting. If these representatives are absent, the court shall still hold the meeting.

3. In a case involving multiple parties, if one of them is absent from the meeting, but the parties present at the meeting still agree to proceed with the meeting and such meeting does not affect the rights and obligations of the absent party, the judge shall still conduct the meeting with the parties present. If the parties request postponement of the meeting so that all parties can attend it, the judge shall postpone it and notify the postponement and the re-opening of another meeting to the parties.

Article 210. Proceedings at a meeting to examine the handover of, access to, and disclosure of, evidence, and to conduct a conciliation

1. Before conducting a meeting, the court clerk shall report to the judge on the presence or absence of persons who have been ordered by the court to participate in the meeting. The judge presiding over the meeting shall re-check the presence and personal identification papers of the participants and inform the parties of their rights and obligations as prescribed by this Code.

2. When examining the handover of, access to, and disclosure of, evidence, the judge shall disclose documents and evidence in the case file and ask the parties about the following matters:

a/ Claims and scope of the lawsuit, modification, supplementation, change and withdrawal of the claim, counter-claim, independent claim; matters that have been agreed upon and matters requested to be settled by the court;

b/ Documents and evidence already handed over to the court and the sending thereof to other parties;

c/ Supplementation of documents and evidence; request for the court to collect documents and evidence; request for the court to summon other parties, witnesses and other proceeding participants to the court hearing;

d/ Other matters as seen necessary by the parties.

3. After the parties give answers, the judge shall consider their opinions and respond to their requests prescribed in Clause 2 of this Article. The court shall inform the meeting results to those who are absent from the meeting.

4. The conciliation proceedings shall be conducted as follows:

a/ The judge informs the parties of the provisions of law concerning the settlement of the case for the latter to relate to their rights and obligations, and analyzes legal consequences of a successful conciliation for the parties to reach voluntary agreement on the settlement of the case;

b/ The plaintiff and his/her defense counsel present the dispute content and supplement his/her claims; grounds to defend his/her claims and put forward their views on matters to be conciliated and on the direction for the settlement of the case (if any);

c/ The defendant and his/her defense counsel present their opinions on the claims of the plaintiff, the defendant's counter-claim (if any); grounds to protest the claims of the plaintiff; grounds to defend the

defendant's counter-claim and put forward their views on matters to be conciliated and on the direction for settlement of the case (if any);

d/ A person with related interests or obligations and his/her defense counsel present their opinions on the claims of the plaintiff and defendant; the independent claim (if any) of the person with related interests or obligations; grounds to protest the claims of the plaintiff and defendant; grounds to defend such person's independent claim and put forward their views on matters to be conciliated and on the direction for the settlement of the case (if any);

dd/ Other participants in the meeting (if any) present their opinions;

e/ After the parties and their defense counsels present all their opinions, the judge identifies matters on which the parties have agreed upon and still disagree, and request the parties to additionally explain contents which remain unclear and on which they still disagree;

g/ The judge makes conclusions on matters on which the parties have agreed and matters on which they still disagree.

Article 211. Minutes of a meeting to examine the handover of, access to, and disclosure of, evidence, and to conduct a conciliation

1. The court clerk shall make a written record of the examination of the handover of, access to, and disclosure of, evidence, and a written record of the conciliation.

2. A written record of the examination of the handover of, access to, and disclosure of, evidence must contain the following principal details:

a/ Date of the meeting;

b/ Venue of the meeting;

c/ Participants in the meeting;

d/ Opinions of the parties or their lawful representatives on the matters prescribed in Clause 2, Article 210 of this Code;

dd/ Other contents;

e/ Decision of the court to accept or reject the claims of the parties.

3. A written record of the conciliation must contain the following principal details:

a/ Contents prescribed at Points a, b and c, Clause 2 of this Article;

b/ Opinions of the parties and their defense counsels;

c/ Contents on which the parties have agreed and still disagree.

4. A written record shall be signed by or pressed with fingerprints of the parties present at the meeting, signed by the court clerk making the record, and by the judge presiding over the meeting. The participants in the meeting may read the written record immediately at the end of the meeting and request modifications and additions to the written record before signing or pressing their fingerprints on it for certification.

5. If the parties can reach agreement on matters to be settled in a civil case, the court shall make a written record of the successful conciliation, which shall be immediately sent to the parties participating in the conciliation meeting.

Article 212. Issuance of a decision to recognize the parties' agreement

1. Upon the expiration of a seven-day time limit after making a written record of the successful conciliation, if no parties change their mind on their agreement, the judge who has presided over the conciliation meeting or another judge assigned by the chief justice of the court shall issue a decision to recognize the agreement of the parties.

Within 5 working days after issuing a decision to recognize the agreement of the parties, the court shall send it to the parties and the same-level procuracy.

2. The judge shall only issue a decision to recognize the agreement of the parties to settle the whole case.

3. In the case prescribed in Clause 3 of Article 210 of this Code, in which the present parties have reached agreement on the settlement of their case, such agreement is valid only with regard to the present persons and shall be recognized by the judge under a decision if it does not affect the rights and obligations of the absent party. In case such agreement affects the rights and obligations of the absent party, it will be valid and shall be recognized by the judge only if it is consented to in writing by the party that is absent from the conciliation meeting.

Article 213. Effect of a decision to recognize the parties' agreement

1. A decision to recognize the parties' agreement shall take legal effect immediately after it is issued and is neither appealed nor protested against according to appellate procedures.

2. A decision to recognize the parties' agreement may be protested against according to cassation procedures only if there are grounds to believe that such agreement was reached as a result of mistake, deception, intimidation or coercion or that it violates a prohibition imposed by law or is contrary to social morality.

Article 214. Suspension of the settlement of a civil case

1. The court shall issue a decision to suspend the settlement of a civil case when having any of the following grounds:

a/ A party being an individual dies or being an agency or organization is consolidated, merged, divided, split or dissolved but no agency, organization or individual takes over his/her/its litigation rights and obligations;

b/A party who is an individual loses his/her civil act capacity or is a minor but his/her at-law representative has not been identified yet;

c/ The lawful representative of a party stops working without a replacement yet.

d/ The result of settlement of another relevant case or matter needs to be waited for, or the matter is required by law to be first settled by another agency or organization before the case is settled;

dd/ The result of judicial entrustment or entrusted collection of evidence or the supply of documents and evidence by agencies and organizations at the request of the court for the settlement of the case needs to be waited for before the case is settled;

e/ The result of handling of a legal document relevant to the settlement of the case, which shows signs of contravention of the Constitution, a law or resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee, or a legal document of a superior state agency and has been proposed in writing by the court to be amended, supplemented or annulled by a competent state agency, needs to be waited for;

g/ Provisions of Article 41 of the Law on Bankruptcy;

h/ Other cases as prescribed by law.

2. Within 3 working days after issuing a decision to suspend the settlement of a civil case, the court shall send it to the parties, the lawsuit-initiating agency, organization or individual, and the same-level procuracy.

Article 215. Consequences of the suspension of settlement of a civil case

1. The court may not remove the name of a suspended civil case from the case acceptance register but shall only record it together with the number and date of the decision to suspend the settlement of such civil case in the case acceptance register.

2. The court fee and other fee advances already paid by the parties shall be deposited at the state treasury and handled when the court resumes the settlement of the civil case.

3. In case of suspension under Point e, Clause 1, Article 214 of this Code, before the suspension, the chief justice of the court currently settling the case shall propose in writing the Chief Justice of the Supreme People's Court to propose a competent state agency to consider and amend, supplement or annul the legal document that shows signs of contravention of the Constitution, a law or resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee, or a legal document of a superior state agency in accordance with Article 221 of this Code.

Within 1 month after receiving the written proposal of the court, the competent state agency shall issue a written reply. Past this time limit, if receiving no reply, the court shall proceed with the settlement of the case according to general procedures.

4. When the settlement of a case is suspended, the judge assigned to settle the case is still responsible for settling the case.

Once the decision to suspend the settlement of a case prescribed in Clause 1, Article 214 of this Code is issued, the judge assigned to settle the case shall monitor and urge related agencies, organizations and individuals to redress as soon as possible the reasons for the suspension so as to ensure the scheduled settlement of the case.

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

Article 216. Decision to resume the settlement of a civil case

Within 3 working days after the reason for suspension of the settlement of a civil case prescribed in Article 214 of this Code no longer exists, the court shall issue a decision to resume the settlement and send it to the parties, the lawsuit-initiating agency, organization or individual, and the same-level procuracy.

The decision to suspend the settlement of a civil case will cease to be effective on the date the decision to resume the settlement of the case is issued. The court shall resume the settlement on the date the decision to resume the settlement is issued.

Article 217. Termination of settlement of a civil case

1. After accepting a civil case according to its jurisdiction, the court shall issue a decision to terminate the settlement of the case in the following cases:

a/ The plaintiff or defendant who is an individual dies but his/her rights and obligations are not inherited;

b/ The agency or organization is dissolved or declared bankrupt but no agency, organization or individual inherits its litigation rights and obligations;

c/ The suer withdraws the whole of his/her claim or the plaintiff is still absent although having been duly summoned twice, except when he/she files a request for trial in his/her absence or his/her absence is due to a *force majeure* event or an objective obstacle;

d/ The court has issued a decision to open bankruptcy procedure for a party being an enterprise or a cooperative and the settlement of such case relates to the obligations and assets of such enterprise or cooperative;

dd/ The plaintiff fails to pay in advance the property valuation and other litigation costs as prescribed by this Code.

If the defendant has a counter-claim or a person with related interests or obligations has an independent claim fails to pay in advance the property valuation and other litigation costs as prescribed by this Code, the court shall terminate the settlement of such counter-claim or independent claim;

e/ The parties have requested the application of the statute of limitations which expires before the first-instance court issues a judgment or decision on the settlement of the case;

g/ Cases prescribed in Clause 1, Article 192 of this Code which have been accepted by the court;

h/ Other cases as prescribed by law.

2. In case the plaintiff withdraws the whole of his/her claim or is still absent without a plausible reason although having been summoned twice and does not file a request for trial in his/her absence and the defendant has a counter-claim or a person with related interests or obligations has an independent claim, this case shall be settled as follows:

a/ If the defendant withdraws the whole of his/her counter-claim or the person with related interests or obligations withdraws the whole of his/her independent claim, the court shall issue a decision to terminate the settlement of the case;

b/ If the defendant does not withdraw or withdraws only part of his/her counter-claim, the court shall issue a decision to terminate the

settlement of the claim of the plaintiff; while the defendant shall become the plaintiff and the plaintiff shall become the defendant;

c/ The defendant withdraws the whole of his/her counter-claim while the person with related interests or obligations does not withdraw or only withdraws part of his/her independent claim, the court shall issue a decision to terminate the settlement of the claim of the plaintiff and the counter-claim of the defendant; while the person with related interests or obligations shall become the plaintiff and the party that is sued under the independent claim shall become the defendant.

3. The court shall issue a decision to terminate the settlement of a civil case, remove the name of such case from the case acceptance register, and return the lawsuit petition and accompanying documents and evidence to the party, if so requested; in this case, the court shall make copies and preserve them as a basis for the settlement of complaints and proposals when necessary.

Within 3 working days after issuing the decision to terminate the settlement of a civil case, the court shall issue this decision to the parties, the lawsuit-initiating agency, organization or individual, and the same-level procuracy.

4. For a case re-tried according to first-instance procedures, after the cassation or reopening trial decision is issued, if the court decides to terminate the settlement of the case, it shall simultaneously settle the consequences of the judgment enforcement and other related matters (if any). In case the plaintiff withdraws his/her lawsuit petition or is still absent although having been duly summoned twice, the termination of the settlement of the case is subject to approval by the defendant and the person with related interests or obligations.

Article 218. Consequences of the termination of the settlement of a civil case

1. When a decision to terminate the settlement of a civil case is issued, the parties shall not be entitled to initiate a lawsuit to request the court to re-settle such case if such lawsuit relates to the same plaintiff, defendant and disputed legal relation as the previous lawsuit, except cases prescribed in Clause 3, Article 192, and at Point c, Clause 1, Article 217, of this Code, and other cases prescribed by law.

2. In case the court issues a decision to terminate the settlement of a civil case under Point a or b, Clause 1, Article 217 of this Code, or for the reason that the plaintiff is still absent although having been duly summoned twice under Point c, Clause 1, Article 217 of this Code, the paid court fee advance shall be remitted into public funds.

3. In case the court issues a decision to terminate the settlement of a civil case for the reason that the suer withdraws the whole of the lawsuit petition under Point c, and for other reasons prescribed at Points d, dd, e and g, Clause 1, Article 217 of this Code, the paid court fee advance shall be refunded to the parties.

4. A decision to terminate the settlement of a civil case may be appealed or protested against according to appellate procedures.

Article 219. Competence to issue a decision to suspend the settlement of a civil case, a decision to resume the settlement of a civil case and a decision to terminate the settlement of a civil case

1. Before opening a court hearing, the judge who is assigned to settle a civil case is competent to issue a decision to suspend, resume or terminate the settlement of the civil case.

2. At a court hearing, the trial panel is competent to issue a decision to suspend, resume or terminate the settlement of the civil case.

Article 220. Decision to bring a case to trial

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

a/ Date of its issue;

b/ Name of the issuing court;

c/ The case to be brought to trial;

d/ Names and addresses of the plaintiff, the defendant or lawsuit-initiating agency, organization or individual as prescribed in Article 187 of this Code, and person with related interests or obligations;

dd/ Full names of the judge, people's assessor and court clerk; full names of the alternate judge and people's assessor, if any;

e/ Full names of the procurator to attend the court hearing and the alternate procurator, if any;

g/ Time, date and venue of the court hearing;

h/ Public or closed hearing;

i/ Full names of persons who are summoned to the court hearing.

2. Within 3 working days after it is issued, the decision to bring the case to trial shall be sent to the parties and same-level procuracy.

If the procuracy participates in the court hearing under Clause 2, Article 21 of this Code, the court shall send the case file together with the decision to bring the case to trial to the same-level procuracy. Within

15 days after receiving the file, the procuracy shall study the case file and return it to the court.

Article 221. Detection of and proposal to amend, supplement or annul a legal document

1. During the settlement of a civil case, if finding out a legal document relevant to the settlement of the case showing signs of contravention of the Constitution, a law or resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee, or a legal document of a superior state agency, the court shall:

a/ In case there is no decision to bring the case to trial, the judge assigned to settle the case shall report it to and propose the chief justice of the court settling the case to make a written proposal to the Chief Justice of the Supreme People's Court to request a competent state agency to consider amending, supplementing or annulling the legal document;

b/ In case there is already a decision to bring the case to trial or the case is being heard at a court hearing or is being heard according to cassation or reopening procedures, the trial panel shall postpone the hearing under Point e, Clause 1, Article 259 of this Code, and propose the chief justice of the court settling the case to make a written proposal to the Chief Justice of the Supreme People's Court to request a competent state agency to consider amending, supplementing or annulling the legal document.

2. Within 15 days after receiving a written proposal of the chief justice of a subordinate court, the Chief Justice of the Supreme People's Court shall consider and handle it as follows:

a/ If the proposal is grounded, he/she shall issue a written request to a competent state agency to amend, supplement or annul the legal document and notify it to the proposing court;

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

3. The agency that receives the court's request for amendment, supplementation or annulment of a legal document shall settle it as follows:

a/ If the proposal concerns a legal document detailing and guiding the implementation of the Constitution, a law or resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee or a legal document of a superior state

agency, within 1 month after receiving the proposal of the Chief Justice of the Supreme People's Court, the agency that has issued such document shall consider and issue a written reply to the Supreme People's Court. Past this time limit, if receiving no written reply, the court shall apply the document of higher effect to settle the case;

b/ If the proposal concerns a law or resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee, the provisions of the Law on Promulgation of Legal Documents shall be complied with.

Chapter XIV

FIRST-INSTANCE COURT HEARINGS

Section 1

GENERAL PROVISIONS ON FIRST-INSTANCE COURT HEARINGS

Article 222. General requirements on a first-instance court hearing

A first-instance court hearing shall be conducted at the right time and right venue indicated in the decision to bring the case to trial or in the notice of re-opening of the court hearing in case the court hearing has been postponed.

Article 223. Venue of a court hearing

A court hearing shall be held in the court house or outside the court house provided that the solemnness and arrangement of the courtroom prescribed in Article 224 of this Code are ensured.

Article 224. Arrangement in a courtroom

1. The national emblem of the Socialist Republic of Vietnam shall be hung in the upper central position in the courtroom and above the seats of the trial panel.

2. Separate areas shall be arranged in the courtroom for the trial panel, procurator, court clerk, the parties, defense counsels of the parties, other proceeding participants, and attendants.

Article 225. Direct, oral hearing

1. The court shall directly ascertain details of the case by listening to the presentations of the plaintiff, defendant, person with related interests or obligations, lawful representatives, defense counsels of the

parties and other proceeding participants, agencies and organizations invited to the hearing; making questions and listening to answers; checking and inspecting collected documents and evidence; chairing and listening to the arguments among the parties; and listening to the procuracy's opinions presented by the procurator.

2. The trial shall be conducted orally in the courtroom.

Article 226. Replacement of trial panel members in special cases

1. In case the judge or a people's assessor cannot continue to hear the case, the trial may be continued if there is an alternate judge or people's assessor, provided that such person is present at the court hearing from the beginning.

In case the trial panel consists of two judges of whom the presiding judge cannot continue to hear the case, the other judge shall preside over the court hearing and the alternate judge shall be added to the trial panel.

2. In case there is no alternate judge or people's assessor to replace a trial panel member, or the presiding judge of the court hearing is replaced while there is no replacement as prescribed in Clause 1 of this Article, the case shall be re-tried from the beginning.

Article 227. Presence of plaintiffs, representatives and defense counsels of plaintiffs

1. Under the court's first proper summons, the parties or their representatives or defense counsels must be present at the court hearing. If any of them is absent, the trial panel shall postpone the court hearing, unless such party files a written request for trial in his/her absence.

The court shall notify the parties or their representatives or defense counsels of the postponement of the court hearing.

2. Under the court's second proper summons, the parties or their representatives or defense counsels must be present at the court hearing, unless they make a written request for trial in their absence; if a party is absent due to a *force majeure* event or an objective obstacle, the court may postpone the court hearing; in case a party's absence is not due to a *force majeure* event or an objective obstacle, the court shall handle the case as follows:

a/ If the plaintiff is absent without a representative participating in the court hearing, he/she shall be regarded as having waived his/her lawsuit, and the court shall issue a decision to terminate the settlement of the case with regard to his/her lawsuit petition, unless he/she files a written request for trial in his/her absence. The plaintiff may initiate another lawsuit in accordance with law;

b/ If the defendant who files no counter-claim or the person with related interests or obligations who files no independent claim is absent without a representative participating in the court hearing, the court shall conduct trial in his/her absence;

c/ If the defendant who files a counter-claim is absent without a representative participating in the court hearing, he/she shall be regarded as having waived his/her counter-claim, and the court shall decide to terminate the settlement of the case with regard to his/her counter-claim, unless he/she files a written request for trial in his/her absence. The defendant may initiate another lawsuit for his/her counter-claim in accordance with law;

d/ If a person with related interests or obligations who files an independent claim is absent without a representative participating in the court hearing, he/she shall be regarded as having waived his/her independent claim, and the court shall decide to terminate the settlement of his/her independent claim, unless he/she files a written request for trial in his/her absence. A person with related interests or obligations who files an independent claim may initiate another lawsuit for his/her independent claim in accordance with law;

dd/ If the defense counsel of a party is absent, the court may conduct trial in his/her absence.

Article 228. Trial in the absence of a party and his/her/its defense counsel from a court hearing

The court shall still proceed with hearing a case in the following cases:

1. The plaintiff, the defendant or a person with related interests or obligations and his/her representative who are absent from the court hearing file a written request with the court for trial in their absence;

2. The plaintiff, the defendant or a person with related interests or obligations is absent from the court hearing but his/her representative participates in the court hearing;

3. The cases prescribed at Points b, c, d and dd, Clause 2, Article 227 of this Code.

Article 229. Presence of a witness

1. A witness shall be obliged to attend a court hearing under a court's summons.

2. In case a witness is absent, the trial panel shall decide whether to proceed with or postpone the court hearing.

The trial panel shall proceed with hearing the case in the absence of a witness who previously gave testimony directly to the court or sent his/her testimony to the court. The presiding judge shall disclose such testimony.

The trial panel shall decide to postpone the court hearing if the absence of a witness from the hearing causes difficulty and affects the objective and comprehensive settlement of the case.

3. If the absence of a witness from a court hearing without a plausible reason could hinder the trial, he/she may be escorted to the court hearing under a decision of the trial panel, unless he/she is a minor.

Article 230. Presence of an expert witness

1. An expert witness shall be obliged to participate in a court hearing under a court's summons to explain and respond to issues related to the expert assessment and conclusion of the expert assessment.

2. If an expert witness is absent, the trial panel shall decide whether to proceed with or postpone the court hearing.

Article 231. Presence of an interpreter

1. An interpreter shall be obliged to participate in a court hearing under a court's summons.

2. If an interpreter is absent without a replacement, the trial panel shall decide to postpone the court hearing.

Article 232. Presence of a procurator

1. The procurator assigned by the chief procurator of the same-level procuracy shall participate in a court hearing; if he/she is absent, the trial panel shall still proceed with hearing the case, without postponing it.

2. In case a procurator is replaced at a court hearing or cannot continue to participate in a court hearing and an alternate procurator is available, the latter may participate in the court hearing for continued trial provided that he/she is present at the court hearing from the beginning.

Article 233. Time limit for postponing a court hearing and decision to postpone a court hearing

1. The trial panel shall decide to postpone a court hearing in the cases prescribed in Clause 2, Article 56; Clause 2, Article 62; Clause 2, Article 84; Article 227; Clause 2, Article 229; Clause 2, Article 230; Clause 2, Article 231; and Article 241, of this Code. The time limit for postponement of a court hearing is 1 month, or 15 days for a court

hearing conducted according to summary procedures, from the date of issuance of the decision to postpone the court hearing.

2. A decision to postpone a court hearing must contain the following principal details:

a/ Date of its issuance;

b/ Name of the court and full names of proceeding-conducting persons;

c/ The case brought to trial;

d/ Reason for the postponement;

dd/ Time and venue for resuming the court hearing.

3. A decision to postpone a court hearing shall be signed by the judge presiding over the court hearing on behalf of the trial panel and publicly announced at the court hearing. For an absentee, the court shall immediately send the decision to him/her and concurrently to the same-level procuracy.

4. In case the court cannot resume a court hearing at the time and the venue indicated in the postponement decision, the court shall immediately notify the same-level procuracy and proceeding participants of the new time and venue for resuming the court hearing.

Article 234. Internal rules of a court hearing

1. When entering the courtroom, everyone shall be subject to security check by the force responsible for protecting the court hearing.

2. It is prohibited to bring into the courtroom weapons, dangerous objects, explosives, flammables, toxins, radioactives, banned objects, posters, banners and other documents and articles that may affect the solemnness of the court hearing, except exhibits serving the trial or weapons and supporting tools carried along by persons responsible for protecting the court hearing.

3. A participant in a court hearing at the court's request shall produce the summons, invitation and other relevant papers to the court clerk at the clerk's table at least 15 minutes before the opening of the court hearing. All participants shall be seated in the courtroom according to the instruction of the court clerk. A person who comes late shall produce the summons, invitation and other relevant papers to the court clerk via the security force.

4. A journalist attending a court hearing to report on its proceedings shall obey the command of the presiding judge on his/her operation area. A journalist who wishes to audio-record or video-record the trial panel

shall obtain the consent of the presiding judge. The audio-recording and video-recording of the parties and other proceeding participants are subject to the latter's consent.

5. All attendants in a court hearing shall be neatly dressed; show respect for the trial panel, keep order and obey instructions of the presiding judge.

6. Wearing hats, caps or color glasses is prohibited at a court hearing, unless it has a plausible reason and consented by the presiding judge; using mobile phones, smoking, eating or drinking in the courtroom or committing other acts that could affect the solemnness of the court hearing are prohibited.

7. A person who participates in a court hearing at the court's request must be present throughout the hearing, unless he/she is permitted by the presiding judge to leave the courtroom for a plausible reason.

A person under 16 years may not enter the courtroom, unless he/she is summoned by the court to attend the court hearing.

8. All persons present in the courtroom shall stand up when the trial panel enters the courtroom and when it pronounces the judgment, except in special cases approved by the presiding judge.

9. Only persons who are permitted by the trial panel can raise questions, give answers or statements. The person who questions, answers or gives statements shall do so standing up, unless he/she is permitted by the presiding judge to remain seated while making questions or giving answers or statements for health reasons.

Article 235. Procedure for rendering a court's judgment and decision at a court hearing

1. A judgment shall be discussed and adopted by the trial panel in the deliberation room.

2. A decision to replace a proceeding-conducting person, an expert witness or an interpreter, to transfer a case, to suspend or terminate the settlement of a case, to postpone a court hearing, to recognize the agreement of the parties or to suspend a court hearing shall be discussed and adopted by the trial panel in the deliberation room and expressed in writing.

3. A decision on other matters shall be discussed and adopted by the trial panel in the courtroom and is not required to be made in writing but shall be recorded in the minutes of the court hearing.

Article 236. Minutes of a court hearing

1. A minutes of a court hearing must fully contain the following details:

a/ Main contents of the decision to bring the case to trial prescribed in Clause 1 of Article 220 of this Code;

b/ All proceedings at the court hearing from the beginning to the end;

c/ Questions, answers and statements made at the court hearing.

2. In addition to having the minutes of the court hearing recorded, the trial panel may audio-record and video-record the proceedings at the court hearing.

3. At the end of a court hearing, the presiding judge shall examine the minutes and sign it together with the court clerk.

4. The procurator and proceeding participants have the right to read the minutes of the court hearing immediately after the court hearing closes, and to request revisions and additions to the minutes before signing it for certification.

Article 237. Preparation for the opening of a court hearing

Before the opening of a court hearing, the court clerk shall:

1. Announce the rules of the court hearing;

2. Examine and verify the presence and absence of the persons participating in the court hearing under the court's summons or notices; if any person is absent, the reason therefor shall be clarified;

3. Maintain order in the courtroom; and,

4. Request all persons present in the courtroom to stand up when the trial panel enters the courtroom.

Article 238. Procedure for trial in the absence of all proceeding participants

1. The court shall base itself on documents and evidence in the case file to hear the case in the absence of the parties and other proceeding participants in accordance with law when all the following conditions are met:

a/ The plaintiff or his/her lawful representative files a written request for trial in his/her absence;

b/ The defendant or a person with related interests or obligations or his/her lawful representative files a written request for trial in his/her absence, or is still absent although having been duly summoned twice;

c/ The defense counsel of the plaintiff, defendant or a person with related interests or obligations files a written request for trial in his/her absence or is still absent although having been duly summoned twice.

2. The presiding judge announces the reason for the absence or written request of a party for the trial panel to hear the case in his/her absence.

3. The presiding judge briefly announces the contents of the case and documents and evidence in the case file. The trial panel discusses matters to be settled in the case.

4. The procurator presents the procuracy's opinions.

5. The trial panel deliberates a judgment and pronounces it in accordance with this Code.

Section 2

PROCEDURE FOR COMMENCING A COURT HEARING

Article 239. Opening of a court hearing

1. The presiding judge opens the court hearing and reads aloud the decision to bring the case to trial.

2. The court clerk reports to the trial panel on the presence and absence of the persons summoned or notified by the court to participate in the court hearing and reasons for their absence.

3. The presiding judge re-checks the presence of the participants in the court hearing under the court's summons or notices and checks the personal identification papers of the parties and other proceeding participants.

4. The presiding judge announces the rights and obligations of the parties and other proceeding participants.

5. The presiding judge introduces full names of the proceeding-conducting persons, expert witness and interpreter.

6. The presiding judge asks a person who is entitled to request the replacement of a proceeding-conducting person, an expert witness or an interpreter whether he/she requests to replace any of these persons.

7. The witness shall be asked to give truthful testimony; if giving untruthful testimony, he/she shall be held responsible before law, except when he/she is a minor.

8. The expert witness and interpreter shall be asked to provide precise expert assessment results and to correctly interpret contents to be interpreted.

Article 240. Handling of a request for replacement of a proceeding-conducting person, an expert witness or an interpreter

In case a person requests replacement of a proceeding-conducting person, an expert witness or an interpreter, the trial panel shall consider and decide thereon according to the procedures prescribed in this Code and may accept or reject such request. In case of rejection, it shall clearly state the reason.

Article 241. Consideration and decision on the postponement of a court hearing due to a person's absence

When any proceeding participant is absent from a court hearing and his/her absence does not fall into the case in which the court shall postpone the court hearing, the presiding judge shall ask whether a participant requests the postponement of the court hearing. If there is such request, the trial panel shall consider and decide thereon according to the procedure prescribed in this Code and may accept or reject such request. In case of rejection, it shall clearly state the reason.

Article 242. Guarantee of the impartiality of a witness

1. Before asking a witness about matters he/she knows, which are related to the settlement of the case, the presiding judge may decide to take necessary measures so that he/she neither hears another witness's testimony nor comes into contact with related persons.

2. In case the testimony of a party may influence that of a witness, the presiding judge may decide to separate the party from the witness before asking the witness.

Article 243. Inquiry of a party about change, supplementation or withdrawal of his/her/its claim

The inquiry of a party about change, supplementation or withdrawal of his/her/its claim must start with the presiding judge's inquiry of the party about the following issues:

1. Inquiring the plaintiff whether or not he/she wishes to change, supplement or withdraw part or whole of his/her claim;

2. Inquiring the defendant whether or not he/she wishes to change, supplement or withdraw part or whole of his/her counter-claim;

3. Inquiring the person with related interests or obligations who files an independent claim whether or not he/she wishes to change, supplement or withdraw part or whole of his/her independent claim.

Article 244. Consideration of the change, supplementation or withdrawal of a claim

1. The trial panel shall accept the change and supplementation of a party's claim as long as such change or supplementation does not fall beyond the scope of their original lawsuit, counter-claim or independent claim.

2. In case a party voluntarily withdraws part or whole of his/her/its claim, the trial panel shall accept such request and terminate the trial with regard to the withdrawn part or whole of the claim.

Article 245. Change of litigation status

1. In case the plaintiff withdraws the whole of his/her lawsuit claim, but the defendant still maintains his/her counter-claim, the defendant shall become the plaintiff while the plaintiff shall become the defendant.

2. In case the plaintiff withdraws the whole of his/her lawsuit claim and the defendant withdraws the whole of his/her counter-claim, but a person with related interests or obligations still maintains his/her independent claim, such person shall become the plaintiff and the person who is sued in the independent claim shall become the defendant.

Article 246. Recognition of the parties' agreement

1. The presiding judge shall ask whether the parties can reach mutual agreement on the settlement of the case. In case they reach agreement on the settlement of the case and their agreement is voluntary, neither violates prohibitions imposed by law nor is contrary to social morality, the trial panel shall issue a decision to recognize their agreement.

2. The court's decision to recognize the parties' agreement on the settlement of the case shall take legal effect in accordance with Article 213 of this Code.

Section 3

ADVERSARIAL PROCESS AT A COURT HEARING

Article 247. Content and method of the adversarial process at a court hearing

1. The adversarial process at a court hearing includes presentation of evidence, questioning, response, answering and presentation of views and arguments on the assessment of evidence and details of the civil

case, disputed legal relation and applicable law, in order to settle the claims of the parties in the case.

2. The adversarial process at a court hearing shall be administered by the presiding judge.

3. The presiding judge may not limit the time of the adversarial process, and shall create conditions for the participants in the adversarial process to present all of their opinions, but may ask them to stop presenting opinions irrelevant to the civil case.

Article 248. Presentations of parties and their defense counsels

1. In case a party still maintains his/her claim and the parties cannot reach agreement on the settlement of the case, the parties shall make their presentations in the following order:

a/ The defense counsel of the plaintiff presents the plaintiff's claim and evidence to prove that such claim is grounded and lawful. The plaintiff may give additional opinions.

In case an agency or organization initiates a lawsuit, its representative shall present the claim and evidence to prove that such claim is grounded and lawful;

b/ The defense counsel of the defendant presents the defendant's opinions on the plaintiff's claim; the defendant's counter-claim and proposal as well as evidence to prove that such counter-claim and proposal are grounded and lawful. The defendant may give additional opinions;

c/ The defense counsel of a person with related interests or obligations presents the latter's opinions on the claims and requests of the plaintiff and defendant; his/her independent claim and requests as well as evidence to prove that such claim and requests are grounded and lawful. The person with related interests or obligations may give additional opinions.

2. In case the plaintiff, the defendant or a person with related interests or obligations has no defense counsel, he/she shall present by himself/herself his/her claim and requests as well as evidence to prove that his/her claim and requests are grounded and lawful.

3. At a court hearing, the parties and their defense counsels may only supplement evidence in accordance with Clause 4, Article 96 of this Code to prove their respective claims and requests.

Article 249. Sequence and principles of inquiry at a court hearing

1. After listening to the presentations of the parties and their defense counsels made in accordance with Article 248 of this Code, under the

administration of the presiding judge, the inquiry of each person shall be carried out in the following sequence:

a/ The plaintiff and his/her defense counsel, then the defendant and his/her defense counsel, then a person with related interests or obligations and his/her defense counsel;

b/ Other proceeding participants;

c/ The presiding judge and the people's assessor;

d/ The procurator participating in the court hearing.

2. Questions must be clear, serious and not repetitive. It is prohibited to abuse the questioning and answering to infringe upon the honor and dignity of a proceeding participant.

Article 250. Inquiry of the plaintiff

1. In case there are multiple plaintiffs, they shall be inquired separately one by one.

2. The plaintiff shall be inquired only about matters presented by his/her defense counsel or by himself/herself which remain unclear and inconsistent or are contradictory to their previous testimony, or contradictory to the presentations of the defendant or a person with related interests or obligations and the latter's defense counsel.

3. The plaintiff may himself/herself give answers or his/her defense counsel may give answers on his/her behalf, before he/she gives additional answers.

Article 251. Inquiry of the defendant

1. In case there are multiple defendants, they shall be inquired separately one by one.

2. The defendant shall only be inquired about matters presented by himself/herself or by his/her defense counsel which remain unclear and inconsistent or are contradictory to their previous testimony, or contradictory to the claim and statements of the plaintiff or a person with related interests or obligations and the latter's defense counsel.

3. The defendant may give answers or his/her defense counsel may give answers on his/her behalf, before he/she gives additional answers.

Article 252. Inquiry of a person with related interests or obligations

1. In case there are multiple persons with related interests or obligations, they shall be inquired separately one by one.

2. A person with related interests or obligations shall only be inquired about matters presented by himself/herself or by his/her defense

counsel which remain unclear and inconsistent or are contradictory to his/her previous testimony or contradictory to the claim, requests and statements of the plaintiff or the defendant or of the latter's defense counsel.

3. A person with related interests or obligations may give answers or his/her defense counsel may give answers on his/her behalf, before he/she gives additional answers.

Article 253. Inquiry of a witness

1. Before questioning a witness, the presiding judge shall ask to make clear the relation between the witness and parties in the case; if the witness is a minor, the presiding judge may request his/her parent, guardian or teacher to help in the inquiry. In case there are multiple witnesses, they shall be inquired separately one by one.

2. The presiding judge shall request a witness to present details of the case which he/she knows. After the witness finishes his/her presentation, the presiding judge may only ask about matters which remain unclear, incomplete or inconsistent or are contradictory to the witness's previous testimony or contradictory to the statements of the parties and their defense counsels.

3. After finishing his/her presentation, the witness shall stay in the courtroom for possible further inquiry.

4. In case it is necessary to ensure safety for a witness and his/her relatives, the trial panel may decide not to disclose information on his/her personal identity and shall keep the witness from being seen by attendants in the court hearing.

5. The parties and their defense counsels may ask a witness after obtaining the consent of the presiding judge.

Article 254. Disclosure of documents and evidence of a case

1. The trial panel shall disclose documents and evidence of a case in the following cases:

a/ A proceeding participant is absent from the court hearing but gave his/her testimony in the stage of preparation for the court hearing;

b/ The testimony given at the court hearing by a proceeding participant is contradictory to his/her previous testimony;

c/ Other cases in which the trial panel deems it necessary or the procurator, a party, the defense counsel of a party or any proceeding participant so requests.

2. In a special case in which it is necessary to keep state secrets, to preserve the nation's fine customs and practices, to keep professional secrets, business secrets, personal privacy or family secrets or to protect a minor at the request of a party, the trial panel may not disclose documents and evidence included in the case file.

Article 255. Hearing of audio tapes and disks, watching of video tapes and disks and other devices storing sounds and images

At the request of a party, the defense counsel of a party, another proceeding participant or the procurator or when deeming it necessary, the trial panel may arrange the hearing of audio tapes and disks and watching of video tapes and disks and other devices storing sounds and images at a court hearing, except for the case prescribed in Clause 2, Article 254 of this Code.

Article 256. Inspection of exhibits

Exhibits, photos of or written records certifying exhibits may be presented for inspection at a court hearing.

When necessary, the trial panel may go together with the parties to inspect exhibits that cannot be brought to a court hearing.

Article 257. Inquiry of an expert witness

1. The presiding judge shall request an expert witness to present his/her conclusions on matters already assessed. In his/her presentation, the expert witness may explain the conclusions of an expert assessment and their grounds.

2. The procurator, a party, the defense counsel of a party or another proceeding participant present at the court hearing may, after obtaining the consent of the presiding judge, give comments on the conclusions of an expert assessment, ask about matters that remain unclear or contradictory in the conclusions of expert assessment or contradictory to other details of the case.

3. In case an expert witness is absent from the court hearing, the presiding judge shall disclose the conclusions of an expert assessment.

4. When a party or the defense counsel of a party disagrees with the conclusions of an expert assessment disclosed at a court hearing and requests additional assessment or re-assessment, if deeming that additional assessment or re-assessment is necessary for the settlement of the case, the trial panel shall decide on the additional assessment or re-assessment; in this case, the trial panel shall decide to adjourn the court hearing in accordance with Point d, Clause 1, Article 259 of this Code.

Article 258. Completion of the inquiry at a court hearing

When deeming that the details of the case have been fully considered, the presiding judge shall ask the procurator, the parties and their defense counsels and other proceeding participants whether they wish to ask about any matters; in case someone has such request and the presiding judge sees that such request is grounded, the presiding judge shall decide to continue the inquiry.

Article 259. Adjournment of a court hearing

1. During the trial, the trial panel shall be entitled to decide to adjourn the court hearing when having one of the following grounds:

a/ A proceeding-conducting person cannot continue conducting the court hearing due to health conditions or a *force majeure* event or another objective obstacle, unless he/she can be replaced;

b/ A proceeding participant cannot continue participating in the court hearing due to health conditions or a *force majeure* event or another objective obstacle, unless he/she files a request for trial in his/her absence;

c/ It is necessary to verify and collect additional documents and evidence, otherwise it is impossible to settle the case, and such verification and collection cannot be carried out immediately at the court hearing;

d/ It is necessary to wait for the additional assessment or re-assessment result;

dd/ The parties reach agreement to request the court to adjourn the court hearing for them to conciliate;

e/ It is necessary to report to the chief justice of the court to propose amendment and supplementation or annulment of a legal document as prescribed in Article 221 of this Code.

2. The adjournment of a court hearing shall be recorded in its minutes. The time limit for adjournment of a court hearing is 1 month, counting from the date the trial panel decides to adjourn it. Past this time limit, if the reason for the adjournment no longer exists, the trial panel shall resume the hearing; if the reason for the adjournment still exists, the trial panel shall decide to adjourn the settlement of the case. The trial panel shall notify in writing the time of resumption of the court hearing to the proceeding participants and the same-level procuracy.

Article 260. Sequence of presenting arguments

1. After finishing the inquiry, the trial panel shall proceed to the argument session at the court hearing. The sequence of presenting arguments is prescribed as follows:

a/ The defense counsel of the plaintiff makes his/her presentation. The plaintiff may give additional opinions. In case an agency or organization initiates the lawsuit, its representative shall present its opinions. The person having his/her lawful rights and interests protected may give additional opinions;

b/ The defense counsel of the defendant presents arguments and responses. The defendant may give additional opinions;

c/ The defense counsel of a person with related interests or obligations makes his/her presentation. The person with related interests or obligations may give additional opinions;

d/ The parties present their arguments and responses under the administration by the presiding judge;

dd/ When deeming it necessary, the trial panel may request a party to present additional arguments on specific matters to serve the settlement of the case.

2. In case the plaintiff, the defendant or a person with related interests or obligations has no defense counsel, he/she shall himself/herself present his/her arguments.

3. In case one party or another proceeding participant is absent, the presiding judge shall disclose his/her testimony as the basis for the parties present at the court hearing to present their arguments and responses.

Article 261. Giving of opinions in the course of argument and response

When giving opinions on the assessment of evidence or presenting their view on the settlement of the case, participants in the argument process shall base themselves on documents and evidence that have been collected, considered and inspected at the court hearing as well as outcomes of the inquiry at the court hearing. They may respond to the opinions of others.

Article 262. Opinions of the procurator

After the proceeding participants present their arguments and responses, the procurator shall present his/her opinions on the observance of the procedural law by the judge, the trial panel, the court clerk and proceeding participants during the settlement of the case from the time the case is accepted for handling to the time before the trial panel deliberates a judgment, and present opinions on the settlement of the case.

Immediately after the court hearing closes, the procurator shall send his/her written opinions to the court for putting in the case file.

Article 263. Going back to inquiry and argument

Through argument, if deeming that certain details of a case have not been considered or fully considered, or some evidence needs to be additionally examined, the trial panel shall decide to go back to the inquiry and argument process.

Section 4

**DELIBERATION AND PRONOUNCEMENT OF
A JUDGMENT**

Article 264. Deliberation of a judgment

1. After finishing the argument session, the trial panel shall enter the deliberation room to deliberate a judgment.

2. Only members of the trial panel may participate in the deliberation. During the deliberation, the trial panel members shall base themselves on documents and evidence already examined at the court hearing, outcomes of the adversarial process at the court hearing, and the applicable law, and, if the case is the one prescribed in Clause 2, Article 4 of this Code, also on practices, legal analogs, fundamental principles of civil law, court precedents or justice, to settle all matters of the case by majority vote on each matter. The people's assessor shall vote first and the presiding judge shall vote last. A member with the minority opinion may give his/her opinion in writing which shall be put in the case file.

3. All opinions discussed and decisions made by the trial panel during the deliberation shall be recorded in writing. The written record of the deliberation shall be signed in the deliberation room by all trial panel members before a judgment is pronounced.

4. If the case involves many complicated circumstances and the deliberation requires a longer time, the trial panel may decide on the deliberation duration which, however, must not exceed 5 working days after the end of the argument at the court hearing.

The trial panel shall inform all persons present at the court hearing and the absent proceeding participants of the time, date and place of judgment pronouncement; if the trial panel has so notified but some proceeding participant is absent, the trial panel shall still pronounce the judgment in accordance with Article 267 of this Code.

Article 265. Going back to inquiry and argument

Through deliberation, if deeming that certain details of the case have not been considered, the inquiry remains insufficient or evidence needs to be further examined, the trial panel shall decide to go back to the inquiry and argument process.

Article 266. First-instance judgment

1. The court shall render a judgment in the name of the Socialist Republic of Vietnam.

2. A judgment must contain an introduction, case contents and assessments, and rulings of the court, specifically:

a/ The introduction part must include the name of the first-instance court; the serial number of the case and its acceptance date; serial number of the judgment and date of its pronouncement; full names of the trial panel members, the court clerk, procurator, expert witness and interpreter; names and addresses of the plaintiff, defendant and person with related interests or obligations, and lawsuit-initiating agency, organization or individual; lawful representatives and defense counsels of the parties; subject matter of the dispute; serial number and date of the decision to bring the case to public or closed trial; time and place of the trial;

b/ The part on the case contents and the court's assessments must include the claim of the plaintiff; the claim of the lawsuit-initiating agency, organization or individual; the counter-claim and requests of the defendant; the independent claim and requests of the person with related interests or obligations.

The court shall base itself on documents and evidence already examined at the court hearing and outcomes of the adversarial process at the court hearing to analyze and assess in a comprehensive and objective manner the details of the case and legal bases; if the case is the one prescribed in Clause 2, Article 4 of this Code, it shall also base itself on practices, legal analogs, fundamental principles of civil law, court precedents and justice to accept or reject the claims and requests of the parties and their defense counsels and to settle other relevant matters;

c/ The part on the court rulings must clearly state the legal bases and rulings of the trial panel on each matter settled in the case, on the application of provisional emergency measures, court fee and litigation costs and the right to appeal against the judgment; if there are rulings to be executed immediately, they shall be specified.

3. During the re-trial of a case on which part or the whole of the judgment or decision has been cancelled under a cassation or reopening

trial decision, the court shall settle property-related matters and obligations already performed (if any) under the cancelled legally effective judgment or decision, and clearly indicate the settlement in the judgment.

Article 267. Pronouncement of a judgment

The trial panel shall read the judgment in the presence of the parties and representative of the lawsuit-initiating agency, organization or individual, even in the absence of a party who was present at the court hearing or in the absence of a party as prescribed in Clause 4, Article 264 of this Code.

While the trial panel pronounces the judgment, all persons present in the courtroom shall rise up, except for special cases permitted by the presiding judge. The presiding judge or another member of the trial panel shall read the judgment and may additionally explain the enforcement of the judgment and the right to appeal.

For a closed hearing prescribed in Clause 2, Article 15 of this Code, the trial panel shall only publicly pronounce the introduction and decision parts of the judgment.

In case a party needs interpretation, an interpreter shall interpret the whole or only the introduction and decision parts of the judgment publicly pronounced.

Article 268. Modification and supplementation of a judgment

1. A judgment, once pronounced, may not be modified and supplemented, unless apparent spelling mistakes and incorrect data due to confusion or miscalculation are detected.

2. If it is necessary to modify and supplement a judgment under Clause 1 of this Article, the judge in coordination with the people's assessors on the trial panel that has pronounced such judgment shall issue a decision to modify and supplement the judgment and immediately send it to the parties, the lawsuit-initiating agency, organization or individual, the same-level procuracy, and the civil judgment enforcement agency, if the judgment has been sent to the civil judgment enforcement agency.

In case the judge who heard the case no longer works at the court which issued the judgment, the chief justice of the court shall modify and supplement the judgment.

Article 269. Issuance of a judgment's extracts; handover and sending of a judgment

1. Within 3 working days after the end of a court hearing, the parties and the lawsuit-initiating agency, organization or individual shall be supplied with the judgment's extracts by the court.

2. Within 10 days after pronouncing a judgment, the court shall hand over or send the judgment to the parties, the lawsuit-initiating agency, organization or individual and the same-level procuracy.

3. A legally effective first-instance judgment of the court that has settled a civil case initiated by a social organization to protect consumer interests shall be publicly displayed at the office of such court and published on a central or local daily for three consecutive issues.

The first-instance court shall send a legally effective first-instance judgment concerning the State's compensation liability to the competent state management agency in charge of the State's compensation.

The first-instance court shall notify in writing a legally effective first-instance judgment concerning the change of the civil status of a person, enclosed with the judgment's extract, to the People's Committee of the locality which has registered the civil status for such person in accordance with the Law on Civil Status.

The time limit for public display, publication and sending of judgments and notices prescribed in this Clause is 5 working days after the judgment takes legal effect.

4. Every legally effective first-instance judgment of a court shall be posted on the e-portal (if any) of the court, except those containing information prescribed in Clause 2, Article 109 of this Code.

PART THREE

PROCEDURE FOR SETTLEMENT OF A CASE AT THE COURT OF APPEALS

Chapter XV

NATURE OF APPELLATE TRIAL AND APPEAL AND PROTEST AGAINST JUDGMENTS AND DECISIONS OF THE FIRST-INSTANCE COURT

Article 270. Nature of appellate trial

Appellate trial means the direct re-trial by the court of appeals of a case on which the first-instance court's judgment or decision has not taken legal effect yet and is appealed or protested against.

Article 271. Persons having the right to appeal

A party or his/her lawful representative and the lawsuit-initiating agency, organization or individual have the right to appeal against the first-instance judgment or a decision of the first-instance court to suspend or terminate the settlement of a civil case in order to request the court of appeals to re-try the case according to appellate procedures.

Article 272. Appeal petition

1. When exercising his/her/its right to appeal, an appellant shall make an appeal petition, which must contain the following principal details:

a/ Date of its making;

b/ Full name and address; telephone number, fax number and email address (if any) of the appellant;

c/ The appeal against the whole or part of the judgment or decision of the first-instance court, which has not taken legal effect yet;

d/ The reason for the appeal and the appellant's claim;

dd/ Signature or fingerprint of the appellant.

2. An appellant being an individual who has full civil litigation act capacity may make an appeal petition by himself/herself. The petition's name and address sections in the petition shall be filled out with his/her full name and address, and telephone number, fax number and email address (if any). At the bottom of the petition, the appellant shall sign or press his/her fingerprint.

3. The appellant prescribed in Clause 2 of this Article may authorize another person to appeal on his/her behalf. The appellant's name and address sections in the petition shall be filled out with the full names and addresses of the authorized representative of the appellant and of the appellant; telephone number, fax number and email address (if any) of the appellant, and the authorization document. At the bottom of the petition, the authorized representative shall sign or press his/her fingerprint.

4. The at-law representative of an appellant being an agency or organization may make an appeal petition by himself/herself. The appellant's name and address sections in the petition shall be filled out with the name and address; and telephone number, fax number and email address (if any) of the appealing agency or organization; and the full name and position of its at-law representative. At the bottom of the petition, the at-law representative shall sign and affix the seal of his/her

agency or organization; if 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 agency or organization authorizes another person to appeal, the appellant's name and address sections in the appeal petition shall be filled out with the full names and addresses of the authorized representative of the appellant and of the authorizing agency or organization; telephone number, fax number and email address (if any) of the authorizing agency or organization; full name and position of the at-law representative of such agency or organization, and the authorization document. At the bottom of the petition, the authorized representative shall sign or press his/her fingerprint.

5. The at-law representative of an appellant being a minor or a person who has lost his/her civil act capacity may make an appeal petition by himself/herself. The appellant's name and address sections in the petition shall be filled out with the full names and addresses of the appellant's at-law representative and of the appellant. At the bottom of the petition, the at-law representative shall sign or press his/her fingerprint.

In case the at-law representative of the appellant authorizes another person to appeal, the appellant's name and address sections in the petition shall be filled out with the full name and address of the authorized representative and the authorization document; full name and address of the at-law representative; and full name and address of the appellant being a minor or a person who has lost his/her civil act capacity. At the bottom of the petition, the authorized representative shall sign or press his/her fingerprint.

6. The authorization prescribed in Clauses 3, 4 and 5 of this Article shall be established in writing. The authorization document shall be notarized or certified legally, unless it is established before court to the witness of a judge or a person assigned by the chief justice of the court. The authorization document must specify that the appellant authorizes the representative to appeal the first-instance court's judgment or decision to suspend or terminate the settlement of the case.

7. An appeal petition shall be filed with the first-instance court that rendered the first-instance judgment or decision being appealed. In case the appeal petition is filed with the court of appeals, the court of appeals shall deliver the petition to the first-instance court for carrying out necessary procedures in accordance with this Code.

8. An appeal petition shall be accompanied by additional documents and evidence, if any, to prove that the appeal is grounded and lawful.

Article 273. Time limit for appeal

1. The time limit for an appeal against the first-instance court's judgment is 15 days from the date of pronouncement of the judgment; for a party or the representative of the lawsuit-initiating agency, organization or individual who was absent from the court hearing or was absent at the time of pronouncement of the judgment for a plausible reason, the time limit for filing an appeal shall be counted from the date the judgment is handed over to him/her or publicly displayed.

For a party or the representative of the lawsuit-initiating agency, organization or individual who was present at the court hearing but absent at the time of pronouncement of the judgment without a plausible reason, the time limit for filing an appeal shall be counted from the date the judgment is pronounced.

2. The time limit for filing an appeal against the first-instance court's decision to suspend or terminate the settlement of the case is 7 days counting from the date the party or lawsuit-initiating agency, organization or individual receives such decision or from the date such decision is publicly displayed in accordance with this Code.

3. In case the appeal petition is sent by post, the date of the appeal will be determined based on the date indicated in the postmark affixed on the envelope. For an appellant being held in detention, the date of the appeal is the date his/her appeal petition is certified by the detention camp's superintendent.

Article 274. Examination of an appeal petition

1. After receiving an appeal petition, the first-instance court shall examine its validity as prescribed in Article 272 of this Code.

2. If finding an appeal overdue, the first-instance court shall request the appellant to give the reason and produce documents and evidence (if any) to prove that the reason for late filing of the appeal is plausible.

3. If finding an appeal petition not made in accordance with Article 272 of this Code, the first-instance court shall request the appellant to revise it or make a new one.

4. The court shall return an appeal petition in the following cases:

a/ The appellant is ineligible to appeal;

b/ The appellant fails to make a new appeal petition or revise the appeal petition as requested by the court in accordance with Clause 3 of this Article;

c/ The case prescribed in Clause 2, Article 276 of this Code.

Article 275. Overdue appeal and consideration of an overdue appeal

1. An appeal that is made beyond the time limit prescribed in Article 273 of this Code shall be regarded as overdue. Upon receiving an overdue appeal petition, the first-instance court shall forward the petition and the appellant's written explanation of the reason for late filing of the appeal, documents and evidence (if any) to the court of appeals.

2. Within 10 days after receiving an overdue appeal petition and accompanying documents and evidence, the court of appeals shall form a panel consisting of three judges to consider the overdue appeal. The meeting to consider the overdue appeal shall be attended by a representative of the same-level procuracy and the appellant. Such meeting may still be conducted in the absence of the appellant and procurator.

3. On the basis of documents and evidence relating to an overdue appeal and opinions of the appellant and representative of the procuracy at the meeting, the panel considering the overdue appeal shall decide by majority vote to accept or reject the overdue appeal and clearly state the reason therefor in its decision. The court of appeals shall send the decision to the appellant, the first-instance court and the same-level procuracy. If the court of appeals accepts the overdue appeal, the first-instance court shall carry out the procedure prescribed in this Code.

Article 276. Notification of payment of the appeal court fee advance

1. After accepting the valid appeal petition, the first-instance court shall notify the appellant thereof for paying the appeal court fee advance as prescribed by law, unless he/she is exempted from or is not liable to pay appeal court fee advance.

2. Within 10 days after receiving the court's notice of payment of the appeal court fee advance, the appellant shall pay such fee advance and hand over the receipt thereof to the first-instance court. Past this time limit, if the appellant fails to pay the appeal fee court advance, he/she shall be regarded as having waived his/her appeal, unless he/she has a plausible reason.

If the appellant hands over the receipt of the appeal court fee advance to the court past 10 days after receiving the court's notice of payment of the appeal court fee advance without giving a reason, the first-instance court shall request the appellant to prepare a document explaining such late handover within 3 working days after receiving the

court's request, for inclusion in the case file. This case shall be handled according to the procedure for considering overdue appeals.

Article 277. Notification of an appeal

1. After accepting a valid appeal petition, the first-instance court shall immediately send a written notice to the same-level procuracy and the person involved in the appeal together with a copy of the appeal petition and additional documents and evidence provided by the appellant.

2. The person involved in the appeal who is notified of the appeal shall be entitled to send to the court of appeals a document expressing his/her opinions on the appealed content. Such document shall be put in the case file.

Article 278. Protest by the procuracy

The chief procurator of the procuracy of the same level or immediate higher level shall be entitled to protest against the first-instance court's judgment or decision to suspend or terminate the settlement of the civil case in order to request the court of appeals to re-settle the case according to appellate procedures.

Article 279. Protest decision of the procuracy

1. A 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 protest decision;

b/ Name of the procuracy issuing the protest decision;

c/ Protest against the whole or part of the first-instance court's judgment or decision which has not taken legal effect yet;

d/ Reason for the protest and the procuracy's claim.

dd/ Full name of the person signing the protest decision and seal of the procuracy issuing the protest decision.

2. The protest decision shall be immediately sent to the first-instance court that rendered the protested judgment or decision for the latter to carry out the procedure prescribed by this Code and send the case file to the court of appeals as prescribed in Article 283 of this Code.

3. The protest decision shall be enclosed with additional documents and evidence (if any) to prove that the procuracy's protest is grounded and lawful.

Article 280. Time limit for protest

1. The time limit for the same-level procuracy to protest against the first-instance court's judgment is 15 days and that for the immediate higher-level procuracy is 1 month, counting from the date of pronouncement of the judgment. In case the procurator did not participate in the court hearing, the protest time limit shall be counted from the date the same-level procuracy receives such judgment.

2. The time limit for the same-level procuracy to protest against the first-instance court's decision to suspend or terminate the settlement of the case is 7 days and that for the immediate higher-level procuracy is 10 days, counting from the date the same-level procuracy receives such decision.

3. When receiving a procuracy's protest decision which is made beyond the time limit prescribed in Clause 1 or 2 of this Article, the first-instance court shall request the procuracy to give a written explanation clearly stating the reason.

Article 281. Notification of a protest

1. The procuracy issuing a protest decision shall promptly send the protest decision to the parties involved in the protest.

2. A person who is notified of the protest shall be entitled to send to the court of appeals a document expressing his/her opinions on the protest content. Such document shall be put in the case file.

Article 282. Consequences of an appeal or a protest

1. A first-instance judgment or decision of the first-instance court or parts thereof which is or are appealed or protested against shall not be enforced, unless prompt enforcement is required by law.

2. A first-instance judgment or decision of the first-instance court or parts thereof which is or are not appealed or protested against according to appellate procedures shall take legal effect from the date of expiration of the time limit for appeal or protest.

Article 283. Forwarding of a case file, an appeal or a protest

The first-instance court shall forward to the court of appeals the case file, appeal petition or protest decision and accompanying documents and evidence within 5 working days after:

1. The time limit for protest expires;

2. The time limit for appeal expires and the appellant already hands over to the first-instance court the receipt of the appeal court fee advance.

Article 284. Modification, supplementation and withdrawal of an appeal or a protest

1. Before the expiration of the time limit for appeal prescribed in Article 273 of this Code, the appellant may modify and supplement his/her appeal without any restriction regarding the scope of the initial appeal.

Before the expiration of the time limit for protest prescribed in Article 280 of this Code, the protesting procuracy may modify and supplement its protest without any restriction regarding the scope of the initial protest.

2. Before the opening of or at the appeal court hearing, the appellant may modify and supplement his/her appeal and the protesting procuracy may modify and supplement its protest, provided that the modification and supplementation must not go beyond the scope of the initial appeal or protest and the time limit for appeal or protest has expired.

3. Before the opening of or at the appeal court hearing, the appellant may withdraw his/her appeal and the protesting procuracy or the immediate higher-level procuracy may withdraw the protest.

The court of appeals shall terminate the appellate trial of parts 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 before the opening of or at a court hearing shall be decided by the presiding judge of the court hearing or by the trial panel, respectively.

4. The modification, supplementation or withdrawal of an appeal or a protest before the opening of the court hearing shall be made in writing and sent to the court of appeals. The court of appeals shall promptly notify the parties of the modification, supplementation or withdrawal of the appeal or protest, and the same-level procuracy of the modification, supplementation or withdrawal of the appeal.

The modification, supplementation or withdrawal of an appeal or a protest at a court hearing shall be recorded in the minutes of the court hearing.

Chapter XVI

PREPARATION FOR APPELLATE TRIAL

Article 285. Acceptance of a case for appellate trial

1. Upon receiving the case file, an appeal or a protest and accompanying documents and evidence, the court of appeals shall record them in the case acceptance register.

Within 3 working days after accepting the case, the court shall notify in writing the acceptance to the parties, the lawsuit-initiating agency, organization or individual and the same-level procuracy and notify such acceptance on the court's e-portal (if any).

2. The chief justice of the court of appeals shall form an appellate trial panel and assign a judge to act as presiding judge.

Article 286. Time limit for preparation of appellate trial

1. Within 2 months after receiving a case, the court of appeals shall, on a case-by-case basis, issue one of the following decisions:

- a/ To suspend the appellate trial of the case;
- b/ To terminate the appellate trial of the case;
- c/ To bring the case to appellate trial.

For a complicated case or due to a *force majeure* event or an objective obstacle, the chief justice of the court of appeals may decide to prolong the trial preparation time limit for another month at most.

2. Within 1 month after issuing a decision to bring the case to trial, the court shall open an appeal court hearing; for a plausible reason, this time limit may be 2 months.

3. In case a decision to suspend an appellate trial is issued, the time limit for preparation for an appellate trial shall be re-counted from the date the decision to resume the settlement of the case takes legal effect.

4. The time limit prescribed in this Article is not applicable to cases brought to appellate trial according to summary procedures and cases involving foreign elements.

Article 287. Supply of documents and evidence at the stage of preparation for appellate trial

1. A party shall be entitled to supplement the following documents and evidence at the stage of preparation for appellate trial:

- a/ Documents and evidence that the party could not supply at the request of the first-instance court for a plausible reason;
- b/ Documents and evidence that were not requested by the first-instance court or were unknown to the party during the settlement of the case according to first-instance procedures.

2. The procedure for handover of documents and evidence must comply with Article 96 of this Code.

Article 288. Suspension of the appellate trial of a case

1. In case the court of appeals issues a decision to suspend the appellate trial of a case, the consequences of such suspension and the resumption of appellate trial must comply with Articles 214, 215 and 216 of this Code.

2. The decision to suspend the appellate trial of a case shall take immediate effect and be sent to the parties, the lawsuit-initiating agency, organization or individual and the same-level procuracy.

Article 289. Termination of the appellate trial of a case

1. The court of appeals shall issue a decision to terminate the appellate trial of a case or part of a case in the following cases:

a/ The cases prescribed at Points a and b, Clause 1, Article 217 of this Code;

b/ The appellant withdraws the whole of the appeal or the procuracy withdraws the whole of the protest;

c/ The appellant withdraws part of the appeal or the procuracy withdraws part of the protest;

d/ Other cases as prescribed by law.

2. If the appellant withdraws the whole of the appeal or the procuracy withdraws the whole of the protest before the court of appeals issues a decision to bring a case to appellate trial, the judge assigned to preside over the court hearing shall issue a decision to terminate the appellate trial. If the appellant withdraws the whole of the appeal or the procuracy withdraws the whole of the protest after the court of appeals issues a decision to bring a 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 decision will take legal effect on the date the court of appeals issues a decision to terminate the appellate trial.

3. If the appellant withdraws part of the appeal or the procuracy withdraws part of the protest, the appellate trial panel shall assess such withdrawal and decide to terminate the appellate trial of such part in the appellate judgment.

4. The decision to suspend the appellate trial of a case shall take immediate effect and be sent to the parties, the lawsuit-initiating agency, organization or individual and the same-level procuracy.

Article 290. Decision to bring a case to appellate trial

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

a/ The details prescribed at Points a, b, c, d, g, h and i, Clause 1, Article 220 of this Code;

b/ Full names of the judge and court clerk; full name of the alternate judge (if any);

c/ Full name and litigation status of the appellant;

d/ The protesting procuracy (if any);

dd/ Full name of the procurator participating in the court hearing; full name of the alternate procurator (if any).

2. Within 3 working days after it is issued, the decision to bring a case to appellate trial shall be sent to the parties and the same-level procuracy.

Article 291. Decision to apply, change or cancel a provisional urgent measure

Within the appellate trial preparation time limit, the court of appeals may decide to apply, change or cancel a provisional urgent measure prescribed in Chapter VIII of this Code.

Article 292. Sending of a case file to the procuracy for study

1. The court of appeals shall send the case file together with the decision to bring the case to appellate trial to the same-level procuracy for study.

2. The time limit for the same-level procuracy to study a case file is 15 days after receiving the case file; upon the expiration of such time limit, the procuracy shall return the case file to the court.

Chapter XVII

APPELLATE TRIAL PROCEDURES

Section 1

PROCEDURE FOR OPENING AN APPEAL COURT HEARING

Article 293. Scope of appellate trial

The court of appeals shall only review the parts of the first-instance judgment or decision of the first-instance court which are appealed or

protested against or relate to the review of the appealed or protested contents.

Article 294. Participants in an appeal court hearing

1. The appellant, the parties, agencies, organizations and individuals that are involved in the settlement of the appeal or protest and the defense counsels of the parties shall be summoned to an appeal court hearing. The court may summon other proceeding participants to the hearing if finding it necessary for the settlement of the appeal or protest.

2. A procurator of the same-level procuracy shall participate in the appeal court hearing.

Article 295. Suspension or termination of appellate trial at a court hearing

At an appeal court hearing, the suspension or termination of the appellate trial must comply with the provisions of Articles 288 and 289 of this Code.

Article 296. Postponement of an appeal court hearing

1. In case the procurator assigned to participate in an appeal court hearing is absent, the trial panel shall still conduct the trial without postponing the hearing, unless the procuracy files the protest for appellate trial.

2. If the appellant or the person who makes no appeal but has interests and obligations relating to the appeal or protest and his/her defense counsel is absent although having been duly summoned once, the court hearing shall be postponed. If such person files a written request for trial in his/her absence, the court shall conduct the appeal court hearing in his/her absence.

3. If the appellant is still absent although having been duly summoned twice, he/she shall be regarded as having waived the appeal and the court shall terminate the appellate trial with regard to his/her appeal. If he/she files a written request for trial in his/her absence, the court shall conduct the appeal court hearing in his/her absence.

If the appellant is absent due to a *force majeure* event or an objective obstacle, the court shall postpone the hearing.

If there are multiple appellants of whom one is absent although having been duly summoned twice by the court and files no request for trial in his/her absence, such appellant shall be regarded as having waived his/her appeal, and the court shall bring the case to trial. In the ruling part of the judgment, the court shall terminate the appellate trial with regard to the appeal of such absent appellant.

If a person who makes no appeal but has interests or obligations relating to the appeal or protest and other proceeding participants are absent although having been duly summoned twice by the court, the court shall still conduct the trial.

4. The time limit for postponement of, and decision to postpone, an appeal court hearing must comply with Article 233 of this Code.

Article 297. Preparation for opening of an appeal court hearing and procedure for starting an appeal court hearing

The preparation for the opening of an appeal court hearing and the procedure for starting an appeal court hearing must comply with of Articles 237, 239, 240, 241 and 242 of this Code.

Article 298. Inquiry about an appeal or a protest and handling of the change of an appeal or protest at a court hearing

1. After finishing the procedure for starting an appeal court hearing, an appellate trial panel member shall disclose the content of the case, the decision of the first-instance judgment and the appeal or protest content.

2. The presiding judge shall ask:

a/ Whether or not the plaintiff wishes to withdraw his/her/its lawsuit petition;

b/ Whether or not the appellant or the procurator wishes to change, supplement or withdraw his/her appeal or protest;

c/ Whether or not the parties can reach agreement on the settlement of the case.

3. In case the appellant withdraws part of his/her appeal or the procuracy withdraws part of its protest, the court shall accept such withdrawal. If the appellant or the procuracy adds new contents beyond the scope of the initial appeal or protest, the court shall not consider such contents.

Article 299. The plaintiff's withdrawal of his/her lawsuit petition before the opening of or at an appeal court hearing

1. If the plaintiff withdraws his/her lawsuit petition before the opening of or at an appeal court hearing, the appellate trial panel shall ask the defendant whether or not he/she agrees therewith, and may settle on a case-by-case basis as follows:

a/ Disapproving the plaintiff's withdrawal of the lawsuit petition if the defendant disagrees;

b/ Approving the plaintiff's withdrawal of the lawsuit petition if the defendant agrees. The appellate trial panel shall issue a decision to

cancel the first-instance judgment and terminate the settlement of the case. In this case, the parties shall still pay the first-instance court fee as decided by the first-instance court and half of the appeal court fee as prescribed by law.

2. In case the appellate trial panel issues a decision to terminate the settlement of the case under Point b, Clause 1 of this Article, the plaintiff shall be entitled to re-file a lawsuit according to the procedure prescribed by this Code.

Article 300. Recognition of the agreement of the parties at an appeal court hearing

1. At an appeal court hearing, if the parties can reach agreement on the settlement of their case and their agreement is voluntary and neither violates prohibitions imposed by law nor is contrary to social moral, the appellate trial panel shall render an appellate judgment to modify the first-instance judgment and to recognize the agreement of the parties.

2. The parties may reach agreement on the payment of the first-instance court fee. If they fail to do so, the court shall make decision thereon in accordance with law.

Section 2

ADVERSARIAL PROCESS AT AN APPEAL COURT HEARING

Article 301. Content and method of the adversarial process at an appeal court hearing

The content and method of the adversarial process at an appeal court hearing must comply with Article 247 of this Code.

Article 302. Presentations of parties and procurators at an appeal court hearing

In case a party still upholds his/her appeal or the procuracy maintains its protest, the presentations at an appeal court hearing shall be conducted as follows:

1. Presentation of the appeal or protest:

a/ The defense counsel of the appellant presents the appeal content and grounds therefor. The appellant may give additional opinions.

In case all parties appeal, the presentations shall be made in the following sequence: the defense counsel of the appellant being the plaintiff, then the plaintiff; the defense counsel of the appellant being the

defendant, then the defendant; the defense counsel of the appellant being a person with related interests or obligations, then the person with related interests or obligations;

b/ In case only the procuracy protests, the procurator presents the protest content and grounds therefor. In case there are both an appeal and a protest, the party presents the appeal content and grounds therefor, then the procurator presents the protest content and grounds therefor;

c/ A party that has no defense counsel presents his/her opinions on the appeal content and his/her claim.

2. The defense counsels of other parties involved in the appeal or protest present their opinions on the appeal or protest content. These parties may give additional opinions.

3. At an appeal court hearing, the parties and procurator may produce additional documents and evidence.

Article 303. Procedure for inquiry and disclosure of documents and evidence, examination of exhibits at an appeal court hearing

1. The procedure for inquiring proceeding participants and disclosing documents and evidence, and examining exhibits prescribed in Article 287 of this Code at an appeal court hearing are the same as those applicable at a first-instance court hearing.

2. Inquiries shall be made on matters that fall within the scope of appellate trial as prescribed in Article 293 of this Code.

Article 304. Adjournment of an appeal court hearing

The adjournment of an appeal court hearing must comply with Article 259 of this Code.

Article 305. Arguments at an appeal court hearing

1. At an appeal court hearing, the parties and their defense counsels may only argue on matters falling within the scope of appellate trial already inquired about at the hearing.

2. The sequence of argument regarding an appeal is prescribed below:

a/ The defense counsel of the appellant makes a presentation. The appellant may give additional opinions;

b/ The defense counsel of the party presents arguments and responses. The party may give additional opinions;

c/ When deeming it necessary, the trial panel may request the parties to present additional arguments on specific matters to serve the settlement of the case.

3. The sequence of argument regarding a protest is prescribed below:

a/ The defense counsel of the party presents opinions on the lawfulness and groundedness of the protest. The party may give additional opinions;

b/ The procurator presents opinions on matters raised by the defense counsel of the party and by the party.

4. A party that has no defense counsel may present arguments on his/her own.

5. In case one of the parties and other proceeding participants is absent, the presiding judge shall disclose his/her testimony as the basis for the parties present at the hearing to argue and respond.

Article 306. Presentations of a procurator at an appeal court hearing

At the end of the argument and response, the procurator shall present the procuracy's opinions on the observance of law in the process of settlement of the civil case at the appellate trial stage.

Immediately after the hearing closes, the procurator shall send his/her written opinions to the court for inclusion in the case file.

Article 307. Deliberation and pronouncement of a judgment

The deliberation, the going back to inquiry and argument, and the time for deliberation, pronouncement, modification and supplementation of an appellate judgment must follow the first-instance procedures.

Article 308. Jurisdiction of an appellate trial panel

An appellate trial panel has the following powers:

1. To uphold the first-instance judgment;

2. To modify the first-instance judgment;

3. To cancel the first-instance judgment or part of the first-instance judgment and deliver the case file to the first-instance court for re-trial according to first-instance procedures;

4. To cancel the first-instance judgment and terminate the settlement of the case;

5. To terminate the appellate trial;

6. To suspend the settlement of the case when the Chief Justice of the Supreme People's Court makes a written proposal for a competent state agency to amend, supplement or cancel a legal document showing signs of contravention of the Constitution, a law or a resolution of the National Assembly, an ordinance or a resolution of the National Assembly Standing Committee, or a legal document of a superior state agency until the competent state agency issues a written reply on the handling result to the court.

Article 309. Modification of a first-instance judgment

An appellate trial panel may modify part or the whole of the first-instance judgment if the first-instance court made an unlawful ruling but:

1. The collection of evidence and proving have been carried out adequately and in accordance with the provisions of Chapter VII of this Code.

2. The collection of evidence and proving were carried out inadequately at the first-instance level but have been fully supplemented at the appeal court hearing.

Article 310. Cancellation of a first-instance judgment, cancellation of part of a first-instance judgment and delivery of a case file to the first-instance court for re-trial according to first-instance procedures

An appellate trial panel may cancel a first-instance judgment or part of a first-instance judgment and deliver the case file to the first-instance court for re-trial according to first-instance procedures in either of the following cases:

1. The collection of evidence and proving fail to comply with the provisions of Chapter VII of this Code or were inadequately carried out and supplementation thereof cannot be made at the appeal court hearing;

2. The composition of the first-instance trial panel fails to comply with the provisions of this Code or there is another serious violation of the procedural law that affects lawful rights and interests of the parties.

Article 311. Cancellation of a first-instance judgment and termination of settlement of a case

An appellate trial panel shall cancel a first-instance judgment and stop the settlement of a case if during the settlement by the first-instance court, the case fell into one of the cases prescribed in Article 217, and at Point b, Clause 1, Article 299, of this Code.

Article 312. Termination of appellate trial

An appellate trial panel shall terminate the appellate trial and uphold the first-instance judgment in either of the following cases:

1. The case prescribed in Clause 2, Article 289 of this Code;
2. The appellant is absent although having been duly summoned twice under Clause 3, Article 296 of this Code, unless another person files an appeal or the procuracy makes a protest.

Article 313. The appellate judgment

1. The appellate trial panel shall render the appellate judgment in the name of the Socialist Republic of Vietnam.

2. The appellate judgment must contain:

a/ The introduction section;

b/ The section on the case content, appeal, protest and assessment;

c/ The ruling section.

3. The introduction section must include the name of the appeal court; the code and date of acceptance of the case; serial number of the judgment and date of pronouncement; full names of the trial panel members, court clerk, procurator, expert witness and interpreter; full names and addresses of the plaintiff, defendant, person with related interests or obligations, and lawsuit-initiating agency, organization or individual; their lawful representatives and defense counsels; the appellant or protesting procuracy; public or closed trial; time and venue of the trial.

4. The section on the case content, appeal, protest and assessment must summarize the content of the case and decision of the first-instance court; and content of the appeal or protest.

The court shall base itself on the documents and evidence already examined at the court hearing and the outcomes of the adversarial process at the hearing to analyze and assess the appeal or protest, details of the case, the settlement and trial by the first-instance court, and legal bases applied by the court; if the case is the one prescribed in Clause 2, Article 4 of this Code, the court shall also base itself on practices, legal analogs, fundamental principles of civil law, court precedents and justice to accept or reject the appeal or protest and settle other relevant matters.

The ruling section must present the legal bases and rulings of the trial panel on each matter settled in the case, the application of provisional emergency measures, first-instance and appeal court fees and litigation costs (if any).

5. When re-trying a case on which the legally effective judgment or decision has been cancelled in part or in whole under a cassation or reopening trial decision, the court shall settle property matters and

obligations already enforced (if any) under such judgment or decision and state such settlement in the judgment.

6. An appellate judgment shall take legal effect on the date of its pronouncement.

Article 314. Procedure for appellate review of a first-instance court's decision which is appealed or protested against

1. When reviewing a first-instance court's decision which is appealed or protested against, the appellate trial panel is not required to open a hearing or summon the parties, unless it is necessary to hear their opinions before making decision.

2. Within 1 month after accepting a case on which the first-instance court's decision is appealed or protested against, the court shall open an appellate meeting to review such decision; this time limit may be extended to 2 months if there is a plausible reason. The procurator of the same-level procuracy shall participate in the appellate meeting. If the procurator is absent, the court may still hold the meeting, unless the procuracy makes a protest.

3. A member of the appellate trial panel shall present the summarized content of the first-instance judgment which is appealed or protested against, the content of the appeal or protest and accompanying documents and evidence, if any.

4. The procurator shall present the procuracy's opinions on the settlement of the appeal or protest before the appellate trial panel issues a decision.

5. When reviewing a first-instance court's decision which is appealed or protested against, an appellate trial panel has the powers to:

a/ Uphold the first-instance court's decision;

b/ Modify the first-instance court's decision;

c/ Cancel the first-instance court's decision and deliver the case file to the first-instance court for continued settlement of the case.

6. The appellate decision shall take legal effect on the date of its issuance.

Article 315. Sending of an appellate judgment or decision

1. Within 15 days after issuing an appellate judgment or decision, the court of appeals shall send it to the court that conducted the first-instance trial, the same-level procuracy, a competent civil judgment enforcement agency, the appellant, and the person with interests or

obligations related to the appeal or protest, or to their lawful representatives.

In case a superior people's court conducts the appellate trial, this time limit may be longer but must not exceed 25 days.

2. An appellate judgment or decision concerning the protection of consumer interests in a case brought by a social organization to protect consumer interests shall be publicly displayed at the office of the court and published on a central or local daily for three consecutive issues.

An appellate judgment or decision concerning the State's compensation liability shall be sent by the court of appeals to a competent state agency in charge of the State's compensation.

An appellate judgment or decision concerning the change of the civil status of a person shall be notified in writing by the court of appeals within 5 working days after such judgment or decision takes legal effect, enclosed with an extract thereof, to the People's Committee of the locality which has registered the civil status for such person in accordance with the Law on Civil Status.

3. Every appellate judgment shall be posted by the court of appeals on its e-portal (if any), except those containing information prescribed in Clause 2, Article 109 of this Code.

PART FOUR

SETTLEMENT OF A CIVIL CASE ACCORDING TO SUMMARY PROCEDURES

Chapter XVIII

SETTLEMENT OF A CIVIL CASE ACCORDING TO SUMMARY PROCEDURES AT THE FIRST-INSTANCE COURT

Article 316. Scope of application of summary procedures

1. Summary procedures means procedures applied to the settlement of a civil case that meets all conditions prescribed by this Code in a sequence simpler than the procedure for the settlement of ordinary civil cases in order to settle the case in a quick and lawful manner.

2. The provisions in this Part shall apply to the settlement of a case according to summary procedures; for cases without applicable law, other provisions of this Code shall apply to the settlement thereof.

3. In case another law prescribes a civil dispute to be settled according to summary procedures, the settlement of such dispute shall be carried out according to the procedures prescribed in this Part.

Article 317. Conditions for application of summary procedures

1. The court shall settle a case according to summary procedures when the following conditions are fully met:

a/ The case involves simple details and a clear legal relation; the party has admitted his/her obligation; documents and evidence are sufficient, ensuring adequate grounds for the settlement of the case and the court does not have to collect any documents and evidence;

b/ All parties have clear addresses of their places or residence or head offices;

c/ No party resides abroad and no disputed property is located abroad, unless the party abroad and the party in Vietnam reach agreement to request the court to settle the case according to summary procedures or the parties have produced evidence on lawful ownership of the property and reached agreement on the property disposal.

2. For a labor case which has been accepted and settled according to summary procedures in which the employer who has a foreign citizenship or his/her at-law representative has left his/her place of residence or head office without notifying such to other parties and the court, this shall be regarded as the case of deliberate concealment of address and the court shall still settle this case according to summary procedures prescribed in this Part.

3. At the stage of preparation for trial according to summary procedures, if the following new details arise, making the case ineligible for settlement according to summary procedures, the court shall decide to settle it according to general procedures:

a/ New details arise and the parties cannot reach agreement on these details, making it necessary to collect additional documents and evidence or to conduct an expert assessment;

b/ It is necessary to value, or appraise the price of, a disputed property as the parties cannot reach agreement on its price;

c/ It is necessary to apply a provisional emergency measure;

d/ A person with related interests or obligations appears;

dd/ A counter-claim or an independent claim is filed;

e/ A party residing abroad appears, a disputed property located abroad is reported, or a request for verification and collection of

evidence is filed, making it necessary to request judicial entrustment, except the case prescribed at Point c, Clause 1 of this Article.

4. If a case is changed to be settled according to general procedures, the time limit for preparation for trial shall be re-counted from the date of issuance of the decision on this change.

Article 318. Decision to bring a case to trial according to summary procedures

1. Within 1 month after accepting a case under Clause 3 or 4, Article 195 of this Code, the judge assigned to settle the case shall issue a decision to bring the case to trial according to summary procedures. Within 10 days after issuing such decision, the judge shall open a court hearing.

2. A decision to bring a case to trial according to summary procedures must contain the following principal details:

a/ Date of issuance;

b/ Name of the court issuing the decision;

c/ The case to be brought to trial according to summary procedures;

d/ Names, addresses; telephone numbers, fax numbers and email addresses (if any) of the plaintiff, defendant or lawsuit-initiating agency, organization or individual prescribed in Article 187 of this Code, and a person with related interests or obligations;

dd/ Full names of the judge and court clerk; full name of the alternate judge (if any);

e/ Full name of the procurator; full name of the alternate procurator (if any);

g/ Opening time and date and venue of the court hearing;

h/ Public or closed trial;

i/ Full names of persons summoned to the court hearing.

3. A decision to bring a case to trial according to summary procedures shall be immediately sent to the parties and same-level procuracy.

In case the procuracy participates in the court hearing under Clause 2, Article 21 of this Code, the court shall send the case file together with the decision to bring the case to trial to the same-level procuracy; within 3 working days after receiving the case file, the procuracy shall study and return the case file to the court.

Article 319. Complaints and proposals about a decision to bring a case to trial according to summary procedures and settlement thereof

1. Within 3 working days after receiving a decision to bring a case to trial according to summary procedures, the parties may file a complaint and the same-level procuracy may file a proposal with the chief justice of the court issuing such decision.

2. Within 3 working days after receiving a complaint or proposal about a decision to bring a case to trial according to summary procedures, the chief justice of the court shall issue a decision:

a/ To uphold the decision; or,

b/ To cancel the decision and change to the settlement of the case according to general procedures.

3. The decision on the settlement of a complaint or proposal issued by the chief justice of the court is final and shall immediately be sent to the parties and same-level procuracy.

Article 320. Court hearings conducted according to summary procedures

1. The parties and procurator of the same-level procuracy must be present at a court hearing conducted according to summary procedures. If the procurator is absent, the trial panel shall still conduct the trial. A party may request the court to conduct the trial in his/her absence.

In case the defendant or a person with related interests or obligations is absent without a plausible reason although having been duly summoned, the judge shall still conduct the court hearing.

2. The judge shall open a court hearing according to the procedure prescribed in Article 239 of this Code.

3. After opening a court hearing, the judge shall hold a conciliation, except for the cases in which conciliation is not permitted prescribed in Article 206, or cases in which conciliation cannot be conducted prescribed in Article 207, of this Code. In case the parties can reach agreement on matters to be settled in the case, the judge shall issue a decision to recognize the parties' agreement in accordance with Article 212 of this Code. In case the parties cannot reach agreement, the judge shall proceed with the trial.

The presentation, argument, response and expression of views on the settlement of a case must comply with Section 3, Chapter XIV of this Code.

4. In case new details prescribed in Clause 3, Article 317 of this Code arise at a court hearing, making the case ineligible for settlement

according to summary procedures, the judge shall consider and issue a decision to change to the settlement of the case according to general procedures. In this case, the time limit for preparation for trial shall be counted under Clause 4, Article 317 of this Code.

Article 321. Effect of a judgment or decision rendered according to summary procedures

1. A first-instance judgment or decision rendered by a court according to summary procedures may be appealed or protested against according to appellate procedures to request the court of appeals to re-settle the case according to summary procedures.

2. A judgment or decision rendered according to summary procedures may be protested against according to cassation or reopening trial procedures prescribed in this Code.

Chapter XIX

SETTLEMENT OF A CIVIL CASE ACCORDING TO SUMMARY PROCEDURES AT THE COURT OF APPEALS

Article 322. Time limits for appeal and protest against a judgment or decision according to summary procedures

1. The time limit for appeal against a judgment or decision of a first-instance court according to summary procedures is 7 days from the date of pronouncement of such judgment. For a party that is not present at the court hearing, this time limit shall be counted from the date the judgment or decision is handed over to such party or is publicly displayed.

2. The time limit for protest by the same-level procuracy against a judgment or decision of a first-instance court according to summary procedures is 7 days and that for protest by the immediate higher-level procuracy is 10 days, counting from the date of receipt of such judgment or decision.

Article 323. Time limit for preparation for an appellate trial according to summary procedures

1. Within 1 month after accepting a case, on a case-by-case basis, the judge assigned to settle the case according to appellate procedures shall issue a decision:

- a/ To suspend the appellate trial of the case;
- b/ To terminate the appellate trial of the case; or,

c/ To bring the case to appellate trial.

2. The decision to bring a case to appellate trial must contain the details prescribed in Clause 1, Article 290 of this Code. It shall be immediately sent to persons involved in the appeal or protest and sent together with the case file to the same-level procuracy for study.

The time limit for the same-level procuracy to study a case file is 5 working days after receiving it; after this time limit, the procuracy shall return the case file to the court.

3. In case there is a decision to suspend an appellate trial of a case, the time limit for preparation of an appellate trial shall be re-counted from the date the court of appeals resumes the appellate trial when the reason for the suspension no longer exists.

4. Should arise a new detail prescribed in Clause 3, Article 317 of this Code, the court shall issue a decision to change the settlement of the case according to general procedures. In this case, the time limit for preparation for trial shall be counted in accordance with Clause 4, Article 317 of this Code.

Article 324. Summary procedures for appellate trial of an appealed or protested judgment or decision of the first-instance court

1. Within 15 days after issuing a decision to bring a case to trial, the judge shall open an appeal court hearing.

2. The parties and the procurator of the same-level procuracy must be present at the appeal court hearing. If the procurator is absent, the trial panel shall still conduct the trial, unless the procuracy files a protest for appellate trial. A party may request the court to conduct trial in his/her absence.

If a party who files no appeal is absent without a plausible reason although having been duly summoned, the judge shall still hold the hearing.

3. The judge shall present a summary of the appealed or protested first-instance judgment or decision, the appeal or protest content and accompanying documents and evidence (if any).

4. The defense counsel of the party shall make a presentation, then the party give additional opinions on the appeal or protest content, give arguments and responses and propose their views on the settlement of the case.

5. At the end of the argument and response, the procurator shall present the procuracy's opinions on the observance of law during the settlement of the case at the stage of appellate trial.

Immediately after the court hearing closes, the procurator shall send the procuracy's written opinions to the court for inclusion in the case file.

6. When reviewing an appealed or protested judgment or decision of the first-instance court, the judge has the following powers:

a/ To uphold the judgment or decision of the first-instance court;

b/ To modify the judgment or decision of the first-instance court;

c/ To cancel the judgment or decision of the first-instance court and deliver the case file to the first-instance court for re-settlement according to summary procedures or general procedures if such case is no longer eligible for settlement according to summary procedures;

d/ To cancel the first-instance judgment and terminate the settlement of the case;

dd/ To terminate the appellate trial and uphold the first-instance judgment.

7. An appellant judgment or decision shall take legal effect on the date of its issuance.

PART FIVE

PROCEDURES FOR REVIEWING A LEGALLY EFFECTIVE JUDGMENT OR DECISION

Chapter XX

CASSATION PROCEDURES

Article 325. Nature of cassation

Cassation means the review of a court's legally effective judgment or decision which is protested against for cassation trial when there are grounds prescribed in Article 326 of this Code.

Article 326. Grounds and conditions for protest according to cassation procedures

1. A court's legally effective judgment or decision shall be protested against according to cassation procedures when there is one of the following grounds:

a/ Conclusions in the judgment or decision are unconformable with the objective details of the case, causing damage to the lawful rights and interests of a party;

b/A serious violation is committed during the proceedings, making a party unable to exercise his/her litigation rights and perform his/her litigation obligations, resulting in the fact that his/her lawful rights and interests are not protected in accordance with law;

c/A serious error is made in the application of law, resulting in the issuance of a wrongful judgment or decision, causing damage to lawful rights and interests of a party, infringing upon public interests, the State's interests or lawful rights and interests of a third party.

2. A person competent to make protests prescribed in Article 331 of this Code shall file a protest against a court's legally effective judgment or decision when having one of the grounds prescribed in Clause 1 of this Article and make a written request as prescribed in Article 328 of this Code or a notice or proposal as prescribed in Clauses 2 and 3, Article 327 of this Code; in case of infringement upon public interests, the State's interests or lawful rights and interests of a third party, such written request is not required.

Article 327. Detection of a court's legally effective judgment or decision which needs to be reviewed according to cassation procedures

1. Within 1 year after a court's judgment or decision takes legal effect, if detecting a violation therein, a party may file a petition with a person competent to make protests prescribed in Article 331 of this Code for considering protest according to cassation procedures.

2. In case the court, the procuracy or another agency, organization or individual detects a violation in a court's legally effective judgment or decision, it/he/she shall notify such in writing to a person competent to make protests prescribed in Article 331 of this Code.

3. The chief justice of a provincial-level people's court shall propose the chief justice of the superior court or the Chief Justice of the Supreme People's Court, and the chief justice of a superior people's court shall propose the Chief Justice of the Supreme People's Court to consider protest according to cassation procedures a court's legally effective judgment or decision when detecting a ground prescribed in Clause 1, Article 326 of this Code.

Article 328. Petition for review of a court's legally effective judgment or decision according to cassation procedures

1. A petition must contain the following principal details:

a/ Date of its making;

b/ Name and address of the petitioner;

c/ Name of the court's legally effective judgment or decision requested to be reviewed according to cassation procedures;

d/ Reason for request and requirements of the petitioner;

dd/ The signature or fingerprint, for a petitioner being an individual; the signature of a lawful representative and seal at the bottom of the petition, for a petitioner being an agency or organization; if the petitioner is an enterprise, the use of its seal must comply with the Law on Enterprises.

2. The petition shall be enclosed with the court's legally effective judgment or decision and documents and evidence (if any) to prove that the request is grounded and lawful.

3. The petition and documents and evidence shall be sent to the person competent to make protests prescribed in Article 331 of this Code.

Article 329. Procedure for receiving a petition for review of a court's legally effective judgment or decision according to cassation procedures

1. The court or procuracy shall receive a petition filed by a party directly with the court or procuracy or by post and record it in the petition receipt register, and issue a petition receipt to the party. The date of sending a petition is the date on which the party files the petition with the court or procuracy or the date indicated on the postmark of the sending post office.

2. The court or procuracy shall only accept a petition which has all the details prescribed in Article 328 of this Code. If the petition fails to have all the details prescribed in Article 328 of this Code, the court or procuracy shall request the petitioner to modify and supplement it within 1 month after receiving the request from the court or procuracy. Past this time limit, if the petitioner fails to modify and supplement the petition, the court or procuracy shall return it to the petitioner, stating the reason, and make a note in the petition receipt register.

3. The person competent to make protests according to cassation procedures shall assign an officer to study the petition, notice, proposal and case file, and to report it to the former for consideration and decision. If making no protest, he/she shall notify such in writing to the party or agency, organization or person making the notice or proposal.

The Chief Justice of the Supreme People's Court shall assign a judge and the Procurator General of the Supreme People's Procuracy shall assign a procurator to study the petition, notice, proposal and case file, and to report it 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 making no protest, the Chief Justice of the Supreme People's Court or the Procurator General of the Supreme People's Procuracy shall himself/herself or authorize a judge of the Supreme People's Court or a procurator of the Supreme People's Procuracy to issue a written notice, stating the reason to party or agency, organization or person making the notice or proposal.

Article 330. Addition and verification of documents and evidence under cassation procedures

1. A party has the right to supply documents and evidence to the person competent to make protests according to cassation procedures if such party was not requested by the first-instance court or court of appeals to hand over such documents and evidence or was requested to hand them over but he/she/it could not do so for a plausible reason or was unaware about such documents and evidence during the settlement of the case.

2. During the settlement of a petition for review of a court's legally effective judgment or decision according to cassation procedures, a person competent to make protests according to cassation procedures may request the petitioner to add documents and evidence or check and verify by himself/herself necessary documents and evidence.

Article 331. Persons competent to make protests 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 competence to make protests according to cassation procedures against legally effective judgments or decisions of superior people's courts, and legally effective judgments or decisions of other courts when deeming it necessary, except cassation decisions of the Judicial Council of the Supreme People's Court.

2. The chief justice of a superior people's court and the chief procurator of a superior people's procuracy have competence to make protests according to cassation procedures against legally effective judgments or decisions of provincial- and district-level people's courts within their territorial jurisdiction.

Article 332. Postponement and suspension of enforcement of a legally effective judgment or decision

1. A person who has competence to make a protest against a court's legally effective judgment or decision shall be entitled to request postponement of the enforcement of such judgment or decision in order

to consider making a protest according to cassation procedures. The postponement of the enforcement of a judgment or decision must comply with the law on enforcement of civil judgments.

2. A person who has made a protest according to cassation procedures against a court's legally effective judgment or decision shall be entitled to decide on the suspension of the enforcement of such judgment or decision until a cassation decision is made.

Article 333. Decision to protest according to cassation procedures

A decision to protest according to cassation procedures must contain the following principal details:

1. Date of issuance of the decision and its serial number;
2. Position of the decision issuer;
3. Serial number and date of the legally effective judgment or decision being protested against;
4. Rulings of the legally effective judgment or decision being protested against;
5. Comments, analysis of the violations and errors of the legally effective judgment or decision being protested against;
6. Legal bases for making the decision;
7. Protest against the whole or part of the legally effective judgment or decision;
8. Name of the court that is competent to conduct cassation review of the case;
9. Requests of the protester.

Article 334. Time limit for protest according to cassation procedures

1. A person who has competence to protest according to cassation procedures may make his/her protest within 3 years from the date the court's judgment or decision in question takes legal effect, except the cases prescribed in Clause 2 of this Article.

2. The time limit for protest specified in Clause 1 of this Article may be extended for another 2 years after its expiration if the following conditions are fully met:

a/ The party has filed a petition under Clause 1, Article 328 of this Code and continues to make another one after the expiration of the time limit specified in Clause 1 of this Article;

b/ The court's legally effective judgment or decision is illegal under Clause 1, Article 326 of this Code, seriously infringes upon lawful rights and interests of a party or a third party, infringes upon public interests or the State's interests and therefore shall be protested against in order to redress the errors made therein.

Article 335. Modification, supplementation and withdrawal of a protest made according to cassation procedures

1. A person who has made a protest according to cassation procedures may modify and supplement the protest within the time limit for protest prescribed in Article 334 of this Code. The modification and supplementation shall be expressed in a decision, which shall be sent in accordance with Article 336 of this Code.

2. A person who has made a protest may withdraw part or the whole of the protest before the opening of or at the cassation court hearing. The withdrawal of the protest shall be expressed in a decision.

3. Upon receiving a decision to withdraw the whole of a protest, the cassation court shall issue a decision to terminate the cassation trial.

Article 336. Sending of a decision to protest according to cassation procedures

1. A decision to protest according to cassation procedures shall be immediately sent to the court that has issued the legally effective judgment or decision being protested against, the parties, the competent civil judgment enforcement agency and other persons with interests or obligations related to the protest content.

2. In case the Chief Justice of the Supreme People's Court or the chief justice of a superior people's court makes a protest, the protest decision and the case file shall be immediately sent to the same-level procuracy. The procuracy shall study the case file within 15 days after receiving it; upon the expiration of this time limit, the procuracy shall deliver the case file to the court competent to hear the case according to cassation procedures.

3. In case the Procurator General of the Supreme People's Procuracy or the chief procurator of a superior people's procuracy makes a protest, the protest decision shall be immediately sent to the court competent to hear the case according to cassation procedures.

Article 337. Jurisdiction to review a case according to cassation procedures

1. The judicial committee of a superior people's court may review according to cassation procedures legally effective judgments and

decisions of provincial- and district-level people's courts within their territorial jurisdiction, which are protested against, as follows:

a/ The judicial committee of a superior people's court shall hold a cassation trial through a trial panel of three judges with regard to a legally effective judgment or decision of a provincial- or district-level people's court which is protested against according to cassation procedures;

b/ The entire judicial committee of a superior people's court shall hold a cassation trial for a court's legally effective judgment or decision mentioned at Point a of this Clause which has a complicated nature, or which has been reviewed at a cassation trial by the judicial committee through a trial panel of three judges but no decision was issued on the settlement of the case because these judges could not reach agreement when voting on the decision.

2. The Judicial Council of the Supreme People's Court shall review according to cassation procedures legally effective judgments or decisions of superior people's courts which are protested against as follows:

a/ The Judicial Council of the Supreme People's Court shall hold a cassation trial through a trial panel of five judges with regard to a legally effective judgment or decision of a superior people's court which is protested against according to cassation procedures;

b/ The entire Judicial Council of the Supreme People's Court shall hold a cassation trial of a court's legally effective judgment or decisions mentioned at Point a of this Clause which has a complicated nature, or which has been reviewed at a cassation trial by the Judicial Council through a panel of five judges but no decision was issued on the settlement of the case because these judges could not reach agreement when voting on the decision.

3. A case that has a complicated nature mentioned at Point b, Clause 1, or Point b, Clause 2, of this Article is a case in which:

a/ Legal provisions on matters to be settled in the case are unclear and lack guidance for uniform application;

b/ The assessment of evidence and application of law is controversial;

c/ The settlement of the case relates to public interests or the State's interests or protection of human rights or citizens' rights and receives special public concern.

4. The chief justice of a superior people's court shall consider and decide on the organization of a cassation trial for a case prescribed in Clause 1 of this Article. The Chief Justice of the Supreme People's Court shall consider and decide on the organization of a cassation trial for a case prescribed in Clause 2 of this Article.

5. When a legally effective judgment or decision on the same civil case which falls under the cassation review jurisdiction of both a superior people's court and the Supreme People's Court, the Supreme People's Court has jurisdiction to review the entire case according to cassation procedures.

Article 338. Participants in a cassation court hearing

1. A cassation court hearing shall be participated by the same-level procuracy.

2. When deeming it necessary, the court shall summon the parties or lawful representatives or defense counsels of the parties, or other proceeding participants involved in the protest to participate in a cassation court hearing; if they are absent from the court hearing, the trial panel shall still conduct the hearing.

Article 339. Time limit for opening of a cassation court hearing

Within 4 months after receiving a protest enclosed with the case file, the court competent to hold a cassation review shall open a court hearing to review the case according to cassation procedures.

Article 340. Preparation for a cassation court hearing

The chief justice of the court shall assign a judge to prepare a written presentation on the case at a court hearing. The written presentation must summarize the case content and judgments and decisions of the courts of different levels as well as the protest content. It shall be sent to members of the cassation trial panel at least 7 days before the opening of a cassation court hearing.

Article 341. Proceedings at a cassation court hearing

1. After the presiding judge opens the court hearing, a member of the cassation trial panel shall present briefly the content of the case; the case handling process; rulings of the court's legally effective judgment or decision being protested against; grounds for the protest and requests of the protest maker. If the protest is made by a procuracy, the representative of the procuracy shall present the protest content.

2. The parties and their lawful representatives and defense counsels or other proceeding participants summoned by the court to a cassation court hearing shall present opinions on matters at the request of the

cassation trial panel. If they are absent from but send written opinions to the hearing, the cassation trial panel shall announce their opinions.

3. The representative of the procuracy expresses opinions on the protest decision and the settlement of the case.

Immediately after the hearing closes, the representative of the procuracy shall send the procuracy's written opinions to the court for inclusion in the case file.

4. Members of the cassation trial panel shall express their opinion and discuss. The panel shall deliberate and vote on the settlement of the case and announce the content of the decision on the settlement of the case at the hearing. The deliberation must comply with the principles prescribed in Article 264 of this Code.

5. In case the judicial committee of a superior people's court conducts a trial under Point a, Clause 1, Article 337 of this Code, the decision of the trial panel shall be voted for by all panel members.

In case of trial under Point b, Clause 1, Article 337 of this Code, the hearing conducted by the entire judicial committee of a superior people's court shall be participated by at least two-thirds of its total members; the decision of the judicial committee shall be voted for by more than half of its total members.

6. In case the Judicial Council of the Supreme People's Court conducts a trial under Point a, Clause 2, Article 337 of this Code, the decision of the trial panel shall be voted for by all panel members.

In case of trial under Point b, Clause 2, Article 337 of this Code, the hearing conducted by the entire Judicial Council of the Supreme People's Court shall be participated by at least two-thirds of its total members; the decision of the Judicial Council shall be voted for by more than half of its total members.

Article 342. Scope of cassation review

1. The cassation trial panel shall only review parts of a legally effective judgment or decision which are protested against or related to the review of the protest content.

2. The cassation trial panel may review parts of a legally effective judgment or decision which are neither protested against nor related to the review of the protest content, if these parts infringe upon public interests, the State's interests, or the interests of a third party other than the parties in the case.

Article 343. Jurisdiction of the cassation trial panel

The cassation trial panel has the following powers:

1. To reject the protest and uphold the legally effective judgment or decision;

2. To cancel the legally effective judgment or decision and uphold the lawful judgment or decision of the subordinate court which has been cancelled or modified;

3. To cancel parts or the whole of the legally effective judgment or decision for re-trial according to first-instance or appellate procedures;

4. To cancel the legally effective judgment or decision and terminate the settlement of the case;

5. To modify part or the whole of the legally effective judgment or decision.

Article 344. Upholding of a subordinate court's lawful judgment or decision which has been cancelled or modified

The cassation trial panel shall issue a decision to cancel a legally effective judgment or decision being protested against and uphold a judgment or decision rendered legally by a subordinate court but partially or entirely cancelled or modified by the legally effective judgment or decision being protested against.

In case the court's judgment or decision in question has been enforced in part or in whole, the cassation trial panel shall settle the consequences of the enforcement.

Article 345. Cancellation of part or the whole of a court's legally effective judgment or decision for re-trial according to first-instance or appellate procedures

The cassation trial panel shall issue a decision to cancel part or the whole of a court's legally effective judgment or decision being protested against for re-trial according to first-instance or appellate procedures in the following cases:

1. The collection of evidence and proving have been carried out inadequately or in violation of the provisions of Chapter VII of this Code;

2. The conclusions in the judgment or decision are not conformable with the objective circumstances of the case or there is a serious error in the application of law;

3. The composition of the first-instance or appellate trial panel fails to comply with the provisions of this Code or there is another serious violation of legal proceedings that affects lawful rights and interests of a party.

Article 346. Cancellation of a legally effective judgment or decision and termination of the settlement of a case

The cassation trial panel shall issue a decision to cancel a legally effective judgment or decision and terminate the settlement of a case if the case is any of those prescribed in Article 217 of this Code.

In case the court's judgment or decision in question has been enforced in part or in whole, the cassation trial panel shall settle the consequences of the enforcement.

Article 347. Modification of part or the whole of a court's legally effective judgment or decision

1. The cassation trial panel shall issue a decision to modify part or the whole of a court's legally effective judgment or decision when having all the following grounds:

a/ Documents and evidence in the case file are adequate and clear; there are adequate grounds for clarifying the details of the case;

b/ The modification of the protested judgment or decision will not affect the rights and obligations of other agencies, organizations and individuals.

2. In case the court's judgment or decision in question has been enforced in part or in whole, the cassation trial panel shall settle the consequences of the enforcement.

Article 348. Cassation review decision

1. The cassation trial panel shall issue its decisions in the name of the Socialist Republic of Vietnam.

2. A cassation review decision must contain the following details:

a/ Date and place of opening the cassation court hearing;

b/ Full names of members of the cassation trial panel. In case the cassation trial panel is the judicial committee of a superior people's court or is the Judicial Council of the Supreme People's Court, the full name and title of the presiding judge and the number of members participating in the hearing shall be indicated;

c/ Full names of the court clerk and the procurator participating in the court hearing;

d/ Name of the case brought to cassation trial;

dd/ Full names and addresses of the parties in the case;

e/ Summary of the case content, rulings of the legally effective judgment or decision being protested against;

g/ The protest decision; grounds for making the protest;

h/ Assessment by the cassation trial panel analyzing the view on the settlement of the case and grounds for accepting or rejecting the protest;

i/ Points, clauses and articles of the Civil Procedure Code and other legal documents on which the cassation panel has based to make decision;

k/ Decision of the cassation trial panel.

3. A decision of the cassation trial panel of the Judicial Council of the Supreme People's Court must contain explanations to clarify legal provisions still subject to different ways of interpretation; analyses of and explanations about matters and legal events and causes, adjudication guidelines and legal norms to be applied (if any).

Article 349. Effect of a cassation review decision

A cassation review decision shall take legal effect on the date of its issuance by the cassation review panel.

Article 350. Sending of a cassation review decision

1. Within 5 working days after issuing a decision, the cassation trial panel shall send it to:

a/ The parties and other persons with related interests or obligations under the cassation review decision;

b/ The court that has rendered the legally effective judgment or decision being protested against;

c/ The same-level procuracy and the competent civil judgment enforcement agency.

2. The cassation review decision shall be posted by the court competent to conduct cassation review on its e-portal (if any), except decisions containing information prescribed in Clause 2, Article 109 of this Code.

Chapter XXI

REOPENING PROCEDURES

Article 351. Nature of reopening procedures

Reopening means the review of a legally effective judgment or decision which is protested against due to the emergence of newly found details which may basically change the content of the judgment or

decision and which were unknown to the court and the parties when the court rendered such judgment or decision.

Article 352. Grounds for protest according to reopening procedures

A legally effective judgment or decision shall be protested against according to reopening procedures when there is one of the following grounds:

1. Important details of the case have newly been found, which the parties could not know during the settlement of the case;

2. There are grounds to prove that the conclusions of an expert witness and verbal translations of an interpreter are untruthful or that evidence was falsified;

3. The judge, people's assessor or procurator intentionally distorted the case file or deliberately made unlawful conclusions;

4. The criminal, administrative, civil, marriage and family, business, commercial or labor decision of the court or decision of a state agency on which the court based itself to settle the case has been cancelled.

Article 353. Notice and verification of newly found details

1. A party or another agency, organization or individual shall be entitled to find out new details of the case and notify them in writing to a person who has competence to make protests prescribed in Article 354 of this Code.

2. If finding out new details of a case, the procuracy or court shall notify them in writing to a person who has competence to make protests prescribed in Article 354 of this Code.

Article 354. Persons who have competence to make protests 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 competence to make protests according to reopening procedures against legally effective judgments or decisions of superior people's courts and those of other courts if deeming it necessary, except cassation review decisions of the Judicial Council of the Supreme People's Court.

2. The chief justice of a superior people's court and the chief procurator of a superior people's procuracy have competence to protest against a legally effective judgment or decision of a provincial- or district-level people's court within their territorial jurisdiction.

3. A person who has made a protest against a legally effective judgment or decision has the power to suspend the enforcement of such judgment or decision until a reopening decision is made.

Article 355. Time limit for making a protest according to reopening procedures

The time limit for making a protest according to reopening procedures is one year counting from the date a person who has competence to make protests becomes aware of a ground for making protests according to reopening procedures prescribed in Article 352 of this Code.

Article 356. Jurisdiction of are opening trial panel

A reopening trial panel has the following powers:

1. To reject a protest and uphold a legally effective judgment or decision;
2. To cancel a legally effective judgment or decision for re-trial according to first-instance procedures prescribed by this Code;
3. To cancel a legally effective judgment or decision and terminate the settlement of the case.

Article 357. Application of legal provisions on cassation procedures

Other matters concerning reopening procedures must comply with this Code's provisions on cassation procedures.

Chapter XXII

SPECIAL PROCEDURES FOR REVIEWING A DECISION OF THE JUDICIAL COUNCIL OF THE SUPREME PEOPLE'S COURT

Article 358. Requests, recommendations and proposals for review of a decision of the Judicial Council of the Supreme People's Court

1. In case there are grounds to determine that a decision of the Judicial Council of the Supreme People's Court contains a serious violation of law or new important circumstances are found which may basically change the content of the decision and which were unknown to the Judicial Council of the Supreme People's Court or the parties when the decision was issued, if there is a request from the Standing Committee of the National Assembly, a recommendation from the Judicial Committee of the National Assembly or a recommendation from

the Procurator General of the Supreme People's Procuracy or a proposal from the Chief Justice of the Supreme People's Court, the Judicial Council of the Supreme People's Court shall review such decision.

2. In case there is a request from the Standing Committee of the National Assembly, the Chief Justice of the Supreme People's Court shall report it to the Judicial Council of the Supreme People's Court for review of its own decision.

3. In case there is a recommendation from the Judicial Committee of the National Assembly or of the Procurator General of the Supreme People's Procuracy, or the Chief Justice of the Supreme People's Court detects a new violation or circumstance, the Chief Justice of the Supreme People's Court shall report it to the Judicial Council of the Supreme People's Court for reviewing such recommendation or proposal.

4. A meeting of the Judicial Council of the Supreme People's Court to review a recommendation or proposal referred to in Clause 3 of this Article shall be attended by the Procurator General of the Supreme People's Procuracy.

Article 359. Procedure for reviewing a decision of the Judicial Council of the Supreme People's Court

1. After receiving a request from the Standing Committee of the National Assembly or a recommendation from the Judicial Committee of the National Assembly or after the Chief Justice of the Supreme People's Court makes a written proposal for review of a decision of the Judicial Council of the Supreme People's Court referred to in Clause 2 or 3, Article 358 of this Code, the Supreme People's Court shall send a copy of such request, recommendation or proposal enclosed with the case file to the Supreme People's Procuracy for study and preparation of opinions to be presented at a meeting to consider such request, recommendation or proposal. Within 15 days after receiving the case file, the Supreme People's Procuracy shall return it to the Supreme People's Court.

2. Within 1 month after receiving a recommendation from the Judicial 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 open a meeting to consider such recommendation or proposal.

The Supreme People's Court shall notify in writing the opening time of the above meeting to the Procurator General of the Supreme People's Procuracy.

A representative of the Judicial Committee of the National Assembly shall be invited to attend the meeting of the Judicial Council of the Supreme People's Court to consider a recommendation from the Judicial Committee of the National Assembly.

3. The Judicial Council of the Supreme People's Court shall consider a recommendation or proposal in the following order:

a/ The Chief Justice of the People's Supreme Court himself/herself or a member of the Judicial Council of the Supreme People's Court assigned by the former briefly presents the content of the case and its settlement process;

b/ The representative of the Judicial Committee of the National Assembly, the Procurator General of the Supreme People's Procuracy or the Chief Justice of the Supreme People's Court that makes a recommendation or proposal for review of a decision of the Judicial Council of the Supreme People's Court presents the content of such recommendation or proposal; grounds for making such recommendation or proposal; analyses and assessments of details of the case, old evidence and new additional evidence (if any) to make clear the serious violation in the decision of the Judicial Council of the Supreme People's Court or new important circumstances that may basically change the content of such decision;

c/ In case of considering a recommendation from the Judicial Committee of the National Assembly or a proposal from the Chief Justice of the Supreme People's Court, the Procurator General of the Supreme People's Procuracy presents its view and reason for agreeing or disagreeing with such recommendation or proposal.

The opinion presented by the Procurator General of the Supreme People's Procuracy shall be made in writing, signed by the Procurator General of the Supreme People's Procuracy and sent to the Supreme People's Court within 5 working days after the meeting closes;

d/ The Judicial Council of the Supreme People's Court discusses and decides by majority vote to agree or disagree with the recommendation or proposal for review of its own decision;

dd/ If agreeing with a recommendation from the Judicial Committee of the National Assembly, a recommendation from the Procurator General of the Supreme People's Procuracy or a proposal from the Chief Justice of the Supreme People's Court, the Judicial Council of the Supreme People's Court shall decide to open a meeting to review its own decision and concurrently assign the Chief Justice of the Supreme People's Court to organize study of the file and report to the Judicial

Council of the Supreme People's Court for consideration and decision at a meeting to review the decision of the Judicial Council of the Supreme People's Court.

If disagreeing with a recommendation or proposal, the Judicial Council of the Supreme People's Court shall notify such in writing and the reason to the recommendation or proposal maker;

e/ All proceedings at a meeting to review a recommendation or proposal and decisions adopted at the meeting shall be recorded in a minutes for inclusion in the recommendation or proposal consideration file;

g/ Within 5 working days after the end of a meeting to consider a recommendation or proposal for review of a decision of the Judicial Council of the Supreme People's Court, the Judicial Council of the Supreme People's Court shall send a notice of its agreement or disagreement with such recommendation or proposal to the Supreme People's Procuracy and the Judicial Committee of the National Assembly.

4. At the request of the Standing Committee of the National Assembly or when there is a decision of the Judicial Council of the Supreme People's Court to open a meeting to review a decision of the Judicial Council of the Supreme People's Court prescribed at Point dd, Clause 3 of this Article, the Chief Justice of the Supreme People's Court shall organize study of the case file and verification and collection of documents and evidence when necessary.

The study of a case file and verification and collection of documents and evidence must make clear whether or not there is a serious violation of law or a new important circumstance that may basically change the content of the decision of the Judicial Council of the Supreme People's Court.

5. Within 4 months after receiving a request from the Standing Committee of the National Assembly prescribed in Clause 2, Article 358 of this Code or after there is a decision of the Judicial Council of the Supreme People's Court prescribed at Point dd, Clause 3 of this Article, the Judicial Council of the Supreme People's Court shall hold a meeting with the participation of all judges of the Supreme People's Court to review its own decision.

The Supreme People's Court shall send to the Supreme People's Procuracy a written notice of the opening time of a meeting to review a decision 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.

The meeting of the Judicial Council of the Supreme People's Court shall be participated by the Procurator General of the Supreme People's Procuracy. When deeming it necessary, the Supreme People's Court may invite related agencies, organizations and individuals to the meeting.

6. The Procurator General of the Supreme People's Procuracy shall participate in a meeting to review a decision of the Judicial Council of the Supreme People's Court and present the procuracy's view on whether or not there is a serious violation of law or a new important circumstance that may basically change the content of the decision and the procuracy's view on the settlement of the case.

The opinions of the Procurator General of the Supreme People's Procuracy shall be made in writing, signed by the Procurator General of the Supreme People's Procuracy and sent to the Supreme People's Court within 5 working days after the meeting closes.

7. Within 1 month after the Judicial Council of the Supreme People's Court issues a decision prescribed in Clause 1, Article 360 of this Code, the Supreme People's Court shall send the decision to the Standing Committee of the National Assembly, the Judicial Committee of the National Assembly, the Supreme People's Procuracy, the people's court that settled the case, and the parties.

Article 360. Competence to review a decision of the Judicial Council of the Supreme People's Court

1. After listening to 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 invited to the meeting, and seeing it that the decision of the Judicial Council of the Supreme People's Court contains a serious violation of law or there is a new important circumstance which basically changes the content of such decision; or that the legally effective judgment or decision of the subordinate court has a serious violation of law or there is a new important circumstance which basically changes the content of such judgment or decision, the Judicial Council of the Supreme People's Court shall, on a case-by-case basis, decide to:

a/ Cancel its own decision or the legally effective judgment or decision and rule on the content of the case;

b/ Cancel its own decision or the legally effective judgment or decision and identify the compensation responsibility of the People's Supreme Court which has issued the decision containing a serious

violation of law for an unintentional or intentional fault, causing damage to a party, or identify the liability to indemnify the property value in accordance with law; or,

c/ Cancel its own decision or the legally effective judgment or decision and deliver the case file to a subordinate court for settlement in accordance with law.

2. A decision of the Judicial Council of the Supreme People's Court shall be voted for by at least three-quarters of its total members.

PART SIX

PROCEDURES FOR SETTLEMENT OF A CIVIL MATTER

Chapter XXIII

GENERAL PROVISIONS ON PROCEDURES FOR SETTLEMENT OF A CIVIL MATTER

Article 361. Scope of application

Civil matter mean a situation where an agency, organization or individual that has no dispute but requests the court to recognize or not to recognize a legal event that gives rise to civil, marriage and family, business, commercial or labor rights or obligations of its/his/her own or of another agency, organization or individual; or requests the court to recognize his/her/its civil, marriage and family, business, commercial or labor rights.

The provisions of this Part shall be applied to settling civil matters prescribed in Clauses 1, 2, 3, 4, 6, 7, 8, 9 and 10, Article 27; Clauses 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11, Article 29; Clauses 1, 2, 3 and 6, Article 31; and Clauses 1, 2 and 5, Article 33, of this Code. For those civil matters not prescribed in this Part, other provisions of this Code shall be applied to the settlement thereof.

Article 362. Petition for settlement of a civil matter

1. A requester for settlement of a civil matter shall file his/her petition with a competent court prescribed in Section 2, Chapter III of this Code.

In case an enforcement officer requests the court to settle a civil matter in accordance with the Law on Enforcement of Civil Judgments, he/she has the rights and obligations of a requester for settlement of a civil matter as prescribed in this Code.

2. A petition must contain the following principal details:

a/ Date of its making;

b/ Name of the court competent to settle the civil matter;

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

d/ Specific issues requested to be settled by the court; reason for and purpose and grounds of the request for settlement of such civil matter;

dd/ Names and addresses of persons who are involved in the settlement of the civil matter, if any;

e/ Other information that is deemed by the requester necessary for the settlement of his/her/its request;

g/ Signature or fingerprint of the requester being an individual or signature and seal of the lawful representative of the requester being an agency or organization at the bottom of the petition; if the requester is an enterprise, the use of its seal must comply with the Law on Enterprises.

3. The petition shall be accompanied by documents and evidence to prove that the request is grounded and lawful.

Article 363. Procedure for receiving and handling a petition

1. The procedure for receiving a petition must comply with Clause 1, Article 191 of this Code.

Within 3 working days after receiving a petition and accompanying documents and evidence, the chief justice of the court shall assign a judge to settle the petition.

2. If the petition lacks any detail prescribed in Clause 2, Article 362 of this Code, the judge shall request the requester to modify and supplement it within 7 days after receiving the petition. The procedure for modifying and supplementing a petition must comply with Clause 1, Article 193 of this Code.

3. After the requester modifies and supplements the petition as requested, the judge shall carry out the procedure to accept the civil matter.

Past the time limit prescribed in Clause 2 of this Article, if the requester fails to modify and supplement the petition, the judge shall return the petition and accompanying documents and evidence to the requester.

4. When seeing that the petition and accompanying documents and evidence are admissible, the judge shall:

a/ Notify the requester of the payment of a fee for request for settlement of a civil matter within 5 working days after receiving the notice of payment, unless he/she/it is exempted from or is not liable to pay such fee as prescribed by the law on charges and fees;

b/ The court shall accept the petition when the requester hands over to the court a receipt of the fee;

c/ If the requester is exempted from or is not liable to pay the fee, the judge shall accept the civil matter on the date of receiving the petition.

Article 364. Return of a petition

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

a/ The requester is not entitled to request or does not have full civil litigation act capacity;

b/ The matter requested by the requester has been settled by a competent court or state agency;

c/ The civil matter falls beyond the jurisdiction of the court;

d/ The requester fails to modify and supplement the petition within the time limit prescribed in Clause 2, Article 363 of this Code;

dd/ The requester fails to pay a fee within the time limit prescribed at Point a, Clause 4, Article 363 of this Code, unless he/she/it is exempted from paying or not liable to pay such fee or the late payment is due to a *force majeure* event or an objective obstacle;

e/ The requester withdraws the petition;

g/ Other cases as prescribed by law.

2. When returning a petition and accompanying documents and evidence, the court shall issue a written notice clearly stating the reason.

3. The filing and settlement of a complaint about the return of a petition must comply with Article 194 of this Code.

Article 365. Notification of acceptance of a petition

1. Within 3 working days after accepting a petition, the court shall notify in writing the requester and persons with interests or obligations related to the settlement of the civil matter and the same-level procuracy of the acceptance.

2. A written notice must contain the following principal details:

- a/ Date of its making;
- b/ Name and address of the court accepting the petition;
- c/ Name and address of the party;
- d/ Specific matters requested by the party to be settled by the court;
- dd/ List of documents and evidence accompanying the petition;
- e/ The time limit for a person with related interests or obligations to send written opinions to the court with regard to the request of the requester and accompanying documents and evidence (if any);
- g/ Legal consequences in case a person with related interests or obligations fails to send written opinions with regard to the request to the court.

Article 366. Preparation for consideration of petitions

1. The time limit for preparation for consideration of a petition is 1 month counting from the date the court accepts the petition, unless otherwise prescribed by this Code.

2. Within the time limit for preparation for consideration of a petition, the court shall:

- a/ If seeing that documents and evidence are insufficient for settlement, request the party to supplement documents and evidence within 5 working days after receiving the court's request;

- b/ If the party requests or the judge finds it necessary, the judge shall issue a decision to request agencies, organizations and individuals to supply documents and evidence; summon a witness and solicit an expert assessment and a property valuation. Past the time limit for preparation for consideration of a petition prescribed in Clause 1 of this Article, if there is no expert assessment or property valuation result, this time limit may be extended for another 1 month at most;

- c/ Decide to terminate the consideration of a petition and return it and accompanying documents and evidence if the requester withdraws the petition;

- d/ Decide to hold a meeting to settle the civil matter.

3. The court shall immediately send the decision to hold a meeting to settle a civil matter and its file to the same-level procuracy for study. The procuracy shall study the file within 7 days after receiving it; past this time limit, the procuracy shall return it to the court for opening a meeting to settle a civil matter.

4. The court shall open a meeting to settle a civil matter within 15 days after issuing a decision to open the meeting.

Article 367. Participants in a meeting to settle a civil matter

1. A procurator of the same-level procuracy shall attend the meeting; in case he/she is absent, the meeting shall still be conducted.

2. The requester or his/her lawful representative or defense counsel shall participate in the meeting under the court's summons.

If the requester is absent for the first time, the court shall postpone the meeting, unless he/she has made a request for the court to settle the civil matter in his/her absence. If the requester is still absent although having been duly summoned twice, he/she shall be deemed to waive his/her petition and the court shall issue a decision to terminate the settlement of the civil matter; in this case, the requester's right to request the court to settle a civil matter according to the procedure prescribed by this Code shall still be guaranteed.

3. A person with related interests or obligations or his/her lawful representative and defense counsel shall be summoned by the court to the meeting. In case of necessity, the court may summon a witness, an expert witness and an interpreter to the meeting. If any of them is absent, the court may decide to postpone or proceed with the meeting.

Article 368. Decision to replace a proceeding-conducting person when settling a civil matter

1. Before a meeting, the replacement of a judge or court clerk shall be decided by the chief justice of the court settling the civil matter; if the chief justice of the court settling the civil matter needs to be replaced, the replacement shall be decided by the chief justice of the immediate higher-level court.

2. The replacement of a judge or court clerk at a meeting to settle a civil matter shall be effected as follows:

a/ If the civil matter is settled by a single judge, the replacement of a judge or court clerk shall be decided by the chief justice of the court settling the civil matter; if the chief justice of the court settling the civil matter needs to be replaced, the replacement shall be decided by the chief justice of the immediate higher-level court;

b/ If the civil matter is settled by a panel consisting of three judges, the replacement of a member of the panel or the court clerk shall be decided by the panel itself.

3. Before a meeting, the replacement of a procurator shall be decided by the chief procurator of the same-level procuracy.

At a meeting, the replacement of a procurator shall be decided by the judge or civil matter settlement panel. If the replacement of a procurator is necessary, the judge or civil matter settlement panel shall issue a decision to postpone the meeting and notify it to the procuracy.

The appointment of a replacing procurator shall be decided by the chief procurator of the same-level procuracy. If the chief procurator of the procuracy needs to be replaced, the replacement shall be decided by the chief procurator of the immediate higher-level procuracy.

Article 369. Procedure for conducting a meeting to settle a civil matter

1. A meeting to settle a civil matter shall be conducted in the following order:

a/ The court clerk reports on the presence or absence of the meeting participants to the judge or civil matter settlement panel;

b/ The presiding judge opens the meeting, re-checks the presence or absence of persons who are summoned to the meeting and their personal identification papers, then explains their rights and obligations;

c/ The defense counsel of the requester, the requester or his/her lawful representative presents specific issues that are requested to be dealt with by the court; reasons, purposes and grounds for requesting the court to settle the civil matter;

d/ The defense counsel of the person with related interests or obligations, the person with related interests or obligations or his/her lawful representative presents opinions on matters pertaining to the rights and obligations of the person with related interests or obligations in the settlement of the civil matter;

dd/ A witness presents opinions; or an expert witness presents expert assessment conclusions and explains issues which remain unclear or contradictory (if any);

e/ The judge or civil matter settlement panel considers documents and evidence;

g/ The procurator presents the procuracy's opinions on the settlement of the civil matter. Immediately after the meeting closes, he/she shall send the procuracy's written opinions to the court for inclusion in the civil matter file;

h/ The judge or civil matter settlement panel considers and decides to accept or reject the request for settlement of a civil matter;

2. In case a person summoned by the court to the meeting is absent, before considering documents and evidence, the judge or civil matter

settlement panel shall disclose the testimony, documents and evidence already supplied to the court by that person.

Article 370. Decision on settlement of a civil matter

1. A decision on the settlement of a civil matter must contain the following details:

a/ Date of its issuance;

b/ Name of the issuing court;

c/ Full names of the judge, procurator and court clerk;

d/ Full name and address of the requester for settlement of the civil matter;

dd/ Specific matters requested to be settled by the court;

e/ Name and address of the person with related interests or obligations;

g/ Assessments made by the court and grounds for accepting or rejecting the petition;

h/ Legal bases for settlement of the civil matter;

i/ The court's ruling;

k/ Fee to be paid.

2. The decision on the settlement of a civil matter shall be sent to the same-level procuracy, the requester for the settlement of a civil matter and the person with interests or obligations related to the settlement of the civil matter within 5 working days after the date of its issuance.

The sending of the decision on the settlement of a civil matter to the judgment enforcement agency must comply with the Law on Enforcement of Civil Judgments.

3. A legally effective decision on the settlement of a civil matter pertaining to the change of civil status of an individual shall be sent by the issuing court to the People's Committee of the place of civil status registration of such individual in accordance with the Law on Civil Status.

4. A court's legally effective decision on the settlement of a civil matter shall be posted on the e-portal (if any) of such court, except decisions containing information prescribed in Clause 2, Article 109 of this Code.

Article 371. Appeal and protest against a civil matter settlement decision

A requester and a person with interests or obligations related to the settlement of a civil matter shall be entitled to appeal, and the same-level and immediate higher-level procuracies shall be entitled to protest against a civil matter settlement decision in order to request the immediate higher-level court to re-settle the civil matter according to appellate procedures, except civil matter settlement decisions prescribed in Clause 7, Article 27, and Clauses 2 and 3, Article 29, of this Code.

Article 372. Time limits for appeal and protest

1. A requester and a person with interests or obligations related to the settlement of a civil matter shall be entitled to appeal against a civil matter settlement decision within 10 days from the date the court issues such decision. In case he/she is not present at the meeting to settle the civil matter, this time limit shall be counted from the date he/she receives the civil matter settlement decision or the date such decision is announced or posted up.

2. The same-level procuracy shall be entitled to protest against a civil matter settlement decision within 10 days, while the immediate higher-level procuracy shall be entitled to protest within 15 days, from the date the court issues such decision.

Article 373. Preparation for consideration of an appeal or a protest

1. The time limit for preparation for consideration of an appeal or a protest is 15 days from the date the court receives such appeal or protest.

2. Within the time limit for preparation for consideration of an appeal or a protest, the court shall perform the following tasks:

a/ If seeing that documents and evidence fail to provide sufficient grounds for the settlement, the court shall request the party to supplement documents and evidence within 5 working days after receiving the court's request;

b/ If requested by the party or the judge finds it necessary, the judge shall issue decisions to request agencies, organizations and individuals to supply documents and evidence; summon a witness and solicit an expert assessment and a property valuation. Past the time limit prescribed in Clause 1 of this Article, if there are no expert assessment or valuation results, such time limit may be extended for another 15 days at most;

c/ Within the time limit for preparation of consideration of an appeal or a protest, if the appeal or protest is withdrawn, the court shall issue a decision to terminate the consideration of the settlement according to appellate procedures. In this case, the decision on the settlement of the civil matter according to first-instance procedures will

take effect on the date the court of appeals issues the termination decision;

d/ The court shall issue a decision to open an appellate meeting to settle a civil matter.

3. The court shall immediately send the decision to open an appellate meeting to settle a civil matter and the civil matter file to the same-level procuracy for study. The procuracy shall study the file within 7 days after receiving it; when this time limit expires, the procuracy shall return the file to the court for opening an appellate meeting to settle a civil matter.

4. The judge shall open an appellate meeting to settle a civil matter within 15 days after issuing a decision to this effect.

Article 374. Participants in a meeting to settle a civil matter

1. A procurator of the same-level procuracy shall participate in an appellate meeting to settle a civil matter; if he/she is absent, the court shall still conduct the meeting, unless the procuracy has made a protest for holding such meeting.

2. The appellant, his/her lawful representative and defense counsel shall participate in the meeting according to the court's summons.

If the appellant is absent for the first time for a plausible reason, the court shall postpone the appellate meeting, unless he/she has filed a request for the court to settle the civil matter in his/her absence. If the appellant is still absent although having been duly summoned twice, he/she shall be deemed to waive his/her appeal and the court shall issue a decision to terminate the appellate settlement of the civil matter with regard to his/her appeal, unless he/she has filed a written request for the settlement in his/her absence or his/her absence is due to a *force majeure* event or an objective obstacle.

3. A person with related interests or obligations or his/her lawful representative and defense counsel shall be summoned by the court to the meeting. In case of necessity, the court may summon a witness, an expert witness and an interpreter to the meeting; if any of them is absent, the court may decide to postpone or to proceed with the meeting.

Article 375. Procedure for conducting an appellate meeting to settle a civil matter

1. An appellate meeting to settle a civil matter shall be conducted in the following order:

a/ The court clerk reports on the presence or absence of meeting participants;

b/ The presiding judge opens the meeting, re-checks the presence or absence of persons who are summoned to the meeting and their personal identification papers, and explains their rights and obligations;

c/ The defense counsel of the appellant, the appellant or his/her lawful representative presents the appeal content and grounds;

In case only the procuracy files a protest, the procurator shall present the protest content and grounds. In case both an appeal and a protest are filed, the party shall present the appeal content and grounds, then the procurator presents the protest content and grounds. In case the procuracy files no protest, the procurator presents the procuracy's opinions on the settlement of the appeal before the appellate trial panel issues a decision.

Immediately after the meeting closes, the procurator shall send his/her written opinions to the court for inclusion in the civil matter file;

d/ The defense counsel of the person with related interests or obligations and the person with related interests or obligations or his/her lawful representative presents their opinions on matters pertaining to the rights and obligations of the person with related interests or obligations in the appeal or protest content;

dd/ A witness presents his/her opinion; and an expert witness presents conclusions of an expert assessment and explains unclear or contradictory issues;

2. In case a person summoned by the court to the meeting is absent, the judge shall disclose the testimony, documents and evidence already supplied by that person.

3. The appellate panel shall consider the appealed or protested decision of the first-instance court and relevant documents and evidence before issuing a decision to:

a/ To uphold the civil matter settlement decision of the first-instance court;

b/ To modify the civil matter settlement decision of the first-instance court;

c/ To cancel the civil matter settlement decision of the first-instance court and deliver the civil matter file to the first-instance court for re-settlement according to first-instance procedures;

d/ To cancel the civil matter settlement decision of the first-instance court and terminate the settlement of the civil matter; or,

dd/ To terminate the settlement of the petition according to appellate procedures if at the meeting all appellants withdraw their appeals and the procuracy withdraws its protest.

4. A decision on appellate settlement of a civil matter takes legal effect on the date of its issuance and shall be sent to the agencies, organizations and individuals prescribed in Clauses 2 and 3, Article 370 of this Code.

5. A legally effective decision on the appellate settlement of a civil matter shall be posted on the e-portal (if any) of the court, except decisions containing information prescribed in Clause 2, Article 109 of this Code.

Chapter XXIV

PROCEDURES FOR SETTLEMENT OF A REQUEST FOR DECLARATION THAT A PERSON HAS LOST HIS/HER CIVIL ACT CAPACITY OR HAS A LIMITED CIVIL ACT CAPACITY OR HAS DIFFICULTY IN PERCEIVING AND CONTROLLING HIS/HER ACTS

Article 376. The right to request declaration that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts

1. A person with related rights or interests or a concerned agency or organization shall be entitled to request the court to declare that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts in accordance with the Civil Code.

2. A minor who is incapable of perceiving and controlling his/her acts due to his/her physical and mental conditions but not to an extent of losing his/her civil act capacity shall be entitled to request the court to declare that he/she has difficulty in perceiving and controlling his/her acts in accordance with the Civil Code.

Article 377. Preparation for consideration of a petition

Within the time limit for preparation for the consideration of a petition, at the request of the requester, a court may solicit an examination of the health or sickness of the person who is requested to be declared to have a limited civil act capacity or a forensic psychiatric examination of the person who is requested to be declared to have lost his/her civil act capacity or to have difficulty in perceiving and

controlling his/her acts. In this case, upon receiving an examination conclusion, the court shall issue a decision to open a meeting to consider the petition.

Article 378. Decision to declare that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts

In case of accepting a petition, the court shall issue a decision to declare that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts.

In its decision to declare that a person has a limited civil act capacity, the court shall determine the at-law representative of such person and the scope of representation.

In its decision to declare that a person has difficulty in perceiving and controlling his/her acts, the court shall appoint his/her guardian and specify the guardian's rights and obligations.

Article 379. The right to request cancellation of a decision declaring that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts

When a person who has been declared by the court to have lost his/her civil act capacity or to have a limited civil act capacity or to have difficulty in perceiving and controlling his/her acts is no longer in the state as declared, that person or a person with related rights or interests or a concerned agency or organization shall be entitled to request the court to issue a decision to cancel the decision declaring that such person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts.

Article 380. Decision of the court in case of accepting a request for cancellation of a decision declaring that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts

In case of accepting the petition, the court shall issue a decision to cancel the decision declaring that a person has lost his/her civil act capacity or has a limited civil act capacity or has difficulty in perceiving and controlling his/her acts.

Chapter XXV

**PROCEDURES FOR SETTLEMENT OF
A REQUEST FOR ANNOUNCEMENT OF THE SEARCH FOR
A PERSON WHO IS ABSENT FROM HIS/HER PLACE OF
RESIDENCE**

Article 381. Petition for announcement of the search for a person who is absent from his/her place of residence

1. A person with related rights or interests shall be entitled to request the court to announce the search for a person who is absent from his/her place of residence when such person has been absent for 6 or more consecutive months, and at the same time may request the court to apply measures to manage the property of the absent person in accordance with the Civil Code.

2. A petition for the court to announce the search for a person absent from his/her place of residence shall be enclosed with documents and evidence to prove that such person has been absent for 6 or more consecutive months; in case of requesting the court to take measures to manage the property of the absent person, the requester shall provide documents and evidence on the situation of the property of the absent person, the management of the available property and a list of relatives of the absent person.

Article 382. Preparation for consideration of a petition for announcement of the search for a person who is absent from his/her place of residence

Within the time limit for preparation for consideration of a petition, if the person being searched for returns and requests the court to terminate considering the petition, the court shall issue a decision to terminate the consideration of such petition.

Article 383. Decision to announce the search for a person who is absent from his/her place of residence

In case of accepting a petition, the court shall issue a decision to announce the search for a person who is absent from his/her place of residence; if the court is requested to take necessary measures to manage the property of the absent person and accepts such request, the court shall also decide on the application of measures to manage the property of such person in accordance with the Civil Code.

Article 384. Announcement of the search for a person who is absent from his/her place of residence

An announcement of the search for a person who is absent from his/her place of residence must contain the following principal details:

1. Date of issuance of the announcement;
2. Name of the court that issues the announcement;
3. Serial number and date of the court's decision to announce the search for a person who is absent from his/her place of residence;
4. Full name and address of the requester;
5. Full name, date of birth or age of the person to be searched for and the address of his/her last place of residence before his/her absence;
6. Address of the agency, organization or person for contact by the person to be searched for or other persons having information on the person to be searched for.

Article 385. Publishing of announcement of the search for a person who is absent from his/her place of residence

1. Within 1 month after the court issues a decision to announce the search for a person who is absent from his/her place of residence, such announcement shall be published on a central daily for three consecutive issues and posted on the e-portals (if any) of the court and provincial-level People's Committee, and broadcast on a national radio or television station for three times in three consecutive days.

2. All costs for the publishing and broadcasting of announcements on the search for a person who is absent from his/her place of residence shall be paid by the requester.

Article 386. Effect of a decision on announcement of the search for a person who is absent from his/her place of residence

A decision on announcement of the search for a person who is absent from his/her place of residence prescribed in Article 383 of this Code shall automatically cease to be effective in case the searched person returns.

Chapter XXVI

PROCEDURES FOR SETTLEMENT OF A REQUEST FOR DECLARATION THAT A PERSON IS MISSING

Article 387. Petition for declaration that a person is missing

1. A person with related rights or interests shall be entitled to request the court to declare that a person is missing in accordance with the Civil Code.

2. A petition shall be accompanied by documents and evidence to prove that the person who is requested to be declared to be missing has been absent for 2 or more consecutive years without authenticated information about whether he/she is still alive or is dead and that the requester has taken every measure to announce the search for such person; in case the court has issued a decision on announcement of the search for a person who is absent from his/her place of residence, a copy of such decision shall also be enclosed.

Article 388. Preparation for consideration of a petition for declaration that a person is missing

1. Within 20 days after accepting a petition for declaration that a person is missing, the court shall issue a decision to announce the search for the person who is requested to be declared to be missing.

2. The content and publishing of such announcement must comply with the provisions of Articles 384 and 385 of this Code. The time limit for such announcement is 4 months from the first date of publishing and broadcasting the announcement.

3. Within the time limit for announcement, if the person who is requested to be declared to be missing returns and requests the court to terminate the consideration of a petition for declaration that such person is missing, the court shall issue a decision to terminate the consideration of such petition.

4. Within 10 days after the expiration of the time limit for announcement prescribed in Clause 2 of this Article, the court shall open a meeting to consider the petition.

Article 389. Decision to declare that a person is missing

In case of accepting a petition, the court shall issue a decision declaring that a person is missing; in case the court is requested to take measures to manage the property of the person who is declared to be missing and accepts the request, the court shall also decide on the application of measures to manage the property of that person in accordance with the Civil Code.

Article 390. Cancellation of a decision declaring that a person is missing

1. The person who has been declared to be missing by the court but reappears or a person with related rights or interests shall be entitled to

request the court to cancel the decision declaring that a person is missing in accordance with the Civil Code.

2. In case of accepting the petition, the court shall issue a decision to cancel the decision declaring that a person is missing, which must rule on the legal consequences of the cancellation as prescribed by the Civil Code.

Chapter XXVII

PROCEDURES FOR SETTLEMENT OF A REQUEST FOR DECLARATION THAT A PERSON IS DEAD

Article 391. The right to request declaration that a person is dead

1. A person with related rights or interests may request the court to declare that a person is dead in accordance with the Civil Code.

2. The petition shall be accompanied by documents and evidence to prove that the person who is requested to be declared to be dead falls in one of the cases prescribed by the Civil Code.

Article 392. Preparation for consideration of a petition for declaration that a person is dead

1. Within 20 days after accepting a petition for declaration that a person is dead, the court shall issue a decision to announce the search for information about the person who is requested to be declared to be dead.

2. The details and publishing of the announcement and time limit for announcement must comply with Clause 2, Article 388 of this Code.

3. Within the time limit for announcement, if the requester withdraws his/her petition or the person who is requested to be declared to be dead returns and reports to the court, the court shall issue a decision to terminate the consideration of the petition.

4. Within 10 days after the expiration of the time limit for announcement, the court shall open a meeting to consider the petition.

Article 393. Decision to declare that a person is dead

In case of accepting a petition, the court shall issue a decision to declare that a person is dead; in this decision, the court shall determine the date on which that person died and the legal consequences of the declaration of a person dead as prescribed by the Civil Code.

Article 394. Petition for cancellation of a decision declaring that a person is dead

1. In case the person who has been declared to be dead returns or there emerges reliable information affirming that such person remains alive, that person or a person with related rights or interests shall be entitled to request the court to issue a decision to cancel the decision declaring that such person is dead.

2. The petition shall be enclosed with documents and evidence to prove the return of the person who has been declared to be dead or to provide reliable information affirming that such person is still alive.

Article 395. Decision to cancel a decision declaring that a person is dead

In case of accepting a petition, the court shall issue a decision to cancel the decision declaring that a person is dead; in this decision, the court shall decide on the legal consequences of the cancellation as prescribed by the Civil Code.

Chapter XXVIII

PROCEDURES FOR SETTLEMENT OF A REQUEST FOR RECOGNITION OF A VOLUNTARY DIVORCE AND THE AGREEMENT ON POST-DIVORCE CHILD CUSTODY AND PROPERTY DIVISION

Article 396. Petition for request for recognition of a voluntary divorce and the agreement on post-divorce child custody and property division

1. A husband or wife who requests the court to recognize their voluntary divorce and agreement on post-divorce child custody and property division shall make a petition, which must contain the details prescribed in Clause 2, Article 362 of this Code.

2. Both husband and wife who request the court to recognize their voluntary divorce and agreement on post-divorce child custody and property division shall sign or press their fingerprints on the petition. In this case, both husband and wife shall be regarded as the requesters.

3. The petition shall be enclosed with documents and evidence to prove that their voluntary divorce and agreement on post-divorce child custody and property division are grounded and lawful.

Article 397. Conciliation and recognition of a voluntary divorce and the agreement on post-divorce child custody and property division

1. Within the time limit for preparation for consideration of a petition, before conducting a conciliation for the husband and wife to reunite, when deeming it necessary, the judge may consult the state management agency in charge of family and the state management agency in charge of children on their familial circumstances, the causes of their conflict and the aspirations of the husband and wife and their children related to the case.

2. The judge shall conduct a conciliation for the husband and wife to reunite; explain the rights and obligations between husband and wife, parents and children and among other family members, the alimony responsibility and other matters related to marriage and family.

3. If the husband and wife reunite after the conciliation, the judge shall issue a decision to terminate the settlement of their request.

4. If the conciliation fails, the judge shall issue a decision to recognize their voluntary divorce and agreement on post-divorce child custody and property division in accordance with Article 212 of this Code when all of the following conditions are met:

a/ Their divorce is truly voluntary;

b/ The two parties have reached a mutual agreement on division or non-division of common property and child rearing, care and education;

c/ The agreement guarantees the legitimate interests of the wife and children.

5. In case the conciliation fails and the parties fail to reach any agreement on property division and child rearing, care and education, the court shall terminate the settlement of the civil matter on recognition of a voluntary divorce and the agreement on post-divorce child custody and property division, and accept the case for settlement. The court shall not be obliged to notify the acceptance of the case and assign another judge to settle the case. The settlement of this case must comply with general procedures prescribed by this Code.

Chapter XXIX

PROCEDURES FOR SETTLEMENT OF A REQUEST FOR DECLARATION THAT A NOTARIZED DOCUMENT IS INVALID

Article 398. Petition for declaration that a notarized document is invalid

1. A notary who has carried out notarization, a requester for notarization, a witness, a person with related rights or interests and a competent state agency may request the court to declare that a notarized document is invalid when he/she/it has grounds to believe that the notarization was performed against the law on notarization.

2. A petition for the court to declare that a notarized document is invalid must contain the details prescribed in Clause 2, Article 362 of this Code.

3. A petition for the court to declare that a notarized document is invalid shall be enclosed with documents and evidence to prove that the request is grounded and lawful.

Article 399. Preparation for consideration of a petition for declaration that a notarized document is invalid

1. The time limit for preparation for consideration of a petition for declaration that a notarized document is invalid is 1 month, counting from the date the court accepts such petition. Upon the expiration of this time limit, the court shall issue a decision to open a meeting to consider the petition.

2. After accepting a petition for declaration that a notarized document is invalid, the competent court shall immediately notify such to the notarization practicing organization, the notary who has performed the notarization, the notarization requester or person with related rights or interests, the competent state agency and the same-level procuracy.

3. Within the time limit for preparation for consideration of a petition, if the requester withdraws his/her/its petition, the court shall issue a decision to terminate the consideration of the petition.

4. Within 15 days after issuing a decision to open a meeting to consider the petition, the court shall open such meeting.

Article 400. Decision to declare that a notarized document is invalid

1. The court may accept or reject a petition for declaration that a notarized document is invalid.

2. In case of accepting a petition, the court shall issue a decision to declare that a notarized document is invalid. In this decision, the court shall decide on the legal consequences of its declaration as prescribed by law.

Chapter XXX

**PROCEDURES FOR SETTLEMENT OF A REQUEST FOR
DECLARATION THAT A LABOR CONTRACT OR
COLLECTIVE LABOR AGREEMENT IS INVALID**

Article 401. Request for declaration that a labor contract or collective labor agreement is invalid

1. An employee, an employer, an employees' collective representative organization or a competent state agency shall be entitled to request the court to declare that a labor contract or collective labor agreement is invalid when he/she/it has grounds as prescribed by the Labor Code.

2. A petition of an employee, an employer or an employees' collective representative organization or a written request of a competent state agency must contain the details prescribed in Clause 2, Article 362 of this Code.

Article 402. Consideration of a petition for declaration that a labor contract or collective labor agreement is invalid

1. The time limit for preparation for consideration of a petition for declaration that a labor contract or collective labor agreement is invalid is 15 days, counting from the date the court accepts such petition. Upon the expiration of this time limit, the court shall issue a decision to open a meeting to consider the petition.

2. After accepting a petition for declaration that a labor contract or collective labor agreement is invalid, the court shall send a notice of the acceptance of the case to the requester, the employer, the employees' collective representative organization and the same-level procuracy.

3. Within the time limit for preparation for consideration of a petition or written request, if the requester withdraws his/her petition, the court shall issue a decision to terminate the consideration of the petition.

4. Within 5 working days after issuing a decision to open a meeting to consider a petition for declaration that a labor contract is invalid, the court shall open such meeting.

Within 10 days after issuing a decision to open a meeting to consider a petition for declaration that a collective labor agreement is invalid, the court shall open such meeting.

5. When considering a petition for declaration that a labor contract or collective labor agreement is invalid, the court may accept or reject such request.

In case of accepting the petition, the judge shall issue a decision to declare the labor contract or collective labor agreement is invalid. In this decision, the court shall handle the legal consequences of its declaration.

6. A decision declaring that a labor contract or collective labor agreement is invalid shall be sent to the requester, the employer, the employees' collective representative organization and the labor state management agency of the locality where the enterprise concerned is headquartered, and to the same-level labor state management agency, if the case involves an enterprise not headquartered in Vietnam.

Chapter XXXI

PROCEDURES FOR CONSIDERATION OF THE LEGALITY OF A STRIKE

Article 403. Request for the court to consider the legality of a strike

1. During a strike or within 3 months after the end of a strike, an employer or an employees' collective representative organization shall be entitled to request the court to consider the legality of such strike.

2. A requester for the court to consider the legality of a strike shall file a petition with the court. The petition must contain the following details:

a/ The details prescribed in Clause 2, Article 362 of this Code;

b/ The name and address of the organization that leads the strike;

c/ The name and address of the employer whose employees are on strike.

3. The petition shall be enclosed with copies of the decision on strike and the conciliation decision issued or written record of conciliation made by an agency or organization competent to settle the collective labor dispute, and documents and evidence relevant to the consideration of the legality of the strike.

Article 404. Procedure for filing a petition for the court to consider the legality of a strike

The procedure for filing and receiving a petition and the obligation to supply documents and evidence for the consideration and decision on the legality of a strike in court must comply with relevant provisions of this Code.

Article 405. Jurisdiction to consider the legality of a strike

1. The provincial-level people's court of the locality where a strike takes place has jurisdiction to consider the legality of such strike.

2. A superior people's court has jurisdiction to settle appeals and protests against a decision of a provincial-level people's court regarding the legality of a strike within its territorial jurisdiction.

Article 406. Composition of a panel to consider the legality of a strike

1. A provincial-level people's court shall consider the legality of a strike through a panel of three judges.

2. A superior people's court shall settle an appeal or a protest against a decision on the legality of a strike through a panel of three judges.

Article 407. Participants in a meeting to consider the legality of a strike

1. The panel in charge of considering the legality of a strike, presided over by a judge; and the court clerk responsible for making a meeting minutes.

2. A procurator of the same-level procuracy.

3. Representatives of the employees' collective representative organization and employer.

4. Representatives of agencies and organizations as requested by the court.

Article 408. Postponement of a meeting to consider the legality of a strike

1. A meeting to consider the legality of a strike may be postponed in accordance with Article 233 of this Code regarding postponement of court hearings.

2. The postponement period of a meeting to consider the legality of a strike must not exceed 3 working days from the date of issuance of the decision to postpone the meeting.

Article 409. Termination of consideration of the legality of a strike

The court shall terminate the consideration of the legality of a strike in the following cases:

1. The requester withdraws his/her petition;

2. The parties have reached agreement on the settlement of the strike and file a petition for the court not to settle their request;

3. The requester is still absent although having been duly summoned twice, unless his/her absence is due to a *force majeure* event or an objective obstacle.

Article 410. Procedure for settling a petition for consideration of the legality of a strike

1. Upon receiving a petition, the chief justice of a provincial-level people's court shall decide to form a panel to consider the legality of a strike and assign a judge to take charge of the petition settlement.

2. Within 5 working days after receiving a petition, the assigned judge shall issue a decision to open a meeting to consider the legality of a strike. This decision shall be immediately sent to the employees' collective representative organization, the employer, the same-level procuracy and related agencies and organizations.

3. Within 5 working days after issuing a decision to open a meeting to consider the legality of a strike, the panel shall open such meeting.

Article 411. Proceedings at a meeting to consider the legality of a strike

1. The presiding judge announces the decision to open a meeting to consider the legality of the strike and briefly presents the petition content.

2. Representatives of the employees' collective representative organization and employer present their opinions.

3. The presiding judge may request representatives of agencies and organizations participating in the meeting to present their opinions.

4. The procurator presents the procuracy's opinions on the consideration of the legality of the strike.

Immediately after the meeting closes, the procurator shall send the procuracy's written opinions to the court for inclusion in the civil matter file.

5. The panel discusses and makes decision by majority vote.

Article 412. Decision on the legality of a strike

1. A court's decision on the legality of a strike must specify the reason and grounds for conclusion on whether the strike is legal.

Such decision shall be announced publicly at the meeting and immediately sent to the employees' collective representative organization, the employer and the same-level procuracy. The employees' collective and the employer shall comply with the decision

but have the right to appeal and the procuracy has the right to protest against such decision.

2. After the court's decision on the legality of a strike is announced, if the strike is illegal, employees currently on strike shall immediately stop the strike and return to work.

Article 413. Order and procedures for settling an appeal or a protest against a decision on the legality of a strike

1. Upon receiving an appeal petition or protest decision regarding a decision on the legality of a strike, a superior people's court shall issue a written request to the court that has considered the legality of the strike to deliver the case file to the former for consideration and settlement.

2. Within 3 working days after receiving a written request, the court that has issued the decision on the legality of the strike shall deliver the case file to the superior people's court for consideration and settlement.

3. Within 2 working days after receiving the case file, the chief justice of a superior people's court shall decide to form an appellate panel to consider the legality of the strike and assign a judge to study the file.

Within 5 working days after the superior people's court receiving the case file, the appellate panel shall consider the appeal or protest against the decision on the legality of a strike.

The decision of the appellate panel of the superior people's court considering the legality of a strike is final.

Chapter XXXII

PROCEDURES FOR SETTLEMENT OF A CIVIL MATTER RELATED TO COMMERCIAL ARBITRATION ACTIVITIES IN VIETNAM

Article 414. Civil matters related to Vietnamese commercial arbitration activities that fall under the jurisdiction of the court

1. Appointment or replacement of an arbitrator.

2. Application, change or cancellation of a provisional emergency measure.

3. Cancellation of an arbitral award.

4. Settlement of a complaint about an arbitration council's decision on an arbitral agreement which is invalid or unenforceable, and jurisdiction of an arbitration council.

5. Collection of evidence.

6. Summoning of a witness.

7. Registration of an arbitral award.

8. Other civil matters prescribed by the law on Vietnamese commercial arbitration.

Article 415. Settlement procedures

The procedures for settlement of a civil matter related to Vietnamese commercial arbitration activities must comply with the law on Vietnamese commercial arbitration.

Chapter XXXIII

PROCEDURES FOR RECOGNITION OF A SUCCESSFUL CONCILIATION OUTSIDE THE COURT

Article 416. Recognition of a successful conciliation outside the court

The conciliation of a case or matter outside the court shall be considered and recognized by the court to be successful if it is a case or matter occurring between agencies, organizations and individuals and successfully conciliated by an agency, an organization or a person assigned with the conciliation task in accordance with the conciliation law.

Article 417. Conditions for recognition of a successful conciliation outside the court

1. The parties to the conciliation agreement have full civil act capacity.

2. The parties to the conciliation agreement are those that have rights and obligations over the conciliation agreement content. If the successful conciliation agreement content relates to the rights and obligations of a third party, such content must be agreed by the third party.

3. Either party or both parties files or file a petition for the court to recognize.

4. The successful conciliation agreement content is totally voluntary, neither violates any prohibitions imposed by the law, nor is contrary to social morality, and nor aims to shirk any obligation toward the State or a third party.

Article 418. Petition for recognition of a successful conciliation outside the court

1. A requester for recognition of a successful conciliation outside the court shall file his/her/its petition with the court within 6 months after the parties reach a successful conciliation agreement.

A petition must contain the following details:

a/ The details prescribed at Points a, b, c, dd, e and g, Clause 2, Article 362 of this Code;

b/ Name and address of the person or organization that has conducted the conciliation;

c/ The successful conciliation agreement content requested to be recognized by the court.

2. The petition shall be accompanied by the successful conciliation document as prescribed by relevant law.

Article 419. Procedures for recognition of a successful conciliation outside the court

1. The procedures for receiving and handling a petition for recognition of a successful conciliation outside the court must comply with Articles 363, 364 and 365 of this Code.

2. The time limit for preparation for consideration of a petition is 15 days after the court accepts the petition; upon the expiration of this time limit, the court shall issue a decision to open a meeting to consider the petition.

The time limit for opening a meeting to consider a petition is 10 days after the court issues a decision to open a meeting.

3. Within the time limit for preparation for consideration of a petition, the judge assigned to consider the petition has the following powers:

a/ To request the parties to conciliation and the person with related interests or obligations to give opinions on the request of the requester; to make clear the request or supplement documents if finding it necessary;

b/ To request the agency, organization or person with conciliation competence to supply the court with documents as the basis for the consideration of the petition, if finding it necessary.

An agency, an organization or a person requested by the court shall give its/his/her reply to the court within 5 working days after receiving the court's request.

4. Participants in a meeting to consider a petition and the procedure for conducting the meeting must comply with Articles 367 and 369 of this Code,

5. The judge shall issue a decision to recognize a successful conciliation outside the court when all the conditions prescribed in Article 417 of this Code are met. The court's decision must contain the details prescribed in Article 370 of this Code.

6. The judge shall issue a decision not to recognize a conciliation outside the court to be successful in case the conditions prescribed in Article 417 of this Code are not fully met.

The non-recognition of a conciliation outside the court to be successful does not affect the content and legal validity of the conciliation outside the court.

7. A decision to recognize a successful conciliation outside the court or not to recognize conciliation outside the court to be successful shall be sent to the parties to the conciliation, the person with related interests or obligations, and the same-level procuracy.

8. A decision to recognize a successful conciliation outside the court or not to recognize a conciliation outside the court to be successful takes effect immediately and shall not be appealed or protested against according to appellate procedures.

9. A decision to recognize a successful conciliation outside the court shall be enforced in accordance with the law on enforcement of civil judgments.

Chapter XXXIV

PROCEDURES FOR SETTLEMENT OF A CIVIL MATTER RELATED TO THE ARREST OF AN AIRCRAFT OR A SEAGOING SHIP

Article 420. The right to request the court to arrest an aircraft or a seagoing ship

1. An agency, organization or individual shall be entitled to request the court to arrest an aircraft at an airport or airfield to secure the interests of a creditor, the owner or a third party on the ground that suffers damage, or of another person with rights or interests over the aircraft or seagoing ship, or to enforce a civil judgment in accordance with the law on civil aviation of Vietnam.

2. An agency, organization or individual shall be entitled to request the court to arrest a seagoing ship to secure the settlement of a maritime claim, enforcement of a civil judgment, or legal mutual assistance.

Article 421. Jurisdiction of the court to arrest an aircraft or a seagoing ship

1. The provincial-level people's court of the locality of an airport or airfield on which an aircraft requested to be arrested lands has jurisdiction to decide to arrest the aircraft.

2. The provincial-level people's court of the locality of a seaport or an inland port where a seagoing ship requested to be arrested navigates has jurisdiction to decide to arrest the seagoing ship. In case a port has various wharves located in different provinces and centrally run cities, the provincial-level people's court of the locality of the wharf where a seagoing ship requested to be arrested navigates has jurisdiction to decide to arrest such seagoing ship.

Article 422. Procedures for arresting an aircraft or a seagoing ship

The procedures for settlement of a civil matter related to the arrest of an aircraft or a seagoing ship must comply with the law on arrest of aircraft or seagoing ships.

PART SEVEN

PROCEDURES FOR RECOGNITION AND ENFORCEMENT IN VIETNAM OR NON-RECOGNITION OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS; RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Chapter XXXV

GENERAL PROVISIONS ON PROCEDURES FOR RECOGNITION AND ENFORCEMENT IN VIETNAM OR NON-RECOGNITION OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS; RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS

Article 423. Civil judgments or decisions of a foreign court recognized and enforced in Vietnam

1. The following civil judgments or decisions of a foreign court may be considered for recognition and enforced in Vietnam:

a/ Judgments or decisions on civil, marriage and family, business, commercial or labor matters, rulings on property matters in criminal or administrative judgments or decisions of a foreign court that are stipulated in a treaty to which such foreign country and the Socialist Republic of Vietnam are contracting parties;

b/ Judgments or decisions on civil, marriage and family, business, commercial or labor matters, rulings on property matters in criminal or administrative judgments or decisions of a foreign court whose country and the Socialist Republic of Vietnam have not yet acceded to a treaty containing provisions on recognition and enforcement of judgments or decisions of foreign courts, on a reciprocal basis;

c/ Other civil judgments or decisions of a foreign court which are recognized and enforced by Vietnamese law.

2. Decisions on personal or marriage and family matters of other competent foreign agencies may also be considered for recognition and enforcement in Vietnam like civil judgments or decisions of a foreign court prescribed in Clause 1 of this Article.

Article 424. Foreign arbitral awards recognized and enforced in Vietnam

1. The following foreign arbitral awards may be considered for recognition and enforcement in Vietnam:

a/ Awards of foreign arbitrators whose country and the Socialist Republic of Vietnam are contracting parties to a treaty on recognition and enforcement of foreign arbitral awards;

b/ Foreign arbitral awards not falling in the case prescribed at Point a of this Clause, on a reciprocal basis.

2. Foreign arbitral awards that are prescribed in Clause 1 of this Article and considered for recognition and enforcement in Vietnam are the final ones of the arbitration council to settle the whole contents of the disputes and terminate arbitral proceedings and have taken effect.

3. Foreign arbitrations and foreign arbitral awards prescribed in Clause 1 of this Article shall be determined in accordance with Vietnamese law on commercial arbitration.

Article 425. Right to request recognition and enforcement or non-recognition of civil judgments or decisions of a foreign court; recognition and enforcement of foreign arbitral awards

1. The judgment creditor or his/her/its lawful representative has the right to request the Vietnamese court to recognize and enforce in Vietnam a civil judgment or decision of a foreign court or a foreign arbitral award if the judgment debtor being an individual resides or works in Vietnam, or the judgment debtor being an agency or organization is headquartered in Vietnam or has its property related to the enforcement of a civil judgment or a decision of a foreign court or of a foreign arbitral award is located in Vietnam at the time of request.

2. The judgment debtor or his/her/its lawful representative has the right to request the Vietnamese court not to recognize a civil judgment or decision of a foreign court.

3. The parties and person with related lawful rights or interests or their lawful representatives have the right to request the Vietnamese court not to recognize a civil judgment or a decision of a foreign court which is not requested for enforcement in Vietnam.

Article 426. Guarantee of the right to appeal or protest

The parties have the right to appeal or the provincial-level people's procuracy or superior people's procuracy has the right to protest against a court's decision on recognition and enforcement or on non-recognition of a civil judgment or decision of a foreign court or a court's decision on recognition and enforcement of a foreign arbitral award in order to request the superior people's court to review such decision in accordance with this Code.

Article 427. Guarantee of the effect of a Vietnamese court's decision on recognition and enforcement or on non-recognition of a civil judgment or decision of a foreign court; on recognition and enforcement of a foreign arbitral award

1. A civil judgment or decision of a foreign court which has been recognized and permitted by the Vietnamese court for enforcement in Vietnam shall take legal effect like a Vietnamese court's legally effective civil judgment or decision and be enforced according to civil judgment enforcement procedures. A civil judgment or decision of a foreign court which is not recognized by the Vietnamese court shall have no legal effect in Vietnam, except those that are automatically recognized as prescribed in Article 431 of this Code.

2. A foreign arbitral award which has been recognized and permitted by the Vietnamese court for enforcement in Vietnam shall take

legal effect like a Vietnamese court's legally effective decision and be enforced according to civil judgment enforcement procedures.

3. A civil judgment or decision of a foreign court or a foreign arbitral award shall be enforced in Vietnam only after the Vietnamese court's decision on recognition and enforcement of such civil judgment or decision or foreign arbitral award takes legal effect.

Article 428. Sending of a court's decision on recognition and enforcement or non-recognition of a civil judgment or decision of a foreign court; on recognition and enforcement of a foreign arbitral award

The court shall transfer its decision directly or by post or through the Ministry of Justice to the judgment creditor or the judgment debtor who has to execute a civil judgment or decision of a foreign court or a foreign arbitral award, or to his/her/its lawful representative, and to the same-level procuracy and the civil judgment enforcement agency in accordance with this Code.

Article 429. Guarantee of the right to transfer money or property for enforcement of a civil judgment or decision of a foreign court or of a foreign arbitral award

The Vietnamese State shall ensure the transfer of money and property from Vietnam to a foreign country for enforcement of a civil judgment or decision of a foreign court or of a foreign arbitral award, which has been recognized and permitted by the Vietnamese court for enforcement in Vietnam. Such transfer of money and property must comply with Vietnamese law.

Article 430. Fee and cost for consideration of a written request for recognition and enforcement or non-recognition of a civil judgment or decision of a foreign court; recognition and enforcement of a foreign arbitral award

1. A person requesting the Vietnamese court to recognize and enforce or not to recognize a civil judgment or decision of a foreign court in Vietnam; or to recognize and enforce a foreign arbitral award shall pay a fee in accordance with Vietnamese law.

2. The requesting person prescribed in Clause 1 of this Article shall pay the cost of the service of procedural documents of the Vietnamese court relating to his/her request abroad.

Article 431. Civil judgments or decisions of a foreign court and decisions of another competent foreign agency automatically recognized in Vietnam

1. Civil judgments or decisions of a foreign court, decisions of another competent foreign agency which are not requested to be enforced in Vietnam and for which no written request for non-recognition in Vietnam has been filed as prescribed in a treaty to which the Socialist Republic of Vietnam is a contracting party.

2. Judgments or decisions on family and marriage matters of a foreign court, decisions on family and marriage matters of another competent agency of a foreign country which and the Socialist Republic of Vietnam have not yet acceded to any treaty, which are not requested to be enforced in Vietnam and for which no written request for non-recognition in Vietnam has been filed.

Chapter XXXVI

PROCEDURES FOR CONSIDERATION OF WRITTEN REQUESTS FOR RECOGNITION AND ENFORCEMENT OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS IN VIETNAM; PROCEDURES FOR CONSIDERATION OF WRITTEN REQUESTS FOR NON-RECOGNITION OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS

Section 1

PROCEDURES FOR CONSIDERATION OF WRITTEN REQUESTS FOR RECOGNITION AND ENFORCEMENT OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS IN VIETNAM

Article 432. Statute of limitations for requesting recognition and enforcement

1. Within 3 years from the date a civil judgment or decision of a foreign court takes legal effect, the judgment creditor, a person with related lawful rights or interests or his/her/its lawful representative may file a written request for recognition and enforcement of such judgment or decision in Vietnam with the Vietnamese Ministry of Justice in accordance with a treaty to which the Socialist Republic of Vietnam and the country where the court has rendered the judgment or decision is located, are contracting parties, or with a competent Vietnamese court as prescribed in this Code.

2. In case a requesting person can prove that due to a *force majeure* event or an objective obstacle he/she cannot file his/her/its written

request within the time limit prescribed in Clause 1 of this Article, the duration in which the *force majeure* event or objective obstacle exists shall not be counted in the time limit for filing his/her/its written request.

Article 433. Written request for recognition and enforcement

1. A written request for recognition and enforcement must contain the following principal details:

a/ Full name and address of residence place or workplace of the judgment creditor or his/her lawful representative; or name and address of the head office of the judgment creditor being an agency or organization;

b/ Full name and address of residence place or workplace of the judgment debtor; or name and address of the head office of the judgment debtor being an agency or organization; in case the judgment debtor being an individual has no residence place or workplace in Vietnam or the judgment debtor being an agency or organization has no head office in Vietnam, the written request must specify the address of the place where the property is located and its types relating to the enforcement of the foreign court's civil judgment or decision in Vietnam;

c/ Requests of the judgment creditor; in case a foreign court's judgment or decision has been partly enforced, the judgment creditor shall clearly state the enforced part and the remaining part requested for recognition and continued enforcement in Vietnam.

2. A written request in a foreign language shall be enclosed with its lawfully notarized or certified Vietnamese translation.

Article 434. Papers and documents accompanying a written request

1. A written request shall be accompanied by papers and documents as prescribed in the treaty to which the Socialist Republic of Vietnam and the country where the court has rendered the judgment or decision is located, are contracting parties. In case the Socialist Republic of Vietnam and the country where the court has rendered the judgment or decision is located have not yet acceded to a treaty concerning this issue, the written request shall be accompanied by the following papers and documents:

a/ The original or a certified copy of the judgment or decision provided by the foreign court;

b/ Document of the foreign court or another competent foreign agency certifying that the judgment or decision has taken legal effect, its statute of limitations for enforcement has not yet expired and it needs to be enforced in Vietnam, unless these details have been clearly stated in the judgment or decision;

c/ Document of the foreign court or another competent foreign agency certifying the result of duly serving the judgment or decision to the judgment debtor;

d/ Document of the foreign court or another competent foreign agency certifying that the judgment debtor or his/her/its lawful representative had been duly summoned in case the foreign court rendered a judgment in his/her/its absence.

2. The papers and documents in a foreign language accompanying a written request shall be enclosed with their lawfully notarized or certified Vietnamese translations.

Article 435. Delivery of a case file to the court

If the Ministry of Justice receives a written request and accompanying papers and documents prescribed in Clause 1, Article 434 of this Code, within 5 working days after receiving them, it shall deliver them to a competent court as prescribed in Articles 37 and 39 of this Code.

Article 436. Acceptance of a case file

Within 5 working days after receiving a case file from the Ministry of Justice or after receiving a written request and papers and documents from the requesting person, the court shall, pursuant to Articles 363, 364 and 365 of this Code, consider and accept the case file and notify it to the requesting person, the judgment debtor or his/her/its lawful representative in Vietnam, and to the same-level procuracy and the Ministry of Justice.

Article 437. Preparation for consideration of a written request

1. The court may, within the time limit for preparation for consideration of a written request, request the judgment creditor to explain unclear matters in the written request; and request the foreign court that has rendered the judgment or decision to explain unclear matters in the case file.

2. A court's written request for additional explanation shall be sent by post to the judgment creditor or his/her/its lawful representative in Vietnam and to the foreign court.

If the Vietnamese court requests a foreign court to give explanations, the written request shall be translated into the language prescribed by the treaty to which the Socialist Republic of Vietnam is a contracting party. In case the Socialist Republic of Vietnam and the foreign country have not yet acceded to any treaty, the case file shall be enclosed with the translation in the language of the country requested for

mutual judicial assistance or in another language accepted by the country requested. The person requesting the recognition and enforcement of a foreign court's judgment or decision in Vietnam shall pay the translation cost and the cost of postal service for sending the Vietnamese court's written request for additional explanation to the foreign court.

3. The time limit for the preparation for consideration of a written request is 4 months from the date of acceptance. Within this time limit, the court shall, on a case-by-case basis, issue one of the following decisions:

- a/ To suspend the consideration of the written request;
- b/ To terminate the consideration of the written request;
- c/ To open a meeting to consider the written request.

In case the court requests additional explanation as prescribed in Clause 1 of this Article, the time limit for preparation for consideration of a written request shall be extended but must not exceed 2 months. Past this time limit, if the court fails to receive written explanations from the party or the foreign court, the court shall base itself on documents in the case file to settle the party's request.

The court shall open a meeting to consider a written request within 1 month after issuing the decision to open such meeting.

The court shall deliver the case file to the same-level procuracy for study at least 15 days before the opening of a meeting; past this time limit, the procuracy shall return the case file to the court for opening a meeting to consider a written request.

4. The court shall issue a decision to suspend the consideration of a written request when there is any of the following grounds:

a/ The judgment debtor being an individual has died or being an agency or organization has been merged, consolidated, divided, separated or dissolved without any individual, agency or organization inheriting his/her/its litigation rights and obligations;

b/ The judgment debtor being an individual has lost his/her civil act capacity but his/her lawful representative has not been determined yet;

c/ The lawful representative of the judgment debtor terminates his/her representation without a replacement;

d/ The enforcement of the judgment or decision has been suspended in the country where the court that has rendered the judgment or decision is located;

dd/ The judgment or decision is being reviewed or awaiting review according to litigation procedures of the country where the court that has rendered such judgment or decision is located.

5. The court shall issue a decision to terminate the consideration of a written request when there is any of the following grounds:

a/ The judgment creditor withdraws his/her/its written request or the judgment debtor has voluntarily complied with the judgment or decision of the foreign court;

b/ The judgment debtor being an individual has died without anyone inheriting his/her rights and obligations;

c/ The judgment debtor being an agency or organization has been dissolved or gone bankrupt and its rights and obligations has been settled in accordance with Vietnamese law;

d/ The judgment debtor being an agency or organization has been dissolved or gone bankrupt without any agency, organization or individual inheriting its litigation rights and obligations;

dd/ The court has issued a decision to open bankruptcy procedures with regard to the judgment debtor;

e/ The court cannot identify the judgment debtor's address and the place where the property related to the enforcement is located;

g/ The jurisdiction to settle the request belongs to another court and the file has been delivered to such court for settlement;

h/ The court cannot identify the place where the property related to the enforcement in Vietnam is located in case the judgment debtor being an agency or an organization has no head office in Vietnam or the judgment debtor being an individual neither resides nor works in Vietnam.

Article 438. Meeting to consider a written request

1. The consideration of a written request shall be conducted at a meeting organized by a panel composed of three judges, one of whom shall act as the presiding judge under the assignment of the court's chief justice.

2. A procurator of the same-level procuracy shall participate in the meeting; in case the procurator is absent, the court shall still conduct the meeting.

3. The meeting shall be conducted in the presence of the judgment creditor and the judgment debtor or their lawful representatives; if one of them is absent for the first time, the meeting shall be postponed.

The written request shall still be considered if the judgment creditor or his/her/its lawful representative, the judgment debtor or his/her/its lawful representative files a written request for the court to consider it in his/her absence or if the judgment debtor or his/her/its lawful representative is still absent although having been duly summoned twice.

The panel shall issue a decision to terminate the consideration of the written request if the judgment creditor or his/her/its lawful representative is still absent although having been duly summoned twice, or when there is any of the grounds prescribed in Clause 5, Article 437 of this Code.

4. When considering a written request, the panel may not re-try the case on which the foreign court has rendered a judgment or decision. The court may only examine and compare the civil judgment or decision of the foreign court and the papers and documents accompanying to the written request with the provisions of Chapters XXXV and XXXVI of this Code, other relevant provisions of Vietnamese law and the treaty to which the Socialist Republic of Vietnam is a contracting party as the basis for issuing a decision on recognition and enforcement or non-recognition of such judgment or decision.

5. After having considered a written request and its accompanying papers and documents and listening to the opinions of the summoned persons and the procurator, the panel shall discuss and decide the case by a majority vote.

The panel has the right to issue a decision on recognition and enforcement in Vietnam or on non-recognition of the civil judgment or decision of a foreign court.

6. Within the time limit for preparation for consideration of a written request, the first-instance court may decide to apply, change or cancel provisional urgent measures prescribed in Chapter VIII of this Code.

Article 439. Foreign courts' civil judgments or decisions which may not be recognized and enforced in Vietnam

1. Foreign courts' civil judgments or decisions which fail to satisfy one of the conditions for recognition prescribed in a treaty to which the Socialist Republic of Vietnam is a contracting party.

2. Civil judgments or decisions which have not taken legal effect in accordance with the law of the country where the court that has rendered such judgments or decisions is located.

3. The judgment debtor or his/her/its lawful representative was absent from a court hearing of the foreign court because he/she had not

been duly summoned or the foreign court's documents had not been served to them within a reasonable time limit prescribed by the law of the country where such foreign court is located so they could not exercise their right to defense.

4. The foreign court that has rendered the judgment or decision has no jurisdiction to settle such civil case or matter as prescribed in Article 440 of this Code.

5. There has been a legally effective civil judgment or decision on this civil case or matter that is rendered by the Vietnamese court or the Vietnamese court has accepted and is settling the case or matter before it is accepted by a foreign adjudication body or there has been a civil judgment or decision rendered by a court of a third country which has been recognized and permitted for enforcement by the Vietnamese court.

6. The statute of limitations for judgment enforcement has expired in accordance with the law of the country where the court that has rendered such civil judgment or decision is located, or with Vietnam's law on enforcement of civil judgments.

7. The enforcement of the judgment or decision has been cancelled or terminated in the country where the court that has rendered the judgment or decision is located.

8. The recognition and enforcement in Vietnam of a civil judgment or decision of a foreign court is contrary to the fundamental principles of the law of the Socialist Republic of Vietnam.

Article 440. Foreign courts that have jurisdiction to settle disputes and requests

A foreign court that has rendered a judgment or decision which is being considered for recognition and enforcement in Vietnam has jurisdiction to settle a civil case or matter in the following cases:

1. The civil case or matter does not fall within the exclusive jurisdiction of the Vietnamese court prescribed in Article 470 of this Code;

2. The civil case or matter mentioned in Article 469 of this Code has one of the following conditions:

a/ The defendant was involved in the adversarial process but did not protest such foreign court's jurisdiction;

b/ The civil case or matter has not yet had a judgment or decision of a third country's court which has been recognized and permitted for enforcement in Vietnam by the Vietnamese court;

c/ The civil case or matter has been accepted by a foreign court before it is accepted by the Vietnamese court.

Article 441. Sending of a court's decision

1. Within 15 days after issuing a decision prescribed in Clause 5, Article 438 of this Code, the court shall send it to the parties or their lawful representatives, the Ministry of Justice and the same-level procuracy.

2. Within 5 working days after issuing a decision to suspend or a decision to terminate the settlement of a written request prescribed in Clause 4 or 5, Article 437 of this Code, the court shall send such decision to the parties or their lawful representatives, the Ministry of Justice and the same-level procuracy.

3. Right after issuing a decision on application, change or cancellation of provisional urgent measures in accordance with Clause 6, Article 438 of this Code, the court shall send such decision to the parties or their lawful representatives, the competent civil judgment enforcement agency, the Ministry of Justice and the same-level procuracy.

4. The sending of a court's decision to a party abroad shall be effected by the mode prescribed in Article 474 of this Code.

Article 442. Appeal and protest

1. Within 7 days after the court issues a decision to suspend or a decision to terminate the consideration of a written request and within 15 days after the court issues a decision on recognition and enforcement or on non-recognition of a foreign court's judgment or decision, the parties or their lawful representatives may file an appeal against such decision. In case the parties or their lawful representatives are not present at the meeting to consider the written request, the appeal time limit shall be counted from the date they receive such decision. The written appeal must clearly state the appeal reason and request.

In case due to a *force majeure* event or an objective obstacle the parties or their lawful representatives cannot file their appeals within the above time limit, the duration in which the *force majeure* event or objective obstacle occurs shall not be counted in the appeal time limit.

2. The chief procurator of a provincial-level people's procuracy or a superior people's procuracy may protest against a court's decision prescribed in Clauses 4 and 5, Article 437, and Clause 5, Article 438, of this Code.

The time limit for a provincial-level people's procuracy to file a protest is 7 days and that for a superior people's procuracy is 10 days, counting from the date the procuracy receives the decision.

Article 443. Consideration of an appeal or a protest

1. Within 1 month after receiving a case file, a superior people's court shall, within its territorial jurisdiction, review a decision of a provincial-level people's court which is appealed or protested against. In case explanations are requested as prescribed in Clauses 1 and 2, Article 437 of this Code, such time limit may be extended but must not exceed 2 months.

2. A panel for review of an appealed or protested decision must be composed of three judges, including one presiding judge assigned by the chief justice of the superior people's court.

A meeting to review an appealed or protested decision shall be conducted in the same way as a meeting to consider a written request prescribed in Article 438 of this Code.

3. A panel to review an appealed or protested decision has the following rights:

a/ To uphold the decision of the first-instance court;

b/ To partially or entirely amend the decision of the first-instance court;

c/ To suspend the settlement of the appeal or protest;

d/ To terminate the settlement of the appeal or protest;

dd/ To cancel the decision of the first-instance court and deliver the case file to the latter for re-settlement according to first-instance procedures;

e/ To cancel the first-instance court's decision and terminate the consideration of the written request when there is any of the grounds prescribed in Clause 5, Article 437 of this Code.

4. The decision of a superior people's court takes legal effect on the date of its issuance and may be protested against according to cassation or reopening procedures prescribed in this Code.

Section 2

PROCEDURES FOR CONSIDERATION OF WRITTEN REQUESTS FOR NON-RECOGNITION OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS

Article 444. Statute of limitations for requesting non-recognition in Vietnam of a foreign court's civil judgment or decision

1. Within 3 years from the date a foreign court's civil judgment or decision takes legal effect, the judgment debtor or his/her/its lawful representative has the right to request the Vietnamese court not to recognize such judgment or decision.

2. In case a requesting person can prove that due to a *force majeure* event or an objective obstacle he/she/it cannot file his/her written request within the time limit prescribed in Clause 1 of this Article, the duration in which the *force majeure* event or the objective obstacle occurs shall not be counted in the time limit for filing a written request.

Article 445. Written request for non-recognition in Vietnam of a foreign court's civil judgment or decision

1. The requesting person prescribed in Clause 1, Article 444 of this Code shall make a written request, which must contain the principal details:

a/ Full name and address of the residence place or workplace of the judgment debtor; or name and address of the head office, if the judgment debtor is an agency or organization; in case the judgment debtor being an individual has no residence place or workplace in Vietnam or the judgment debtor being an agency or organization has no head office in Vietnam, the written request must specify the address of the place where the property is located and its type relating to the enforcement of the foreign court's civil judgment or decision in Vietnam;

b/ Full name and address of the place of residence or workplace of the judgment creditor or his/her/its lawful representative; or name and address of the head office, if the judgment creditor is an agency or organization;

c/ Request of the judgment debtor; in case the foreign court's judgment or decision has been partly enforced, the enforced part and the remaining part requested for non-recognition in Vietnam shall be specified.

2. A written request in a foreign language shall be enclosed with its Vietnamese translation already lawfully notarized or certified.

Article 446. Papers and documents accompanying a written request; procedures for consideration of a written request for non-recognition in Vietnam of a foreign court's civil judgment or decision

1. Accompanied by a written request shall be papers and documents prescribed in a treaty to which the Socialist Republic of Vietnam is a contracting party. In case the Socialist Republic of Vietnam and the country where the court renders the judgment or decision is located have not yet acceded to a treaty concerning this issue, a written request shall be accompanied by the original or certified copy of the foreign court's judgment or decision and papers and documents proving the written request for non-recognition.

2. If papers and documents accompanying a written request are in a foreign language, their lawfully notarized or certified Vietnamese translations are required.

3. The procedures for considering a written request, the sending of a court's decision, the filing and consideration of an appeal or a protest must comply with relevant articles of Section 1 of this Chapter.

Section 3

PROCEDURES FOR REQUESTING NON-RECOGNITION OF CIVIL JUDGMENTS OR DECISIONS OF FOREIGN COURTS THAT ARE NOT REQUESTED TO BE ENFORCED IN VIETNAM

Article 447. Statute of limitations for requesting non-recognition of a foreign court's civil judgment or decision that is not requested to be enforced in Vietnam

1. Within 6 months after receiving a foreign court's legally effective civil judgment or decision which is not requested to be enforced in Vietnam, a party or a person with related lawful rights or obligations or his/her/its lawful representative may file a written request with the Vietnamese Ministry of Justice in accordance with a treaty to which the Socialist Republic of Vietnam is a contracting party or, in case a treaty to which the Socialist Republic of Vietnam is a contracting party does not so prescribe or there is no relevant treaty, with a competent Vietnamese court as prescribed by this Code to request the latter not to recognize such civil judgment or decision.

2. In case a requesting person can prove that due to a *force majeure* event or an objective obstacle he/she/it cannot file his/her/its written request within the time limit prescribed in Clause 1 of this Article, the duration in which the *force majeure* event or objective obstacle occurs shall not be counted in the time limit for filing such written request.

Article 448. Written request for non-recognition of a foreign court's civil judgment or decision which is not requested to be enforced in Vietnam

1. A written request for non-recognition of a foreign court's civil judgment or decision must contain the following principal details:

a/ Full name and address of the requester's residence place or workplace; or name and address of the head office if the requester is an agency or organization;

b/ The requester's claims.

2. Accompanied by the written request shall be the original or certified copies of the foreign court's civil judgment or decision and necessary papers and documents to prove that the written request is grounded and lawful.

3. A written request and accompanying papers and documents shall be enclosed with their lawfully notarized or certified Vietnamese translations.

Article 449. Procedures for acceptance and settlement of a written request for non-recognition of a foreign court's civil judgment or decision which is not requested to be enforced in Vietnam

1. The acceptance and preparation for consideration of, and a meeting to consider, a written request for non-recognition of a foreign court's civil judgment or decision which is not requested to be enforced in Vietnam must comply with Articles 436, 437 and 438 of this Code.

2. A panel to consider a written request may issue one of the following decisions:

a/ Not to recognize the foreign court's civil judgment or decision;

b/ To reject the written request.

3. A foreign court's civil judgment or decision which is not requested to be enforced in Vietnam shall not be recognized in the cases prescribed in Article 439 of this Code.

Article 450. Sending of a court's decisions and filing of an appeal or a protest

The sending of a court decision, the filing of an appeal or a protest and the consideration of such appeal or protest must comply with Articles 441, 442 and 443 of this Code.

Chapter XXXVII

**PROCEDURES FOR CONSIDERATION OF
WRITTEN REQUESTS FOR RECOGNITION AND
ENFORCEMENT IN VIETNAM OF
FOREIGN ARBITRAL AWARDS**

Article 451. Time limit for filing a written request for recognition and enforcement

1. Within 3 years from the date a foreign arbitral award takes legal effect, the judgment creditor or a person with related lawful rights or obligations or his/her/its lawful representative may file a written request with the Vietnamese Ministry of Justice in accordance with a treaty to which the Socialist Republic of Vietnam is a contracting party or, in case the treaty to which the Socialist Republic of Vietnam is a contracting party does not so prescribe or there is no relevant treaty, with a competent Vietnamese court prescribed by this Code to request the latter to recognize and enforce such foreign arbitral award in Vietnam.

2. In case a requesting person can prove that due to a *force majeure* event or an objective obstacle he/she/it cannot file his/her/its written request within the time limit prescribed in Clause 1 of this Article, the duration in which the *force majeure* event or objective obstacle occurs shall not be counted in the time limit for filing the written request.

Article 452. Written request for recognition and enforcement in Vietnam of a foreign arbitral award

1. A written request for recognition and enforcement in Vietnam of a foreign arbitral award must contain the following principal details:

a/ Full name and address of the place of residence or workplace of the judgment creditor and his/her/its lawful representative in Vietnam; or name and address of the head office, if the judgment creditor is an agency or organization;

b/ Full name and address of the place of residence or workplace of the judgment debtor; or name and address of the head office, if the judgment debtor is an agency or organization; in case a judgment debtor being an individual has no place of residence or workplace in Vietnam or the judgment debtor being an agency or organization has no head office in Vietnam, the written request must specify the address of the place where the property is located and its type related to the enforcement of the foreign arbitral award in Vietnam;

c/ The judgment creditor's claims.

2. A written request in a foreign language shall be enclosed with its Vietnamese translation lawfully notarized or certified.

Article 453. Papers and documents accompanying a written request

1. Accompanied by a written request shall be papers and documents as prescribed in a treaty to which the Socialist Republic of Vietnam is a contracting party; in case such a treaty is not available or does not prescribe them, a written request shall be accompanied by the following papers and documents:

a/ The original or certified copy of the foreign arbitral award;

b/ The original or certified copy of the arbitral agreement among the parties.

2. If papers and documents accompanying a written request are in a foreign language, their lawfully notarized or certified Vietnamese translations are required.

Article 454. Delivery of a case file to the court

1. Within 5 working days after receiving a written request and its accompanying papers and documents as prescribed in Article 453 of this Code, the Ministry of Justice shall deliver the case file to a competent court.

2. In case the Ministry of Justice has delivered the case file to a competent court but later receives a notice from a competent foreign agency saying that it is reviewing or has already cancelled, or terminated the enforcement of, the foreign arbitral award, the Ministry of Justice shall immediately send a written notice thereof to the court.

Article 455. Acceptance of a case file

Within 5 working days after receiving a case file from the Ministry of Justice or a written request and accompanying papers and documents from a requesting person, the competent court shall, pursuant to Articles 363, 364 and 365 of this Code, consider, accept the file and notify such in writing to the judgment creditor and the judgment debtor or their lawful representatives in Vietnam, the same-level procuracy and the Ministry of Justice.

Article 456. Delivery of a case file to another court, settlement of a dispute over jurisdiction

After accepting a case file, if the court sees that the settlement of the request for recognition and enforcement in Vietnam of a foreign arbitral award falls within the jurisdiction of another Vietnamese court, it shall issue a decision to deliver the case file to such court and remove

such request in its acceptance register. Such decision shall be immediately sent to the same-level procuracy and the parties.

Within 3 working days after receiving the decision, the parties have the right to complain and the procuracy has the right to make a recommendation about such decision. The order and procedures to settle a complaint or recommendation and a dispute over jurisdiction must comply with Article 41 of this Code.

Article 457. Preparations for consideration of a written request

1. Within 2 months after receiving a written request, the court shall, on a case-by-case basis, issue one of the following decisions:

- a/ To suspend the written request consideration;
- b/ To terminate the written request consideration;
- c/ To open a meeting to consider the written request.

The court may, within the time limit of preparing the consideration of a written request, request the judgment creditor to explain unclear matters in the written request. In this case, the time limit for preparation for consideration of a written request may be extended but must not exceed 2 months.

The court shall open a meeting to consider a written request within 20 days after issuing the decision to open such meeting. The court shall deliver the case file to the same-level procuracy for study at least 15 days before opening of the meeting; past this time limit, the procuracy shall return the case file to the court for opening the meeting to consider the written request.

2. The court shall issue a decision to suspend the consideration of a written request when there is any of the following grounds:

- a/ The foreign arbitral award is being reviewed by a competent agency of the country where the arbitrator pronounces the award;
- b/ The judgment debtor being an individual has died or being an agency or organization has been merged, consolidated, divided, separated or dissolved without any individual, agency or organization inheriting his/her/its litigation rights and obligations;
- c/ The judgment debtor being an individual has lost his/her civil act capacity but his/her lawful representative has not been determined yet;

During the suspension period, the assigned judge shall still take responsibility for the settlement of the written request.

After receiving a decision to suspend the settlement of a written request as prescribed in this Clause, the judge shall monitor and urge

agencies, organizations and individuals to overcome the reason for the suspension as soon as possible so as to resume the settlement of the written request. When the reason for the suspension no longer exists, the judge shall issue a decision to resume the settlement of the written request.

3. The court shall issue a decision to terminate the consideration of a written request when there is any of the following grounds:

a/ The judgment creditor withdraws his/her/its written request or the judgment debtor has voluntarily complied with the foreign arbitral award;

b/ The judgment debtor being an individual has died without anyone inheriting his/her rights and obligations;

c/ The judgment debtor being an agency or organization has been dissolved or gone bankrupt and its rights and obligations have been settled in accordance with Vietnamese law;

d/ The judgment debtor being an agency or organization has been dissolved or gone bankrupt without any agency, organization or individual inheriting its litigation rights and obligations;

dd/ The court cannot identify the place in Vietnam where the property of the judgment debtor is located at the request of the judgment creditor in favor of whom the foreign arbitral award is enforced.

Article 458. Meeting to consider a written request

1. The consideration of a written request shall be conducted at a meeting organized by a panel composed of three judges, one of whom shall act as the presiding judge under the assignment of the court's chief justice.

2. A procurator of the same-level procuracy shall participate in the meeting; in case the procurator is absent, the court shall still conduct a meeting.

3. The meeting shall be conducted in the presence of the judgment creditor and the judgment debtor or their lawful representatives; if one of them is absent for the first time for a plausible reason, the meeting shall be postponed.

The consideration of a written request must proceed if the judgment creditor or his/her/its lawful representative or the judgment debtor or his/her/its lawful representative requests the court to consider the written request in his/her absence or the judgment debtor or his/her/its lawful representative is still absent although having been duly summoned twice.

The panel shall issue a decision to terminate the settlement of a written request if the judgment creditor or his/her/its lawful representative is still absent although having been duly summoned twice, or when there is any of the grounds prescribed in Clause 3, Article 457 of this Code.

4. When considering a written request for recognition and enforcement, the panel may not re-try the dispute on which the foreign arbitrator has rendered an award. The court may only examine and compare the foreign arbitral award and the papers and documents accompanying the written request with the provisions of Chapters XXXV and XXXVII of this Code, other relevant provisions of Vietnamese law and a treaty to which the Socialist Republic of Vietnam is a contracting party as a basis for issuing a decision on recognition or non-recognition of such award.

5. After considering a written request and its accompanying papers and documents and listening to the opinions of the summoned persons and the procurator, the panel shall discuss and decide the case by a majority vote.

The panel may issue a decision on recognition and enforcement in Vietnam or non-recognition of the foreign arbitration award.

Article 459. Cases of non-recognition

1. The court shall not recognize a foreign arbitral award if it sees that the evidence provided by the judgment debtor to object the written request for recognition is grounded and lawful and the award falls in one of the following cases:

a/ The parties to the arbitral agreement have no capacity to sign such agreement as prescribed by the law applicable to each party;

b/ The arbitral agreement is legally invalid under the law of a country which has been selected by the parties to apply, or under the law of the country where the award was pronounced, if the parties has not selected any law applicable to such agreement;

c/ The judgment debtor being an agency, organization or individual was not promptly and properly notified of the appointment of arbitrators and of the procedures for settlement of the dispute at the foreign arbitration, or could not exercise their litigation rights for a plausible reason;

d/ The foreign arbitral award is pronounced on a dispute not requested by the parties for settlement or going beyond the request of the parties to the arbitral agreement. In case the award can be separated into distinct parts on matters requested for settlement and parts on matters not

requested for settlement at foreign arbitration, the parts on matters requested for settlement may be recognized and permitted for enforcement in Vietnam;

dd/ The composition of the foreign arbitration or the procedures for dispute settlement by foreign arbitrators do not conform with the arbitral agreement or with the law of the country where the foreign arbitral award is pronounced, if the arbitral agreement does not prescribe such matters;

e/ The foreign arbitral award has not yet become legally binding on the parties;

g/ The foreign arbitral award has been cancelled or terminated from enforcement by a competent agency of the country where the award was pronounced or of the country whose law has been applied.

2. A foreign arbitral award shall also not be recognized, if the Vietnamese court sees that:

a/ The dispute cannot be settled by arbitration under Vietnamese law;

b/ The recognition and enforcement in Vietnam of the foreign arbitral award violate the fundamental principles of the law of the Socialist Republic of Vietnam.

Article 460. Sending of a court decision

1. Within 5 working days after issuing a decision to suspend or terminate the settlement of a written request in accordance with Clause 2 or 3, Article 457 of this Code, the court shall send such decision to the parties or their lawful representatives, the Ministry of Justice and the same-level procuracy.

2. Within 15 days after pronouncing a decision on recognition and enforcement or non-recognition in Vietnam of a foreign arbitral award in accordance with Clause 5, Article 458 of this Code, the court shall send it to the parties or their lawful representatives, the Ministry of Justice and the same-level procuracy. For an overseas party that has no lawful representative in Vietnam, if the court issued the decision in his/her absence in accordance with Clause 3, Article 458 of this Code, the court shall send it to such party by post or through the Ministry of Justice in accordance with a treaty to which the Socialist Republic of Vietnam is a contracting party.

3. A court's decision shall be sent by the mode specified in Article 474 of this Code.

Article 461. Appeal and protest

1. Within 15 days after the court issues a decision prescribed in Clause 2 or 3, Article 457, or Clause 5, Article 458, of this Code, the parties or their lawful representatives may file an appeal against such decision. For a party who is absent at the meeting to consider the written request, the appeal time limit shall be counted from the date he/she receives such decision. The appeal petition must clearly state the reason for appeal and request.

If due to a *force majeure* event or an objective obstacle a party or his/her lawful representative cannot file his/her appeal within the above time limit, the duration in which the *force majeure* event or the objective obstacle occurs shall not be counted in the time limit for appeal.

2. The chief procurator of a provincial-level people's procuracy or superior people's procuracy may protest against a court's decision prescribed in Clause 2 or 3, Article 457, or Clause 5, Article 458, of this Code.

The time limit for a provincial-level people's procuracy to file a protest is 7 days and that for a superior people's procuracy is 10 days, counting from the date the procuracy receives the decision.

Article 462. Consideration of an appeal or a protest

1. Within 1 month after receiving a case file, a superior people's court shall review an appealed or protested decision of a provincial-level people's court. In case explanations are requested under Clause 1, Article 457 of this Code, this time limit may be extended but must not exceed 2 months.

2. A panel to review an appealed or a protested decision must be composed of three judges, including one acting as presiding judge as assigned by the chief justice of the superior people's court. A review meeting shall be conducted like a meeting to consider a written request as prescribed in Article 458 of this Code.

3. A review panel has the following rights:

a/ To uphold the first-instance court's decision;

b/ To partially or entirely amend the first-instance court's decision;

c/ To suspend the settlement of the appeal or protest;

d/ To terminate the settlement of the appeal or protest;

dd/ To cancel the first-instance court's decision and deliver the case file to the first-instance court for re-settlement according to first-instance procedures;

e/ To cancel the first-instance court's decision and terminate the settlement of the written request when there is any of the grounds prescribed in Clause 3, Article 457 of this Code.

4. The review panel shall terminate the settlement of an appeal or a protest in the following cases:

a/ The appellant withdraws the whole of his/her appeal or the procuracy withdraws the whole of its protest;

b/ The appellant is still absent although having been duly summoned twice and files no written request for settlement in his/her absence.

In case the appellant withdraws the whole of his/her appeal or the procuracy withdraws the whole of its protest before the court of appeal issues a decision to open a meeting to consider the appeal or protest, the meeting's presiding judge shall issue a decision to terminate the settlement of the appeal or protest. In case the appellant withdraws the whole of his/her appeal or the procuracy withdraws the whole of its protest after the court of appeal issues a decision to open a meeting to consider the appeal or protest, the review panel shall issue a decision to terminate the consideration of the appeal or protest.

In the above cases, the first-instance court's decision takes legal effect on the date the court of appeal issues a decision to terminate the consideration of the appeal or protest.

5. A panel to review an appealed or a protested decision shall cancel the first-instance court's decision and deliver the case file to the latter for re-settlement according to first-instance procedures in the following cases:

a/ The party's proof to object the recognition of a foreign arbitral award is or the bases for the first-instance court to issue the decision on recognition or non-recognition of a foreign arbitral award are incompliant with the provisions of Chapters XXXV and XXXVII of this Code, other relevant provisions of Vietnamese law, and a treaty to which the Socialist Republic of Vietnam is a contracting party;

b/ The composition of the first-instance court's review panel fails to comply with the provisions of Chapter XXXVII of this Code or there is another serious violation of litigation procedures affecting the parties' lawful rights and interests.

6. The decision of a superior people's court shall take legal effect on the date of its issuance and may be protested against according to cassation or re-opening procedures prescribed in this Code.

Article 463. Postponement of enforcement or cancellation of a decision on recognition and enforcement of a foreign arbitral award

1. Right after receiving a written notice from a competent foreign agency that a request for cancellation or termination of the enforcement of a foreign arbitral award sent from a party or the Ministry of Justice is under consideration, the court that issued a decision on recognition and enforcement of such award shall request the head of the civil judgment enforcement agency to issue a decision to suspend the enforcement of the award.

Right after receiving a court's request, the head of the civil judgment enforcement agency shall issue a decision to suspend the enforcement of the award and send it to the court that has issued the decision on recognition and enforcement of such award in Vietnam, and to the parties and person with related rights or obligations.

The head of the civil judgment enforcement agency may apply necessary measures to secure the continued enforcement of the foreign arbitral award in accordance with the law on enforcement of civil judgments if so requested by the agency, organization or person in favor of whom the foreign arbitral award is enforced.

2. Right after receiving a written notice from a competent foreign agency that the enforcement of the foreign arbitral award has been cancelled or terminated from enforcement, the Vietnamese court that has issued the decision to recognize the foreign arbitral award and permit its enforcement in Vietnam shall issue a decision to cancel such decision and send it to the parties, person with related rights or obligations and the civil judgment enforcement agency.

Right after receiving the court decision, the head of the civil judgment enforcement agency shall issue a decision to terminate the enforcement of the foreign arbitral award.

PART EIGHT

PROCEDURES FOR SETTLING A CIVIL CASE OR MATTER INVOLVING FOREIGN ELEMENTS

Chapter XXXVIII

GENERAL PROVISIONS ON PROCEDURES FOR SETTLEMENT OF CIVIL CASES AND MATTERS INVOLVING FOREIGN ELEMENTS

Article 464. Application principles

1. This Part prescribes the jurisdiction and procedures for the settlement of civil cases and matters involving foreign elements. For cases on which this Part makes no provision, other relevant provisions of this Code shall be applied.

2. A civil case or matter involving foreign elements means a civil case in which:

a/ At least one of the parties is a foreign individual, agency or organization;

b/ The parties are Vietnamese citizens, agencies or organizations but the establishment, change, performance or termination of the civil relation concerned takes place overseas;

c/ The parties are Vietnamese citizens, agencies or organizations but the object of the civil relation concerned is located overseas.

3. Mutual legal assistance in civil procedures must comply with the law on mutual legal assistance.

Article 465. Litigation rights and obligations of foreigners, foreign agencies or organizations, branches or representative offices of foreign agencies and organizations and international organizations in Vietnam, and representative agencies of international organizations in Vietnam, foreign states

1. Foreigners, foreign agencies or organizations, international organizations, and representative agencies of international organizations in Vietnam may initiate lawsuits at the Vietnamese court in order to request defense of their lawful rights and interests when such rights and interests are infringed upon or disputed.

Branches or representative offices of foreign agencies and organizations in Vietnam may initiate lawsuits at the Vietnamese court in order to request the defense of such foreign agencies and organizations' lawful rights and interests when such rights and interests are infringed upon or disputed.

2. Foreigners, foreign agencies or organizations, branches or representative offices of foreign agencies and organizations, international organizations, or representative agencies of international organizations in Vietnam, and foreign states shall, when participating in civil proceedings, have the same litigation rights and obligations like Vietnamese citizens, agencies or organizations.

3. The Vietnamese State may apply the principle of reciprocity to restrict the corresponding litigation rights of foreigners, foreign agencies

or organizations, Vietnam-based branches or representative offices of foreign agencies and organizations of the countries where their courts restrict civil litigation rights of Vietnamese citizens, agencies or organizations, branches or representative offices of Vietnamese agencies and organizations in such countries.

Article 466. Civil procedure law capacity and civil litigation act capacity of foreigners

1. The civil procedure law capacity and civil litigation act capacity of a foreigner shall be determined:

a/ Pursuant to the law of the country of which a foreigner is a citizen; or pursuant to the law of the country where a foreigner resides, if he/she is not a citizen of any country; pursuant to Vietnamese law if he/she is a stateless foreigner residing in Vietnam;

b/ Pursuant to the law of the country where a foreigner is a citizen and resides if he/she bears two or more foreign citizenships.

Pursuant to the law of the country of which a foreigner is a citizen for the longest time if the foreigner bears two or more foreign citizenships and resides in a country of which he/she is not a citizen;

c/ Pursuant to Vietnamese law if a foreigner bears two or more foreign citizenships and one of them is Vietnamese citizenship or he/she possesses a permanent or temporary residence card in Vietnam.

2. A foreigner may be recognized as having civil litigation act capacity at the Vietnamese court if he/she has no civil litigation act capacity under foreign laws but has the civil litigation act capacity under Vietnamese law.

Article 467. Civil procedure law capacity of foreign agencies or organizations, branches or representative offices of foreign agencies and organizations, international organizations, or representative agencies of international organizations in Vietnam and foreign states

1. The civil procedure law 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.

The civil procedure law capacity of a branch or representative office of a foreign agency or organization in Vietnam shall be determined in accordance with Vietnamese law.

2. The civil procedure law capacity of an international organization or representative agency of an international organization shall be determined on the basis of the treaty serving the establishment of such

organization, the international organization's operation regulations, or a treaty to which the Socialist Republic of Vietnam is a contracting party.

In case an international organization announces to renounce its privileges and immunities, the civil procedure law capacity of such organization shall be determined in accordance with Vietnamese law.

Article 468. Defense of lawful rights and interests of parties being foreigners, foreign agencies or organizations, branches or representative offices of foreign agencies and organizations, international organizations, or representative agencies of international organizations in Vietnam and foreign states

Parties being foreigners, foreign agencies or organizations, branches or representative offices of foreign agencies and organizations, international organizations, or representative agencies of international organizations in Vietnam, and foreign states participating in proceedings at the Vietnamese court have the right to request on their own or lawyers or other persons to defend their lawful rights and interests in accordance with Vietnamese law.

Article 469. General jurisdiction of the Vietnamese court to settle civil cases and matters involving foreign elements

1. The Vietnamese court has jurisdiction to settle a civil case or matter involving foreign elements in which:

a/ The defendant being an individual permanently resides, works or lives in Vietnam;

b/ The defendant being an agency or organization is headquartered in Vietnam, or the defendant being an agency or organization has a branch or representative office in Vietnam for cases related to the operation of such branch or representative office in Vietnam;

c/ The defendant has a property in the Vietnamese territory;

d/ For a divorce case or matter, the plaintiff or the defendant being a Vietnamese citizen or with the parties being foreigners permanently reside, work or live in Vietnam;

dd/ A civil relation is established, changed or terminated in Vietnam, with its subject matter being a property in the Vietnamese territory or involving work performed in the Vietnamese territory;

e/ A civil relation is established, changed or terminated outside the Vietnamese territory but is related to the rights and obligations of an agency, organization or individual of Vietnam or that is headquartered or resides in Vietnam.

2. After determining the Vietnamese court's jurisdiction specified by this Chapter, the court shall apply provisions of Chapter III of this Code to determine its specific jurisdiction to settle a civil case or matter.

Article 470. Exclusive jurisdiction of the Vietnamese court

1. The following civil cases involving foreign elements fall under the exclusive jurisdiction of the Vietnamese court:

a/ A civil case involving the rights to a property being an immovable in the Vietnamese territory;

b/ A divorce case between a Vietnamese citizen and a foreign citizen or a stateless person if both spouses permanently reside, work or live in Vietnam;

c/ Another civil case which the parties are entitled to select the Vietnamese court to settle in accordance with Vietnamese law or a treaty to which the Socialist Republic of Vietnam is a contracting party and they agree to select the Vietnamese court to settle.

2. The following civil matters involving foreign elements fall under the exclusive jurisdiction of the Vietnamese court:

a/ A non-disputed claim arising from a civil legal relation prescribed in Clause 1 of this Article;

b/ A request to determine a legal event that occurred in the Vietnamese territory;

c/ Declaring that a Vietnamese citizen or a foreigner residing in Vietnam is missing or dead if such declaration relates to the establishment of his/her rights and obligations in Vietnam, unless otherwise prescribed by a treaty to which the Socialist Republic of Vietnam is a contracting party;

d/ Declaring that a foreigner residing in Vietnam has a limited civil act capacity or has lost his/her civil act capacity if such declaration relates to the establishment of his/her rights and obligations in Vietnam;

dd/ Recognizing that a property in the Vietnamese territory is derelict or recognizing the current manager's ownership over a derelict property in the Vietnamese territory.

Article 471. No change of the court's jurisdiction

A civil case or matter involving foreign elements which has been accepted for settlement by a Vietnamese court in accordance with this Code's provisions on jurisdiction shall continue to be settled by such court although during the settlement process there appear a change of citizenship, place of residence or address of a party or appear a new

detail which makes such civil case or matter fall under the jurisdiction of another Vietnamese court or a foreign court.

Article 472. Return of a lawsuit petition or written request or suspension of the settlement of a civil case or matter involving foreign elements if there has been an arbitral agreement or a foreign court selection agreement or it has been settled by a foreign court, arbitrators or another foreign competent agency or a party is entitled to judicial immunities

1. The Vietnamese court shall return a lawsuit petition or written request or suspend the settlement of a civil case or matter involving foreign elements if the civil case or matter falls under the general jurisdiction of the Vietnamese court and falls in one of the following cases:

a/ The parties may select under agreement a mode of dispute settlement as prescribed by the law on civil relations involving foreign elements and have selected foreign arbitrators or a foreign court to settle such civil case or matter.

If the parties change the agreement on selection of foreign arbitrators or foreign courts for an agreement on selection of Vietnamese courts or the agreement on selection of foreign arbitrators or foreign courts is nullified or cannot be implemented or foreign arbitrators or foreign courts refuse to accept the written request, the Vietnamese courts still have jurisdiction to settle such civil case or matter;

b/ A civil case or matter falls outside the exclusive jurisdiction of the Vietnamese court in accordance with Article 470 of this Code and it falls under the exclusive jurisdiction of the related foreign court;

c/ A civil case or matter falls outside the exclusive jurisdiction of the Vietnamese court in accordance with Article 470 of this Code and has been accepted for settlement by foreign arbitrators or a foreign court;

d/ A civil case or matter has been settled by the foreign court's judgment or decision or arbitral award.

In case the foreign court's judgment or decision or a foreign arbitral award is not recognized by the Vietnamese court, the latter still has jurisdiction to settle such case;

dd/ The defendant is entitled to judicial immunity.

2. In case a written request is returned or the settlement of a civil case or matter involving foreign elements is suspended in accordance with Clause 1 of this Article, the prefixed court fees and charges must comply with this Code.

Article 473. Request for provision of information on relatives, ascertainment of a party's overseas address

1. Litigators and requesters shall write full names, addresses and nationalities of the parties residing overseas in their lawsuit petitions or written requests and the accompanying papers and documents ascertaining full names, addresses and nationalities of such parties.

In case full names, addresses and nationalities of the parties residing overseas are not fully written or lacking the above information, such contents shall be added within the time limit set by the court. Past that time limit, if no information is provided, the court shall return the lawsuit petition or written request.

2. In case a party's overseas address cannot be ascertained, a party and a requester may request a Vietnamese court to propose a foreign competent agency to ascertain the party's address or request competent agencies to search for the person who is absent from his/her residence place or request a Vietnamese court or foreign competent agency to declare that the party is missing or dead in accordance with Vietnamese law or foreign laws or treaties to which the Socialist Republic of Vietnam is a contracting party.

In case the foreign competent agency replies to the Vietnamese court that it failed to ascertain the party's overseas address or there is no reply after six months, the court shall return the lawsuit petition or written request.

Article 474. Modes of service or notification of courts' procedural documents to overseas parties

1. A court shall serve or notify its procedural documents by using:

a/ The mode prescribed in treaties to which the Socialist Republic of Vietnam is a contracting party;

b/ The diplomatic channel for the parties residing in the country that it and the Socialist Republic of Vietnam are not yet contracting parties to treaties;

c/ The postal service to the address of the parties residing in foreign countries providing that the latter's law permits such mode of service;

d/ The postal service to overseas representative offices of the Socialist Republic of Vietnam to serve them to the parties being Vietnamese citizens in foreign countries;

dd/ For foreign agencies and organizations having representative offices and branches in Vietnam, the service shall be conducted via their

representative offices and branches in Vietnam in accordance with this Code;

e/ The postal service for lawful representatives or proxy representatives in Vietnam of the overseas parties.

2. Modes of service prescribed at Points a and b, Clause 1 of this Article must comply with the law on judicial assistance.

3. In case the implementation of the modes of service prescribed in Clause 1 of this Article fails, the court shall publicly post at the head office of the overseas representative agency of the Socialist Republic of Vietnam, the court that is settling the case or in the final residential place of the party in Vietnam within one month and notify on the court's website (if any), the website of the Socialist Republic of Vietnam's overseas representative agency. In case of necessity, the court may notify on central radio or television channels for foreigners three times in three consecutive days.

Article 475. Collection of evidence overseas

Courts shall collect evidence overseas by applying one of the following modes:

1. The modes prescribed at Points a and b, Clause 1, Article 474 of this Code;

2. By postal service to request a party being a Vietnamese citizen residing overseas to send papers, documents and evidence to the Vietnamese court.

Article 476. Notices of acceptance of cases, opening dates of meetings and court hearings

1. The court shall send a notice of acceptance of a case which clearly states the time and venues for opening a meeting to examine the handover, access and disclosure of evidence and to conduct conciliation (below referred to as conciliation meeting), re-open a conciliation meeting, open or re-open a court hearing in the written notice of acceptance of a case to the parties overseas.

2. The time limit for opening a court hearing or a conciliation meeting shall be determined as follows:

a/ A conciliation meeting shall be opened six months at the earliest and eight months at the latest after the issuance of the written notice of acceptance of the case. A conciliation meeting (if any) shall be opened again one month at the latest after the opening date of the conciliation meeting;

b/ A court hearing shall be opened nine months at the earliest and twelve months at the latest after the issuance of the written notice of acceptance of the case. A court hearing (if any) shall be opened again one month at the latest after the opening date of the court hearing, except cases prescribed in Clause 4, Article 477 of this Code.

3. The court shall clearly state the time and venue for opening or re-opening the meeting to settle the civil matter in its written notice of acceptance of the civil matter to the parties overseas.

A meeting shall be opened six months at the earliest and eight months at the latest after the issuance of the written notice of acceptance of the civil matter. A meeting (if any) to settle the civil matter shall be opened one month at the latest after the opening date of the first meeting.

Article 477. Handling of results of service of the court's procedural documents to overseas parties and results of requesting competent foreign agencies to collect evidence

Upon receiving the result of the service of procedural documents and collection of evidence overseas, the court shall, on a case-by-case basis:

1. Not hold a conciliation meeting when it has received the service result by one of the methods prescribed in Clause 1, Article 474 of this Code, the party has provided adequate testimony, documents and evidence, and the civil case falls into the cases where conciliation cannot be conducted prescribed in Article 207 of this Code;

2. Postpone the conciliation meeting if the court has received a notice of the completion of the service but by the date of holding a conciliation meeting, it receives no testimony, documents or evidence from the party that does not ask for permission to be absent from the conciliation meeting. In case an overseas party is still absent on the date of resumption of the conciliation meeting, the court shall regard this case as a case in which conciliation cannot be conducted;

3. Postpone a court hearing in the following cases:

a/ The overseas party requests postponement of the first court hearing;

b/ The overseas party is absent from the first court hearing, unless it files a written request for absence from the court hearing;

4. Postpone a court hearing, if it receives no notice of the service result as well as testimony, documents and evidence from the overseas party, and on the date of opening a court hearing, the overseas party is still absent and makes no written request for absence from the court

hearing. Right after the postponement of a 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 service of the court's procedural document to the overseas party in case the court makes the service via the mission by one of the methods prescribed at Points a, b and d, Clause 1, Article 474 of this Code.

Within one month after receiving the court's document, the overseas representative mission of the Socialist Republic of Vietnam shall notify the court of the result of service of the procedural document to the overseas party.

Within 10 days after receiving the court's document, the Ministry of Justice shall request in writing a competent foreign agency to give a reply on the result of performance of the judicial entrustment.

Within 5 working days after receiving the reply from a competent foreign agency, the Ministry of Justice shall give a reply to the court.

Past the three-month time limit from the date of delivering the court's document to a competent foreign agency, if receiving no reply, the Ministry of Justice shall notify such to the court for use as a ground for the settlement of the case;

5. Conduct a hearing in the absence of an overseas party in the following cases:

a/ It has received the result of service by one of the methods prescribed in Clause 1, Article 474 of this Code and the party has provided sufficient testimony, documents and evidence and requested the court to conduct a hearing in his/her absence;

b/ The court has taken the measures mentioned in Clause 3, Article 474 of this Code;

c/ The court receives no notice from a competent agency mentioned in Clause 4 of this Article of the result of service to the overseas party;

6. If the court receives a written notice that the service could not be made due to incorrect full name and address of the party or that the party has moved to a new address which is unknown, the court shall:

a/ Request the plaintiff and relatives in the country of the overseas party (if any) to provide the overseas party's correct or new address. The court shall continue serving the notice of its acceptance to the overseas party to the address supplied by the plaintiff or the overseas party's relative;

b/ If the plaintiff and relatives in the country of the overseas party cannot provide or such relatives refuse to provide a correct or new

address of the overseas party, or if the overseas party does not have a relative in Vietnam, the court shall issue a decision to postpone the settlement of the case. Concurrently, the court shall explain to the suer the right to request the court to notify the search for the party who is absent from the place of residence or to declare that the party is missing or dead;

c/ In case a plaintiff being a Vietnamese citizen requesting to divorce a foreigner residing abroad cannot provide a correct full name and address or a new address of the foreigner at the court's request although the plaintiff and his/her relatives or a competent Vietnamese or foreign agency has verified information and the address of such foreigner but in vain, the plaintiff shall request the court to notify on the court's e-portal (if any) and the e-portal of the overseas representative mission of the Socialist Republic of Vietnam. When necessary, at the plaintiff's request, the court may notify on the channel of the central radio or television station for foreign audiences three times in three consecutive days.

In this case, the court is not required to re-serve the procedural document to the overseas party. Past the one-month time limit after the publication of the notice, the court shall conduct a hearing in the absence of the party.

Article 478. Recognition of papers or documents sent to the Vietnamese court by a foreign agency, organization or individual

1. The Vietnamese court shall recognize papers and documents made, issued or certified by a competent foreign agency in the following cases:

a/ Papers and documents and lawfully notarized or certified Vietnamese translations have been consularly legalized;

b/ Papers and documents are exempted from consular legalization in accordance with Vietnamese law or a treaty to which the Socialist Republic of Vietnam is a contracting party.

2. The Vietnamese court shall recognize papers and documents made by an overseas individual in the following cases:

a/ Foreign language papers and documents are accompanied by Vietnamese translations lawfully notarized or certified in accordance with 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 consularly legalized;

c/ Papers and documents made in Vietnamese by an overseas Vietnamese citizen with his/her signature and notarized or certified in accordance with Vietnamese law.

Article 479. Time limit for appealing against a court's judgment or decision on trial of a civil case or matter involving foreign elements

1. A party present in Vietnam may appeal against a court's judgment or decision within the time limit specified in Article 273 of this Code.

2. For an overseas party who is absent from a court hearing, the time limit for him/her to appeal against a court's judgment or decision is one month after such judgment or decision is duly served or publicly posted up in accordance with law.

3. In case the court conducts a hearing in the absence of an overseas party under Point c, Clause 5, Article 477 of this Code, the time limit for filing an appeal is twelve months after the judgment is pronounced.

Article 480. Service or notification of procedural documents of the court of appeals to overseas parties and settlement of service or notification result

The court of appeals shall serve or notify procedural documents to an overseas party and settle the service or notification result in accordance with Articles 474, 476 and 477 of this Code.

Article 481. Determination and provision of foreign law to the court for application to settle a civil case or matter involving foreign elements

In case the Vietnamese court applies a foreign law to settle a civil case or matter involving foreign elements under the Vietnamese law or a treaty to which the Socialist Republic of Vietnam is a contracting party, the responsibility to determine and provide such foreign law shall be performed as follows:

1. In case the parties may select an applicable law being a foreign law and already selected a foreign law for application, they shall provide the foreign law to the court that is settling a civil case or matter. The parties shall bear the responsibility for the accuracy and legality of the foreign law they provided.

In case the parties cannot agree on an applicable foreign law or when necessary, the court shall request the Ministry of Justice, the Ministry of Foreign Affairs, the overseas representative mission of the Socialist Republic of Vietnam or through the Ministry of Foreign Affairs to propose a foreign diplomatic representative agency in Vietnam to provide the foreign law;

2. In case Vietnamese law and a treaty to which the Socialist Republic of Vietnam is a contracting party prescribes the application of a foreign law, the parties may provide the foreign law to the court or the court may request the Ministry of Justice, the Ministry of Foreign Affairs or an overseas representative mission of the Socialist Republic of Vietnam to provide such law;

3. The court may request an agency, organization or individual specialized in a foreign law to provide information on such foreign law;

4. Past the six-month time limit from the date the court requests the provision of a foreign law mentioned in this Article, if receiving no result, the court shall apply the Vietnamese law to settle such civil case or matter.

PART NINE

ENFORCEMENT OF THE COURT'S CIVIL JUDGMENTS OR DECISIONS

Chapter XXXIX

ENFORCEMENT OF A COURT'S CIVIL JUDGMENT OR DECISION

Article 482. A court's judgments or decisions to be enforced

1. A to-be-enforced civil judgment or decision is the one that has taken legal effect, including:

a/ A judgment or decision of the first-instance court or part thereof which is not appealed or protested against according to appellate procedures;

b/ A judgment or decision of the court of appeals;

c/ A cassation or reopening trial decision of the court; decision of the Judicial Council of the Supreme People's Court under Article 360 of this Code;

d/ A civil judgment or decision of a foreign court, a foreign arbitral award, which has been recognized and permitted for enforcement in Vietnam.

2. The following judgments or decisions of the first-instance court shall be enforced immediately even though they may be appealed, complained, protested or recommended against:

a/ A judgment or decision on alimony, remuneration, reinstatement of a worker, wage, severance allowance, working-capacity loss allowances, social insurance, unemployment insurance, health insurance or compensations for loss of life, health or mental harm suffered by a citizen; decision on the legality of a strike;

b/ A decision on application of a provisional urgent measure.

Article 483. Certification and explanation of the right to request enforcement of a civil judgment

1. In case a court's judgment or decision is to be enforced under a decision prescribed in Article 482 of this Code, the court's judgment or decision must clearly state the content of the right to request the judgment's enforcement, the obligation to enforce the judgment and the statute of limitations for enforcement.

2. When pronouncing a judgment or decision, the court shall clearly explain to the parties about the right to request the judgment's enforcement, the obligation to enforce the judgment and the statute of limitations for the enforcement in accordance with the Law on Enforcement of Civil Judgments.

Article 484. Grant of a court's judgment or decision

When a court's judgment or decision shall be enforced under Article 482 of this Code, the court that renders such judgment or decision shall grant it to the judgment creditor and the judgment debtor, which bears the phrase: "For enforcement."

Article 485. Time limit for delivering a court's judgment or decision

1. The court which already rendered a judgment or decision specified in Clause 1, Article 482 of this Code shall deliver it to a competent civil judgment enforcement agency within one month from the date such judgment or decision takes legal effect, unless otherwise prescribed by law.

2. The court which already rendered a judgment or decision specified at Point a, Clause 2, Article 482 of this Code shall transfer it to a competent civil judgment enforcement agency within 15 days after rendering such judgment or decision.

3. The court which already issued a decision on the application of a provisional urgent measure or a decision on the legality of a strike shall transfer it to a competent civil judgment enforcement agency right after issuing such decision.

4. In case a competent agency has distrained a property, temporarily seized a property and kept material evidence or other documents relating to a judgment's enforcement, when delivering the judgment or decision to a civil judgment enforcement agency, the court shall enclose them with the copies of a written record of the distraint or temporary seizure of the property or keeping of material evidence or other documents relating to the enforcement.

Article 486. Explanation or modification of a court's judgment or decision

1. The judgment creditor, the judgment debtor, a person with their interests and obligations related to the enforcement of a court's judgment or decision and the judgment enforcement agency may request in writing the court which has rendered the judgment or decision to explain or modify unclear contents in the judgment or decision for enforcement.

2. The decision-making judge or the presiding judge of a court hearing shall explain or modify unclear contents of the court's judgment or decision. In case he/she no longer works as a judge of the court, the chief justice of such court shall explain or modify the court's judgment or decision.

3. The explanation of a court's judgment or decision shall be based on the minutes of the court hearing or meeting and minutes of judgment deliberation. The modification of a judgment or decision must comply with Article 268 of this Code.

Article 487. Settlement of a request or recommendation about a court's judgment or decision

In case a civil judgment enforcement agency recommends the review of a court's judgment or decision according to cassation or re-opening procedures, the competent court shall reply within three months after receiving the recommendation. In a complicated case, the time limit for reply must not exceed four months after the receipt of the recommendation.

Article 488. The court's jurisdiction and procedures for considering judgment execution obligation exemption or reduction regarding payments into the state budget

1. The court's jurisdiction to consider judgment execution obligation exemption or reduction regarding payments into the state budget shall be determined as follows:

a/ The district-level people's court of a locality where the civil judgment enforcement agency organizing the enforcement of a judgment is headquartered has jurisdiction to consider requests for judgment

execution obligation exemption or reduction regarding payments into the state budget;

b/ The provincial-level people's court has jurisdiction to consider a court's decision on judgment execution obligation exemption or reduction regarding payments into the state budget which is protested against by the procuracy according to appellate procedures;

c/ The superior people's court has jurisdiction to consider a court's legally effective decision on judgment execution obligation exemption or reduction within its territorial jurisdiction which is protested according to re-opening procedures.

2. The order and procedures for considering judgment execution obligation exemption or reduction regarding payments into the state budget must comply with the Law on Enforcement of Civil Judgments.

PART TEN

HANDLING OF ACTS OF OBSTRUCTING CIVIL PROCEEDINGS; COMPLAINTS AND DENUNCIATIONS IN CIVIL PROCEEDINGS

Chapter XL

HANDLING OF ACTS OF OBSTRUCTING CIVIL PROCEEDINGS

Article 489. Handling of acts of obstructing the verification and collection of evidence by proceeding-conducting persons

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 evidence to obstruct the settlement of a case by the court;

2. Refusing to declare, providing untruthful testimony or documents when acting as a witness;

3. Rejecting conclusions of an expert-assessment, or refusing to provide documents without a plausible reason or making untruthful conclusions of an expert assessment;

4. Intentionally giving untruthful interpretation;

5. Failing to assign a person to join the valuation council at a court's request without a plausible reason; failing to perform the duties of the valuation council without a plausible reason;

6. Obstructing a proceeding-conducting person to conduct an on-site inspection and appraisal, to decide on an expert assessment or to verify or collect evidence in accordance with this Code;

7. Deceiving, bribing, threatening, forcing or using force to prevent a witness from giving testimony, or compelling others to deceitfully act as a witness;

8. Deceiving, bribing, threatening, forcing or using force to prevent an expert witness from performing his/her duty or compelling him/her to make untruthful conclusions;

9. Deceiving, bribing, threatening, forcing or using force to prevent an interpreter from performing his/her duty or compelling him/her to give untruthful, biased or incorrect interpretation.

Article 490. Handling of acts of intentionally failing to be present under a court's writ of summon

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 a court hearing or meeting without a plausible reason shall be administratively sanctioned in accordance with law if his/her absence hinders the collection or verification of evidence or settlement of a case.

2. In the case specified in Clause 1 of this Article, the court may issue a decision to escort the witness to a court hearing or meeting, unless the witness is a minor. An escort decision must clearly state the time and place of issuance; full name and position of the issuer; full name, date of birth and place of residence of the witness, the time and place at which the witness is ordered to be present.

3. The public security agency shall enforce a court's witness escort decision. The person executing this decision shall read and explain it to the escorted person and make a written record of the escort.

Article 491. Handling of acts of interfering in a court hearing

1. A person who commits an act of breaking the internal rules of a court hearing prescribed in Article 234 of this Code shall, depending on the nature and severity of his/her violation, be administratively sanctioned by the presiding judge in accordance with law.

2. The presiding judge may issue a decision to force a violator of Clause 1 of this Article to leave the courtroom. The public security agency tasked to protect a court hearing or a person tasked to protect

order at a court hearing order shall enforce the presiding judge's decision on forcible departure from the courtroom or administrative custody against a person who causes disturbance at the court hearing.

3. In case a person violates the internal rules of a court hearing so seriously that he/she is subject to penal liability examination, the court may institute a criminal case in accordance with the criminal procedure law.

4. The provision of this Article shall also be applied to violators at a court's meeting.

Article 492. Handling of acts of infringing upon the court's solemnity and the reputation, honor, dignity and health of proceeding-conducting persons or other persons performing duties at a court's requests

A person who commits an act of infringement upon the court's solemnity or the reputation; honor, dignity and health of a proceeding-conducting person or another person performing a duty at a court's request shall, depending on the nature and severity of his/her violation, be administratively sanctioned or examined for penal liability in accordance with law.

Article 493. Handling of acts obstructing the issuance, handover, receipt, service, or notification of a court's procedural documents

A person who commits any of the following acts shall, depending on the nature and severity of his/her violations, be disciplined, administratively sanctioned or examined for penal liability in accordance with law.

1. Failing to issue, hand over, serve or notify without a plausible reason a court's procedural documents at the court's request.

2. Destroying a court's procedural documents handed over to them for issuance, service or notification.

3. Forging the result of service or notification of a court's procedural documents as assigned to him/her.

4. Obstructing the issuance, handover, receipt, serving or notification of a court's procedural documents.

Article 494. Handling of acts of preventing representatives of agencies, organizations or individuals from participating in proceedings as requested by the court

A person who threatens, assaults or takes advantage of another person's dependence to prevent a representative of an agency, organization or individual from being present at a court's hearing or

meeting as summoned by the court shall, depending on the nature and severity of his/her violation, be administratively sanctioned or examined for penal liability in accordance with law.

Article 495. Handling of acts of failing to comply with a court's decisions on provision of documents and evidence to the court, or of reporting untruthful information in order to obstruct the settlement of civil cases by the court

1. An agency, organization or individual that fails to execute a court's decision on provision of documents and evidence it/he/she is currently managing or keeping shall be administratively sanctioned by the court in accordance with law.

2. A person who reports untruthful information in order to obstruct the settlement of a civil case by the court shall, depending on the nature and severity of his/her violation, be administratively sanctioned or examined for penal liability in accordance with law.

Article 496. Handling of acts of interfering in the settlement of civil cases or matters

A person who uses his/her influence to exert impacts in any form on a judge or another member of a trial panel to settle a case in a biased or unlawful manner shall, depending on the nature and severity of his/her violation, be disciplined, administratively sanctioned or examined for penal liability in accordance with law.

Article 497. Responsibilities of the court and procuracy in case the court institutes a criminal case

1. If the court institutes a criminal case in accordance with Clauses 3 and 4 of Article 491 of this Code, within 15 days after issuing a decision to institute a criminal case, the court shall deliver it together documents and evidence proving the criminal act to the procuracy competent to decide to institute criminal cases.

2. The procuracy shall consider and handle the case in accordance with the Criminal Procedure Code.

Article 498. Sanctioning forms, competence, order and procedures

The forms, competence, order and procedures for administratively sanctioning acts obstructing civil proceedings must comply with the Law on Handling of Administrative Violations and relevant laws.

Chapter XLI

COMPLAINTS AND DENUNCIATIONS IN CIVIL PROCEEDINGS

Article 499. Decisions and acts in civil proceedings which may be complained about

1. Agencies, organizations and individuals may complain about decisions or acts of civil proceeding-conducting agencies or persons when they have grounds to believe that such decisions or acts are illegal or infringe upon their lawful rights and interests.

2. Complaints or recommendations about first-instance, appellate, cassation or reopening judgments or decisions of the court against which appeals or protests are filed or other proceeding decisions are issued by civil proceeding-conducting persons shall be settled under relevant chapters of this Code rather than this Chapter.

Article 500. Rights and obligations of a complainant

1. A complainant has the following rights:

a/ To file a complaint by himself/herself/itself or through his/her/its lawful representative;

b/ To file a complaint at any stage of the process of settling a civil case;

c/ To withdraw a complaint at any stage of the process of settling the complaint;

d/ To receive a written reply on the acceptance of his/her/its complaint for settlement; to receive the decision on the settlement of the complaint;

dd/ To have his/her/its 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 right competent person;

b/ To give truthful statements, provide information and documents to the person in charge of settling the complaint; to take responsibility before law for the contents of his/her/its statements and information and documents that he/she/it provides;

c/ To refrain from abusing the right to complaint to obstruct the court's proceedings;

d/ To abide by decisions and obey acts of the proceeding-conducting person with whom he/she has filed the complaint during the time of complaint;

dd/ To abide by the legally effective decision on settlement of the complaint.

Article 501. Rights and obligations of a complained person

1. A complained person has the following rights:

a/ To be informed of the grounds for filing a complaint; to produce evidence of the lawfulness of his/her proceeding decision or act which is complained about;

b/ To receive the decision on settlement of the complaint about his/her proceeding decision or act.

2. A complained person has the following obligations:

a/ To explain his/her decision or act in civil proceedings which is complained about; to provide relevant information or documents when so requested by a competent agency, organization or person;

b/ To strictly abide by the legally effective decision on settlement of the complaint;

c/ To pay compensation for damage or address the consequences caused by his/her illegal decision or act in the proceedings in accordance with law.

Article 502. Statute of limitations for filing a complaint

The statute of limitations for filing a complaint is 15 days after the complainant receives or knows about the proceeding decision or the 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 occurs shall not be included in the statute of limitations for filing a complaint.

Article 503. Method of filing a complaint

A complaint shall be filed in writing. A 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 must bear the signature or fingerprint of the complainant.

Article 504. Competence to settle a complaint about a decision or an act of a proceeding-conducting person

1. The chief justice of the court currently settling a civil case or matter has the competence to settle a complaint about the decision or act of the proceeding-conducting person being a judge, deputy chief justice, controller, court clerk or people's assessor.

For a complaint about a proceeding decision or act of the chief justice of the court, the chief justice of the immediate higher-level court has the competence to settle it.

2. The chief procurator of the procuracy has competence to settle a complaint about a decision or an act of a proceeding-conducting person being the procurator, evaluator or deputy chief procurator.

For a complaint about a proceeding decision or act of the chief procurator of the procuracy, the chief procurator of the immediate higher-level procuracy has the competence to settle it.

3. The chief justice of the immediate higher-level court or chief procurator of the immediate higher-level 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 505. Time limit for settlement of a complaint

The time limit for first-time settlement of a complaint is 15 days after the court or procuracy receives a complaint. When necessary, for a complicated case, the time limit for settlement of a complaint may be prolonged but must not exceed 15 days after it expires.

Article 506. Contents of a decision on first-time settlement of a complaint

1. A person who settles a complaint for the first time shall issue a written decision on settlement of the complaint. 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 bases for settlement;
- e/ The content of the settlement.

2. A decision on first-time settlement of a complaint shall be sent to the complainant and related individuals, agencies and organizations; if issued by the the court's chief justice, it shall also be sent to the same-level procuracy.

Article 507. Procedures for second-time settlement of a complaint

1. Within five working days after a complainant receives a decision on first-time settlement of his/her complaint, if he/she disagrees with it, the complainant may file the complaint with a person competent to conduct second-time settlement of complaints.

2. The complaint shall be enclosed with a copy of the decision on first-time settlement and relevant documents.

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 must bear the signature and fingerprint of the complainant.

3. A decision on second-time settlement of a complaint must contain the following:

a/ The contents specified at Points a, b, c, d and dd, Clause 1 of Article 506 of this Code;

b/ Result of the first-time settlement;

c/ Conclusion on each specific issue presented in the written complaint and settlement by the person who settles the complaint for the second time.

4. The decision on second-time settlement of a complaint shall be sent to the complainant, and related individuals, agencies and organizations; if issued by the court's chief justice, it shall also be sent to the same-level procuracy.

5. The decision on second-time settlement of a complaint shall take effect for implementation.

Article 508. Settlement of a complaint about an expert assessment in civil proceedings

The settlement of a complaint about an expert assessment in civil proceedings must comply with the law on judicial assessment and other relevant laws.

Article 509. Persons with the right to denounce

Individuals may file a denunciation with a competent agency, organization or person about an illegal act of a person with proceeding-conducting competence, which causes or threatens to cause damage to

the interests of the State or lawful rights and interests of an agency, organization or individual.

Article 510. Rights and obligations of a denouncer

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 be kept secret;

c/ To request the result of settlement of his/her denunciation to be informed to him/her;

d/ To request a competent agency, organization or person 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 511. Rights and obligations of a denounced person

1. A denounced person has the following rights:

a/ To be notified of the denunciation contents;

b/ To produce evidence proving that the 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 untrue denunciation;

d/ To request a competent agency, organization or person 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 a competent agency, organization or person;

b/ To strictly abide by the settlement decision of the competent agency, organization or person;

c/ To pay compensation for damage and address consequences caused by his/her illegal civil proceeding acts in accordance with law.

Article 512. Competence and time limit for settlement of a denunciation

1. A denunciation against an illegal act of a person with proceeding-conducting competence of a 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 higher-level court or the chief procurator of the immediate higher-level procuracy shall settle such denunciation.

The time limit for settlement of a denunciation is two months after it is accepted; for a complicated case, this time limit may be longer but must not exceed three months.

2. A denunciation against an illegal act which shows criminal signs shall be settled in accordance with the Criminal Procedure Code.

Article 513. Procedures for settlement of a denunciation

The procedures for settlement of a denunciation must comply with the law on denunciations.

Article 514. Responsibilities of a person competent to settle complaints or denunciations

1. A competent agency, organization or person shall, within the ambit of his/her/its tasks and powers, receive and promptly and lawfully settle complaints or denunciations; strictly handle violators; apply necessary measures to prevent possible damage; ensure strict enforcement of decisions on settlement of complaints or denunciations, and take responsibility before law for their decisions.

2. A person who is competent to settle a complaint or denunciation but fails to settle it, shows irresponsibility in settling it, or settles it illegally shall, depending on the nature and severity of his/her violations, be disciplined or examined for penal liability; if causing damage, he/she shall pay compensations in accordance with law.

Article 515. Supervision of observation of law in the settlement of complaints and denunciations in civil proceedings

The procuracy shall supervise the observance of law in the settlement of complaints and denunciations in civil proceedings in accordance with law. The procuracy may request or propose the court of the same or lower-level or a responsible agency, organization or person to ensure the grounded and lawful settlement of complaints or denunciations.

Chapter XLII

IMPLEMENTATION PROVISIONS

Article 516. To amend and supplement a number of articles of Labor Code No. 10/2012/QH13

1. To amend and supplement Article 51 as follows:

“Article 51. Competence to declare a labor contract to be invalid

The people’s courts have jurisdiction to declare a labor contract to be invalid.”

2. To annul Articles 223, 224, 225, 226, 227, 228, 229, 230, 231, 232 and 234, Section 5, Chapter XIV of Labor Code No. 10/2012/QH13.

Article 517. Effect

1. This Code takes effect on July 1, 2016, except the following provisions of this Code relating to those of Civil Code No. 91/2015/QH13 which take legal effect on January 1, 2017:

a/ Provisions that the court may not refuse the settlement of a civil case or matter on the grounds of the non-existence of applicable law in Clause 2, Article 4, and Articles 43, 44, and 45, of this Code;

b/ Provisions concerning persons who have difficulty in perceiving and controlling their acts;

c/ Provisions concerning the application of the statute of limitations in Clause 2, Article 184, and at Point e, Clause 1, Article 217, of this Code;

d/ Provisions concerning legal persons being representatives and guardians.

2. Civil Procedure Code No. 24/2004/QH11, which was amended and supplemented under Law No. 65/2011/QH12, ceases to be effective on the effective date of this Code, except the provisions of Article 159 and Point h, Clause 1, Article 192 which continue to be effective through December 31, 2016.

This Code was passed on November 25, 2015, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 10th meeting.-

Chairman of the National Assembly
NGUYEN SINH HUNG