

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 09/2020/L-CTN

Hanoi, July 1, 2020

ORDER

On the promulgation of law

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 80 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents,

which was passed on June 18, 2020, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 9th session.

President of the Socialist Republic of Vietnam
NGUYEN PHU TRONG

LAW

Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents¹

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Law No. 80/2015/QH13 on Promulgation of Legal Documents.

Article 1. To amend and supplement a number of articles of the Law on Promulgation of Legal Documents

1. To amend and supplement a number of clauses of Article 4 as follows:

a/ To amend and supplement Clause 3 as follows:

“3. Ordinances and resolutions of the Standing Committee of the National Assembly; joint resolutions of the Standing Committee of the National Assembly and the Presidium of the Central Committee of the Vietnam Fatherland Front; joint resolutions of the Standing Committee of the National Assembly, the Government, and the Presidium of the Central Committee of the Vietnam Fatherland Front.”;

b/ To amend and supplement Clause 8 and add Clause 8a below Clause 8 as follows:

“8. Circulars of the Chief Justice of the Supreme People’s Court; circulars of the Procurator General of the Supreme People’s Procuracy; circulars of ministers, heads of ministerial-level agencies; decisions of the State Auditor General.

8a. Joint circulars of the Chief Justice of the Supreme People’s Court, the Procurator General of the Supreme People’s Procuracy, the State Auditor

¹ *Công Báo Nos 711-712 (23/7/2020)*

General, ministers, and heads of ministerial-level agencies. Joint circulars of ministers and heads of ministerial-level agencies shall not be promulgated.”.

2. To amend and supplement Article 6 as follows:

“Article 6. Contribution of opinions on the formulation of legal documents; making of social criticism on draft legal documents

1. The Vietnam Fatherland Front, the Vietnam Chamber of Commerce and Industry, member organizations of the Vietnam Fatherland Front, and other agencies and organizations and individuals are entitled and shall be provided with conditions to contribute their opinions on proposals for formulation of legal documents and on draft legal documents.

2. The Vietnam Fatherland Front shall make social criticism on draft legal documents in accordance with this Law and the Law on the Vietnam Fatherland Front.

Social criticism shall be made during the period agencies, organizations or National Assembly deputies in charge of drafting legal documents collect opinions on the draft legal documents. For draft legal documents for which social criticism has been made, dossiers of draft legal documents sent for appraisal or verification or submitted to competent agencies must comprise the social criticism paper.

3. During the formulation of legal documents, agencies, organizations or National Assembly deputies in charge of drafting the legal documents and related agencies and organizations shall create conditions for other agencies, organizations and individuals to contribute opinions on proposals for formulation of legal documents and on draft legal documents and for the Vietnam Fatherland Front to make social criticism on draft legal documents; and collect opinions from subjects directly affected by legal documents.

4. Contributed opinions on proposals for formulation of legal documents and on draft legal documents and critical opinions on draft legal documents shall be studied, explained and accepted in the process of revising draft legal documents.”.

3. To amend and supplement Article 12 as follows:

“Article 12. Amendment, supplementation, replacement, annulment or suspension of implementation of legal documents

1. A legal document may only be amended, supplemented, replaced, or annulled by another legal document promulgated by the very state agency that has promulgated the previous one, or may be suspended from implementation or

annulled by a document promulgated by a competent state agency or person. The document amending, supplementing, replacing, annulling, or suspending the implementation of, another document must clearly state the name of the document, part(s), chapter(s), section(s), sub-section(s), article(s), clause(s) or point(s) of the document that is amended, supplemented, replaced, annulled, or suspended from implementation.

The document that annuls a legal document shall be published on *Cong Bao* (Official Gazette) and posted as prescribed.

2. When promulgating a legal document, the promulgating agency shall concurrently amend, supplement or annul document(s) or part(s), chapter(s), section(s), sub-section(s), article(s), clause(s) or point(s) of the legal document(s) it promulgated that contravene(s) the new document; in case of impossible to make such amendments and supplementations immediately, the promulgating agency shall include in the new document a list of document(s) or part(s), chapter(s), section(s), sub-section(s), article(s), clause(s) and point(s) of the legal document(s) it promulgated that contravene(s) the new document, and shall make amendments and supplementations before the new document takes effect.

In case the promulgated document(s) or part(s), chapter(s), section(s), sub-section(s), article(s), clause(s) or point(s) of the legal document(s) differ(s) from the new document but need(s) to be further implemented, such shall be clearly stated in the new document.

3. A legal document may be promulgated to amend, supplement, replace and annul provisions of different legal documents promulgated by the same agency in the following cases:

a/ To implement a relevant treaty to which the Socialist Republic of Vietnam is a contracting party;

b/ To ensure synchronism and consistency with the new document as the to-be-amended, -supplemented, -replaced or -annulled provisions are closely interrelated;

c/ To implement an approved plan on simplification of administrative procedures.”.

4. To amend and supplement Clause 4, Article 14 as follows:

“4. Establishing administrative procedures in circulars, joint circulars and decisions of the State Auditor General; resolutions of People’s Councils, decisions of People’s Committees, or legal documents of local administrations in special administrative-economic units, unless assigned by a law or a resolution of the National Assembly or when it is necessary to establish administrative

procedures in resolutions of provincial-level People's Councils under Clause 4, Article 27 of this Law.”.

5. To amend and supplement Article 18 as follows:

“Article 18. Joint resolutions of the Standing Committee of the National Assembly, the Government and the Presidium of the Central Committee of the Vietnam Fatherland Front

The Standing Committee of the National Assembly, the Government and the Presidium of the Central Committee of the Vietnam Fatherland Front shall promulgate joint resolutions to prescribe in detail issues assigned by a law or guide a number of necessary issues in the election of deputies to the National Assembly or People's Councils.”.

6. To amend and supplement Article 25 as follows:

“Article 25. Joint circulars of the Chief Justice of the Supreme People's Court, the Procurator General of the Supreme People's Procuracy, the State Auditor General, ministers, and heads of ministerial-level agencies

The Chief Justice of the Supreme People's Court, the Procurator General of the Supreme People's Procuracy, the State Auditor General, ministers, and heads of ministerial-level agencies shall promulgate joint circulars to regulate their coordination in the implementation of legal proceedings and in corruption prevention and fighting.”.

7. To amend and supplement Article 30 as follows:

“Article 30. Resolutions of People's Councils, decisions of People's Committees of district and commune levels

1. District-level People's Councils shall promulgate resolutions; district-level People's Committees shall promulgate decisions to regulate issues assigned by a law or a resolution of the National Assembly or to delegate powers to local administrations or subordinate state agencies in accordance with the Law on Organization of Local Administration.

2. Commune-level People's Councils shall promulgate resolutions; commune-level People's Committees shall promulgate decisions to regulate issues assigned by a law or a resolution of the National Assembly.”.

8. To amend and supplement Article 47 as follows:

“Article 47. Verification of law or ordinance formulation proposals and law or ordinance motions

1. The Law Committee shall collect, and assume the prime responsibility for verifying, proposals regarding law- and ordinance-making programs of agencies, organizations, National Assembly deputies, and law or ordinance motions of National Assembly deputies.

2. The Ethnic Council and Committees of the National Assembly shall verify law or ordinance formulation proposals and law or ordinance motions in the fields under their charge and send verification reports to the Law Committee and appoint its/their representatives to attend verification meetings of the Law Committee.

3. The verification must focus on the necessity of promulgation; scope and subjects of regulation; policies introduced in law or ordinance formulation proposals and law or ordinance motions; conformity of these policies with the Party's line and guidelines and the State's policies; consistency, feasibility, order of priority, time of submission, and conditions for formulating and implementing the documents.”.

9. To amend and supplement a number of clauses of Article 55 as follows:

a/ To amend and supplement Clause 2 as follows:

“2. To prepare the draft document, submission report and documents related to the draft document.

The submission report of the draft document must clearly state the necessity of promulgation of the law, ordinance or resolution; objectives and viewpoints of formulation of the law, ordinance or resolution; the drafting process; structure and basic contents of the draft document; consistency of the draft document with legal documents in its field and fields related to its contents; and conformity of the draft document with relevant treaties to which the Socialist Republic of Vietnam is a contracting party.”;

b/ To amend and supplement Clause 7 as follow:

“7. For a draft document to be submitted by the Standing Committee of the National Assembly or an agency or organization prescribed in Clause 3, Article 52 of this Law or for a document drafted by a National Assembly deputy, the agency or organization assigned to take charge of drafting or the National Assembly deputy shall report on the drafting progress to standing members of the Law Committee for summarization and reporting to the Standing Committee of the National Assembly.

For a draft document to be submitted by the Government, the ministry or ministerial-level agency assigned to take charge of drafting shall report on the

drafting progress to the Ministry of Justice for summarization and reporting to the Government; and at the same time, send the drafting progress report to standing members of the Law Committee for summarization and reporting to the Standing Committee of the National Assembly.

In the course of accepting opinions and revising the draft law, ordinance or resolution, if there are major changes in policies approved by the Government, the ministry or ministerial-level agency in charge of drafting shall promptly report them to the Government and the Prime Minister for consideration and decision.”.

10. To amend and supplement a number of points and clauses of Article 58 as follows:

a/ To add Point b1 below Point b, Clause 2 as follows:

“b.1/ A report reviewing legal documents relating to the draft document;”;

b/ To add Point dd1 below Point dd, Clause 2 as follows:

“dd1/ The Government’s resolution of the law, ordinance or resolution formulation proposal;”;

c/ To amend and supplement Point b, Clause 3 as follows:

“b/ The conformity of the draft document with the Party’s line and guidelines and the State’s policies; the constitutionality, legality and consistency of the draft document with the legal system; the compatibility of the draft document with relevant treaties to which Socialist Republic of Vietnam is a contracting party;”.

11. To add Clause 3a below Clause 3, Article 59 as follows:

“3a. A report reviewing legal documents relating to the draft document.”.

12. To add Point b1 below Point b, Clause 1, Article 62 as follows:

“b1/ A report reviewing legal documents relating to the draft document.”.

13. To amend and supplement Clauses 1 and 2, Article 63 as follows:

“1. Before a draft document is submitted to the National Assembly or the Standing Committee of the National Assembly for discussion and opinion, it shall be verified by the Ethnic Council or a Committee of the National Assembly (below referred to as the verifying agency).

The Ethnic Council and Committees of the National Assembly shall assume the prime responsibility for verifying draft documents in the fields under its/their

charge and other draft documents as assigned by the National Assembly or the Standing Committee of the National Assembly.

The Ethnic Council and Committees of the National Assembly shall participate in the verification of draft documents under the charge of other agencies of the National Assembly regarding the contents relating to the fields under its/their charge, send its/their verification opinions to the agencies in charge of verification and appoint its/their representatives to attend verification meetings held by the agencies in charge of verification.

2. The agency in charge of verification shall invite representatives of agencies participating in the verification to attend verification meetings and present opinions on the draft document's contents relating to the fields under their charge and other contents of the draft document.”.

14. To amend and supplement a number of points and clauses of Article 64 as follows:

a/ To add Point d1 below Point d, Clause 1 as follows:

“d.1/ A report reviewing legal documents relating to the draft document;”;

b/ To amend and supplement Clause 2 as follows:

“2. For a draft document to be submitted to the Standing Committee of the National Assembly, at least 20 days before the opening date of a meeting of the Standing Committee of the National Assembly, the agency, organization or National Assembly deputy submitting the draft document shall send a dossier of the draft document prescribed in Clause 1 of this Article to the agency in charge of verification, the Law Committee, the Ethnic Council, the Committee on Social Affairs and other Committees for the latter to conduct or participate in the verification.

For a draft document to be submitted to the National Assembly, at least 30 days before the opening date of a session of the National Assembly, the agency, organization or National Assembly deputy submitting the draft document shall send a dossier of the draft document prescribed in Clause 1 of this Article to the agency in charge of verification, the Law Committee, the Ethnic Council, the Committee on Social Affairs and other Committees for the latter to conduct or participate in the verification.”.

15. To amend and supplement Clause 6, Article 65 as follows:

“6. Assurance of compliance with ethnic minority policies, and integration of gender equality issues in the draft document, if the draft document contains provisions relating to ethnic minority or gender equality affairs;”.

16. To add Article 68a below Article 68 as follows:

“Article 68a. Responsibilities of the Ethnic Council in verification to ensure compliance with ethnic minority policies in draft laws, ordinances and resolutions

1. The Ethnic Council shall participate in the verification of draft documents under the charge of Committees of the National Assembly in order to ensure compliance with ethnic minority policies if these documents contain provisions relating to ethnic minority affairs, ethnic minority-inhabited areas or mountainous areas.

2. The Ethnic Council shall hold a meeting of its standing members or all of its members to prepare verification opinions and appoint its representatives to participate in the verification meeting held by the agency in charge of verification.

3. Contents of the verification to ensure compliance with ethnic minority policies include:

a/ Identification of issues relating to ethnic minority policies;

b/ Assurance of compliance with fundamental principles on ethnic equality and creation of conditions for ethnic minority groups to promote their internal strengths and develop themselves together with the country;

c/ Impacts and feasibility of provisions of the draft document to ensure compliance with ethnic minority policies.”.

17. To amend and supplement Articles 74, 75, 76 and 77 as follows:

“Article 74. Order of considering and passing draft laws and resolutions at one session of the National Assembly

The National Assembly shall consider and pass a draft law or resolution at one session in the following order:

1. A representative of the agency or organization or National Assembly deputy submitting the draft law or resolution presents the draft law or resolution;

2. A representative of the agency in charge of verification presents the verification report;

3. The National Assembly discusses the draft law or resolution at a plenary meeting. Before being discussed at the plenary meeting, the draft law or resolution may be discussed by groups of National Assembly deputies;

4. During the discussion, the representative of the agency or organization or National Assembly deputy submitting the draft law or resolution explains issues

relating to the draft law or resolution which are raised by National Assembly deputies;

5. The National Assembly casts votes on controversial important and major issues of the draft law or resolution at the proposal of the Standing Committee of the National Assembly.

Standing members of the agency in charge of verification shall assume the prime responsibility for, and coordinate with the agency, organization or National Assembly deputy submitting the draft law or resolution, the Secretary General of the National Assembly and related agencies and organizations in, assisting the Standing Committee of the National Assembly in anticipating issues to be tabled to the National Assembly for voting;

6. The General Secretary of the National Assembly summarizes opinions of National Assembly deputies and voting results for reporting to the Standing Committee of the National Assembly and concurrently send such report to the agency in charge of verification and the agency, organization or National Assembly deputy submitting the draft law or resolution;

7. The Standing Committee of the National Assembly directs and organizes the study of, giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution in the following order:

a/ Standing members of the agency in charge of verification assume the prime responsibility for, and coordinate with the agency, organization or National Assembly deputy submitting the draft law or resolution, standing members of the Law Committee, the Ministry of Justice and related agencies and organizations in, studying, giving explanations to, accepting opinions on, and revising, the draft law or resolution and making a report thereon for submission to the Standing Committee of the National Assembly;

b/ The agency, organization or National Assembly deputy submitting the draft law or resolution shall give written opinions on the explanations to, acceptance of opinions on, and revision of, the draft law or resolution, clearly stating issues on which its/his/her opinions are different from those stated in the report on giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution, and propose options for reporting to the Standing Committee of the National Assembly;

c/ At least 7 days before it is voted by the National Assembly, the draft law or resolution shall be sent to standing members of the Law Committee for review and completion in terms of technical format.

Standing members of the Law Committee shall assume the prime responsibility for, and coordinate with standing members of the agency in charge of verification, the representative of the agency or organization or National Assembly deputy submitting the draft law or resolution and related agencies and organizations in, reviewing the draft law or resolution to ensure its constitutionality, legality and consistency with the legal system;

8. The Standing Committee of the National Assembly reports on the giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution to the National Assembly.

If the agency, organization or National Assembly deputy submitting the draft law or resolution has different opinions or the Government has different opinions on the draft law or resolution, for draft documents not submitted by the Government, such opinions shall be reported to the National Assembly for consideration and decision;

9. The National Assembly casts votes to pass the draft law or resolution. If the draft law or resolution still involves controversial issues, the National Assembly shall cast votes on these issues at the proposal of the Standing Committee of the National Assembly before casting votes on the draft law or resolution;

10. The Chairperson of the National Assembly signs for certifying the law or resolution of the National Assembly.

11. In case the draft law or resolution is not passed or only partially passed, the National Assembly shall consider and decide whether the draft law or resolution will be re-submitted or considered and passed at the next session at the proposal of the Standing Committee of the National Assembly.

Article 75. Order of considering and passing draft laws and resolutions at two sessions of the National Assembly

The National Assembly shall consider and pass a draft law or resolution at two sessions in the following order:

1. At the first session, the order of considering and discussing the draft law or resolution is the same as that prescribed in Clauses 1, 2, 3, 4, 5 and 6, Article 74 of this Law;

2. During the interval between two sessions of the National Assembly, the Standing Committee of the National Assembly shall direct and organize the study of, giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution in the following order:

a/ Standing members of the agency in charge of verification assume the prime responsibility for, and coordinate with the agency, organization or National Assembly deputy submitting the draft law or resolution, standing members of the Law Committee, the Ministry of Justice and related agencies and organizations in, studying, giving explanations to, accepting opinions on, and revising, the draft law or resolution and making a report thereon.

For new policies to be included in the draft law or resolution at the proposal of National Assembly deputies, when necessary, at the request of the Standing Committee of the National Assembly, the agency, organization or National Assembly deputy submitting the draft law or resolution shall organize policy impact assessment for reporting to the National Assembly;

b/ The agency, organization or National Assembly deputy submitting the draft law or resolution gives written opinions on the giving of explanations to, acceptance of opinions on, and revision of the draft law or resolution, clearly stating issues on which its/his/her opinions are different from those stated in the report on giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution, and propose options for reporting to the Standing Committee of the National Assembly;

c/ The Standing Committee of the National Assembly considers and discusses the draft report on giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution and the revised draft law or resolution;

d/ The Standing Committee of the National Assembly decides to hold a meeting of full-time National Assembly deputies to discuss and give opinions on controversial important issues and major issues of the draft law or resolution; sends the revised draft law or resolution and draft report on giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution to National Assembly deputies' delegations, the Ethnic Council and Committees of the National Assembly at least 45 days before the opening date of the subsequent session of the National Assembly.

National Assembly deputies' delegations, standing members of the Ethnic Council and standing members of Committees of the National Assembly shall organize discussion and contribution of opinions and send opinion summarization reports to the agency in charge of verification at least 20 days before the opening date of the subsequent session of the National Assembly;

dd/ Standing members of the agency in charge of verification summarize opinions of National Assembly deputies, National Assembly deputies' delegations, the Ethnic Council and Committees of the National Assembly;

assume the prime responsibility for, and coordinate with the agency, organization or National Assembly deputy submitting the draft law or resolution, standing members of the Law Committee, and the Ministry of Justice in, studying, giving explanations to and accepting these opinions and revising the draft law or resolution and complete the report on giving of explanations to, acceptance of opinion on, and revision of, the draft law or resolution for submission to the Standing Committee of the National Assembly;

3. At the second session:

a/ The Standing Committee of the National Assembly reports to the National Assembly on the giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution based on opinions given by National Assembly deputies at the previous session.

If the agency, organization or National Assembly deputy submitting the draft law or resolution has different opinions or the Government has different opinions on the draft law or resolution, for draft documents not submitted by the Government, such opinions shall be reported to the National Assembly for consideration and decision;

b/ The National Assembly discusses controversial issues of the draft law or resolution;

c/ The Secretary General of the National Assembly summarizes opinions of National Assembly deputies for reporting to the Standing Committee of the National Assembly and concurrently sends such report to the agency in charge of verification and the agency, organization or National Assembly deputy submitting the draft law or resolution;

d/ The Standing Committee of the National Assembly directs and organizes the study of, giving of explanations to, acceptance of opinions on, and revision of the draft law or resolution;

dd/ At least 7 days before it is voted for passage by the National Assembly, the draft law or resolution shall be sent to standing members of the Law Committee for review and completion in terms of technical format.

Standing members of the Law Committee shall assume the prime responsibility for, and coordinate with standing members of the agency in charge of verification, representative of the agency or organization or the National Assembly deputy submitting the draft law or resolution, and related agencies and organizations in, reviewing the draft law or resolution to ensure its constitutionality, legality and consistency with the legal system;

e/ The Standing Committee of the National Assembly reports to the National Assembly on the giving of explanations to, acceptance of opinions on, and revision of, the draft law or resolution;

g/ The National Assembly casts votes on the draft law or resolution. If the draft law or resolution still involves controversial issues, the National Assembly shall cast votes on these issues at the proposal of the Standing Committee of the National Assembly before casting votes on the draft law or resolution;

h/ The Chairperson of the National Assembly signs for certifying the law or resolution of the National Assembly.

4. In case the draft law or resolution is not passed or only partially passed, the National Assembly shall consider and decide whether the draft law or resolution will be re-submitted or considered and passed at the next session at the proposal of the Standing Committee of the National Assembly.

Article 76. Order of considering and passing draft laws at three sessions of the National Assembly

The National Assembly shall consider and pass a draft law at three sessions in the following order:

1. At the first session, the order of considering and discussing the draft law is the same as that prescribed in Clauses 1, 2, 3, 4, 5, and 6, Article 74 of this Law;

2. During the interval between the first and second sessions, the study of, giving of explanations to, acceptance of opinions on, and revision of, the draft law shall be carried out in the following order:

a/ The agency, organization or National Assembly deputy submitting the draft law assumes the prime responsibility for, and coordinates with standing members of the agency in charge of verification, standing members of the Law Committee, the Ministry of Justice and related agencies and organizations in, studying, giving explanations to, accepting opinions on, and revising, the draft law and making a report thereon;

b/ Collecting public opinions on the draft law under a decision of the Standing Committee of the National Assembly (if any);

For new policies to be included in the draft law at the proposal of National Assembly deputies or based on public opinions, when necessary, at the request of the Standing Committee of the National Assembly, the agency, organization or National Assembly deputy submitting the draft law shall organize policy impact assessment for reporting to the National Assembly;

c/ The agency in charge of verification organizes the verification of the revised draft law;

d/ The Standing Committee of the National Assembly considers and gives opinions on the revision of the draft law in the order prescribed in Article 71 of this Law. The agency, organization or National Assembly deputy submitting the draft law shall study and accept opinions of the Standing Committee of the National Assembly in order to revise the draft law as prescribed in Article 72 of this Law;

3. At the second session:

a/ The representative of the agency or organization or National Assembly deputy submitting the draft law presents the report on the giving of explanation to, acceptance of opinions on, and revision of, the draft law; and result of the collection of public opinions on the draft law (if any).

b/ A representative of the agency in charge of verification presents the report on verification of the revised draft law;

c/ The National Assembly discusses the draft law at a plenary meeting. Before being discussed at the plenary meeting, the draft law may be discussed by groups of National Assembly deputies.

During the discussion, a representative of the agency or organization or National Assembly deputy submitting the draft law shall explain issues relating to the draft law which are raised by National Assembly deputies;

d/ The National Assembly casts votes on controversial important issues and major issues of the draft law at the proposal of the Standing Committee of the National Assembly.

Standing members of the agency in charge of verification shall assume the prime responsibility for, and coordinate with the agency, organization or National Assembly deputy submitting the draft law, the Secretary General of the National Assembly and related agencies and organizations in, assisting the Standing Committee of the National Assembly in anticipating issues to be tabled to the National Assembly for voting;

dd/ The Secretary General of the National Assembly summarizes opinions presented by National Assembly deputies and voting results for reporting to the Standing Committee of the National Assembly and concurrently sends such report to the agency in charge of verification and the agency, organization or National Assembly deputy submitting the draft law;

4. During the interval between the second and third sessions, the Standing Committee of the National Assembly shall direct and organize the study of, giving of explanations to, acceptance of opinions on, and revision of, the draft law in the order prescribed in Clause 2, Article 75 of this Law;

5. At the third session, the order of considering and passing a draft law is the same as that prescribed in Clause 3, Article 75 of this Law.

6. In case the draft law is not passed or only partially passed, the National Assembly shall make consideration and decision at the proposal of the Standing Committee of the National Assembly.

Article 77. Order of considering and passing draft ordinances or resolutions of the Standing Committee of the National Assembly

1. The Standing Committee of the National Assembly shall consider and pass a draft ordinance or resolution at one meeting in the following order:

a/ A representative of the agency or organization or National Assembly deputy submitting the draft ordinance or resolution presents the draft ordinance or resolution;

b/ A representative of the agency in charge of verification presents the verification report;

c/ Representatives of agencies, organizations and individuals invited to attend the meeting present their opinions;

d/ The Standing Committee of the National Assembly discusses; the meeting chairperson makes conclusions;

dd/ Standing members of the agency in charge of verification assume the prime responsibility for, and coordinate with the agency, organization or National Assembly deputy submitting the draft ordinance or resolution, standing members of the Law Committee, the Ministry of Justice and related agencies and organizations in, studying, giving explanations to, accepting opinions on, and revising, the draft ordinance or resolution;

e/ The agency, organization and National Assembly deputy submitting the draft ordinance or resolution gives written opinions on the giving of explanations to, acceptance of opinions on, and revision of, the draft ordinance or resolution, clearly stating issues on which its/his/her opinions are different from those stated in the report on giving of explanations to, acceptance of opinions on, and revision of, the draft ordinance or resolution, and propose options for reporting to the Standing Committee of the National Assembly;

g/ Before it is voted by the Standing Committee of the National Assembly, the draft ordinance or resolution shall be sent to standing members of the Law Committee for review and completion in terms of technical format.

Standing members of the Law Committee shall assume the prime responsibility for, and coordinate with standing members of the agency in charge of verification and a representative of the agency or organization or the National Assembly deputy submitting the draft ordinance or resolution and related agencies and organizations in, reviewing the draft ordinance or resolution to ensure its constitutionality, legality and consistency with the legal system;

h/ Standing members of the agency in charge of verification report on the giving of explanations to, acceptance of opinions on, and revision of, the draft ordinance or resolution to the Standing Committee of the National Assembly.

i/ The Standing Committee of the National Assembly casts votes on the draft ordinance or resolution. If the draft ordinance or resolution still involves controversial issues, the Standing Committee of the National Assembly shall cast votes on these issues at the proposal of the meeting chairperson before casting votes on the draft ordinance or resolution;

k/ The Chairperson of the National Assembly signs the ordinance or resolution of the Standing Committee of the National Assembly.

2. The Standing Committee of the National Assembly shall consider and pass a draft ordinance or resolution at two meetings in the following order:

a/ At the first meeting, the submission and discussion must follow the order prescribed at Points a, b, c and d, Clause 1 of this Article. The Standing Committee of the National Assembly discusses and casts votes on important and major issues of the draft ordinance or resolution at the proposal of the agency in charge of verification as a basis for revision;

b/ During the interval between two meetings, standing members of the agency in charge of verification assume the prime responsibility for, and coordinate with the agency, organization or National Assembly deputy submitting the draft ordinance or resolution, standing members of the Law Committee, the Ministry of Justice, and related agencies and organizations in, studying, giving explanations to, accepting opinions on, and revising, the draft ordinance or resolution.

For new policies included in the draft ordinance or resolution at the request of the Standing Committee of the National Assembly, the agency, organization or National Assembly deputy submitting the draft ordinance or resolution shall

organize policy impact assessment for reporting to the Standing Committee of the National Assembly.

The agency, organization or National Assembly deputy submitting the draft ordinance or resolution gives written opinions on the giving of explanations to, acceptance of opinions on, and revision of the draft ordinance or resolution, clearly stating issues on which its/his/her opinions are different from those stated in the draft report on giving of explanations to, acceptance of opinions on, and revision of, the draft ordinance or resolution and proposing options for reporting to the Standing Committee of the National Assembly;

c/ Before the Standing Committee of the National Assembly casts votes on the draft ordinance or resolution, the draft ordinance or resolution shall be sent to standing members of the Law Committee for review and completion in terms of technical format.

Standing members of the Law Committee shall assume the prime responsibility for, and coordinate with standing members of the agency in charge of verification, and a representative of the agency or organization or the National Assembly deputy submitting the draft ordinance or resolution and related agencies and organizations in, reviewing the draft ordinance or resolution to ensure its constitutionality, legality and consistency with the legal system;

d/ At the second meeting, standing members of the agency in charge of verification report on the giving of explanations to, acceptance of opinions on, and revision of the draft ordinance or resolution to the Standing Committee of the National Assembly;

dd/ The Standing Committee of the National Assembly casts votes on the draft ordinance or resolution. If the draft ordinance or resolution still involves controversial issues, the Standing Committee of the National Assembly shall cast votes on these issues at the proposal of the meeting chairperson before casting votes on the draft ordinance or resolution;

e/ The Chairperson of the National Assembly signs the ordinance or resolution of the Standing Committee of the National Assembly.”.

18. To amend and supplement Clause 2, Article 84 as follow:

“2. Ministries and ministerial-level agencies shall themselves, or under the direction of the Government or the Prime Minister, or at the recommendation of agencies, organizations and individuals, prepare proposals for formulation of decrees in the sectors or fields under their charge and submit them to the Government for consideration and approval, for the decrees prescribed in Clause

3, Article 19 of this Law, or to the Prime Minister for consideration and decision, for the decrees prescribed in Clause 2, Article 19 of this Law.”.

19. To amend and supplement a number of clauses of Article 85 as follows:

a/ To amend and supplement Clause 3 as follows:

“3. To develop policies to be included in the decree formulation proposal, for the decrees prescribed in Clause 3, Article 19 of this Law, and assess the impacts of such policies; to anticipate resources and conditions for implementation of the decree.”;

b/ To amend and supplement Clause 5 as follows:

“5. To collect opinions from related agencies and organizations on the decree formulation proposal, for the decrees prescribed in Clause 3, Article 19 of this Law, and summarize, give explanations to, and accept the collected opinions.”.

20. To amend and supplement Article 87 as follows:

“Article 87. Dossier of decree formulation proposal

1. A dossier of a decree formulation proposal, for the decrees prescribed in Clause 2, Article 19 of this Law must comprise:

a/ A report on the decree formulation proposal, which must specify the necessity to promulgate the decree; purposes and viewpoints on the decree formulation; subjects and scope of regulation and major contents of the decree; expected time for the Government to consider and approve the decree; and projected resources and conditions for implementation of the decree;

b/ A report on the implementation of laws or assessment of issues relating to the decree formulation proposal.

2. A dossier of a decree formulation proposal, for the decrees prescribed in Clause 3, Article 19 of this Law must comprise:

a/ A report on the decree formulation proposal, which must specify the necessity to promulgate the decree; purposes and viewpoints on the decree formulation; subjects and scope of regulation of the decree; purposes and contents of policies in the decree formulation proposal; solutions for implementation of selected policies and reasons for such selection; expected time for the Government to consider and approve the decree; and projected resources and conditions for implementation of the decree;

b/ A report on assessment of impacts of policies in the decree formulation proposal, which must specify issues to be solved; purposes of the policies; solutions for implementation of the policies; positive and negative impacts of the policies; costs and benefits of solutions; comparison of costs and benefits of solutions; solutions selected by the agency or organization and reasons for such selection; assessment of impacts of administrative procedures; and assessment of gender-related impacts (if any).

c/ A report on the implementation of laws or assessment of issues relating to the decree formulation proposal;

d/ A report on summarization of, giving of explanations to, and acceptance of opinions; and photocopies of papers of opinions;

dd/ The outline of the draft decree;

e/ Other documents (if any).”.

21. To amend and supplement Clauses 1 and 2, Article 88 as follows:

“1. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the Ministry of Finance, the Ministry of Home Affairs, the Ministry of Foreign Affairs, and related agencies and organizations in, appraising decree formulation proposals, for the decrees prescribed in Clause 3, Article 19 of this Law.

2. A dossier sent to the Ministry of Justice for appraisal must comprise the documents prescribed in Clause 2, Article 87 of this Law.

The documents prescribed at Points a and b, Clause 2, Article 87 of this Law shall be sent in written form, while other documents may be sent electronically.”.

22. To amend and supplement Article 89 as follows:

“Article 89. Consideration and approval by the Government or the Prime Minister of decree formulation proposals

1. Ministries and ministerial-level agencies shall submit decree formulation proposals to the Government, for the decrees prescribed in Clause 3, Article 19 of this Law; and submit decree formulation proposals to the Prime Minister, for the decrees prescribed in Clause 2, Article 19 of this Law.

2. A dossier of a decree formulation proposal to be submitted to the Government must comprise:

a/ The documents prescribed in Clause 2, Article 87 of this Law which have been revised;

b/ The appraisal report and the report on the giving of explanations to and acceptance of appraisal opinions;

c/ Other documents (if any).

The documents prescribed at Points a and b, Clause 2, Article 87 of this Law and at Point b of this Clause shall be sent in written form, while other documents may be sent electronically.

3. A dossier of a decree formulation proposal to be submitted to the Prime Minister must comprise:

a/ The documents prescribed in Clause 1, Article 87 of this Law;

b/ Other documents (if any).

The documents prescribed at Point a, Clause 1, Article 87 of this Law shall be sent in written form, while other documents may be sent electronically.

4. The Government Office shall receive and check dossiers of decree formulation proposal of ministries and ministerial-level agencies and propose bringing decree formulation proposals, for the decrees prescribed in Clause 3, Article 19 of this Law for discussion at meetings of the Government or submit decree formulation proposals, for the decrees prescribed in Clause 2, Article 19 of this Law to the Prime Minister for consideration and decision.

5. The Government shall consider and approve a decree formulation proposal, for the decrees prescribed in Clause 3, Article 19 of this Law at a meeting of the Government in the following order:

a/ A representative of the ministry or ministerial-level agency making the decree formulation proposal presents the report on the decree formulation proposal;

b/ A representative of the Ministry of Justice presents the appraisal report;

c/ Representatives of agencies and organizations invited to attend the meeting present their opinions;

d/ The Government discusses;

dd/ The Government casts votes on the decree formulation proposal.

6. Based on the Government's discussion and approval of the decree formulation proposal, the Government Office shall assume the prime responsibility for, and coordinate with the Ministry of Justice and the agency making the decree formulation proposal in, drafting a Government resolution on the decree formulation proposal, clearly stating policies already approved by the

Government, and submit it to the Prime Minister for consideration and signing for promulgation.”.

23. To amend and supplement Points a and b, and add Point a1 below Point a, Clause 2, Article 90 as follows:

“a/ To organize the drafting of the decree. For the decrees prescribed in Clause 3, Article 19 of this Law, it is required to ensure the consistency with the policies approved by the Government; for the decrees prescribed in Clause 1, Article 19 of this Law, it is required to ensure the consistency with the to-be-detailed legal documents;

a1/ To conduct policy impact assessment, for the decrees prescribed in Clause 1, Article 19 of this Law, in case the decree specifies the policies prescribed in laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, or orders and decisions of the President; to conduct policy impact assessment, for the decrees prescribed in Clause 2, Article 19 of this Law;”.

24. To amend and supplement Article 91 as follows:

“Article 91. Collection of opinions on draft decrees

In the course of drafting a decree, the agency in charge of drafting shall collect opinions from subjects directly affected by the decree, and ministries, ministerial-level agencies and government-attached agencies as prescribed in Clauses 1, 2 and 3, Article 57 of this Law; to collect opinions of the Ethnic Council, if the draft decree contains provisions on implementation of ethnic minority policies.”.

25. To amend and supplement in Clauses 2 and 3, Article 92 as follows:

“2. A dossier sent for appraisal must comprise:

a/ A report on the draft decree submitted to the Government;

b/ The draft decree;

c/ A report reviewing legal documents relating to the draft decree;

d/ A report on summarization, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals and subjects directly affected by the decree; and photocopies of papers of opinions of ministries, ministerial-level agencies and government-attached agencies;

dd/ A report on policy impact assessment, for the decrees prescribed in Clauses 1 and 2, Article 19 of this Law; a written assessment of administrative procedures in the draft decree, if the draft decree establishes administrative

procedures; and a report on integration of gender equality issues, if the draft decree contains provisions related to gender equality;

e/ The Government's resolution on the decree formulation proposal, for the decrees prescribed in Clause 3, Article 19 of this Law;

g/ Other documents (if any).

The documents prescribed at Points a and b of this Clause shall be sent in written form, while other documents may be sent electronically.

3. The appraisal must focus on:

a/ The necessity to promulgate the decree; subjects and scope of regulation of the decree, for the decrees prescribed in Clause 2, Article 19 of this Law;

b/ The conformity of the draft decree with the Party's line and guidelines and the State's policies; the constitutionality, legality and consistency of the draft decree with the legal system; the conformity of the draft decree with relevant treaties to which the Socialist Republic of Vietnam is a contracting party;

c/ The consistency of the draft decree with the to-be-detailed document, for the decrees prescribed in Clause 1, Article 19 of this Law; the consistency of the draft decree with approved policies in the decree formulation proposal, for the decrees prescribed in Clause 3, Article 19 of this Law;

d/ The necessity, reasonability and compliance cost of administrative procedures in the draft decree, if the draft decree establishes administrative procedures; and integration of gender equality issues in the draft decree, if the draft decree contains provisions related to gender equality;

dd/ Human and financial resources necessary for the implementation of the decree;

e/ Language and drafting techniques and process.”.

26. To amend and supplement Article 93 as follows:

“Article 93. Dossier of a draft decree to be submitted to the Government

1. A report on the draft decree submitted to the Government.
2. The draft decree.
3. An appraisal report and a report on the giving of explanations to and acceptance of appraisal opinions.
4. A report reviewing legal documents relating to the draft decree.

5. A report on summarization, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals and subjects directly affected by the decree.

6. A report on policy impact assessment, for the decrees prescribed in Clauses 1 and 2, Article 19 of this Law; a written assessment of administrative procedures in the draft decree, if the draft decree establishes administrative procedures; and a report on integration of gender equality issues, if the draft decree contains provisions related to gender equality.

7. The Government's resolution on the decree formulation proposal, for the decrees prescribed in Clause 3, Article 19 of this Law.

8. Other documents (if any).

The documents prescribed in Clauses 1, 2 and 3 of this Article shall be sent in written form, while other documents may be sent electronically.”.

27. To amend and supplement Point d, Clause 2, Article 98 as follows:

“d/ A report on assessment of impacts of policies in the draft decision; a written assessment of administrative procedures, if the draft decision establishes administrative procedures; and a report on integration of gender equality issues if the draft decision contains provisions related to gender equality;”.

28. To amend and supplement Point d, Clause 2, Article 102 as follows:

“d/ A report on assessment of impacts of policies in the draft circular (if any); a written assessment of administrative procedures in case the establishment of administrative procedures is assigned by a law or resolution of the National Assembly; and a report on integration of gender equality issues (if any);”.

29. To amend and supplement Clause 5, Article 103 as follows:

“5. A report on assessment of impacts of policies in the draft circular (if any); a written assessment of administrative procedures in case the establishment of administrative procedures is assigned by a law or resolution of the National Assembly; and a report on integration of gender equality issues (if any);”.

30. To amend and supplement Article 109 as follows:

“Article 109. Formulation and promulgation of joint resolutions

1. The Standing Committee of the National Assembly shall assign agencies to take charge of drafting joint resolutions of the Standing Committee of the National Assembly and the Presidium of the Central Committee of the Vietnam Fatherland Front or joint resolutions of the Standing Committee of the National Assembly, the Government and the Presidium of the Central Committee of the

Vietnam Fatherland Front; the Government shall assign agencies to take charge of drafting joint resolutions of the Government and the Presidium of the Central Committee of the Vietnam Fatherland Front.

2. Agencies in charge of drafting joint resolutions shall organize the drafting.

3. While drafting joint resolutions, agencies in charge of drafting shall collect opinions from agencies, organizations and individuals under Clauses 1, 2 and 3, Article 57 of this Law.

4. Draft joint resolutions of the Standing Committee of the National Assembly, the Government and the Presidium of the Central Committee of the Vietnam Fatherland Front shall be appraised by Ministry of Justice before being submitted to the Government; and verified by the Ethnic Council and Committees of the National Assembly before being submitted to the Standing Committee of the National Assembly.

The appraisal dossier, time limit and contents must comply with Clauses 2, 3 and 4, Article 58 of this Law. The verification dossier, time limit and contents must comply with Articles 64 and 65 of this Law.

5. Agencies in charge of drafting joint resolutions shall study collected opinions to revise the draft resolutions.

6. A draft joint resolution shall be adopted if it is agreed upon by the agencies and organizations competent to promulgate the joint resolution.

The Chairperson of the National Assembly, the Prime Minister and the President of the Central Committee of the Vietnam Fatherland Front shall sign for promulgating joint resolutions.”.

Article 31. To amend and supplement Article 110 as follows:

“Article 110. Formulation and promulgation of joint circulars

1. The Chief Justice of the Supreme People’s Court, the Procurator General of the Supreme People’s Procuracy, the State Auditor General, ministers, and heads of ministerial-level agencies shall reach agreement and assign agencies to take charge of drafting joint circulars of the Chief Justice of the Supreme People’s Court, the Procurator General of the Supreme People’s Procuracy, the State Auditor General, ministers and heads of ministerial-level agencies.

2. Agencies in charge of drafting joint circulars shall organize the drafting.

3. A draft joint circular shall be posted on the portal of the agency in charge of drafting for at least 60 days for public opinion.

Draft joint circulars with the involvement of the Chief Justice of the Supreme People's Court shall be put up for opinion from members of the Judicial Council of the Supreme People's Court; draft joint circulars with the involvement of the Procurator General of the Supreme People's Procuracy shall be put up for opinion from members of the Procuracy Committee of the Supreme People's Procuracy.

4. Agencies in charge of drafting joint circulars shall study collected opinions to revise the draft joint circulars.

5. A draft joint circular shall be approved if it is agreed upon by the agencies competent to promulgate the joint circular.

The Chief Justice of the Supreme People's Court, the Procurator General of the Supreme People's Procuracy, the State Auditor General, ministers and heads of ministerial-level agencies shall sign for promulgating joint circulars.”.

32. To amend and supplement a number of clauses of Article 111 as follows:

a/ To amend and supplement Clause 1 as follows:

“1. Pursuant to legal documents of superior state agencies, provincial-level People's Committees, departments of provincial-level People's Councils, and provincial-level Vietnam Fatherland Front Committees shall make proposals for formulation of resolutions of the provincial-level People's Councils by themselves or at the request of agencies, organizations or deputies of provincial-level People's Councils.”;

b/ To amend and supplement Clause 3 as follows:

“3. If the proposal for formulation of a resolution of the provincial-level People's Council has the contents prescribed in Clause 4, Article 27 of this Law, it is required to comply with the provisions of Articles 112 thru 116 of this Law before the proposal is submitted to standing members of the People's Council.”.

33. To amend and supplement Clause 1, Article 116 as follows:

“1. For proposals for formulation of resolutions to be submitted by provincial-level People's Committees, the People's Committees shall consider, discuss collectively and cast votes to adopt the policies in each proposal by majority vote.

A dossier to be submitted to provincial-level People's Committees must comprise the documents prescribed in Article 114 of this Law, a report on appraisal of the resolution formulation proposal and a report on giving of explanations to, and acceptance of appraisal opinions.”.

34. To amend and supplement Clauses 2 and 3, Article 117 as follows:

“2. A dossier of a resolution formulation proposal, for the resolutions prescribed in Clauses 1, 2 and 3, Article 27 of this Law, must comprise:

a/ A report on the resolution formulation proposal, clearly stating the bases for promulgation of the resolution; subjects and scope of regulation of the resolution, principal contents of the resolution; intended time for proposing the People’s Council to consider and pass the resolution; and anticipated resources and conditions for implementation of the resolution;

b/ Other documents (if any).

3. A dossier of a resolution formulation proposal, for the resolutions prescribed in Clause 4, Article 27 of this Law, must comprise:

a/ The documents prescribed in Article 114 of this Law;

b/ The report on appraisal of the resolution formulation proposal; a report on giving of explanations to and acceptance of appraisal opinions;

c/ The decision adopting the policies in the resolution formulation proposal, issued by a competent agency prescribed in Article 116 of this Law.”.

35. To amend and supplement Clause 1 and add Clause 1a below Clause 1, Article 119 as follows:

“1. To organize the drafting of the resolution. For the resolutions prescribed in Clause 1, Article 27 of this Law, it is required to ensure the conformity of the draft resolution with the to-be-detailed legal document; for the resolutions prescribed in Clause 4, Article 27 of this Law, it is required to ensure consistency of the draft resolution with approved policies.

1a. To conduct policy impact assessment, for the resolutions prescribed in Clauses 2 and 3, Clause 27 of this Law.”.

36. To amend and supplement Article 121 as follows:

“Article 121. Appraisal of draft resolutions to be submitted by provincial-level People’s Committees

1. A draft resolution of a provincial-level People’s Council which is to be submitted by the provincial-level People’s Committee shall be appraised by the provincial-level Department of Justice before being submitted to the People’s Committee.

When necessary, the provincial-level Department of Justice shall request the agency in charge of drafting to report on issues related to the draft resolution; and conduct surveys on issues of the draft resolution by itself or in coordination

with the agency in charge of drafting. The agency in charge of drafting shall provide information and documents serving the appraisal of the draft resolution.

If the draft resolution is related to various fields or is drafted by the provincial-level Department of Justice, the Director of the provincial-level Department of Justice shall form an advisory council for appraisal consisting of representatives of related agencies and organizations, experts and scientists.

The agency in charge of drafting shall send a dossier of the draft resolution to the provincial-level Department of Justice for appraisal at least 25 days before the People's Committee holds a meeting.

2. A dossier sent for appraisal must comprise:

a/ A report on the draft resolution submitted to the People's Committee;

b/ The draft resolution;

c/ A report on summarization, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals; photocopies of collected written opinions; and a policy impact assessment report, for the resolutions prescribed in Clauses 2 and 3, Article 27 of this Law;

d/ Other documents (if any).

The documents prescribed at Points a and b of this Clause shall be sent in written form, while other documents may be sent electronically.

3. Appraisal contents include:

a/ The necessity of promulgation of the resolution, for the resolutions prescribed in Clauses 2 and 3, Article 27 of this Law; subjects and scope of regulation of the draft resolution;

b/ The draft resolution's conformity of the Party's line and guidelines and the State's policies; constitutionality, legality and consistency with the legal system;

c/ The consistency of the draft resolution with the document to be detailed by the People's Council, and with the policies in the resolution formulation proposal approved under Article 116 of this Law;

d/ Language, drafting techniques of the resolution.

4. The appraisal report must contain the appraising agency's opinions on the issues prescribed in Clause 3 of this Article and whether the draft resolution is qualified for submission to the People's Committee.

The appraisal report shall be sent to the agency in charge of drafting within 15 days from the date the provincial-level Department of Justice receives a complete dossier for appraisal.

5. The agency in charge of drafting shall give explanations to and accept appraisal opinions so as to revise and improve the draft resolution and send a report thereon, together with the revised draft resolution, to the provincial-level Department of Justice when submitting the draft resolution to the People's Committee.”.

37. To amend and supplement Point d, Clause 1, Article 122 as follows:

“d/ A report on summarization, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals; a policy impact assessment report, for the resolutions prescribed in Clauses 2 and 3, Article 27 of this Law;”.

38. To amend and supplement a number of points and clauses of Article 124 as follows:

a/ To amend and supplement Point d, Clause 2 as follows:

“d/ A report on summarization, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals; photocopies of collected written opinions; and a policy impact assessment report, for the resolutions prescribed in Clauses 2 and 3, Article 27 of this Law;”;

b/ To add Point 2a below Clause 2 as follows:

“2a. The verifying agency shall not verify the draft resolution if the dossier of the draft resolution is incomplete or not sent within the time limit prescribed in Clause 2 of this Article.”;

c/ To amend and supplement Point a, Clause 3 as follows:

“a/ The necessity of promulgation of the resolution, for the resolutions prescribed in Clauses 2 and 3, Article 27 of this Law; contents of the draft resolution and controversial issues;”.

39. To amend and supplement Point c, Clause 2, Article 128 as follows:

“c/ To assess the impacts of administrative procedures, if the establishment of administrative procedures is assigned by a law or a resolution of the National Assembly; and gender impact assessment (if any);”.

40. To amend and supplement Article 130 as follows:

“Article 130. Appraisal of draft decisions of provincial-level People's Committees

1. The provincial-level Department of Justice shall appraise the draft decision before submitting it to the provincial-level People's Committee.

When necessary, the provincial-level Department of Justice shall request the agency in charge of drafting to report on issues related to the draft decision; and conduct surveys on issues of the draft decision by itself or in coordination with the agency in charge of drafting. The agency in charge of drafting shall provide information and documents serving the appraisal of the draft decision.

If the draft decision is related to various fields or is drafted by the provincial-level Department of Justice, the Director of the provincial-level Department of Justice shall form an advisory council for appraisal consisting of representatives of related agencies and organizations, experts and scientists.

The agency in charge of drafting shall send a dossier of the draft decision to the provincial-level Department of Justice for appraisal at least 25 days before the People's Committee holds a meeting.

2. A dossier sent for appraisal must comprise:

a/ A report on the draft decision submitted to the People's Committee;

b/ The draft decision;

c/ A report on summarization, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals; and photocopies of collected written opinions;

d/ Other documents (if any).

The documents prescribed at Points a and b of this Clause shall be sent in written form, while other documents may be sent electronically.

3. Appraisal contents include:

a/ The necessity of promulgation of the decision, for the decisions prescribed in Clauses 2 and 3, Article 28 of this Law; subjects and scope of regulation of the draft decision;

b/ The draft decision's conformity with the Party's line and guidelines and the State's policies; and its constitutionality, legality and consistency with the legal system;

c/ The necessity, reasonability and compliance cost of administrative procedures in the draft decision, if the draft decision establishes administrative procedures; and integration of gender equality issues in the draft decision, if the draft decision contains any provisions related to gender equality;

d/ Resources and conditions for assurance of the implementation of the decision;

dd/ Language, drafting techniques of the decision.

4. The appraisal report must contain the appraising agency's opinions on the issues prescribed in Clause 3 of this Article and whether the draft decision is qualified for submission to the People's Committee.

The appraisal report shall be sent to the agency in charge of drafting within 15 days from the date the provincial-level Department of Justice receives a complete dossier for appraisal.

5. The agency in charge of drafting shall give explanations to and accept appraisal opinions so as to revise and improve the draft decision and send a report thereon, together with the revised draft decision, to the provincial-level Department of Justice when submitting the draft decision to the People's Committee.”.

41. To amend and supplement Article 131 as follows:

“Article 131. Dossiers of draft decisions submitted to provincial-level People's Committees

1. The agency in charge of drafting shall send a dossier of the draft decision to the provincial-level People's Committee at least 3 working days before the date the People's Committee holds a meeting for forwarding to members of the People's Committee.

2. A dossier of the draft decision must comprise:

a/ The documents prescribed in Clause 2, Article 130 of this Law;

b/ The appraisal report and report on the giving of explanations to and acceptance of appraisal opinions.

The documents prescribed at Points a and b, Clause 2, Article 130 of this Law and Point b of this Clause shall be sent in written form, while other documents may be sent electronically.”.

42. To amend and supplement Clause 1, Article 134 as follows:

“1. The district-level Division of Justice shall appraise the draft resolution of the district-level People's Council before submitting it to the district-level People's Committee.

The agency in charge of drafting shall send a dossier of the draft resolution of the district-level People's Council to the district-level Division of Justice for appraisal at least 20 days before the People's Committee holds a meeting.”.

43. To amend and supplement Article 139 as follows:

“Article 139. Appraisal of draft decisions of district-level People’s Committees

1. The district-level Division of Justice shall appraise the draft decision of the district-level People’s Committee before it is submitted.

The agency in charge of drafting shall send a dossier of the draft decision to the district-level Division of Justice for appraisal at least 20 days before the People’s Committee holds a meeting.”

2. A dossier sent for appraisal must comprise:

a/ A report on the draft decision to the People’s Committee;

b/ The draft decision;

c/ A report on summarization of, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals; and photocopies of collected written opinions;

d/ Other documents (if any).

3. Appraisal contents include:

a/ The necessity of promulgation of the decision; subjects and scope of regulation of the draft decision;

b/ The draft decision’s conformity with the Party’s line and guidelines and the State’s policies; its constitutionality, legality and consistency with the legal system;

c/ The necessity, reasonability and compliance cost of administrative procedures in the draft decision, if the draft decision establishes administrative procedures; and integration of gender equality issues in the draft decision, if the draft decision contains any provisions related to gender equality;

d/ Resources and conditions for assurance of the implementation of the decision;

dd/ Language, drafting techniques of the decision.

4. The appraisal report must contain the appraising agency’s opinions on the issues prescribed in Clause 3 of this Article and whether the draft decision is qualified for submission to the People’s Committee.

The appraisal report shall be sent to the agency in charge of drafting within 15 days from the date the district-level Division of Justice receives a complete dossier for appraisal.

5. The agency in charge of drafting shall give explanations to and accept appraisal opinions so as to revise and improve the draft decision and send a report

thereon, together with the revised draft decision, to the district-level Division of Justice when submitting the draft resolution to the People's Committee.”.

44. To amend and supplement Article 146 as follows:

“Article 146. Cases of formulation and promulgation of legal documents according to the simplified order and procedures

1. Cases of emergency as prescribed by the law on state of emergency; urgent response to natural disasters, epidemics, fires and explosions; urgent situations for solving problems arising in realities.

2. Suspension of the effect of a legal document in whole or in part in order to promptly protect interests of the State or lawful rights and interests of organizations and individuals.

3. Prompt revision to conform with a new legal document; prompt promulgation of a legal document in order to implement a relevant treaty to which the Socialist Republic of Vietnam is a contracting party.

4. Annulment of part or the whole of a legal document which is contrary to law or no longer appropriate to the socio-economic development situation.

5. Extension of the implementation of the whole or part of a legal document for a certain period in order to solve urgent problems arising in realities.”.

45. To amend and supplement Clause 3, and add Clause 3a below Clause 3, Article 147 as follows:

“3. The Prime Minister shall decide to apply the simplified order and procedures to the formulation and promulgation of decrees of the Government and decisions of the Prime Minister; decide to apply the simplified order and procedures to circulars of ministers and heads of ministerial-level agencies in the urgent situations for solving problems arising in realities prescribed in Clause 1, Article 146 of this Law.

Requests submitted to the Prime Minister to propose the latter to decide to apply the simplified order and procedures to circulars of ministers and heads of ministerial-level agencies as prescribed in this Clause shall be enclosed with written opinions of the Minister of Justice.

3a. Ministers, heads of ministerial-level agencies, the Chief Justice of the Supreme People's Court, Procurator General of the Supreme People's Procuracy and State Auditor General shall decide to apply the simplified order and procedures to legal documents promulgated by themselves in the cases prescribed in Clauses 2 and 4, Article 146 of this Law.”.

46. To amend and supplement Article 148 as follows:

“Article 148. Simplified order and procedures for formulation of legal documents

The simplified order and procedures for formulation of laws and resolutions of the National Assembly, ordinances and resolutions of the Standing Committee of the National Assembly, orders and decisions of the President, decrees of the Government, decisions of the Prime Minister, circulars of the Chief Justice of the Supreme People’s Court, circulars of the Procurator General of the Supreme People’s Procuracy, circulars of ministers and heads of ministerial-level agencies, decisions of the State Auditor General, resolutions of provincial-level People’s Councils, and decisions of provincial-level People’s Committees are as follows:

1. The agency in charge of drafting organizes the drafting;

2. The agency in charge of drafting may collect opinions on the draft document from subjects directly affected by the draft document, and related agencies, organizations and individuals. The time limit for collecting written opinions is 20 days;

3. Within 7 days after receiving the dossier of the draft document, the appraising agency shall appraise the draft document and the agency in charge of verification shall verify the draft document.

A dossier sent for appraisal must comprise a report on the draft document, the draft document, a report on summarization of, giving of explanations to, and acceptance of, opinions of agencies, organizations and individuals in case of collecting opinions.

A dossier sent for verification must comprise a report on the draft document, the draft document, a report on summarization of, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals in case of collecting opinions, the appraisal report and a report on the giving of explanations to and acceptance of appraisal opinions.”.

47. To amend and supplement a number of points and clauses of Article 149 as follows:

a/ To amend and supplement Points b and c, Clause 1 as follows:

“b/ A dossier of a draft order or draft decision of the President, a draft circular of the Chief Justice of the Supreme People’s Court, a draft circular of the Procurator General of the Supreme People’s Procuracy, or a draft decision of the State Auditor General must comprise a report on the draft document and the draft document;

c/ A dossier of a draft decree of the Government, a draft decision of the Prime Minister, a draft circular of a minister or a head of a ministerial-level agency, or a draft decision of a provincial-level People's Committee must comprise a report on the draft document, the draft document, and the appraisal report.”;

b/ *To add Point dd1 below Point dd, Clause 2 as follows:*

“dd1/ Ministers, heads of ministerial-level agencies, the Chief Justice of the Supreme People's Court, Procurator General of the Supreme People's Procuracy and State Auditor General shall consider and sign for promulgating legal documents right after receiving draft documents in the order specified in Articles 104, 106, 107 and 108 of this Law;”.

48. To amend and supplement Article 151 as follows:

“Article 151. Effective dates of legal documents

1. The effective date of the whole or part of a legal document shall be specified in such document which, however, must not be sooner than 45 days from the date it is approved or signed for promulgation, for legal documents promulgated by central-level state agencies, or not be sooner than 10 days from the date it is approved or signed for promulgation, for legal documents promulgated by provincial-level People's Councils or People's Committees, or not be sooner than 7 days from the date it is approved or signed for promulgation, for legal documents promulgated by district- and commune-level People's Councils or People's Committees.

2. A legal document promulgated according to the simplified order and procedures may take effect on the date it is approved or signed for promulgation, and shall be immediately posted on the portal of the promulgating agency and reported in the mass media; and published on the *Cong bao (Official Gazette)* of the Socialist Republic of Vietnam within 3 days after it is promulgated or signed for promulgation, for legal documents of central-level state agencies, or the *Cong bao* of the province or centrally run city within 3 days after it is approved or signed for promulgation, for legal documents of provincial-level People's Councils or People's Committees.”.

49. To amend and supplement Clause 1, Article 153 as follows:

“1. The effect of a legal document shall be suspended wholly or partially until a handling decision is issued by a competent state agency in the following cases:

a/ The document is suspended from implementation under Clause 3, Article 164; Clause 2, Article 165; Clause 2 or 3, Article 166; Clause 2 or 3, Article 167;

or Clause 1, Article 170, of this Law. The document will cease to be effective if the competent state agency issues a decision to annul it; otherwise, it will resume its effect;

b/ The agency competent to promulgate a legal document shall decide to wholly or partially suspend the effect of the document in order to promptly protect interests of the State, and lawful rights and interests of organizations and individuals.”.

50. To amend and supplement Article 157 as follows:

“Article 157. Posting of and reporting on legal documents

Full texts of legal documents shall be posted on the national legal database within 15 days after they are announced or signed for promulgation, for legal documents of central-level state agencies, or after they are approved or signed for promulgation, for legal documents of People’s Councils or People’s Committees, and be reported in the mass media, except those containing state secrets according to the law on protection of state secrets.

Legal documents posted on the national legal database are of official validity for use.”.

51. To amend and supplement Clause 4, Article 172 as follows:

“4. The provisions on administrative procedures in legal documents promulgated by the competent agencies and persons specified in Clause 4, Article 14 of this Law before July 1, 2016, shall be further applied until they are annulled by other documents or replaced with new administrative procedures. In case a legal document that contains provisions on administrative procedures promulgated before July 1, 2016, is amended and supplemented, the amendment and supplementation must neither give rise to a new administrative procedure nor require more papers, impose additional requirements or conditions and prolong the time for settlement of the currently applied administrative procedures.” .

52. To add phrases as follows:

a/ To add the phrase “standing members” in front of the phrase “the Law Committee” in Clause 3, Article 48, at Point c, Clause 1, Article 49, and in Clause 2, Article 50;

b/ To add the phrase “; the report on the giving of explanations to and acceptance of appraisal opinions” below the phrase “the appraisal report” at Point b, Clause 2, Article 140.

53. To replace or remove words and phrases as follows:

a/ To replace the word “title” in Clause 3, Article 8 with the word “name”;

b/ To replace the word “outline” at Point dd, Clause 1, Article 37 and in Clause 5, Article 114 with the phrase “prepared detailed outline ”;

c/ To replace the phrase “report on assessment of impacts of the decree” at Point c, Clause 2, Article 95 with the phrase “report on assessment of impacts of policies”;

d/ To replace the phrase “report on summarization of, giving of explanations to, and acceptance of opinions of agencies, organizations and individuals and subjects directly affected by the decision” at Point c, Clause 2, Article 98 with the phrase “paper on summarization of, giving of explanations to and acceptance of opinions of agencies, organizations and individuals and subjects directly affected by the decision”; to replace the phrase “Clause 1 of this Article” in Clause 5, Article 98 with the phrase “Clause 3 of this Article”;

dd/ To replace the phrase “subjects directly affected by the draft resolution” in Clause 2, Article 113 with the phrase “subjects directly affected by the policies in the resolution formulation proposal”;

e/ To replace the phrase “a written assessment of impacts of each policy in the resolution formulation proposal” in Clause 2, Article 114 with the phrase “a report on assessment of impacts of the policies in the resolution formulation proposal”;

g/ To remove the phrase “the Office of the National Assembly deputies’ delegation” in Clause 3, Article 33, at Point a, Clause 1, Article 56, and in Clause 4, Article 57;

h/ To remove the phrase “agencies participating in verification” at Point a, Clause 1, Article 50;

i/ To remove the phrase “the draft resolution” in Clause 5, Article 115.

Article 2. Effect

This Law takes effect on January 1, 2021.

This Law was passed on June 18, 2020, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 9th session.-

Chairwoman of the National Assembly

NGUYEN THI KIM NGAN