

**MINISTRY OF JUSTICE**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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No. 01/2020/TT-BTP

*Hanoi, March 3, 2020*

## **CIRCULAR**

**ON ELABORATING TO DECREE NO. 23/2015/ND-CP DATED FEBRUARY 16, 2015 OF GOVERNMENT ON ISSUING COPIES FROM MASTER REGISTERS, CERTIFICATION OF TRUE COPIES FROM ORIGINALS, AUTHENTICATION OF SIGNATURES AND CONTRACTS**

*Pursuant to Decree No. 96/2017/ND-CP dated August 16, 2017 of Government on functions, tasks, powers and organizational structure of Ministry of Justice;*

*Pursuant to Decree No. 23/2015/ND-CP dated February 16, 2015 of Government on issuing copies from master registers, certification of true copies from originals, authentication of signatures and contracts;*

*At the request of Director General of the Civil Status, Citizenship and Notarization Department;*

*Minister of Justice promulgates Circular on elaborating to Decree No. 23/2015/ND-CP dated February 16, 2015 of Government on issuing copies from master registers, certification of true copies from originals, authentication of signatures and contracts.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Circular elaborates and provides guidelines for implementation of certain articles regarding certifying true copies from originals; authenticating signatures; approving list of partner translators; authenticating contracts and transaction and authentication entitlement in islands and archipelagoes.

#### **Article 2. Handling authentication application**

1. With respect to authentication affairs received after 3 p.m. which cannot be handled and replied with results within the day or require extending authentication deadline as specified in Articles 21, 33 and 37 of Decree No. 23/2015/ND-CP dated February 16, 2015 of Government on issuing copies from master registers, certification of true copies from originals, authentication of signatures and contracts (hereinafter referred to as “Decree No. 23/2015/ND-CP”), persons

receiving applications must provide appointment cards specifying time and date in which results are returned to the applicants.

2. Upon receiving and handling authentication application, persons receiving applications must not impose additional procedures, bother or request additional submission of documents against Decree No. 23/2015/ND-CP and this Circular.

### **Article 3. Issuance and use of testimony for authentication sample**

Attached to this Circular are samples of testimonies for signature authentication and contract authentication at application receipt and result return section in single-window system; written inheritance claim; testaments and written disclaimer of inheritance of at least 2 persons simultaneously claiming or disclaiming inheritance.

### **Article 4. Method of specifying authentication number**

1. Authentication number of copies from master registers specified in Point b Clause 3 Article 20 Decree No. 23/2015/ND-CP shall be authentication number specified depending on each document to be authenticated; do not grant authentication number depending on number of applicants for authentication.

E.g. Mr. A applies for authenticating copies from master registers of 3 types of documents: ID card bearing Mr. Nguyen Van A's name, ID card bearing Ms. Nguyen Thi B's name and residence registration book of Mr. Nguyen Van A's household. Upon collecting authentication number, copy of ID card bearing Mr. Nguyen Van A's name shall be assigned with a number, copy of ID card bearing Mr. Nguyen Thi B's name shall be assigned with a number and copy of residence registration book of Mr. Nguyen Van A's household shall be assigned with a number. Thus, the authenticating agency shall use 3 different authentication numbers for 3 types of documents.

2. Authentication number for signatures on documents and signatures of translators shall be the authentication numbers specified depending on each type of documents that require signature authentication; do not grant authentication number depending on number of applicants for authentication.

E.g. 1: Mr. Tran Van H applying for authenticating signatures on 2 personal data sheets and pension authorization letters shall be assigned with 2 different authentication number. 1 for the signature on personal data sheet and 1 for the signature on the pension authorization letter.

E.g. 2: Ms. Le Thi B applies for authenticating translator's signatures (based on sample signature registered to the Department of Legal Affairs by the translator) on 3 documents: passport translation, conference invitation translation and contract translation. Each type of translation must be assigned with 1 authentication number. In this case, Department of Legal Affairs shall use 3 authentication numbers rather than merge and use 1 single authentication number for 1 person.

3. Authentication number for contracts shall be assigned on a case-by-case basis; do not grant number depending on number of applicants or number of contracts;

E.g. Mr. Le Van H and Ms. Nguyen Thi M apply for authentication of contract for transferring land use rights and contract for renting store. In this case, 1 authentication number shall be assigned for the contract for transferring land use rights and 1 authentication number for the contract for renting store.

#### **Article 5. Storing documents while authenticating signatures and translators' signatures**

1. After authenticating signatures on documents and translators' signatures as specified in Clause 2 Article 14 Decree No. 23/2015/ND-CP, authenticating agencies and organizations are responsible for storing 1 copy of authenticated documents or photos of the documents.

2. Authenticating agencies and organizations are responsible for taking photos of authenticated documents for archive.

#### **Article 6. Consular legalizing with respect to documents issued by foreign competent agencies**

Documents issued by competent agencies namely passports, ID cards, temporary residence cards, permanent residence cards, driving license, graduation degrees, certificates, grade sheets attached to graduation degrees and certificates are not required to be consular legalized when authenticating copies from master registers. In case of application for authentication of translators' signatures on said documents, consular legalizing is not required.

#### **Article 7. Legal value of documents illegally authenticated**

1. Documents authenticated from master registers and signatures authenticated against regulations under Decree No. 23/2015/ND-CP and this Circular shall have no legal value.

2. Chairpersons of People's Committees of districts are responsible for issuing decisions on annulling legal value of documents specified in Clause 1 with respect to documents authenticated by Departments of Legal Affairs. Chairpersons of People's Committees of communes are responsible for annulling legal value of documents specified in Clause 1 of this Article with respect to documents authenticated by agencies of their own.

After issuing documents on annulling documents, Chairpersons of People's Committees of districts and Chairpersons of People's Committees of communes are responsible for uploading information regarding authenticated documents having no legal value on website of provincial People's Committees.

3. Heads of representative missions, consular missions and other agencies authorized to exercise Vietnamese consular functions overseas are responsible for issuing documents annulling legal value of documents specified in Clause 1 of this Article with respect to documents authenticated

by agencies under their management and uploading authenticated documents having no legal value on website of their agencies.

4. Issuance of documents annulling legal value and uploading of implementation information shall be performed as soon as documents are found to be contradictory to regulations and law.

#### **Article 8. Responsibilities upon receiving applications at single-window departments**

Upon receiving applications for signature authentication and contract authentication at receipt and result return departments in the model of single-window system, persons receiving applications (officials of Departments of Legal Affairs, legal – civil status officials of People’s Committees of communes) are responsible for thoroughly examining applications and authenticity of signatures of applicants. Persons receiving application must ensure that the applicants are fully conscious, aware and behavioral capable; parties to contracts are legally capable and consent.

#### **Article 9. Responsibilities of applicants**

1. Upon applying for copies from master registers, applicants must present the master registers for comparison and be responsible for accuracy of the master registers used for comparison. Master registers must satisfy content and format requirements issued or identified by regulatory agencies.

2. With respect to contracts authenticated according to Decree No. 23/2015/ND-CP and this Circular, applicants shall be responsible for any conflicts, complaints or accusation arising during implementation.

### **Chapter II**

#### **AUTHENTICATING COPIES FROM MASTER REGISTERS**

#### **Article 10. Copies from master registers**

Copies from master registers for authentication must fully include pages of the master registers containing information.

E.g. Authenticating copies from master registers of permanent residence books require full photos of the cover and all pages of the book that contain information.

#### **Article 11. Responsibilities of persons authenticating and receiving application in authenticating copies from master registers**

1. Authenticating persons (in case of authenticating persons who receive applications) and persons receiving applications at single-window departments are responsible for examining and comparing copies and master registers and only authenticating copies after adequate comparing with the master registers.

2. If the master registers are found to be under any of the cases specified in Article 22 Decree No. 23/2015/ND-CP, authenticating agencies shall reject the applications. In case applicants use master registers that are erased, fabricated, falsified, use fake documents or use copies inconsistent with the master registers, persons that receive and handle applications shall produce records of violations and retain the applications to enable competent agencies to take actions as per the law.

## **Chapter III**

### **AUTHENTICATING SIGNATURES ON DOCUMENTS**

#### **Article 12. Authenticating signatures of documents in foreign languages**

Upon authenticating signatures on documents in foreign languages, if persons who receive applications or authenticate cannot understand the documents, request the applicants to attach Vietnamese translations of said documents. The Vietnamese translations require no authentication or translator's signature authentication, the applicants however shall be responsible for accuracy of the translation.

#### **Article 13. Methods of authenticating signatures on documents**

1. Testimonies must be written immediately below the authenticated signatures or on the next page of the page bearing signatures to be authenticated. In case testimonies are written on the next page of the page bearing signatures, apply affixed seal on pages containing signatures and the testimonies.

2. In case of documents bearing signatures of many people, all of the signatures in the documents must be authenticated.

#### **Article 14. Authenticating signatures on authorization letter as specified in Clause 4 Article 24 of Decree No. 23/2015/ND-CP**

1. Authorization as specified in Point d Clause 4 Article 24 of Decree No. 23/2015/ND-CP that fully satisfy requirements namely no salaries, no compensation obligations for the authorized party and is not related to transfer of asset ownership, immovable property use rights shall be carried out in form of authenticating signatures of authorization letters.

2. According to Clause 1 of this Article, authenticating signatures on authorization letter shall be carried out in following cases:

- a) Authorization for submission and receipt of documents unless otherwise specified by the law;
- b) Authorization for receipt of pension, postal parcel, allowances and benefits;
- c) Authorization for housekeeping;

d) Authorizing household members to loan in Vietnam Bank for Social Policies.

3. With respect to cases of authorization not mentioned under Clause 2 of this Article, authenticating signatures on authorization letters is not allowed; applicants must follow proper procedures for authenticating contracts.

### **Article 15. Authenticating signatures in personal data sheets**

1. Regulations on signature authentication under Section 3 Decree No. 23/2015/ND-CP shall be applied for authenticating signatures on personal data sheet. Authenticating persons shall not write any remarks on the personal data sheet other than written authentication using form under Decree No. 23/2015/ND-CP. In case specialized regulations and law specify otherwise regarding writing remarks on personal data sheet, comply with specialized regulations and law.

2. Applicants shall be responsible for all information in their personal data. With respect to fields not included in the personal data sheet, cross them out before applying for authentication.

## **Chapter IV**

### **AUTHENTICATING TRANSLATORS' SIGNATURES**

#### **Article 16. Translator standards and universal languages**

1. According to Clause 2 Article 27 of Decree No. 23/2015/ND-CP, translators must hold bachelor degrees or higher in the foreign languages which are to be translated or university degrees or higher in other majors taught in the foreign languages which are to be translated. In case of holding university degrees or higher in other majors taught in the foreign languages which are to be translated, the translators must present score sheets or documents proving their capability in linguistic.

E.g. Mr. Nguyen Van A holds a master degree after studying international law in China, the program is delivered in Chinese, thus Mr. A is qualified for translating Chinese; Mr. Nguyen Van B holds a bachelor degree after studying economic in Japan, but the program is delivered in English, thus Mr. B is qualified for translating English.

2. Universal languages refer to languages frequently displayed on documents and papers in Vietnam and many Vietnamese can translate said languages to Vietnamese or vice versa. E.g. English, French, German, Russian, Chinese, Korean, Japanese, Spanish.

Non-universal languages refer to languages less frequently displayed on documents and papers in Vietnam and not many individuals can translate said languages to Vietnamese or vice versa. E.g. Mongolian, Indian, etc.

#### **Article 17. Authenticating signatures of translators other than partners of Departments of Justice**

1. If persons translating non-universal languages, having no bachelor degrees in foreign languages and graduating universities as specified in Clause 2 Article 27 of Decree No. 23/2015/ND-CP are requested for signature authentication, they must submit written commitment regarding proficiency in such non-universal languages and be responsible for the translation.

2. Departments of Justice shall only authenticate signatures of translators who are not partners with the Departments of Justice and translating their own documents and papers.

In case of translating documents and papers of other individuals, including family relatives, friends and co-workers or translating for salaries agreed upon with organizations or individuals, the translators must be partners of Departments of Justice.

### **Article 18. Approving list of partner translators**

1. In case translators apply for partnership in translating non-universal languages without having documents specified in Clause 2 Article 27 of Decree No. 23/2015/ND-CP, they shall submit other equivalent documents (if any) and written commitment regarding proficiency in said non-universal languages.

2. Departments of Justice shall prepare list of partner translators and request Ministry of Justice to approve the list, Departments of Justice shall also attach summary of each translator regarding full name, date of birth, place of birth, ID cards or citizen identity cards or passports, residence, documents proving language proficiency or commitment regarding proficiency in non-universal languages.

After receiving request of Departments of Justice, within 5 working days, Ministry of Justice shall examine the requested list. If persons included in the requested list are qualified according to Article 27 Decree No. 23/2015/ND-CP, Departments of Justice shall decide to approve the list of partner translators; should there be any persons not qualified, Ministry of Justice shall reject the request the inform Departments of Justice in writing.

4. On a yearly basis, Departments of Justice shall be responsible for reexamining list of partner translators. In case a partner translator is no longer qualified or not working as partner translators at a Department of Justice for at least 12 months without legitimate reason, the Department of Justice shall request Ministry of Justice in writing to remove that translator from the list of partner translators.

### **Article 19. Reregistering sample signatures**

Partner translators upon entering into contracts with Departments of Justice must register sample signatures as specified in Article 29 of Decree No. 23/2015/ND-CP. In case the translators wish to change signatures, they shall apply in writing to reregister their sample signatures and provide 3 signatures in the written registration for sample signatures. Provision of 3 sample signatures shall be done in front of Chairpersons of Departments of Justice.

## **Chapter V**

### **AUTHENTICATION CONTRACTS**

#### **Article 20. Authenticating contracts in receipt and result return departments of single-window systems**

1. In case applicants for contract authentication apply in person at receipt and result return departments of single-window systems, parties shall sign in front of persons receiving applications.

In case one of the persons entering into contract is a representative of a credit institution or enterprises has registered sample signatures, he/she may sign the contract first. Persons receiving applications are responsible for comparing signatures in contracts with sample signatures. In case of any discrepancies between signatures in contracts and sample signatures, request the signees to sign in front of persons receiving the applications.

Persons receiving applications shall be responsible for signing of parties in their witness.

2. Persons receiving applications are responsible for examining documents and papers. If conditions specified in Clauses 2 and 3 Article 36 of Decree No. 23/2015/ND-CP are satisfied, sign each page of contracts before competent individuals authenticate the contracts as per the law.

#### **Article 21. Responsibilities of agencies authenticating contracts**

1. Authenticating agencies are responsible for publicizing and enabling applicants to be fully aware of responsibilities to contracts and legal consequences of authenticating contracts.

2. In case authenticating agencies discover assets under contracts are illegal assets or assets under conflict, assets which were or are subject to other contracts, authenticating agencies shall produce records on violations, retain application to request competent agencies to take actions as per the law.

#### **Article 22. Translators and witness in contract authentication**

1. In case applicants for contract authentication are not fluent in Vietnamese, translators shall be required. Translators must be fully legally capable and fluent in Vietnamese and the language used by authentication applicants. Translators shall be appointed by authentication applicants or authenticating agencies. Salaries for translation shall be paid by authentication applicants.

2. Witnesses specified in Clause 3 Article 36 of Decree No. 23/2015/ND-CP shall be appointed by authentication applicants. In case applicants fail to appoint witnesses, the applicants shall request authenticating agencies to appoint witnesses. Witnesses must present valid identification documents to enable examination of authenticating individuals; sign each page of contracts.

## **Article 23. Procedures for authenticating revision and annulment of contracts**

1. Upon applying for contract revision or annulment as specified in Article 38 of Decree No. 23/2015/ND-CP, applicants must present valid identification documents to enable examination of authenticating individuals and submit 1 dossier containing following documents:

a) Authenticated documents;

b) Drafts of contracts for revision or annulment of authenticated contracts.

2. In case contents of revision or annulment involves registration of ownership or use rights, applicants must submit copies of documents proving ownership or use rights or equivalent documents specified by the law together with master registers thereof for comparison; except for will makers who are in life-threatening situations.

3. Procedures for revision and annulment of contracts shall comply with Clauses 2, 3, 4 and 5 Article 36 and Decree No. 23/2015/ND-CP and Clauses 1 and 2 of this Article.

## **Chapter VI**

### **IMPLEMENTATION**

## **Article 24. Authentication entitlement in archipelagoes**

In archipelagoes where People's Committees of communes are not established, Departments of Justice shall authenticate according to Clause 1 Article 5 and Clause 2 Article 5 Decree No. 23/2015/ND-CP.

## **Article 25. Entry into force**

1. This Circular comes into effect from April 20, 2020.

2. This Circular replaces Circular No. 20/2015/TT-BTP dated December 29, 2015 of Minister of Justice on elaborating to Decree No. 23/2015/ND-CP dated February 16, 2015 of Government on issuing copies from master registers, certification of true copies from originals, authentication of signatures and contracts.

**MINISTER**

**Le Thanh Long**

