

LAW

ON ENFORCEMENT OF CIVIL JUDGMENTS

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law on Enforcement of Civil Judgments.

Chapter I.

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law prescribes principles, order and procedures for enforcement of civil judgments and rulings and fines, confiscation of assets, retrospective collection of illicitly earned money and assets, handling of material evidence and assets, court fees and civil rulings involved in criminal judgments and rulings, property parts of administrative judgments and rulings of courts, decisions on settlement of competition cases related to assets of judgment debtors by the Council for settlement of competition cases, and awards of commercial arbitrations (below collectively referred to as judgments and rulings); the system of civil judgment enforcement organizations and enforcers; rights and obligations of judgment creditors and judgment debtors, and persons with related interests and obligations; tasks and powers of agencies, organizations and individuals in civil judgment enforcement activities.

Article 2. Judgments and rulings to be enforced

Judgments and rulings to be enforced under this Law include:

1. Judgments and rulings defined in Article 1 of this Law and having taken legal effect:

a/ Judgments and rulings or parts of judgments and rulings of first-instance courts against which are not appealed or protested against according to appellate procedures;

b/ Judgments and rulings of courts of appeal;

c/ Cassation or reopening trial rulings of courts;

d/ Foreign courts' civil judgments and rulings, and foreign arbitral awards, which have been recognized and permitted for enforcement in Vietnam by Vietnamese courts;

e/ Competition case settlement decisions of the Council for settlement of competition cases, which are not voluntarily executed by involved parties within 30 days after they take legal effect or against which no lawsuits are initiated at court;

f/ Awards of commercial arbitrations;

2. The following judgments and rulings of first-instance courts shall be enforced immediately though they may be appealed or protested against:

a/ Judgments and rulings on alimony, salary or wage payment, severance allowance, job-loss allowance, working capacity loss allowance or compensation for loss of life or damage to health or mental harm, or reemployment of dismissed employees;

b/ Rulings on application of provisional urgent measures.

Article 3. Interpretation of terms

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

1. Involved parties include judgment creditor and judgment debtor.
2. Judgment creditor means an individual, agency or organization that enjoys rights and interests in an enforced judgment or ruling.
3. Judgment debtor means an individual, agency or organization that shall fulfill obligations in an enforced judgment or ruling.
4. Person with related rights and obligations means an individual, agency or organization that has rights and obligations directly related to the exercise of the right and performance of the obligation to execute a judgment by involved parties.
5. The statute of limitations for requesting judgment enforcement means a time limit for a judgment creditor or judgment debtor to request a civil judgment enforcement agency to organize judgment enforcement. Past this time limit, they will no longer have the right to request judgment enforcement under this Law.
6. To have conditions for judgment execution means that a judgment debtor has assets and incomes for fulfilling his/her property obligation, and performs the judgment-executing obligation by himself/herself or through another person.
7. Judgment enforcement charge means a sum of money payable by a judgment creditor upon receipt of money and assets under a judgment or ruling.
8. Expenses for coercive judgment enforcement means expenses for organizing coercive enforcement to be borne by the judgment debtor, unless it is prescribed by law that these expenses shall be paid by the judgment creditor or covered by the state budget.

Article 4. Assurance of effect of judgments and rulings

Judgments and rulings defined in Article 2 of this Law shall be respected by agencies, organizations and all citizens.

Concerned individuals, agencies and organizations shall, within the ambit of their respective responsibilities, strictly abide by judgments and rulings and take responsibility before law for the enforcement thereof.

Article 5. Assurance of rights and legitimate interests of involved parties and persons with related rights and obligations

In the course of judgment enforcement, rights and legitimate interests of involved parties and persons with related rights and obligations shall be respected and protected by law.

Article 6. Judgment enforcement agreements

1. Involved parties may reach agreement on judgment enforcement, provided that agreement does not violate prohibitions prescribed by law and is not contrary to social morality. Outcomes of judgment enforcement under agreements will be recognized.

At the request of involved parties, enforcers shall witness the judgment enforcement agreement.

2. In case involved parties fail to strictly comply with their agreement, they may request a civil judgment enforcement agency to perform the unperformed part of their obligations under the judgment or ruling.

Article 7. Right to request judgment enforcement

Judgment creditors and judgment debtors may base themselves on judgments or rulings to request civil judgment enforcement agencies to organize the judgment enforcement.

Article 8. Spoken and written languages in civil judgment enforcement

1. The spoken and written language officially used in civil judgment enforcement is Vietnamese.

Involved parties may use spoken and written languages of their nationalities but must have an interpreter. For involved parties who are ethnic minority people and do not speak Vietnamese, civil judgment enforcement agencies shall employ an interpreter.

2. Interpreters shall interpret or translate speeches or writings by involved parties in a verbatim, truthful and objective manner and shall be held responsible before law for intentionally incorrect interpretation or translation.

Article 9. Voluntary execution and coercive enforcement of judgments

1. The State encourages involved parties to voluntarily execute judgments.

2. Judgment debtors who have conditions for judgment execution but fail to voluntarily execute judgments will be subject to coercive enforcement of judgments under this Law.

Article 10. Responsibility to pay compensations for damage

Agencies, organizations and individuals that violate this Law and cause damage shall pay compensations therefor under law.

Article 11. Responsibility of agencies, organizations and individuals to collaborate with civil judgment enforcement agencies and enforcers

1. Within the ambit of their tasks, powers and duties, agencies, organizations and individuals shall collaborate with civil judgment enforcement agencies in enforcing judgments.

2. Concerned agencies, organizations and individuals shall comply with requests of civil judgment enforcement agencies and enforcers under this Law.

All acts of obstructing or illegally intervening in activities of civil judgment enforcement agencies or enforcers shall be handled under law.

Article 12. Supervision and inspection of judgment enforcement

1. The National Assembly, People's Councils and the Vietnam Fatherland Front shall supervise the operation of civil judgment enforcement agencies and other state agencies in enforcing civil judgments under law.

2. People's procuracies at all levels shall, within the ambit of their tasks and powers, inspect the observance of judgment enforcement law by civil judgment enforcement agencies, enforcers and agencies, organizations and individuals involved in judgment enforcement in order to ensure judgment enforcement is conducted in a prompt, adequate and lawful manner.

Chapter II.

THE ORGANIZATIONAL SYSTEM OF CIVIL JUDGMENT ENFORCEMENT AGENCIES AND ENFORCERS

Article 13. The organizational system of civil judgment enforcement agencies

The organizational system of civil judgment enforcement agencies consists of:

1. Civil judgment enforcement management agencies:

a/ The civil judgment enforcement management agency of the Justice Ministry;

b/ The civil judgment enforcement management agency of the Defense Ministry.

2. Civil judgment enforcement agencies:

a/ Civil judgment enforcement agencies of provinces and centrally run cities (below collectively referred to as provincial-level civil judgment enforcement agencies);

b/ Civil judgment enforcement agencies of rural districts, urban districts, towns or provincial cities (below collectively referred to as district-level civil judgment enforcement agencies);

c/ Judgment enforcement agencies of military zones or equivalent levels (below collectively referred to as military zone-level judgment enforcement agencies).

The Government shall specify tasks and powers of civil judgment enforcement management agencies; and names and specific organizational structures of civil judgment enforcement agencies.

Article 14. Tasks and powers of provincial-level civil judgment enforcement agencies

1. To manage and direct civil judgment enforcement in their respective provinces or centrally run cities, covering:

a/ Assuring the uniform application of law on civil judgment enforcement;

b/ Directing civil judgment enforcement activities of district-level civil judgment enforcement agencies; providing professional guidance on civil judgment enforcement to enforcers and other civil servants of civil judgment enforcement agencies in their localities;

c/ Inspecting civil judgment enforcement activities of district-level civil judgment enforcement agencies;

d/ Reviewing the practical civil judgment enforcement work; making statistics and reports on civil judgment enforcement work under the guidance of the civil judgment enforcement management agency of the Justice Ministry.

2. To directly organize enforcement of judgments and rulings under Article 35 of this Law

3. To compile dossiers of request for exemption from or reduction of the obligation to execute civil judgments; to coordinate with police offices in compiling dossiers of request for remission

or commutation of imprisonment sentences and amnesty for persons obliged to execute civil judgments who are serving imprisonment sentences.

4. To settle complaints and denunciations about civil judgment enforcement under their competence under this Law.
5. To manage civil servants, material foundations, funding sources and equipment for operation of local civil judgment enforcement agencies under the guidance and direction of the civil judgment enforcement management agency of the Justice Ministry.
6. To assist provincial-level People's Committees in performing their responsibilities and exercising their powers under Clauses 1 and 2, Article 173 of this Law.
7. To report on civil judgment enforcement to provincial-level People's Councils upon request.

Article 15. Tasks and powers of military zone-level judgment enforcement agencies upon request.

1. To directly organize the enforcement of judgments and rulings under Article 35 of this Law.
2. To review the practical civil judgment enforcement work according to their competence; making statistics and reports on civil judgment enforcement work under the guidance of the judgment enforcement management agency of the Defense Ministry.
3. To settle complaints and denunciations about judgment enforcement under their competence under this Law.
4. To coordinate with functional agencies of military zones in managing cadres, material foundations, funding sources and equipment for operation of military zone-level civil judgment enforcement agencies under the guidance and direction of the judgment enforcement management agency of the Defense Ministry.
5. To compile dossiers of request for exemption from or reduction of the obligation to execute civil judgments; to coordinate with the imprisonment sentence enforcement agency in the Army in compiling dossiers of request for remission or commutation of imprisonment sentences and amnesty for persons obliged to execute civil judgments who are serving imprisonment sentences.
6. To assist commanders of military zones and equivalent levels in performing their tasks and exercising their powers specified in Clause 1, Article 172 of this Law.

Article 16. Tasks and powers of district-level civil judgment enforcement agencies

1. To directly organize the enforcement of judgments and rulings under Article 35 of this Law.
2. To settle complaints and denunciations about civil judgment enforcement under their competence under this Law.
3. To manage civil servants, material foundations, funding sources and equipment assigned to them for operation under the guidance and direction of provincial-level civil judgment enforcement agencies.
4. To make statistics and reports on civil judgment enforcement work under law and the guidance of provincial-level civil judgment enforcement agencies.
5. To compile dossiers of request for exemption from or reduction of the obligation to execute civil judgments.

6. To assist district-level People's Committees in performing their tasks and exercising their powers under Clauses 1 and 2, Article 174 of this Law.

7. To report on civil judgment enforcement to People's Councils when so requested.

Article 17. Enforcers

1. Enforcers are persons tasked by the State to enforce judgments and rulings prescribed in Article 2 of this Law. Enforcers have three ranks: junior enforcer, intermediate-level enforcer and senior enforcer.

2. Enforcers shall be appointed by the Justice Minister.

3. The Government shall specify the order of and procedures for selection examination and appointment of enforcers.

Article 18. Criteria for appointment of enforcers

1. Vietnamese citizens who are loyal to the Fatherland, honest, non-corruptible, possess good ethical quality and a law bachelor or higher degree, and have good health to fulfill assigned tasks may be appointed as enforcers.

2. Persons who fully satisfy the criteria specified in Clause 1 of this Article, and the following conditions may be appointed as junior enforcers:

a/ Having been engaged in legal work for 3 years or more;

b/ Having been trained in civil judgment enforcement profession;

c/ Passing the examination for selection of junior enforcers.

3. Persons who fully satisfy the criteria specified in Clause 1 of this Article, and the following conditions may be appointed as intermediate-level enforcers:

a/ Having worked as junior enforcers for 5 years or more;

b/ Passing the examination for selection of intermediate-level enforcers.

4. Persons who fully satisfy the criteria specified in Clause 1 of this Article, and the following conditions may be appointed as senior enforcers:

a/ Having worked as intermediate-level enforcers for 5 years or more;

b/ Passing the examination for selection of senior enforcers.

5. Persons who fully satisfy the criteria specified in Clause 2 of this Article and are army officers in active service may be appointed as military enforcers.

Criteria for persons to be appointed as military junior enforcers, intermediate-level enforcers and senior enforcers are as specified in Clauses 2, 3 and 4 of this Article.

6. Incumbent judges, procurators and investigators who are transferred to civil judgment enforcement agencies may be appointed as enforcers of equivalent ranks without having to take examination.

7. In special cases specified by the Government, persons who fully satisfy the criteria specified in Clause 1 of this Article and have been engaged in legal work for 10 years or more or 15 years or more may be appointed as intermediate-level or senior enforcers, respectively.

Article 19. Relief from duty of enforcers

1. Enforcers will be automatically relieved from duty in case they retire or are transferred to other agencies.
2. The Justice Minister shall consider and decide on relief from duty of enforcers in the following cases:
 - a/ They are unable to fulfill their tasks due to family circumstances or poor health;
 - b/ Their professional qualifications and capacity are insufficient for fulfilling their tasks or they no longer satisfy the criteria for enforcers for other reasons.
3. The Government shall specify the order of and procedures for relief from duty of enforcers.

Article 20. Tasks and powers of enforcers

1. To promptly organize the enforcement of judgments or rulings assigned to them; to issue judgment enforcement decisions according to their competence.
2. To strictly enforce contents of judgments or rulings; to correctly apply legal provisions on the order of and procedures for judgment enforcement, ensuring the interests of the State and the rights and legitimate interests of involved parties and persons with related interests and obligations; and to strictly observe regulations on standard professional ethics of enforcers.
3. To summon involved parties and persons with related interests and obligations for judgment enforcement.
4. To verify assets and judgment execution conditions of judgment debtors; to request concerned agencies, organizations and individuals to supply documents for the verification of addresses and assets of judgment debtors or coordinate with concerned agencies in handling material evidence, assets and other matters related to judgment enforcement.
5. To decide on the application of measures to secure judgment enforcement and coercive measures to enforce judgments; to work out plans on coercive judgment enforcement; and to confiscate assets for judgment enforcement.
6. To request under law police offices to detain persons resisting the judgment enforcement.
7. To make written records of violations of the law on judgment enforcement; to impose administrative sanctions according to their competence; to propose competent agencies to discipline or administratively sanction violators or examine violators for penal liability.
8. To decide on the application of coercive measures to recover money and assets already paid to involved parties in contravention of law, collect judgment enforcement charges and other amounts payable by involved parties.
9. To use support tools while on duty under the Governments regulations.
10. To perform other tasks assigned by heads of judgment enforcement agencies.

When performing their tasks or exercising their powers, enforcers shall comply with law and take responsibility before law for judgment enforcement and have their lives, health, honor, dignity and prestige protected by law.

Article 21. Prohibitions on enforcers

1. Prohibitions on civil servants as prescribed by law.
2. Providing advice to involved parties and persons with related interests and obligations, leading to unlawful judgment enforcement.
3. Illegally intervening in the handling of cases subject to judgment enforcement or abusing one's influence to affect persons responsible for judgment enforcement.
4. Illegally using material evidence, money and assets involved in judgment enforcement.
5. Enforcing judgments related to their own rights and interests and those of the following persons:
 - a/ Their spouses, blood children or adopted children;
 - b/ Their blood parents, adoptive parents, paternal or maternal grandparents, uncles, aunts, and blood siblings or those of their spouses;
 - c/ Nephews and nieces whose blood parents are their blood siblings.
6. Using their enforcer cards, uniforms and badges or support tools in conducting activities beyond their assigned tasks and vested powers.
7. Harassing or troubling individuals, agencies or organizations in the course of judgment enforcement.
8. Intentionally enforcing judgments or rulings in violation of their contents; delaying or prolonging the enforcement of judgments assigned to them without adequate legal grounds.

Article 22. Heads and deputy heads of civil judgment enforcement agencies

1. Heads and deputy heads of civil judgment enforcement agencies shall be appointed among enforcers and relieved from duty by the Justice Minister. Heads and deputy heads of judgment enforcement agencies in the Army shall be appointed and relieved from duty by the Defense Minister.
2. The Government shall specify criteria, order and procedures for appointing and relieving from duty heads and deputy heads of civil judgment enforcement agencies and judgment enforcement agencies in the Army.

Article 23. Tasks and powers of heads and deputy heads of civil judgment enforcement agencies

1. Heads of civil judgment enforcement agencies have the following tasks and powers:
 - a/ To issue judgment enforcement decisions according to their competence;
 - b/ To manage and direct judgment enforcement activities of civil judgment enforcement agencies;
 - c/ To request agencies, organizations and individuals to collaborate in organizing judgment enforcement;
 - d/ To request agencies which have made judgments or rulings to be enforced to explain in writing unclear or impractical points in these judgments or rulings for enforcement;
 - e/ To propose competent persons to make protests according to cassation or reopening procedures against judgments or rulings under law;

f/ To respond to recommendations or protests of procuracies; to settle complaints and denunciations about judgment enforcement or sanction administrative violations according to their competence; and to request competent state agencies to discipline or sanction administrative violators or examine violators for penal liability;

g/ To perform the tasks and exercise the powers of enforcers;

h/ To report and make statistics on judgment enforcement;

i/ Heads of provincial-level civil judgment enforcement agencies may transfer or professionally guide enforcers and civil servants of their agencies or district-level civil judgment enforcement agencies in their localities or direct and inspect their judgment enforcement activities and other jobs under the guidance and direction of the civil judgment enforcement agency of the Justice Ministry.

2. Deputy heads of judgment enforcement agencies shall perform tasks and exercise powers as assigned or authorized by heads of these agencies and be held accountable for assigned jobs.

Article 24. State payrolls, funding and material foundations of civil judgment enforcement agencies

The State shall assure payrolls, funding, working offices and support tools, information technology and other necessary means and equipment for civil judgment enforcement agencies.

Article 25. Uniform, badges and entitlements of civil servants engaged in civil judgment enforcement

Enforcers, verifiers and other civil servants engaged in civil judgment enforcement will be provided with uniforms and badges to wear while on duty, enjoy salaries and allowances suitable to their professions and other preferential entitlements under the Government's regulations.

Chapter III.

CIVIL JUDGMENT ENFORCEMENT PROCEDURES

Article 26. Guidance on the right to request civil judgment enforcement

Upon making judgments, rulings or awards, courts, the Council for Handling of Competition Cases and commercial arbitrations shall explain to involved parties about the contents of, and at the same time clearly state in, these judgments, rulings or awards the right to request enforcement and the statute of limitations for filing such request.

Article 27. Handover of judgments and rulings

Courts, the Council for Handling of Competition Cases and commercial arbitrations that have made judgments, rulings and awards defined in Article 2 of this Law shall hand over to involved parties these judgments, rulings and awards written with the phrase "For enforcement."

Article 28. Sending of judgments and rulings

1. For judgments and rulings defined at Points a, b, c and d, Clause 1, Article 2 of this Law, within 30 days after these judgments and rulings take legal effect, courts that have made them shall send them to competent civil judgment enforcement agencies.

2. For judgments and rulings to be enforced under Point a, Clause 2, Article 2 of this Law, within 15 days after making these judgments and rulings, courts shall send them to civil judgment enforcement agencies.

3. For rulings on application of provisional urgent measures, immediately after making them, courts shall send them to civil judgment enforcement agencies.

4. In case competent agencies have distrained or temporarily held assets, or seized material evidence or other documents related to the judgment enforcement, when sending judgments or rulings to civil judgment enforcement agencies, courts shall enclose copies of written records of distraint or temporary holding of assets or seizure of material evidence or other related documents.

Article 29. Procedures for receiving judgments and rulings

Upon receiving a judgment or ruling from a court, the civil judgment enforcement agency shall check it and record it in a book.

A judgment and ruling record book must clearly indicate ordinal numbers and dates of receipt of judgments and rulings as well as their numbers and dates, and names of issuing courts; full names and addresses of involved parties and titles of other related documents.

The in-person delivery and receipt of a judgment or ruling must be certified by signatures of the deliverer and recipient. In case a judgment, ruling or related document is sent by post, the civil judgment enforcement agency shall notify in writing the sending court of the receipt.

Article 30. Statute of limitations for requesting judgment enforcement

1. Within 5 years after a judgment or ruling takes legal effect, the judgment creditor and judgment debtor may request a competent civil judgment enforcement agency to issue a judgment enforcement decision.

In case a time limit for fulfilling an obligation is set in the judgment or ruling, the 5-year statute of limitations will be counted from the date the obligation is due.

For judgments and rulings subject to periodical enforcement, the 5-year statute of limitations will apply to each period and be counted from the date the obligation is due.

2. In case of postponement or suspension of judgment enforcement under this Law, the postponement or suspension duration will not be counted into the statute of limitations for requesting judgment enforcement, unless judgment creditors agree to allow judgment debtors to postpone the judgment enforcement.

3. In case the judgment enforcement requesters can prove that he/she is unable to request judgment enforcement within the set time limit due to an objective obstacle or a force majeure circumstance, the duration when these objective obstacles or force majeure circumstance exists will not be counted into the statute of limitations for requesting judgment enforcement.

Article 31. Written requests for judgment enforcement

1. A written request for judgment enforcement contains the following principal details:

a/ Full name and address of the requester;

b/ Name of the civil judgment enforcement agency requested to enforce the judgment;

- c/ Full names and addresses of the judgment creditor and judgment debtor;
- d/ Contents of the judgment requested to be enforced;
- e/ Information on assets or judgment execution conditions of the judgment debtor.

2. The judgment enforcement requester shall clearly write the date of making the request and give his/her signature or fingerprint. For a legal entity, its written request must be appended the signature of its lawful representative and its seal.

In case the judgment enforcement requester makes his/her request orally at the civil judgment enforcement agency, a written record shall be made to record the detail specified in Clause 1 of this Article and bear the signature or fingerprint of the requester and the signature of the record maker. These written records are as valid as written requests for judgment enforcement.

Enclosed with the written request for judgment enforcement must be the judgment or ruling requested to be enforced and other related documents, if any.

3. Judgment enforcement requesters may request civil judgment enforcement agencies to apply measures to secure judgment enforcement specified in Article 66 of this Law.

Article 32. Procedures for sending written requests for judgment enforcement

1. The judgment enforcement requester may directly request or authorize another person to request judgment enforcement in either of the following ways:

- a/ Filing a written request with or make an oral request at the civil judgment enforcement agency;
- b/ Sending a written request by post.

2. The date of sending a written request for judgment enforcement is the date the judgment enforcement requester files the written request or makes an oral request at the civil judgment enforcement agency or the date of the postmark affixed by the sending post office.

Article 33. Receipt of written requests for judgment enforcement

1. Upon receiving a written request for judgment enforcement, the civil judgment enforcement agency shall check the details of the request and enclosed documents, record it in the judgment enforcement request book and issue a receipt to the request filer.

2. A judgment enforcement request book must fully show the following details:

- a/ Date of receipt of the request;
- b/ Number and date of issuance of the judgment or ruling; name of the issuing agency;
- c/ Full name and address of the requester;
- d/ Full names and addresses of the judgment debtor and judgment creditor;
- e/ Judgment contents requested to be enforced;
- f/ Other enclosed documents.

Article 34. Rejection of written requests for judgment enforcement

1. Civil judgment enforcement agencies may reject written requests for judgment enforcement in the following cases:

- a/ The judgment enforcement requester has no right to request judgment enforcement or the contents of the written request for judgment enforcement are irrelevant to the contents of the judgment or ruling;
- b/ The civil judgment enforcement agency requested to enforce the judgment is incompetent to do so;
- c/ The statute of limitations for requesting judgment enforcement has expired.

2. Civil judgment enforcement agencies that reject written requests for judgment enforcement shall notify the request filers thereof.

Article 35. Competence to enforce judgments

1. District-level civil judgment enforcement agencies are competent to enforce the following judgments and rulings:

a/ First-instance judgments and rulings of district-level courts of localities where civil judgment enforcement agencies are located;

b/ Appellate judgments and rulings of provincial-level courts over first-instance judgments and rulings of district-level courts of localities where civil judgment enforcement agencies are located;

c/ Cassation or re-opening rulings of provincial-level courts over judgments and rulings, which have taken legal effect, of district-level courts of localities where district-level civil judgment enforcement agencies are located;

d/ Judgments and rulings entrusted by district-level civil judgment enforcement agencies of other localities, provincial-level or military zone-level civil judgment enforcement agencies.

2. Provincial-level civil judgment enforcement agencies are competent to enforce the following judgments and rulings:

a/ First-instance judgments and rulings of provincial-level courts of the same localities;

b/ Judgments and rulings transferred by the Supreme People's Court to them;

c/ Judgments and rulings of foreign courts, awards of foreign arbitrations recognized by Vietnamese courts for enforcement in Vietnam;

d/ Awards of commercial arbitrations;

e/ Decisions on handling of competition cases issued by the Council for Handling of Competition Cases;

f/ Judgments and rulings entrusted by civil judgment enforcement agencies of other localities or military zone-level judgment enforcement agencies;

g/ Judgments and rulings falling under the enforcing competence of district-level civil judgment enforcement agencies defined in Clause 1 of this Article they pick up for enforcement when finding it necessary;

h/ Judgments and rulings defined in Clause 1 of this Article with involved parties residing or assets located overseas or which require judicial mandate for enforcement.

3. Military zone-level judgment enforcement agencies are competent to enforce the following judgments and rulings:

a/ Rulings on fines, confiscation of assets, retrospective collection of illicitly earned money and assets, handling of material evidence and assets, court fees and civil rulings in criminal judgments and rulings of military zone-level military tribunals or equivalent courts in their localities;

b/ Rulings on fines, confiscation of assets, retrospective collection of illicitly earned money and assets, handling of material evidence and assets, court fees and civil rulings in criminal judgments and rulings of regional military tribunals in their localities;

c/ Rulings on fines, confiscation of assets, handling of material evidence and assets, retrospective collection of illicitly earned money and assets, court fees and civil rulings in criminal judgments and rulings transferred by the central military tribunal to military zone-level judgment enforcement agencies;

d/ Civil judgments and rulings transferred by the Supreme People's Court to military zone-level judgment enforcement agencies;

e/ Judgments and rulings entrusted by provincial-level, district-level or military zone-level civil judgment enforcement agencies for enforcement.

Article 36. Issuance of judgment enforcement decisions

1. Heads of civil judgment enforcement agencies may issue at their own will decisions to enforce the following parts of judgments and rulings:

a/ Fines, retrospective collection of illicitly earned money and assets; court fees;

b/ Refund of money and assets to involved parties;

c/ Confiscation into the state budget or destruction of material evidence and assets;

d/ Recovery of the right to use land and other assets subject to remittance into the state budget;

e/ Decision on application of provisional urgent measures.

Within 5 working days after receiving judgments and rulings, heads of civil judgment enforcement agencies shall issue judgment enforcement decisions.

Within 24 hours after receiving decisions on application of provisional urgent measures transferred by courts or handed directly by involved parties, heads of civil judgment enforcement agencies shall issue judgment enforcement decisions and assign enforcers to organize the enforcement.

2. In addition to the cases specified in Clause 1 of this Article, heads of civil judgment enforcement agencies may issue judgment enforcement decisions only when receiving written requests for judgment enforcement.

The time limit for issuing judgment enforcement decisions is 5 working days after receiving written requests for judgment enforcement.

3. Within 2 working days after issuing judgment enforcement decisions, heads of civil judgment enforcement agencies shall assign enforcers to organize the implementation of these decisions.

Article 37. Revocation, amendment, supplementation and cancellation of judgment enforcement decisions

1. Persons competent to issue judgment enforcement decisions shall issue decisions to revoke judgment enforcement decisions in the following cases:

- a/ The judgment enforcement decision has been issued ultra vires;
- b/ The judgment enforcement decision contains errors which may change the contents of the case subject to judgment enforcement;
- c/ The ground for issuance of the judgment enforcement decision no longer exists;
- d/ Cases specified in Clause 3, Article 54 of this Law.

2. Persons competent to issue judgment enforcement decisions and persons competent to settle complaints may issue decisions amending and supplementing or requesting amendments and supplementations to judgment enforcement decisions in case the latter contain errors which do not change the contents of cases subject to judgment enforcement.

3. Persons competent to issue judgment enforcement decisions and persons competent to settle complaints may issue decisions on cancellation or request cancellation of judgment enforcement decisions of heads of lower-level civil judgment enforcement agencies or enforcers directly under their management in the following cases:

- a/ They detect that the cases specified in Clauses 1 and 2 of this Article are not remedied by heads of lower-level civil judgment enforcement agencies or enforcers under their direct management after being so requested;
- b/ Judgment enforcement decisions are unlawful as concluded by competent agencies.

4. Decisions on revocation, amendment, supplementation or cancellation of judgment enforcement decisions must clearly state grounds for, contents and legal consequences of the revocation, amendment, supplementation or cancellation.

Article 38. Sending of judgment enforcement decisions

Judgment enforcement decisions shall be sent to procuracies at the same level.

Decisions on coercive judgment enforcement shall be sent to People's Committees of communes, wards or townships (below collectively referred to as commune-level People's Committees) where coercive judgment enforcement is organized or to agencies or organizations related to the implementation of these decisions.

Article 39. Notification of judgment enforcement

1. Judgment enforcement decisions, notices, summons and other documents related to judgment enforcement must be notified to involved parties and persons with related rights and obligations for them to exercise their rights and perform their obligations according to the contents of these documents.

2. The notification shall be made within 3 working days after the issuance of any of the above documents, unless it is necessary to prevent involved parties from dispersing or destroying assets or shirking the judgment enforcement.

3. The notification shall be made in the following forms:

- a/ Notices handed directly or sent through other agencies, organizations or individuals under law;
- b/ Publicly posted notices;
- c/ Announcements on the mass media.

4. Notification expenses shall be borne by judgment debtors, unless it is prescribed by law that these expenses are covered by the state budget or paid by judgment creditors.

Article 40. Procedures for direct notification to individuals

1. Notices shall be delivered directly to individuals who are required to sign or press fingerprints for receipt certification.

2. In case persons to be notified are absent, notices shall be delivered to one of their relatives who has the full civil act capacity and lives together with them, including their spouses and children, their or their spouses' grandparents, parents, uncles, aunts or siblings.

The delivery of notices must be recorded in writing. The date of making a written record is the date of proper notification.

In case persons to be notified have no relatives who have the full civil act capacity and live together with them, have such relatives but these persons refuse to receive notices, or are absent for an indefinite period, notification makers shall make written records of the impossibility of notification and have them signed by witnesses and publicly post up the notices under Article 42 of this Law.

3. In case persons to be notified have moved to new places, notices shall be delivered to the addresses of the new places.

Article 41. Procedures for direct notification to agencies and organizations

In case parties to be notified are agencies or organizations, notices shall be handed directly to representatives at law or persons responsible for receiving incoming mails of these agencies or organizations who shall sign for receipt. In case agencies or organizations to be notified have their representatives joining in the judgment enforcement or designate their representatives to receive notices, these persons shall sign the receipt of notices. The date of signing the receipt is the date of proper notification.

Article 42. Public notification

1. Notices shall be publicly posted up only when addresses of persons to be notified are unidentified or direct notification cannot be made, unless otherwise provided by law.

Civil judgment enforcement agencies shall directly post up notices or entrust commune-level People's Committees of localities where persons to be notified reside or have last resided or individuals or organizations with sufficient conditions as defined by law to post up notices.

2. Public notification shall be made according to the following procedures:

a/ Posting up notices at offices of civil judgment enforcement agencies or commune-level People's Committees or places where persons to be notified reside or have last resided;

b/ Making written records of public notification, clearly stating the date of notification, number and date of notices, and have them signed by witnesses.

3. The duration for publicly posting up a notice is 10 days from the posting date. The posting date is the date of proper notification.

Article 43. Announcements on the mass media

1. Announcements on the mass media shall be made under law or at request of involved parties.

2. In case involved parties are determined to be present in localities where they reside, announcements shall be published on a daily newspaper for 2 consecutive issues or broadcast twice on provincial-level radios or televisions of these localities for 2 consecutive days.

In case involved parties are determined to be absent from localities where they reside, announcements shall be published on a daily newspaper for two consecutive issues or broadcast twice on the central radio or television for 2 consecutive days.

3. The date of making an announcement for the second time on a mass medium is the date of proper notification.

Article 44. Verification of judgment conditions execution

1. In case they issue judgment enforcement decisions at its own will, enforcers shall verify judgment conditions execution of judgment debtors.

In case of requested judgment enforcement, if judgment creditors have applied necessary measures but are still unable to verify judgment debtors' judgment execution conditions, they may request enforcers to do so. The request must be made in writing, clearly indicating the applied measures and enclosed with proof documents.

2. Within 10 days after issuing judgment enforcement decisions at their own will or receiving judgment creditors' requests for verification, enforcers shall conduct verification. In case of implementation of decisions on application of provisional urgent measures, verification must be conducted without delay.

The verification must be recorded in writing with the certification of the head of the street population quarter, People's Committee president, commune-level police chief or the head of the agency or organization which has conducted verification. A verification record must fully show verification results.

Article 45. Time limit for voluntary execution of judgments

1. The time limit for voluntary execution of a judgment is 15 days after the judgment debtor receives or is properly notified of, the judgment enforcement decision.

2. In case of necessity to prevent judgment debtors from dispersing or destroying assets or shirking the judgment enforcement, enforcers may promptly apply measures specified in Chapter IV of this Law.

Article 46. Coercive enforcement of judgments

1. Upon the expiration of the time limit specified in Clause 1, Article 45 of this Law, judgment debtors with judgment execution conditions who fail to voluntarily execute judgments shall be coerced to do so.

2. No coercive enforcement of judgments shall be conducted from 22:00 hrs to 6:00 hrs, or weekends and holidays as provided by law and in other special cases specified by the Government.

Article 47. Order of payment of sums of money collected from judgment enforcement

1. Sums of money collected from judgment enforcement, after subtracting judgment enforcement expenses and the sum of money specified in Clause 5, Article 115 of this Law, shall be paid in the following order:

a/ Alimony; salary, wage, severance allowance, job-loss allowance and working capacity loss allowance; compensation for loss of life, damage to health or mental harms;

b/ Court fee;

c/ Other payables under enforced judgments or rulings.

2. In case there are many judgment creditors under a judgment, sums of money collected from judgment enforcement shall be paid as follows:

a/ Payment shall be made in the order specified in Clause 1 of this Article. In case there are many judgment creditors of the same priority level, payment shall be made in proportion to sums of money enjoyable by these creditors;

b/ Money collected under a coercive judgment enforcement decision shall be paid to the judgment creditors that has filed a request for judgment enforcement by the time of issuance of the decision. The remaining sum of money shall be paid to other judgment creditors under other judgment enforcement decisions by the time of payment.

Any remainders shall be paid to judgment debtors.

3. Proceeds from the sale of assets in collaterals or mortgages or sale of assets ruled to be distrained to secure the fulfillment of a specific obligation shall be paid first of all for the secured obligation after subtracting judgment enforcement expenses.

4. The order of payment of sums of money collected from enforcement of bankruptcy judgments must comply with the law on bankruptcy.

5. Within 10 days after collecting money, enforcers shall pay such money under Clauses 1 and 2 of this Article.

Article 48. Postponement of judgment enforcement

1. Heads of civil judgment enforcement agencies may issue decisions to postpone judgment enforcement in the following cases:

a/ The judgment debtor falls seriously ill as certified by the health establishment of district or higher level, or has unidentified address, or cannot fulfill by himself/herself his/her obligation under the judgment or ruling for other plausible reasons;

b/ The judgment creditor agrees to let the judgment debtor postpone the judgment enforcement. The agreement on postponement must be made in writing, clearly indicating the postponement duration, and signed by involved parties. In this duration, the judgment debtor may, with the judgment creditor's consent, bear no interest arising from the postponed judgment enforcement;

c/ The person obliged to pay state budget remittances has no asset or has assets the value of which is insufficient to cover expenses for coercive judgment enforcement or has assets which are not allowed to be distrained;

d/ There is a dispute over distrained assets which has been accepted by a court for settlement;

e/ The judgment enforcement is in the middle of the period for competent agencies to explain judgments and rulings and respond to petitions of civil judgment enforcement agencies under Clauses 2 and 3, Article 179 of this Law.

2. Heads of civil judgment enforcement agencies shall issue decisions on judgment enforcement postponement upon receiving requests of persons with protesting competence at least 24 hours before the time of coercive judgment enforcement set in coercion decisions. In case judgment enforcement agencies receive such requests less than 24 hours before the time of coercive judgment enforcement set in decisions on coercive judgment enforcement, heads of civil judgment enforcement agencies may decide on judgment enforcement postponement when finding it necessary.

For judgments which have been partially or completely enforced, civil judgment enforcement agencies shall promptly notify such in writing to judgment enforcement postponement requesters.

Persons competent to protest against court judgments or rulings according to cassation or re-opening procedures may request enforcement postponement only once for examination of their protests in order to avoid irremediable consequences.

The maximum duration of judgment enforcement postponement requested by persons competent to protest against judgments or rulings is 3 months after the date of making written requests for judgment enforcement postponement. In this duration, judgment debtors may bear no interest arising from the postponed judgment enforcement.

3. The time limit for issuing a judgment enforcement decision postponement is 5 working days after there emerges a ground as specified in Clause 1 of this Article. In the case specified in Clause 2 of this Article, a judgment enforcement decision postponement shall be promptly issued upon receipt of a competent person's request.

4. Within 5 working days after the ground for judgment enforcement postponement specified in Clause 1 of this Article no longer exists or the expiration of the duration of judgment enforcement postponement requested by competent persons defined in Clause 2 of this Article or the receipt of notices of non-existence of grounds for protest from persons with the protesting competence, heads of civil judgment enforcement agencies shall issue decisions to continue judgment enforcement.

Article 49. Suspension of judgment enforcement

1. Heads of civil judgment enforcement agencies shall notify the judgment enforcement suspension upon receiving judgment enforcement decisions suspension of persons competent to protest against judgments or rulings according to cassation or re-opening procedures.

For judgments or rulings which have been partially or completely enforced, heads of civil judgment enforcement agencies shall promptly notify such in writing to protesters.

In the duration of judgment enforcement suspension due to protests, judgment debtors may bear no interest arising from the suspended judgment enforcement.

2. Heads of civil judgment enforcement agencies shall issue judgment enforcement decisions suspension upon receiving courts' notices of acceptance of applications for opening of bankruptcy procedures for judgment debtors.

The time limit for issuing a judgment enforcement decision suspension is 5 working days after the receipt of a court notice.

3. Heads of civil judgment enforcement agencies shall issue a decision to continue judgment enforcement within 5 working days after the receipt of any of the following decisions:

- a/ A competent person's decision to withdraw the protest;
- b/ A court's cassation or re-opening ruling to uphold the protested judgment or ruling;
- c/ A court's ruling on suspension of procedures for bankruptcy or resumption of business operation of an enterprise or cooperative falling into bankruptcy.

Article 50. Termination of judgment enforcement

1. Heads of civil judgment enforcement agencies shall issue decisions to terminate judgment enforcement in the following cases:

- a/ The judgment debtor dies without estate or after his/her death, his/her obligation under the judgment or ruling must not be transferred, as prescribed by law, to his/her heirs;
- b/ The judgment creditor dies but his/her rights and interests under the judgment or ruling must not be transferred to his/her heirs or he/she dies without heirs;
- c/ Involved parties agree in writing or the judgment creditor requests in writing the civil judgment enforcement agency to discontinue the judgment enforcement, unless the judgment enforcement termination affects rights and legitimate interests of a third party;
- d/ The judgment or ruling is partially or wholly quashed;
- e/ The judgment debtor is an organization which has been dissolved and has no assets while, as prescribed by law, its obligation must not be transferred to another organization;
- f/ There is a decision on exemption from or reduction of the obligation to enforce the judgment;
- g/ A court has decided to open bankruptcy procedures for the judgment debtor;
- h/ The minor who had been consigned to another person for nurturing has become an adult.

2. The time limit for issuing a judgment enforcement termination decision is 5 working days after there emerges a ground for judgment enforcement termination specified in Clause 1 of this Article.

Article 51. Return of written requests for judgment enforcement

1. Heads of civil judgment enforcement agencies shall decide to return written requests for judgment enforcement in the following cases:

- a/ The judgment debtor has no assets for judgment enforcement or has assets the value of which is efficient only for paying expenses for coercive judgment enforcement or which are not allowed to be handled for judgment enforcement under law;
- b/ The judgment debtor has no income or has low incomes which can only assure minimum living standards for him/her and his/her family;
- c/ Distained assets cannot be sold while the judgment creditor refuses to accept them for judgment enforcement;

d/ The judgment debtor is obliged to return specific objects but these objects no longer exist or are irreparably damaged, and involved parties do not otherwise agree.

2. When judgment debtors have judgment execution conditions, judgment creditors may request enforcement of judgments or rulings within the time limit specified in Clause 1, Article 30 of this Law, counting from the date judgment debtors are detected to have judgment execution conditions.

Article 52. Conclusion of judgment enforcement

Judgment enforcement automatically concludes in the following cases:

1. Involved parties have completely exercised their rights and fulfilled their obligations;
2. There is a judgment enforcement termination decision;
3. There is a decision on return of the written request for judgment enforcement.

Article 53. Certification of judgment enforcement results

Involved parties may request civil judgment enforcement agencies to certify judgment enforcement results.

Within 5 working days after receiving requests of involved parties, heads of civil judgment enforcement agencies shall issue written certifications of judgment enforcement results.

Article 54. Transfer of the judgment execution right or obligation

1. The transfer of the judgment enforcement right or obligation of organizations is made as follows:

- a/ In case of consolidation, the new organization shall continue exercising the right or performing the obligation to execute judgments, unless otherwise provided for by law;
- b/ In case of merger, the merging organization shall continue exercising the right or performing the obligation to execute judgments, unless otherwise provided for by law;
- c/ In case of separation or split-up, the agency issuing the separation or split-up decision shall clearly identify individuals and organizations to continue exercising the right or performing the obligation to execute judgments under this decisions, unless otherwise provided for by law.

If the separation or splitting decision does not state the obligation of the new organization, the organization shall, after separation or split-up, take joint responsibility for performing the judgment execution obligation of the separated or split organization;

d/ In case of dissolution, agencies competent to issue dissolution decisions shall notify civil judgment enforcement agencies thereof before issuing dissolution decisions. In case the judgment execution right or obligation of a dissolved organization is transferred to another organization, the latter shall continue exercising the right or performing the obligation to execute judgments.

Civil judgment enforcement agencies, judgment creditors, persons with related rights and obligations may request competent agencies to reconsider dissolution decisions under law.

In case assets for judgment enforcement no longer exist due to the implementation of unlawful dissolution decisions, dissolution decision-issuing agencies shall fulfill the part of the obligation of dissolved organizations corresponding to these assets;

e/ In case of bankruptcy, the judgment execution right or obligation shall be exercised or performed under bankruptcy decisions;

f/ In case enterprises, which have not yet exercised their right or performed their obligation to execute judgments, are transformed into joint-stock companies, these joint-stock companies shall continue exercising the right or performing the obligation to execute judgments.

2. In case judgment creditors or judgment debtors being individuals die, their judgment execution right or obligation shall be transferred to other persons under the law on inheritance.

3. In the cases specified in Clauses 1 and 2 of this Article, organizations and individuals that are transferred the judgment execution right or obligation may file written requests for judgment enforcement or shall continue exercising the right or performing the obligation to execute judgments under this Law.

Heads of civil judgment enforcement agencies shall issue judgment enforcement decisions for new individuals and organizations corresponding to the transferred judgment enforcement right or obligation and issue decisions on withdrawal of previously issued judgment enforcement decisions.

For other judgment enforcement decisions and notices, civil judgment enforcement agencies may, on a case-by-case basis, uphold, withdraw or issue other appropriate decisions and notices under this Law.

4. In case an involved party agrees with the transfer of the judgment execution right or obligation to a third party, the latter will have the rights and obligations of this involved party.

Article 55. Entrustment of judgment enforcement

1. Heads of civil judgment enforcement agencies may entrust judgment enforcement to civil judgment enforcement agencies in localities where judgment debtors have their assets, work, reside or are based.

2. In case judgment debtors have assets, work, reside or are based in more than one locality, heads of civil judgment enforcement agencies may entrust partial judgment enforcement to civil judgment enforcement agencies in localities where these judgment debtors have judgment execution conditions for fulfilling part of their obligation.

In case of entrusted performance of asset-related obligations, heads of civil judgment enforcement agencies shall entrust the performance to civil judgment enforcement agencies in localities where judgment debtors have their assets. If localities where assets exist cannot be identified or are concurrently places where judgment debtors work, reside or are based, the performance shall be entrusted to these places.

In case of performance of joint obligations, if judgment debtors reside or have assets in different localities, heads of civil judgment enforcement agencies shall entrust the whole judgment enforcement obligation to the civil judgment enforcement agency in a locality where these judgment debtors have judgment execution conditions.

3. Entrustment shall be made within 5 working days after the date of identification of grounds therefor. When it is necessary to entrust the enforcement of court rulings on application of provisional urgent measures, the entrustment shall be made right after grounds for entrustment are obtained.

Article 56. Competence to entrust judgment enforcement

1. Provincial-level civil judgment enforcement agencies may entrust the enforcement of the following judgments and rulings:

a/ Entrusting to provincial-level civil judgment enforcement agencies in other localities the enforcement of judgments and rulings on reemployment of laborers or payment of compensations for damage whereby judgment debtors are provincial-level or central state agencies; judgments and rulings involving foreign elements or related to intellectual property rights; awards of commercial arbitrations; or decisions on handling of competition cases of the Council for Handling of Competition Cases;

b/ Entrusting to military zone-level judgment enforcement agencies the enforcement of judgments and rulings under which involved parties or assets are related to the Army in their localities;

c/ Entrusting to district-level civil judgment enforcement agencies the enforcement of other judgments and rulings, except the cases specified at Points a and b of this Clause.

2. District-level civil judgment enforcement agencies may entrust cases falling under their judgment enforcement competence to provincial-level civil judgment enforcement agencies in other localities, military zone-level judgment enforcement agencies or other district-level judgment enforcement agencies with enforcement conditions.

3. Military zone-level judgment enforcement agencies may entrust cases falling under their judgment enforcement competence to other military zone-level judgment enforcement agencies, provincial-level or district-level civil judgment enforcement agencies with enforcement conditions.

Article 57. Entrusting judgment enforcement

1. Before entrusting judgment enforcement, civil judgment enforcement agencies shall complete the handling of assets temporarily held, seized or distrained in localities related to entrusted sums of money. In case heads of civil judgment enforcement agencies have issued judgment enforcement decisions but find it necessary to entrust the enforcement, they shall issue decisions to revoke part or the whole of judgment enforcement decisions and issue decisions to entrust the enforcement to localities with enforcement conditions.

2. Entrusted civil judgment enforcement agencies may not return entrustment decisions to entrusting civil judgment enforcement agencies but shall continue the judgment enforcement under this Law, unless entrustment decisions contain obvious mistakes or errors about competence of agencies entrusted or contents of judgment enforcement.

Within 5 working days after receiving entrustment decisions, heads of civil judgment enforcement agencies shall issue judgment enforcement decisions and notify in writing the entrusting civil judgment enforcement agencies of the receipt of the entrustment decisions.

Article 58. Preservation of assets for judgment enforcement

1. Assets for judgment enforcement shall be preserved in any of the following forms:

a/ Consignment to judgment debtors or their relatives defined in Clause 2, Article 40 of this Law or current users for preservation;

b/ Preservation by individuals or organizations with preservation conditions;

c/ Preservation in warehouses of civil judgment enforcement agencies.

2. Assets being precious metals, gems, cash or valuable papers shall be preserved at the State Treasury.

3. A written record shall be made of the handover of assets for preservation, clearly indicating kinds and state of assets; time and date of handover; full names of enforcers, involved parties and persons assigned to preserve assets, and witnesses, if any; rights and obligations of persons assigned to preserve assets, and be signed by concerned parties. If any person refuses to sign the written record, the refusal and reason therefor shall be clearly stated in the record.

Persons assigned to preserve assets defined at Point b, Clause 1 of this Article will be paid remuneration and expenses for asset preservation. Asset preservation remuneration and expenses shall be borne by judgment debtors, unless otherwise provided for by law.

4. Written records of handover of assets for preservation shall be handed to involved parties, persons with related rights and obligations, persons assigned to preserve assets or current asset users or preservers, and filed into in judgment enforcement dossiers.

5. Persons assigned to preserve assets who violate asset preservation regulations shall, depending on the nature and seriousness of their violations, be administratively sanctioned, disciplined or examined for penal liability. If causing damage, they shall pay compensations under law.

Article 59. Judgment enforcement upon a change in asset prices at the time of judgment enforcement

In case a party, under a judgment or ruling, receives assets and is obliged to pay to the other party the asset value he/she receives, but at the time of judgment enforcement, the asset value changes and any involved party requests the asset valuation, these assets shall be valued under Article 98 of this Law for judgment enforcement.

Article 60. Civil judgment enforcement fee

Judgment creditors shall pay a civil judgment enforcement fee.

The Government shall specify civil judgment enforcement fee rates, procedures for collection, remittance, management and use of this fee.

Article 61. Conditions on judgment execution obligation exemption or reduction regarding state budget remittances

1. Judgment debtors have no assets for payment of state budget remittances may be considered for exemption from the judgment execution obligation upon the expiration of the following time limits:

a/ Five years after the date of issuance of judgment enforcement decisions regarding court fee amounts subject to no ceiling level;

b/ Ten years after the date of issuance of judgment enforcement decisions regarding state budget remittances valued at less than VND 5,000,000.

2. Judgment debtors who have partially paid state budget remittances but have no assets for judgment enforcement may be considered for exemption from the remaining part of their obligation upon the expiration of the following time limits:

a/ Five years after the date of issuance of judgment enforcement decisions in case the remaining obligation part is valued at less than VND 5,000,000.

b/ Ten years after the date of issuance of judgment enforcement decisions in case the remaining obligation part is valued at less than VND 10,000,000.

3. Judgment debtors who have partially paid state budget remittances but have no assets for judgment enforcement may be considered for reduction of their judgment execution obligation upon the expiration of the following time limits:

a/ Five years after the date of issuance of judgment enforcement decisions in case the remaining obligation part is valued at between VND 10,000,000 and 100,000,000.

b/ Ten years after the date of issuance of judgment enforcement decisions in case the remaining obligation part is valued at over VND 100,000,000.

4. The judgment execution obligation exemption or reduction shall be considered regularly but a judgment debtor will be considered for exemption or reduction only once a year. In case a judgment debtor is obliged to pay many state budget remittances under different judgments or rulings, he/she will be considered for judgment execution exemption or reduction for each judgment or ruling only once a year.

Article 62. Dossiers of request for consideration of judgment execution obligation exemption or reduction regarding state budget remittances

Civil judgment enforcement agencies shall compile dossiers to request competent courts to consider judgment execution obligation exemption or reduction. Such a dossier comprises the following:

1. A written request for consideration of judgment execution obligation exemption or reduction, made by the head of the civil judgment enforcement agency or the chairman of the procuracy in case of request for consideration of fine exemption or reduction;

2. The court judgment or ruling or judgment enforcement decision of the civil judgment enforcement agency;

3. A written record of verification of judgment execution conditions of the judgment debtor, made within 3 months before filing the request for exemption or reduction consideration;

4. Other document proving the eligibility of the judgment debtor for consideration of judgment execution obligation exemption or reduction, if any;

5. Written opinions of the procuracy at the same level in case the civil judgment enforcement agency requests the consideration of the judgment execution obligation exemption or reduction.

Article 63. Competence and procedures for considering judgment execution obligation exemption or reduction regarding state budget remittances

1. Consideration of judgment execution obligation exemption or reduction regarding state budget remittances falls under the competence of people's courts of districts, towns or provincial cities, and zone-level military tribunals (below collectively referred to as district-level courts) in localities where civil judgment enforcement agencies organizing the judgment enforcement are located.

2. Within 2 working days after receiving dossiers of request for judgment execution obligation exemption or reduction, courts shall accept these dossiers for handling.

Within 20 days after accepting dossiers, judges assigned to handle cases shall hold a hearing to consider judgment execution obligation exemption or reduction.

3. A hearing to consider judgment execution obligation exemption or reduction shall be chaired by a judge and participated by representatives of the procuracy at the same level and the civil judgment enforcement agency that has requested exemption or reduction consideration.

In considering judgment execution obligation exemption or reduction, the representative of the civil judgment enforcement agency shall briefly present the dossier of request for exemption or reduction consideration, while the representative of the procuracy shall give opinions on the dossier. After examining the dossier and considering opinions of the representatives of the procuracy and the civil judgment enforcement agency, the judge shall issue a ruling on acceptance, partial acceptance or non-acceptance of the request.

4. Within 5 working days after issuing a ruling on judgment execution decision obligation exemption or reduction, the court shall send it to the person eligible for consideration of judgment execution obligation exemption or reduction, the procuracy at the same level, the immediately higher-level procuracy, the civil judgment enforcement agency that has requested consideration of judgment execution obligation exemption or reduction, the custody facility or detention camp where the person eligible for consideration of judgment execution obligation exemption or reduction regarding state budget remittances is serving their imprisonment sentence.

Article 64. Protests against court rulings on judgment execution obligation exemption or reduction regarding state budget remittances

1. A court ruling on judgment execution obligation exemption or reduction may be protested by a procuracy according to appellate procedures. The time limit for a procuracy at the same level or an immediately higher-level procuracy to make a protest is 7 or 15 days, respectively, after receiving the ruling.

Upon the expiration of the above time limit, if the procuracy makes no protest, the court ruling will take effect.

2. Within 7 days after receiving a procuracy's protest decision, the court that has issued the ruling on judgment execution obligation exemption or reduction shall transfer the protest and its dossier to its immediately higher-level court.

3. Within 15 days after receiving a protest dossier, the immediately higher-level court shall hold a hearing to consider the protest.

A hearing to consider a protest shall be chaired by a judge and participated by a representative of the procuracy at the same level. When necessary, the court may request the representative of the civil judgment enforcement agency that has compiled the dossier of request for exemption or reduction consideration to attend the hearing. The judge chairing the hearing shall issue a ruling on protest settlement.

Court rulings on settlement of protests against judgment execution obligation exemption or reduction shall be enforced.

4. In case the procuracy withdraws its protest decision before or during the hearing to consider the protest, the court shall rule on cessation of the protest consideration. The protested court ruling on judgment execution obligation exemption or reduction shall be enforced.

5. After the ruling on judgment execution obligation exemption or reduction takes effect, if the judgment debtor is detected to have hidden or dispersed assets for requesting judgment execution obligation exemption or reduction or shirking judgment enforcement, the civil judgment enforcement agency and the procuracy that has requested exemption or reduction consideration shall request a competent court chief judge or procuracy chairman under the criminal procedure and civil procedure laws to consider filing a protest against the ruling on judgment execution obligation exemption or reduction according to re-opening procedures.

Article 65. Financial assurance of judgment enforcement from the state budget

In case agencies and organizations entirely funded by the state budget and obliged to execute judgments have applied all necessary financial measures but remain unable to enforce judgments, the state budget shall assure the fulfillment of their judgment execution obligation. The material liability of damage-causing parties shall be handled under law.

The Government shall specify the competence, conditions, subjects eligible and procedures for financial assurance of judgment enforcement.

Chapter IV.

MEASURES TO SECURE AND COERCE JUDGMENT ENFORCEMENT

Section 1. MEASURES TO SECURE JUDGMENT ENFORCEMENT

Article 66. Measures to secure judgment enforcement

1. Enforcers may, at their own will or when requested in writing by involved parties, promptly apply measures to secure judgment enforcement in order to prevent dispersal or destruction of assets or shirking of judgment enforcement. When applying measures to secure judgment enforcement, enforcers are not required to notify such in advance to involved parties.

2. Parties who request enforcers to apply security measures shall be held responsible before law for their requests. In case they make a wrongful request, causing damage to parties subject to security measures or third parties, they shall pay compensations.

3. Measures to secure judgment enforcement include:

a/ Blockading accounts;

b/ Seizing assets and papers;

c/ Suspending registration, transfer or change in the current state of assets.

Article 67. Blockade of accounts

1. Accounts shall be blocked in case of necessity to prevent the dispersal of money on accounts of judgment debtors.

2. To proceed with the blockade of accounts, enforcers shall hand account blockade decisions to agencies or organizations currently managing accounts of judgment debtors.

Agencies and organizations currently managing accounts shall promptly abide by enforcers' account blockade decisions.

3. Within 5 working days after issuing account blockade decisions, enforcers shall apply coercive measures defined in Article 76 of this Law.

Article 68. Seizure of involved parties' assets and papers

1. Enforcers who are performing the judgment enforcement task may seize or request concerned agencies, organizations or individuals to assist them in seizing assets and papers, which are currently managed and used by involved parties.

2. A written record of the seizure of assets and papers must be made and signed by enforcers and involved parties. In case involved parties refuse to sign, they must be signed by witnesses. Written records of seizure of assets and papers must be handed to involved parties.

3. Within 15 days after the date of seizing assets and papers, enforcers shall decide to:

a/ Apply measures to coerce the judgment enforcement in case they can determine that the seized assets and papers are possessions of judgment debtors;

b/ Return the seized assets and papers to involved parties in case these parties can prove these assets and papers are not possessions of judgment debtors. A written record of the return of seized assets and papers must be made and signed by the parties.

Article 69. Suspension of registration or transfer of ownership or right to use or change in the current state of assets

When it is necessary to prevent involved parties from or these parties are detected to have committed acts of, transferring the ownership or right to use, dispersing, destroying or changing the current state of assets, enforcers shall issue decisions to suspend the registration or transfer of ownership or right to use or change in the current state of assets by judgment debtors and send these decisions to concerned agencies, organizations and individuals for suspension of registration or transfer of ownership or right to use or change in the current state of these assets.

Within 15 days after issuing decisions, enforcers shall distraint assets or terminate the suspension of transfer of ownership or right to use or change in the current state of assets.

Section 2. GENERAL PROVISIONS ON COERCIVE JUDGMENT ENFORCEMENT

Article 70. Grounds for coercive judgment enforcement

Grounds for coercive judgment enforcement include:

1. Judgments or rulings;

2. Judgment enforcement decisions;

3. Coercive judgment enforcement decisions, unless judgments or rulings declare the distraint of assets or blockade of accounts and courts rule on application of provisional urgent measures.

Article 71. Measures to coerce judgment enforcement

1. Deduction of money on accounts; recovery and handling of money and valuable papers of judgment debtors.

2. Subtraction of incomes of judgment debtors.

3. Distraint and handling of assets of judgment debtors, including also those held by third parties.

4. Exploitation of assets of judgment debtors.

5. Forcible transfer of objects, property rights and papers.
6. Forcible performance or non-performance of certain jobs by judgment debtors.

Article 72. Coercive judgment enforcement plans

1. Before conducting coercive judgment enforcement, enforcers shall work out plans thereon, except for cases subject to coercive enforcement without delay.

2. A coercive judgment enforcement plan contains the following principal details:

- a/ Coercive measure to be applied;
- b/ Time and place of coercive enforcement;
- c/ Method of coercive enforcement;
- d/ Forces to participate in and protect coercive enforcement;
- e/ Estimated expenses for coercive enforcement

3. Coercive enforcement plans shall be promptly sent to the procuracies and public security offices at the same level, commune-level People's Committees in localities where coercive enforcement is conducted or agencies and organizations related to coercive judgment enforcement are located.

4. Based on coercive enforcement plans of civil judgment enforcement agencies, public security offices shall work out enforcement protection plans, and arrange necessary forces and means to maintain order and protect scenes, promptly prevent and handle acts of dispersing assets, obstructing or opposing judgment enforcement, detain opposing persons, and institute criminal cases when seeing signs of crimes.

Article 73. Expenses for coercive judgment enforcement

1. Judgment debtors shall bear the following expenses for coercive judgment enforcement:

- a/ Expense for notification of coercive judgment enforcement;
- b/ Expense for purchase of materials and fuel, hiring of protection, medical and fire and explosion prevention and fight means and equipment, and other means and equipment necessary for judgment enforcement;
- c/ Expense for asset valuation, assessment and auction; expense for asset revaluation, except for the cases specified at Point a, Clause 2 and Point a, Clause 3, of this Article;
- d/ Expense for rent, safekeeping and preservation of assets; expense for loading, unloading and transportation of assets; expense for employment of workers for and cost of building partitions or dismantlement; expense for hired measurement and placement of landmarks for coercive judgment enforcement;
- e/ Expense for seizure of assets and papers;
- f/ Payment for persons directly participating in and protecting coercive judgment enforcement.

2. Judgment creditors shall bear the following expenses for coercive judgment enforcement:

- a/ Expense for verification under Clause 1, Article 44 of this Law; expense for asset revaluation upon their request, except for revaluation due to violations of valuation regulations;

b/ Part or the whole of expense for building partitions or dismantlement in case judgments or rulings require judgment creditors to bear this expense.

3. The state budget shall pay expenses for coercive judgment enforcement in the following cases:

a/ Expense for revaluation of assets due to violations of valuation regulations;

b/ Expense for verification of judgment execution conditions in case enforcers enforce judgments at their own will as specified in Clause 1, Article 44 of this Law;

c/ Other necessary expenses under the Government's regulations;

d/ Involved parties are entitled to exemption or reduction of expenses for coercive judgment enforcement under law.

4. Enforcers shall estimate expenses for coercive enforcement and notify them to judgment debtors at least 3 working days before the planned date of coercive enforcement, except for the case of coercive enforcement without delay. Expenses for coercive judgment enforcement are advanced by the state budget.

5. Expenses for coercive judgment enforcement shall be paid according to actually and reasonably paid amounts which are approved by heads of civil judgment enforcement agencies at the proposal of enforcers.

Heads of civil judgment enforcement agencies organizing judgment enforcement shall consider exemption from or reduction of expenses for coercive judgment enforcement.

6. Expenses for coercive judgment enforcement shall be paid by involved parties or deducted from collected sums of money or proceeds from the auction of distrained assets, including those held by third parties. After handling assets or collecting money, enforcers shall carry out procedures for promptly refunding paid advances.

7. The Government shall specify levels of remuneration for persons directly participating in and protecting coercive judgment enforcement and protection thereof; procedures for collection, remittance, exemption from and reduction of expenses for coercive judgment enforcement.

Article 74. Coercive enforcement regarding assets under common ownership

1. Before conducting coercive enforcement regarding assets, including land use rights, under common ownership of judgment debtors and other persons, enforcers shall notify co-owners of the coercive enforcement.

Co-owners may institute a lawsuit to request a court to identify their proportions of ownership of common assets. Within 30 days after receiving notices, if co-owners do not institute a lawsuit, the judgment creditor or enforcers may request a court to identify the ownership proportion of the judgment debtor in the common assets to assure judgment enforcement.

For common assets of husband and wife, enforcers shall identify their ownership proportions under the marriage and family law and notify them thereof. In case a spouse does not agree with the identification, he/she may, within 30 days after his/her ownership proportion is identified by the enforcer, institute a lawsuit to request a court to divide common assets. Past the above time limit, if involved parties do not institute a lawsuit, enforcers shall handle assets and pay to spouses of judgment debtors the value of asset proportions under their ownership.

2. Distraigned assets under common ownership of which ownership proportions of co-owners have been identified shall be handled as follows:

a/ For dividable common assets, the enforcer shall apply coercive measures regarding the asset proportion owned by the judgment debtor;

b/ For undividable common assets or in case the division will considerably reduce the asset value, the enforcer may apply coercive measures regarding the whole asset and pay to other co-owners the value of asset proportions under their ownership.

3. Upon the sale of common assets, co-owners have the preemptive right to buy them.

Article 75. Handling of disputed assets upon coercive enforcement

In case of coercive enforcement regarding assets of a judgment debtor over which a dispute arises between the judgment debtor and another person, the enforcer shall continue with coercive enforcement and request involved and disputing parties to institute a court lawsuit or request a competent agency to settle the dispute. Enforcers shall handle distraigned assets under court rulings or decisions of competent agencies.

Within 30 days after being requested by the enforcer, if involved and disputing parties do not institute a lawsuit or request a competent agency to settle the dispute, assets shall be handled for judgment enforcement under this Law.

Section 3. COERCIVE ENFORCEMENT REGARDING ASSETS BEING SUMS OF MONEY

Article 76. Deduction of money from accounts

1. Enforcers shall issue decisions on deduction of money from accounts of judgment debtors. Deducted sums of money must not exceed the judgment execution obligation and coercive enforcement expenses.

2. Right after receiving decisions on deduction of money from accounts of judgment debtors, agencies or organizations currently managing these accounts shall make deductions for transfer into accounts of civil judgment enforcement agencies or to judgment creditors under deduction decisions.

Article 77. Termination of account blockade

1. The account blockade shall be terminated in the following cases:

a/ Judgment debtors have fulfilled their judgment execution obligation;

b/ Concerned agencies or organizations have deducted sums of money from accounts of judgment debtors as requested by enforcers;

c/ There is a decision on judgment enforcement termination under Article 50 of this Law.

2. Enforcers shall issue decisions on termination of account blockade right after obtaining any ground specified in Clause 1 of this Article.

Article 78. Subtraction of incomes of judgment debtors

1. Incomes of judgment debtors include salary, remunerations, pension, working capacity loss allowance and other lawful incomes.

2. Subtraction from incomes of judgment debtors shall be made in the following cases:

a/ Under involved parties' agreement;

b/ Under judgments or rulings which require such subtraction;

c/ Enforcement of judgments on alimony, periodical judgment enforcement, sums of money to be collected in judgment enforcement being small or other assets of judgment debtors being insufficient for judgment enforcement.

3. Enforcers shall issue decisions on subtraction of incomes of judgment debtors. The highest level of subtraction of salary, remuneration, pension and working capacity loss allowance is 30% of total monthly earned income, unless otherwise agreed by involved parties. For other incomes, the subtraction level shall be based on actually earned income amounts of judgment debtors, but must ensure the minimum living standard of these persons and their dependants under law.

4. Agencies, organizations, employers, social insurance agencies where judgment debtors receive their salaries, remunerations, pensions, allowances and other lawful incomes shall comply with the provisions of Clauses 2 and 3 of this Article.

Article 79. Collection of money from business activities of judgment debtors

1. In case judgment debtors have incomes from business activities, enforcers shall issue decisions on collection of money from these persons' business activities for judgment enforcement.

Upon collection of money, enforcers shall leave minimum sums of money necessary for business activities and daily life of judgment debtors and their families.

2. Enforcers shall issue money receipts to judgment debtors.

Article 80. Collection of sums of money currently held by judgment debtors

Upon detecting that judgment debtors are holding sums of money and having grounds to believe that these sums of money belong to judgment debtors, enforcers shall issue decisions on collection of money for judgment enforcement. Enforcers shall make written records of money collection and issue receipts to judgment debtors. In case judgment debtors refuse to sign these written records, signatures of witnesses are required.

Article 81. Collection of money of judgment debtors currently held by third parties

Upon detecting that third parties are currently holding sums of money of judgment debtors, enforcers shall issue decisions on collection of these sums of money for judgment enforcement. Third parties currently holding sums of money of judgment debtors are obliged to hand over money to enforcers for judgment enforcement. Enforcers shall make written records of money collection, issue receipts to money-holding third parties and notify such to judgment debtors. In case money-holding third parties refuse to sign written records, signatures of witnesses are required.

Section 4. COERCIVE ENFORCEMENT REGARDING ASSETS BEING VALUABLE PAPERS

Article 82. Seizure of valuable papers

1. Upon detecting that judgment debtors are holding valuable papers or concerned agencies, organizations or individuals are holding valuable papers of judgment debtors, enforcers shall issue decisions on seizure of these papers for judgment enforcement.
2. Judgment debtors holding valuable papers or agencies, organizations or individuals holding valuable papers of judgment debtors shall hand over these papers to civil judgment enforcement agencies under law.

In case judgment debtors holding valuable papers or agencies, organizations or individuals holding valuable papers of judgment debtors fail to hand over these papers to civil judgment enforcement agencies, enforcers shall request competent agencies or organizations to transfer the value of these papers for judgment enforcement.

Article 83. Sale of valuable papers

The sale of valuable papers must comply with law.

Section 5. COERCIVE ENFORCEMENT OF ASSETS BEING INTELLECTUAL PROPERTY RIGHTS

Article 84. Distrainment, use and exploitation of intellectual property rights

1. Enforcers shall issue decisions on distrainment of intellectual property rights held by judgment debtors.

In case judgment debtors being intellectual property rights holders license these rights to other agencies, organizations and individuals, these intellectual property rights shall still be distrained.

2. Upon distrainment of intellectual property rights of judgment debtors, depending on each object of these intellectual property rights, enforcers shall seize papers related to intellectual property rights of judgment debtors.

3. In order to achieve defense or security objectives or assure people's life and interests of the State and society specified in the Intellectual Property Law, the State may decide to compel licensing of intellectual property rights by their holders to other agencies, organizations and individuals for use for a definite period. In this case, enforcers may not distrain intellectual property rights of judgment debtors during the period of compelled licensing.

4. Enforcers shall decide to assign intellectual property rights to agencies, organizations and individuals for use or exploitation. These agencies, organizations and individuals shall remit earned sums of money, after subtracting necessary expenses, to civil judgment enforcement agencies for judgment enforcement.

When necessary, enforcers may request specialized or professional intellectual property organizations to collect and manage incomes and profits from the use and exploitation of intellectual property rights of judgment debtors.

5. In case judgment debtors that have assigned their intellectual property rights to other agencies, organizations or individuals have not yet received any payments or have received only partial payments for the assignment, enforcers shall issue decisions to compel these agencies, organizations or individuals being assignees to remit unpaid amounts for judgment enforcement.

Article 85. Valuation of intellectual property rights

1. Intellectual property rights shall be valued under Articles 98 and 99 of this Law and the law on intellectual property.
2. The Government shall specify the order, procedures, methods and competence for valuation of intellectual property rights.

Article 86. Auction of intellectual property rights

1. Intellectual property rights shall be auctioned under the law on asset auction and the law on intellectual property.
2. The Government shall specify the order, procedures, methods and competence for auction of intellectual property rights.

Section 6. COERCIVE ENFORCEMENT REGARDING ASSETS BEING OBJECTS

Article 87. Assets which must not be distrained

1. Assets banned from circulation under law; assets used in service of defense, security and public interests; assets allocated from the state budget to agencies and organizations.
2. The following assets of judgment debtors being individuals:
 - a/ Quantities of food to meet essential needs of judgment debtors and their families during the period they have no new incomes or yields;
 - b/ Quantities of medicines needed for disease prevention and treatment for judgment debtors and their families;
 - c/ Necessary tools of disabled people and tools used for taking care of sick people;
 - d/ Ordinary worshipping objects according to local customs;
 - e/ Essential working tools of small value and used as major or sole means of living of judgment debtors and their families;
 - f/ Utensils necessary for the daily life of judgment debtors and their families.
3. The following assets of judgment debtors being enterprises, cooperatives or production, business or service establishments:
 - a/ Quantities of medicines needed for disease prevention and treatment for employees; food, foodstuff, tools and other assets used for serving meals for employees;
 - b/ Kindergartens, schools, medical establishments and other equipment, means and assets owned by these establishments and used for non-commercial purposes;
 - c/ Devices, equipment, means and tools for labor safety protection, fire and explosion prevention and fighting and environmental pollution prevention and combat.

Article 88. Distrainment

1. At least 3 working days before distraining assets being real estate, enforcers shall notify the representative of the commune administration or the street population quarter where the coercive enforcement is to be conducted, involved parties and persons with related interests and obligations of the time and place of distraint and to-be-distrained assets, unless it is necessary to prevent involved parties from dispersing or destroying assets or shirking judgment enforcement.

In case involved parties are absent, they may authorize other persons to exercise their rights and perform their obligations. In case involved parties or their authorized persons are absent after being duly notified, enforcers shall still conduct the distraint, invite witnesses and clearly state such in written records of distraint. In case it is impossible to invite witnesses, enforcers shall still conduct the distraint and clearly state such in written records of distraint.

Upon distraint of objects, houses and architectural works, if judgment debtors or persons currently managing or using these assets are absent and when necessary to unpack or unlock these assets, enforcers shall comply with Article 93 of this Law.

2. Asset distraint must be recorded in writing. A written record of distraint must clearly state the time and date of distraint, full names of the enforcer, involved parties or their authorized persons, record maker, witness(es) and persons related to distrained assets, and distraint proceedings; and describe the state of each asset, requests of involved parties and opinions of witnesses.

Written records of distraint must be signed by involved parties or their authorized persons, witnesses, representatives of commune-level administrations or street population quarters where the coercive enforcement is organized, enforcers and record makers.

Article 89. Distraint of assets being land use rights or subject to compulsory ownership or security transaction registration

1. Before distraining assets being land use rights or subject to compulsory ownership or security transaction registration under law, enforcers shall request registration offices to supply information on assets or registered transactions.

2. After the distraint, enforcers shall notify in writing registration offices of the asset distraint for handling under Clause 1, Article 178 of this Law.

Article 90. Distraint and handling of assets in pledges or mortgages

1. In case judgment debtors have no more assets or have assets insufficient for judgment enforcement, enforcers may distraint and handle assets of judgment debtors currently in pledges or mortgages if the value of these assets is larger than the secured obligation and expenses for judgment enforcement.

2. Upon distraint of assets in pledges or mortgages, enforcers shall promptly notify such to pledgees or mortgagees. Upon handling of distrained assets, pledgees or mortgagees will be among the first to get paid under Clause 3, Article 47 of this Law.

Article 91. Distraint of assets of judgment debtors currently held by third parties

Upon detecting that third parties are currently holding assets of judgment debtors, including assets identified under other judgments or rulings, enforcers shall issue decisions on distraint of these assets for judgment enforcement. In case third parties fail to voluntarily hand over these assets, enforcers shall compel the handover thereof for judgment enforcement.

In case distrained assets are currently leased, lessees may continue the lease under signed contracts.

Article 92. Distraint of contributed capital

1. Enforcers shall request individuals, agencies and organizations to whom/which judgment debtors have contributed capital to supply information on judgment debtors' capital contributions

for distraint. When necessary, enforcers may request competent agencies to identify capital contributions of judgment debtors; or invite professional organizations or individuals to identify the value of capital contributions of judgment debtors for coercive judgment enforcement.

2. Involved parties may request courts to identify capital contributions of judgment debtors.

Article 93. Distraint of locked or packed objects

Upon distraint of locked or packed objects, enforcers shall request judgment debtors or current users or managers of these objects to unlock or unpack them. If requested persons fail to do so or are intentionally absent, enforcers shall themselves or hire other individuals or organizations to do so in the presence of witnesses. Judgment debtors shall bear any damage caused by the unlocking or unpacking.

When necessary, enforcers shall seal up objects after they are unlocked or unpacked and assign them to others for preservation under Article 58 of this Law.

A written record of the unlocking, unpacking or sealing up must be made and signed by involved persons and witnesses.

Article 94. Distraint of assets attached to land

Upon distraint of assets being construction works attached to land, enforcers shall also distraint land use rights, unless land use rights must not be distrained under law or the separation of distrained assets from land does not considerably reduce the value of these assets.

Article 95. Distraint of houses

1. The distraint of a house being the sole residence of a judgment debtor and his/her family may be conducted only after this person has been determined to have no other assets or have assets which are insufficient for judgment enforcement, unless the judgment debtor agrees to have his/her house distrained for judgment enforcement.

2. Upon distraint of a house, enforcers shall also distraint land use rights attached to the house. For a house attached to land under land use rights of another person, enforcers may distraint the house and land use rights for judgment enforcement only when the land use rights holder so agree. If the land use rights holder disagrees with the distraint, only the house of the judgment debtor may be distrained, provided the separation of the house from land does not considerably reduce the value of the house.

3. Upon distraint of a house of a judgment debtor which is currently leased or lent to others for dwelling, enforcers shall promptly notify current lessees or dwellers of the distraint.

In case distrained assets being leased houses or stores are auctioned when the lease or permitted dwelling duration remains valid, lessees may continue to lease or dwell in these houses under the Civil Code.

4. The distraint of locked houses must comply with Article 93 of this Law.

Article 96. Distraint of vehicles

1. Upon distraint of vehicles of judgment debtors, enforcers shall request judgment debtors or current managers or users of these vehicles to hand their registration certificates, if any.

2. For vehicles currently in use or operation, after the distraint thereof enforcers may seize or assign these vehicles to judgment debtors or their current managers or users for further use, operation and preservation without transfer, pledge or mortgage.

In case of assignment of vehicles to judgment debtors or their current managers or users for further use, operation, enforcers shall issue to these persons written records of the seizure of their registration certificates as permission for these vehicles to join traffic.

3. Enforcers may request competent agencies to prohibit the transfer, pledge, mortgage or lease of, or restrict traffic by, distrained vehicles.

4. The distraint of aircraft and seagoing ships for judgment enforcement must comply with the law on arrest of aircraft and seagoing ships.

Article 97. Distraint of yields

In case judgment debtors have assets which bring about yields, enforcers shall distraint these yields to assure judgment enforcement. For yields being food and foodstuff, upon the distraint thereof enforcers shall leave a portion sufficient for judgment debtors and their families to live on under Point a, Clause 2, Article 87 of this Law.

Article 98. Valuation of distrained assets

1. Upon distraint of assets, if involved parties can reach agreement on prices of assets or valuation organizations, enforcers shall make written records of this agreement. Prices of assets agreed by involved parties shall serve as reserve prices for auction. In case involved parties reach agreement on valuation organizations, enforcers shall sign service contracts with these organizations.

2. Within 5 working days after the date of asset distraint, enforcers shall sign service contracts with valuation organizations in provinces or centrally run cities where distrained assets exist in the following cases:

- a/ Involved parties cannot reach agreement on prices of assets and selection of valuation organizations;
- b/ Valuation organizations selected by involved parties refuse to sign service contracts;
- c/ Part of judgments or rulings specified in Clause 1, Article 36 of this Law is enforced.

3. Enforcers may value assets in the following cases:

- a/ No service contract specified in Clause 2 of this Article can be signed;
- b/ Distrained assets are raw, perishable or of small value, the prices of which cannot be agreed upon by involved parties. The Government shall specify assets of small value.

Article 99. Revaluation of distrained assets

1. Distrained assets shall be revaluated in the following cases:

- a/ Enforcers seriously violate the provisions of Article 98 of this Law, resulting in inaccurate asset valuation;
- b/ Involved parties request revaluation before public notification of asset auction.

2. Distrained assets shall be revaluated under Clauses 2 and 3, Article 98 of this Law.

Article 100. Handover of assets for judgment enforcement

1. In case involved parties reach agreement to let judgment creditors receive assets distrained for clearing against sums of money receivable under judgment enforcement, enforcers shall make written records of such agreement.

In case of more than one judgment creditor, the asset recipient shall obtain the consent of other judgment creditors and pay to the latter sums of money in proportion to the values they are entitled to.

2. The handover of assets for clearing against sums of money receivable under judgment enforcement shall be conducted within 5 working days after the agreement thereon is reached.

Article 101. Sale of distrained assets

1. Distrained assets shall be sold by the following modes:

a/ Auction;

b/ Non-auction sale.

2. Distrained assets being movables valued at more than VND 10,000,000 and real estate shall be auctioned by auctioneering organizations.

Involved parties may reach agreement on auctioneering organizations within 5 working days after the date of valuation. Enforcers shall sign asset auction service contracts with auctioneering organizations selected by involved parties. In case involved parties cannot reach agreement on auctioneering organizations, enforcers shall select these organizations for signing asset auction service contracts.

Asset auction service contracts shall be signed within 10 days after the date of asset valuation.

An auction shall be conducted within 30 days, for movables, and 45 days, for real estate, from the date of contract signing.

3. Enforcers may auction distrained assets in the following cases:

a/ In provinces or centrally run cities where assets exist but no auctioneering organization is available or auctioneering organizations refuse to sign asset auction service contracts;

b/ Movables are valued at between VND 2,000,000 and 10,000,000.

An auction shall be conducted within 30 days, for movables, and 45 days, for real estate, after the date of asset valuation or receipt of written refusals of auctioneering organizations.

4. Enforcers may sell without holding an auction assets valued at under VND 2,000,000 or raw or perishable assets.

Assets shall be sold within 5 working days after the date of distraint.

5. One working day before an auction is opened, judgment debtors may receive back assets if they have fully paid judgment enforcement expenses and other actual and reasonable expenses for coercive judgment enforcement and organization of an auction.

Judgment debtors shall refund actual and reasonable expenses to parties registering to purchase assets. Expense levels shall be agreed by involved parties. If no agreement can be reached, involved parties shall request courts to rule on expense levels.

6. Auction procedures must comply with the law on asset auction.

Article 102. Cancellation of asset auction results

1. Involved parties and enforcers may institute lawsuits to request courts to settle disputes on asset auction results.
2. In case asset auction results are cancelled under court judgments or rulings, the handling of assets for judgment enforcement must comply with this Law.
3. The remedy of consequences and payment of compensations for damage caused by the cancellation of asset auction results must comply with law.

Article 103. Handover of auctioned assets

If judgment debtors or current managers or users of auctioned assets fail to hand over auctioned assets to purchasers, coercive handover of assets shall be carried out under Articles 114, 115, 116 and 117 of this Law.

Article 104. Handling of unsuccessfully auctioned assets

Within 10 days after the date of unsuccessful auction, if involved parties do not request revaluation, enforcers shall issue decisions on reduction of asset prices for further auction. Each price reduction must not exceed ten per cent of the reserve price.

In case reduced asset prices are lower than enforcement expenses but judgment creditors refuse to receive assets for clearing against sums of money receivable under judgment enforcement, these assets shall be returned to judgment debtors.

Article 105. Release of distrained assets

1. Distrained assets shall be released in the following cases:
 - a/ Involved parties reach agreement on release of distrained assets without affecting the rights and legitimate interests of a third party;
 - b/ Involved parties have fulfilled the judgment execution obligation and fully paid judgment enforcement expenses under this Law;
 - c/ There is a competent person's decision to cancel the asset distraint decision;
 - d/ There is a judgment enforcement termination decision under Article 50 of this Law.
2. Enforcers shall issue decisions on release and return of distrained assets to judgment debtors within 5 working days after obtaining a ground specified in Clause 1 of this Article.

Article 106. Registration and transfer of asset ownership or use right

1. Purchasers of assets involved in judgment enforcement and recipients of assets for clearing against sums of money receivable under judgment enforcement have their ownership and use rights to these assets.
2. Competent state agencies shall carry out procedures for registration and transfer of asset ownership or use rights to purchasers or recipients of assets for clearing against sums of money receivable under judgment enforcement. Civil judgment enforcement agencies shall supply all documents and papers specified in Clause 3 of this Article to purchasers and recipients of assets involved in judgment enforcement.

3. A dossier for registration of ownership or use right transfer comprises:
- a/ A written request of the civil judgment enforcement agency;
 - b/ A copy of the judgment or ruling;
 - c/ The judgment enforcement decision and asset distraint decision;
 - d/ A written record of the successful auction or of the asset handover and receipt for judgment enforcement;
 - e/ Other asset-related deeds, if any.

4. For assets being land use rights without certificates or with their certificates irrecoverable, competent agencies shall grant land use rights certificates under the land law.

For assets subject to compulsory ownership registration without registration certificates or with their certificates irrecoverable, agencies with registration competence shall grant ownership registration certificates.

Newly granted certificates will replace irrecoverable certificates.

Section 7. COERCIVE EXPLOITATION OF ASSETS

Article 107. Coercive exploitation of assets for judgment enforcement

1. Enforcers may coerce the exploitation of assets of judgment debtors in the following cases:
- a/ The value of assets of judgment debtors is much larger than the judgment execution obligation and these assets can be exploited for judgment enforcement;
 - b/ Judgment creditors agree with coercive exploitation of assets for judgment enforcement, provided the exploitation of assets does not affect the rights and legitimate interests of third parties
2. Enforcers shall issue decisions on coercive exploitation of assets. Such a decision must clearly state the form of exploitation; sum of money, and time limit, time, place and mode of remittance of money to the civil judgment enforcement agency for judgment enforcement.

Decisions on coercive exploitation of assets shall be promptly sent to agencies competent to manage or register these assets and commune-level People's Committees in localities where these assets exist.

Transactions over and transfer of ownership of exploited assets are subject to approval of enforcers.

Article 108. Forms of coercive exploitation of assets for judgment enforcement

Assets of judgment debtors may be coercively exploited for judgment enforcement in the following forms:

1. Assets which are being exploited by judgment debtors themselves or by other parties with the permission of judgment debtors may be further exploited by current exploiters.

For unexploited assets, including land use rights, enforcers shall request judgment debtors to sign asset exploitation contracts with organizations or individuals wishing to exploit these assets.

2. Exploiters of assets specified in Clause 1 of this Article shall remit proceeds from the asset exploitation to civil judgment enforcement agencies after subtracting necessary expenses.
3. Within 30 days after being requested, if judgment debtors fail to sign asset exploitation contracts with other parties, enforcers shall distraint and handle assets for judgment enforcement.

Article 109. Termination of coercive exploitation of assets

1. Enforcers may issue decisions on termination of coercive exploitation of assets in the following cases:

- a/ The exploitation of assets is ineffective or impedes the judgment enforcement;
- b/ Judgment debtors and asset exploiters fail to properly comply with enforcers' requests for asset exploitation;
- c/ Judgment debtors have fulfilled the judgment enforcement obligation and fully paid judgment enforcement expenses;
- d/ There is a decision on judgment enforcement termination.

2. In case the coercive exploitation of assets is terminated under Points a and b, Clause 1 of this Article, enforcers shall continue to distraint and handle these assets for judgment enforcement.

In case the coercive exploitation of assets is terminated under Points c and d, Clause 1 of this Article, enforcers shall, within 5 working days after the date of decision issuance, issue decisions on release and return of these assets to judgment debtors.

Section 8. COERCIVE ENFORCEMENT REGARDING ASSETS BEING LAND USE RIGHTS

Article 110. Land use rights which can be distrained or auctioned for judgment enforcement

1. Enforcers shall distraint land use rights of judgment debtors in case land use rights transfer is allowed under the land law.
2. Judgment debtors who have no land use right certificates and are eligible for the grant of land use right certificates under the land law or subject to land recovery under planning but having not yet received land recovery decisions shall still have their land use rights distrained and handled.

Article 111. Distraint of land use rights

1. Upon distraint of land use rights, enforcers shall request judgment debtors or current managers of land use rights-related papers to supply these papers to civil judgment enforcement agencies.
2. Upon distraint of rights to use land with attached assets under ownership of judgment debtors, enforcers shall distraint the rights to use both land and attached assets.

In case land of judgment debtors has assets attached to it and these assets are owned by other persons, enforcers may distraint only land use rights and notify the distraint to persons owning these assets.

3. A written record the distraint of land use rights must be made, clearly indicating locations, areas and boundaries of distrained land plots, and be signed by distraint participants.

Article 112. Temporary assignment of distrained land areas for management, exploitation or use

1. In case distrained land areas are currently managed, exploited or used by judgment debtors, enforcers shall temporarily assign these land areas to these debtors.

In case distrained land areas are currently managed, exploited or used by other organizations or individuals, these land areas shall be temporarily assigned to these organizations or individuals.

2. In case judgment debtors or organizations or individuals defined in Clause 1 of this Article refuse to receive distrained land areas, enforcers may temporarily assign these areas to other organizations or individuals for management, exploitation or use. In case no organization or individual receives distrained land areas, civil judgment enforcement agencies shall promptly value and auction these land areas under law.

3. A written record of the temporary assignment of distrained land for management, exploitation or use, must be made, clearly indicating:

a/ The area, category and location of land, land plot number and map number;

b/ The actual state of land use;

c/ The duration of temporary assignment of land for management, exploitation or use;

d/ Specific rights and obligations of persons who are temporarily assigned land for management, exploitation or use.

4. In the duration of temporary assignment of distrained land for management, exploitation or use, temporary assignees may not convert the land use purpose, transfer, lease, sub-lease, donate, bequeath, mortgage or contribute land use rights; may neither alter the actual state of land use nor use land for improper purposes.

Article 113. Handling of assets attached to distrained land

1. In case assets attached to distrained land are owned by other persons, these assets shall be handled as follows:

a/ For assets formed before judgment debtors receive judgment enforcement decisions, enforcers shall request asset owners to voluntarily move their assets and return land use rights to judgment debtors. In case asset owners fail to voluntarily move their assets, enforcers shall guide asset owners and judgment debtors to reach agreement in writing on an asset handling method. Within 15 days after the guidance is provided, if these parties still fail to reach agreement, enforcers shall handle these assets together with land use rights in order to assure rights and legitimate interests of judgment debtors and owners of assets attached to land.

In case asset owners are land lessees or recipients of land use rights contributed as capital by judgment debtors without forming new legal entities, asset owners may continue signing land lease contracts or contracts on contribution of land use rights as capital with auction winners or recipients of land use rights for the remaining term of contracts they have signed with judgment debtors. In this case, before handling land use rights, enforcers shall notify bidders and persons requested to receive land use rights of the right of owners of assets attached to land to proceed with the signing of contracts;

b/ For assets formed after judgment debtors receive judgment enforcement decisions, enforcers shall request asset owners to voluntarily move their assets to return land use rights to judgment debtors. If 15 days after being requested, asset owners still fail to move their assets or their assets are immovable, enforcers shall handle these assets together with land use rights.

For assets formed after distraint, if asset owners fail to move their assets or their assets are immovable, these assets shall be dismantled. Enforcers shall organize the dismantlement, unless land use right recipients or land use right auction winners agree to purchase these assets;

c/ Owners of assets attached to land of judgment debtors may be refunded proceeds from the sale of assets or receive back assets in case these assets have been dismantled but shall bear distraint, valuation, auction and dismantlement expenses.

2. In case assets owned by judgment debtors are associated with distrained land use rights, enforcers shall handle these assets together with land use rights.

3. For assets being short-term plants and animals not yet harvested or assets in an uncompleted closed production cycle, enforcers shall, after the distraint, handle these assets when the harvesting season sets in or the closed production cycle is completed.

Section 9. COERCIVE RETURN OF OBJECTS AND PAPERS AND COERCIVE TRANSFER OF LAND USE RIGHTS

Article 114. Procedures for coercive return of objects

1. For specific objects, the coercive return shall be conducted as follows:

a/ Enforcers shall request judgment debtors or current managers or users of these objects to return them to judgment creditors. If these persons fail to do so, enforcers shall seize and return these objects to judgment creditors;

b/ In case the value of objects has decreased and judgment creditors refuse to receive them back, enforcers shall guide involved parties in reaching agreement on judgment enforcement. The judgment enforcement shall be conducted according to the agreement.

In case involved parties cannot reach agreement, enforcers shall coerce the return of objects to judgment creditors. Involved parties may institute lawsuits to request courts to settle the damage caused by the decreased value of returned objects;

c/ In case objects no longer exist or are irreparably damaged and involved parties otherwise agree on judgment enforcement, enforcers shall conduct judgment enforcement according to the agreement.

In case involved parties cannot reach agreement, heads of civil judgment enforcement agencies shall issue decisions to return written requests for judgment enforcement. Involved parties may institute lawsuits to request courts to settle the damage caused by the non-existence or irreparable damage of returnable objects.

2. For fungible objects, enforcers shall coerce the return thereof under judgments or rulings.

In case returnable objects no longer exist or are damaged or devalued, enforcers shall request judgment debtors to return fungible objects or pay the value of fungible objects, unless otherwise agreed by involved parties.

3. In case judgment debtors or current managers or users of returnable objects are likely to disperse or destroy these objects, enforcers may promptly apply measures to secure judgment enforcement specified in Article 68 of this Law.

Article 115. Coercive return or handover of houses

1. In case judgment debtors are obliged to return houses, enforcers shall compel judgment debtors and other persons present in these houses to get out, and at the same time request them to move by themselves their assets out of these houses. If these persons fail to voluntarily abide by enforcers' requests, enforcers shall request coercion forces to move them and their assets out of these houses.

In case owners refuse to receive their assets, enforcers shall make written records clearly stating the quantity, category and state of each kind of asset, and assign assets to organizations or individuals having conditions to preserve, or preserve these assets in warehouses of civil judgment enforcement agencies and notify the place and time to their owners for receiving them back.

2. In case judgment debtors are intentionally absent though they have been notified of coercion decisions, enforcers shall conduct the coercion under Clause 1 of this Article.

3. Upon the expiration of a time limit of 3 months from the date of notification specified in Clause 1 of this Article, if owners of preserved assets do not show up to receive, these assets shall be handled under Clause 2, Article 126 of this Law, unless these owners have plausible reasons.

4. The coercive return of construction works or architectural objects under judgments or rulings shall be conducted under Clauses 1, 2 and 3 of this Article.

5. In case of coercive handover of a house being the sole residence of a judgment debtor to a person who has purchased it through auction, if finding that the judgment debtor, after fulfilling judgment execution obligations, becomes unable to rent or to build a new home, the enforcer shall, before carrying out procedures for paying to the judgment creditor, retain a sum of money from the house sale proceeds for the judgment debtor to rent a home for one year at the average rent rate in the locality. The remaining judgment execution obligation shall be performed under this Law.

Article 116. Coercive return of papers

1. Enforcers shall issue decisions on coercive return of papers by judgment debtors to judgment creditors. In case judgment debtors fail to return papers, enforcers shall force them to do so for judgment enforcement.

In case returnable papers are identified to be held by third parties, enforcers shall request these parties to hand over papers they are holding. If third parties fail to voluntarily hand over papers, enforcers shall force them to do so for judgment enforcement.

2. For irrecoverable papers which can be reissued, enforcers shall request competent agencies or organizations to issue decisions on revocation of these papers and issue new ones to judgment creditors.

For irrecoverable papers which cannot be reissued, heads of civil judgment enforcement agencies shall issue decisions on return of written requests for judgment enforcement and guide involved parties in instituting lawsuits to request courts to settle the case.

Article 117. Coercive transfer of land use rights

1. In case judgments or rulings declare the obligation to transfer land use rights, enforcers shall organize the transfer of land areas subject to these land use rights to judgment creditors.

Land areas shall be handed over in the presence of representatives of land state management agencies of the same level and commune-level People's Committees in localities where transferred land areas exist.

2. Assets attached to transferred land shall be handled according to the following provisions:

a/ In case they are formed after the judgments or rulings take legal effect, enforcers shall request owners of these assets to dismantle these assets or move them out of land areas to be transferred to judgment creditors. If asset owners fail to do so, enforcers shall coerce the dismantlement or movement of assets, unless otherwise agreed by involved parties. Expenses for coercion shall be borne by asset owners.

In case owners of assets attached to land refuse to receive their assets, enforcers shall make written records, clearly stating the quantity, category and state of each kind of asset, then assign assets to organizations or individuals having conditions to preserve them, or preserve them in warehouses of civil judgment enforcement agencies and notify the place and time to their owners for coming to receive them.

Upon the expiration of the notified time limit, if asset owners do not come to receive their assets, these assets shall be handled under Article 126 of this Law;

b/ In case assets attached to land are formed before first-instance judgments or rulings are made, but enforced judgments or rulings do not clearly declare the handling of these assets, civil judgment enforcement agencies shall request courts that have made such judgments or rulings to clearly explain the handling of these assets or request competent courts to review these judgments or rulings according to cassation or re-opening procedures.

3. The coercive transfer of land use rights to auction-winners or recipients for clearing against sums of money receivable under judgment enforcement must comply with Clause 2 of this Article.

Section 10. COERCIVE PERFORMANCE OF THE OBLIGATION TO DO OR NOT TO DO CERTAIN JOBS

Article 118. Coercive performance of the obligation to do certain jobs

1. In case judgment debtors are obliged to do certain jobs under judgments or rulings but they fail to do so, enforcers shall decide to impose fines and set a time limit of 5 working days after the date of issuance of fine decisions for these judgment debtors to perform obligation.

2. Upon the expiration of the set time limit, if judgment debtors still fail to perform their obligation, enforcers shall:

a/ In case these jobs can be assigned to others to perform on judgment debtors' behalf, assign the jobs to persons having conditions to perform. Expenses for job performance shall be borne by judgment debtors;

b/ In case these jobs must be performed by judgment debtors themselves, request competent agencies to examine judgment debtors, penal liability for the crime of failure to execute judgments.

Article 119. Coercive performance of the obligation not to do certain jobs

Enforcers shall decide to impose fines on judgment debtors who fail to voluntarily terminate the performance of jobs which must not be performed under judgments or rulings. When necessary, enforcers may request these judgment debtors to restore the original state. In case these judgment debtors still fail to terminate the performance of these jobs or to restore the original state, enforcers shall request competent agencies to examine their penal liability for the crime of failure to execute judgments.

Article 120. Coercive consignment of minors to assigned fosterers under judgments or rulings

1. Enforcers shall issue decisions on coercive consignment of minors to assigned fosterers under judgments or rulings. Before coercing the consignment of minors to assigned fosterers, enforcers shall collaborate with local administrations and socio-political organizations in localities in persuading involved parties to voluntarily execute judgments.

2. In case judgment debtors or current guardians of minors refuse to consign these minors to assigned fosterers, enforcers shall issue decisions to impose fines and set a time limit of 5 working days after the date of issuance of these decisions for these persons to consign minors to assigned fosterers. Upon the expiration of the set time limit, if these persons still fail to do so, enforcers shall coerce the consignment of minors or request competent agencies to examine their penal liability for the crime of failure to execute judgments.

Article 121. Coercive reemployment of laborers

1. In case employers refuse to reemploy laborers under judgments or rulings, enforcers shall issue decisions to impose fines on individual employers or heads of employing agencies or organizations, and at the same time set a time limit of 10 days after the date of issuance of these decisions for employers to reemploy laborers. Upon the expiration of the set time limit, if employers still fail to do so, enforcers shall request competent agencies to discipline them or examine their penal liability for the crime of failure to execute judgments.

2. In case employers cannot arrange reemployed laborers back to jobs under judgments or rulings, they shall arrange them to do other jobs with the same salary under the labor law.

In case reemployed laborers do not accept new jobs and request their employers to pay them amounts they are entitled to under the labor law, employers shall do so in order to terminate the judgment execution obligation.

3. Employers shall pay to laborers salary amounts during the period they cannot arrange these laborers to jobs under judgments or rulings, counting from the date written requests for judgment enforcement are made to the date laborers are reemployed or receive amounts they are entitled to under Clause 2 of this Article.

Chapter V.

JUDGMENT ENFORCEMENT IN SOME SPECIFIC CASES

Section 1. CONFISCATION INTO THE STATE BUDGET; DESTRUCTION OF ASSETS; REFUND OF SUMS OF MONEY OR RETURN OF ASSETS WHICH ARE DISTRAINED OR SEIZED UNDER CRIMINAL JUDGMENTS OR RULINGS

Article 122. Handover of seized material evidence or assets together with judgments or rulings

1. Seized material evidence and assets under criminal judgments or rulings to serve the adjudication which not yet been handed over to civil judgment enforcement agencies in the

process of prosecution and adjudication under the Criminal Procedure Code shall be transferred to civil judgment enforcement agencies at the time courts hand over judgments or rulings.

2. The handover and receipt of seized material evidence and assets shall be conducted at warehouses of civil judgment enforcement agencies. Handing parties shall transport these material evidence and assets to warehouses of civil judgment enforcement agencies.

For seized material evidence and assets which cannot be transported or moved to warehouses of civil judgment enforcement agencies for preservation, places for their handover and receipt are places where these material evidence and assets are currently consigned or kept or exist.

3. The receipt of assets shall be attended by heads of civil judgment enforcement agencies or their authorized persons, warehouse keepers and accountants of these agencies.

Article 123. Procedures for receipt of seized material evidence and assets

The receipt of seized material evidence and assets shall be conducted according to the following procedures:

1. Warehouse keepers shall directly receive and inspect the conditions of seized material evidence and assets and consign them into warehouses for judgment enforcement. The handover and receipt of seized material evidence and assets must be recorded in writing, such a written record must clearly state the time and date of handover and receipt; quantity, category and conditions of each kind of material evidence or asset, compared with the initial seizure record of the police or court. Civil judgment enforcement agencies shall only receive assets in full and true to their conditions stated in the initial seizure records. In case seized material evidence and assets have been altered as compared with the initial seizure records, heads of handing and receiving agencies shall inspect them and make conclusions and civil judgment enforcement agencies shall receive them only after the alterations are clarified by competent agencies.

Written records of handover and receipt of seized material evidence and assets must be signed by representatives and appended the seals of handing and receiving agencies, if any.

2. In case seized material evidence and assets are handed over in the form of sealed packages, civil judgment enforcement agencies shall receive them only when obtaining results of verification of the quantity, category and quality of each kind of material evidence or asset in sealed packages from competent agencies seized. For seized material evidence and assets being narcotics, civil judgment enforcement agencies shall receive them only in the form of packages enclosed with verification results of competent agencies.

Upon handover and receipt, written records thereof must be made, clearly stating the conditions of the sealed material evidence and assets, and signed by handing and receiving parties. In case seals are broken or show abnormal signs, civil judgment enforcement agencies shall receive the sealed material evidence and assets only when obtaining verification results of competent agencies.

Article 124. Handling of seized material evidence and assets which are pronounced to be confiscated into the state budget

1. For seized material evidence and assets which are pronounced under judgments or rulings to be confiscated into the state budget, civil judgment enforcement agencies shall, within 10 days after the date of issuance of judgment enforcement decisions, notify such in writing and hand over these material evidence and assets to finance agencies at the same level. Assets confiscated

into the state budget by military zone-level judgment enforcement agencies shall be handed over to provincial-level finance agencies in localities where military zone-level judgment enforcement agencies are located.

Expenses for handling seized material evidence and assets ruled to be confiscated into the state budget shall be paid by finance agencies receiving these material evidence and assets under law.

2. The handover of seized material evidence and assets shall be accompanied with judgment enforcement decisions, judgments or rulings or their valid copies made by civil judgment enforcement agencies.

3. The handover of seized material evidence and assets shall be attended by heads of civil judgment enforcement agencies or their authorized persons, accountants, warehouse keepers and representatives of finance agencies. The handover and receipt of seized material evidence and assets shall be recorded in writing. Such a written record must specifically describe the current conditions of these material evidence and assets, and be signed by representatives and appended the seals of handing and receiving agencies, if any.

4. In case decisions on confiscation of seized material evidence and assets have been enforced but later detected to be erroneous and cancelled under decisions of competent agencies, civil judgment enforcement agencies shall coordinate with finance agencies at the same level or provincial-level finance agencies in localities where military zone-level judgment enforcement agencies are located in carrying out procedures for refunding sums of money already remitted into the state budget under law.

Article 125. Destruction of material evidence and assets

1. Within one month after the date of issuance of judgment enforcement decisions, heads of civil judgment enforcement agencies shall issue decisions to set up councils for destruction of material evidence and assets subject to destruction under judgments or rulings, unless immediate destruction is required by law.

2. A council for destruction of material evidence and assets is composed of an enforcer as its chairman, a representative of the finance agency at the same level as a member and representatives of professional agencies, when necessary.

3. Procuracies at the same level shall inspect the observance of law in the destruction of material evidence and assets.

Article 126. Return of seized money and assets to involved parties

1. Heads of civil judgment enforcement agencies shall issue decisions on return of seized money and assets in case it is pronounced under judgments or rulings that assets must be returned to involved parties.

In case parties are returned sums of money and assets already seized and concurrently obliged to pay money but fail to voluntarily execute judgments, enforcers shall handle these sums of money and assets for judgment enforcement.

2. After decisions on return of seized money and assets are issued, enforcers shall notify involved parties of the time and place for receiving back money and assets.

Past 15 days after the date of notification, if involved parties do not come to receive back sums of money, enforcers shall deposit these sums of money as demand savings at banks and notify involved parties thereof.

Upon the expiration of 3 months after the date of notification, if involved parties do not come to receive back assets without plausible reasons, enforcers shall handle assets under Articles 98, 99 and 101 of this Law and deposit collected sums of money as demand savings at banks and notify involved parties thereof.

Upon the expiration of 5 years after judgments or rulings take legal effect, if involved parties do not come to receive sums of money deposited as savings without plausible reasons, civil judgment enforcement agencies shall carry out procedures for remitting them into the state budget.

3. Heads of civil judgment enforcement agencies shall issue decisions on destruction of unsold or irreparably damaged assets and organize the destruction under Article 125 of this Law.

For papers related to assets or the personal status of involved parties, if past one year after the date of notification involved parties do not come to receive back these papers, enforcers shall carry out procedures for transferring these papers to their issuers for handling under regulations.

4. In case returned assets being sums of money in Vietnam dong or foreign currencies are damaged and can no longer be used due to faults of procedural agencies or civil judgment enforcement agencies in the course of preservation and involved parties refuse to receive them back, civil judgment enforcement agencies shall request the State Bank to change them into new banknotes of equivalent par value before returning them to involved parties.

For assets being sums of money in Vietnam dong or foreign currencies which are damaged and can no longer be used not due to faults of procedural agencies or civil judgment enforcement agencies and involved parties refuse to receive them back, civil judgment enforcement agencies shall transfer them to the State Bank for handling under law.

5. The return of advanced court fee amounts under judgments or rulings must comply with Clauses 1, 2, 3 and 4 of this Article.

Article 127. Handling of assets pronounced under judgments or rulings to be distrained for securing judgment enforcement

Enforcers shall handle under Articles 98, 99, 100 and 101 of this Law assets which are pronounced under judgments or rulings to be distrained for security of judgment enforcement in case judgment debtors fail to voluntarily execute judgments.

Article 128. Collection of court fee, fines and other receivables from judgment debtors who are serving imprisonment sentences

1. Superintendents of custody facilities and detention camps where judgment debtors are serving imprisonment sentences shall collect sums of money and assets payable by judgment debtors or their relatives for judgment enforcement and transfer them under law to civil judgment enforcement agencies.

2. In case judgment debtors have been transferred to another custody facility or detention camp, granted amnesty or exempted from serving imprisonment sentences, or are dead, superintendents

of custody facilities or detention camps where they serve imprisonment sentences shall notify such in writing to civil judgment enforcement agencies.

Article 129. Procedures for returning money and assets to judgment creditors who are serving imprisonment sentences

1. Enforcers shall send notices and decisions on return of money and assets to judgment creditors who are serving imprisonment sentences through superintendents of their custody facilities or detention camps.

In case judgment creditors authorize other persons to receive money and assets, letters of authorization must be certified by superintendents of their custody facilities or detention camps. Enforcers shall return money and assets to authorized persons.

2. In case judgment creditors request and are allowed to receive money and assets at places where they are serving imprisonment sentences under law, enforcers shall send money and assets to these persons through superintendents of their custody facilities or detention camps. Expenses for the sending shall be borne by judgment creditors. Upon handover of money and assets to involved parties, superintendents of custody facilities or detention camps shall make written records thereof and send them to civil judgment enforcement agencies.

3. In case judgment creditors who are serving imprisonment sentences refuse to receive back sums of money and assets and their written refusal is certified by superintendents of their custody facilities or detention camps, enforcers shall handle these sums of money and assets for remittance into the state budget or destruction under this Law.

Section 2. ENFORCEMENT OF RULINGS ON APPLICATION OF PROVISIONAL URGENT MEASURES

Article 130. Procedures for enforcing rulings on application of provisional urgent measures

1. Within 24 hours after receiving judgment enforcement decisions, enforcers shall apply without delay the following security or coercive measures:

a/ Coercive measures specified in Articles 118, 119, 120 and 121 of this Law to secure the enforcement of rulings on banning involved parties from performing or forcing them to perform certain acts; consigning minors to individuals or organizations for care, fostering, nurturing and educating; and suspending enforcement of rulings on dismissal of employees;

b/ Coercive measures specified in Clauses 1, 2, 3 and 5, Article 71 of this Law to secure the enforcement of rulings on compelling early performance of part of the alimony obligation or the obligation to pay compensations for loss of life or damage to health; and compelling advance payment by employers of salaries, remuneration, labor accident or occupational disease compensations and allowances to employees;

c/ Coercive measures specified in Article 75 of this Law to secure the application of the provisional urgent measure of distraint of disputed assets.

d/ Security measures specified in Articles 66, 67, 68 and 69 of this Law to secure the enforcement of rulings on prohibiting the transfer of property rights to disputed assets, or change of the current state of disputed assets; blockading accounts at banks or other credit institutions; blockading assets in places where they are consigned for safekeeping or assets of obligors;

e/ Coercive measures specified in Clause 2, Article 71 and Articles 98, 99, 100 and 101 of this Law to secure the enforcement of rulings on permitting the harvest and sale of cash crops or other commodity products.

2. In case judgment debtors reside or have assets in other localities, heads of civil judgment enforcement agencies shall, depending on a case-by-case basis, issue decisions to entrust civil judgment enforcement agencies in localities where these persons reside or have assets to organize the enforcement of rulings on application of provisional urgent measures.

Article 131. Enforcement of rulings on alteration of provisional urgent measures or application of additional ones

1. When receiving court rulings on alteration of provisional urgent measures or application of additional ones, heads of civil judgment enforcement agencies shall promptly issue judgment enforcement decisions, and at the same time revoke judgment enforcement decisions regarding overturned rulings on application of provisional urgent measures.

2. In case overturned rulings on application of provisional urgent measures have been partially or completely enforced, heads of civil judgment enforcement agencies shall notify courts thereof and explain the right to request courts to handle the case to involved parties.

Article 132. Termination of enforcement of rulings on application of provisional urgent measures

1. In case courts rule to quash rulings on application of provisional urgent measures, upon receiving new court rulings, heads of civil judgment enforcement agencies shall issue decisions on termination of enforcement of rulings on application of provisional urgent measures.

Within 24 hours after receiving decisions on termination of enforcement of rulings on application of provisional urgent measures, enforcers shall carry out procedures to release and return distrained assets, release blockaded assets or accounts of obligors.

2. In case rulings on application of provisional urgent measures are quashed by courts but have been partially or completely enforced by civil judgment enforcement agencies, the interests of involved parties shall be settled under Clause 2, Article 131 of this Law.

Article 133. Expenses for enforcement of court rulings on application of provisional urgent measures

1. Expenses for enforcement of court rulings on application of provisional urgent measures shall be advanced by the state budget under Article 73 of this Law.

Persons who have requested courts to make rulings on wrongful application of provisional urgent measures shall pay actual expenses for the enforcement of these rulings. Advances shall be deducted and security assets shall be handled to cover these expenses.

2. In case courts apply provisional urgent measures at their own will, enforcement expenses shall be covered by the state budget.

Section 3. ENFORCEMENT OF CASSATION OR RE-OPENING RULINGS

Article 134. Enforcement of cassation or re-opening rulings upholding legally effective judgments or rulings

In case cassation or re-opening rulings uphold legally effective judgments or rulings which have not yet been enforced or have been partially enforced, heads of civil judgment enforcement agencies shall issue decisions on continued judgment enforcement. In case these judgments or rulings have been completely enforced, heads of civil judgment enforcement agencies shall notify such to courts which have made cassation or re-opening rulings, procuracies at the same level and involved parties.

Article 135. Enforcement of cassation rulings upholding lower-level courts' lawful judgments or rulings which have been quashed or modified

1. In case cassation rulings uphold lower-level courts' lawful judgments or rulings which have been quashed or modified, enforcement shall be conducted under these cassation rulings and lower-level courts' lawful judgments or rulings which have been quashed or modified.
2. For parts of lower-level courts' judgments or rulings which have not been quashed or modified and not yet been enforced, heads of civil judgment enforcement agencies shall issue decisions on continued judgment enforcement. If these parts have been completely enforced, heads of civil judgment enforcement agencies shall notify such to courts which have made cassation rulings, procuracies at the same level and involved parties.
3. For parts of court judgments or rulings quashing or modifying lower-level courts' judgments or rulings which have been partially or completely enforced, involved parties may reach agreement on return of assets or restoration of property rights.

In case assets for judgment enforcement being movables subject to compulsory ownership registration or real estate are still in their operational conditions, the return of these assets to their owners shall be coerced.

In case assets have been lawfully transferred to third parties for bona fide possession through auctions or sold to persons who have become, under judgments or decisions of competent state agencies, owners of these assets but then no longer own these assets due to the fact that judgments or rulings are quashed or modified or the state of assets subject to judgment enforcement has been altered, original owners of these assets may not receive back their assets but may have the value of these assets refunded.

In case of claims for damages, agencies that have made judgments or rulings which have been quashed or modified shall settle them under law.

Article 136. Enforcement of cassation or re-opening rulings quashing legally effective judgments or rulings

1. In case cassation or re-opening rulings quash legally effective judgments or rulings and order that first-instance or appellate adjudication must be held again, judgment enforcement shall be conducted under new legally effective first-instance judgments or rulings or new appellate judgments.
2. In case cassation or re-opening rulings quash legally effective judgments or rulings and stop the handling of the cases, and the property part of quashed judgments or rulings has been partially or completely enforced. Clause 3, Article 135 of this Law must be complied with.

Section 4. ENFORCEMENT OF RULINGS ON BANKRUPTCY

Article 137. Suspension, termination or resumption of judgment enforcement for judgment debtors being enterprises or cooperatives falling into bankruptcy

1. After receiving court notices of acceptance of applications for opening of bankruptcy procedures, heads of civil judgment enforcement agencies shall issue decisions on suspension of assets-related enforcement with judgment debtors being enterprises or cooperatives falling into bankruptcy under Clause 2, Article 49 of this Law.

After issuing decisions on suspension of judgment enforcement, heads of civil judgment enforcement agencies shall notify courts which are settling requests for bankruptcy declaration of results of judgment enforcement for enterprises or cooperatives falling into bankruptcy.

2. Heads of civil judgment enforcement agencies shall issue decisions on suspension of assets-related judgment enforcement with judgment debtors being enterprises or cooperatives falling into bankruptcy right after receiving court rulings on opening bankruptcy procedures.

The continued performance of the property obligation by enterprises or cooperatives being judgment debtors in this case must comply with the Bankruptcy Law. Heads of civil judgment enforcement agencies shall direct enforcers in handing over to asset management and liquidation teams judgment enforcement documents related to the continued performance of the property obligation of enterprises or cooperatives falling into bankruptcy.

3. Within 5 working days after making rulings on termination of bankruptcy or business resumption procedures, judges who carry out bankruptcy procedures shall send these rulings enclosed with all dossiers related to judgment enforcement to civil judgment enforcement agencies which have issued decisions on termination of assets-related judgment enforcement with judgment debtors being enterprises or cooperatives falling into bankruptcy.

Within 5 working days after receiving rulings on termination of bankruptcy or business resumption procedures, heads of civil judgment enforcement agencies shall issue decisions on revocation of decisions on termination of judgment enforcement and resume judgment enforcement for the to be-performed part of the property obligation which has been terminated for enterprises or cooperatives, and assign enforcers to organize the enforcement of the case under this Law.

Article 138. Enforcement of court rulings in the course of opening bankruptcy procedures

1. Heads of civil judgment enforcement agencies shall issue no decision on enforcement of rulings made by judges carrying out bankruptcy procedures, including rulings on application of provisional urgent measures, except for cases specified in Article 139 of this Law.

Enforcers and asset management and liquidation teams shall organize enforcement under the rulings of judges carrying out bankruptcy procedures.

2. Within 2 working days after receiving rulings on opening bankruptcy procedures, heads of asset management and liquidation teams shall compile bankruptcy judgment enforcement dossiers.

Article 139. Performance of the property obligation of enterprises or cooperatives arising after rulings on bankruptcy declaration are made

In case enterprises or cooperatives have not yet paid debts arising after rulings on bankruptcy declaration are made, creditors with unpaid debts may file requests with courts for settlement.

When obtaining court rulings on settlement, involved parties may request civil judgment enforcement agencies to issue judgment enforcement decisions and organize the enforcement under this Law.

Chapter VI.

COMPLAINTS AND DENUNCIATIONS ABOUT AND PROTESTS AGAINST CIVIL JUDGMENT ENFORCEMENT

Section 1. COMPLAINTS ABOUT CIVIL JUDGMENT ENFORCEMENT AND SETTLEMENT THEREOF

Article 140. The right to complain about judgment enforcement

1. Involved parties and persons with related rights and obligations have the right to complain about decisions or acts of heads of civil judgment enforcement agencies or enforcers if they have grounds to believe that these decisions or acts are illegal or having infringed upon their rights and legitimate interests.

2. Statute of limitations for lodging complaints about decisions or acts of heads of civil judgment enforcement agencies or enforcers are as follows:

a/ Fifteen days after receiving decisions or knowing acts, for judgment enforcement decisions or acts before the application of security or coercive measures;

b/ Three working days after receiving decisions, for decisions on application of the measure of blockading accounts.

Ten days after receiving decisions on or knowing acts of application of other security measures;

c/ Thirty days after receiving decisions on or knowing acts of application of coercive measures;

d/ Thirty days after receiving decisions or knowing acts after application of coercive measures.

In case due to objective obstacles or force majeure circumstances, complainants cannot exercise the right to lodge complaints within the set time limit, the period when these objective obstacles or force majeure circumstances exist will not be counted into the time limit for lodging complaints.

For further complaints, the statute of limitations is 15 days after receiving competent persons' complaint settlement decisions.

Article 141. Cases in which complaints are not accepted for settlement

1. Complained decisions or acts are not directly related to rights and legitimate interests of complainants.

2. Complainants do not have the full civil act capacity and lawful representative, unless otherwise provided for by law.

3. Complainants' representatives have no papers proving their lawful representation.

4. The statute of limitations for lodging complaints expires.

5. There have been effective complaint settlement decisions, except for the cases specified at Point b, Clause 4 and Point b, Clause 7, Article 142 of this Law.

Article 142. Competence to settle complaints about judgment enforcement

1. Heads of district-level civil judgment enforcement agencies shall settle complaints about illegal decisions or acts of enforcers managed by their agencies.
2. Heads of provincial-level judgment enforcement agencies shall settle the following complaints:
 - a/ Complaints about illegal decisions or acts of enforcers managed by their agencies;
 - b/ Complaints about illegal decisions or acts of heads of district-level civil judgment enforcement agencies;
 - c/ Complaints about complaint settlement decisions of heads of district-level civil judgment enforcement agencies. Complaint settlement decisions of provincial-level judgment enforcement agencies will be effective for enforcement.
3. The head of the civil judgment enforcement management agency of the Justice Ministry shall settle the following complaints:
 - a/ Complaints about illegal decisions or acts of heads of provincial-level civil judgment enforcement agencies;
 - b/ Complaints about complaint settlement decisions of heads of provincial-level civil judgment enforcement agencies. Complaint settlement decisions of the head of the civil judgment enforcement management agency of the Justice Ministry will be effective for enforcement.
4. The Justice Minister shall settle the following complaints:
 - a/ Complaints about complaint settlement decisions of the head of the civil judgment enforcement management agency of the Justice Ministry specified at Point a, Clause 3 of this Article. Complaint settlement decisions of the Justice Minister will be effective for enforcement;
 - b/ When necessary, the Justice Minister may review complaint settlement decisions which are effective for enforcement specified in Clauses 2 and 3 of this Article.
5. Heads of military zone-level judgment enforcement agencies shall settle complaints about illegal decisions or acts of their enforcers.
6. The head of the judgment enforcement management agency of the Defense Ministry shall settle the following complaints:
 - a/ Complaints about illegal decisions or acts of heads of military zone-level judgment enforcement agencies;
 - b/ Complaints about complaint settlement decisions of heads of military zone-level judgment enforcement agencies. Complaint settlement decisions of the head of the judgment enforcement management agency of the Defense Ministry will be effective for enforcement.
7. The Defense Minister shall settle the following complaints:
 - a/ Complaints about complaint settlement decisions of the head of the judgment enforcement management agency of the Defense Ministry. Complaint settlement decisions of the Defense Minister will be effective for enforcement;
 - b/ When necessary, the Defense Minister may review complaint settlement decisions of the head of the judgment enforcement management agency of the Defense Ministry specified at Point b, Clause 6 of this Article.

Article 143. Rights and obligations of complainants

1. Complainants have the following rights:

- a/ To lodge complaints by themselves or through their lawful representatives;
- b/ To hire lawyers to provide legal consultancy in the complaining process;
- c/ To receive complaint settlement decisions;
- d/ To get access to proofs serving as grounds for complaint settlement; to show proofs relevant to complaints and give their opinions on these proofs;
- e/ To have their rights and legitimate interests, which have been infringed upon, restored, and enjoy compensations for damage, if any;
- f/ To lodge further complaints if disagreeing with first-time complaint settlement decisions of persons with complaint-settling competence;
- g/ To withdraw their complaints at any stage of the process of complaint settlement.

2. Complainants have the following obligations:

- a/ To lodge their complaints with persons with complaint-settling competence;
- b/ To honestly report their cases and supply information and documents to complaint settlers; to be held responsible before law for the reported cases and supplied information and documents;
- c/ To strictly abide by effective complaint settlement decisions and decisions of the Justice Minister and the Defense Minister specified at Point b, Clause 4 and Point b, Clause 7, Article 142 of this Law.

Article 144. Rights and obligations of complained persons

1. Complainants have the following rights:

- a/ To get access to grounds on which complainants have lodged complaints; to show proofs of the legality of complained decisions or acts;
- b/ To receive complaint settlement decisions.

2. Complainants have the following obligations:

- a/ To explain complained decisions or acts, supply relevant information and documents when so requested by persons with complaint-settling competence;
- b/ To strictly abide by effective complaint settlement decisions and decisions of the Justice Minister and the Defense Minister specified at Point b, Clause 4 and Point b, Clause 7, Article 142 of this Law;
- c/ To pay compensations or indemnities and remedy consequences caused by their illegal decisions or acts under law.

Article 145. Rights and obligations of persons with complaint-settling competence

1. Persons with complaint-settling competence have the following rights:

- a/ To request complainants, complained persons and persons with related interests and obligations to supply information and documents related to complaints;

b/ To suspend the enforcement of complained decisions or performance of complained acts or request civil judgment enforcement agencies to suspend judgment enforcement during the period of complaint settlement under this Law, if they believe that the judgment enforcement will affect rights and legitimate interests of involved parties or the settlement of complaints.

2. Persons with complaint-settling competence have the following obligations:

a/ To receive and settle complaints about decisions or acts;

b/ To notify in writing the acceptance of complaints for settlement and send complaint settlement decisions to complainants;

c/ To be held responsible before law for their settlement of complaints.

Article 146. Time limits for settlement of complaints

1. For decisions or acts specified at Point a, Clause 2, Article 140 of this Law, the time limits for settlement of first-time and second-time complaints are 15 days and 30 days, respectively, from the date of acceptance of complaints.

2. For decisions or acts specified at Point b, Clause 2, Article 140 of this Law, the time limit for settlement of complaints is 5 working days from the date of acceptance of complaints.

3. For decisions or acts specified at Point c, Clause 2, Article 140 of this Law, the time limits for settlement of first-time and second-time complaints are 30 days and 45 days, respectively, from the date of acceptance of complaints.

When necessary, for complicated cases, the time limit for complaint settlement may be prolonged but must not exceed 30 days after the expiration of the original time limit.

4. For decisions or acts specified at Point d, Clause 2, Article 140 of this Law, the time limits for settlement of first-time and second-time complaints are 15 days and 30 days, respectively, from the date of acceptance of complaints.

Article 147. Forms of complaints

Complainants may lodge their complaints in any of the following forms:

1. Sending written complaints to agencies with complaint-settling competence. Such a written complaint must clearly state the date of complaint; full name and address of the complainant; full name and address of the complained person; complaining contents, reason for complaint and request for settlement. Written complaints must be signed or fingerprinted by complainants.

2. Orally presenting complaint contents at agencies with complaint-settling competence. Persons responsible for receiving complaints shall guide complainants in writing down their complaints or record presented complaint contents under Clause 1 of this Article, and have these documents signed or fingerprinted by complainants.

3. Lodging complaints through their representatives. Representatives must have papers proving the legality of the representation and the lodging of complaints must strictly comply with the procedures specified in Clauses 1 and 2 of this Article.

Article 148. Acceptance of complaints

Within 5 working days after receiving complaints falling under their competence and outside the cases specified in Article 141 of this Law, persons with first-time complaint-settling competence

shall accept these complaints for settlement and notify in writing complainants of the acceptance. In case they refuse to accept complaints for settlement, they shall notify and clearly state reasons for the refusal to complainants.

Article 149. Complaint settlement dossiers

1. Complaint settlement must be recorded in dossiers. A complaint settlement dossier comprises:

- a/ A written complaint or a written record of complaint contents;
- b/ A written explanation of the complained person;
- c/ Written records of verification, inspection, conclusion and results of assessment;
- d/ Complaint settlement decision;
- e/ Other relevant documents.

2. Complaint settlement dossiers shall be numbered and archived under law.

Article 150. Order of settlement of first-time complaints

After accepting complaints, persons with complaint-settling competence shall conduct verification and request complained persons to vindicate themselves, and when necessary, may consult experts or organize dialogues to clarify complaint contents, requests of complainants and settlement directions.

Persons with complaint-settling competence shall issue decisions on settlement of complaints falling under their competence.

Article 151. Contents of a first-time complaint settlement decision

- 1. Date of issuance.
- 2. Full names and addresses of complainant and complained person.
- 3. Complaint contents.
- 4. Results of verification of complaint contents;
- 5. Legal grounds for settlement.
- 6. Conclusions on correct, partially correct or wholly wrongful complaint contents.
- 7. Upholding, modification, cancellation or request for partial modification or cancellation of the complained decision or act, or forcible termination of the enforcement or performance of the complained decision or act.
- 8. The payment of compensation for damage and remedying of consequences caused by the illegal decision or act.
- 9. Guidance on the complainant's right to lodge a further complaint.

Article 152. Procedures for settling second-time complaints

1. In case of further complaining, complainants shall lodge complaints enclosed with copies of first-time complaint settlement decisions and relevant documents with persons with second-time complaint-settling competence.

2. In the course of second-time complaint settlement, persons with complaint-settling competence have the rights provided for in Article 145 of this Law and may request first-time complaint settlers, concerned agencies, organizations and individuals to supply information, documents and proofs related to complaint contents; summons complained persons and complainants for organizing dialogues when necessary; verify complaint contents; consult experts, and take other measures provided for by law to settle complaints. When receiving requests, concerned agencies, organizations and individuals shall satisfactorily respond to them.

Persons with second-time complaint settlement competence shall issue complaint settlement decisions.

Article 153. Contents of a second-time complaint settlement decision

1. Date of issuance.
2. Full names and addresses of the complainant and complained person.
3. Complaint contents.
4. Results of verification of complaint contents.
5. Legal grounds for the settlement.
6. Conclusions on complaint contents and settlement by the person with second-time complaint settlement competence.
7. Upholding, modification, cancellation or request for partial modification or cancellation of the complained decision or act, or forcible termination of the enforcement or performance of the complained decision or act.
8. The payment of compensation for damage and remedying of consequences caused by the illegal decision or act.

Section 2. DENUNCIATIONS ABOUT CIVIL JUDGMENT ENFORCEMENT AND SETTLEMENT THEREOF

Article 154. Persons with the right to denounce

Citizens may lodge denunciations with competent agencies, organizations or individuals about illegal acts of heads of civil judgment enforcement agencies, enforcers and other civil servants engaged in civil judgment enforcement who cause damage or threat to cause damage to the interests of the State, rights and legitimate interests of citizens, agencies and organizations.

Article 155. Rights and obligations of denouncers

1. Denouncers have the following rights:
 - a/ To lodge written denunciations with or orally present denunciations to competent agencies, organizations or individuals;
 - b/ To request confidentiality of their full names, addresses and autographs;
 - c/ To be notified of denunciation settlement results;
 - d/ To request competent agencies, organizations and individuals to protect them when they are intimidated, bullied or at risk of being revenged.
2. Denouncers have the following obligations:

- a/ To honestly present denunciation contents and supply related documents;
- b/ To give their full names and addresses;
- c/ To be held responsible before law for untruthful denunciations.

Article 156. Rights and obligations of denounced persons

1. Denounced persons have the following rights:

- a/ To be notified of denunciation contents;
- b/ To show proofs of the untruthfulness of denunciation contents;
- c/ To have their infringed rights and legitimate interests and damaged honor restored; to be paid compensations for damage caused by wrongful denunciations;
- d/ To request competent agencies, organizations and individuals to handle persons who make untruthful denunciations.

2. Denounced persons have the following obligations:

- a/ To explain their denounced acts; to supply information and relevant documents when so requested by competent agencies, organizations and individuals;
- b/ To strictly abide by handling decisions of competent agencies, organizations and individuals;
- c/ To pay compensations for damage and remedy consequences caused by their illegal acts under law.

Article 157. Competence, time limit and procedures for denunciation settlement

1. Denunciations about illegal acts of persons managed by agencies or organizations shall be settled by heads of these agencies or organizations.

2. In case denounced persons are heads of civil judgment enforcement agencies, heads of immediately higher-level civil judgment enforcement agencies or the head of the civil judgment enforcement management agency of the Justice Ministry shall settle denunciations.

In case denounced persons are heads of military zone-level judgment enforcement agencies, the head of the civil judgment enforcement management agency of the Defense Ministry shall settle denunciations.

The time limit for settling denunciations is 60 days after the date of acceptance. For complicated cases, it may be prolonged but must not exceed 90 days.

3. Denunciations about illegal acts showing signs of crime shall be settled under the Criminal Procedure Code.

4. Procedures for settling denunciations comply with the law on complaints and denunciations.

Article 158. Responsibilities of persons with denunciation-settling competence

1. Competent agencies, organizations and individuals shall, within the ambit of their tasks and powers, receive and promptly and lawfully settle denunciations; strictly handle violators; apply necessary measures to prevent damage; ensure that settlement decisions are strictly enforced, and be held responsible before law for their decisions.

2. Persons with denunciation-settling competence who fail to settle denunciations, settle denunciations irresponsibly or in contravention of law shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability. If causing damage, they shall pay compensations therefor under law.

Article 159. Inspection of the observance of law in settling complaints or denunciations about civil judgment enforcement

Procuracies shall inspect the observance of law in settling complaints or denunciations about civil judgment enforcement under law. Procuracies may request civil judgment enforcement agencies at the same level or lower levels and responsible agencies, organizations and individuals to ensure the grounded and lawful settlement of complaints and denunciations.

Section 3. PROTESTS AGAINST CIVIL JUDGMENT ENFORCEMENT AND SETTLEMENT THEREOF

Article 160. The right of procuracies to protest

1. Procuracies may protest against decisions or acts of heads of civil judgment enforcement agencies at the same level or lower levels and their enforcers under the Law on Organization of People's Procuracies.

2. The time limit for procuracies at the same level or higher levels to protest is 15 days or 30 days, respectively, from the date of receipt of unlawful decisions or detection of violation acts.

Article 161. Replies to protests of procuracies

1. Heads of civil judgment enforcement agencies shall reply to protests of procuracies against their judgment enforcement decisions or those of enforcers under their management within 15 days after the date of receipt of protests.

If accepting protests of procuracies, heads of civil judgment enforcement agencies shall, within 5 working days after the date of reply to protests, comply with these protests.

2. In case heads of civil judgment enforcement agencies disagree with protests of procuracies, they shall act as follows:

a/ Heads of district-level civil judgment enforcement agencies in localities where protested decisions or acts are issued or taken shall report protests to provincial-level civil judgment enforcement agencies and chairmen of immediately higher-level procuracies. Heads of provincial-level civil judgment enforcement agencies shall consider these protests and reply within 30 days after receiving reports. Written replies of heads of provincial-level civil judgment enforcement agencies will be effective for implementation;

b/ Heads of provincial-level civil judgment enforcement agencies whose decisions or acts are protested against shall report protests to the head of the civil judgment enforcement management agency of the Justice Ministry and the Supreme People's Procuracy. The head of the civil judgment enforcement management agency of the Justice Ministry shall consider these protests and reply within 30 days after receiving reports. Written replies of the head of the civil judgment enforcement management agency of the Justice Ministry will be effective for implementation.

c/ Heads of military zone-level judgment enforcement agencies whose decisions or acts are protested against shall report protests to the head of the civil judgment enforcement management agency of the Defense Ministry and the Central Military Procuracy. The head of the civil

judgment enforcement management agency of the Defense Ministry shall consider these protests and reply within 30 days after receiving reports. Written replies of the head of the civil judgment enforcement management agency of the Defense Ministry will be effective for implementation.

3. In case written replies to protests specified in Clause 2 of this Article are found groundless, the Chairman of the Supreme People's Procuracy may request the Justice Minister to reconsider effective written replies of heads of provincial-level civil judgment enforcement agencies or the head of the civil judgment enforcement management agency of the Justice Ministry, or request the Defense Minister to reconsider effective written replies of heads of military zone-level judgment enforcement agencies or the head of the civil judgment enforcement management agency of the Defense Ministry.

Chapter VII.

HANDLING OF VIOLATIONS

Article 162. Acts of administrative violation in civil judgment enforcement

1. Failing to show up for judgment enforcement without plausible reasons after receiving the second notice or summons.
2. Intentionally failing to enforce a court ruling on application of provisional urgent measures or a judgment or ruling which must be enforced without delay.
3. Failing to perform a job which must be performed or to terminate the performance of a prohibited job under a judgment or ruling.
4. Intentionally delaying the performance of the judgment enforcement obligation through having conditions therefor.
5. Dispersing or damaging assets to shirk the judgment enforcement obligation or the asset distraint.
6. Failing to comply with enforcers' request for supply of information and documents related to assets handled for judgment enforcement without plausible reasons.
7. Illegally using, consuming, transferring, fraudulently exchanging, concealing or altering the state of distrained assets, which is not seriously enough for penal liability examination.
8. Opposing, obstructing or instigating others to oppose or obstruct the judgment enforcement; verbally abusing, blaspheming or offending judgment enforcers on duty; disturbing public order at places where judgment enforcement is conducted or other acts of obstructing civil judgment enforcement activities, which are not serious enough for penal liability examination.
9. Breaking the seals of or destroying distrained assets, which is not serious enough for penal liability examination.
10. Failing to abide by enforcers' decisions on deduction of accounts and incomes or withdrawal of valuable papers of judgment debtors.

Article 163. Competence to sanction administrative violations

1. The following persons are competent to sanction administrative violations in civil judgment enforcement:

a/ Enforcers who are conducting judgment enforcement;

- b/ Heads of asset management and liquidation teams in bankruptcy cases;
- c/ Heads of district-level civil judgment enforcement agencies;
- d/ Heads of provincial-level civil judgment enforcement agencies and military zone-level judgment enforcement agencies.

2. Levels of sanctions against administrative violations in civil judgment enforcement must comply with the law on handling of administrative violations.

Article 164. Sanctioning of violations and settlement of complaints and denunciations about sanctioning of administrative violations in civil judgment enforcement

1. Sanctioning principles and statute of limitations, aggravating and extenuating circumstances, specific sanctioning order and procedures must comply with the law on handling of administrative violations.
2. Complaints and denunciations about sanctioning of administrative violations in civil judgment enforcement and settlement thereof must comply with this Law and other relevant laws.

Article 165. Handling of violations

1. Judgment debtors who intentionally fail to abide by judgments or rulings or fail to voluntarily execute judgment enforcement decisions shall, depending on the nature and severity of their violations, be administratively sanctioned or examined for penal liability under law.
2. Agencies, organizations and individuals that fail to execute judgment enforcement decisions shall, depending on the nature and severity of their violations, be administratively sanctioned. If causing damage, they shall pay compensations therefor. Violating individuals can also be disciplined or examined for penal liability.
3. Persons who abuse their positions or powers to intentionally obstruct judgment enforcement or force enforcers into unlawfully conducting judgment enforcement; break the seals of, consume, transfer, fraudulently exchange, hide or destroy material evidence or assets or distrained shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability. If causing damage, they shall pay compensations therefor.
4. Heads of civil judgment enforcement agencies who intentionally fail to issue judgment enforcement decisions or issue unlawful ones, enforcers who fail to strictly enforce judgments or rulings, delay judgment enforcement, apply unlawful measures to coerce judgment enforcement, or breach ethical rules of enforcers shall be disciplined or examined for penal liability. If causing damage, they shall pay compensations therefor under law.

Chapter VIII.

TASKS AND POWERS OF AGENCIES AND ORGANIZATIONS IN CIVIL JUDGMENT ENFORCEMENT

Article 166. Tasks and powers of the Government in civil judgment enforcement

1. To perform the unified state management of civil judgment enforcement nationwide.
2. To direct governmental agencies and provincial-level People's Committees in enforcing civil judgments.

3. To coordinate with the Supreme People's Court and the Supreme People's Procuracy in enforcing civil judgments.

4. To annually report on civil judgment enforcement to the National Assembly.

Article 167. Tasks and powers of the Justice Ministry in civil judgment enforcement

1. The Justice Ministry is answerable to the Government for performing the state management of civil judgment enforcement, and has the following tasks and powers:

a/ To issue or propose competent agencies to issue legal documents on civil judgment enforcement;

b/ To formulate and organize the implementation of policies and plans on civil judgment enforcement;

c/ To disseminate and educate about the law on civil judgment enforcement;

d/ To manage the organizational apparatus, state payrolls and operation of civil judgment enforcement agencies; to decide on establishment and dissolution of civil judgment enforcement agencies; to train, appoint and relieve from duty enforcers or verifiers;

e/ To professionally guide, direct and retrain enforcers, verifiers and other civil servants engaged in civil judgment enforcement work;

f/ To commend achievements, examine, inspect, and handle violations in civil judgment enforcement work; to settle complaints and denunciations about civil judgment enforcement;

g/ To decide on plans on allocation of funding sources and assurance of material facilities and means for the operation of civil judgment enforcement agencies;

h/ To enter into international cooperation in civil judgment enforcement;

i/ To review civil judgment enforcement work;

j/ To promulgate and implement regulations on statistics on civil judgment enforcement;

k/ To report on civil judgment enforcement to the Government.

2. The civil judgment enforcement management agency of the Justice Ministry shall assist the Justice Minister in performing the state management of civil judgment enforcement and perform specialized management of civil judgment enforcement under the Government's regulations.

Article 168. Tasks and powers of the Defense Ministry in civil judgment enforcement

1. To coordinate with the Justice Ministry in performing the state management of civil judgment enforcement in the Army:

a/ Issuing or proposing competent agencies to issue legal documents on civil judgment enforcement in the Army;

b/ Appointing and dismissing enforcers; professionally training and retraining enforcers, verifiers and staffs engaged in civil judgment enforcement in the Army;

c/ Reviewing and reporting civil judgment enforcement to the Government.

2. To perform the following tasks:

a/ Providing professional guidance on judgment enforcement to military zone-level judgment enforcement agencies; disseminating and educating about the law on civil judgment enforcement in the Army;

b/ Managing the organizational apparatus and state payrolls and deciding on establishment and dissolution of judgment enforcement agencies in the army; appointing and relieve from duty heads and deputy heads of military zone-level judgment enforcement agencies; commending or disciplining army men engaged in military judgment enforcement in the Army;

c/ Examining, inspecting and settling complaints and denunciations and handling violations in judgment enforcement in the Army;

d/ Managing and working out plans on allocation of funding sources and assurance of material facilities and means for judgment enforcement activities in the Army.

3. The judgment enforcement management agency of the Defense Ministry shall assist the Defense Minister in performing the tasks and exercising the powers specified in this Article under the Government's regulations.

Article 169. Tasks and powers of the Public Security Ministry in civil judgment enforcement

1. To coordinate with the Justice Ministry in issuing legal documents on civil judgment enforcement.

2. To direct police offices in protecting judgment enforcement activities, and coordinating with one another in protecting material evidence warehouses of civil judgment enforcement agencies when necessary;

3. To direct custody facilities and detention camps where judgment debtors are serving imprisonment sentences in collecting sums of money and assets payable by judgment debtors or their relatives for judgment enforcement.

4. To direct competent police offices in coordinating with civil judgment enforcement agencies in requesting courts to consider and decide on penalty remission or commutation for eligible judgment debtors under law.

5. To coordinate with the Justice Ministry in reviewing civil judgment enforcement work.

Article 170. Tasks and powers of the Supreme People's Court in civil judgment enforcement

1. To coordinate with the Justice Ministry in issuing legal documents on civil judgment enforcement.

2. To direct courts at all levels in coordinating with civil judgment enforcement agencies in enforcing civil judgments and settling requests of civil judgment enforcement agencies within the law-prescribed time limit.

3. To coordinate with the Justice Ministry in reviewing civil judgment enforcement work.

Article 171. Tasks and powers of the Supreme People's Procuracy in civil judgment enforcement

1. To coordinate with the Justice Ministry in issuing legal documents on civil judgment enforcement.

2. To inspect and direct procuracies at all levels in supervising civil judgment enforcement under law.
3. To coordinate with the Justice Ministry in reviewing civil judgment enforcement work.

Article 172. Tasks and powers of command posts of military zones and equivalent levels in civil judgment enforcement

1. To direct the organization of coordination among concerned agencies in enforcing judgments or rulings in big and complicated cases impacting on political security and social order and safety in military zones and equivalent levels at the request of heads of military zone-level judgment enforcement agencies.
2. To request military zone-level judgment enforcement agencies to report on judgment enforcement work, and examine and inspect this work in military zones and equivalent levels.
3. To give written opinions on appointment and relief of duty of heads and deputy of heads of military zone-level judgment enforcement agencies.
4. To decide to commend or propose competent authorities to commend collectives and individuals that record achievements in civil judgment enforcement.

Article 173. Tasks and powers of provincial-level People's Committees in civil judgment enforcement

1. To direct the organization of coordination among concerned agencies in enforcing civil judgments in their localities.
2. To direct the organization of coercive enforcement of judgments or rulings in big and complicated cases impacting political security and social order and safety in their localities at the request of heads of provincial-level civil judgment enforcement agencies.
3. To give written opinions on appointment and relief of duty of heads and deputy heads of provincial-level civil judgment enforcement agencies.
4. To decide to commend or propose competent authorities to commend collectives and individuals that record achievements in civil judgment enforcement.
5. To request provincial-level civil judgment enforcement agencies to report on civil judgment enforcement in their localities.
6. To request provincial-level civil judgment enforcement agencies to inspect civil judgment enforcement in localities.

Article 174. Tasks and powers of district-level People's Committees

1. To direct the organization of coordination among concerned agencies in enforcing civil judgments in their localities.
2. To direct the organization of coercive enforcement of judgments or rulings in big and complicated cases impacting political security and social order and safety in their localities at the request of heads of district-level civil judgment enforcement agencies.
3. To give written opinions on appointment and dismissal of heads and deputy heads of district-level civil judgment enforcement agencies.

4. To request provincial-level civil judgment enforcement agencies to inspect themselves and heads of provincial-level judgment enforcement agencies to inspect civil judgment enforcement in their localities.
5. To decide to commend or propose competent authorities to commend collectives and individuals that record achievements in civil judgment enforcement.
6. To request civil judgment enforcement agencies to report on civil judgment enforcement in localities.

Article 175. Tasks and powers of commune-level People's Committees in civil judgment enforcement

Presidents of commune-level People's Committees shall, within the ambit of their tasks and powers, coordinate with enforcers and civil judgment enforcement agencies in notifying judgment enforcement, verifying judgment enforcement conditions, applying measures to secure or coerce judgment enforcement and other tasks related to judgment enforcement in their localities.

Article 176. Responsibilities of the State Treasury, banks and other credit institutions in civil judgment enforcement

1. To supply accurate, adequate and timely information and data on accounts of judgment debtors at the request of enforcers and civil judgment enforcement agencies.
2. To strictly and promptly satisfy requests of enforcers for blockade of accounts and assets, deduction of sums of money from accounts, release of blockaded accounts or assets of judgment debtors.
3. To fully comply with other requests of enforcers and civil judgment enforcement agencies under this Law.

Article 177. Responsibilities of the Social Insurance in civil judgment enforcement

1. To supply accurate, adequate and timely information and data on incomes of judgment debtors currently paid through it at the request of enforcers and civil judgment enforcement agencies.
2. To strictly and promptly comply with requests of enforcers for subtraction of incomes of judgment debtors for judgment enforcement.
3. To fully comply with other requests of enforcers and civil judgment enforcement agencies under this Law.

Article 178. Responsibilities of asset and security transaction registration offices in civil judgment enforcement

1. To suspend or terminate realization of requests related to transactions in assets of judgment debtors registered with asset or security transaction registration offices right after receiving requests of enforcers and civil judgment enforcement agencies.
2. To register asset ownership or land use rights for asset purchasers and judgment creditors that receive assets for clearing against sums of money receivable under judgment enforcement.
3. To withdraw, modify or destroy asset ownership or land use right certificates, security transaction registration certificates already granted to judgment debtors; to grant new ones under law.

Article 179. Responsibilities of judgment or ruling-making agencies in judgment enforcement

1. To assure that pronounced judgments or rulings are accurate, explicit, specific and suitable to reality.

2. To explain in writing unclear contents of pronounced judgments or rulings within 15 days after receiving requests of involved parties or civil judgment enforcement agencies.

For complicated cases, the time limit for reply is 30 days from the date of receipt of requests.

3. To respond to requests of civil judgment enforcement agencies for reviewing court judgments or rulings according to cassation or re--opening procedures within 45 days after receiving these requests.

4. To accept and promptly handle requests of civil judgment enforcement agencies and involved parties for identification of ownership, division of assets or settlement of disputes over ownership or the right to use assets, which fall under the competence of courts and arise the course of judgment enforcement.

Article 180. Tasks and powers of agencies and organizations assigned to oversee and manage persons currently serving criminal sentences

Agencies and organizations assigned to oversee and manage persons currently serving criminal sentences under the Criminal Procedure Code shall, within the ambit of their tasks and powers, coordinate with civil judgment enforcement agencies in:

1. Educating these persons to strictly perform their civil obligations under court judgments or rulings;

2. Supplying to civil judgment enforcement agencies relevant information on civil obligors who are currently serving criminal sentences; notifying civil judgment enforcement-related papers to judgment debtors currently serving criminal sentences;

3. Collecting sums of money receivable under judgment enforcement under this Law;

4. Promptly notifying civil judgment enforcement agencies of places of residence of convicts who have completely served imprisonment sentences, entitled to amnesty or imprisonment penalty remission.

Chapter IX.

IMPLEMENTATION PROVISIONS

Article 181. Mutual legal assistance regarding civil affairs in judgment enforcement

1. Requests for foreign legal assistance regarding civil affairs in judgment enforcement, acceptance and handling of foreign judicial mandate for judgment enforcement in the course of judgment enforcement must comply with the law on mutual legal assistance.

2. Civil judgment enforcement agencies which request foreign legal assistance regarding civil affairs in judgment enforcement shall compile judicial mandate dossiers under the law on mutual legal assistance.

Article 182. Effect

This Law takes effect on July 1, 2009.

The 2004 Ordinance of Enforcement of Civil Judgments ceases to be effective on the effective date of this Law.

Article 183. Implementation detailing and guidance

The Government, the Supreme People's Court and the Supreme People's Procuracy shall, within the ambit of their tasks and powers, detail and guide the implementation of this Law's articles and clauses as assigned, and guide other necessary provisions of this Law to meet state management requirements.

This Law was passed on November 14, 2008, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 4th session.

**CHAIRMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Phu Trong