

**THE NATIONAL  
ASSEMBLY**

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Law No. 108/2016/QH13

**THE SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

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*Hanoi, April 9, 2016*

**LAW**

**ON TREATIES**

*Pursuant to the Constitution of Socialist Republic of Vietnam;*

*The National Assembly hereby passes the Law on Treaties.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

This Law provides for conclusion, reservation, amendment, supplementation, extension, termination, denunciation, withdrawal from, suspension of application, deposit, keeping custody, making of certified copies of, publication, registration and conduct of implementation of a treaty.

**Article 2. Definition**

For the purpose of this Law, the terms used herein shall be construed as follows:

1. *Treaty* refers to any written agreement concluded in the name of the State or Government of Socialist Republic of Vietnam with foreign signatories which creates, changes or terminates rights or obligations of the Socialist Republic of Vietnam governed by international laws, regardless of whatever its particular designations including, inter alia, treaty, convention, pact, covenant, protocol, understanding and exchange of notes.

2. *A treaty to which the Socialist Republic of Vietnam is a party* refer to any international agreement that remains in force with the Socialist Republic of Vietnam.

3. *Foreign signatory* refers to any State, international organization or other entity is recognized as a subject of international law.

4. *International organization* refers to an inter-governmental organization.

5. *Conclusion* refers to a legal act performed by a competent person or authority, including negotiation, signature, ratification, approval of and accession to a treaty, or exchange of instruments constituting a treaty.

6. *Signature* refers to a legal act performed by a competent person or duly authorized representative, including signature of a treaty without being subject to ratification or approval, and signature of a treaty subject to ratification or approval.

7. *Initialling* refers to a legal act performed by a competent person or duly authorized representative to confirm that the text of a treaty that the Socialist Republic of Vietnam intends to sign is the final one which has been agreed upon with foreign signatories.

8. *Ratification* refers to a legal act performed by the National Assembly or State President to establish the consent of the Socialist Republic of Vietnam to be bound by the concluded treaty.

9. *Approval* refers to a legal act performed by the Government to establish the consent of the Socialist Republic of Vietnam to be bound by the concluded treaty.

10. *Accession* refers to a legal act performed by the National Assembly, State President or Government to establish the consent of the Socialist Republic of Vietnam to a multilateral treaty in the event that it has not signed that treaty, regardless of whether it has entered into force.

11. *Exchange of instruments constituting a treaty* refers to the exchange of letters, notes or instruments named otherwise to constitute a bilateral treaty between the Socialist Republic of Vietnam and foreign signatories.

12. *Consent to be bound by a treaty* refers to a legal act performed by a competent authority, person or duly authorized person to formally express the commitment of the Socialist Republic of Vietnam to a treaty, including signature of a treaty without being subject to ratification or approval, or signature of a treaty subject to ratification or approval, exchange of instruments constituting a treaty, concession a treaty or any other act as agreed upon with foreign signatories.

13. *Full powers* refers to a written confirmation whereby the person is designated by a competent authority to represent the Socialist Republic of Vietnam to perform one or a series of legal act(s) in relation to negotiation and signing of a treaty.

14. *Credentials* refers to a written confirmation issued by a competent authority whereby one or more persons is(are) designated to represent the Socialist Republic of Vietnam to international conferences to perform one or more legal act(s) in relation to the negotiation, adoption of the text of a treaty or the implementation of the provisions of a treaty.

15. *Reservation* refers to a statement made by the Socialist Republic of Vietnam or a foreign signatory when signing, ratifying, approving or acceding to a multilateral treaty, whereby it purports to preclude or modify the legal effect of one or certain provision(s) of the treaty.

16. *Termination of a treaty* refers to a legal act performed by the National Assembly, the State President or the Government to denounce the effect of a treaty to which the Socialist Republic of Vietnam is a party.

17. *Suspension of the operation of a treaty* refers to a legal act performed by the National Assembly, the State President or the Government to suspend the operation of the whole or part of a treaty to which the Socialist Republic of Vietnam is a party.

18. *Denunciation of or withdrawal from a treaty* refers to a legal act performed by the National Assembly, the State President or the Government to denounce the consent of the Socialist Republic of Vietnam to be bound by a treaty.

### **Article 3. Principles of conclusion and operation of treaties**

1. Compliance with the Constitution of Socialist Republic of Vietnam.
2. Respect for and observance of national independence, sovereignty, integrity, prohibition of the use or threat of force, non-interference in the domestic affairs of each other, equality, mutual interests and other fundamental principles of international law.
3. Protection of national and human interests, and conformity with diplomatic policies of the Socialist Republic of Vietnam.
4. Compliance with a treaty to which the Socialist Republic of Vietnam is a party.

### **Article 4. The name under which a treaty is concluded**

1. A treaty shall be concluded under the name of the State in the following cases:
  - a) A treaty is directly signed by the State President with the Head of other State;
  - b) A treaty relates to wars, peace, and national sovereignty of the Socialist Republic of Vietnam;
  - c) A treaty relates to the establishment of, participation in an international and regional organization where the establishment of, participation in and withdrawal from that organization may affect fundamental policies on diplomatic relations, national defence, security, socio-economic development, finance and currency;
  - d) A treaty changes, limits or terminate human rights, and substantive rights and obligations of citizens under laws and resolutions of the National Assembly;
  - dd) A treaty is concluded under the name of the State by agreement with any foreign signatory.
2. A treaty shall be concluded under the name of the Government in the following cases:
  - a) Any treaty is not subject to Clause 1 of this Article;
  - b) A treaty is concluded under the name of the Government by agreement with any foreign signatory.

## **Article 5. Language and form of a treaty**

1. A bilateral treaty must have a text in Vietnamese language, unless otherwise agreed with foreign signatories.
2. In cases where a treaty is signed in various languages, texts so written shall have the similar effect, unless otherwise agreed with foreign signatories.
3. In cases where a treaty is signed only in foreign languages, a Vietnamese translation of such treaty is required in the proposal submitted to conclude such treaty.
4. In cases where the Socialist Republic of Vietnam reserves, accepts or objects to reserving, of foreign signatories, the statement on a multilateral treaty, the proposal shall be required to include draft documents relating to such reservation and statement made in Vietnamese language and a foreign language used for notifying the depositary of such multilateral treaty.
5. The original text of a bilateral treaty for the Vietnam party must be printed on treaty paper, bound with covers by using the format adopted by the Ministry of Foreign Affairs, unless otherwise agreed upon with a foreign signatory.

## **Article 6. Treaties and provisions of domestic laws**

1. In cases where a legal document and a treaty to which the Socialist Republic of Vietnam is a party, contains different provisions on the same matter, the provisions of the treaty shall prevail, except the Constitution.
2. On the basis of the requirements, contents and nature of a treaty, the National Assembly, the State President or the Government, when deciding to consent to be bound by the treaty, shall also decide on the direct application of the whole or part of the treaty to natural, judicial or other entities in case the provisions of the treaty are express and specific enough for implementation; or decide or propose to amend, supplement, cancel or promulgate legal documents for the implementation of the treaty.

## **Article 7. Supervision of conclusion and implementation of treaties**

1. The National Assembly, the National Assembly Standing Committee, the Ethnic Council, the National Assembly's Committees, National Assembly deputies' delegations and individual National Assembly deputies shall, within their responsibilities and jurisdiction, supervise conclusion and implementation of treaties.
2. The process and procedure for supervising conclusion and implementation of treaties shall comply with laws and regulations on the National Assembly's supervisory operations.

## **Chapter II**

### **CONCLUSION OF TREATIES**

## **Section 1. NEGOTIATION OF TREATIES**

### **Article 8. Powers to make recommendations on negotiation of treaties**

1. The Supreme People's Court, the Supreme People's Procuracy, the State Audit, Ministries, Ministry-level agencies and governmental bodies (hereinafter referred to as the recommending agency) shall, to the extent of their respective legally-established duties and powers and the requirements of international cooperation, submit their recommendations to the Government for consideration of the State President on the negotiation of a treaty under the name of the State and submit their recommendation for consideration of the Prime Minister on the negotiation of a treaty under the name of the Government.

2. The Ministry of Foreign Affairs shall assume the prime responsibility for, and coordinate with the Ministry of National Defense and the Ministry of Public Security as well as other relevant entities in making recommendations on the negotiation of treaties on war, peace and national sovereignty.

### **Article 9. Preparations for negotiation of treaties**

1. The recommending agency shall be responsible for making arrangements for the negotiation of treaties and carry out the following activities:

- a) Conduct the preliminary assessment of political, national defence, security, socio-economic and other impacts of treaties;
- b) Conduct the preliminary review of applicable laws, regulations and treaties to which the Socialist Republic of Vietnam is a party in the same sector, and make comparison with the main contents of the treaty to be proposed for negotiation;
- c) Request opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities for submission to competent authorities to make their decisions on negotiation of treaties.

2. Authorities or organizations from which opinions are requested as provided in Point c Clause 1 of this Article shall be responsible for making written replies within a period of 15 days of full receipt of the written request for opinions.

### **Article 10. Powers to decide the negotiation of treaties**

1. The State President shall decide negotiation, full powers for negotiation, policy on negotiation and termination of negotiation of treaties under the name of the State.

2. The Prime Minister shall decide negotiation, full powers for negotiation, intention of negotiation and termination of negotiation of treaties under the name of the Government.

### **Article 11. Recommendation dossiers submitted for negotiation of treaties**

1. Recommendation dossiers submitted for negotiation of treaties are composed of the followings:

a) The recommending agency's recommendation which expressly specifies necessity, requirements and purposes of treaty negotiation; main contents of treaties; preliminary assessment of political, national defence, security, socio-economic and other impacts of treaties; results of preliminary review of applicable laws and regulations and treaties to which the Socialist Republic of Vietnam is a party in the same sector, and comparison with main contents of treaties proposed for negotiation; any suggestion on negotiation and full powers for negotiation;

b) Opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities; report on the responses to opinions from agencies or organizations and suggestions for necessary actions.

2. In the case of request for termination of negotiation of a treaty, the recommendation dossier must include the draft treaty expressing the plans for termination of such negotiation.

#### **Article 12. Conduct of negotiation of treaties**

1. The Government shall be authorized by the State President to act on behalf of the State to conduct the negotiation of treaties. The Prime Minister shall take charge of conducting negotiation of treaties for the Government.

2. Pursuant to the decision of the competent authority referred to in Article 10 hereof, the recommending agency shall undertake and cooperate with relevant agencies or organizations in development and submission to the Prime Minister of negotiation plans and draft treaties for Vietnam and composition of negotiation delegation.

3. The recommending agency shall take charge of holding consultations with those directly affected by treaties during the negotiation process.

4. The recommending agency must report to the Prime Minister on a timely basis about any issues arising during the negotiation process and propose any actions to be taken.

5. The State President and the Government shall be responsible for reporting to the National Assembly, the National Assembly's Standing Committee on the negotiation of treaties within the ratification jurisdiction of the National Assembly.

#### **Section 2. RECOMMENDATION ON SIGNATURE OF TREATIES**

##### **Article 13. Powers to make recommendations on signature of treaties**

1. Subject to duties, powers and requirements of international cooperation, the agency referred to in Article 8 hereof shall submit recommendations to the Government for the State President's

consideration of decision on signature of treaties under the name of the State or to the Government for its decision on signature thereof under the name of the Government.

2. Before making recommendations on signature of treaties, the recommending agency must hold consultations with any relevant agencies or organizations or collect examination opinions from the Ministry of Foreign Affairs as well as inspection opinions from the Ministry of Justice.

3. In cases where relevant agencies or organizations have had opinions on negotiation of treaties but draft treaties proposed for signature have unchanged contents in comparison with the negotiations allowed by competent authorities, the recommending agency shall call for examination opinions from the Ministry of Foreign Affairs, inspection opinions from the Ministry of Justice but shall not be necessarily hold consultations with other relevant agencies or organizations.

4. Any agency or organization from which opinions are requested as provided in Clause 2 of this Article shall be responsible for making written replies within 17 days from full receipt of required dossiers or within the period referred to in Clause 1 Article 18 and Clause 1 Article 20 hereof.

#### **Article 14. The National Assembly Standing Committee's giving opinions on signature of treaties**

1. Before making a decision on signing a treaty that has its provisions which are inconsistent with or are not provided by any law and resolution of the National Assembly, or has its provisions inconsistent with any ordinance or resolution of the National Assembly Standing Committee, or a treaty which is subject to amendment, denunciation, adoption of laws or resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee, the authority in the exercise of authority to decide to sign treaties provided in Clause 1 and 2 of Article 15 hereof shall request the National Assembly Standing Committee for any opinion. This shall not apply to the treaty subject to the ratification jurisdiction of the National Assembly as provided in Clause 1 Article 29 hereof.

2. The Government shall make a decision on signature of the treaty, subject to opinions from The National Assembly Standing Committee.

#### **Article 15. Powers and contents of the decision on signature of treaties**

1. The State President shall decide signature of treaties under the name of the State.

2. The Government shall decide signature of treaties under the name of the Government.

3. The decision on signature of treaties must be expressed in a written form, including the following contents:

a) Designation, form and name under which a treaty is signed;

- b) Representative and representative's authority for the signature of a treaty;
- c) Reservations, acceptance of or objection to reservations of foreign signatories, and statement with respect to a multilateral treaty;
- d) Responsibilities of the recommending agency, the Ministry of Foreign Affairs and relevant entities;
- dd) Decision on direct application of the whole or part of a treaty; decision or proposal to amend, denounce or issue legislative documents for implementation of a treaty. This shall not apply to the treaty subject to the ratification or approval provided in Article 28 and 37 hereof.

#### **Article 16. Contents of the proposal for signature of treaties**

1. Necessity, requirements and purposes of the proposal for signature of a treaty.
2. Main contents of a treaty.
3. Designation, form, the name under which the treaty is signed, signing representative, language, entry into force, manner of entry into force, duration of effect and temporary application of a treaty.
4. Rights and obligations arising from a treaty for the Socialist Republic of Vietnam.
5. Assessment of compliance with principles referred to in Article 3 hereof.
6. Recommendation on reservations, acceptance of or objection to such reservations of foreign signatories, and statements with respect to a multilateral treaty.
7. Assessment of direct application of the whole or part of a treaty; decision or proposal to amend, denounce or issue legislative documents for implementation of a treaty.
8. Contentious issues between the recommending agency and any relevant agency or organization, or between Vietnam and any foreign signatory, and suggestion for necessary actions to be taken.

#### **Article 17. Dossiers submitted for proposal for signature of treaties**

1. The proposal submitted by the recommending agency as provided in Article 16 hereof.
2. Examination opinions from the Ministry of Foreign Affairs, inspection opinions from the Ministry of Justice and opinions from relevant entities; report on the responses to opinions from agencies or organizations and suggestion for necessary actions; proposed plans for implementation of treaties.



3. The report on assessment of political, national defence, security, socio-economic and other impacts of treaties.
4. The report on compatibility of the treaty proposed for conclusion with the treaty made in the same sector to which the Socialist Republic of Vietnam is a party.
5. The report on conformity of provisions of a treaty with those of Vietnamese laws.
6. The texts of a treaty.

#### **Article 18. Responsibility of the Ministry of Foreign Affairs for examining treaties**

1. The Ministry of Foreign Affairs shall be responsible for examining a treaty within 15 days of full receipt of required dossiers referred to in Article 19 hereof or within 30 days where an Examination Council is established in accordance with Clause 3 of this Article.
2. The followings shall be examined in a treaty:
  - a) Necessity, purposes of conclusion of a treaty defined on the basis of assessment relationship between Vietnam and any foreign signatory;
  - b) Assessment of conformity of provisions of a treaty with fundamental principles of international laws;
  - c) Assessment of conformity of a treaty with national, human interests and diplomatic policies of the Socialist Republic of Vietnam;
  - d) Assessment of compatibility of the treaty proposed for conclusion with the treaty made in the same sector to which the Socialist Republic of Vietnam is a party;
  - dd) Designation, form, the name in which the treaty is signed, level of authority to sign the treaty, language, entry into force and wording techniques of a treaty;
  - e) The compliance with the order and procedures for making recommendations on the signature of a treaty;
  - g) The consistency of the treaty text written in Vietnamese language with the one written in any foreign language.
3. With respect to a treaty including important and complex provisions, the Minister of Foreign Affairs shall establish an Examination Council to examine that treaty.

An Examination Council for examination of a treaty shall be composed of a representative from the Ministry of Foreign Affairs, the Ministry of Justice and Government Office and other relevant entities.

### **Article 19. Dossiers submitted to request examination of treaties**

1. The written request for examination of a treaty whereby those provided in Clause 2 Article 18 hereof are defined.
2. The draft recommendation submitted to the Government on signature of a treaty.
3. The report on compatibility of the treaty proposed for conclusion with the treaty made in the same sector to which the Socialist Republic of Vietnam is a party.
4. The report on assessment of political, national defence, security, socio-economic and other impacts of treaties.
5. Opinions from relevant entities.
6. The texts of a treaty.

### **Article 20. Responsibility of the Ministry of Justice for inspecting treaties**

1. The Ministry of Justice shall be responsible for examining a treaty within 20 days of full receipt of required dossiers referred to in Article 21 hereof or within 60 days where an Examination Council is established in accordance with Clause 3 of this Article.
2. The followings shall be inspected in a treaty:
  - a) The conformity with the Constitution;
  - b) The compatibility with the provisions of Vietnamese laws;
  - c) The possibility of direct application of the whole or part of the treaty;
  - d) The requirements for amendment, supplementation, denunciation or promulgation of legal documents for the implementation of the treaty.
3. Where a treaty is proposed for conclusion by the Ministry of Justice, a treaty proposed for conclusion is subject to contentious opinions or a treaty contains important and complex provisions, the Minister of Justice shall establish an Examination Council for examination of a treaty.

An Examination Council for examination of a treaty shall be composed of a representative from the Ministry of Justice, the Ministry of Foreign Affairs, Government Office and other relevant entities.

### **Article 21. Dossiers submitted to request inspection of treaties**

1. Dossiers submitted to request inspection of treaties are composed of the followings:

a) The written request for inspection of a treaty whereby those provided in Clause 2 Article 20 hereof are included;

b) The draft recommendation submitted to the Government on signature of a treaty;

c) The report on assessment of conformity of provisions of a treaty with those of Vietnamese laws;

d) Opinions from relevant entities;

dd) The texts of a treaty.

2. 5 sets of dossiers submitted to request inspection shall be required.

### **Section 3. FULL POWERS FOR NEGOTIATION AND SIGNATURE OF TREATIES, CREDENTIALS FOR PARTICIPATION IN INTERNATIONAL CONFERENCES**

#### **Article 22. Full powers and credentials**

1. The Head of negotiation delegation and the person signing a treaty in the name of the State must be granted full powers in the written form by the State President.

2. The Head of delegation for negotiation of a treaty in the name of the Government must be granted full powers in the written form by the Prime Minister. The person signing a treaty in the name of the Government must be granted full powers in the written form by the Government.

3. The Head of delegation for participation in international conferences must be granted credentials in the written form by the Prime Minister.

Where there is a requirement subject to which members of the Vietnam's delegation must participate in an international conference in accordance with rules of such conference, the recommending agency shall be responsible for making a request for that requirement for the Prime Minister's consideration of making any decision.

4. The person granted full powers to negotiate, sign a treaty, or the person granted credentials to participate in an international conference, must be a leader of the recommending agency or the one who is recommended to the competent authority for any decision to be made.

5. In cases where the recommending agency does not appoint the head of negotiation delegation, the person signing a treaty or the head of delegation for participation in an international conference, the recommending agency shall, by agreement with the Ministry of Foreign Affairs, request the competent authority to make the decision to grant full powers or credentials to the head of diplomatic mission, the head of representative office in an international organization or other representative as the head of negotiation delegation, the person signing a treaty or the head of delegation for participation in such conference.

6. Grant of certificate of full powers or credentials shall be provided in Article 63 hereof.

#### **Section 4. CONDUCT OF SIGNATURE OF TREATIES**

##### **Article 23. Check and comparison of the texts of treaties**

Before initialling or signing a treaty, the recommending agency shall coordinate with the Ministry of Foreign Affairs and relevant authorities in checking and comparing the texts written in Vietnamese language with the texts written in a foreign language to ensure correctness of contents and uniformity of the form of the texts of the treaty.

##### **Article 24. Signature of treaties**

1. The recommending agencies shall have to coordinate with the Ministry of Foreign Affairs in completing the signing procedures and finalizing the treaty texts, and organizing the signing ceremonies of treaties in accordance with the agreement with foreign signatories.
2. In cases where the competent authority has decided to approve the signature of a treaty, however it is impossible to make arrangements for signature of such treaty, the recommending agency shall promptly report the case to the Government, suggesting measures and, at the same time, notify the Ministry of Foreign Affairs thereof for coordination.
3. In cases where there are changes relating to the name under which the treaty will be signed, rights and obligations of the Vietnamese side, which contain provisions that contravene, or have not been made in, laws or resolutions of the National Assembly or those in contravention of ordinances or resolutions of the National Assembly Standing Committee, or other fundamental changes in the text of the treaty the signing of which has been approved by the competent authority, the recommending agency must re-submit such treaty for consideration of signature as referred to in Section 2 of this Chapter.
4. The State President and the Government shall be responsible for reporting to the National Assembly and the National Assembly Standing Committee on the signature of treaties within the ratification jurisdiction of the National Assembly.

##### **Article 25. Signature of treaties during high-level delegation visits**

1. The recommending agency shall have to coordinate with the Ministry of Foreign Affairs in completing the signing procedures and finalizing the texts of treaties the signing of which has been approved by competent state agencies during the visits by high-level Vietnamese delegations to foreign countries or by high-level foreign delegations to Vietnam.
2. The Ministry of Foreign Affairs shall assume the prime responsibility for or coordinate the check and comparison of the final texts of treaties, and coordinate with the foreign parties in organizing the signing ceremonies of treaties during visits by high-level Vietnamese delegations to foreign countries or by high-level foreign delegations to Vietnam, unless otherwise agreed upon with foreign parties or otherwise decided by competent state agencies.

## **Article 26. Responsibility to transmit texts of treaties after their signing**

1. Within 10 days from the date of signature of a bilateral treaty in Vietnam or from the date of arrival of the delegation for signature of treaties in foreign countries, the recommending agency shall be responsible for providing the Ministry of Foreign Affairs with:

- a) The original treaty text;
- b) The Vietnamese translation, only if the treaty is signed in a foreign language;
- c) The electronic recording of contents of a treaty in Vietnamese language or a foreign language;
- d) Certificate of full powers or proof of the fact that the representative of the foreign side has due competence in signing the treaty.

2. In cases where the head of a diplomatic mission or permanent representative mission of Vietnam in an international organization signs a treaty, the person who signed the treaty shall have to report and promptly transmit a copy of the signed treaty to the Ministry of Foreign Affairs and send the original text of the treaty to the recommending agency.

Within 10 days of receipt of the original treaty text, the recommending agency shall discharge responsibilities referred to in Clause 1 of this Article.

3. The recommending agency shall have to send a copy of a multilateral treaty, which has been authenticated, furnished or disseminated by the depositary of the multilateral treaty, and a Vietnamese translation of the treaty and an electronic medium of the contents of the text of the treaty in the Vietnamese and foreign language(s) to the Ministry of Foreign Affairs within 10 days from the date of signature of such treaty in Vietnam or from the date of arrival of the delegation for signature of such treaty.

## **Article 27. Exchange of instruments constituting treaties**

Exchanging instruments constituting treaties shall be provided in Article 8 through Article 26 hereof.

## **Section 5. RATIFICATION OF TREATIES**

### **Article 28. Treaties subject to ratification**

1. Treaties that contain provisions that the treaties are subject to ratification.
2. Treaties signed in the name of the State.
3. Treaties signed in the name of the Government, which contain provisions in contravention of laws or resolutions of the National Assembly.

## **Article 29. Authority and contents of the ratification instrument**

1. The National Assembly shall ratify the following treaties:

- a) The treaty relates to wars, peace and national sovereignty of the Socialist Republic of Vietnam;
- b) The treaty relates to the establishment of, participation in an international and regional organization where such establishment of, participation in and withdrawal from that organization may affect fundamental policies on diplomatic relations, national defence, security, socio-economic development, finance and currency;
- c) A treaty changes, limits or terminate human rights, and substantive rights and obligations of citizens under laws and resolutions of the National Assembly;
- d) The treaty which contains provisions in contravention of laws and resolutions of the National Assembly;
- dd) The treaty is directly signed by the State President with the Head of the other State.

2. The State President shall ratify treaties defined in Article 28 hereof, except for those stated in Clause 1 of this Article.

3. The ratification instrument shall include the following contents:

- a) The designation, time and place of signature of the treaty;
- b) Contents of reservation, acceptance of or objection to reservation(s) made by the foreign signatory, declaration with respect to a multilateral treaty, and other necessary issues;
- c) The decision on direct application of the whole or part of the treaty; the decision or proposal to amend, supplement, cancel or promulgate laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee for the implementation of the ratified treaty;
- d) Responsibilities of the recommending agency, the Ministry of Foreign Affairs and relevant entities for completion of ratification procedures and conduct of implementation of treaties;
- dd) The full texts of treaties written in Vietnamese language as Annexes. In cases where a treaty is signed only in a foreign language(s), Annexes contain the full texts of that treaty written in one of the languages used for signature and the Vietnamese translation of such treaty.

## **Article 30. Recommendations on ratification of treaties**

1. The recommending agency shall submit to the Government for further submission to the State President the ratification of a treaty, after having obtained written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities.
2. The Government shall submit to the State President for further submission to the National Assembly the ratification of the treaty ratified by the National Assembly.
3. Authorities or organizations from which opinions are requested as provided in Clause 1 of this Article shall be responsible for making written replies within a period of 15 days of full receipt of the written request for opinions.

### **Article 31. Dossiers submitted for ratification of treaties**

1. The recommending agency's written submission, which contains the assessment of the impacts of the treaty on Vietnam, recommendations on the ratification, time for ratification, reservations, acceptance of or objection to the reservation(s) made by the foreign signatories, declaration with respect to a multilateral treaty; recommendations on the direct application of the whole or part of the treaty; recommendations on amendment, supplementation, cancellation or promulgation of legal documents for the implementation of the treaty.
2. Opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities; report on the responses to opinions from agencies or organizations and suggestions for necessary actions; the proposed plans for implementation of treaties.
3. The texts of a treaty.

### **Article 32. Scope of verification of treaties**

1. The necessity of ratification.
2. The observance of the order and procedures for making recommendations on ratification.
3. The conformity with the Constitution and the compatibility with laws and resolutions of the National Assembly, and ordinances and resolutions of the National Assembly Standing Committee.
4. The possibility of direct application of the whole or part of the treaty.
5. The requirement for amendment, supplementation, cancellation or promulgation of laws and resolutions of the National Assembly, and ordinances and resolutions of the National Assembly Standing Committee for the implementation of the treaty.

### **Article 33. Authority to verify treaties**

The Foreign Affairs Committee of the National Assembly shall assume the prime responsibility for and coordinate with the Ethnic Council and other Committees of the National Assembly in

verification of treaties within the jurisdiction of the National Assembly Standing Committee for ratification, decision on accession to or termination of such treaties.

#### **Article 34. Dossiers submitted to request verification of treaties**

1. The State President's submitted statement on the recommendation for the ratification of the treaty.
2. The explanatory report of the Government.
3. Documents referred to in Clause and 3 Article 31 hereof.

#### **Article 35. Procedures for verification of treaties**

1. The Office of the State President shall coordinate with the recommending agencies in submitting the dossiers of request for verification of treaties to the agency assuming the prime verifying responsibility for the period which is no later than 30 days before the date of opening of the session of the National Assembly.
2. The agency assuming the prime verifying responsibility shall convene meetings for the verification of treaties with the participation of the verification-participating agencies and concerned agencies and organizations within 15 days after the date of full receipt of the dossiers of request for verification.

#### **Article 36. Processes for the National Assembly's considering and ratifying treaties at its sessions**

1. The State President reports on the recommendation of the ratification of a treaty.
2. The representative of the Government or the recommending agency other than the ministry, ministry-level agency or Governmental body presents reports on the treaty.
3. The representative of the verifying agency delivers verification reports.
4. The National Assembly debates the ratification of treaties in plenary sessions. Before plenary session debate, groups or delegations of National Assembly deputies may discuss the ratification of the treaty.

In the course of debate, the agency referred to in Clause 2 of this Article may give additional information on the matters relating to the ratification of the treaty.

5. The National Assembly Standing Committee presents reports on the responses to opinions and the correction of the draft resolution on ratification of treaties.
6. The National Assembly votes to adopt a resolution on the ratification of the treaty.



## **Section 6. APPROVAL OF TREATIES**

### **Article 37. Treaties subject to approval**

Unless falling within the ratification jurisdiction of the National Assembly, the treaties listed below shall be subject to approval:

1. The treaty signed in the name of the Government which contains provisions stating that completion of approval or legal procedures is required by each state to enter into force;
2. The treaty signed in the name of the Government which contains provisions in contravention of legal documents adopted by the Government.

### **Article 38. Approval-granting authority and contents of the ratification instrument**

1. The Government shall decide to approve treaties specified in Article 37 hereof.
2. The approval instrument shall include contents which are the same as those contained in the ratification instrument referred to in Clause 3 Article 29 hereof.

### **Article 39. Recommendations on approval of treaties**

1. The recommending agency shall submit to the Government the request for approval of a treaty, after having obtained written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities.
2. Authorities or organizations from which opinions are requested as provided in Clause 1 of this Article shall be responsible for making written replies within a period of 15 days of full receipt of the written request for opinions.

### **Article 40. Dossiers submitted to request approval of treaties**

Dossiers submitted to request approval of treaties include documents which are the same as those on ratification of treaties as provided in Article 31 hereof.

## **Section 7. ACCESSION TO TREATIES**

### **Article 41. Authority to make recommendations on accession to treaties**

1. The agencies referred to in Article 8 hereof shall, subject to their duties, powers and requirements of international cooperation, submit recommendations to the Government for its decision and for further submission to the State President's consideration of decision or for the State President's further submission to the National Assembly for its decision on accession to treaties under the authority stipulated in Clause 1, 2 and 3 Article 43 hereof.

2. Before making recommendations on accession to treaties, the recommending agency must request opinions in written form with any relevant agencies or organizations, or request examination opinions from the Ministry of Foreign Affairs as well as inspection opinions from the Ministry of Justice.

3. Authorities or organizations from which opinions are requested as provided in Clause 2 of this Article shall be responsible for making written replies within a period of 15 days of full receipt of the written request for opinions.

4. Negotiation, signature, ratification and approval of treaties for the purpose of accession to these treaties shall conform to regulations laid down from Section 1 through Section 6 of this Chapter.

#### **Article 42. The National Assembly Standing Committee's giving opinions on accession to treaties**

1. Before making a decision on acceding to a treaty that has its provisions which are inconsistent with or are not provided by any law and resolution of the National Assembly, or has its provisions inconsistent with any ordinance or resolution of the National Assembly Standing Committee, or a treaty which is subject to amendment, denunciation, adoption of laws or resolutions of the National Assembly, ordinances or resolutions of the National Assembly Standing Committee, the authority in the exercise of authority to decide to accede treaties provided in Clause 2 and 3 of Article 43 hereof shall request the National Assembly Standing Committee for any opinion. This shall not apply to the treaty subject to the jurisdiction of the National Assembly for accession as provided in Clause 1 Article 43 hereof.

2. The Government shall make a decision on acceding to the treaty, subject to opinions from The National Assembly Standing Committee and the State President.

#### **Article 43. Powers to grant and contents of the decision on accession to treaties**

1. The National Assembly shall decide to accede to the treaties stated in Point a, b, c and d Clause 1 Article 29 hereof.

2. The State President shall decide to accede to the treaties stated in Clause 2 Article 29 hereof.

3. The Government shall decide to accede to treaties in the name of the Government, except for the cases referred to in Clause 1 and 2 of this Article.

4. The instrument stating the decision on accession to treaties shall include contents which are the same as those contained in the ratification instrument referred to in Clause 3 Article 29 hereof.

#### **Article 44. Processes and procedures for the National Assembly's making its decision on accession to treaties**

Processes and procedures for the National Assembly's making its decision on accession to treaties shall be the same as those on ratification of treaties referred to in Articles 32, 33, 34, 35 and 36 hereof.

#### **Article 45. Dossiers submitted for the accession to treaties**

1. The recommending agency's submitted report on the accession with the contents specified in Article 16 hereof.
2. Examination opinions from the Ministry of Foreign Affairs, inspection opinions from the Ministry of Justice and opinions from relevant entities; report on the responses to opinions from agencies or organizations; proposed plans for implementation of treaties.
3. The texts of a treaty.
4. The list of parties to the treaty, instruments on amendments, supplements to the treaty, reservations, acceptance of or objection to reservations, declarations made by the foreign signatories with respect to the treaty, legal procedures required for, and other necessary information relating to, the accession to the treaty.

#### **Article 46. Responsibility to send the texts of treaties upon receipt of the decision on accession**

The recommending agency shall have to send the texts of the treaty which has been authenticated, furnished or disseminated by the depositary of the multilateral treaty, and a Vietnamese translation of the treaty and an electronic medium of the contents of the text of the treaty in the Vietnamese and foreign language(s) to the Ministry of Foreign Affairs within 15 days of receipt of the decision on accession to such from the competent authorities.

### **Chapter III**

#### **RESERVATIONS TO TREATIES**

#### **Article 47. Reservations made by the Socialist Republic of Vietnam**

The competent authority deciding to sign, ratify, approve or accede to treaties shall exercise the right to decide reservations of the Socialist Republic of Vietnam made to treaties.

#### **Article 48. Acceptance of or objection to reservations made by foreign signatories**

1. The recommending agency shall clearly state the requirement and the contents of the acceptance of or objection to reservations made by the foreign signatories; the proposed time to express acceptance or objection to such reservations and the legal consequences of such acceptance or objection in its submitted report to the Government on the signature, ratification, approval of or accession to a treaty which permits reservations and stipulates that reservations are subject to acceptance of reservations made by the treaty signatories.

2. In cases where a foreign signatory makes a reservation to a treaty after the recommending agency submits a report to the Government on the signature, ratification, approval or accession to the treaty, the Ministry of Foreign Affairs shall notify the recommending agency promptly after obtaining information about the foreign signatory's making reservations to the treaty. The recommending agency shall have to additionally submit the recommendation on the acceptance of or objection to such reservation, after obtaining written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and concerned agencies and organizations.

3. A dossier submitted by the recommending agency on the additional recommendation on the acceptance of or objection to a reservation as provided for in Clause 2 of this Article shall comprise:

- a) The recommending agency's submitted report with the contents specified in Clause 1 of this Article;
- b) The treaty texts;
- c) Opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities.

#### **Article 49. Authority to decide the acceptance of or objection to reservations made by foreign signatories**

1. The National Assembly shall decide to accept or object to reservations made by foreign signatories with respect to the treaty of or to which the National Assembly has decided the ratification or accession.

2. The State President shall decide to accept or object to reservations made by foreign signatories with respect to the treaty of and to which the State President has decided the signature, ratification or accession.

3. The Government shall decide to accept or object to reservations made by foreign signatories with respect to the treaty of or to which the National Assembly has decided the signature, ratification or accession.

4. Acceptance of or objection to reservations made by foreign signatories must be expressed in a written form.

#### **Article 50. Processes and procedures for deciding the acceptance of or objection to reservations made by foreign signatories**

1. The National Assembly shall decide to accept or object to reservations made by foreign signatories with respect to the treaty upon deciding on the ratification or accession to that treaty or after the receipt of the supplementary submitted report on the acceptance of or objection to the reservations in accordance with the similar processes and procedures set forth in Article 36 hereof.

2. The State President or the Government shall decide to accept or object to reservations made by foreign signatories with respect to the treaty upon deciding on the signature, ratification, approval of or accession to that treaty or after obtaining the additional submitted report on the acceptance of or objection to such reservations.

#### **Article 51. Withdrawal of reservations or withdrawal of objection to reservations**

1. The recommending agency shall have to submit the recommendation on the acceptance of or objection to reservations to the Government, after obtaining written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and concerned agencies and organizations.

2. The Government shall submit to the State President for further submission to the National Assembly the decision on withdrawal of reservations or withdrawal of objection to reservations with respect to any reservations or objection to reservations subject to the National Assembly's decision. Processes and procedures for withdrawal of reservations or withdrawal of objection to reservations shall be similar to those stated in Article 36 hereof.

3. The Government shall submit to the State President the decision on withdrawal of reservations or withdrawal of objection to reservations with respect to reservations or objection to reservations subject to the State President's decision.

4. The Government shall decide withdrawal of reservations or withdrawal of objection to reservations with respect to reservations or objection to reservations subject to the Government's decision.

5. Withdrawal of reservations or objection to reservations must be expressed in a written form.

6. Dossiers submitted for withdrawal of reservations or withdrawal of objection to reservations shall comprise:

a) The submitted report on withdrawal of reservations or withdrawal of objection to reservations, and legal consequences resulting therefrom;

b) The treaty texts;

c) Opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities.

#### **Chapter IV**

### **ENTRY INTO FORCE, AMENDMENT TO, SUPPLEMENTATION AND EXTENSION OF TREATIES**

#### **Article 52. Entry into force of treaties**

A treaty shall enter into force for the Socialist Republic of Vietnam under the provisions of that treaty or as agreed upon between the Vietnamese side and the foreign signatories.

### **Article 53. Provisional application of treaties**

1. A treaty or part of a treaty may be provisionally applied during the period of completion of procedures for the entry into force of the treaty as provided in the treaty or as agreed upon between the Vietnamese side and the foreign signatories.
2. The provisional application of a treaty shall be terminated if the Vietnamese side notifies the foreign signatories, or the foreign signatories notify the Vietnamese side, of the termination of the provisional application of the treaty, unless otherwise provided for in the treaty or agreed upon between the Vietnamese side and the foreign signatories.
3. Competent authorities deciding the signature of a treaty may decide to apply the provisional application and terminate the provisional application of the treaty.
4. Submitted dossiers for termination of the provisional application of a treaty shall be similar to those referred to in Article 16 and Article 17 hereof.

### **Article 54. Amendment to, supplementation and extension of treaties**

1. Treaties may be amended, supplemented or extended as provided for in the treaties or as agreed upon between the Vietnamese side and the foreign signatories.
2. The conclusion of a new treaty for amendment to, supplementation or extension of a treaty shall conform to regulations set out in Chapter II hereof.
3. **Authority to decide amendment to, supplementation or extension of treaties shall be defined hereunder in the event that a new treaty is not signed for the purpose of amendment to, supplementation or extension of the current treaty:**
  - a) The National Assembly shall decide to amend, supplement or extend treaties which were ratified by the National Assembly, or acceded to under the National Assembly's decision;
  - b) The State President shall decide to amend, supplement or extend treaties which were ratified by the State President, or acceded to under the State President's decision;
  - c) The Government shall decide to amend, supplement or extend treaties which were approved, acceded to or signed under the Government's decision, other than the ratification or approval.
4. The instrument of decision on amendment to, supplementation or extension of treaties includes the following contents:
  - a) The designation, time and place of signature and the date of entry into force of the amended, supplemented or extended treaty;
  - b) The contents of amendment, supplementation or the duration for which the treaty is extended;

c) The responsibilities assumed by the recommending agency, the Ministry of Foreign Affairs and other concerned agencies and organizations.

5. Processes and procedures for deciding amendment, supplementation or extension of treaties shall be described as follows:

a) The recommending agency shall be responsible for obtaining written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities before submitting to the Government amendment to, supplementation or extension of treaties;

b) The Government shall decide any amendment to, supplementation or extension of treaties as provided in Point c Clause 3 of this Article; submit to the State President the decision on amendment to, supplementation and extension of treaties as prescribed in Point b Clause 3 of this Article;

c) The State President shall decide any amendment to, supplementation or extension of treaties as provided in Point b Clause 3 of this Article; submit to the National Assembly the decision on amendment to, supplementation and extension of treaties as prescribed in Point a Clause 3 of this Article;

d) The National Assembly shall decide any amendment to, supplementation or extension of treaties as provided in Point a Clause 3 of this Article in accordance with the processes, procedures which are similar to those for ratification of treaties referred to in Articles 32, 33, 34, 35 and 36 hereof.

6. Dossiers submitted for amendment to, supplementation or extension of treaties shall be defined hereunder in the event that a new treaty is not signed for the purpose of amendment to, supplementation or extension of the current treaty:

a) The submitted report of the recommending agency which clearly states purposes, requirements and legal bases as well as legal consequences of amendment, supplementation and extension.

b) Opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities; report on the responses to opinions from agencies or organizations and suggestion of necessary actions;

c) The treaty text;

d) Recommendations on amendment, supplementation or extension made by foreign signatories or relevant authorities of Vietnam.

**Article 55. Termination, denunciation, withdrawal from and suspension of operation of treaties**

1. The termination, denunciation, withdrawal from, or suspension of operation of the whole or part of a treaty shall be effected in accordance with the provisions of the treaty or by the agreement between the Vietnamese side and the foreign signatories.

2. Authority to decide the termination, denunciation, withdrawal from and suspension of operation of treaties shall be provided for as follows:

a) The National Assembly shall decide to terminate, denounce, withdraw from or suspend operation of the treaty which was ratified by the National Assembly or acceded to under its decision.

In certain cases, the State President or the Government may decide suspension of the operation of the treaty signed under the decision of the State President or the Government, and ratified by the National Assembly, and then report to the National Assembly at its subsequent session;

b) The State President shall decide to terminate, denounce, withdraw from or suspend operation of the treaty which was ratified by the State President or acceded to under his decision;

a) The Government shall decide to terminate, denounce, withdraw from or suspend operation of the treaty which was approved, acceded to or signed under his decision, other than the ratification or approval.

3. The instrument of decision on termination, denunciation, withdrawal from and suspension of operation of treaties shall include the following contents:

a) The designation of the treaty subject to termination, denunciation, withdrawal or suspension of operation; time, place of signature and the period of entry into force of the treaty;

c) The responsibilities assumed by the recommending agency, the Ministry of Foreign Affairs and other concerned agencies and organizations.

4. Dossiers submitted, processes and procedures for the decision on termination, denunciation, withdrawal from, suspension of operation of treaties shall be similar to those for the decision on amendment to, supplementation or extension of treaties stated in Clause 5 and 6 Article 54 hereof.

#### **Article 56. Notification relating to the entry into force of treaties**

The Ministry of Foreign Affairs shall notify relevant entities of the followings:

1. Date of entry into force of a treaty within 10 days from the date of receipt of information about the entry into force of the treaty for the Socialist Republic of Vietnam;

2. Date of entry into force of a declaration on reservations made by the Socialist Republic of Vietnam, acceptance of or objection to reservations made by the foreign signatories, or



withdrawal of reservations or objection to reservations for a multilateral treaty, within 10 days from the date of receipt of notification sent by the depositary of multilateral treaties;

3. Date of termination of provisional application of treaties; amendment to, supplementation or extension of treaties, termination, denunciation, withdrawal from or suspension of operation of treaties within the period of 10 days from the entry into force of provisional termination, amendment to, supplementation, extension, termination, denunciation, withdrawal from or suspension of implementation of treaties.

## **Chapter V**

### **DEPOSIT, CUSTODY, CERTIFIED COPYING AND PUBLICATION OF TREATIES**

#### **Article 57. Deposit of multilateral treaties**

The Ministry of Foreign Affairs shall perform the functions of a depositary of a multilateral treaty in case the Socialist Republic of Vietnam is designated as the depositary of such multilateral treaty.

#### **Article 58. Custody of treaties**

1. The Ministry of Foreign Affairs shall keep custody of the original texts of bilateral treaties; the copy of multilateral treaties to which the Socialist Republic of Vietnam is a party, which is certified by the depositary; the instruments of ratification, approval of or accession to treaties; full powers for negotiation and signature of treaties; credentials for participation in international conferences and other related instruments.

2. The recommending agency shall have to send the Ministry of Foreign Affairs the original texts, certified copies and Vietnamese translations of treaties, full powers for negotiation or conclusion of treaties for the foreign side within a permitted period referred to in Article 26 and 46 hereof.

#### **Article 59. Certified copying of treaties**

1. The Ministry of Foreign Affairs shall make certified copies of treaties in force and send them to the National Assembly, the State President and the Government for report, or to concerned agencies and organizations for implementation, or to the Official Gazette, within fifteen days after the date of receipt of the original text of a bilateral treaty and information about the entry into force of such treaty.

2. The Ministry of Foreign Affairs shall make certified copies of treaties into force and send them to the National Assembly, the State President and the Government for report, or to concerned agencies and organizations for implementation, or to the Official Gazette, within fifteen days after the date of receipt of the copies of a multilateral treaty authenticated by the depositary and notification issued by the depositary of multilateral treaties in relation to the entry into force of a multilateral treaty for the Socialist Republic of Vietnam.

## **Article 60. Publication of treaties**

1. Treaties which have entered into force for the Socialist Republic of Vietnam shall be published in the Official Gazette of the Socialist Republic of Vietnam and the Electronic Information Portal of the recommending agency, unless otherwise agreed between the Vietnamese side and the foreign signatories or otherwise decided by competent authorities.

Where there is a request that a treaty is not published, the recommending agency shall submit such request to the Prime Minister for his decision after obtaining written opinions from the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities. The recommending agency shall be responsible for giving the notification of duties to be performed to agencies, organizations or individuals directly involved in implementing relevant provisions of treaties.

2. Treaties shall be published on the Official Gazette of the Socialist Republic of Vietnam within 15 days from the date of receipt of the copies of the treaty in force sent by the Ministry of Foreign Affairs.

3. The recommending agency shall publish treaties on its Electronic Information Portal within a period of 05 days from receipt of the copies of such treaties in force sent by the Ministry of Foreign Affairs. Where a treaty is only signed in a foreign language, a Vietnamese translation of the treaty must be also published.

4. The Ministry of Foreign Affairs shall publish treaties on its Electronic Information Portal within 05 days from the date of certified copying of such treaties in accordance with Article 59 hereof.

## **Article 61. Grant of certified copies of treaties**

The Ministry of Foreign Affairs shall grant copies of treaties to which the Socialist Republic of Vietnam is a party, which is kept in custody or deposited by the Ministry of Foreign, to agencies, organizations or individuals in accordance with relevant laws.

## **Article 62. Database of treaties**

The Ministry of Foreign Affairs shall have preside over or coordinate with relevant agencies or organizations in development and operation of the treaty-related Database of the Socialist Republic of Vietnam.

The full texts of treaties, or information about the entry into force thereof, which are published in accordance with Clause 1 Article 60 hereof, shall be published on the treaty-related Database of the Socialist Republic of Vietnam.

## **Chapter VI**

### **DIPLOMATIC PROCEDURES**

### **Article 63. Grant of certificate of full powers and credentials**

1. The Ministry of Foreign Affairs shall grant the certificate of full powers for negotiation, conclusion of treaties, or the credential for participation in treaties under the decision made in a written form by the competent authority.
2. The Minister of Foreign Affairs shall sign the certificate of full powers for negotiation and signature of treaties, credentials for participation in international conferences.
3. In cases where a decision on authorization or mandate does not specify the person authorized or mandated and the full designation of the treaty in the Vietnamese and foreign language(s), no later than 05 days before the date of commence of the negotiation or signature of a treaty or participation in an international conference, the recommending agency shall have to notify in writing the Ministry of Foreign Affairs of the said information for the completion of the procedures for grant of the certificate of Full Powers or Credentials.
4. The recommending agency shall have to submit in a timely manner to the State President or the Government and the Prime Minister for decision any changes relating to the persons authorized or mandated; the Ministry of Foreign Affairs shall complete diplomatic procedures for granting the certificate of Full Powers or Credentials under the provisions of Clauses 1, 2 and 3 of this Article the decision made by the State President, the Government or the Prime Minister.

### **Article 64. Diplomatic procedures for ratification, approval of and accession to treaties**

1. The Ministry of Foreign Affairs shall notify the foreign signatories or the depositary of multilateral treaties of the ratification, approval of and accession to treaties within 15 days of receipt of the instrument adopted by the National Assembly, the State President and the Government on the ratification, approval of or decision on accession to treaties.
2. The State President shall sign the instrument of ratification of a bilateral treaty. Contents of the instrument of ratification of a bilateral treaty include the designation, time and place of signature of that treaty and other necessary contents.

The Ministry of Foreign Affairs shall cooperate with the recommending agency in implementation of procedures for exchanging instruments with the foreign signatories in the event that a bilateral treaty has provisions or arrangements with the foreign signatories on completion of procedures for completion of procedures for exchanging the instrument of ratification for the entry into force of that treaty.

3. The Minister of Foreign Affairs shall sign the instrument of ratification, approval of or accession to multilateral treaties delivered to the depositary of multilateral treaties.

### **Article 65. Diplomatic procedures for keeping custody of treaties**

1. The Ministry of Foreign Affairs shall cooperate with the recommending agency in notifying the depositary of custody assigned to the Socialist Republic of Vietnam when signing such treaties.

2. The Ministry of Foreign Affairs shall notify the depositary of multilateral treaties of reservations made by the Socialist Republic of Vietnam in the instrument of notification with regard to the ratification, approval of or accession to any treaty which contains provisions subject to the Socialist Republic of Vietnam's declaration of reservation or required reaffirmation of reservations declared upon conclusion of such treaty; notify the depositary of multilateral treaties of the acceptance of or objection to reservations made by the foreign signatories within 15 days of receipt of the decision from the competent authorities or delivery of such notification together with instruments of ratification, approval or accession.

3. The Minister of Foreign Affairs shall sign the diplomatic notification with regard to deposit of treaties with the Socialist Republic of Vietnam, acceptance of or objection to reservations made by the foreign signatories, withdrawal of reservations, or withdrawal of objection to reservations, to the depositary of treaties.

#### **Article 66. Diplomatic procedures for termination of provisional application of treaties**

The Ministry of Foreign Affairs shall notify the foreign signatories of the decision made by the Vietnamese side concerning the termination of provisional application of treaties, or the response made by the Vietnamese side to the decision of the foreign signatory on the termination of provisional application of treaties within a period of 15 days of receipt of the decision granted by the competent authorities.

#### **Article 67. Diplomatic procedures for amendment to, supplementation and extension of treaties**

1. The Ministry of Foreign Affairs shall coordinate with the recommending agency in notifying the foreign signatories of any amendment to, supplementation or extension of treaties within 15 days of receipt of the decision granted by the competent authority on amendment to, supplementation or extension of such treaties.

2. Where the recommending agency directly notifies the foreign signatory, the Ministry of Foreign Affairs must be informed of the result immediately after receipt of information about the entry into force of the amendment, supplementation and extension of treaties.

#### **Article 68. Diplomatic procedures for termination, denunciation, withdrawal from and suspension of operation of treaties**

1. The Ministry of Foreign Affairs shall cooperate with the recommending agency in notifying the foreign signatory of termination, denunciation, withdrawal from or suspension of operation of a bilateral treaty which the Socialist Republic of Vietnam has concluded.

2. The Minister of Foreign Affairs shall sign the notification of termination, denunciation, withdrawal from or suspension of operation of a multilateral treaty to the depositary of multilateral treaties.

### **Article 69. Registration of treaties**

Where it is necessary for registration of treaties, the Ministry of Foreign Affairs shall register the treaty to which the Socialist Republic of Vietnam is a party with the United Nations' Secretariat.

## **Chapter VII**

### **SIMPLIFIED PROCESSES AND PROCEDURES**

#### **Article 70. Application of simplified processes and procedures**

1. Simplified processes and procedures for negotiation, signature, amendment, supplementation and extension of a treaty shall be implemented as provided in this Chapter.
2. Simplified processes and procedures for negotiation, signature, amendment, supplementation and extension of a treaty under the authority to ratify, decide to accede to or terminate treaties of the National Assembly shall not be applied.
3. Simplified processes and procedures for negotiation, signature, amendment, supplementation and extension of a treaty on foreign borrowing in the name of the Government shall be implemented as provided in laws and regulations on public debt management.

#### **Article 71. Simultaneous proposal for negotiation and signature of treaties**

Where the recommending agency has determined contents and gathered materials in an adequate manner in the proposal for signature of treaties in accordance with Article 17 hereof before negotiation, proposal for negotiation and signature of a treaty may occur at the same time.

#### **Article 72. Negotiation and signature of treaties under the simplified procedures and processes**

1. The simplified processes and procedures shall be applied to negotiation and signature of treaties in the following cases:
  - a) A treaty is subject to the form stipulated in the treaty between the Socialist Republic of Vietnam and the same foreign signatory or the form approved by the competent authority;
  - b) The application of such processes and procedures is subject to the decision granted by the competent authority.
2. The simplified processes and procedures for negotiation and signature of treaties shall be implemented as follows:

a) Authorities or organizations from which opinions are requested as provided in Point c Clause 1 Article 9 hereof shall be responsible for making written replies within a period of 05 days of full receipt of the written request for opinions;

b) Authorities or organizations from which opinions are requested as provided in Clause 2 Article 13 hereof, inspection and verification agency shall be responsible for making written replies within a period of 05 days of full receipt of the written request for opinions, inspection or verification;

c) The request dossier for inspection of a treaty shall be composed of documents provided for in Clauses 1, 2, 5 and 6 Article 19 hereof;

d) The request dossier for verification of a treaty shall be composed of documents provided for in Points a, b, d and dd Clause 1 Article 21 hereof;

dd) The report dossier submitted for signature of a treaty shall be composed of documents provided for in Clauses 1, 2 and 6 Article 17 hereof;

e) The report for the signature of treaties must include assessment of political, national defence, security, socio-economic and other impacts of treaties; compatibility of treaties proposed for signature with those made in the same sector to which the Socialist Republic of Vietnam is a party and assessment of conformity of provisions of treaties with those of Vietnam's laws.

### **Article 73. Amendment and supplementation of treaties under the simplified processes and procedures**

1. With regard to any amendment or supplementation of treaties is purely technical and where a new treaty is not signed to amend or supplement an existing treaty, the recommending agency shall not be required to request opinions from relevant agencies or organizations as provided in Point a Clause 5 Article 54 hereof before submission to the Government. In the event that requesting opinions is allowed, the agency from which opinions are requested shall be responsible for making written replies within a period of 05 days of full receipt of the request dossier for opinions.

2. Where a treaty has provided for the authority designated to amend or supplement a treaty, that authority shall make its decision on amending or supplementing such treaty, unless otherwise decided by the agency competent in making a decision on consent to be bound by such treaty.

3. When the situation mentioned in Clause 2 of this Article happens, the authority competent in deciding to amend or supplement treaties shall promptly notify the Ministry of Foreign Affairs and relevant authorities of amended or supplemented contents.

4. The request dossier for amendment to or supplementation of treaties under the simplified processes or procedures shall be composed of documents provided for in Clause 6 Article 54 hereof, except for opinions from relevant agencies or organizations.

#### **Article 74. Extension of treaties under the simplified procedures and processes**

1. With regard to any amendment or supplementation of treaties is purely technical, the recommending agency shall be required to request opinions from relevant agencies or organizations as provided in Point a Clause 5 Article 54 hereof.
2. The request dossier for extension of treaties under the simplified processes or procedures shall be composed of documents provided for in Clause 6 Article 54 hereof, except for opinions from relevant agencies or organizations.

#### **Article 75. Refusal to apply simplified processes and procedures**

In the event of refusing to apply the simplified processes and procedures, the authority competent in deciding to negotiate, sign, amend, supplement and extend a treaty shall return the submitted dossier and request the submitting authority to implement the general processes and procedures or to improve its submitted dossier.

### **Chapter VIII**

#### **CONDUCT OF IMPLEMENTATION OF TREATIES**

#### **Article 76. Plan for implementation of treaties**

1. The Prime Minister shall be responsible for conducting implementation of treaties to which the Socialist Republic of Vietnam is a party, approving the implementation plan and deciding directive measures or other measures to implement treaties.
2. After obtaining opinions from relevant agencies or organizations, the recommending agency shall take into consideration the nature and contents of a treaty, its duties and powers to develop the plan for implementation of treaties for submission to the Prime Minister within a period of 15 days of receipt of the notification of the entry into force of that treaty from the Ministry of Foreign Affairs.
3. Where the recommending agency is in charge of implementing a treaty, the recommending agency shall be subject to the Prime Minister's decision on the in-charge agency within a period of 15 days from the date on which the competent authority decided consent to be bound by such treaty.

The in-charge agency shall be responsible for performing duties assigned to the recommending agency as provided in Clause 2 and 5 of this Article, Article 79 and 80 hereof.

4. A plan for implementation of a treaty shall contain the following contents:

- a) The implementation schedule;

b) Proposed responsibilities of concerned state agencies in the conduct of the implementation of the treaty;

c) Recommendations on amendment, supplementation, cancellation or promulgation of legal documents for the implementation of the treaty;

d) Measures of conduct, management, financing and other necessary measures for the implementation of the treaty;

dd) Communication and dissemination of treaties.

5. After the plan for implementation of a treaty is approved, the recommending agency and relevant authority or organization shall, within their functions and powers, take responsibility for commencing the execution of such plan.

#### **Article 77. Responsibility of the Ministry of Foreign Affairs for implementing treaties**

1. Monitor and expedite implementation of the treaty to which the Socialist Republic of Vietnam is a party.

2. Take charge of or cooperate in implementing necessary measures to protect rights and interests of the Socialist Republic of Vietnam in the event that the foreign signatory breaches the treaty.

3. Report to the Government and the Prime Minister in a periodically annual basis or upon request; submit the review report to the State President upon request on implementation of the treaty.

Report to the Government for submission to the National Assembly on the conclusion and implementation of treaties on a periodically annual basis or upon the request of the National Assembly.

4. Take charge of or cooperate in conducting communication or dissemination of the treaty to which the Socialist Republic of Vietnam is a party.

5. Carry out the statistical examination and review of the treaty to which the Socialist Republic of Vietnam is a party.

#### **Article 78. Responsibility of the Ministry of Justice for implementing treaties**

1. Expedite construction, submission for adoption, amendment, supplementation, or denunciation, of legal documents for the implementation of the treaty.

2. Verify the conformity of legislative document with the treaty to which the Socialist Republic of Vietnam is a party.



## **Article 79. Responsibility of the recommending agency for implementing treaties**

1. Develop the specific schedule and measure for implementation of treaties in force for the Socialist Republic of Vietnam proposed for conclusion by the recommending agency.
2. Recommend or adopt, amend, supplement or denounce legislative documents for implementation of treaties in force for the Socialist Republic of Vietnam proposed for conclusion by the recommending agency.
3. Recommend the Prime Minister or act on their own behalf to take directive or regulatory measures or other measures to implement treaties proposed for conclusion by the recommending agency.
4. Take charge of or cooperate in conducting communication or dissemination of the treaty in force for the Socialist Republic of Vietnam proposed for conclusion by the recommending agency.
5. Recommend the Prime Minister to take necessary measures to protect rights and interests of the Socialist Republic of Vietnam in the event that the treaty proposed for conclusion by the recommending agency is breached.
6. Prepare the review report on conclusion and implementation of the treaty under the management authority of the recommending agency for submission to the Ministry of Foreign Affairs for the purpose of consolidation for submission to the Prime Minister no later than the 15<sup>th</sup> November each year. The report shall be prepared by the recommending agency by using the form adopted by the Ministry of Foreign Affairs.

Upon request, the recommending agency shall report to the State President and the Government on results of conclusion and implementation of treaties.

7. Take charge of or cooperate with the Ministry of Foreign Affairs, the Ministry of Justice and relevant entities in recommending the Prime Minister to decide the interpretation and application of provisions of treaties where there is any contentious interpretation and application of such provisions.

## **Article 80. Responsibility of agencies, organizations and individuals**

1. The Supreme People's Court, the Supreme People's Procuracy, the State Audit, Ministries, Ministry-level agencies, the People's Committees of centrally-affiliated cities or provinces shall, to the extent of their respective legally-established duties and powers, take charge of or cooperate with the recommending agency in implementation of treaties to which the Socialist Republic of Vietnam is a party.
2. Agencies, organizations or individuals shall be responsible for compliance with the treaty to which the Socialist Republic of Vietnam is a party.

## **Chapter IX**

### **STATE MANAGEMENT OF TREATIES**

#### **Article 81. Tasks of state management of treaties**

1. Adopt and conduct implementation of legislative documents on treaties.
2. Conduct and guarantee implementation of the treaty to which the Socialist Republic of Vietnam is a party.
3. Communicate and disseminate the treaty to which the Socialist Republic of Vietnam is a party.
4. Communicate, disseminate and provide guidance on enforcement of the law on treaties.
5. Deposit, keep custody and provide certified copy of, and publish and register treaties.
6. Enumerate and review treaties.
7. Set up the long-term and annual plan for conclusion and implementation of treaties.
8. Report on issues in connection with conclusion and implementation of treaties.
9. Conduct examination and inspection of, and provide rewards and impose penalties for violations against laws and regulations on treaties.
10. Settle complaints and accusations in relation to conclusion and implementation of treaties.
11. Develop the international cooperation in treaty-related work.

#### **Article 82. Authority in the exercise of state management of treaties**

1. The Government shall exercise the consistent state management in relation to treaties.
2. The Ministry of Foreign Affairs shall be accountable to the Government in the exercise of the state management in relation to treaties.
3. Ministries, Ministry-level agencies, People's Committees of centrally-affiliated cities and provinces shall, within their respective functions and powers, cooperate with the Ministry of Foreign Affairs in the exercise of treaty-related state management.

#### **Article 83. Budget for treaty-related work**

1. The State shall provide budget for conclusion and implementation of treaties.
2. The Government shall specify this Article.

## Chapter X

### ENFORCEMENT PROVISIONS

#### Article 84. Effect

1. This Law shall enter into force from July 1, 2016.
2. The Law on conclusion, accession to and implementation of treaties No. 41/2005/QH11 shall be abolished from the entry into force of this Law.

*This Law was passed on April 9, 2016 by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 11<sup>th</sup> session.*

**THE NATIONAL ASSEMBLY'S  
CHAIRWOMAN**

**Nguyen Thi Kim Ngan**

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