

NEW LAW PROPOSALS AND PROJECTS

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On January 24th and 25th, 2024, Prime Minister Pham Minh Chinh presided over a meeting at the Government's headquarters concerning various projects and proposals for amended laws. Among these were revisions to the Law on Notarization and the Law on Science and Technology.

Based upon the reports presented by the leaders of the Ministry of Justice, Ministry of Public Security, Ministry of Finance, Ministry of Science and Technology, alongside the insights shared by leaders of other ministries and agencies in attendance, the Permanent Government reached the following conclusions:

1. Law on Notarization (amended)

a) General requirements

The Permanent Government has assigned the Ministry of Justice to conduct further research, revise, and refine the Law project, adhering to comprehensive requirements.

First, the Ministry of Justice must fully formalize the policies and ideologies of the Party and the Government concerning judicial reform, administrative reform, and the socialization of notarial activities. It is also imperative to strictly adhere to and accurately demonstrate the five Policies ratified by the Government in the Proposal for amending the Law on Notarization, as delineated in Resolution No. 126/NQ-CP dated September 27, 2022, during the legislation formation symposium in September 2022.

Second, the Ministry of Justice is directed to build upon the existing Law on Notarization 2014 that have efficiently applied in practice, addressing deficiencies and challenges encountered in its implementation while providing interpretations based on scientific evidence. Coherence and consistency in the legal framework are emphasized to ensure the practicality and efficacy of the draft Law's provisions.

Third, decentralization and empowerment of local authorities are to be enhanced, alongside streamlining administrative procedures to facilitate favorable notarial activities for individuals, businesses, and other entities.

Fourth, International best practices are to be considered, with a focus on adapting notarial models from advanced nations to Vietnam's socio-economic context.

Finally, the Ministry of Justice is required to engage experts, scientists, and practitioners in consultations, improve policy communication to foster consensus; and effectively coordinate with relevant ministries, sectors, and agencies to finalize the draft Law.

b) Specific requirements

The Permanent Government requests the Ministry of Justice to adhere to the following specifications in the draft Law.

(1) the Ministry of Justice is required to have a thorough examination of the draft's content to ensure its feasibility. This

involves ensuring that the regulations proposed within the draft are consistent with past implementations, practices, and in harmony with existing laws and international treaties to which Vietnam is a party.

(2) the regulations concerning appointments of notaries must be rational, aiming to enhance the quality of notaries. The Minister of Justice is tasked with specifying regulations regarding notary training facilities and programs.

(3) the Ministry of Justice is directed to scrutinize the procedure for appointment or dismissal outlined in the draft law. This examination must ensure compliance with the line of the Party and Government's directives aimed at decentralization and administrative procedure reform. It is imperative to clearly define the rights and obligations of local authorities or specialized agencies in executing relevant administrative processes without issuing new procedures. Transparency, consistency, and fairness must be upheld throughout the implementation of administrative procedures.

Regarding notarial practice organizations, the Government has concurred to maintain two models: Notary bureaus (public service units) and Notary Offices (private entities).

As for electronic notarization, the Ministry of Justice is tasked with reviewing and ensuring the alignment of the regulations regarding electronic notarization with the Law on Electronic Transactions.

(4) concerning the social and professional organizations of notaries, the Government has approved the principle of "promoting the self-management responsibility of social and professional organizations of notaries in accordance with the provisions of the law and international practices". This policy is in line with the directives endorsed by the Government.

2. Proposal for Law on Science and Technology (Amended)

Conducting exhaustive amendments to Law on Science and Technology, following a decade of implementation, is essential to fully materialize the resolutions and conclusions of the Party¹ to establish a comprehensive, cohesive legal framework to foster the development and enhance the efficiency of science and technology activities, particularly in the context of the fourth industrial revolution, aligned with the Development Strategy for Science, Technology, and Innovation until 2037².

The Ministry of Science and Technology is directed to preside and coordinate with the Government Office, the Ministry of Justice, and relevant ministries and agencies to research and receive consultations from the Government. This collaborative effort will focus on drafting, revising, and finalizing the action plan for Law on Science and Technology to replace the existing Law version, ensuring the quality of the proposal to develop the law in accordance with the Law on Promulgation of Legislative Documents³.

The formulation proposal should distinctly reflect the principles and policies aimed at advancing decentralization and the division of powers in state management between central agencies and local governments. It should also advocate for the reformation of administrative procedures, with a focus on preventing and combating

¹ (1) Resolution No. 23-NQ/TW dated March 22, 2018 on orientations for building national industrial development policies to 2030, vision to 2045; (2) Resolution No. 52-NQ/TW dated September 27, 2019 on a number of guidelines and policies to proactively participate in the Fourth Industrial Revolution; (3) Conclusion No. 50-KL/TW dated May 30, 2019 on continuing to implement Central Resolution 6, term XI on developing science and technology to serve the cause of industrialization...

² Strategy for the development of science, technology, and innovation until 2030 (Decision No. 569/QĐ-TTg dated May 11, 2022), according to which the development of science, technology and innovation plays a strategic breakthrough role and is a driving force. main force to promote growth, is a decisive factor in improving national competitiveness, is the foundation for implementing national digital transformation, makes an important contribution to improving people's lives, sustainable development, ensure national defense and security.

³ Article 7 Decree No. 134/2016/ND-CP elaboration of articles of the Law on Promulgation of Legislative Documents 2015

corruption, as well as addressing negative actions and violations of law within this domain.

The Ministry of Science and Technology fully implements the processes, procedures, and documents as prescribed in the Law on Promulgation of Legislative Documents; in which, heed should be taken to researching and developing regulations on the National Science and Technology Development Fund, ensuring the promotion of functions and tasks of the Fund, contributing to promoting scientific and technological activities and creative innovation of the country.