

The Prime Minister

No: 08/2005/Ct-TTg

**The Socialist Republic of Vietnam
Independence – Freedom - Happiness**

Hanoi, April 4, 2005

The Prime Minister's Directive On Advancing The Process Of And Improving The Quality Of The Drafting Of Laws And Ordinances In The Year Of 2005 In Support Of WTO Negotiations And Accession

International economic integration and accession to the WTO are of an important policy of our Party and State. In order to facilitate the process of international economic integration in general and negotiations to join the WTO in particular, showing the will of Vietnam to join the WTO as early as possible, on March 2, 2005, the Government approved the policy to advance the process of and improve the quality of draft laws and ordinances in 2005 in support of WTO negotiations and accession. In order to implement that policy, the Prime Minister directs as follows:

1. Ministers and heads of ministerial level bodies, heads of governmental bodies who have been assigned to take the lead in drafting and the head of drafting committee shall directly supervise the drafting, gather capable and qualified officials, set aside funds, time and other necessary conditions to ensure the completion [of drafting process] in a timely manner and quality of draft laws and ordinances which are defined in the Annex to this directive.

a) With regard to the draft Law on investment and Law on enterprises, the MPI shall ensure the quality of drafts and submit [them] to the Government to consider in June 2005 so that the Government may submit [them] to the National Assembly for its opinions at the 8th session of the National Assembly and its considerations and approval at the end of this session.

b) With regard to the draft Law on the amendment, supplement a number of articles of the Law on value added tax and the Law on special sales tax, the draft Law on the amendment, supplement a number of articles of the Law on the claim and denunciation, the MOF and Government inspectors shall immediately organize the study for amending and supplementing, ensuring the consistency with commitments upon accession to the WTO, [and] submit [them] to the Government for its considerations in July 2005 so that the Government may submit [them] to the National Assembly for its considerations and approval at the 8th session of the National Assembly.

c) With regard to the draft Ordinance on foreign exchange, draft Ordinance on standardization, the State Bank of Vietnam, the Ministry of Science and Technology shall immediately draft and submit them to the Government in July 2005 so that the Government may submit [them] to the Standing Committee of the National Assembly for

its considerations and approval in September 2005 (for the draft Ordinance on standardization) and in October 2005 (for the draft Ordinance on foreign exchange).

d) With regard to the draft Code on judgment execution and draft Law on lawyers, the MOJ shall submit [them] to the Government in the 3rd quarter of 2005 so that the Government may submit [them] to the National Assembly for its opinions at the 8th session of the National Assembly.

2. In the process of drafting, ministries and branches that take the lead in drafting and drafting committees shall focus on issues that are of very important in support of WTO negotiation process. In order create more favorable conditions for the preparation for discussion and approving draft laws and ordinances at the National Assembly and the Standing Committee of the National Assembly in a timely manner as needed, that take the lead in drafting shall be active in co-operating at the beginning with bodies of the National Assembly and preparing explaining parts in the submitting letter to the Government and that to the Standing Committee of the National Assembly and the National Assembly on plans selected in order to ensure the consistency of provisions in drafts with relevant ones of the WTO; sending drafts bills and relevant documents to the MOJ for its verification prior to submitting to the Government for its considerations.

3. The MOT shall be responsible for frequently and timely notify that take the lead in drafting of requirements of the WTO and negotiating parties; co-operate with the MOJ and co-ordinating ministries and branches to ensure the consistency of draft laws and ordinances with provisions on WTO member obligations.

4. Ministries and branches which take the lead in drafting shall be responsible for translating draft laws and ordinances into English and send them to the NCIEC so that the NCIEC may send them to the WTO upon request of negotiating parties. The office of the NCIEC shall be responsible for co-operating with the MOFA and MOT to ensure the quality of translated versions [of these drafts] submitted to the WTO.

5. Ministries and branches which take the lead in drafting shall be responsible for drafting specific implementing regulations in parallel with the process of drafting laws and ordinances in order to submit [them] to the bodies with authority to issue, ensuring the full and timely implementation of laws and ordinances once they are approved by the National Assembly and the Standing Committee of the National Assembly.

6. Normative legal documents issued by ministries and branches or local authorities in accordance with their respective authority shall be consisted with provisions on WTO member obligations and Vietnam's commitments to the WTO. Heads of ministries and branches and local authorities at all levels, in accordance with their respective functions, shall increasingly supervise the order in issuing normative legal documents, and regulations on publishing in the Official Gazette; shall not issue documents containing normative legal contents in the form of official letter and/or notifications.

7. The MOJ shall co-ordinate and co-operate with the MOT, Office of the Government, ministries and branches and relevant bodies to quickly study, and timely propose and

actively draft laws, ordinances in the form of a document that can amend, supplement a number of provisions in many current laws and ordinances upon arising a need to amend, supplement laws and ordinances that are not included in the List in the attached Annex.

8. The Office of the Prime Minister shall be responsible for monitoring, reminding ministries and branches which take the lead in drafting to ensure the timely completion of progress defined in the Annex to this Directive, and regularly report to the Prime Minister. The Legislative Committee of the Office of Government shall co-operate with ministries and branches which take the lead in drafting, drafting committees and the MOJ to ensure the quality of drafts, timely proposing methods and manners for dealing with issues arisen in order to report to the Government or the Prime Minister for their considerations and decisions.

Ministers, Heads of ministerial level bodies, heads of governmental bodies, and chairmen of provincial People's committees under the central authorities shall be responsible for implementing this Directive.

The Prime Minister

[signed and sealed]

Phan Van Khai

ANNEX
LIST OF LAWS AND ORDINANCES DRAFTED AND SUBMITTED IN 2005
FOR THE PURPOSES OF WTO ACCESSION NEGOTIATION

(Issued under Directive 08/2005/CT-TTg dated 4 April 2005 of the Prime Minister)

NO.	NAMES OF LEGAL INSTRUMENTS	LEADING AGENCIES	DEADLINES TO REPORT TO THE GOVERNMENT	ESTIMATED TIME TO BE APPROVED BY NA/NA STANDING COMMITTEE
1	Law on Signing, Acceding to and Implementing International Agreements	Ministry of Foreign Affairs	Submitted	Session 7 th (May 2005)
2	Law on Commerce (amended)	Ministry of Trade	Submitted	Session 7 th (May 2005)
3	State Auditing Law	State Audit	Submitted	Session 7 th (May 2005)
4	Maritime Law (amended)	Ministry of Transportation and Communications	Submitted	Session 7 th (May 2005)
5	Law on Trail	Ministry of Transportation and Communications	Submitted	Session 7 th (May 2005)
6	Law on Amendment and Supplementation to a number of Articles of the Law on Education	Ministry of Training and Education	Submitted	Session 7 th (May 2005)
7	Pharmaceutical Law	Ministry of Health	Submitted	Session 7 th (May 2005)
8	Law on Amendment and Supplementation to the Customs Law	Ministry of Finance	Submitted	Session 7 th (May 2005)
9	Civil Code (amended)	Ministry of Justice	Submitted	Session 7 th (May 2005)
10	[Common] Investment Law	Ministry of Planning and Investment	June 2005	Session 8 th (October 2005)
11	Civil Aviation Law (amended)	Ministry of Transportation	April 2005	Session 8 th (October 2005)

		and Communications		
12	Tourism Law	General Tourism Department	Submitted	Session 8 th (October 2005)
13	Law on Amendment and Supplementation to the Law on Import and Export Duties	Ministry of Finance	Submitted	Session 8 th (October 2005)
14	Law on Intellectual Property	Ministry of Science and Technology	Submitted	Session 8 th (October 2005)
15	Law on Judgement Enforcement	Ministry of Justice	September 2005	Session 8 th (October 2005)
16	[Unified] Enterprise Law	Ministry of Planning and Investment	June 2005	Session 8 th (October 2005)
17	Law on Amendment and Supplementation to a number of Articles of the Law on Value Added Tax	Ministry of Finance	July 2005	Session 8 th (October 2005)
18	Law on Amendment and Supplementation to a number of Articles of the Law on Denunciations and Claims	Government Inspectorate	July 2005	Session 8 th (October 2005)
19	Law on Lawyers	Ministry of Justice	August 2005	Session 8 th (October 2005)
20	Ordinance on Foreign Exchange	State Bank of Vietnam	July 2005	Submitted to the NA Standing Committee to pass in October 2005
21	Ordinance on Tendering	Ministry of Planning and Investment	Submitted	Submitted to the NA Standing Committee to pass in May 2005
22	Ordinance on Standardization	Ministry of Science and Technology	July 2005	Submitted to the NA Standing Committee to pass in September 2005