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Promulgator

- ◆ The National Assembly
- ◆ The Standing Committee of National Assembly
- ◆ The President of the Socialist Republic of Vietnam
- ◆ The Government
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THE NATIONAL ASSEMBLY

No: 71/2006/QH11

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

Ha Noi, day 29 month 11 year 2006

RESOLUTION

ratifying the Protocol of accession of the Socialist Republic of Vietnam to the Agreement establishing the world trade Organization

THE NATIONAL ASSEMBLY OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Article 84 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to the Law on Conclusion of, Accession to, and Implementation of Treaties;

At the proposal of the State President in Report No. 05 TT/CTN of November 16, 2006, to the National Assembly on the ratification of the Protocol of Accession of the Socialist Republic of Vietnam to the Agreement Establishing the World Trade Organization;

After considering the Government's Report No. 155/TT-CP of November 22, 2006, to the National Assembly, the National Assembly's External Affairs Committee's Examination Report No. 2410/UBND of November 27, 2006, and opinions of National Assembly deputies;

DECIDES:

1. To ratify the Protocol of Accession of the Socialist Republic of Vietnam to the Agreement Establishing the World Trade Organization (WTO), which was concluded on November 7, 2006, in Geneva, Switzerland (hereinafter referred to as the Protocol).

2. To apply directly Vietnam's commitments stated in the Annex to this Resolution and other WTO commitments that are adequately detailed and clear in the Protocol, attached annexes and the Report of the Working Party on the Accession of Vietnam to the Agreement Establishing the WTO.

If the provisions of Vietnamese law are inconsistent with the provisions of the Agreement Establishing the WTO, the Protocol and attached documents, the provisions of the Agreement, the Protocol and attached documents prevail.

3. Within their respective tasks and powers, the Government, the Supreme People's Court and the Supreme People's Procuracy have the following responsibilities:

a/ To review Vietnam's WTO commitments that are adequately detailed and clear in the Protocol, attached annexes and the Report of the Working Party on the Accession of Vietnam to the Agreement Establishing the WTO but are not specified in the Annex attached to this Resolution for direct application and reporting to the National Assembly Standing Committee;

b/ To review legal documents before submitting them to the National Assembly and the National Assembly Standing Committee for amendment, supplementation or promulgation; to amend, supplement or promulgate legal documents falling under their competence in consistency with Vietnam's WTO commitments;

c/ On the basis of the assessment of opportunities, challenges, advantages and difficulties and impacts of Vietnam's accession to the WTO to elaborate specific programs and plans of action and organize the implementation of Vietnam's WTO commitments, serving the national socio-economic development and stepping up the profound and broad integration into the world economy.

4. The Government shall carry out external procedures for ratification of the Protocol of Accession of the Socialist Republic of Vietnam to the Agreement Establishing the WTO.

5. The Government shall coordinate with the Central Committee of the Vietnam Fatherland Front and direct concerned central and local agencies and organizations in well performing communication and information work in order to create a uniformity in awareness and action of all the people at home as well as overseas about Vietnam's WTO accession.

6. The National Assembly Standing Committee, the Nationality Council, the Committees of the National Assembly, the delegations of National Assembly deputies and National Assembly deputies shall, within the ambit of their respective tasks and powers, supervise the implementation of this Resolution.

This Resolution was adopted on November 29, 2006, by the XIth National Assembly of the Socialist Republic of Vietnam at its 10th session.

THE NATIONAL ASSEMBLY

CHAIRMAN

(signed)

Nguyen Phu Trong

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ANNEX: CONTENTS OF DIRECT APPLICATION OF VIETNAM'S COMMITMENTS

(Attached to the National Assembly's Resolution No. 71/2006/QH11 of November 29, 2006)

Ordinal number	Names of documents	WTO commitments	Contents of application
1.	Law No. 60/2005/QH11 – the Law on Enterprises Articles 51, 52, 103 and 104	Sections 503 and 504 in the Report of the Working Party on the Accession of Vietnam to the Agreement Establishing the World Trade Organization (hereinafter referred to as the Working Party)	<p>A limited liability company or a joint-stock company may provide in its charter the following contents:</p> <ol style="list-style-type: none"> 1. Required number of representatives to convene a meeting and mode of adopting a decision of the Members' Council or the Shareholders' General Meeting; 2. Issues falling under the deciding competence of the Members' Council or the Shareholders' General Meeting; 3. Required majority percentage of votes (including the percentage of 51%) to adopt decisions of the Members' Council or the Shareholders' General Meeting.
2.	Law No. 65/2006/QH11 – the Law on Lawyers Article 69, Clause 1	Commitment on legal services in the schedule of commitments on trade in services	<p>Foreign lawyers organizations may practice in Vietnam in the following forms:</p> <ol style="list-style-type: none"> a/ Branches of foreign lawyers organizations (hereinafter referred to as branches); b/ Limited liability law firms with 100% of foreign capital, limited liability law firms in form of joint-venture or partnership between foreign lawyers organization and Vietnamese law partnerships (hereinafter collectively referred to as foreign law firms)
	Article 70	Commitment on legal services in the schedule of commitments on trade	<p>Branches and foreign law firms practicing in Vietnam may provide legal consultancy and other legal services, may neither nominate foreign lawyers and Vietnamese lawyers being their</p>

		in service	staffs to participate in legal proceedings in capacity as representatives, defense counsels, protectors of legitimate rights and benefits of the concerned parties before Vietnamese courts nor provide services on legal papers and notarization relevant to Vietnamese law, may nominate Vietnamese lawyers being their staffs to provide consultancy on Vietnamese law
	Article 72, Clause 1	Commitment on legal services in the schedule of commitments on trade in service	A limited liability law firm with 100% of foreign capital is a lawyers organization established in Vietnam by one or more foreign lawyers organizations. A limited liability law firm in the form of joint-venture is a joint-venture lawyers organization between foreign lawyers organization(s) and Vietnamese lawyers organization(s). A law partnership is a lawyers partnership between foreign lawyers organization(s) and Vietnamese law partnership(s).
	Article 76	Commitment on legal services in the schedule of commitments on trade in service	Foreign lawyers practicing in Vietnam may provide consultancy on foreign laws and international laws and other legal services related to foreign laws. Those who possess the bachelor degree in Vietnamese law and fully satisfy the requirements provided for Vietnamese lawyers may provide consultancy on Vietnamese law but may not participate in legal proceedings in capacity as representatives, defense counsels or protectors of legitimate rights and benefits of the concerned parties before Vietnamese courts.
3.	Law No. 24/2000/QH10 – the Law on Insurance Business Article 9, Clause 2	Commitment on insurance services in the schedule of commitments on trade in service	Insurance enterprises are not required for reinsurance of part of their insurance liability to domestic reinsurance enterprises in case of accepting reinsurance for overseas insurance enterprises
4.	The 1996 Law on Promulgation of Legal Documents and Law No. 02/2002/QH11	Commitment on transparency in the	

	Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents	Report of the Working Party	
	Clause 2, Article 3 of the 1996 Law on Promulgation of Legal Documents, which was amended and supplemented under Law No. 02/2002/QH11 of December 16, 2002 Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents	Sections 509 and 519 in the Report of the Working Party	In the process of elaboration of legal documents, concerned agencies and organizations shall create conditions for agencies, organizations and individuals to make their comments on draft legal documents; organize the collection of comments from those who are directly affected by those documents. Drafting agencies shall publish draft legal documents of the National Assembly, the National Assembly Standing Committee and the Government on the website of the Government for collecting comments of agencies, organizations and individuals on those documents within 60 days from the date of publication.
	Clause 1, Article 10 of the 1996 Law on Promulgation of Legal Documents, which was amended and supplemented under Law No. 02/2002/QH11 of December 16, 2002 Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents	Sections 507, 508, 509 and 519 in the Report of the Working Party	Legal documents of central-level state agencies must be published in “CONG BAO” and concurrently on the website of the Government and may be reported on the mass media, except for documents involving state secrets
	Article 75 of the 1996 Law on Promulgation of Legal Documents, which was amended and supplemented under Law No. 02/2002/QH11 of December 16, 2002 Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents	Sections 507, 508, 509 and 519 in the Report of the Working Party	1. Legal document-promulgating agencies shall clearly stipulate state the effective date of a document right in that document. 2. The stipulation of effective date of a legal document must ensure the reasonability in order to facilitate the preparation for the enforcement of that document by agencies, organizations and entities directly affected by that document. 3. The effective date of a legal document issued by a central-level state agency must not be less than 15 days after its publication in “CONG BAO,” except in emergency circumstances.
5.	Law No. 50/2005/QH11 – the Law on Intellectual Property	Section 397 in the Report of the Working	Broadcasting organizations that use published works, phonograms or video recordings in their broadcasts are not required to ask for

	Articles 26 and 33	Party	permission but shall pay royalties or remunerations to copyright or related rights holders
6.	Law No. 62/2006/QH11 – the Law on Cinematography Article 30	Commitment on cancellation of film import quotas (from Section 200 thru Section 227) in the Report of the Working Party	No limitation on quantity of films to be imported.