|  |  |
| --- | --- |
| **THE NATIONAL ASSEMBLY -------** | **THE SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom – Happiness ----------------** |
| No. 64/2014/QH13 | *Hanoi, November 25, 2014* |

**LAW**

**AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE LAW ON ENFORCEMENT OF CIVIL JUDGMENTS**

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

*The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Law No. 26/2008/QH12 on Enforcement of Civil Judgments.*

**Article 1**

To amend and supplement a number of articles of the Law on Enforcement of Civil Judgments:

**1. To amend and supplement Article 1 as follows:**

“Article 1. Scope of regulation

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

**2. To amend and supplement Points dd and e of, and add Point g to, Clause 1 of Article 2 as follows:**

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

e/ Awards and decisions of commercial arbitrations;

g/ Bankruptcy settlement decisions of courts.”

**3. To add Clause 9 to Article 3 as follows:**

“9. Each judgment enforcement decision means a judgment enforcement job.”

**4. To amend and supplement Article 7 as follows:**

“Article 7. Rights and obligations of judgment creditors

1. A judgment creditor has the following rights:

a/ To request judgment enforcement, suspension of enforcement of part or the whole of the judgment or decision concerned, application of measures to secure judgment enforcement and coercive measures to enforce judgments prescribed by this Law;

b/ To be notified of judgment enforcement;

c/ To reach agreement with the judgment debtor or those with related rights and obligations on the time, place, method and contents of judgment enforcement;

d/ To request the court to determine and divide the asset ownership or use right; to request the court to explain unclear points, correct spelling mistakes or inaccurate or insufficient data; to initiate civil lawsuits to protect his/her lawful rights and interests if there is a dispute over assets related to judgment enforcement;

dd/ To directly verify and provide information on judgment execution conditions of the judgment debtor or authorize another person to do so;

e/ To pay no fee for verification of judgment execution conditions conducted by the enforcer;

g/ To request change of the enforcer if having a ground to believe that the enforcer is not impartial while performing his/her duty;

h/ To authorize another person to exercise his/her rights and perform his/her obligations;

i/ To transfer the right to enforce judgments to another person;

k/ To be eligible for exemption from, or reduction of, judgment enforcement charge when providing accurate information on judgment execution conditions of the judgment debtor or in other cases prescribed by the Government;

l/ To lodge complaints and denunciations about judgment enforcement.

2. A judgment creditor has the following obligations:

a/ To strictly abide by the judgment or decision concerned;

b/ To comply with the enforcer’s decisions and requirements on judgment enforcement; to notify civil judgment enforcement agencies of any change in his/her address or place of residence;

c/ To pay judgment enforcement charge and expenses in accordance with this Law.”

**5. To add Articles 7a and 7b below Article 7 as follows:**

“Article 7a. Rights and obligations of judgment debtors

1. A judgment debtor has the following rights:

a/ To voluntarily execute judgments; reach agreement with the judgment creditor or those with related rights and obligations on the time, place, method and contents of judgment enforcement; to voluntarily hand over his/her assets for judgment enforcement;

b/ To directly request or authorize another person to request judgment enforcement in accordance with this Law;

c/ To be notified of judgment enforcement;

d/ To request the court to determine and divide the asset ownership or use right; to request the court to explain unclear points, correct spelling mistakes or inaccurate and insufficient data; to initiate civil lawsuits to protect his/her lawful rights and interests if there is a dispute over assets related to judgment enforcement;

dd/ To transfer the judgment enforcement obligation to another person in accordance with this Law;

e/ To request change of the enforcer if having a ground to believe that the enforcer is not impartial while performing his/her duty;

g/ To be considered for exemption from, or reduction of, judgment enforcement obligation; to be considered for partial or whole exemption from, or reduction of, expenses for coercive judgment enforcement in accordance with this Law;

h/ To lodge complaints and denunciations about judgment enforcement.

2. A judgment debtor has the following obligations:

a/ To adequately and promptly execute judgments and decisions;

b/ To truthfully declare assets and judgment execution conditions; to adequately provide documents and papers related to his/her assets upon receiving competent persons’ requests and be held responsible before law for his/her declared contents;

c/ To implement the enforcer’s decisions and requirements on judgment enforcement; to notify civil judgment enforcement agencies of any change in his/her address or place of residence;

d/ To pay expenses for judgment enforcement in accordance with this Law.

Article 7b. Rights and obligations of persons with related interests and obligations

1. A person with related interests and obligations has the following rights:

a/ To be informed of, and participate in, the implementation of measures to secure judgment enforcement and coercive measures to enforce judgments that he/she is involved;

b/ To request the court to determine and divide the asset ownership or use right; to request the court to explain unclear points, correct spelling mistakes or inaccurate and insufficient data; to initiate civil lawsuits to protect his/her lawful rights and interests if there is a dispute over assets related to judgment enforcement;

c/ To lodge complaints and denunciations about judgment enforcement.

2. A person with related interests and obligations shall strictly implement the enforcer’s decisions and requirements on judgment enforcement; to notify civil judgment enforcement agencies of any change in his/her address or place of residence.”

**6. To amend and supplement Clause 2, Article 12 as follows:**

“2. People’s procuracies shall supervise the law observance by courts, civil judgment enforcement agencies, enforcers and agencies, organizations and individuals involved in civil judgment enforcement.

When supervising civil judgment enforcement, people’s procuracies have the following tasks and powers:

a/ To supervise the grant, transfer, interpretation, modification or supplementation of court judgments and decisions;

b/ To request enforcers and civil judgment enforcement agencies at the same level and lower levels to issue decisions on judgment enforcement and send them such decisions; to properly enforce contents of judgments or decisions, inspect by themselves judgment enforcement and notify inspection results to people’s procuracies; to request agencies, organizations and individuals to provide dossiers, documents and material evidences related to judgment enforcement in accordance with this Law;

c/ To directly supervise civil judgment enforcement activities of civil judgment enforcement agencies at the same level and lower levels, enforcers and related agencies, organizations and individuals; to issue supervision conclusions when the supervision is completed;

d/ To participate in court meetings to consider judgment execution obligation exemption or reduction regarding state budget remittances and give their opinions;

dd/ To recommend consideration of judgment enforcement-related acts or decisions involving less serious violations of courts or civil judgment enforcement agencies at the same level or lower levels, request or remediation of violations and handling of violators; to recommend involved agencies and organizations that make loopholes or shortcomings in the management to remedy causes and conditions of such violations and apply preventive measures;

e/ To protest against acts or decisions of heads and enforcers of civil judgment enforcement agencies at the same level or lower levels involving serious violations, infringing upon the State’s interests or lawful rights and interests of agencies, organizations and individuals; to request the suspension of judgment enforcement, revocation, modification, supplementation, or annulment of decisions involving violations in judgment enforcement and termination of violating acts.”

**7. To amend and supplement Clause 7, Article 14 as follows:**

“7. To report on civil judgment enforcement to People’s Councils and People’s Committees in accordance with law; and report on results of enforcement of judgments and decisions to courts upon request.”

**8. To amend and supplement Clause 2, Article 15 as follows:**

“2. To review civil judgment enforcement work according to their competence; to make statistics and reports on civil judgment enforcement work under the guidance of the judgment enforcement management agency of the Ministry of National Defense; and to report on results of enforcement of judgments and decisions to courts upon request.”

**9. To amend and supplement Clause 7, Article 16 as follows:**

“7. To report on civil judgment enforcement to People’s Councils and People’s Committees in accordance with law; to report on results of enforcement of judgments and decisions to courts upon request.”

**10. To amend and supplement Clauses 5, 6 and 7, Article 18 as follows:**

“5. Persons who fully satisfy the criteria specified in Clause 1 of this Article and are in-service army officers may be appointed as military enforcers.

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

6. Incumbent judges, procurators and investigators who are transferred to civil judgment enforcement agencies or those who have once act as enforcers but are now assigned to perform other tasks and fully satisfy the criteria specified in Clause 1 of this Article may be appointed as enforcers of equivalent ranks without having to pass an examination.

7. In special cases due to the demand for appointment of heads and deputy heads of civil judgment enforcement agencies, persons who fully satisfy the criteria specified in Clause 1 of this Article and have been engaged in legal work for 5 years or more, 10 years or more or 15 years or more may be appointed as primary-level, intermediate-level or high-level enforcers, respectively, without having to pass an examination.”

**11. To amend and supplement Clauses 1, 2 and 3, Article 28 as follows:**

“1. Courts that make judgments and decisions specified at Points a, b, c, d and g, Clause 1, Article 2 of this Law shall, within 30 days after these judgments and decisions take legal effect, deliver them to competent civil judgment enforcement agencies.

2. Courts that make judgments and decisions specified at Point a, Clause 2, Article 2 of this Law shall, within 15 days after making such judgments and decisions, deliver them to civil judgment enforcement agencies.

3. Courts or commercial arbitrations that make decisions on application of provisional urgent measures shall, right after making such decisions, promptly deliver them to civil judgment enforcement agencies.”

**12. To amend and supplement Article 29 as follows:**

“Article 29. Procedures for receiving judgments and decisions

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

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

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

**13. To amend and supplement Article 31 as follows:**

“Article 31. Receipt or rejection of requests for judgment enforcement

1. An involved party may directly request or authorize another person to request judgment enforcement by filing a written request, making an oral request or sending a written request by post. The judgment enforcement requester shall submit relevant judgments, decisions or documents.

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

2. A written request for judgment enforcement must have the following contents:

a/ Full name and address of the requester;

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

c/ Full names and addresses of the judgment creditor and judgment debtor;

d/ Contents of the judgment requested to be enforced;

dd/ Information on assets and judgment execution conditions of the judgment debtor, if any;

e/ Date of making the request;

f/ The signature or fingerprint of the requester. For a legal entity, its written request must bear the signature of its lawful representative and its seal, if any.

3. In case the judgment enforcement requester makes his/her request orally, the civil judgment enforcement agency shall make a written record to record the contents specified in Clause 2 of this Article. This written record which must bear the signature of the record maker is valid as a written request for judgment enforcement.

4. Upon receiving a written request for judgment enforcement, the civil judgment enforcement agency shall check the contents of the written request and enclosed documents, record it in the judgment enforcement request book and notify such in writing to the requester.

5. In the following cases civil judgment enforcement agencies may reject a written request for judgment enforcement and shall, within 5 working days after receiving the request, notify such in writing to the requester:

a/ The requester has no right to request judgment enforcement or the contents of the written request for judgment enforcement are irrelevant to the contents of the judgment or decision concerned; no rights or obligations of involved parties arise in the course of enforcement of the judgment or decision concerned in accordance with this Law;

b/ The civil judgment enforcement agency requested to enforce the judgment is incompetent to do so;

c/ The statute of limitations for requesting judgment enforcement has expired.”

**14. To amend and supplement Point c, Clause 1, Clause 2 and Point d, Clause 3 of Article 35 as follows:**

“c/ Cassation or re-opening decisions of superior people’s courts over judgments and decisions, which have taken legal effect, of people’s courts of urban districts, rural districts, communes, provincial cities and the equivalent where civil judgment enforcement agencies are located;”

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

a/ First-instance judgments and decisions of provincial-level people’s courts of the same localities;

b/ Judgments and decisions made by superior people’s courts;

c/ Decisions transferred by the Supreme People’s Court to them;

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

dd/ Awards and decisions of commercial arbitrations;

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

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

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

i/ Judgments and decisions specified in Clause 1 of this Article with involved parties residing or assets located overseas or which require judicial mandate for enforcement.”

“d/ Civil decisions transfeưed by the Supreme People’s Court to military zone-level judgment enforcement agencies;”

**15. To amend and supplement Article 36 as follows:**

“Article 36. Issuance of judgment enforcement decisions

1. Heads of civil judgment enforcement agencies shall issue judgment enforcement decisions only when receiving written requests for judgment enforcement, except for cases specified in Clause 2 of this Article.

The time limit for issuing a judgment enforcement decision is 5 working days after receiving a written request for judgment enforcement.

2. Heads of civil judgment enforcement agencies are competent to proactively issue judgment enforcement decisions and assign enforcers to organize the enforcement for the following parts of judgments and decisions:

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

b/ Refund of money and assets to involved parties;

c/ Confiscation into the state budget or destruction of material evidences and assets; other state budget remittances;

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

dd/ Decision on application of provisional urgent measures;

e/ Decision on bankruptcy settlement of the court.

Within 5 working days after receiving judgments and decisions specified at Points a, b, c and d of this Clause, heads of civil judgment enforcement agencies shall issue judgment enforcement decisions.

For decisions specified at Point dd of this Clause, they shall issue judgment enforcement decisions without delay.

For decisions specified at Point e of this Clause, they shall, within 3 working days after receiving such decisions, issue judgment enforcement decisions.

3. A judgment enforcement decision must clearly state the name and position of the decision maker; the number, date and name of the issuing agency or organization; the names and addresses of the judgment creditor and judgment debtor; obligation part subject to judgment enforcement; and the time limit for voluntary judgment execution.

4. The Government shall detail this Article.”

**16. To amend and supplement Article 38 as follows:**

“Article 38. Sending of judgment enforcement decisions

Judgment enforcement decisions shall, within 3 working days after being issued, be sent to same-level procuracies, unless otherwise provided by this Law.

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

**17. To amend and supplement Article 44 as follows:**

“Article 44. Verification of judgment execution conditions

1. Within 10 working days after the deadline for voluntary execution of a judgment, if a judgment debtor fails to voluntarily execute the judgment, an enforcer shall conduct the verification. In case of implementation of a decision on application of provisional urgent measures, the verification must be conducted without delay.

A judgment debtor shall truthfully declare, fully supply information on his/her assets, incomes and judgment execution conditions with the civil judgment enforcement agency and assume responsibility for his/her declaration.

2. In case judgment debtors are unable to execute judgments, enforcers shall verify judgment execution conditions at least once every 6 months. In case judgment debtors who are unable to execute judgments are serving imprisonment sentences with the remaining serving time of at least 2 years or new addresses or places where the judgment debtors reside cannot be identified, the verification must be conducted at least once a year. After two verifications, if the judgment debtors are still unable to execute judgments, civil judgment enforcement agencies shall notify in writing verification results to the judgment creditors. Re-verification shall be conducted only when having new information on the judgment debtors’ judgment execution conditions.

3. Civil judgment enforcement agencies may authorize civil judgment enforcement agencies of localities where judgment debtors possess assets, reside, work or have working offices to verify judgment execution conditions.

4. When verifying judgment execution conditions, an enforcer shall:

a/ Produce his/her enforcer card;

b/ Specifically verify assets, incomes and other conditions to execute judgments. For assets subject to ownership or use right registration or security transaction registration, the verification shall be conducted at agencies competent to register such assets and transactions;

c/ In case of written verification, written requests for verification must clearly state verification contents and other necessary information;

d/ In case of judgment debtors being agencies or organizations, directly consider assets and capital and asset management books; verify in other involved agencies and organizations managing, preserving or storing information on the judgment debtors’ assets and accounts;

dd/ Request professional agencies to invite or hire experts to clarify contents to be verified when necessary;

e/ Make written records fully presenting verification results with certification of the People’s Committee, commune-level police or agency, organization or individual which has conducted verification.

5. Judgment creditors may directly verify or authorize other persons to verify judgment execution conditions, provide information on the judgment debtors’ assets, incomes and judgment execution conditions to civil judgment enforcement agencies.

In case enforcers find it necessary or the enforcers’ verification results are different from the judgment creditors’ ones or there are protests of people’s procuracies, re-verification shall be conducted. Re-verification shall be conducted within 5 working days after receipt of verification results provided by involved parties or receiving protests of people’s procuracies.

6. Responsibilities of related agencies, organizations and individuals for verification of judgment execution conditions:

a/ Agencies, organizations and civil servants engaged in justice-civil status, cadastral work-construction-urban centers and environment, other commune-level cadres and civil servants, and related individuals shall fulfill requests of enforcers and take responsibility for the information they provide;

b/ Social insurance, banks and other credit institutions, land use right registration offices, security transaction registration agencies, notary offices, and other agencies, organizations and individuals holding information or managing assets and accounts of judgment debtors shall provide information on judgment execution conditions of such judgment debtors; sign written records in case enforcers verify directly or reply in writing within 3 working days after receiving written requests from enforces; particularly, judgment debtors’ account information shall be provided without delay;

c/ Agencies, organizations and individuals holding information or managing assets and accounts of judgment debtors shall provide information upon requests of judgment creditors or their authorized representatives within 5 working days after receiving such requests, except failure due to force majeure circumstances or objective obstacles. In case of refusal, these agencies, organizations and individuals shall reply in writing, clearly stating the reason.

7. Judgment creditors, agencies, organizations and individuals who fail to provide, or provide untruthful information on judgment execution conditions of judgment debtors shall be held responsible before law, pay arising expenses and compensation for damage they cause.

8. The Government shall detail this Article.”

**18. To add Article 44a below Article 44 as follows:**

“Article 44a. Verification of lacking of judgment execution conditions

1. Based on results of verification of judgment execution conditions, heads of civil judgment enforcement agencies shall issue decisions on lacking of judgment execution conditions in the following cases:

a/ The judgment debtor has no income or has low incomes which can only ensure his/her minimum living standards and persons whom he/she shall nurture, and has no assets for judgment enforcement or has assets the value of which is sufficient only for paying expenses for judgment enforcement or has assets which are not allowed to be distrained and handled for judgment enforcement under law;

b/ The judgment debtor is obliged to return specific objects but these objects no longer exist or are irreparably damaged or to returned papers are neither recoverable nor reissuable, provided involved parties do not otherwise agree.

c/ The address or place of residence of the judgment debtor or a minors consigned to other persons for nurturing can not be identified.

2. Information on names, addresses and judgment execution obligations of judgment debtors who are lack judgment execution conditions shall be posted up on websites on civil judgment enforcement and sent to commune-level People’s Committees of localities where it is verified for public notification. When judgment debtors have sufficient conditions for judgment execution, judgment enforcement agencies shall organize the judgment enforcement.

The Government shall detail this Clause.”

**19. To amend and supplement Article 45 as follows:**

“Article 45. Time limit for voluntary execution of judgments

1. The time limit for voluntary execution of a judgment is 10 days after the judgment debtor receives or is properly notified of, the judgment enforcement decision.

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

**20. To amend and supplement Article 47 as follows:**

“Article 47. Payment of sums of money collected from judgment enforcement and return of assets for judgment enforcement

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

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

b/ Court fees and charges;

c/ Other payables under enforced judgments or decisions.

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

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

b/ Sum of money collected under a coercive judgment enforcement decision shall be paid to those who are judgment creditors by the time of issuance of such decision. The remainder shall be paid to those who are judgment creditors under other judgment enforcement decisions by the time of payment;

c/ After making payment under Points a and b of this Clause, the remainder shall be returned to judgment debtors.

3. In case of handling assets in pledge or mortgage whereby pledgees and mortgagees are judgment creditors, or in case of selling assets ruled under the judgment or decision to be distrained to secure the fulfillment of a specific obligation, the sum of money collected from selling distrained, pledged and mortgaged assets shall be paid first of all to pledgees and mortgagees or parties with secured obligations after subtracting court fees, judgment enforcement expenses and sums of money specified in Clause 5, Article 115 of this Law.

In case of handling assets in pledge or mortgage whereby pledgees and mortgagees are not judgment creditors, such pledges and mortgagees shall be paid before other sums of money specified in this Article are paid.

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

5. Within 10 days after collecting money or assets from judgment enforcement, enforcers shall pay such money or return the assets under Clauses 1, 2 and 3 of this Article.

In case involved parties fail to come for their money or assets, such money and assets shall be handled under Article 126 of this Law.”

**21. To amend and supplement Clause 1, Article 48 as follows:**

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

a/ The judgment debtor falls seriously ill as certified by a medical establishment of district or higher level, or has entirely or partially lost his/her civil act capacity under a court decision;

b/ Judgment debtors’ addresses have not yet been identified, or judgment debtors cannot fulfill by themselves their obligations under the judgments or decisions for other plausible reasons;

c/ Involved parties agree to postpone the judgment enforcement. The agreement on postponement must be made in writing, clearly stating the postponement duration and bearing signatures of involved parties. In this duration, the judgment debtor shall bear no interest arising from the postponed judgment enforcement, unless otherwise agreed by involved parties.

d/ Assets for judgment enforcement are accepted by a court for handling under Articles 74 and 75 of this Law; the value of distrained assets defined in Article 90 of this Law is equal to or lower than enforcement expenses and secured obligations upon the reduction of their prices under regulation;

dd/ The judgment enforcement is in the period for competent agencies to explain judgments and decisions and respond to recommendations of civil judgment enforcement agencies under Point b, Clause 2, Article 170 and Clause 2, Article 179 of this Law.

e/ Asset recipients, persons assigned to nurture involved parties have been properly informed twice of the receipt of assets and to-be-nurtured persons but fail to show up to receive;

g/ The transfer of rights and obligations for judgment enforcement according to Article 54 of this Law has not been made due to force majeure circumstances or objective obstacles;

h/ Distrained assets cannot be sold and judgment creditors refuse to receive them for judgment execution under Clause 3, Article 104 of this Law.”

**22. To amend and supplement Clause 1, Article 50 as follows:**

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

a/ The judgment debtor dies without estate or after his/her death, his/her obligations under the judgment or decision must not be transferred, as prescribed by law, to his/her heirs;

b/ The judgment creditor dies but his/her rights and interests under the judgment or decision must not be transferred to his/her heirs or he/she dies without heirs;

c/ Involved parties agree in writing or the judgment creditor requests in writing the civil judgment enforcement agency to partially or wholly terminate rights and interests of the judgment creditor, under the judgment or decision, unless the judgment enforcement termination affects lawful rights and interests of the third party;

d/ The judgment or decision is partially or wholly quashed, except the case specified in Clause 2, Article 103 of this Law;

dd/ The judgment debtor being an organization is dissolved and has no assets while, as prescribed by law, its obligation must not be transferred to another organization;

e/ There is a decision on judgment execution obligation exemption;

g/ The court has decided to open bankruptcy procedures for the judgment debtor;

h/ The minor who had been consigned to another person for nurturing under judgments or decisions dies or has become an adult.”

**23. To amend and supplement Article 52 as follows:**

“Article 52. Conclusion of judgment enforcement

Judgment enforcement automatically concludes in the following cases:

1. The civil judgment enforcement agency certifies that involved parties have completely exercised their rights and fulfilled their obligations;

2. There is a judgment enforcement termination decision.”

**24. To amend and supplement Points d and e, Clause 1, Article 54 as follows:**

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

In case an enterprise is dissolved due to the revocation of its business registration certificate as prescribed in the Law on Enterprises, the judgment execution obligation shall be transferred under the Law on Enterprises.

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

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

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

**25. To amend and supplement Article 61 as follows:**

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

1. A judgment debtor may be considered for exemption from the judgment execution obligation if fully meeting the following conditions:

a/ Having no assets for judgment enforcement or having assets which are not allowed to be handled for judgment enforcement as prescribed by law, or having no income or having low incomes which can only ensure the minimum living standards for him/her and persons that he/she is responsible for nurturing;

b/ Past the time limit of 5 years after the issuance of judgment enforcement decisions regarding state budget remittances valued at under VND 2,000,000; or 10 years after the issuance of judgment enforcement decisions regarding state budget remittances valued at between VND 2,000,000 and under VND 5,000,000.

2. Judgment debtors who have partially paid state budget remittances may be considered for exemption from the remaining part of their obligation if fully meeting the following conditions:

a/ Falling into the case specified at Point a, Clause 1 of this Article;

b/ Past the time limit of 5 years after the issuance of judgment enforcement decisions in case the remaining obligation part is valued at under VND 5,000,000; or 10 years after the issuance of judgment enforcement decisions in case the remaining obligation part valued at between VND 5,000,000 and under VND 10,000,000.

3. Judgment debtors who have partially paid state budget remittances and falling into the case specified at Point a, Clause 1 of this Article shall be considered for reduction of part of their obligations if meeting one of the following conditions:

a/ Past the time limit of 5 years after the issuance of judgment enforcement decisions in case the remaining obligation part is valued at between VND 10,000,000 and VND 100,000,000, each reduction must not exceed a quarter of the remaining obligation part.

b / Past the time limit of 10 years after the issuance of judgment enforcement decisions in case the remaining obligation part is valued at over VND 100,000,000, each reduction must not exceed one fifth of the remaining part and VND 50,000,000.

4. Judgment debtors who proactively paid part of court fees and fines, but suffer a prolonged difficulty-hit economic condition due to natural disasters, fire, accidents or illness which renders them unable to execute their remaining obligation part, or have accomplished feats, may be considered for exemption from execution of their remaining obligation part.

5. Judgment debtors specified in Clauses 1, 2 and 3 of this Article will be considered for judgment execution exemption or reduction for each judgment or decision only once a year.

The first-time judgment enforcement decision serves as a ground for determining the time limit for exemption from, or reduction of, judgment enforcement.

6. The Ministry of Justice shall assume the prime responsibility for, and cooperate with the Supreme People’s Court and the Supreme People’s Procuracy in, guiding this Article.”

**26. To amend and supplement Article 67 as follows:**

“Article 67. Freezing of accounts and assets in places consigned for safekeeping

1. The freezing of accounts and assets in places consigned for safekeeping shall be carried out in case judgment debtors have accounts and assets consigned for safekeeping.

2. The decision on freezing of accounts and assets in places consigned for safekeeping must clearly state the amount of money and assets to be frozen. Enforcers shall hand freezing decisions to agencies, organizations or individuals currently managing accounts and assets of judgment debtors.

In case of necessity to immediately freeze judgment debtors’ accounts and assets without freezing decisions, enforcers shall make written records requesting agencies, organizations and individuals managing judgment debtors’ accounts and assets to carry out the freezing of such accounts and assets. Within 24 hours after making written records, enforcers shall issue account and asset freezing decisions.

Agencies, organizations and individuals managing accounts and assets shall promptly abide by the enforcers’ requests for account and asset freezing. In this case, written records and account and asset freezing decisions must be immediately submitted to same-level people’s procuracies.

3. Within 10 days after the issuance of decisions on freezing of accounts and assets in places consigned for safekeeping, enforcers shall apply coercive measures or issue decisions on termination of the freezing under this Law.”

**27. To amend and supplement Article 68 as follows:**

“Article 68. Seizure of assets and papers of involved parties

1. Enforcers who are performing the judgment enforcement task may seize assets and papers related to the judgment enforcement which are currently managed and used by involved parties or other organizations and individuals. Related agencies, organizations and individuals shall coordinate with and assist enforcers and fulfill their requests for seizure of assets and papers.

2. Asset and paper seizure decisions must clearly state types of to-be-seized assets and papers. Enforcers shall hand these decisions to involved parties or organizations and individuals currently managing and using such assets and papers.

In case of necessity to immediately seize assets and papers without asset and paper seizure decisions, enforcers shall request the handover of such assets and papers and make written records thereof.

Within 24 hours after making written records, enforcers shall issue asset and paper seizure decisions. Written records and asset and paper seizure decisions must be promptly submitted to same-level people’s procuracies.

3. A written record of the seizure of assets and papers must be made and signed by enforcers and persons managing such assets and papers. In case such persons refuse to sign, the written record must bear signatures of witnesses. Written records of seizure of assets and papers must be handed over to persons managing assets and papers.

4. Enforcers shall request involved parties, and related agencies, organizations and individuals to provide necessary papers and documents to prove their ownership and use rights of such assets and papers; and notify involved parties and related agencies, organizations and individuals of their rights to initiate lawsuits for requesting determination of the asset ownership and use rights of the seized assets and papers.

When necessary, enforcers shall verify and clarify or request the court or a competent agency to determine persons having ownership and use rights of the seized papers and assets.

5. Within 10 days after having a ground to determine that seized assets and papers are under ownership and use rights of judgment debtors, enforcers shall issue a decision on application of coercive measures as prescribed in Chapter IV of this Law; in case of having a ground to determine that seized assets and papers are not under ownership and use rights of judgment debtors, or are under ownership and use rights of judgment debtors who have fulfilled their obligations, enforcers shall issue decisions to return assets and papers to persons with rights to own and use them.”

**28. To amend and supplement Article 69 as follows:**

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

1. When it is necessary to prevent involved parties from, or these parties are detected to have committed acts of, transferring the ownership or use rights, dispersing, destroying or changing the current state of assets and shirking the judgment enforcement, enforcers shall issue decisions to suspend the registration or transfer of ownership or right to use or change in the current state of assets by judgment debtors and their common assets with other persons.

2. Such decisions must be promptly sent to related agencies, organizations and individuals for suspension of registration or transfer of ownership or right to use or change in the current state of these assets.

3. Enforcers shall request involved parties, and related agencies, organizations and individuals to provide necessary papers and documents to prove their ownership and use rights of assets; and notify involved parties and related agencies, organizations and individuals of their rights to initiate lawsuits for requesting determination of the asset ownership and use rights.

When necessary, enforcers shall verify and clarify or request the court and competent agencies to determine asset ownership and use rights for judgment enforcement, and settle disputes over assets; and request the destruction of papers and cancellation of transactions related to such assets in accordance with law.

4. Within 10 days after having a ground to determine assets are under ownership and use rights of judgment debtors, enforcers shall issue decisions on application of coercive measures as prescribed in Chapter IV of this Law; in case of having ground to determine that assets are not under ownership and use rights of judgment debtors, enforcers shall issue decisions to terminate the suspension of the registration or transfer of ownership or right to use or change in the current state of assets.”

**29. To amend and supplement Article 72 as follows:**

“Article 72. Coercive judgment enforcement plans

1. Enforcers shall work out plans on conducting coercive judgment enforcement in case of necessity to mobilize forces.

2. A coercive judgment enforcement plan has the following principal contents:

a/ Name of the person subject to coercive measure;

b/ Coercive measure to be applied;

c/ Time and place of coercive enforcement;

d/ Method of conducting the coercive enforcement;

dd/ Forces to participate protecting the coercive enforcement;

e/ Estimated expenses for the coercive enforcement.

3. Coercive enforcement plans shall be promptly sent to the people’s procuracies and public security offices at the same level, commune-level People’s Committees of localities where the coercive enforcement is conducted, and agencies, organizations and individuals related to the coercive enforcement. Related agencies, organizations and individuals shall comply with plans and requests of enforcers.

4. Within 3 working days after receiving the coercive enforcement plans of the civil judgment enforcement plans at the same level, public security offices shall work out coercive enforcement and coercive enforcement protection plans.

Public security offices shall arrange necessary forces and means to maintain order and protect scenes, promptly prevent and handle acts of dispersing assets, obstructing or opposing the judgment enforcement, hold opposing persons in custody, and institute criminal cases when seeing signs of crimes.”

**30. To amend and supplement Point a, Clause 2 and Point b, Clause 3, Article 73 as follows:**

“a/ Expense for asset revaluation upon judgment creditors’ requests, except for revaluation due to violations of valuation regulations;”

“b/ Expense for verification of judgment execution conditions.”

**31. To amend and supplement Article 74 as follows:**

“Article 74. Identification, division and handling of common assets for judgment enforcement

1. In case of failing to identify the proportion of asset ownership or land use rights of the judgment debtor in the common assets for judgment enforcement, the enforcer shall notify the judgment debtor and co-owners of assets or land use rights so that they reach an agreement on division of common assets or request the court to settle the case according to civil procedure.

Past 30 days after receiving the notification, if no agreement is reached by the parties or their agreement violates the provisions of Article 6 of this Law or they cannot reach an agreement or do not request the court to settle the case, the enforcer shall notify the judgment creditor of his/her right to request a court to identify the proportion of asset ownership or land use rights of the judgment debtor in the common assets according to civil procedure.

Past 15 days after receiving the notification, if the judgment creditor fails to request the court to settle the case, the enforcer shall request the court to identify the proportion of asset ownership or land use rights of the judgment debtor in the common assets according to civil procedure.

The enforcer shall handle assets according to the court’s decisions.

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

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

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

3. Co-owners have the preemptive right to buy the asset ownership proportion of the judgment debtor in the common assets.

Before the first-time sale of the asset ownership proportion in the common assets, the enforcer shall notify and determine a time limit for co-owners to buy the asset ownership proportion of the judgment debtor at determined prices within 3 months for real estate and 1 month for movables. For subsequent asset sales, the time limit is 15 days after the valid notification is made.

Within 5 working days after the time limit for preemptive right expires, if co-owners do not buy assets, the assets may be sold under Article 101 of this Law.”

**32. To amend and supplement Article 75 as follows:**

“Article 75. Settlement of disputes, requests for cancellation of papers or transactions related to assets for judgment enforcement

1. In case of coercive enforcement regarding assets of a judgment debtor over which a dispute arises between the judgment debtor and another person, the enforcer shall notify the involved and disputing parties of their rights to initiate a lawsuit at court or request a competent agency to settle the dispute.

Within 30 days after the valid notification is made, if involved and disputing parties initiate a lawsuit at court or request a competent agency to settle the dispute, assets shall be handled under the court decisions or decisions of competent agencies.

Within 30 days after the valid notification is made, if involved and disputing parties do not initiate a lawsuit at court or request a competent agency to settle the dispute, assets shall be handled by the enforcer for judgment enforcement under this Law.

2. If there is a ground to identify that a transaction related to assets for judgment enforcement is conducted in order to shirk the judgment execution obligation, the enforcer shall notify such to the judgment creditor for requesting the court to declare such transaction invalid or the competent agency to cancel papers related to that transaction.

Past 15 days after receiving the notification, if the judgment creditor does not request, the enforcer shall request the court to declare that transaction invalid or the competent agency to cancel papers related to that transaction.

3. In case the enforcer requests the court to settle matters specified in Clause 1, Article 74 of this Law and Clauses 1 and 2 of this Article for judgment enforcement, he/she shall pay no court charges and fees.”

**33. To amend and supplement Point b, Clause 1 and add Clause 3 to Article 99 as follows:**

“b/ Involved parties request revaluation before public notification of asset auction. A revaluation request shall be fulfilled only once and accepted only if involved parties file it within 5 working days after receiving the notification of revaluation results and immediately pay advanced revaluation expenses.”

“3. Re-appraised prices shall serve as reserve prices for auction under regulations.”

**34. To amend and supplement Article 102 as follows:**

“Article 102. Cancellation of asset auction results

1. Cancellation of asset auction results shall comply with regulations on asset auction. In case asset auction results are cancelled, the handling of assets for judgment enforcement must comply with this Law.

2. If there is a ground to prove a violation is committed in the course of auction, purchasers of assets through auction or enforcers may initiate lawsuits to request the court to settle disputes over asset auction results.

3. The remediation of consequences and payment of compensations for damage caused by the cancellation of asset auction results must comply with law.”

**35. To amend and supplement Article 103 as follows:**

“Article 103. Protection of the rights of purchasers of assets through auction or recipients of assets for judgment enforcement

1. Purchasers of assets through auction or recipients of assets for judgment enforcement have their ownership and use rights to the assets protected.

2. If purchasers of assets through auction pay fully for purchasing assets but judgments or decisions are protested against, amended or cancelled, civil judgment enforcement agencies shall continue the asset handover, including coercive judgment enforcement for handing assets to purchasers, except when asset auction results are cancelled in accordance with law or involved parties reach another agreement.

3. Coercive handover of assets to purchasers of auctioned assets and recipients of assets for judgment enforcement must comply with Articles 114, 115, 116 and 117 of this Law.”

**36. To amend and supplement Article 104 as follows:**

“Article 104. Handling of assets for which there is no bidder or unsuccessfully auctioned assets

1. Within 5 working days after receiving the auctioneering organization’s notification that there is no bidder for assets put up for first-time auction or auction is unsuccessful, the enforcer shall notify and request involved parties to reach agreement on reduction of asset prices.

Within 10 days after receiving the notification, if involved parties do not agree or cannot reach agreement on reduction of asset prices, the enforcer shall decide on reduction of asset prices for further auction.

2. From the second-time price reduction on, if there is no bidder for the auction or the auction is unsuccessful, the judgment creditor may receive assets for clearing against sums of money receivable under the judgment enforcement.

In case the judgment creditor agrees to receive assets for clearing against sums of money receivable under the judgment enforcement, within 10 days after receiving the notification that there is no bidder for the auction or the auction is unsuccessful, the enforcer shall notify such to the judgment debtor.

Within 30 days after receiving the notification on the judgment creditor’s consent to receiving assets for judgment enforcement, if the judgment debtor fails to fully pay sums of money receivable under the judgment enforcement and judgment enforcement expenses to receive back assets put up for auction, the enforcer shall hand over assets to the judgment creditor. For assets being real estate or movables subject to compulsory ownership and use right registration, enforcers shall issue decisions to hand over assets to judgment creditors for conducting registration procedures and granting asset ownership and use right certificates. Judgment debtors and current managers or users of assets that fail to voluntarily hand over assets to judgment creditors may be subject to coercive judgment enforcement.

3. In case judgment creditors disagree to receive assets for judgment enforcement, enforcers shall issue decisions on reduction of asset prices for further auction. If the reduced asset value is equal to or lower than coercive enforcement expenses, but judgment creditors still refuse to receive for clearing against sums of money receivable under the judgment enforcement, these assets shall be returned to judgment debtors for management and use. Judgment debtors may not put these assets in civil transactions until they complete their judgment execution obligation.

4. For assets put up for auction for payment of state budget remittances, within 10 days after receiving the notification that there is no bidders for the auction or the auction is unsuccessful, enforcers shall decide on reduction of asset prices for further auction.

5. Each price reduction provided in Clauses 1, 3 and 4 of this Article does not exceed 10% of the reserve price of the preceding auction.”

**37. To amend and supplement Clauses 3, 4, 5, and 6 of Article 106 as follows:**

“3. A dossier for registration of ownership or use right transfer comprises:

a/ A written request of the civil judgment enforcement agency;

b/ A copy of the judgment or decision;

c/ The judgment enforcement decision;

d/ The asset distraint decision, if any;

dd/ A written record of the successful auction or asset handover decision and receipt for judgment enforcement;

e/ Other asset-related deeds.

4. For assets being rights to use land, houses and other land-attached assets without certificates of land use rights and ownership of houses and other land-attached assets or with their certificates irrecoverable, competent agencies shall grant certificates under the Government’s regulations.

5. For assets not falling into one of the cases in Clause 4 of this Article and without registration certificates or with their certificates irrecoverable, agencies with registration competence shall grant asset ownership and use registration certificates.

6. Newly granted certificates will replace irrecoverable certificates. Irrecoverable certificates are no longer valid.”

**38. To amend and supplement Point c, Clause 1, Article 114 as follows:**

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

In case involved parties cannot reach agreement, they may initiate lawsuits to request the court to settle the damage caused by the non-existence or irreparable damage of returnable objects.”

**39. To amend and supplement Article 116 as follows:**

“Article 116. Coercive handover and return of papers

1. In case judgment debtors refuse to hand over or return papers to judgment creditors under judgments or decisions, enforcers shall force judgment debtors to do so.

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

2. In case recoverable papers are reissuable, enforcers shall request competent agencies or organizations to issue decisions on revocation of these papers and issue new ones to judgment creditors and auction-winners of assets for judgment enforcement.

3. Irrevocable certificates of land use rights and ownership of houses and other land- attached assets and other papers on related assets must comply with Clauses 4 and 5, Article 106 of this Law.

4. In case irrecoverable papers are not reissuable, the judgment enforcement shall be conducted under Article 44a of this Law.”

**40. To amend and supplement Clause 2 of Article 137 as follows:**

“2. Heads of civil judgment enforcement agencies shall issue decisions on suspension of asset-related judgment enforcement with judgment debtors being enterprises or cooperatives which fall bankrupt right after receiving court decisions on opening bankruptcy procedures.

The continued performance of the property obligation by enterprises or cooperatives being judgment debtors in this case must comply with the Bankruptcy Law. Heads of civil judgment enforcement agencies shall direct enforcers in handing over judgment enforcement documents related to the continued performance of the property obligation of enterprises or cooperatives falling bankrupt to the court.”

**41. To add Clause 5 to Article 146 as follows:**

“5. For cases in deep-lying and remote areas which are difficult to access or complicated cases, the time limit for settlement of complaints may be prolonged but must not exceed 30 days from the expiration of the original time limit.”

**42. To amend and supplement Clause 1, Point a, Clause 2, and Clause 3, Article 161 as follows:**

“1. Heads of civil judgment enforcement agencies shall reply to protests of people’s procuracies against their judgment enforcement decisions or acts or those of enforcers under their management within 15 days after receiving such protests.

If accepting protests of people’s procuracies, heads of civil judgment enforcement agencies shall, within 5 working days after replying to such protests, fulfill these protests.”

“a/ Heads of district-level civil judgment enforcement agencies of localities where protested decisions or acts are issued or taken shall report protests to provincial-level civil judgment enforcement agencies and chief procurators of provincial-level people’s procuracies. Heads of provincial-level civil judgment enforcement agencies shall consider these protests and reply within 30 days after receiving reports. Written replies of heads of provincial-level civil judgment enforcement agencies take effect for implementation immediately;”

“3. In case written replies to protests specified in Clause 2 of this Article are found groundless, the Procurator General of the Supreme People’s Procuracy may request the Minister of Justice to reconsider effective written replies of heads of provincial-level civil judgment enforcement agencies or the head of the civil judgment enforcement management agency of the Ministry of Justice, or request the Minister of National Defense to reconsider effective written replies of heads of military zone-level judgment enforcement agencies or the head of the civil judgment enforcement management agency of the Ministry of National Defense. The Minister of Justice, the Minister of National Defense shall consider and reply in writing to the Procurator General of the Supreme People’s Procuracy within 30 days after receiving the request.”

**43. To amend and supplement Point e, Clause 1 of Article 167 as follows:**

“e/ To inspect the use of the state budget, enrollment, employment, management and implementation of policies for civil servants, public employees and laborers in the system of civil judgment enforcement organizations; to examine, settle complaints and denunciations, commend achievements and handle violations in civil judgment enforcement;”

**44. To amend and supplement Point c, Clause 2 of Article 168 as follows:**

“c/ To inspect the use of the state budget, implementation of policies, arrangement and employment of judgment enforcement cadres; to examine and settle complaints and denunciations, commend achievements and handle violations in judgment enforcement in the Army;”

**45. To amend and supplement Article 170 as follows:**

“Article 170. Tasks and powers of courts in civil judgment enforcement

1. Tasks and powers of the Supreme People’s Court:

a/ To coordinate with the Ministry of Justice in issuing legal documents on civil judgment enforcement;

b/ To request civil judgment enforcement agencies to report enforcement results of judgments and decisions when necessary;

c/ To handle requests and recommendations, and direct courts at all levels in settling requests and recommendations of civil judgment enforcement agencies within the law- prescribed time limit;

d/ To direct courts at all levels in coordinating with related agencies in civil judgment enforcement;

dd/ To coordinate with the Ministry of Justice in reviewing civil judgment enforcement work.

2. Tasks and powers of superior peoples’ courts and the Central Military Court:

a/ To request civil judgment enforcement agencies to report enforcement results of judgments and decisions when necessary;

b/ To respond to requests of civil judgment enforcement agencies for reviewing court judgments or decisions according to cassation or re-opening procedures within 90 days after receiving these requests;

c/ To consider according to re-opening procedure judgment execution obligation exemption or reduction decision in accordance with law.

3. Tasks and powers of people’s courts of provinces and centrally run cities, people’s courts of urban and rural districts, towns, provincial cities and the equivalent, military courts of military zones and the equivalent:

a/ To send judgments, decisions, related material evidences or other documents to judgment enforcement agencies in accordance with this Law;

b/ To consider and decide on judgment execution obligation exemption or reduction regarding state budget remittances; settle protests against decisions on judgment execution obligation exemption or reduction regarding state budget remittances in accordance with this Law;

c/ To accept and promptly fulfill requests of civil judgment enforcement agencies and involved parties for determination of ownership, division of assets or settlement of disputes over asset ownership and use rights; to revoke papers or transactions arising in the course of judgment enforcement under the court jurisdiction;

d/ To settle recommendations or requests of civil judgment enforcement agencies and supervise settlement results after receiving replies of the court.

4. When re-adjudicating cases whose judgments and decisions are partially or wholly quashed according to cassation or reopening trial decisions, courts shall settle matters related to assets and obligations that have been enforced under legally effective judgments or decisions which are quashed.”

**46. To amend and supplement Article 173 as follows:**

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

1. To direct the organization of coordination among related agencies in enforcing civil judgments in their localities; to promptly solve problems and difficulties arising in the course of coordination among related agencies in enforcing civil judgments.

2. To direct the organization of coercive enforcement of judgments or decisions for big and complicated cases impacting political security and social order and safety in their localities at the request of heads of provincial-level civil judgment enforcement agencies.

3. To give written opinions on appointment and relief from duty of heads and deputy heads of provincial-level civil judgment enforcement agencies.

4. To request provincial-level civil judgment enforcement agencies to report on civil judgment enforcement in their localities; to give opinions on reports of provincial-level civil judgment enforcement agencies before submitting them to same-level People’s Councils.

5. To request provincial-level civil judgment enforcement agencies to inspect civil judgment enforcement in localities; to request the civil judgment enforcement management agency of the Ministry of Justice to inspect civil judgment enforcement in localities.

6. To decide to commend or propose competent authorities to commend collectives and individuals that record achievements in civil judgment enforcement work.

7. To propose competent agencies, organizations or individuals to promptly handle violations of law on civil judgment enforcement.”

**47. To amend and supplement Article 174 as follows:**

“Article 174. Tasks and powers of district-level People’s Committees in civil judgment enforcement

1. To direct the organization of coordination among related agencies in enforcing civil judgments in their localities; to promptly solve problems and difficulties arising in the course of coordination among related agencies in enforcing civil judgments.

2. To direct the organization of coercive enforcement of judgments or decisions for big and complicated cases impacting political security and social order and safety in their localities at the request of heads of district-level civil judgment enforcement agencies.

3. To give written opinions on appointment and relief from duty of heads and deputy heads of district-level civil judgment enforcement agencies.

4. To request district-level civil judgment enforcement agencies to inspect by themselves or request heads of provincial-level civil judgment enforcement agencies to inspect civil judgment enforcement in localities.

5. To request district-level civil judgment enforcement agencies to report on civil judgment enforcement in their localities; to give opinions on reports of district-level civil judgment enforcement agencies before submitting them to People’s Councils in accordance with law.

6. To decide to commend or propose competent authorities to commend collectives and individuals that record achievements in civil judgment enforcement.

7. To propose competent agencies, organizations or individuals to promptly handle violations of the law on civil judgment enforcement.”

**48.** To replace phrases of “provincial-level courts” and “district-level courts” in Law No. 26/2008/QH12 on Civil Judgment Enforcement, with phrases of “people’s courts of provinces and centrally run cities” and “people’s courts of urban and rural districts, towns, provincial cities and the equivalent”, respectively.

**49.** To annual Articles 32, 33, 34, 51, 138 and 139, Point b, Clause 1, Article 163, Clauses 3 and 4, Article 179 of Law No. 26/2008/QH12 on Civil Judgment Enforcement.

**Article 2.**

1. To apply the provisions of Law No. 26/2008/QH12 on Civil Judgment Enforcement to judgments which are completely enforced before the effective date of this Law but about which involved parties still file complaints after the effective date of this Law.

To apply the provisions of this Law to judgments which are not yet enforced or completely enforced on the effective date of this Law; decisions and acts of civil judgment enforcement agencies or enforcers implemented or taken under Law No. 26/2008/QH12 on Civil Judgment Enforcement remain valid for enforcement.

2. For cases in which written requests for judgment enforcement are returned before the effective date of this Law, civil judgment enforcement agencies shall issue judgment enforcement decisions upon the request of involved parties in accordance with this Law.

3. Persons who fully satisfy the criteria specified in Clause 1 and Point a, Clause 2 or Point a, Clause 3, Article 18 of Law No. 26/2008/QH12 on Civil Judgment Enforcement and commit to voluntarily work for 5 years or more in border areas, islands and areas with particularly difficult socio-economic conditions may be selected and appointed as primary-level enforcers or intermediate-level enforcers without having to pass an examination.

Time limit for appointing enforcers without having to pass an examination provided in this Clause is 5 years from the effective date of this Law.

The Government shall provide the list of civil judgment enforcement agencies in those localities which may select and appoint enforcers not through examinations under this Clause.

4. Judgment debtors who are convicts falling into one of the cases specified at Point c, Section 3 of the National Assembly’s Resolution No. 32/1999/QH10 and Point dd, Clause 2, Article 1 of the National Assembly’s Resolution No. 33/2009/QH12 are exempted from paying the court fee stated in criminal judgments which they have to serve.

**Article 3.**

1. This Law takes effect on July 1, 2015.

2. The Government, the Supreme People’s Court, the Supreme People’s Procuracy and the Ministry of Justice shall, within their tasks and powers, detail articles and clauses of this Law which are assigned to them.

The Law was passed on November 25, 2014, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 8th session.-

|  |  |
| --- | --- |
|  | **CHAIRMAN OF THE NATIONAL ASSEMBLY     Nguyen Sinh Hung** |