

PRIME MINISTER

SOCIALIST REPUBLIC OF VIET NAM

Independence – Freedom - Happiness

No 843/QĐ-TTg

Hanoi, 14 July 2023

DECISION

**ON ISSUING THE NATIONAL ACTION PLAN FOR LAW AND POLICY IMPROVEMENT
TO PROMOTE RESPONSIBLE BUSINESS PRACTICES IN VIET NAM**

FOR THE PERIOD OF 2023 – 2027

THE PRIME MINISTER

Pursuant to the Law on Government Organization dated 19 June, 2015; the Law amending and supplementing a number of articles of the Law on Government Organization and the Law on Organization of local government dated 22 November, 2019;

Pursuant to Resolution 99/NQ-CP dated 30 August, 2021 of the Government promulgating the Government's Action Plan for the period of 2021 - 2026 to implement the National Assembly's Resolution on the 5-year Socio-economic development Plan for the period of 2021 - 2025;

Pursuant to Resolution 1/NQ-CP dated 6 January, 2023 of the Government on key tasks and actions to implement the socio-economic development plan, state budget estimate and improvement of business environment and national competitiveness in 2023;

At the request of the Minister of Justice

DECIDES:

Article 1. To issue a National Action Plan for law and policy improvement to promote responsible business practices (RBP) in Viet Nam for the period of 2023 - 2027 (hereinafter referred to as NAP) with the following main contents:

I. GUIDING PRINCIPLES AND OBJECTIVES

1. Guiding principles

a) To closely follow the Party and State's viewpoints, guidelines, directions and policies on developing a socialist-oriented market economy, proactive international integration, sustainable and inclusive development; promoting RBP of enterprises, contributing to the implementation of the 2030 Agenda for Sustainable Development with the 17 Sustainable Development Goals (SDGs) of the United Nations and Resolution 27-NQ/TW dated 9 November, 2022 of the 13th

Party Central Committee on continuing to build and improve the socialist rule of law State of Viet Nam in the new period.

b) To ensure compliance with Viet Nam's international commitments in bilateral and multilateral economic cooperation frameworks, especially the Viet Nam-European Union Free Trade Agreement (EVFTA), the EU-Viet Nam Free Trade Agreement (EVFTA), and the EU-Viet Nam Free Trade Agreement (EVFTA), and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

2. Objectives

a) Overall objectives

Raising awareness and building capacity; reviewing and improving policies and laws and improving the effectiveness of the implementation of policies and laws (including improving efficiency and promoting access to remedies) in order to promote RBP in Viet Nam for the period of 2023-2027 to enhance the positive impacts and minimize the negative ones of economic and business development activities on society and the environment (focusing on investment and environment; protecting the legitimate rights and interests of workers, consumers and vulnerable groups), thereby contributing to promoting the circular economy and improving Viet Nam's socialist-oriented market economy.

b) Specific objectives

- Raising awareness and building capacity of governmental agencies, businesses and communities on RBP; contributing to the implementation of the 2030 Agenda for Sustainable Development.
- Ensuring that the State promulgates policies and laws on RBP in accordance with international commitments to which the Socialist Republic of Viet Nam is a member; applying incentive measures for enterprises to conduct RBP.
- Ensuring businesses' compliance with legal regulations on RBP; encouraging enterprises to conduct RBP above the minimum requirement of the law; thereby contributing to sustainable socio-economic development.
- Improving the efficiency and quality of law implementation related to RBP of enterprises in Viet Nam, including improving efficiency in review, supervision and promotion of access to remedies;
- Improving sanction effectiveness to handle violations related to RBP in Viet Nam.

II. TASKS AND ACTIONS

1. Raising awareness and building capacity for relevant agencies, organizations, businesses and people about policies and law on RBP

a. Training to raise awareness and strengthen capacity for relevant agencies and organizations, businesses and people about policies and law on RBP; capacity building for people with the authority to sanction administrative violations and investigators; improving the legal consultancy capacity for lawyers in activities related to RBP

- Lead agency: Ministry of Justice

- Coordinating agencies: Ministry of Planning and Investment, Ministry of Labor, War Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Industry and Trade, Ministry of Public Security and other relevant ministries, ministerial-level agencies and government-attached agencies, People's Committees of provinces and centrally-run cities, Viet Nam Women Union, Viet Nam Chamber of Commerce and Industry, Viet Nam Association of Small and Medium Enterprises, Viet Nam Cooperative Alliance, Viet Nam Bar Federation, Viet Nam Legal Practitioner Association, Viet Nam General Confederation of Labor, Viet Nam Consumer Protection Association, and industry associations.

- Outputs: Training materials, manual guidelines, training reports, trainings for awareness raising and capacity building; improved awareness and capacity on policies and law on RBP of agencies, organizations, enterprises, civil servants and people (including capacity of people with the authority to sanction administrative violations, investigators and lawyers) (through survey results);

- Deadline: 2027.

b. Capacity building for judges, prosecutors and relevant judicial titles in handling RBP cases in Viet Nam

- Lead agencies: Proposing the Supreme People's Court and the Supreme People's Procuracy to be in charge

- Coordinating agencies: Ministry of Justice, Ministry of Planning and Investment, Ministry of Labor, War Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Industry and Trade, Viet Nam Bar Federation, Viet Nam Lawyer Association;

- Outputs: Reports on capacity building trainings; improved capacity of judges, prosecutors and relevant judicial titles in handling RBP cases (through survey results).

- Deadline: 2027.

c. Communicating and drafting programs to disseminate policies and laws on RBP to be broadcasted on the mass media

- Lead agency: Ministry of Information and Communications; Viet Nam Television; The Voice of Viet Nam Radio station

- Coordinating agencies: Ministry of Justice, Ministry of Planning and Investment, Ministry of Labor, War Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Industry and Trade and other ministries, ministerial-level agencies and other relevant agencies;

- Outputs: Communication materials and media products (video clips, documentaries, etc.) to disseminate policies and law on RBP

- Deadline: 2027.

d) Integrating and adding contents on RBP in the current subjects or developing subjects (courses) on policies and law on RBP in universities with law and economics degree programs

- Lead agency: Universities with law and economics degree programs;

- Coordinating agencies: Ministry of Justice, Ministry of Education and Training and relevant ministries and sectors;

- Outputs: Integrating and adding contents on RBP in the current subjects or developing subjects (courses) on policies and laws on RBP in universities;

- Deadline: 2024.

2. Policy and law improvement

a. In investment

- Reviewing, studying and proposing to improve the guiding instruments of the Law on Bidding (amended) to promote RBP in public procurement.

- Lead agency: Ministry of Planning and Investment

- Coordinating agencies: Ministries, ministerial-level agencies, other relevant agencies

- Outputs: the guiding documents of the Law on Bidding (amended)

- Deadline: 2024

b) In labor

- Reviewing, amending, supplementing and promulgating laws and regulations concerning the promotion and protection of labor rights, welfare of employees in industrial relations and employment in line with international labor standards to which Viet Nam is a party (including Law on Safety and Occupational Hygiene, Law on Social Insurance, Law on Employment and their guiding instruments)

- + Lead agency: Ministry of Labor, War Invalids and Social Affairs

- + Coordinating agencies: Ministries, ministerial-level agencies, government-attached agencies and other relevant agencies

+ Outputs: Review reports, suggestions and recommendations (if any)

+ Deadline: 2025

- Studying and drafting policies on job protection, retraining and protection of employees in the relationship with platform-providing companies in the context of digitalization;

+ Lead agency: Ministry of Labor, War Invalids and Social Affairs

+ Coordinating agencies: Ministries, ministerial-level agencies, governmental agencies and other relevant agencies.

+ Outputs: Review report and proposals and recommendations (if any).

+ Deadline: 2025.

- Studying, amending, supplementing or promulgating the Law on Trade union and its guiding instruments

+ Lead agency: Viet Nam General Confederation of Labor;

+ Coordinating agencies: Ministry of Labor, War Invalids and Social Affairs, ministries, ministerial-level agencies, governmental agencies and other relevant agencies;

+ Outputs: Law on Trade Union (amended) and its guiding documents (if any);

+ Deadline: 2027.

- Preventing and fighting against gender-based violence (GBV) on the internet

+ Lead agency: Ministry of Labor, War Invalids and Social Affairs;

+ Coordinating agencies: Ministry of Information and Communications, ministries, ministerial-level agencies, governmental agencies and other relevant agencies;

+ Outputs: Review and study reports and proposals and recommendations (if any);

+ Deadline: 2025.

c) Protecting the rights of the vulnerable groups

- Studying, reviewing, proposing amendments, supplements and promulgation of legal normative documents related to gender equality, anti-discrimination and protection of the rights of the vulnerable groups in business activities to ensure feasibility and compliance with international standards, including Law on Gender Equality 2006, Law on Persons with Disabilities in 2010, Law on Children 2016, etc. and their guiding instruments.

+ Lead agency: Ministry of Labor, War Invalids and Social Affairs

+ Coordinating agencies: Ministries, ministerial-level agencies, governmental agencies and other relevant agencies; Viet Nam Fatherland Front; Viet Nam Women's Union; Viet Nam Association

for the Protection of Children's Rights; Viet Nam Association of People with Disabilities and orphans; other relevant socio-political and social organizations.

+ Output: Research reports, reviews, proposals and recommendations submitted to competent authorities

+ Deadline: 2025

- Drafting the Law on Gender Transformation to implement Article 37 of the Civil Code

+ Drafting agency: National Assembly member Nguyen Anh Tri;

+ Coordinating agencies: Ministry of Justice, ministries, ministerial-level agencies, governmental agencies and relevant agencies; related socio-political and social organizations

+ Outputs: Law on Gender Transformation

+ Deadline: 2025

d) In environment protection

Studying, reviewing legislation and proposing the amendments, supplements or promulgation of legal normative documents on natural resources and environment to promote RBP

- Lead agency: Ministry of Natural Resources and Environment

- Coordinating agencies: ministries, ministerial-level agencies, Supreme People's Court, proceeding agencies, agencies and organizations participating in judicial support, other relevant socio-political and social organizations

- Outputs: Research reports and related proposals and recommendations (if any) submitted to competent authorities

- Deadline: 2025

dd) In consumer protection

- Reviewing, studying and finalizing the guiding instruments of the Consumer Protection Law (amended) to promote RBP

+ Lead agency: Ministry of Industry and Trade

+ Coordinating agencies: Ministries, ministerial-level agencies, socio-political and social organizations and other relevant agencies

+ Outputs: Guiding documents of the Law on Protection of Consumer Rights (amended)

+ Deadline: 2024

- Studying and making proposals on drafting the Law on protection of personal data

+ Lead agency: Ministry of Public Security

- + Coordinating agencies: relevant Ministries, ministerial-level agencies and other agencies
- + Outputs: Proposals to draft the Law on protection of personal data
- + Deadline: 2026

e) Other related fields

- Studying, reviewing and proposing amendments and supplements to the Civil Proceeding Code 2015 and related instruments to promote RBP (including drafting principles of evidence and responsibility for providing evidence in civil and administrative proceedings to create favorable conditions for disadvantaged parties when exercising the right to litigation; promoting the application of simplified procedures in dispute settlement in the fields of labor and consumer protection; building and improving friendly and accessible procedural models for PWDs, LGBTI, etc.)

+ Lead agency: Proposing the Supreme People's Court to be in charge

+ Coordinating agencies: Ministry of Justice, Ministry of Planning and Investment, Ministry of Labor, War Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Industry and Trade, Viet Nam Bar Federation, Viet Nam Lawyers Association and other agencies and organizations involved in judicial support

+ Output: Research and review of the Civil Proceeding Code 2015 and related documents and proposals and recommendations (if any); Resolutions and case precedents of the Judicial Council of the Supreme People's Court

+ Deadline: 2027

- Studying and reviewing the law on handling of administrative violations in the fields of investment, labor, environmental protection, protection of vulnerable groups, and consumer protection to promote RBP

+ Lead agency: Ministry of Justice

+ Coordinating agencies: Ministry of Planning and Investment, Ministry of Labor, War Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Industry and Trade and other relevant agencies and organizations

+ Outputs: Report on Studying and reviewing of the Law on Handling of Administrative Violations, decrees on sanctioning of administrative violations in the fields of investment, labor, environmental protection, vulnerable group protection, consumer protection and related documents, suggestions and recommendations (if any)

+ Deadline: 2027

- Studying, reviewing and proposing to improve the Law on Commercial Arbitration and relevant legal provisions on mediation and alternative dispute resolution in order to promote RBP.

+ Lead agency: Viet Nam Law Practitioner Association;

+ Coordinating agencies: Ministries, ministerial-level agencies and relevant agencies;

+ Outputs: Research report, proposals to draft the Law on Commercial Arbitration (amended);

+ Deadline: 2025.

3. Improving the efficiency of law and policy implementation

a) In investment

Studying, developing, completing, disseminating and facilitating the application of an Investment Screening Tool tailored to local contexts and priorities in accordance with law to promote RBP

- Lead agencies: Viet Nam Chamber of Commerce and Industry

- Coordinating agencies: Ministry of Planning and Investment, relevant ministries, ministerial-level agencies and People's Committees of provinces and centrally run cities and other relevant agencies

- Outputs: Investment screening tools

- Deadline: 2027

b) In labor

Completing and integrating the mechanism of monitoring, receiving and processing complaints from people and businesses into state management agencies (such as hotlines, reception mailboxes, dialogues, etc.) for RBP in the field of labor; stepping up the collection of data and establishment of databases on RBP in the field of labor.

- Lead agency: Ministry of Labor, Invalids and Social Affairs

- Coordinating agencies: Ministries, ministerial-level agencies, other relevant agencies

- Outputs: Hotlines, reception mailboxes, dialogues, databases on RBP in labor

- Deadline: 2027

c) In the protection of vulnerable groups

Completing and integrating mechanisms for receiving and processing complaints from people and businesses into state management agencies (such as hotlines, reception mailboxes, dialogues, etc.) for RBP concerning vulnerable groups; stepping up the collection of data and establishment of databases on RBP for vulnerable groups

- Lead agency: Ministry of Labor, War Invalids and Social Affairs
- Coordinating agencies: Ministries, ministerial-level agencies, relevant agencies
- Outputs: Hotlines, reception mailboxes, dialogues; databases on RBP for vulnerable groups
- Deadline: 2027

d) In environmental protection

Completing and integrating mechanisms for receiving and processing complaints from people and businesses at state management agencies (such as hotlines, reception mailboxes, dialogues, etc.) for RBP in the field of environment; stepping up the collection of data and establishment of databases on RBP in the field of environment associated with the circular economy

- Lead agency: Ministry of Natural Resources and Environment
- Coordinating agencies: Ministries, ministerial-level agencies, relevant agencies.
- Outputs: Hotlines, reception mailboxes, dialogues; a database on RBP in the field of environment associated with the circular economy
- Deadline: 2027

dd) In consumer protection

Completing and integrating mechanisms for receiving and processing complaints from people and businesses at state management agencies (such as hotlines, reception mailboxes, dialogues, etc.) for RBP in the field of consumer protection; stepping up the collection of data and establishment of databases on RBP in the field of consumer protection.

- Lead agency: Ministry of Industry and Trade
- Coordinating agencies: Ministries, ministerial-level agencies, relevant agencies.
- Outputs: Hotlines, receiving mailboxes, dialogue activities; databases on RBP in the field of consumer protection
- Deadline: 2027
- Drafting and implementing programs, projects and activities to promote RBP for consumers to strengthen the protection of consumers' interests in a number of goods and service industries and sectors
- + Lead agency: Ministry of Industry and Trade;
- + Coordinating agencies: Ministries, ministerial-level agencies, relevant agencies;
- + Outputs: Report on the implementation of programs, schemes and activities to promote RBP for consumers in a number of goods and service sectors;
- + Deadline: 2025.

e) Some other related tasks and actions

- Guiding enterprises to conduct RPB; encouraging the development of internal self-remedial and preventive regulations (including procedures and principles for dealing with complaints; and regulations and rules on internal governance, business conducts and ethics in the form of Codes of Conduct to promote RBP)

+ Lead agencies: Viet Nam Chamber of Commerce and Industry, Vietnam Association of Small and Medium Enterprises, industry-specific business associations (according to relevant functions and tasks)

+ Coordinating agencies: Relevant agencies and organizations

+ Outputs: Codes of Conduct, Codes of Ethics; Tools and guidelines on RBP

+ Deadline: 2026

- Legal support for businesses on RBP

+ Lead agency: Ministry of Justice

+ Coordinating agencies: Ministries, ministerial-level agencies, relevant agencies

+ Outputs: Report on the results of legal support for enterprises on RBP

+ Deadline: 2027

- Organizing dialogues with relevant government agencies, business associations and social and socio-political organizations to promote RBP

+ Lead agency: Ministry of Justice

+ Coordinating agencies: Ministry of Planning and Investment, Ministry of Labor - Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Industry and Trade and other ministries, ministerial-level agencies, relevant agencies

+ Outputs: Report on organizing dialogues on RBP; proposals and recommendations;

+ Deadline: 2027

4. Sharing information on the results of activities in international programs, forums and conferences related to RBP

- Leading agencies: Ministry of Justice, Ministry of Foreign Affairs, Ministry of Industry and Trade, Ministry of Labor, Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Planning and Investment (according to related functions and tasks)

- Coordinating agencies: other ministries, ministerial-level agencies, relevant agencies

- Outputs: Upon the result of the implementation of tasks and activities assigned in programs and schemes and the reports of international forums and conferences on RBP, the leading agencies shall send reports to the Ministry of Justice for synthesis.

d) Deadline: Annually until 2027

5. Preliminary review, final review and evaluation of the implementation of NAP

a) Lead agency: Ministry of Justice

b) Coordinating agencies: Ministry of Planning and Investment, Ministry of Labor - Invalids and Social Affairs, Ministry of Natural Resources and Environment, Ministry of Industry and Trade and other ministries, ministerial-level agencies, relevant agencies

c) Outputs: Preliminary and final review report summarizing and evaluating the results of NAP implementation

d) Deadline: Preliminary review in 2025 and Final review in 2027

III. IMPLEMENTATION

1. Assignment of duties

a) Ministry of Justice

- Assuming the prime responsibility for, and coordinate with relevant ministries, ministerial-level agencies, provinces and organizations in the implementation of NAP;

- Guiding, urging and inspecting relevant ministries, ministerial-level agencies, provinces and organizations to implement NAP;

- Reviewing and summarizing the implementation of NAP and report to the Prime Minister.

b) Ministries, ministerial-level agencies, governmental agencies and People's Committees of provinces and centrally run cities:

- For the lead agencies assigned to assume the prime responsibility for performing the tasks in NAP:

+ Drafting a detailed plan to perform the main task in NAP and send it to the Ministry of Justice for synthesis and monitoring;

+ Directing, urging, guiding and inspecting the affiliated units to implement NAP;

+ Carrying out the preliminary and final review of NAP within the sectors, fields and regions, and send the report to the Ministry of Justice for synthesis.

- For coordinating agencies: Responsible for coordinating the performance of assigned tasks.

c) Enterprises: Respecting and properly and fully conducting RBP; encouraging the drafting of internal codes of conduct for RBP.

d) Representative organizations of enterprises:

- Drafting a detailed plan for the implementation of NAP and send it to the Ministry of Justice for synthesis;
- Directing, urging, guiding and inspecting the implementation of NAP;
- Carrying out the preliminary and final review of NAP within the sectors, professions, fields and regions and send the report to the Ministry of Justice for synthesis.

dd) Requesting the Viet Nam Fatherland Front and its member organizations to participate in social supervision and criticism in the process of formulating and implementing policies and law in order to promote RBP in Viet Nam.

2. Funding

a) Funding for the implementation of NAP shall be guaranteed by the state budget and included in the annual state budget estimates of relevant ministries, ministerial-level agencies, agencies and provinces in accordance with law. Annually, based on the assigned tasks in NAP, relevant ministries, ministerial-level agencies, agencies and provinces are responsible for making cost estimates for the implementation of NAP and incorporating them into the general estimate of NAP. Ministries, ministerial-level agencies, agencies and provinces assigned to assume the prime responsibility for performing the specific tasks of NAP. Funding could also be mobilized from other lawful sources (if any) as prescribed by law.

The management and use of funds for the implementation of NAP shall comply with the State Budget Law and its guiding documents and other related legal normative documents.

b) The Ministry of Justice is responsible for making estimates for the implementation of NAP in accordance with law for submission to competent authorities for approval. Ministries, ministerial-level agencies and People's Committees of provinces and centrally run cities shall elaborate and allocate funds for the implementation of the Program in accordance with law.

c) Agencies and organizations may mobilize financial support from domestic and foreign agencies, organizations and individuals to implement NAP. The use of mobilized funds must ensure thrift and efficiency in accordance with law.

Article 2. This Decision takes effect from the date of signing for promulgation.

Article 3. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of People's Committees of provinces and centrally run cities, and other relevant organizations and individuals are responsible for the implementation of this Decision.

Recipients:

- Secretariat of the Party Central Committee;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, Government-attached agencies;
- People's Councils, People's Committees of provinces and centrally run cities;

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- Party's Central Office and Committees;
- Office of the Secretary General;
- Office of the President;
- Office of the National Assembly;
- Supreme People's Court;
- Supreme People's Procuracy;
- State audit;
- Viet Nam Lawyers Association;
- Viet Nam Bar Federation;
- Vietnam Chamber of Trade and Industry;
- Vietnam Association of Small and Medium Enterprises;
- Central Committee of the Viet Nam Fatherland Front;
- Central body of mass organizations;
- National Assembly deputy Nguyen Anh Tri (via the National Assembly Office);
- Government Office: Minister-Chairman, Deputy Chairman, Assistant of the Prime Minister, General Director of E-Portal, affiliated Departments, Bureaus, affiliated units, Official Gazette;
- Archive: Clerical staff.

Tran Luu Quang