

Questionnaire relating to the *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (Service Convention)*

Responding State:

Viet Nam

I. General Feedback

1. How does your State rate the general operation of the Service Convention?
 - (b) Good.
2. How does your State rate the useability of the HCCH [Practical Handbook on the Operation of the Service Convention](#)?
 - (b) Good.
3. Does your State's Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Service Convention?
 - (f) Other.
"The Ministry of Justice of Viet Nam uses Mutual Legal Assistance Request Management Software for both incoming and outgoing requests. However, this software mainly focuses on following up the work done by the Ministry of Justice. Thus, the input are based on requests or results of the requests received by the MOJ."
4. If your State's Central Authority has oversight for all outgoing requests, please indicate if there is a system used to track the progress of these.
 - (d) Other.
"The Mutual Legal Assistance Request Management Software has some functions such as reminding and alerting when there is no reply for outgoing requests which were sent for a specific time (usually more than 6 months)."

II. Scope of the Convention

5. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Service Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (d) No.

A. Extrajudicial documents

6. Is the concept of "extrajudicial documents" (Art. 17) defined in the internal law of your State?
 - (b) No.

7. What types of extrajudicial documents are **transmitted** under the Service Convention by your State?

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III. Operation of the Convention

Requesting State refers to the State from which a request for service is, or will be, issued.

Requested State refers to the State to which a request for service is, or will be, addressed.

8. As the **requested State**, does your State provide assistance to locate a person to be served under the Service Convention?

(The Special Commission, at its 2014 meeting, encouraged Contracting Parties to provide such assistance consistent with their legal and structural capabilities, when able to do so, see C&R No 23.)

(a) Yes.

“The Central Authority and competent authorities of Viet Nam provide assistance to locate a person to be served under the Service Convention when several following conditions are fulfilled: First, the forwarding authority has to provide a relatively sufficient address of the addressee. Usually, a sufficient address contains the house number, street, ward, district, city/ province. [To some areas, the information of quarter or group (subdivision of ward) is necessary]. A relatively sufficient address may lack some parts but at least must contain basic information of ward, district, city/ province. Please note that some provinces cannot verify the address within the service process even though the basic information is provided. Second, the forwarding authority should provide other information of the addressee to avoid identical names. Regarding individual addressee, further information may include ID or passport number, date of birth, names of relatives/ family members. Regarding legal entity, further information may include the name of legal representatives, tax number, register number... The phone number of relevant person might help. Insufficient address (contains only the name of district or province) is not qualified for service process, however, foreign authorities can request for taking of evidence to verify the address.”

9. As the **requesting State**, how would your State transmit a document for service upon another State, a State official, or a State-owned company?

(c) Other.

“It depends. If there is no specific declaration of foreign country on their preferred channel, main channel of the Service Convention can be used in all circumstances. If foreign State is an addressee, indirect diplomatic channel may be used. Postal channel can also be exploited if available.”

10. As the **requested State**, how is a request for service on your State, State official or State-owned company executed?

“It depends. Requests for service of documents to the State or the Government of Viet Nam should be sent via diplomatic channel. Other requests to serve on State official or State-owned company can still be sent via main channels or other available alternative channels in Viet Nam. If the documents are served through competent authorities of Viet Nam (via main channel or diplomatic channels), the Vietnamese competent authority will use personal service or send the documents via mail. Please note that each request will be considered on a case by case basis.”

11. Does your State serve judicial and extrajudicial documents in the same way?

(a) Yes.

A. Main Channel of Transmission (Art. 5)

12. In your State, what are the authorities or who are the persons competent to forward a request for service to a foreign Central Authority?

(f) Central Authority(ies).

13. Do outgoing requests for service have to be transmitted through your State's Central Authority?

(a) Yes.

"Pursuant to Article 14 Law on Mutual Legal Assistance 2007, requests for mutual legal assistance in civil matters have to be sent via the Ministry of Justice – the Central Authority of Viet Nam. The MOJ will review the eligibility of the requests on the basis of national law, relevant treaties (if available) and specific requirements of foreign countries. It reduces the risk that foreign countries refuse requests from Viet Nam. The MOJ also helps the national competent authorities to follow up, communicate with, and remind foreign authorities to execute their requests."

14. As the **requested State**, when no particular method is requested by the applicant, what is the primary / default method of service? (Art. 5(1)(a))

(g) Other.

"Normally, the judicial official will bring the documents to the requested address to serve on the addressee personally. Less frequently used method is service by post. Other informal way is court summons to serve at the courthouse. During the pandemic, when personal service was impossible, the Vietnamese competent authority may execute the request by post or serve via the person in charge in each quarantine site."

15. In the previous five years*, as the **requested State**, has your State **received** a request with a particular method of service requested by the applicant? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

15.1. If yes, what method of service was requested?

N/A

15.2. If yes, was the requested method of service able to be executed?

N/A

16. In the previous five years*, as the **requesting State**, has your State's forwarding authorities requested a particular method of service? (Art. 5(1)(b))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

16.1. If yes, what particular method of service was requested?

N/A

16.2. If yes, was the requested method of service able to be executed?

N/A

16.3. If yes, were there costs associated with this method of service?

N/A

B. Alternative Channels of Transmission (Arts 8, 9 & 10)

State of origin refers to the State in which proceedings are commenced and where the document to be served originates.

State of destination refers to the State where service is, or will be, effected.

1. Model Form

Use of the Model Form is mandatory for the main channel of transmission. The Special Commission, at its 2009 meeting, urged State Parties to widely encourage the use of the part of the Model Form containing the "Summary", accompanied by the "Warning" (see C&R No 31).

17. As the **State of origin**, does your State use the "Warning" and "Summary" sections of the Model Form when transmitting a request through alternative channels?

(c) Never.

18. As the **State of destination**, does your State use the "Certificate" section of the Model Form when informing whether documents have been served (in response to a request received through alternative channels)?

(c) Never.

2. Diplomatic and Consular Agents (Art. 8)

19. In the previous five years*, have the diplomatic or consular agents of your State directly effected service of judicial or extrajudicial documents upon a person abroad? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

20. In the previous five years*, has service by diplomatic or consular agents of your State been rejected by the addressee? (Art. 8(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

3. Diplomatic and Consular Channels (Art. 9)

21. In the previous five years*, has your State used consular channels to forward documents? (Art. 9(1))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

22. In the previous five years*, under exceptional circumstances, has your State used diplomatic channels to forward documents? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

“Diplomatic channel is used to serve documents on individuals or entities in other Member States when main channel and other channels are not available (e.g: during the pandemic). As stipulated above, if the addressee is a foreign State or Government, Viet Nam may consider sending the documents through diplomatic channel.”

4. Postal Channel (Art. 10(a))

23. Has your State (as the **State of destination**) objected to service under Article 10(a)?

(b) No.

23.1. If an objection has been made under Article 10(a), does your State continue to use postal channels for service as the State of origin, despite the objection?

N/A

23.2. If no objection has been made, does your State, as the **State of destination**, accept the use of postal channels for service from other States of origin that have made an objection under Article 10(a)?

(a) Yes.

23.3. If no objection has been made, which of the following categories does your State recognise as a “postal channel” under Article 10(a)?

(b) Registered (tracked) post, with receipt.

(c) Private courier, such as FedEx.

23.4. If no objection has been made, more specifically, would your State consider service by e-mail to be analogous to service by postal channels under Art. 10(a)?

(a) Yes.

23.5. If no objection has been made, does your State require the documents served to be translated into one of your State's official languages?

(a) Yes.

"As Viet Nam declared when acceding to the Service Convention, except for the documents to be served upon a national of a State in which the documents originate in accordance with ...paragraph a of Article 10 of the Convention, all documents to be served in Viet Nam must be either in the Vietnamese language or accompanied by a Vietnamese translation, in which case the signature of the translator must be duly verified or notarized."

5. Judicial Officers, Officials or other Competent Persons (Art. 10(b))

24. Has your State objected to service under Article 10(b)?

(a) Yes.

24.1. If no objection has been made, which of the following categories does your State recognise as a "judicial officer, official or other competent person" under Article 10(b), either for sending or receiving?

N/A

24.2. If no objection has been made, how does this channel of transmission operate in practice?

N/A

24.3. If no objection has been made, are there costs associated with this channel of transmission?

N/A

6. Person Interested in a Judicial Proceeding (Art. 10(c))

25. Has your State objected to service under Article 10(c)?

(a) Yes.

25.1. If no, which of the following categories does your State recognise as "any person interested in a judicial proceeding" under Article 10(c), either for sending or receiving?

N/A

25.2. If no, how does this channel of transmission operate in practice?

N/A

25.3. If no, are there costs associated with this channel of transmission?

N/A

C. Refusal to Execute Request (Art. 13)

26. In the previous five years*, has your State refused a request for service on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

27. In the previous five years*, has a request from your State been refused on grounds of infringing “sovereignty or security”?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Service Convention. That survey was concluded prior to the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

28. Has your State taken any steps (including through legislation) to enable or increase the use of technology to facilitate the operation of the Service Convention, including in response to the COVID-19 pandemic?

(a) Yes.

“The MOJ Viet Nam scanned the requests and sent via its official email address mlvietnam@moj.gov.vn or haguevietnam@moj.gov.vn and accepted the requests sent from the official email addresses of foreign Central authorities during the pandemic when postal service was not available. At present, the transmission of request via email is only applicable when postal service is unavailable or in other exceptional cases.”

29. Do the forwarding authorities of your State transmit requests under the Service Convention electronically?

(a) Yes.

- 29.1. If yes, what methods of transmission do the forwarding authorities of your State use?

(a) E-mail (regular).

(f) Other.

“As required by the Central Authority of China, the MOJ Viet Nam sent requests to the Ministry of Justice of China via their online system (ilcc.online). We log in, fill the form online, then scan and upload documents to their system. We do not have any further detailed information of this system.”

30. Does your State's Central Authority accept requests under the Service Convention transmitted electronically in circumstances where **only** an electronic copy is provided (and where a paper copy is not subsequently provided)?

(a) Yes.

30.1. If yes, what methods of transmission does your State accept?

(a) E-mail (regular).

30.2. If no, please provide further information about why this is not yet possible.

N/A

31. Does your State permit execution of service via electronic means?

(g) Other.

"The execution of service via electronic means is possible but some conditions must be satisfied in accordance with Resolution no. 04/2016/NQ-HDTP dated 30/12/2016 guiding some provisions of the Civil Procedure Code no. 92/2015/QH13, Law on Administrative Procedure no. 93/2015/QH13 on sending, receiving the claims, documents and evidence as well as issuing, serving and notifying judicial documents via electronic means. At present, the Supreme Court has implemented 2 different options for registration of submitting and receiving the documents by electronic means through the Portal of The Supreme People's Court: Option 1: Comprehensive package: (i) Submission of claims and tracking its process (ii) Registration of receiving judicial documents (iii) Receiving judicial documents Digital certificate is required to use this option and can be downloaded at <http://nopdonkhoikien.toaan.gov.vn/download> Option 2: Partial package Receiving judicial document only. Registration at <https://xacthuc.dichvucong.gov.vn>"

31.1. If no, what are your State's reasons for refusing to execute the requests for service to be performed by using information technology?

N/A

32. What challenges, if any, has your State faced regarding the use of information technology under the Service Convention?

(b) Internal law limitations.

(d) Implementation challenges (e.g., lack of resources, lack of infrastructure).

(e) Cost.

(f) System interoperability / compatibility.

(g) Security concerns.

33. In your State's opinion, what further work could the PB do on the use of information technology under the Service Convention?

(c) Other.

"Adding and updating the use of information technology under the Service Convention into the Handbook"

34. In addition to the Service Convention, is your State a Party to any bilateral, regional, or multilateral agreements that provide rules for the service of documents abroad?

(a) Yes.

For Parties that answered “yes” to Q34 above:

34.1. Do any of these agreements provide for the use of electronic means (e.g., e-mail) to transmit or execute requests for service?

(a) Yes.

“Viet Nam has signed 18 bilateral Agreements on mutual legal assistance in civil matters with the following countries: Slovensko - Czech and Slovakia succeed (12 October 1982); Cuba (30 November 1984); Bulgaria (03 October 1986); Poland (22 March 1993); Lao PDR (06 July 1998 – newly signed on 11/1/2023 –not yet into force); Russia (25 August 1998); People's Republic of China (19 October 1998); France (24 February 1999); Ukraine (06 April 2000); Mongolia(17 April 2000); Belarus (14 September 2000); North Korea (3 May 2002); Chinese Taipei (12 April 2010); Kazakhstan (31 October 2011); Kingdom of Cambodia (21 January 2013); Hungary (10 September 2018), Thailand (16 November 2022 – not yet into force). E- service is provided in several Agreements such as MLA VN- Hungary (Art 10 para 5), MLA VN- Thailand (Art 12 para 7), MLA VN- Laos (Art 14 para 6).”

V. 2023 Meeting of the Special Commission & Monitoring

35. What are the three key topics or practical issues related to the Service Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“The use of information technology in implementing the Service Convention”*
2. *“Improvement of cost payment: simple and fast method with affordable expenses”*
3. *“Information updates on Service Section: to encourage Member States to update all necessary information, especially their email, payment method (if applicable)...”*

35.1. Please indicate whether the information provided in Q35 above may be published.

- (a) Yes.

36. Does your State have any suggestions that could assist in the promotion, implementation, or operation of the Service Convention?

- (a) Yes.

“ - At present, the time to execute the requests are diverse. Therefore, Member States should enhance the mutual communication to accelerate the execution. For instance: reminder and list of unexecuted requests can be sent to the Central Authorities every 6 months for updating the status.

- Member States which collecting service cost should consider a more friendly payment method (E.g: flat fee payment in advance by credit card or bank transfer)

- Central Authorities should maintain and expand their network by communicating via email or other electronic methods.”

36.1. If the answer to Q36 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

37. The PB is in the process of revising the Service Handbook. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

- (a) Yes.

“Adding and updating the use of information technology under the Service Convention into the Handbook.”

37.1. If the answer to Q37 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Main Channel of Transmission (Art. 5)

A. Incoming Requests

1. How many incoming requests for service did your State receive under the main channel of transmission (Art. 5) in each of the following years?

2017	143
2018	267
2019	333
2020	303
2021	286
2022	301
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
Korea	654
China	637
The United States of America	72

3. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017			x		
2018			x		
2019				x	
2020				x	
2021				x	
2022 (if data available)			x		
Unknown – <i>please explain.</i>					
-					

4. How many of these incoming requests for service did your State receive via **electronic transmission** in each of the following years?

2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown - <i>please explain.</i>	
-	

5. How many incoming requests for service did your State **execute for service** via electronic means in each of the following years?

This is regardless of whether a paper copy of the documents was subsequently provided.

2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown - <i>please explain.</i>	
-	

6. Are execution times for electronically transmitted requests for service generally faster than those transmitted by post?

(a) Yes, significantly faster.

B. Outgoing Requests

7. How many outgoing requests for service did your State make under the main channel of transmission (Art. 5) in each of the following years?

2017	883
2018	1326
2019	1445
2020	1137
2021	1217
2022	1446
Unknown – <i>please explain.</i>	
-	

8. Which three States were the subject of the most requests?

Requesting State	Number
The United States of America	7456
Korea	1162
Australia	587

9. How many outgoing requests for service did your State make via electronic transmission under the main channel of transmission (Art. 5) in each of the following years?

2017	0
2018	0
2019	0
2020	386
2021	0
2022	5
Unknown – <i>please explain.</i>	
-	

II. Statistics under Alternative Channels of Transmission

10. Does your State have statistics on incoming requests under alternative channels of transmission?

- (a) Yes, Article 8.
- (b) Yes, Article 9.
- (c) Yes, Article 10(a).
- (d) Yes, Article 10(b).
- (e) Yes, Article 10(c).
- (x) No, none of the above.

10.1. If yes, how many (total) incoming requests for service did your State receive under the alternative channels of transmission in each of the following years?

N/A

III. Refusals (Art. 13)

11. If applicable, please indicate how many incoming requests for service your State refused to comply with between 2017 and 2022?

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12. If applicable, please indicate how many outgoing requests for service transmitted by your State were refused between 2017 and 2022?

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CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Service Convention since 2014 and provide a link to, or upload the decisions (in PDF format only).

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II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

"Handbook to guide mutual legal assistance in civil matters in Viet Nam and notes on gender sensitivity (Vietnamese only) <https://moj.gov.vn/tttp/thongbao/Pages/thong-bao.aspx?ItemID=23> Webpage on mutual legal assistance of the Supreme People's Court <https://tttp.toaan.gov.vn/webcenter/portal/tttp/home>"

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.