

Part A - Questions for non-Contracting States

Reasons for not being a Contracting State	
<p>a) Why is YOUR STATE not party to the Apostille Convention?</p> <p><i>c.f. Q a) of the 2012 questionnaire</i></p>	<p><input type="checkbox"/> The internal law of YOUR STATE does not require foreign public documents to be legalised or subjected to a similar formality before having effect in YOUR STATE (see also Question f)</p> <p><input type="checkbox"/> There are legal obstacles in the internal legal system of YOUR STATE that prevent it from becoming a Party to the Convention – <i>please specify:</i></p> <p><input type="checkbox"/> YOUR STATE is concerned about the loss of revenue currently generated by legalising documents.</p> <p><input checked="" type="checkbox"/> There are other specific issues arising out of the Apostille Convention which dissuade YOUR STATE from joining the Apostille Convention – <i>please specify:</i></p> <p>Viet Nam is concerned about the possibly increasing risk of fake documents being used in Viet Nam, as a result of lacking legalization procedure conducted by Vietnamese competent authorities.</p> <p>(Việt Nam lo ngại khả năng gia tăng nguy cơ giấy tờ giả của nước ngoài được sử dụng tại Việt Nam do không phải qua thủ tục hợp pháp hóa thực hiện bởi các cơ quan có thẩm quyền của Việt Nam)</p> <p><input type="checkbox"/> YOUR STATE does not have the means or resources to properly implement the Apostille Convention</p> <p><input type="checkbox"/> The question of becoming a Party to the Convention has never been examined in detail</p> <p><input type="checkbox"/> Other – <i>please specify:</i></p> <p><i>Comments:</i></p> <p>Viet Nam is aware of the benefits of becoming a member State to the Convention. However, we should carefully consider the possibility of joining the Convention, taking into account relevant legal, financial and technical conditions of Viet Nam</p> <p>(Việt Nam nhận thức rõ những lợi ích của việc trở thành Thành viên Công ước. Tuy nhiên, Việt Nam cần cân nhắc kỹ khả năng gia nhập trên cơ sở xem xét các điều kiện về pháp lý, tài chính và kỹ thuật hiện nay)</p>
Foreign direct investment	
<p>b) Is YOUR STATE aware that international organisations, such as the World Bank and the International Chamber of Commerce, have recognised the importance and efficacy of the Apostille Convention in the promotion and development of international trade and investment and have urged States that have not done so to join the Convention?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><i>Comments:</i></p> <p>Viet Nam is aware that the WB and ICC have recognised the importance and efficacy of the Apostille Convention in the promotion and development of international trade and investment</p>

<p>↪c.f. Q b) of the 2012 questionnaire</p> <p>✍See C&R No 4 of the 2012 SC.</p> <p>✍The International Finance Corporation (IFC) of the World Bank Group released the Investing Across Border Report, which is an initiative that compares the regulation of foreign direct investment ("FDI") around the world. One of the indicators used in the report to measure the ease with which a foreign company can start a business in a given economy was whether or not the Apostille Convention was in force for that economy. Accordingly, by being party to the Apostille Convention, a State can improve its FDI competitiveness. For more information, click here.</p> <p>✍The Chamber of Commerce released a news item urging States to join the Apostille Convention, click here.</p> <p>↪see also para. 23 of the Apostille HB</p>	<p>They have also suggested that non-member States consider joining the Convention in order to facilitate cross-border trade and foreign investment.</p> <p>However, Viet Nam needs more time to profoundly consider the advantages and disadvantages of becoming a member State to the Convention in order to make the most appropriate decision. In this effort, we are also studying carefully the recommendations by WB and ICC.</p> <p>(Việt Nam nhận thức rõ việc WB và ICC đã công nhận tầm quan trọng và lợi ích của Công ước Apostille trong việc thúc đẩy thương mại và đầu tư quốc tế. Các Tổ chức này cũng đề nghị các nước chưa phải Thành viên cân nhắc việc gia nhập Công ước để thúc đẩy thương mại xuyên biên giới và đầu tư nước ngoài.</p> <p>Tuy nhiên, Việt Nam cần thêm thời gian để cân nhắc kỹ lưỡng lợi và hại của việc trở thành Thành viên Công ước, từ đó đưa ra quyết định thích hợp nhất. Trong quá trình này, Việt Nam cũng nghiên cứu kỹ lưỡng những khuyến nghị của WB và ICC).</p>
Studying the Apostille Convention	
<p>c) Is YOUR STATE currently studying the Apostille Convention, or does YOUR STATE envisage studying it, with a view to becoming a State Party in the near future?</p> <p>↪c.f. Q c) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Yes – please specify (including status and timetable for accession):</p> <p>Viet Nam has been studying experience of member State in joining and implementing the Convention. We have not worked out any specific timetable for accession.</p> <p>(Việt Nam đang tham khảo kinh nghiệm của các quốc gia Thành viên trong việc gia nhập và thực thi Công ước; Hiện nay, Việt Nam chưa có lịch trình cụ thể cho việc gia nhập Công ước này).</p> <p><input type="checkbox"/> No – please explain why not (then go to Question e):</p>
<p>Only for States that are studying or envisage studying the Apostille Convention</p> <p>d) Is YOUR STATE taking the e-APP (electronic Apostille Program) into consideration, or does YOUR STATE envisage taking it into consideration, as part of this study?</p> <p>↪c.f. Q e) of the 2012 questionnaire</p> <p>✍Information on the e-APP is available on the Apostille Section of the Hague Conference website. For detailed information, see in particular paras 321-363 of the Apostille HB</p>	<p><input type="checkbox"/> Yes – please specify which component(s)?</p> <p><input type="checkbox"/> both components</p> <p><input type="checkbox"/> only the e-Apostille component</p> <p><input type="checkbox"/> only the e-Register component</p> <p><input checked="" type="checkbox"/> No</p> <p>Comments:</p> <p>Viet Nam is taking steps in building the e-Register component, which allows the online checking of legalization stamps issued by the competent Authorities of Viet Nam. The system is expected to be brought into practice in the near future.</p> <p>(Việt Nam đang tiến hành các bước cần thiết để hoàn thiện cơ sở dữ liệu điện tử về các mẫu tem Hợp pháp hóa lãnh sự e-Register. Hệ thống này cho phép kiểm tra trực tuyến các mẫu tem hợp pháp hóa lãnh sự do cơ quan có thẩm quyền của Việt Nam cấp. Dự kiến, hệ thống sẽ được đưa vào vận hành trong thời gian tới).</p>

Statistics		
<p>e) How many legalisations were performed in 2015 by the authorities of YOUR STATE?</p> <p><i>If no statistics are kept, please provide a rough estimate</i></p> <p>↪c.f. Q f) of the 2012 questionnaire</p>	<p><i>Outgoing documents</i></p> <p><i>Legalisations performed by the Ministry of Foreign Affairs on documents executed in YOUR STATE</i></p> <p>66.000 documents</p>	<p><i>Incoming documents</i></p> <p><i>Legalisations performed by consulates/embassies of YOUR STATE located in another State on documents executed in that State</i></p> <p>No statistics</p>
Other instruments		
<p>f) Is the production of foreign public documents in YOUR STATE exempted from / not subject to legalisation or similar formality, or otherwise facilitated, by virtue of:</p> <ul style="list-style-type: none"> • any internal law or practice that YOUR STATE has introduced or intends to introduce? Or • any bilateral, regional or global instrument to which YOUR STATE is party or to which it intends to become party. <p>↪c.f. Q g) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Yes – <i>please specify:</i></p> <p>- According to Viet Nam's laws and regulations, some specific documents are exempted from legalisation based on the followed grounds:</p> <ol style="list-style-type: none"> 1. Papers or documents delivered directly or via diplomatic channel between competent Vietnamese and foreign Agencies; 2. According to international treaties to which Viet Nam and the foreign countries concerned are parties, or on the reciprocity principle. Viet Nam have signed bilateral instruments which provide legalization exemption for some specific documents with other countries, such as Consular Agreements, Mutual Judicial Assistance Agreement. <p><input type="checkbox"/> No</p> <p><i>Comments:</i></p> <p>In fact, the current legal framework of Viet Nam on legalisation exemption, to some extent, satisfy the objective of harmonizing trade facilitation and fraud documents prevention. We also consider signing bilateral agreements with foreign partners on a case by case basis, taking into account trade relations.</p>	

The "Apostille Section" and publications	
<p>g) How useful is the information provided on the Apostille Section of the Hague Conference website?</p> <p>↪c.f. Q i) of the 2012 questionnaire</p> <p>✍In addition to English and French, the Apostille Section is available in German, Portuguese and Spanish (click on the link "other languages" – not all documents have been translated).</p> <p>✍The Special Commission has noted that the Apostille Section continues to be a most useful resource of information(see C&R No 8 of the 2012 SC).</p> <p>↪see also para. 33 of the Apostille HB</p>	<p><input checked="" type="checkbox"/> Very useful</p> <p><input type="checkbox"/> Useful</p> <p><input type="checkbox"/> Not useful</p> <p><input type="checkbox"/> The Apostille Section has not yet been consulted</p> <p><i>Comments or suggestions for improvement:</i> The current layout, design and contents in the Apostille Section of the Hague Conference website are convenient and easy to follow. We have no suggestion for improvement.</p>
<p>h) Is YOUR STATE aware of the publications of the Permanent Bureau the ABCs of Apostilles, the Brief Implementation Guide, and the Apostille Handbook, available on the Apostille Section of the Hague Conference website?</p> <p>↪c.f. Q j) of the 2012 questionnaire</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> Some of them – <i>please specify:</i></p> <p><input type="checkbox"/> No</p>
<p>i) Does YOUR STATE have any suggestions for future publications that could assist the promotion, implementation, or operation of the Apostille Convention?</p> <p>↪c.f. Q k) of the 2012 questionnaire</p>	<p><input type="checkbox"/> Yes – <i>please specify:</i></p> <p><input checked="" type="checkbox"/> No</p>
Other	
<p>j) Are there any specific topics or practical issues that YOUR STATE would like to have discussed at the 2016 Special Commission?</p> <p>↪c.f. Q l) of the 2012 questionnaire</p> <p>↪see also paras 38-39 of the Apostille HB</p>	<p><input type="checkbox"/> Yes – <i>please specify:</i></p> <p><input checked="" type="checkbox"/> No</p>