

## **THE PRESIDENT**

### **Order No. 13/2010/L-CTN of November 29, 2010, on the promulgation of law**

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

*Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the X<sup>th</sup> National Assembly, the 10<sup>th</sup> session;*

*Pursuant to Article 91 of the Law on Organization of the National Assembly;*

*Pursuant to Article 57 of the Law on Promulgation of Legal Documents,*

PROMULGATES:

#### **the Law on Inspection,**

which was passed on November 15, 2010, by the XII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 8<sup>th</sup> session.

President of the Socialist Republic of Vietnam

NGUYEN MINH TRIET

## **Law on Inspection**

*(No. 56/2010/QH12)*

*Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;*

*The National Assembly promulgates the Law on Inspection.*

### Chapter I

#### GENERAL PROVISIONS

##### **Article 1.** Scope of regulation

This Law provides for the organization and activities of state inspection and people's inspection.

##### **Article 2.** Purposes of inspection activities

Inspection activities aim to detect loopholes in management mechanisms, policies and laws, then recommend remedies to competent state agencies; prevent, detect and handle law violations; assist agencies, organizations and

individuals in properly observing law; bringing into play positive factors; contribute to raising the effect and effectiveness of state management activities; and protect the interests of the State and the rights and legitimate interests of agencies, organizations and individuals.

### **Article 3.** Interpretation of terms

In this Law, the terms below are construed as follows:

1. *State inspection* means the examination, assessment and handling by competent state agencies of the implementation of policies and laws, and the performance of tasks and exercise of powers by agencies, organizations and individuals according to the order and procedures specified by law. State inspection includes administrative inspection and specialized inspection.
2. *Administrative inspection* means inspection conducted by competent state agencies of the implementation of policies and laws and the performance of tasks and exercise of powers by agencies, organizations and individuals under these agencies' management.
3. *Specialized inspection* means inspection conducted by competent state agencies in specific sectors or domains of the observance of specialized laws, professional-technical regulations and management rules of these sectors or domains by agencies, organizations and individuals under these agencies' management.
4. *Inspection program orientations* means a document setting out the orientations for inspection activities of the inspection sector in a year proposed by the Inspector General of the Government Inspectorate and approved by the Prime Minister.
5. *Inspection plan* means a document setting out major inspection tasks of an agency performing the inspection function in a year and elaborated by the head of this agency for implementing the inspection program orientations and management requirements of the head of the state management agency of the same level.
6. *Agencies assigned to perform the specialized inspection function* means agencies performing the state management in specific sectors or domains, including directorates and departments of ministries and branches of provincial-level departments, which are assigned to perform the specialized inspection function.
7. *Person assigned to perform the specialized inspection task* means a civil servant assigned to perform the inspection task of an agency assigned to perform the specialized inspection function.

8. *People's inspection* means a form of people's supervision through the people's inspection boards of the implementation of policies and laws, the settlement of complaints and denunciations, the observance of the law on grassroots democracy by responsible agencies, organizations and individuals in communes, wards, district townships, state agencies, public non-business units and state enterprises.

**Article 4.** Agencies performing the inspection function

1. State inspection agencies, including:

a/ The Government Inspectorate;

b/ Inspectorates of ministries and ministerial-level agencies (below collectively referred to as ministerial inspectorates);

c/ Inspectorates of provinces and centrally run cities (below collectively referred to as provincial inspectorates);

d/ Inspectorates of provincial-level departments;

e/ Inspectorates of rural districts, urban districts, towns and provincial cities (below collectively referred to as district inspectorates).

2. Agencies assigned to perform the specialized inspection function.

**Article 5.** Functions of state inspection agencies

State inspection agencies shall, within the ambit of their tasks and powers, perform and assist competent state agencies in performing the state management of inspection work, settlement of complaints and denunciations and prevention and combat of corruption; and inspect and settle complaints and denunciations and prevent and combat corruption under law.

**Article 6.** Inspection activities

Inspection activities shall be conducted by inspection teams, inspectors and persons assigned to perform the specialized inspection task.

**Article 7.** Principles of inspection activities

1. Compliance with law; assurance of accuracy, objectiveness, honesty, publicity, democracy and promptness.

2. No overlap in the scope, subjects, contents and duration of inspection among agencies performing the inspection function; and no obstruction to normal operations of inspected agencies, organizations and individuals.

**Article 8.** Responsibilities of heads of state agencies

The Prime Minister, ministers, heads of ministerial-level agencies, chairpersons of People's Committees of provinces and centrally run cities

(below referred to as provincial-level People's Committees), heads of professional agencies of provincial-level People's Committees, chairpersons of People's Committees of rural districts, urban districts, towns and provincial cities (below referred to as district-level People's Committees) and heads of agencies assigned to perform the specialized inspection function shall, within the ambit of their respective tasks and powers, organize and direct inspection activities, and promptly respond to inspection conclusions and recommendations and be held responsible before law for their acts and decisions.

**Article 9.** Responsibilities of heads of state inspection agencies, heads of agencies assigned to perform the specialized inspection function, heads of inspection teams, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators and other members of inspection teams

In inspection activities, heads of state inspection agencies, heads of agencies assigned to perform the specialized inspection function, heads of inspection teams, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators and other members of inspection teams shall observe this Law and other relevant laws, and be held responsible before law for their acts and decisions.

**Article 10.** Responsibilities and rights of inspected and related agencies, organizations and individuals

1. Inspected agencies, organizations and individuals shall comply with inspection requests, recommendations and decisions, may explain inspection contents, and have other rights and responsibilities under this Law and other relevant laws.
2. Agencies, organizations and individuals that have information and documents related to inspection contents shall fully and promptly provide them at the request of inspection decision issuers, heads of inspection teams, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators and other members of inspection teams, take responsibility for the accuracy and truthfulness of provided information and documents, and have other rights and responsibilities under this Law and other relevant laws.

**Article 11.** Coordination between agencies performing the inspection function and concerned agencies and organizations

1. Agencies performing the inspection function shall, within their respective tasks and powers, coordinate with the Public Security, the Procuracy and concerned agencies and organizations in preventing, detecting and handling law violations.

2. Within the ambit of their respective tasks and powers, the Public Security and the Procuracy shall consider recommendations on institution of criminal cases from agencies performing the inspection function and reply in writing on handling of these recommendations.

3. Upon receiving inspection requests, recommendations and handling decisions, other concerned agencies and organizations shall comply with these requests, recommendations and handling decisions and reply in writing on their compliance.

#### **Article 12.** People's inspection boards

1. People's inspection boards established in communes, wards and townships shall be organized and operate under the guidance and direction of the Vietnam Fatherland Front Committees in these communes, wards and townships.

People's inspection boards established in state agencies, public non-business units and state enterprises shall be organized and operate under the guidance and direction of the grassroots Trade Union Executive Committees in these agencies, units and enterprises.

2. Chairpersons of People's Committees of communes, wards and townships (below collectively referred to as commune-level People's Committees) and heads of state agencies, public non-business units and state enterprises shall create conditions for people's inspection boards to perform their tasks.

#### **Article 13.** Prohibited acts

1. Abusing one's position or inspection powers to commit illegal acts, to harass for bribes, or cause difficulties or troubles to inspected subjects.

2. Conducting inspection beyond assigned competence, scope or contents.

3. Intentionally refraining from issuing inspection decisions upon detecting signs of law violation; making untruthful conclusions, illegal decisions or handling; covering up agencies, organizations and individuals that commit law violations.

4. Disclosing information or documents on inspection contents in the inspection process before official conclusions are made.

5. Providing inaccurate or untruthful information or documents; appropriating or destroying documents or material evidences related to inspection contents.

6. Opposing, obstructing, bribing, intimidating, taking revenge on or bullying persons performing the inspection task or providing information

or documents to state inspection agencies; causing difficulties to inspection activities.

7. Illegally intervening in inspection activities, taking advantage of one's influence on persons performing the inspection task.

8. Giving, receiving or brokering bribes.

9. Committing other acts prohibited by law.

## Chapter II

### ORGANIZATION, TASKS AND POWERS OF STATE INSPECTION AGENCIES; AGENCIES ASSIGNED TO PERFORM THE SPECIALIZED INSPECTION FUNCTION

#### Section 1

#### THE GOVERNMENT INSPECTORATE

##### **Article 14.** Organization of the Government Inspectorate

1. The Government Inspectorate is an agency of the Government, answerable to the Government for performing the state management of the work of inspection, settlement of complaints and denunciations and prevention and combat of corruption nationwide; and performs activities of inspection, settlement of complaints and denunciations and prevention and combat of corruption under law.

2. The Government Inspectorate is composed of the Inspector General, Deputy Inspectors General and inspectors.

The Inspector General is a cabinet member and the head of the inspection sector. The Inspector General is answerable to the National Assembly and the Prime Minister for the work of inspection, settlement of complaints and denunciations and prevention and combat of corruption.

Deputy Inspectors General shall assist the Inspector General in performing his/her tasks as assigned by the latter.

3. The organizational structure of the Government Inspectorate shall be stipulated by the Government.

##### **Article 15.** Tasks and powers of the Government Inspectorate

1. In the state management of inspection, the Government Inspectorate has the following tasks and powers:

a/ To formulate and submit strategies, program orientations and legal documents on inspection to competent authorities for promulgation or approval, or promulgate them according to its competence; to guide,



propagate, examine and inspect the implementation of the law on inspection;

b/ To work out its inspection plans; to guide ministerial and provincial inspectorates in working out, and organizing the implementation of, their inspection plans;

c/ To direct inspection work and provide professional guidance on inspection; to provide professional inspection training for the contingent of officials and civil servants engaged in inspection work;

d/ To assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, guiding the organizational apparatus and state payrolls of inspectorates of all levels and sectors, conditions and criteria for appointment of chief inspectors, deputy chief inspectors and inspectors of all levels and sectors;

e/ To request ministries and ministerial-level agencies (below collectively referred to as ministries) and provincial-level People's Committees to report on inspection work; to summarize and report on results of inspection work; to summarize experience in inspection work;

f/ To monitor, urge and examine the implementation of the Prime Minister's and its own inspection conclusions, recommendations and handling decisions;

g/ To enter into international cooperation on inspection work.

2. In inspection activities, the Government Inspectorate has the following tasks and powers:

a/ To inspect the implementation of policies and laws, the performance of tasks and exercise of powers by ministries, government-attached agencies and provincial-level People's Committees; to inspect state enterprises established under decisions of the Prime Minister;

b/ To inspect complicated cases related to management responsibilities of many ministries and provincial-level People's Committees;

c/ To inspect other cases assigned by the Prime Minister;

d/ To examine, when necessary, the accuracy and lawfulness of inspection conclusions and post-inspection handling decisions of ministers and heads of ministerial-level agencies (below collectively referred to as ministers) and chairpersons of provincial-level People's Committees.

3. It shall perform the state management of the settlement of complaints and denunciations under the law on complaints and denunciations.

4. It shall perform the state management of the prevention and combat of corruption, and perform the corruption prevention and combat task under the anti-corruption law.

**Article 16.** Tasks and powers of the Inspector General

1. The Inspector General has the following tasks:

a/ To lead, direct and examine inspection work within the state management scope of the Government; to lead the Government Inspectorate in performing its tasks and powers under this Law and other relevant laws;

b/ To submit to the Prime Minister for approval inspection program orientations and organize their implementation;

c/ To assume the prime responsibility for addressing overlaps in the scope, subjects, contents and duration of inspection among ministerial inspectorates or between ministerial and provincial inspectorates;

d/ To consider and settle inspection work-related matters on which opinions of ministerial chief inspectors are different from those ministers or opinions of provincial chief inspectors are different from those of chairpersons of provincial-level People's Committees. In case a minister disagrees with results of handling by the Inspector General, to report such to the Prime Minister for consideration and decision.

2. The Inspector General has the following powers:

a/ To decide on inspection when detecting signs of law violation and to be answerable to the Prime Minister for his/her decisions;

b/ To decide on re-inspection of cases on which conclusions have been made by ministers when detecting signs of law violation in these cases as assigned by the Prime Minister; to decide on re-inspection of cases on which conclusions have been made by chairpersons of provincial-level People's Committees when detecting signs of law violation in these cases;

c/ To propose ministers or request chairpersons of provincial-level People's Committees to conduct inspection within the management scope of their ministries or provincial-level People's Committees when detecting signs of law violation. In case ministers or chairpersons of provincial-level People's Committees refuse to do so, to issue inspection decisions, report on and be answerable to the Prime Minister for his/her decisions;

d/ To recommend ministers to terminate the implementation of regulations or annul regulations promulgated by their ministries which are contrary to regulations of superior state agencies or the Inspector General on



inspection work. In case ministers refuse to do so, to submit them to the Prime Minister for decision;

e/ To terminate the implementation of, and request the Prime Minister to annul, regulations of provincial-level People's Committees or provincial-level People's Committee chairpersons which are contrary to regulations of superior state agencies or the Inspector General on inspection work;

f/ To recommend competent state agencies to amend, supplement or promulgate regulations to meet management requirements; to recommend the termination of implementation or annulment of unlawful regulations detected through inspection;

g/ To recommend the Prime Minister to examine liability and handle persons who are under the Prime Minister's management and commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions; to request heads of agencies or organizations to examine liability and handle persons who are under the management of such agencies or organizations and commit law violations detected through violation or fail to comply with inspection conclusions or handling decisions.

## Section 2

### MINISTERIAL INSPECTORATES

#### **Article 17.** Organization of ministerial inspectorates

1. Ministerial inspectorates are agencies of ministries, assisting ministers in the state management of inspection, settlement of complaints and denunciations and prevention and combat of corruption; conduct administrative inspection of agencies, organizations and individuals under their ministries' management; conduct specialized inspection of agencies, organizations and individuals under the state management within their ministries' sectors or domains; settle complaints and denunciations and prevent and combat corruption under law.

2. A ministerial inspectorate is composed of the chief inspector, deputy chief inspectors and inspectors.

Ministerial chief inspectors are appointed, relieved of duty or dismissed by ministers after reaching agreement with the Inspector General.

Ministerial deputy chief inspectors shall assist ministerial chief inspectors in performing the latter's tasks under the latter's assignment.

3. Ministerial inspectorates shall submit to the direction and management by ministers and concurrently to the work direction and organizational and professional guidance by the Government Inspectorate.

**Article 18.** Tasks and powers of ministerial inspectorates

1. In the state management of inspection within the scope of state management of ministries, ministerial inspectorates have the following tasks and powers:

a/ To work out and submit inspection plans to ministers for approval; to organize the implementation of inspection plans for which they are responsible; to guide, monitor, urge and examine the implementation of inspection plans by their ministries' agencies assigned to perform the specialized inspection function;

b/ To provide professional guidance on specialized inspection to their ministries' agencies assigned to perform the specialized inspection function and provincial-level departments' inspectorates; to guide and examine their ministries' agencies and units in implementing the law on inspection;

c/ To request heads of their ministries' agencies assigned to perform the specialized inspection function to report on inspection work; to summarize and report on results of inspection work within the scope of their ministries' state management;

d/ To monitor, urge and examine the implementation of ministers' and their own inspection conclusions, recommendations and handling decisions.

2. In inspection activities, ministerial inspectorates have the following tasks and powers:

a/ To inspect the observance of policies and laws, performance of tasks and exercise of powers by agencies, organizations and individuals under their ministries' direct management; to inspect state enterprises established under ministers' decisions;

b/ To inspect the observance of specialized laws, professional and technical regulations and management rules of the sectors or domains under their ministries' management by agencies, organizations and individuals within the scope of state management of these sectors or domains;

c/ To inspect other cases assigned by ministers;

d/ To examine the accuracy and lawfulness of inspection conclusions and post-inspection handling decisions of heads of their ministries' agencies assigned to perform the specialized inspection function or chairpersons of provincial-level People's Committees in cases within the sectors or domains under their ministries' state management when necessary.

3. They shall assist ministers in performing the state management of the settlement of complaints and denunciations; and perform the task of settling

complaints and denunciations under the law on complaints and denunciations.

4. They shall assist ministers in performing the state management of corruption prevention and combat work; and perform the task of preventing and combating corruption under the anti-corruption law.

**Article 19.** Tasks and powers of ministerial chief inspectors

1. Ministerial chief inspectors have the following tasks:

a/ To lead, direct and examine inspection work within their ministries' state management scope; to lead their inspectorates in performing their tasks and exercising their powers under this Law and other relevant laws;

b/ To assume the prime responsibility for handling overlaps in the scope, subjects, contents and duration of inspection under their ministries' state management; to coordinate with provincial chief inspectors in handling overlaps in scope, subjects, contents and duration of inspection in provinces and centrally run cities.

2. Ministerial chief inspectors have the following powers:

a/ To decide on inspection when detecting signs of law violation and be answerable to ministers for their decisions;

b/ To decide on re-inspection of cases on which conclusions have been made by heads of their ministries' agencies assigned to perform the specialized inspection function or chairpersons of provincial-level People's Committees when detecting signs of law violation in these cases as assigned by ministers;

c/ To request heads of agencies assigned to perform the specialized inspection function to conduct inspection within the management scope of these agencies when detecting signs of law violation. In case heads of agencies assigned to perform the specialized inspection function refuse to do so, to issue inspection decisions, report on and be answerable to ministers for their decisions;

d/ To recommend ministers to suspend the execution of unlawful inspection decisions of agencies and units under their ministries' direct management;

e/ To recommend ministers to settle inspection-related issues. In case their recommendations are not accepted, to report them to the Inspector General;

f/ To recommend competent state agencies to amend, supplement or promulgate regulations to meet management requirements; to recommend termination or annulment of unlawful regulations detected through inspection work;

g/ To sanction administrative violations under the law on handling of administrative violations;

h/ To recommend ministers to examine liability and handle persons under their respective management who commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions; to request heads of agencies or organizations to examine liability and handle persons under management of these agencies or organizations who commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions.

### Section 3

## PROVINCIAL INSPECTORATES

### **Article 20.** Organization of provincial inspectorates

1. Provincial inspectorates are professional agencies of provincial-level People's Committees, responsible for assisting People's Committees of the same level in the work of inspection, settlement of complaints and denunciations and prevention and combat of corruption, and inspecting, settling complaints and denunciations and preventing and combating corruption under law.

2. A provincial inspectorate is composed of the chief inspector, deputy chief inspectors and inspectors.

Provincial chief inspectors shall be appointed, relieved of duty or dismissed by chairpersons of People's Committees of the same level after reaching agreement with the Inspector General.

Provincial deputy chief inspectors shall assist provincial chief inspectors in performing the latter's tasks under the latter's assignment.

3. Provincial inspectorates shall submit to the direction and management by chairpersons of People's Committees of the same level and concurrently to the work direction and organizational and professional guidance by the Government Inspectorate.

### **Article 21.** Tasks and powers of provincial inspectorates

1. In the state management of inspection within the scope of state management of provincial-level People's Committees, provincial inspectorates have the following tasks and powers:

a/ To work out and submit inspection plans to chairpersons of provincial-level People's Committees for approval, and organize the implementation of these plans;

b/ To request professional agencies of provincial-level People's Committees (below collectively referred to as provincial-level departments)

and district-level People's Committees to report on inspection work; to summarize and report on results of inspection work;

c/ To direct inspection work and provide professional guidance on administrative inspection to provincial-level department inspectorates and district inspectorates;

d/ To monitor, urge and examine the execution of provincial-level People's Committee chairpersons' and their own inspection conclusions, recommendations and handling decisions.

2. In inspection activities, provincial inspectorates have the following tasks and powers:

a/ To inspect the implementation of policies and laws, performance of tasks and exercise of powers by provincial-level departments and district-level People's Committees, to inspect state enterprises established under decisions of chairpersons of provincial-level People's Committees;

b/ To inspect complicated cases related to responsibilities of many provincial-level departments and district-level People's Committees;

c/ To inspect other cases and matters as assigned by chairpersons of provincial-level People's Committees;

d/ To examine, when necessary, the accuracy and lawfulness of inspection decisions and post-inspection handling decisions of directors of provincial-level departments and chairpersons of district-level People's Committees.

3. They shall assist provincial-level People's Committees in performing the state management of the settlement of complaints and denunciations; and settle complaints and denunciations under the law on complaints and denunciations.

4. They shall assist provincial-level People's Committees in performing the state management of corruption prevention and combat work; and perform the task of corruption prevention and combat under the anti-corruption law.

#### **Article 22.** Tasks and powers of provincial chief inspectors

1. Provincial chief inspectors have the following tasks:

a/ To lead, direct and examine inspection work within the state management scope of provincial-level People's Committees; to lead provincial inspectorates in performing the tasks and exercising the powers under this Law and other relevant laws;

b/ To assume the prime responsibility for handling overlaps in the scope, subjects, contents and duration of inspection among provincial-level department inspectorates or between provincial-level department inspectorates and district inspectorates; to assume the prime responsibility

for, and coordinate with ministerial chief inspectors in, handling overlaps in the scope, subjects, contents and duration of inspection in provinces and centrally run cities;

c/ To consider and handle inspection-related matters on which provincial-level department chief inspectors disagree with provincial-level department directors or district chief inspectors disagree with chairpersons of district-level People's Committees. In case provincial-level department directors disagree with results of handling by provincial chief inspectors, to report them to chairpersons of provincial-level People's Committees for consideration and decision.

2. Provincial chief inspectors have the following powers:

a/ To decide on inspection when detecting signs of law violation and be answerable to chairpersons of provincial-level People's Committees for their decisions;

b/ To decide on re-inspection of cases on which conclusions have been made by provincial-level department directors when detecting signs of law violation in these cases as assigned by chairpersons of provincial-level People's Committees; to decide on re-inspection of cases on which conclusions have been made by district-level People's Committee chairpersons when detecting signs of law violation in these cases;

c/ To request provincial-level department directors or district-level People's Committee chairpersons to conduct inspection within the management scope of their provincial-level departments or district-level People's Committees when detecting signs of law violation. In case these directors or chairpersons refuse to do so, to issue inspection decisions, report on and be answerable to provincial-level People's Committee chairpersons for their decisions;

d/ To recommend provincial-level People's Committee chairpersons to settle inspection-related issues. In case their recommendations are not accepted, to report such to the Inspector General;

e/ To recommend competent state agencies to amend, supplement or promulgate regulations to meet management requirements; to recommend termination or annulment of unlawful regulations detected through inspection work;

f/ To recommend provincial-level People's Committee chairpersons to examine liability and handle persons under their respective management who commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions; to request heads of agencies or organizations to examine liability and handle persons under the



management of these agencies or organizations who commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions.

#### Section 4

### PROVINCIAL-LEVEL DEPARTMENT INSPECTORATES

#### **Article 23.** Organization of provincial-level department inspectorates

1. Provincial-level department inspectorates are agencies of provincial-level departments, assisting provincial-level department directors in conducting administrative inspection and specialized inspection, settling complaints and denunciations, and preventing and combating corruption under law.

Provincial-level department inspectorates shall be established in provincial-level departments which perform the state management task under authorization by provincial-level People's Committees or under law.

2. A provincial-level department inspectorate is composed of the chief inspector, deputy chief inspectors and inspectors.

Provincial-level department chief inspectors shall be appointed, relieved of duty or dismissed by provincial-level department directors after reaching agreement with provincial chief inspectors.

Provincial-level department deputy chief inspectors shall assist provincial-level department chief inspectors in performing their tasks under the latter's assignment.

3. Provincial-level department inspectorates shall submit to the direction and management by provincial-level department directors, and concurrently to provincial inspectorates' work direction and professional guidance on administrative inspection, and ministerial inspectorates' professional guidance on specialized inspection.

#### **Article 24.** Tasks and powers of provincial-level department inspectorates

1. To work out and submit inspection plans to provincial-level department directors for approval, and organize the implementation of inspection plans falling under their responsibility; to guide, monitor, urge and examine the implementation of inspection plans by their provincial-level departments' agencies assigned to perform the specialized inspection function.

2. To inspect the implementation of policies and laws, performance of tasks and exercise of powers by agencies, organizations and individuals under their provincial-level departments' direct management.

3. To inspect the observance of specialized laws, professional and technical regulations and management rules of their sectors or domains by agencies,

organizations and individuals under their provincial-level departments' management.

4. To inspect other cases assigned by provincial-level department directors.
5. To guide and inspect agencies and units under their provincial-level departments in observing the law on inspection.
6. To request the heads of their provincial-level departments' agencies assigned to perform the specialized inspection function to report on inspection work; to summarize and report on results of inspection work under their provincial-level departments' management.
7. To monitor, urge and examine the execution of inspection conclusions, recommendations and handling decisions of provincial-level department directors and inspectorates.
8. To examine the accuracy and lawfulness of inspection conclusions and post-inspection handling decisions of heads of their provincial-level departments' agencies assigned to perform the specialized inspection function with regard to cases in the state management sectors or domains of their provincial-level departments when necessary.
9. To settle complaints and denunciations under the law on complaints and denunciations.
10. To prevent and combat corruption under the anti-corruption law.

**Article 25.** Tasks and powers of provincial-level department chief inspectors

1. Provincial-level department chief inspectors have the following tasks:
  - a/ To lead, direct and examine inspection work within the state management scope of their provincial-level departments; to lead provincial-level departments in performing the tasks and exercising the powers under this Law and other relevant laws;
  - b/ To handle overlaps in the scope, subjects, contents and duration of inspection within the scope of their provincial-level departments' decentralized state management responsibility.
2. Provincial-level department chief inspectors have the following powers:
  - a/ To decide on inspection upon detecting signs of law violation and be answerable to provincial-level department directors for their decisions;
  - b/ To decide on re-inspection of cases on which conclusions have been made by heads of their provincial-level departments' agencies assigned to perform the specialized inspection function when detecting signs of law

violation in these cases as assigned by provincial-level department directors;

c/ To request heads of their provincial-level departments' agencies assigned to perform the specialized inspection function to conduct inspection within the scope of these agencies' responsibility when detecting signs of law violation. In case heads of these agencies refuse to do so, to issue inspection decisions, report on and be answerable to provincial-level department directors for their decisions;

d/ To recommend provincial-level department directors to suspend the execution of unlawful inspection decisions of agencies and units under their provincial-level departments' direct management;

e/ To recommend provincial-level department directors to settle inspection-related matters. In case their recommendations are not accepted, to report such to provincial chief inspectors or ministerial chief inspectors;

f/ To recommend competent state agencies to amend, supplement or promulgate regulations to meet management requirements; to propose termination or annulment of unlawful regulations detected through inspection;

g/ To sanction administrative violations under the law on handling of administrative violations;

h/ To propose provincial-level department directors to examine liability and handle persons under the management of provincial-level department directors who commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions.

## Section 5

### DISTRICT INSPECTORATES

#### **Article 26.** Organization of district inspectorates

1. District inspectorates are professional agencies of district-level People's Committees, responsible for assisting People's Committees of the same level in performing the state management of the work of inspection, settlement of complaints and denunciations, prevention and combat of corruption; and inspecting, settling complaints and denunciations, and preventing and combating corruption under law.

2. A district inspectorate is composed of the chief inspector, deputy chief inspectors and inspectors.

District chief inspectors shall be appointed, relieved of duty or dismissed by district-level People's Committee chairpersons after reaching agreement with provincial chief inspectors.

District deputy chief inspectors shall assist district chief inspectors in performing their tasks under the latter's assignment.

3. District inspectorates shall submit to the direction and management by chairpersons of People's Committees of the same level, and concurrently to the work direction and professional guidance of provincial inspectorates.

**Article 27.** Tasks and powers of district inspectorates

1. In the state management of inspection within the scope of state management of district-level People's Committees, district inspectorates have the following tasks and powers:

a/ To work out and submit inspection plans to chairpersons of district-level People's Committees for approval, and organize the implementation of these plans;

b/ To report on results of inspection work;

c/ To monitor, urge and examine the execution of district-level People's Committee chairpersons' and their own inspection conclusions, recommendations and handling decisions.

2. In inspection activities, district inspectorates have the following tasks and powers:

a/ To inspect the implementation of policies and laws, performance of tasks and exercise of powers by district-level People's Committees' professional agencies and commune-level People's Committees;

b/ To inspect complicated cases related to responsibilities of many professional agencies of district-level and commune-level People's Committees;

c/ To inspect other cases and matters as assigned by chairpersons of district-level People's Committees;

3. They shall assist district-level People's Committees in performing the state management of the settlement of complaints and denunciations; and perform the task of settling complaints and denunciations under the law on complaints and denunciations.

4. They shall assist district-level People's Committees in performing the state management of corruption prevention and combat work; and perform the task of corruption prevention and combat under the anti-corruption law.

**Article 28.** Tasks and powers of district chief inspectors

1. District chief inspectors shall lead, direct and examine inspection work within the state management scope of district-level People's Committees;

and lead their inspectorates in performing the tasks and exercising the powers under this Law and other relevant laws.

2. District chief inspectors have the following powers:

a/ To decide on inspection when detecting signs of law violation and be answerable to chairpersons of district-level People's Committees for their decisions;

b/ To propose competent state agencies to amend, supplement or promulgate regulations to meet management requirements; to recommend termination or annulment of unlawful regulations detected through inspection work;

c/ To recommend district-level People's Committee chairpersons to settle inspection-related issues. In case their recommendations are not accepted, to report such to provincial chief inspectors;

d/ To recommend district-level People's Committee chairpersons to examine liability and handle persons under their respective management who commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions; to request heads of other agencies or organizations to examine liability and handle persons under the management of these agencies or organizations who commit law violations detected through inspection or fail to comply with inspection conclusions or handling decisions.

## Section 6

### AGENCIES ASSIGNED TO PERFORM THE SPECIALIZED INSPECTION FUNCTION

**Article 29.** Assignment of the specialized inspection function to agencies performing the task of state management in specific sectors or domains

The assignment of the specialized inspection function to agencies performing the task of state management in specific sectors or domains shall be stipulated by the Government at the proposal of the Inspector General after reaching agreement with concerned ministers.

**Article 30.** Inspection activities of agencies assigned to perform the specialized inspection function

1. Agencies assigned to perform the specialized inspection function shall not establish independent inspectorates. Specialized inspection activities shall be conducted by persons assigned to perform the specialized inspection task under this Law and other relevant laws.

2. When conducting inspection, persons assigned to perform the specialized inspection task may sanction administrative violations and perform other tasks and exercise other powers under law.

### Chapter III

#### INSPECTORS, PERSONS ASSIGNED TO PERFORM THE SPECIALIZED INSPECTION TASK, INSPECTION COLLABORATORS

##### **Article 31.** Inspectors

1. Inspectors are civil servants, officers of the People's Army or the People's Public Security appointed to inspection ranks to perform inspection tasks. Inspectors shall be provided with uniforms and inspector's cards.

2. Inspectors shall abide by law and take responsibility to heads of their direct managing agencies and before law for the performance of their assigned tasks and exercise of their vested powers.

##### **Article 32.** General criteria of inspectors

1. An inspector must fully meet the following criteria:

a/ Being loyal to the Fatherland and the Constitution of the Socialist Republic of Vietnam; having good ethical qualities, good sense of responsibility, being incorruptible, honest, just and objective;

b/ Having a university degree, and state management and legal knowledge; particularly, specialized inspectors must also have relevant professional knowledge;

c/ Possessing a diploma or certificate of inspection skills;

d/ Having been engaged in inspection work for at least 2 years (excluding probation period), except cadres, civil servants, public employees, officers of the People's Army and the People's Public Security who have worked in other agencies, organizations or units for at least 5 years before being transferred to state inspection agencies.

2. Basing itself on the criteria specified in Clause 1 of this Article, the Government shall stipulate specific criteria for inspectors of each inspection rank.

##### **Article 33.** Inspector ranks

1. Inspectors have the following ranks:

a/ Inspector;

b/ Principal inspector;



c/ Senior inspector;

2. The competence and procedures for appointing, relieving of duty and dismissing inspectors are specified by the Government.

**Article 34.** Persons assigned to perform the specialized inspection task

Persons assigned to perform the specialized inspection task must be civil servants of agencies assigned to perform the specialized inspection function, and have professional qualifications and skills suitable to their specialized work, legal knowledge and inspection skills.

Specific criteria for persons assigned to perform the specialized inspection task shall be stipulated by the Government.

**Article 35.** Inspection collaborators

In inspection activities, state inspection agencies may employ inspection collaborators. Inspection collaborators are those having professional qualifications and skills suitable to inspection tasks.

Specific criteria, regimes, policies for and responsibilities of inspection collaborators; and the employment of collaborators shall be stipulated by the Government.

Chapter IV

INSPECTION ACTIVITIES

Section 1

GENERAL PROVISIONS

**Article 36.** Elaboration and approval of inspection program orientations and inspection plans

1. By October 15 every year at the latest, the Inspector General shall submit to the Prime Minister for approval inspection program orientations.

The Prime Minister shall examine and approve inspection program orientations no later than October 30 every year.

2. After inspection program orientations are approved, they shall be sent by the Government Inspectorate to ministers and chairpersons of provincial-level People's Committees.

Based on the inspection program orientations, the Inspector General shall elaborate an inspection plan of the Government Inspectorate and guide ministerial inspectorates and provincial inspectorates in elaborating their own inspection plans.

3. By November 15 every year, ministerial chief inspectors, heads of ministries' agencies assigned to perform the specialized inspection function

and provincial chief inspectors shall base themselves on the inspection program orientations, guidance of the Inspector General and management requirements of ministries, their agencies assigned to perform the specialized inspection function and provincial-level People's Committees to submit inspection plans to heads of state management agencies of the same level for approval.

Ministers and chairpersons of provincial-level People's Committees shall examine and approve inspection plans no later than November 25 every year.

4. By December 5 every year at the latest, provincial-level department chief inspectors, heads of provincial-level departments' agencies assigned to perform the specialized inspection function and district chief inspectors shall base themselves on inspection plans of ministerial inspectorates, provincial inspectorates and management requirements of provincial-level departments and their agencies assigned to perform the specialized inspection function and district-level People's Committees to submit inspection plans to heads of state management agencies of the same level for approval.

Provincial-level department directors and district-level People's Committee chairpersons shall examine and approve inspection plans no later than December 15 every year.

5. Inspection plans specified in Clauses 2, 3 and 4 of this Article shall be sent to to-be-inspected subjects and related agencies and organizations.

#### **Article 37.** Inspection forms

1. Inspection activities shall be conducted in the form of planned inspection, regular inspection or unexpected inspection.
2. Planned inspection shall be conducted under approved plans.
3. Regular inspection shall be conducted on the basis of the functions and tasks of agencies assigned to perform the specialized inspection function.
4. Unexpected inspection shall be conducted upon detecting signs of law violations of agencies, organizations or individuals, to meet requirements of the settlement of complaints and denunciations, prevention and combat of corruption or under assignment by heads of competent state management agencies.

#### **Article 38.** Grounds for issuing inspection decisions

The issuance of an inspection decision must be based on any of the following grounds:

1. Inspection plan;

2. Request of the head of a state management agency;
3. Detection of signs of a law violation;
4. Requirements of the settlement of complaints or denunciations or prevention and combat of corruption.

**Article 39.** Public notification of inspection conclusions

1. Inspection conclusions shall be publicly notified, unless otherwise provided by law.
2. Forms of public notification of inspection conclusions include:
  - a/ Announcement at a meeting attended by the inspection decision issuer, inspection team, inspected subject(s), related agencies, organizations and individuals, or at a press conference;
  - b/ Publication in the mass media;
  - c/ Posting on websites of state inspection agencies, agencies assigned to perform the specialized inspection function or state management agencies of the same level;
  - d/ Display at working offices of agencies or organizations subject to inspection;
  - e/ Provision to related agencies, organizations and individuals at their request.
3. Within 10 days after signing inspection conclusions specified at Point a, Clause 2 of this Article, an inspection decision issuer shall publicly notify these inspection conclusions and choose at least one of the forms of public notification specified at Points b, c and d, Clause 2 of this Article.

When requested, inspection decision issuers shall provide inspection conclusions to related agencies, organizations and individuals.

4. The Government shall specify the public notification of inspection conclusions in the forms specified in Clause 2 of this Article.

**Article 40.** Handling and direction of execution of inspection conclusions

1. Within 15 days after making or receiving inspection conclusions, heads of state management agencies of the same level or heads of agencies assigned to perform the specialized inspection function shall direct the execution of inspection conclusions through:
  - a/ Handling economic violations, or requesting or recommending competent state agencies to handle these violations;

b/ Handling cadres, civil servants or public employees who have committed law violations, or requesting or recommending competent state agencies to handle these persons;

c/ Applying remedies or measures to improve mechanisms, policies or laws, or requesting or recommending competent state agencies to apply these remedies or measures;

d/ Settling other matters within their competence in inspection conclusions.

2. Persons who are responsible for handling inspection conclusions but fail to do so or improperly handle them shall be examined for liability and handled under law.

**Article 41.** Handling of acts of failing to comply with inspection requests, conclusions or handling decisions

1. In the course of inspection, inspected subjects, agencies, organizations and individuals that have information and documents relevant to inspection contents but fail to provide them at the request of inspection decision issuers, heads of inspection teams, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators or other members of inspection teams, or provide them insufficiently, inaccurately or untimely, or destroy them shall, depending on the nature and severity of their violations, be administratively sanctioned, disciplined or examined for penal liability. If causing damage, they shall pay compensations under law.

2. Inspected subjects and related agencies, organizations and individuals that have to comply with inspection conclusions or handling decisions but fail to do so or do so inadequately or untimely shall, depending on the nature and severity of their violations, be administratively sanctioned, disciplined or examined for penal liability. If causing damage, they shall pay compensations under law.

**Article 42.** Handling of law violations of inspection decision issuers, heads of inspection teams, inspectors and persons assigned to perform the specialized inspection task, inspection collaborators and other members of inspection teams

In the course of inspection, inspection decision issuers, heads of inspection teams, inspectors and persons assigned to perform the specialized inspection task, inspection collaborators and other members of inspection teams who fail to fulfill the inspection task, deliberately fail to detect law violations or fail to handle or propose competent authorities to handle law violations which they have detected and are severe enough for handling, or commit other acts in violation of the law on inspection shall, depending on

the nature and severity of their violations, be disciplined or examined for penal liability. If causing damage, they shall pay compensations under law.

## Section 2

### ADMINISTRATIVE INSPECTION ACTIVITIES

#### **Article 43.** Competence to issue administrative inspection decisions

1. Inspection activities may be conducted only when inspection decisions are issued.
2. Heads of state inspection agencies may issue inspection decisions and form inspection teams to execute inspection decisions. When finding it necessary, heads of state management agencies may issue inspection decisions and form inspection teams.

An inspection team is composed of the head, inspectors and other members.

#### **Article 44.** Administrative inspection decisions

1. An inspection decision contains the following details:
  - a/ Legal grounds for inspection;
  - b/ Inspection scope, subjects, contents and tasks;
  - c/ Inspection duration;
  - d/ Head, inspectors and other members of the inspection team.
2. Within 5 days after the date of its signing, an inspection decision shall be sent to to-be-inspected subjects, except unexpected inspection.

Inspection decisions shall be announced within 15 days after they are signed. The announcement of inspection decisions must be recorded in writing.

#### **Article 45.** Administrative inspection duration

1. The duration for conducting an inspection is specified as follows:
  - a/ An inspection conducted by the Government Inspectorate must last not more than 60 days. For complicated cases, this duration may be prolonged but must not exceed 90 days. For particularly complicated inspections which involve many domains or many localities, the inspection duration may be prolonged but must not exceed 150 days;
  - b/ An inspection conducted by a provincial or ministerial inspectorate must last not more than 45 days. For complicated cases, such duration may be prolonged but must not exceed 70 days;
  - c/ An inspection conducted by a district or provincial-level department inspectorate must last not more than 30 days. In mountainous, border,

island, deep-lying or remote areas with difficult access, the inspection duration may be prolonged but must not exceed 45 days.

2. The duration of an inspection shall be counted from the date of inspection decision announcement to the date of inspection completion at the inspected place.

3. The prolongation of the inspection duration specified in Clause 1 of this Article shall be decided by inspection decision issuers.

**Article 46.** Tasks and powers of heads of administrative inspection teams

1. In the course of inspection, inspection team heads have the following tasks and powers:

a/ To organize and direct their inspection team members to strictly comply with inspection decisions;

b/ To propose inspection decision issuers to apply measures within the ambit of their tasks and powers provided in Article 48 of this Law to assure the fulfillment of assigned tasks;

c/ To request inspected subjects to provide information and documents, report in writing or explain matters related to inspection contents. When necessary, they may inventory inspected subjects' assets related to inspection contents;

d/ To request agencies, organizations and individuals that have information and documents related to inspection contents to provide these information and documents;

e/ To request competent persons to temporarily seize illegally used money, objects or permits when finding it necessary to promptly stop law violations or to verify circumstances to serve as proofs for conclusion or handling;

f/ To request credit institutions at which inspected subjects have accounts to blockade these accounts in service of their inspection when having grounds to believe that inspected subjects have committed acts of asset dispersal;

g/ To decide on sealing up documents of inspected subjects when having grounds to believe that they commit law violations;

h/ To suspend or propose competent persons to stop acts when finding that these acts cause serious damage to the interests of the State, the legitimate rights and interests of agencies, organizations or individuals;

i/ To recommend competent persons to suspend the execution of decisions on disciplining, transfer to other jobs or retirement of persons who are



cooperating with state inspection agencies or are being inspected if finding that the execution of these decisions may obstruct the inspection;

j/ To report to inspection decision issuers on inspection results and take responsibility for the accuracy, truthfulness and objectiveness of their reports.

2. When finding it unnecessary to apply measures specified at Points e, f, g, h and i, Clause 1 of this Article, inspection team heads may decide on or request the immediate cancellation of these measures.

3. When performing the tasks and powers specified in Clause 1 of this Article, inspection team heads are answerable to inspection decisions issuers and responsible before law for their acts and decisions.

**Article 47.** Tasks and powers of members of administrative inspection teams

1. To perform tasks assigned by their inspection team heads.

2. To request inspected subjects to provide information and documents, report in writing, or explain matters related to inspection contents; to request agencies, organizations or individuals that have information or documents related to inspection contents to provide these information or documents.

3. To recommend their inspection team heads to apply measures within the ambit of the latter's tasks and powers specified in Article 46 of this Law to assure the fulfillment of their assigned tasks.

4. To recommend the handling of other matters related to inspection contents.

5. To report on results of performance of their assigned tasks to their inspection team heads, and take responsibility before law and their inspection team heads for the accuracy, truthfulness and objectivity of reported contents.

**Article 48.** Tasks and powers of administrative inspection decision issuers

1. Administrative inspection decision issuers have the following tasks and powers:

a/ To direct, examine and supervise inspection teams in their execution of inspection decisions;

b/ To request inspected subjects to provide information and documents, report in writing, or explain matters related to inspection contents; to request agencies, organizations or individuals that have information or documents related to inspection contents to provide these information or documents;

- c/ To solicit assessment of matters related to inspection contents;
  - d/ To request competent persons to temporarily seize illegally used money, objects or permits when finding it necessary to promptly stop law violations or to verify circumstances to serve as proofs for conclusion or handling;
  - e/ To suspend or recommend competent persons to stop acts when finding that these acts cause serious damage to the interests of the State, the legitimate rights and interests of agencies, organizations and individuals;
  - f/ To request credit institutions at which inspected subjects have accounts to blockade these accounts in service of their inspection when having grounds to believe that inspected subjects have committed acts of asset dispersal, fail to comply with decisions of heads of state inspection agencies or state management agencies on recovery of money and assets;
  - g/ To recommend competent persons to suspend the execution of decisions on disciplining, transfer to other jobs or retirement of persons who are cooperating with state inspection agencies or are being inspected when finding that the execution of these decisions may obstruct the inspection;
  - h/ To recommend competent persons to suspend from work and handle cadres, civil servants and public employees who intentionally obstruct the inspection or fail to comply with inspection requests, recommendations or decisions;
  - i/ To decide on handling according to their competence or recommend competent persons to handle inspection results; to inspect and urge the execution of inspection handling decisions;
  - j/ To decide on recovering money and assets which are appropriated, illegally used or lost due to law violations of inspected subjects;
  - k/ To settle complaints and denunciations related to responsibilities of heads and other members of inspection teams;
  - l/ To dismiss or replace heads or members of inspection teams who fail to satisfy inspection requirements or tasks or commit law violations or are relatives of inspected subjects or cannot, for other objective reasons, perform their inspection tasks;
  - m/ To make conclusions on inspection contents;
  - n/ To transfer dossiers of cases of law violation to investigative agencies when detecting their criminal signs, and concurrently notify such in writing to the procuracies of the same level.
2. When finding it unnecessary to apply the measures specified at Points d, e, f, g and h, Clause 1 of this Article, inspection decision issuers may

decide on or recommend the immediate cancellation of the application of such measures.

3. When performing the tasks and powers specified in Clause 1 of this Article, inspection decision issuers shall be held responsible before law for their acts and decisions.

**Article 49.** Reports on administrative inspection results

1. Within 15 days after the completion of an inspection, an inspection team head shall make and send a written report on inspection results to the inspection decision issuer. In case an inspection decision issuer is concurrently the head of a state management agency, a report on inspection results shall also be sent to the head of the state inspection agency of the same level.

2. A report on inspection results must have the following contents:

a/ Specific conclusions on each inspected content;

b/ Clear determination of the nature and severity of violations, their causes, and responsibilities of violating agencies, organizations or individuals;

c/ Divergence of opinions between members and the head of the inspection team on the report's contents;

d/ Handling measures already applied and recommended ones.

3. In case of detecting acts of corruption, the report on inspection results must clearly state the responsibility of the head of the agency or organization in which such acts of corruption occur according to the following levels:

a/ Weak management capability;

b/ Irresponsibility in management;

c/ Covering up of persons committing acts of corruption.

4. A report on inspection results must clearly state legal provisions used as grounds for determining the nature and severity of violations and recommended handling measures.

**Article 50.** Administrative inspection conclusions

1. Within 15 days after receiving a report on inspection results, an inspection decision issuer shall make and send written inspection conclusions to the head of the state management agency of the same level, the superior state inspection agency and inspected subjects. In case the head of the state management agency is concurrently the inspection decision issuer, inspection conclusions shall also be sent to the head of the state inspection agency of the same level.

2. Inspection conclusions must have the following contents:
  - a/ Assessment of the implementation of policies and laws, the performance of tasks and exercise of powers by inspected subjects, which are included in inspection contents;
  - b/ Conclusions on inspection contents;
  - c/ Clear determination of the nature and severity of violations, their causes and responsibilities of violating agencies, organizations and individuals;
  - d/ Handling measures already applied and recommended ones.
3. In the course of preparing written inspection conclusions, inspection decision issuers may request heads and members of inspection teams to report; or request inspected subjects to explain to further clarify matters necessary for making inspection conclusions.

### Section 3

#### SPECIALIZED INSPECTION ACTIVITIES

**Article 51.** Competence to issue specialized inspection decisions and assign inspectors or persons assigned to perform the specialized inspection task to conduct independent inspection

1. Ministerial chief inspectors, provincial-level department chief inspectors and heads of agencies assigned to perform the specialized inspection function may issue inspection decisions and form inspection teams to execute inspection decisions. When finding it necessary, ministers and provincial-level department directors may issue inspection decisions and form inspection teams.

2. Inspectors and persons assigned to perform the specialized inspection task shall conduct independent inspection as assigned by ministerial chief inspectors, provincial-level department chief inspectors and heads of agencies assigned to perform the specialized inspection function.

In case they assign inspectors or persons assigned to perform the specialized inspection task to conduct independent inspection, ministerial chief inspectors, provincial-level department chief inspectors and heads of agencies assigned to perform the specialized inspection function shall clearly determine the inspection scope, tasks and duration.

Upon conducting independent inspection, inspectors shall produce their inspector's cards while persons assigned to perform the specialized inspection task shall produce their civil servant's cards.

**Article 52.** Specialized inspection decisions

1. An inspection decision must contain the following details:

- a/ Legal grounds for inspection;
  - b/ Inspection scope, subjects, contents and tasks;
  - c/ Inspection duration;
  - d/ Head, inspectors and other members of the inspection team.
2. Inspection decisions shall be notified to inspected subjects upon conducting inspection.

**Article 53.** Tasks and powers of heads of specialized inspection teams

1. In the course of inspection, inspection team heads have the following tasks and powers:

- a/ To organize and direct inspection team members in strictly complying with inspection decisions;
- b/ To recommend inspection decision issuers to apply measures within the ambit of their tasks and powers specified in Article 55 of this Law to assure the performance of assigned tasks;
- c/ To request inspected subjects to produce their licenses, permits, business registration certificates, practice certificates, provide information and documents, report in writing, or explain matters related to inspection contents;
- d/ To make written records of violations of inspected subjects;
- e/ To inventory inspected subjects' assets related to inspection contents;
- f/ To request agencies, organizations and individuals that have information and documents related to inspection contents to provide such information and documents;
- g/ To request competent persons to temporarily seize illegally used money, objects or permits when finding it necessary to promptly stop law violations or to verify circumstances to serve as proofs for conclusion or handling;
- h/ To decide on sealing up documents of inspected subjects when having grounds to believe that they commit law violations;
- i/ To suspend or recommend competent persons to stop acts when finding that these acts cause serious damage to the interests of the State, the legitimate rights and interests of agencies, organizations and individuals;
- j/ To suspend competent persons to suspend the execution of decisions on disciplining, transfer to other jobs or retirement of persons who are cooperating with state inspection agencies, agencies assigned to perform the specialized inspection function or are being inspected when finding that the execution of these decisions may obstruct the inspection;

k/ To request credit institutions at which inspected subjects have accounts to blockade these accounts in service of the inspection when having grounds to believe that inspected subjects have committed acts of asset dispersal;

l/ To sanction administrative violations under the law on handling of administrative violations;

m/ To report to inspection decision issuers on inspection results and take responsibility for the accuracy, truthfulness and objectivity of these reports.

2. When finding it unnecessary to apply the measures specified at Points g, h, i, j and k, Clause 1 of this Article, inspection decision issuers may decide on or propose the immediate cancellation of the application of such measures.

3. When performing the tasks and powers specified in Clause 1 of this Article, heads of inspection teams shall be held responsible before inspection decision issuers and law for their acts and decisions.

**Article 54.** Tasks and powers of members of inspection teams, inspectors and persons assigned to perform the specialized inspection task while conducting independent inspection

1. When conducting team inspection, inspectors and persons assigned to perform the specialized inspection task have the following tasks and powers:

a/ To perform tasks assigned by their inspection team heads;

b/ To request inspected subjects to provide information and documents, report in writing, or explain matters related to inspection contents; to request agencies, organizations and individuals that have information or documents related to inspection contents to provide such information or documents;

c/ To recommend inspection team heads to apply the measures within the ambit of their tasks and powers specified in Article 53 of this Law to assure the performance of assigned tasks;

d/ To sanction administrative violations under the law on handling of administrative violations;

e/ To recommend the handling of other matters to inspection contents;

f/ To report on results of performance of assigned tasks to inspection team heads and to be held before law and answerable to inspection team heads for accuracy, truthfulness and objectivity of reported contents.



2. In the course of inspection, other members of inspection teams shall perform the tasks and exercise the powers specified at Points a, b, c, e and f, Clause 1 of this Article.
3. When conducting independent inspection, inspectors and persons assigned to perform the specialized inspection task have the following tasks and powers:
  - a/ To request inspected subjects to produce licenses, permits, business registration certificates, practice certificates, provide information and documents, report in writing and explain matters related to inspection contents; to request agencies, organizations and individuals that have information and documents relevant inspection contents to provide these information and documents;
  - b/ To make written records of violations of inspected subjects;
  - c/ To sanction administrative violations under the law on handling of administrative violations;
  - d/ To report to chief inspectors and heads of agencies assigned to perform the specialized inspection task on the performance of assigned tasks; to be answerable to chief inspectors and heads of agencies assigned to perform the specialized inspection function and held responsible before law for acts and decisions.

**Article 55.** Tasks and powers of specialized inspection decision issuers

1. Specialized inspection decision issuers have the following tasks and powers:
  - a/ To direct, examine and supervise inspection teams in strictly complying with inspection decisions;
  - b/ To request inspected subjects to provide information and documents, report in writing or explain matters related to inspection contents; to request agencies, organizations and individuals that have information and documents related to inspection contents to provide these information and documents;
  - c/ To solicit assessment of matters related to inspection contents;
  - d/ To request credit institutions at which inspected subjects have accounts to blockade these accounts in service of the inspection when having grounds to believe that inspected subjects have committed acts of asset dispersal, fail to comply with decisions of heads of state inspection agencies, agencies assigned to perform the specialized inspection function or state management agencies on money and asset recovery;

e/ To suspend or recommend competent persons to stop acts when finding that these acts cause serious damage to the interests of the State and the legitimate rights and interests of agencies, organizations and individuals;

f/ To propose competent persons to suspend the execution of decisions on disciplining, transfer to other jobs or retirement of persons who are cooperating with state inspection agencies or agencies assigned to perform the specialized inspection function or are being inspected when finding that the execution of these decisions may obstruct the inspection;

g/ To recommend competent persons to suspend from work and handle cadres, civil servants and public employees who intentionally obstruct the inspection or fail to comply with inspection requests, recommendations or decisions;

h/ To decide on handling according to their competence or recommend competent persons to handle inspection results; to inspect and urge the execution of inspection handling decisions;

i/ To decide on recovering money and assets which are appropriated, illegally used or lost due to law violations of inspected subjects;

j/ To settle complaints and denunciations related to the responsibilities of heads and other members of inspection teams;

k/ To dismiss or replace heads or members of inspection teams who fail to satisfy inspection requirements or tasks or commit law violations or are relatives of inspected subjects or cannot, for other objective reasons, perform their inspection tasks;

l/ To make conclusions on inspection contents;

m/ To transfer dossiers of cases of law violation to investigative agencies when detecting their criminal signs, and concurrently notify such in writing to the procuracies of the same level.

2. When finding it unnecessary to apply the measures specified at Points d, e, f, g and h, Clause 1 of this Article, inspection decision issuers may decide on or propose the immediate cancellation of the application of such measures.

3. When performing the tasks and powers specified in Clause 1 of this Article, inspection decision issuers shall be held responsible before law for their acts and decisions.

**Article 56.** Inspection duration, time limits for sending and announcing inspection decisions, reporting inspection results and specialized inspection conclusions

The inspection duration, time limit for sending inspection decisions, period from the date of signing inspection decisions to the date of announcing inspection decisions, or reporting inspection results and specialized inspection conclusions shall be stipulated by the Government.

#### Section 4

### RIGHTS AND OBLIGATIONS OF INSPECTED SUBJECTS

#### **Article 57.** Rights of inspected subjects

1. Inspected subjects have the following rights:

a/ To explain matters related to inspection contents;

b/ To complain about decisions or acts of inspection decision issuers, inspection team heads, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators or other members of inspection teams in the course of inspection; to complain about inspection conclusions or inspection-related handling decisions under the law on complaints;

c/ To claim damages under law.

2. Individuals being inspected subjects have the right to denounce law-breaking acts of inspection decision issuers, inspection team heads, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators and other members of inspection teams under the law on denunciations.

#### **Article 58.** Obligations of inspected subjects

1. To comply with inspection decisions.

2. To promptly, sufficiently and accurately provide information and documents at the request of inspection decision issuers, inspection team heads, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators and other members of inspection teams, and be held responsible before law for the accuracy and truthfulness of provided information and documents.

3. To comply with inspection requests, recommendations and conclusions and handling decisions of inspection decision issuers, inspection team heads, inspectors, persons assigned to perform the specialized inspection task, inspection collaborators, other members of inspection teams and competent state agencies.

#### Section 5

### INSPECTION DOSSIERS, RESPONSIBILITIES OF INVESTIGATIVE AGENCIES

**Article 59.** Inspection dossiers

1. Inspections shall be recorded in dossiers.
2. A dossier of inspection conducted by an inspection team comprises:
  - a/ Inspection decision; written record of the inspection; reports and explanations of inspected subjects; report on inspection results;
  - b/ Inspection conclusions;
  - c/ Documents on the handling or recommendations for handling;
  - d/ Other relevant documents.
3. For an independent inspection, an inspection dossier comprises:
  - a/ Documents on assignment of inspection tasks;
  - b/ Written record of the inspection (if any);
  - c/ Handling decisions or written recommendations for handling;
  - d/ Other relevant documents.
4. The compilation, management and use of inspection dossiers comply with law.

**Article 60.** Responsibilities of investigative agencies

Investigative agencies shall receive dossiers of law violation cases specified at Point n, Clause 1, Article 48, and Point m, Clause 1, Article 55 of this Law and process them under the criminal procedure law.

Within 20 days after receiving dossiers, investigative agencies shall notify in writing the processing thereof to agencies performing the inspection function. For cases involving complicated details and circumstances, the reply time limit may be prolonged but must not exceed 60 days. Past that time limit, if agencies performing the inspection function receive no written notices from investigative agencies, they may request the procuracies of the same level and superior investigative agencies to process these dossiers.

Chapter V

CONDITIONS FOR OPERATION OF STATE INSPECTION AGENCIES

**Article 61.** Operation funding of state inspection agencies

1. Operations of state inspection agencies are funded by the state budget.
2. The management, allocation and use of budget funds of state inspection agencies comply with the law on the state budget.

**Article 62.** Investment in modernization of inspection activities

The State shall adopt policies to invest in and develop information technology and other facilities for the organization and operation of state inspection agencies.

**Article 63.** Regimes and policies for inspectors

Regimes, policies, wages, allowances, uniform expenses and special regimes for inspectors shall be stipulated by the Government.

**Article 64.** Inspector's cards

Inspector's cards shall be granted by the Government Inspector General to inspectors for use while performing their inspection tasks.

The form of inspector's card and its use regime shall be stipulated by the Government Inspector General.

Chapter VI

PEOPLE'S INSPECTORATE

Section 1

GENERAL PROVISIONS

**Article 65.** Organization of People's Inspectorate

People's Inspectorate is organized in the form of people's inspection boards.

People's inspection boards are set up in communes, wards, townships, state agencies, public non-business units and state enterprises.

**Article 66.** Tasks of people's inspection boards

People's inspection boards are tasked to supervise the implementation of policies and laws, the settlement of complaints and denunciations and the implementation of the law on grassroots democracy by responsible agencies, organizations and individuals in their communes, wards, townships, state agencies, public non-business units and state enterprises.

**Article 67.** Powers of people's inspection boards

1. Upon detecting signs of law violation, to recommend competent persons to handle them under law and supervise the implementation of their recommendations.
2. When necessary, to be assigned by chairpersons of commune-level People's Committees or heads of state agencies, public non-business units and state enterprises to verify certain cases.
3. To recommend chairpersons of commune-level People's Committees or heads of state agencies, public non-business units and state enterprises to redress loopholes or mistakes detected through the supervision; to

guarantee legitimate rights and interests of citizens and laborers, and praise units and individuals that record achievements. Upon detecting law violators, to recommend competent agencies and organizations to examine and handle them.

## Section 2

### PEOPLE'S INSPECTION BOARDS IN COMMUNES, WARDS AND TOWNSHIPS

**Article 68.** Organization of people's inspection boards in communes, wards and townships

1. People's inspection boards in communes, wards and townships shall be elected by people's conferences or people's representatives' conferences in villages, hamlets or street population groups.

Depending on geographical area and population size of a commune, ward or township, a people inspection board may be composed of between 5 and 11 members.

Members of people's inspection boards must not be incumbent cadres of commune-level People's Committees.

A term of office of people's inspection boards in communes, wards and townships is 2 years.

2. During the term of office, people's inspection board members who fail to fulfill their tasks or are no longer trusted by the people shall be dismissed and replaced by others elected by people's conferences or people's delegates' conferences which have elected them at the request of commune, ward or township Vietnam Fatherland Front Committees.

**Article 69.** Operation of people's inspection boards in communes, wards and townships

1. People's inspection boards in communes, wards and townships shall directly submit to the operation direction by Vietnam Fatherland Front Committees of the same level.

2. People's inspection boards shall base themselves on resolutions of People's Councils of communes, wards and townships and programs of action and directions of Vietnam Fatherland Front Committees of communes, wards and townships to set forth orientations and plans for their operation.

3. People's inspection boards shall report on their operations to Vietnam Fatherland Front Committees of communes, wards and townships. When necessary, heads of people's inspection boards may be invited to attend



meetings of People's Councils, People's Committees and Vietnam Fatherland Front Committees of communes, wards or townships.

**Article 70.** Responsibilities of commune-level People's Committees

1. To notify people's inspection boards of major policies and laws related to organization, operation and tasks of commune-level People's Councils and People's Committees; on annual socio-economic development objectives and tasks of localities.
2. To request related organizations and individuals to fully and promptly provide necessary information and documents to people's inspection boards.
3. To examine and promptly settle recommendations of people's inspection boards, and notify handling results within 15 days after receiving these recommendations; to handle persons who obstruct operation of people's inspection boards or persons who take revenge on or bully members of people's inspection boards.
4. To notify people's inspection boards of results of the settlement of complaints and denunciations, or the implementation of the law on grassroots democracy.
5. To provide funds or facilities to support people's inspection boards to operate under law.

**Article 71.** Responsibilities of Vietnam Fatherland Front Committees of communes, wards and townships

1. To guide the organization of people's conferences or people's representatives' conferences in villages, hamlets and street population groups for electing people's inspection boards.
2. To issue documents recognizing people's inspection boards and notify the recognition to People's Councils and People's Committees of the same level and local people; to organize meetings of people's inspection boards for electing the boards' heads, deputy heads and assigning tasks to each member.
3. To guide people's inspection boards in working out their working programs and activities; to periodically hear reports on operation of people's inspection boards; to urge the settlement of recommendations of people's inspection boards.
4. To encourage local people to support, cooperate and participate in activities of people's inspection boards.
5. To certify written records and recommendations of people's inspection boards.

### Section 3

#### PEOPLE'S INSPECTION BOARDS IN STATE AGENCIES, PUBLIC NON-BUSINESS UNITS AND STATE ENTERPRISES

**Article 72.** Organization of people's inspection boards in state agencies, non-business units and state enterprises

1. People's inspection boards in state enterprises, non-business units and state enterprises shall be elected by employees' conferences or employees' representatives' conferences.

A people's inspection board is composed of between 3 and 9 members being workers and employees in a state agency, non-business unit or state enterprise.

A term of office of people's inspection boards is 2 years.

2. During the term of office, the people's inspection board members who fail to accomplish their tasks or are no longer trusted shall be dismissed and replaced by others elected by the employees' conferences or employees' representatives' conferences at the proposal of grassroots Trade Union Executive Committees.

**Article 73.** Operation of people's inspection boards in state agencies, non-business units and state enterprises

1. People's inspection boards in state agencies, non-business units and state enterprises shall directly submit to the operation direction by grassroots Trade Union Executive Committees.

2. Based on resolutions of employees' conferences or employees' representatives' conferences of state agencies, non-business units or state enterprises, and directions of grassroots Trade Union Executive Committees, people's inspection boards shall work out quarterly and annual working programs.

3. People's inspection boards shall report on their operations to grassroots Trade Union Executive Committees, employees' conferences or employees' representatives' conferences of state agencies, non-business units or state enterprises.

**Article 74.** Responsibilities of heads of state agencies, non-business units and state enterprises

1. To notify people's inspection boards of regimes, policies and other necessary information; to ensure the interests of members of people's inspection boards when these members perform their tasks.

2. To request units and individuals under their management to promptly and sufficiently provide information and documents directly related to supervision contents for people's inspection boards to perform their tasks.
3. To examine and promptly settle recommendations of people's inspection boards; to notify settlement results within 15 days after receiving these requests; to handle persons who obstruct operations of people's inspection boards or persons who take revenge on or bully members of people's inspection boards.
4. To notify people's inspection boards of results of settlement of complaints and denunciations, or the implementation of the law on grassroots democracy.
5. To provide funds or facilities to support people's inspection boards to operate under law.

**Article 75.** Responsibilities of grassroots Trade Union Executive Committees

1. To coordinate with heads of their state agencies, non-business units or state enterprises in organizing employees' conferences or employee representatives' conferences to elect people's inspection boards.
2. To issue documents recognizing people's inspection boards and notify such recognition to cadres, workers and employees in their state agencies, non-business units or state enterprises; to organize meetings of people's inspection boards for electing their heads, deputy heads and assigning tasks to each member.
3. To guide people's inspection boards in working out their working programs and activities; to periodically hear reports on operation results and settle recommendations of people's inspection boards.
4. To encourage laborers in state agencies, non-business units and state enterprises to support and participate in activities of people's inspection boards.
5. To certify written records and recommendations of people's inspection boards.

Chapter VII

IMPLEMENTATION PROVISIONS

**Article 76.** Inspection activities in other state agencies; inspection organization and activities in the People's Army, the People's Public Security and the State Bank of Vietnam

1. In pursuance to the provisions of this Law and other relevant laws, the Supreme People's Court, the Supreme People's Procuracy, the State Audit

and other state agencies shall, within the ambit of their tasks and powers, organize and direct inspection activities in their sectors or agencies.

2. Inspection organization and activities in the People's Army and the People's Public Security shall be stipulated by the Government.

3. Inspection organization and activities in the State Bank of Vietnam comply with this Law and the banking law.

**Article 77. Effect**

This Law takes effect on July 1, 2011.

Law No. 22/2004/QH11 on Inspection ceases to be effective on the effective date of this Law.

**Article 78. Implementation detailing and guidance**

The Government and other competent agencies and organizations shall detail and guide the implementation of articles and clauses of this Law as assigned; and guide other necessary contents of this Law to meet state management requirements.

*This Law was passed on November 15, 2010, by the XII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 8<sup>th</sup> session.-*

Chairman of the National Assembly  
*NGUYEN PHU TRONG*