

No. 03/2008/TT-BTP

Hanoi, August 25, 2008

CIRCULAR

**GUIDING THE IMPLEMENTATION OF A NUMBER OF ARTICLE OF THE
GOVERNMENTS DECREE NO. 79/2007/ND-CP DATED MAY 18, 2007, ON THE ISSUE
OF COPIES FROM MASTER REGISTERS, AUTHENTICATION OF COPIES FROM
ORIGINALS, AUTHENTICATION OF SIGNATURES**

Pursuant to the Governments Decree No.62/2003/ND-CP dated June 6, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Justice;

Pursuant to the Governments Decree No.79/2007/ND-CP dated May 18, 2007, on the issue of copies from master registers, authentication of copies from originals, authentication of signatures:

The Ministry of Justice guides the implementation of a number of article of the Governments Decree No. 79/2007/ND-CP dated May 18, 2007, on the issue of copies master registers, authentication of copies from originals, authentication of signatures (below referred to as Decree No. 79) as follows:

1. Authentication of copies from original papers and documents by commune-level Peoples Committees and district-level Justice Sections

a/ Commune-level Peoples Committees have the competence to authenticate papers and documents in Vietnamese only, or those issued Vietnamese by competent Vietnamese agencies or organizations in Vietnamese but containing some foreign language words (for instance, a certificate of marriage between a Vietnamese and a foreigner in which the name and address of the foreigner are written in a foreign language).

b/ District-level Justice Sections have the Competence to authenticate papers and documents in foreign languages only or those in foreign languages but containing some Vietnamese words (for instance, a diploma or certificate issued by a foreign agency or organization to a Vietnamese in which the name of the Vietnamese is written in Vietnamese).

c/ Bilingual papers and documents (for instance, passports of Vietnamese citizens or certificates of graduation in both Vietnamese and a foreign language issued by Vietnamese universities in association with foreign universities) may be authenticated by district-level Justice Sections or commune-level People's Committees at the choice of authentication requesters.

d/ For a set of documents of which some are in Vietnamese and others in a foreign language, for his/her convenience, an authentication requester may choose either of the two options below:

- To have documents in a foreign language authenticated by a district-level Justice Section; and those in Vietnamese authenticated by a commune level Peoples Committee:

- To have all of these documents in Vietnamese and a foreign language authenticated by a district-level Justice Section.

e/ For provinces and centrally run cities which have had sufficient commune-level officers in charge of civil status and judicial affairs have not received intermediate level training in law, or where commune-level Peoples Committees have no photocopiers for authentication work, provincial-level Justice Services shall advise provincial-level People's Committees to assign district-level Justice Sections to authenticate affairs falling within the authentication competence of commune-level Peoples Committees.

2. Authentication in island districts which have no commune and township administrative units

For island districts which have no commune and township administrative units, apart from the authentication competence specified in Clause 1, Article 5 of Decree No. 79, their district-level Justice Sections have the competence to authenticate all affairs falling within the authentication competence of commune-level People's Committees prescribed in Clause 2, Article 5 of Decree No. 79.

3. Documents serving as a basis for comparison and authentication of copies

Under Clause 1, Article 2 of Decree No. 79, the original means a document issued for the first time by a competent agency or organization, which has the legal validity for use and serves as a basis for comparison and authentication of copies. However, in reality, there are re-granted originals since the first originals are lost or damaged, for instance, a re-granted or re-registered birth certificate or are-granted land use right certificate. These re-granted originals substitute the first originals. Therefore, originals used for comparison and authentication of copies comprise:

- a/ First originals;
- b/ Re-granted originals;
- c/ Re-registered originals.

4. Authentication of fingerprint signatures

Under Decree No. 79, an individual may request a competent authentication agency to authenticate his/her signature in a paper or document. When an authentication requester cannot sign due to his/her disability or because he/she does not know how to sign, the authentication of fingerprint signatures replaces that of signatures.

An authentication requester shall press his/her right forefinger as signature; if unable to do so, he/she shall press his/her left forefinger; when it is impossible to use forefingers, he/she may press another finger provided that the pressed finger and the hand must be clearly specified.

5. Translators

Under Clause 1, Article 18 of Decree No. 79, a translator must be proficient in the foreign language to be translated. A translator's foreign language proficiency shall be determined based on either of the following criteria:

- a/ Holding a university or higher degree in the foreign language to be translated;
- b/ Holding a college or higher degree overseas in the language to be translated.

6. Translation collaborators

To help authentication requesters find translators, district-level Justice Sections may organize a team of translation collaborators. A person who satisfies either of the criteria specified at Point a

or b, Clause 5 of this Circular may register to be a translation collaborator for one or more district-level Justice Sections nationwide.

A translation collaborator of a Justice Section must sign a translation contract with the head of the Justice Section, under which he/she undertakes to make precise translation and comply with the Justice Section's translation rules.

The list of translation collaborators of a Justice Section shall be posted up at its office for translation requesters' information.

7. Translation fees

In principle, translation requesters and translators may agree upon translation fees on the own. However, to prevent too high fees charged by translators and, at the same time, to facilitate the state management of translation, provincial-level Justice Services should work with provincial-level Finance Services to set translation fee levels.

Translation fee levels shall be posted up at offices of district-level Justice Sections.

8. Gradual transfer of contracts and transactions to notarization practitioners

The Notarization Law and Decree No.79 clearly distinguish notarization from authentication under which, notarization means a notary's acknowledgment of the truthfulness and legal validity of a contract or transaction while district-level Justice Sections and commune-level People's Committees have the competence to authenticate copies from originals and signatures.

To help district-level Justice Sections and commune-level Peoples Committees concentrate on the authentication of copies and signatures according to Decree No. 79 and, at the same time, gradually transfer the notarization of contracts and transactions to notarization practitioners in line with the Notarization Law, contributing to ensure the legal safety for contracts and transactions of organizations and individuals, provincial-level Peoples Committees should take measures to develop local notarization practitioners; based on the operation development of local notarization practitioners, they shall decide to assign notarization practitioners to notarize contracts and transactions; when a district has no or transaction may choose a notarization practitioner in another locality or authentication by a commune-level People's Committee according to law.

9. Reporting regime

Peoples Committees at all levels shall strictly observes on authentication reporting and statistics under Point d, Clause 5, and Point c, Clause 6, Article 20 of Decree No. 79. Statistics enclosed with biannual reports shall be counted from October 1 of the previous year to the end of March 31 of the reporting year; statistics enclosed with annual reports shall be counted from October 1 of the previous year to the end of September 30 of the reporting year.

The time limits for sending reports are specified below:

a/ Commune-level Peoples Committees shall send first biannual reports to district-level Peoples Committees (via district-level Justice Sections) before April 10; and annual reports, before October 20, every year;

b/ District-level People's Committees shall send first biannual reports to provincial-level Peoples Committees (via provincial-level Justice Services) before April 20; and annual reports, before October 20, every year;

c/ Provincial-level Peoples Committees shall send first biannual reports to the Ministry of Justice before April 30; and annual reports, before October 30, every year.

10. Examination regime

Examination of the implementation of legal provisions on authentication shall be conducted regularly and annually under Clause 3, Point b of Clause 5, and Point b of Clause 6, Article 20 of Decree No. 79.

Examiners shall examine contents already approved by competent authorities; upon examination completion, make examination reports and take responsibility for these reports.

In addition, examination or inspection shall be conducted when arise complaints and denunciations and the settlement thereof complies with the law on complaints and denunciations.

11. Organization of implementation

1. This Circular takes effect fifteen (15) days after its publication in "CONG BAO."
2. To promulgate together with this Circular forms of authentication and authentication books (not printed herein).

	<p style="text-align: center;">FOR THE MINISTER OF FINANCE STANDING VICE MINISTER</p> <p style="text-align: center;">Hoang The Lien</p>
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