

LAW

GOVERNMENT ORGANIZATION

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly promulgates the Law on Government Organization.

Chapter I

GENERAL PROVISIONS

Article 1. Position and functions of the Government

1. The Government is the highest administrative authority of the Socialist Republic of Vietnam, exercises the executive powers and is the executive branch of the National Assembly.
2. The Government shall be held accountable to the National Assembly and responsible to the National Assembly, the National Assembly Standing Committee and the President of Vietnam.

Article 2. Organizational structure and members of the Government

1. The Government shall be composed of the Prime Minister, Deputy Prime Ministers, Ministers and Heads of Ministerial authorities. The structure and number of Government members shall be notified by the Prime Minister to the National Assembly for decision.
2. The organizational structure of the Government shall be composed of Ministries and ministerial authorities.

The establishment or dissolution of a Ministry or ministerial authority shall be notified by the Government to the National Assembly for decision.

Article 3. Tenure of the Government

Tenure of the Government shall coincide with that of the National Assembly. When the tenure of the National Assembly ends, the Government shall continue to perform its duties until the new Government is established by the newly-elected National Assembly.

Article 4. Prime Minister

1. The Prime Minister shall be chosen by the National Assembly from its deputies at the request of the President.
2. The Prime Minister is the head of the Government and the state administrative system.

Article 5. Principles of organization and operation of the Government

1. Comply with the Constitution and laws, and rule over society by the Constitution and laws, and implement the principle of democratic concentration; ensure the sexual equality.
2. Set up an administrative regulatory apparatus in a multi-sectoral, multi-domain, lean, efficacious, efficient and effective manner; guarantee to adhere to the principle that inferior government authorities should submit to the leadership, directions and strictly abide by decisions issued by superior government authorities.
3. Clearly distinguish between duties, powers and responsibilities of the Government and the Prime Minister and those of Ministers and Heads of ministerial authorities, and functions and governing scope of Ministries and ministerial authorities; follow the rule of “collective leadership, individual responsibility”, and uphold personal responsibilities of heads.
4. Properly delegate and devolve governing powers between the Government and local governments, and assure the consistent management power of the Government and promote initiative, creativity and responsible autonomy of local governments.
5. Conduct national governance towards modernity, efficiency and effectiveness; establish an administrative system which is uniform, transparent, continuous, democratic, rule-of-law, modern, clean, professional, scientific, public, and disciplined, and enables people and enterprises; serve the people and be subject to the people’s inspection and supervision.
6. Proactively participate, closely cooperate in, and strengthen control by the Government over the national administrative system and the exercise of the legislative power and the judicial power.

Article 6. Principles of distinction of powers

Duties and powers of the Government, the Prime Minister, Ministers and Heads of ministerial authorities shall be determined on the basis of principles of distinction of powers as follows:

1. The Government is responsible for submitting contents specified in the Constitution and basic and important issues within the jurisdiction of the National Assembly, issues

within the jurisdiction of the National Assembly Standing Committee according to the Law on Organization of the National Assembly to the National Assembly and the National Assembly Standing Committee for decision;

2. The Government is responsible for cooperating with People's Courts and People's Procuracies in accordance with this Law, the Law on Organization of People's Courts, the Law on Organization of People's Procuracies and other relevant laws;

3. The Government provides guidance for local governments on performance of the devolved duties and powers; local governments shall proactively decide, organize the performance and assume their responsibilities for the devolved duties and powers;

4. The Government unifies state management of sectors and industries; assigns the scope of state management to Ministries and Ministerial authorities, thereby ensuring that responsibilities of Ministers and Heads of ministerial authorities as cabinet members and as Heads of Ministries and ministerial authorities are clearly distinguished;

5. The Prime Minister is the head of the Government; leads duties of the Government and is responsible to the National Assembly for operations of the Government and the assigned duties; and does not decide issues on sectors and industries within the jurisdiction and under the management of any Minister or Head of ministerial authority as assigned by the Government. Where necessary, the Government and the Prime Minister shall direct and administer the settlement of issues within the duties and powers of the Minister, Head of a ministerial authority, or a local government;

6. Ministers and heads of ministerial authorities shall perform their duties and powers according to the principles of distinction, delegation, devolution of powers, and authorization prescribed in this Law, regulations on devolution of powers specified in the Law on Organization of Local Government and other relevant laws;

7. Delegation and devolution of powers shall clearly define entities, contents, scope of duties and powers, responsibilities for explanation, supervision, inspection, and control of powers and shall be public and transparent according to the Constitution and laws;

8. Regulations on functions, duties, powers and responsibilities of the Government, the Prime Minister and Ministries and ministerial authorities mentioned in other legislative documents shall be consistent with those of this Law, ensuring that state power is effectively controlled;

9. Central authorities and local governments are encouraged to proactively propose delegation and devolution of powers in association with mechanisms, policies, and solutions for effective delegation and devolution of powers in order to promote flexibility, creativity, free up resources, and enhance socio-economic development.

Article 7. Devolution of powers

1. Power devolution means the National Assembly's issuance of regulations on duties and powers of authorities, organizations and individuals in laws and resolutions according to the power distinction principles specified in this Law, the Law on Organization of the National Assembly, the Law on Organization of Local Government and other relevant laws.

2. The determination of the duties and powers of the Government and the Prime Minister and the distinction between duties and powers of central administrative authorities and those of local governments shall adhere to the principles of distinction between duties and powers of the Government and the Prime Minister, and those of Ministers and Heads of ministerial authorities specified in this Law, meet conditions and conform to characteristics, resources and capacity of local governments; and enable local governments to be proactive and autonomous to issue decisions, organize the performance and take their responsibilities for their devolved duties and powers.

3. Central authorities shall be responsible for providing guidance on and cooperating with local governments in the devolved duties and powers.

4. Local governments shall proactively promote regional and inter-regional cooperation in socio-economic development within their devolved powers.

Article 8. Delegation

1. Delegation in the system of state authorities means a competent authority or person (hereinafter referred to as “the assigning party”) assigning another authority/organization/unit/individual (hereinafter referred to as “the assigned party”) to continuously and regularly perform one or some of the former's duties or powers as per the law, and the latter is fully responsible for the performance of such duties or powers. The delegation shall be provided for in legislative documents of the assigning party.

2. The Government and the Prime Minister shall delegate duties and powers to Ministers and Heads of ministerial authorities as heads of Ministries, Ministerial authorities, Heads of Governmental authorities, People's Councils, People's Committees, and Chairpersons of People's Committees, unless the delegation is not permitted by law.

Ministers and Heads of ministerial authorities shall delegate duties and powers to People's Councils, People's Committees, Chairpersons of People's Committees, organizations and units affiliated to Ministries and Ministerial authorities, unless the delegation is not permitted by law.

3. The assigning party shall be responsible for meeting necessary conditions when deciding the delegation, unless the assigned party makes proposals and meets conditions for performance of the delegated duties and powers by itself/himself/herself.

4. The assigning party shall be responsible for monitoring, providing guidance and inspecting the performance of the delegated duties and powers so as to ensure that such

duties and powers are effectively and efficiently performed; and take responsibility for performance results in case the conditions specified in clause 3 of this Article are not satisfied.

5. The assigned party is entitled to give their opinions about daft documents that have been delegated and request the assigning party to adjust the delegated contents; and shall assume responsibility to the law and the assigning party for results of the performance of the delegated duties and powers, and periodically report and assess the performance of the delegated duties and powers and must not further delegate the duties and powers previously delegated to it/him/her.

6. In case the delegation results in the necessity for change in procedures for and jurisdiction over performance of the delegated duties and powers specified in the assigning party's legislative documents, the assigning party shall immediately amend such documents or assign their inferior authority/organization/unit/individual to do so; if the change is related to regulations of a superior state authority, the assigning party is entitled to adjust procedures for and jurisdiction of relevant authorities over performance of such duties and powers in a manner that ensures simplification of administrative procedures, does not require additional documentation and does not increase requirements, conditions, period of processing current procedures; then, the assigning party shall be responsible for reporting to the superior state authority on adjustments to procedures and jurisdiction specified in the superior state authority's legislative documents.

Article 9. Authorization

1. Authorization in the system of state authorities means a competent authority/organization/person (hereinafter referred to as “the authorizing party”) authorizing another authority/organization/unit/individual (hereinafter referred to as “the authorized party”) to perform one or some of the authorizing party’s duties or powers in a certain period as per the law, and the authorizing party is fully responsible for the performance of such duties or powers. The authorization shall be provided for in legislative documents of the authorizing party.

2. The Prime Minister authorizes duties and powers to Ministers, Heads of ministerial authorities, Heads of Governmental authorities, People's Committees of provinces and central-affiliated cities (hereinafter referred to as “provincial People's Committees”), and Chairpersons of provincial People's Committees; Ministers and Heads of ministerial authorities authorize duties and powers to provincial People's Committees and Chairpersons of provincial People's Committees, unless the delegation/authorization is not permitted by law.

3. The authorization shall meet the following conditions:

a) Written authorization shall contain specific regulations on contents, scope and period of authorization; authorization methods and other necessary conditions for performance of the authorized duties and powers;

b) The authorization shall be suitable to the authorized party's capacity and ability to perform duties and powers.

4. The authorizing party shall be responsible for monitoring, providing guidance and inspecting the performance of the authorized duties and powers; and take responsibility to the law for the legality of the authorization; assume responsibility for results of the performance of the authorized duties and powers, unless the authorized party fails to adhere to the contents, scope and period of authorization specified in clause 5 of this Article. If the authorization results in the necessity for change in procedures for and jurisdiction over performance of the authorized duties and powers, regulations in clause 6 Article 8 of this Law shall be applied.

5. The authorized party shall properly perform the authorized duties and powers and take responsibility to the authorizing party for performance results. If the authorized party fails to adhere to the contents, scope and period of authorization, it/he/she shall be responsible to the law for results of the performance of the authorized duties and powers and the authorizing party is not required to assume responsibility for failure to adhere to the contents, scope and period of authorization.

6. The authorized party is entitled to request the authorizing party to adjust the contents, scope and period of authorization; and must not further authorize the duties and entitlements previously authorized to it/him/her.

Chapter II

GOVERNMENT AND PRIME MINISTER

Section 1. Government

Article 10. Duties and powers of the Government

The Government performs the duties and powers specified in the Constitution, laws, resolutions of the National Assembly, ordinances, resolutions of the National Assembly Standing Committee and the following specific duties and powers:

1. Request the National Assembly to decide to:

a) ratify bills;

b) ratify bills or draft resolutions on basic objectives, targets, policies and tasks in socio-economic development in Vietnam; basic policies on national finance and currency; State's ethnic and religious policies; State's basic policies on foreign affairs; division of

revenues and expenditures between the central budget and local budgets; safety limits on national debts, public debts and government debts; state budget estimate and central budget distribution; state budget balance approval; referendum;

c) ratify draft resolutions on establishment and dissolution of Ministries and Ministerial authorities; establishment, dissolution, merger, division and adjustment of administrative boundaries of provincial divisions and special administrative-economic units;

2. Request the National Assembly Standing Committee to decide to:

a) ratify ordinance projects or draft resolutions;

b) ratify draft resolutions on establishment, dissolution, merger, division and adjustment of administrative boundaries of divisions at the levels inferior to the provincial level;

3. Request the President of Vietnam to consider, decide ratification, accession to or cancellation of International Agreements within the jurisdiction of the President of Vietnam; decide pardon in accordance with the law;

4. Organize the enforcement of the Constitution, laws, resolutions of the National Assembly, ordinances, resolutions of the National Assembly Standing Committee, orders and decisions of the President of Vietnam;

a) Punctually and sufficiently introduce legal documents to enforce the Constitution, laws, resolutions of the National Assembly, ordinances, resolutions of the National Assembly Standing Committee, orders and decisions of the President of Vietnam, and to implement the assigned duties and powers; ensure the constitutionality, legality and consistency in legislative documents of the Government, the Prime Minister, the Ministers, the Heads of ministerial authorities and local governments; inspect the implementation of such instruments as well as deal with any instruments in breach of the Constitution and laws.

b) Decide measures to organize the enforcement of the Constitution, laws, the National Assembly's resolutions, ordinances, resolutions of the National Assembly Standing Committee, orders and decisions of the President of Vietnam; direct and inspect the enforcement of resolutions, decrees and action plans of the Government;

c) Lead and direct the tasks of propagating, disseminating and educating people on the Constitution and laws; provide necessary conditions such as facilities, personnel and other resources to enforce the Constitution and laws; consistently manage justice administration, assistance, state compensation and enforcement of court judgments and laws on handling administrative violations;

d) Aggregate and assess the results of enforcement of the Constitution and laws and report to the National Assembly, the National Assembly Standing Committee and the President of Vietnam in accordance with the law.

5. Be responsible for consistent management of national administrative system to make sure that it is uniform, transparent, continuous, democratic, rule-of-law, modern, clean, professional, scientific, public, disciplined, efficient and effective and serves the people.

a) Carry out consistent state management of administrative organizational apparatus; manage officials, public employees and civil services in state authorities; perform uniform management of state administrative reform and reform of policies on civil services and public employees;

b) Carry out consistent state management and organize the implementation of regulations on salary applicable to officials and public employees at the central level through the local level.

c) Carry out consistent management and effectively use national resources. Consistently manage use of the state budget, other public property and implement financial practices in accordance with legal regulations; implement policies on reduction in spending and prevention of extravagance;

d) Consistently manage infrastructure and application of science, technology, innovation and digital transformation, artificial intelligence to the operation of national administrative system;

dd) Consistently organize inspections, handle complaints and denunciations, prevent and control bureaucracy, corruption and extravagance in the state administrative apparatus and socio-economic activities;

e) Lead tasks of Ministries, ministerial authorities, Governmental authorities, and People's Committees at all levels; provide guidance on and inspect the implementation by People's Councils at all levels of the Constitution, laws, and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee, orders and decisions of the President of Vietnam, resolutions and decrees of the Government, decisions and directives of the Prime Minister; inspect the constitutionality and legality of resolutions issued by People's Councils; enable People's Councils to perform their duties and exercise their powers in accordance with the law; resolve recommendations of People's Councils, People's Committees, and voters.

g) Carry out consistent state management in relation to organization and operation of associations and non-governmental organizations;

h) Carry out consistent state management of emulation and reward activities;

i) Give guidelines and inspect administrative organizational apparatus; officials, public employees and civil services; state administrative reform; emulation and reward activities; finance and public property in authorities exercising legislative and judicial powers, authorities exercising powers to prosecute and supervise judicial activities, and state audit offices;

6. Consistently manage economy, culture, society, education, health, science, technology, environment, information, communication, foreign affairs and international integration, national defense and security, social order and safety; decide specific measures to protect the rights and interests of the State and society, human rights, and civil rights; protect the independence, sovereignty, unity, and territorial integrity of the Fatherland, contribute to protection of peace in the region and across the globe, and maintain social order and safety;

7. Decide sectoral, regional and local development policies, except for those within the decision-making jurisdiction of the National Assembly and local governments in such a way to make sure that such policies are consistent with the Communist Party's policies, strategies and plans for socio-economic development of the country in each period and basic objectives, targets, policies and tasks in socio-economic development ratified by the National Assembly;

8. Stipulate policies within the Government's functions, duties and powers, take responsibility for its decisions according to regulations and perform the following specific duties and powers:

a) Organize the execution of general or partial mobilizations, state of emergency declarations, and implement necessary measures to protect the nation, human lives and assets of the people;

b) Request the Council on national defense and security to decide the participation of the People's armed force in activities to contribute to protection of peace in the region and in the globe;

c) Organize the negotiation and conclusion of International Agreements in the name of the State as authorized by the President of Vietnam; decide the conclusion, accession to, ratification or cancellation of International Agreements in the name of the Government, except for International Agreements submitted to the National Assembly for approval according to regulations of the Constitution;

d) Organize and direct operations of the State's representative offices in foreign countries and international organizations; protect lawful interests of Vietnamese organizations, citizens and Vietnamese people residing in overseas countries; manage operations of foreign organizations or individuals in Vietnam in accordance with Vietnam's laws and the international agreements to which the Socialist Republic of Vietnam is a signatory;

dd) Decide the establishment, reorganization, and dissolution of Governmental agencies; issue regulations on functions, tasks, powers, and organizational structure of Ministries, Ministerial authorities, and Governmental authorities; set up criteria for establishment of and the maximum number of vice heads of organizations and units affiliated to Ministries, Ministerial authorities, and Governmental authorities;

e) Prescribe the number and organization of specialized authorities affiliated to People's Committees; criteria for establishment, the maximum number of vice heads of specialized authorities and organizations and units affiliated to specialized authorities under People's Committees;

g) Function as the representative of the owner of public property under the public ownership, and the owner of state-owned capital portion invested in the state-owned enterprise in accordance with legal regulations;

h) On the basis of the consent of competent authorities, request the National Assembly Standing Committee to give permission to implement solutions other than those specified by laws, ordinances, and resolutions of the National Assembly and the National Assembly Standing Committee in case where it is necessary to mobilize resources to implement national target programs and projects of national importance, and then report to the National Assembly at the latest session;

i) Report to the National Assembly and the National Assembly Standing Committee on the Government's opinions on bills and ordinances submitted by authorities, organizations and the National Assembly deputies.

Article 11. Responsibilities of the Government

1. The Government shall be responsible to the National Assembly for its implementation of powers and duties, and the result, efficiency and effectiveness in management and administration of the state administrative apparatus, and policies suggested to competent authorities.

2. The Government shall submit a report on its performance to the National Assembly, the National Assembly Standing Committee and the President of Vietnam twice a year.

The Government shall submit ad hoc reports on its performance at the request of the National Assembly, the National Assembly Standing Committee and the President of Vietnam;

Article 12. Relationship of the Government with the Central Committee of the Vietnam Fatherland Front Committee and central authorities of socio-political organizations

1. The Government shall cooperate with the Central Committee of the Vietnam Fatherland Front Committee and central authorities of socio-political organizations in implementation of its duties and powers.

2. The Government, the Central Committee of the Vietnam Fatherland Front Committee and central authorities of socio-political organizations shall adopt regulations on cooperation in task performance.

3. When preparing bills, draft resolutions for submission to the National Assembly, and ordinance projects and draft resolutions for submission to the National Assembly Standing Committee, and draft decrees of the Government, the Government shall send draft documents to the Central Committee of the Vietnam Fatherland Front Committee and central authorities of relevant socio-political organizations for consultation.

4. The Government shall regularly notify the Central Committee of the Vietnam Fatherland Front Committee and central authorities of socio-political organizations of socio-economic situations and decisions or policies of the Government in relation to various social classes.

5. The Government shall enable the Central Committee of the Vietnam Fatherland Front Committee and central authorities of socio-political organizations to disseminate and communicate laws amongst the people, and encourage and mobilize the people to get involved in establishment and consolidation of the people's government, and organize the implementation of the State's intentions, policies and laws, protect the people's leadership and social criticism and supervise the performance of state authorities, elected delegates of the people, officials and public employees.

6. The Government shall be responsible for examining, handling and responding to recommendations of the Central Committee of the Vietnam Fatherland Front Committee and central authorities of socio-political organizations.

Section 2. PRIME MINISTER

Article 13. Duties and powers of the Prime Minister

The Prime Minister performs the duties and powers specified in the Constitution, laws, resolutions of the National Assembly, ordinances, resolutions of the National Assembly Standing Committee and the following specific duties and powers:

1. Request the National Assembly to ratify the proposal to appoint, discharge and dismiss the Deputies of the Prime Minister, Ministers and Heads of Ministerial authorities; when the National Assembly is in recess, request the President of Vietnam to decide the suspension of the capacity of the Prime Minister's Deputies, Ministers and Heads of Ministerial authorities.

2. Request the National Assembly Standing Committee to ratify the appointment and discharge of Ambassadors Extraordinary and Plenipotentiary of the Socialist Republic of Vietnam;

3. Request the President of Vietnam to decide to:

a) Award medals, state prizes, state honorary titles; decide naturalization, restoration, renunciation and denaturalization of Vietnamese nationality;

b) Grant, promote, demote and deprive general, rear- admiral, deputy-admiral and admiral ranks; appoint, discharge and dismiss Chief of the General Staff, Chief of General Political Department of Vietnam People's Army;

4. Lead the tasks of the Government; lead and direct the formulation of policies and laws, organize the implementation of the Constitution and laws and perform the following duties and powers:

a) Convene and preside at the Government's meetings, and decide action plans of the Government, the Prime Minister;

b) Lead and direct formulation of legal documents and strategies, plannings, plans, policies and other projects within the decision-making jurisdiction of the Government, the Prime Minister;

c) Direct, regulate and cooperate in operations of the cabinet members; make a decision to deal with discrepancies between Ministers and Heads of Ministerial authorities;

d) Give guidance to and direct People's Committees and Chairpersons of provincial People's Committees to implement regulations of law and programs, plans and strategies of the Government in terms of management of economy, culture, society, education, health, science, technology, environment, information, communication, foreign affairs and international integration, national defense and security, social order and safety;

dd) Lead and direct inspection and settlement of violations in the course of implementation of the Constitution and laws across the country;

e) In cases of real necessity for national interests, management of natural disasters and epidemics, and protection of human lives and property of the people, decide to take other urgent measures prescribed by applicable laws and report to competent authorities of the Communist Party and the National Assembly as soon as possible;

5. Lead and take responsibility for operations of the state administrative system at the central level through the local one:

a) Manage and direct operations of the state administrative system at the central level through the local one during the process of serving the people, and implement duties to develop economy, culture, society, education, health, science, technology, environment, information, communication, foreign affairs and international integration, national defense and security, social order and safety;

b) Lead and direct state management of officials and public employees in state authorities at the central level through the local one;

c) Lead, direct and organize the inspection and examination of rendering of civil services carried out by officials and public employees in the state administrative system;

d) Lead and direct management and administration of all facilities, finances and state budget resources used to support operations of the state apparatus;

dd) Lead and direct administrative and civil service reform in the state administrative system at the central level through the local one;

e) Lead, direct and check activities of Ministers, Heads of Ministerial authorities, local governments and heads of authorities or units in the state administrative system at the central level through the local one;

6. Issue decisions, directives and instructions, inspect the implementation of such decisions, directives and instructions in the state administrative system at the central level through the local one and:

a) When the National Assembly is in recess, decide to choose acting Ministers or Heads of Ministerial authorities in case there is any vacancy for a Minister or Head of a Ministerial authority. In between the provincial People's Council's sessions, decide to choose acting Chairpersons of the provincial People's Committee in case there is any vacancy for a Chairperson of the provincial People's Committee;

b) Decide the appointment, discharge, suspension of the capacity of, dismissal and resignation of Deputy Ministers, equivalent positions of Ministries and Ministerial authorities; decide the appointment, discharge and resignation of heads and vice heads of Governmental authorities and other titles as delegated by competent authorities;

c) Ratify the election, discharge and decide dispatch and dismissal of the Chairperson and Vice Chairperson of the provincial People's Committee and suspension of the capacity of the Chairperson of the provincial People's Committee; request the Chairperson of the provincial People's Committee to suspend and discharge the Vice Chairperson of the provincial People's Committee, the Chairperson and Vice Chairperson of the People's Committee at the inferior level as delegated if they fail to perform duties assigned by competent authorities or they commit law violations;

d) Decide to establish, reorganize, and dissolve other authorities and organizations under the Provincial People's Committee according to regulations of law; decide to establish councils, committees or boards when necessary to assist the Prime Minister in researching, directing, and cooperating in the resolution of important inter-sectoral issues.

Article 14. Responsibilities of the Prime Minister

1. Take his responsibility to the National Assembly for the Government's performance and state administrative system at the central level through the local one; for decisions and the result of implementation of his decisions within his/her assigned duties and powers.

2. Report the performance of tasks by the Government and the Prime Minister to the National Assembly, the National Assembly Standing Committee, the President of Vietnam; give explanations and answer questions in front of the National Assembly deputies. If necessary, the Deputy Prime Minister shall be authorized to perform these tasks.

3. Implement regulations on report to the People through means of mass media in terms of important issues within the decision-making jurisdiction of the Government and the Prime Minister.

4. The Prime Minister shall act on behalf of the Government or authorize a cabinet member to act on behalf of the Government to sign the Government's documents.

Article 15. Deputy Prime Minister

1. The Deputy Prime Minister shall assist the Prime Minister in performing duties as assigned by the Prime Minister, and shall be responsible to the Prime Minister for performance of these assigned duties; cooperate with other cabinet members in assuming their collective responsibilities for the Government's operations.

2. When the Prime Minister is absent, one Deputy Prime Minister shall be authorized by the Prime Minister to act on behalf of the Prime Minister to lead the Government's tasks.

Chapter III

MINISTERS AND HEADS OF MINISTERIAL AUTHORITIES; MINISTRIES, MINISTERIAL AUTHORITIES AND GOVERNMENTAL AUTHORITIES

Article 16. Positions and functions of Ministers and Heads of Ministerial authorities

Ministers and Heads of Ministerial authorities are cabinet members and head persons of Ministries, Ministerial authorities, and lead tasks of Ministries and Ministerial authorities; bear responsibilities for state management of one or some of industries and sectors and civil services within industries or sectors as assigned; organize and monitor the implementation of laws related to industries and sectors across the country.

Article 17. Duties and powers of Ministers and Heads of Ministerial authorities as cabinet members

1. Attend the Government's meetings and get involved in dealing with the Government's collective tasks; take part in voting at the Government's meetings, and cooperate with other members of the Government to make decisions on issues within the Government's jurisdiction.

2. Propose necessary guidelines, regulations, policies and legal documents within the Government's jurisdiction to the Government and the Prime Minister; proactively work

with the Prime Minister and Deputy Prime Ministers to deal with the Government's tasks and other relevant ones; take responsibility for all contents and progress of proposing projects, proposals and documents as assigned.

3. Take on specific duties by industries or sectors assigned or authorized by the Government and the Prime Minister. Direct, provide guidance on, inspect the enforcement of laws, implementation of strategies, plannings, plans, programs and decisions of the Government and the Prime Minister in relation to the assigned industries or sectors.

4. Perform other duties and powers authorized by the Prime Minister.

Article 18. Responsibilities of Ministers and Heads of Ministerial authorities as cabinet members

1. Take sole responsibility to the Prime Minister, the Government and the National Assembly for the assigned industries and sectors; cooperate with other cabinet members to bear collective responsibility for the Government's operations.

2. Be responsible to the Government and the Prime Minister and the People for important issues within their jurisdiction; give explanations and answer questions in front of the National Assembly deputies.

Article 19. Duties and powers of Ministers and Heads of Ministerial authorities as head persons of Ministries and Ministerial authorities

1. Request the Government or the Prime Minister to consider deciding within their jurisdiction or competent authorities to decide issues within the scope of state management of industries and sectors as assigned by the Government and directed by the Prime Minister; request the Prime Minister to appoint, discharge, suspend the capacity of, dismiss or accept the resignation of Deputy Ministers or Vice Heads of Ministerial authorities; recommend the Prime Minister to terminate the implementation of resolutions of provincial People's Councils that are contrary to the Constitution, laws, and documents of superior authorities on sectors and industries within their management.

2. Issue legislative documents within their jurisdiction so as to perform functions or duties of state management of the assigned industries and sectors; issue strategies, plannings, plans and policies on development of the assigned industries and sectors as per law.

3. Lead, direct and take sole responsibility for all aspects of work of Ministries and Ministerial authorities as per law; direct their affiliates to execute the approved strategies, plannings, plans, programs or projects, and implement duties of Ministries and Ministerial authorities assigned by the Government, the Prime Minister.

4. Decide within their jurisdiction issues under the functions, duties and powers of Ministries and Ministerial authorities of which they are head persons according to regulations of law.
5. Proactively build a firm cooperation with authorities of the Communist Party, the National Assembly, the President of Vietnam, the Supreme People's Court, the Supreme People's Procuracy, State Audit Office, the Central Committee of the Vietnam Fatherland Front Committee and central authorities of socio-political organizations; give explanations for issues that the Ethnic Council and Committees of the National Assembly are interested in; answer questions posed by the National Assembly's elected deputies, recommendations of the electorate and the Vietnam Fatherland Front Committee and socio-political organizations in relation to issues that fall within their remit.
6. Provide guidance on, inspect and cooperate with Ministries, Ministerial authorities and Governmental authorities to perform duties in the assigned industries and sectors; recommend Ministers and Heads of other ministerial authorities to terminate the implementation of or annul regulations that are issued by such authorities and contrary to the Constitution, laws and documents of superior authorities or of Ministries and ministerial authorities on sectors and industries managed by Ministries and Ministerial authorities. In case the recommendation is not accepted, the Prime Minister shall grant his decision on this.
7. Direct, provide guidance on and inspect all-level People's Committees' performance of duties within the assigned industries and sectors, or those assigned by the Government, the Prime Minister.
8. Request the People's Committee, the Chairperson of the provincial People's Committee to terminate the implementation of or annul regulations issued by the People's Committee, the Chairperson of the provincial People's Committee in breach of documents on the assigned industries and sectors. In case the People's Committee or the Chairperson of the provincial People's Committee fails to do so, a report should be submitted to the Prime Minister for his decision.
9. Perform other duties and powers assigned by the Government, the Prime Minister.

Article 20. Responsibilities of Ministers and Heads of Ministerial authorities as head persons of Ministries and Ministerial authorities

1. Take sole responsibility to the Prime Minister, the Government for the result, effect and performance of Ministries and Ministerial authorities; for their decisions and results of implementation of their decisions within the assigned duties and powers.
2. Be responsible to the Government, the Prime Minister and the People for important issues within their jurisdiction;

Article 21. Deputy Ministers and Vice Heads of Ministerial authorities

1. Deputy Ministers and Vice Heads of Ministerial authorities shall assist Ministers and Heads of Ministerial authorities in performing duties assigned by Ministers or Heads of Ministerial authorities, and bear accountability to Ministers and Heads of Ministerial authorities for their assigned duties.

2. The number of Deputy Ministers and Vice Heads of Ministerial authorities shall be restricted to a maximum of 05 persons; as for the Ministry of National Defense, the Ministry of Public Security and the Ministry of Foreign Affairs, this number is restricted to a maximum of 06 persons, except for the case of dispatch or alteration of officials as requested by competent authorities.

Article 22. Ministries and Ministerial authorities

1. Ministries and Ministerial authorities are the Government's authorities performing state management of one or certain industries or sectors and civil services within industries or sectors across the nation.

2. The Government shall provide specific regulations on functions, duties, powers and organizational structure of each Ministry and Ministerial authority.

Article 23. Government Office

1. The Government Office assists the Government and the Prime Minister and performs functions to generally advise and assist the Government and the Prime Minister to implement duties and powers as prescribed by the Government.

2. The Government Office shall be headed by the Minister and the Chief of the Government Office.

Article 24. Governmental authorities

1. Governmental authorities shall be established by the Government and perform functions to implement policies, serve state management and provide civil services.

2. The Government shall provide specific regulations on functions, duties, powers and organizational structure of each Governmental authority.

3. The Heads of Governmental authorities shall perform duties and powers stipulated by the Government, and assume accountability to the Government, the Prime Minister for their assigned duties and powers.

4. The Government shall provide specific regulations on this Article.

Chapter IV

WORKING REGIME OF THE GOVERNMENT

Article 25. Working regime of the Government and each cabinet member

1. The working regime of the Government and each cabinet member shall adhere to the principles of clearly distinguishing functions, duties and powers and upholding responsibilities of the Prime Minister and each cabinet member as per law.
2. The Government shall work under the collective working regime and the majority rule.
3. The Government shall promulgate its own working regime.

Article 26. Forms of the Government's operations

1. The Government shall convene the regular meeting session once a month; thematic meeting or meeting to handle unexpected issues under the Prime Minister's decision or as requested by the President of Vietnam or at least one thirds of total cabinet members.
2. In case the Government does not convene the meeting, the Prime Minister shall decide to ask for written opinions from its members..
3. The Government shall convene the meeting as requested by the President of Vietnam to discuss issues that the President of Vietnam finds it necessary to perform duties and powers of the President. When promulgating regulations on implementation of ethnic policies, the Government shall confer with the Ethnic Council of the National Assembly.
4. Forms of the Government's operations shall be innovated in a manner that is associated with further administrative procedure reform, is flexible and effective and develops e-Government and digital government.

Article 27. Responsibilities of cabinet members for attending meetings

1. Cabinet members shall be responsible for attending the Government's meetings. If they are absent from meetings or in some time of the meeting, they must ask for consent to absence from the Government.

The Prime Minister can give consent to absence to cabinet members and request them to send their deputies to attend the meeting.

2. When necessary, the Heads of Governmental authorities or the Chairpersons of the provincial People's Committees shall be invited to attend the Government's meetings.
3. Participants in the Government's meetings who are not cabinet members shall have the rights to voice their opinions but shall not have the rights to vote.

Article 28. Meetings of the Government

1. The Government's meeting shall proceed only if at least two thirds of total cabinet members attend.
2. Contents of the Government's meeting shall be proposed by the Prime Minister and notified to cabinet members.
3. The Government's decisions must obtain more than half of cabinet members voting in favor. In case the vote is equal, the Prime Minister shall have the deciding vote.

Article 29. Composition of participants in the Government's meetings

1. The President of Vietnam is entitled to attend the Government's meetings.
2. The Government shall invite the Chairperson of the Ethnic Council to attend the Government's meeting if the meeting is about the implementation of the ethnic policies.
3. The Government shall invite the Chairperson of the Vietnam Fatherland Front Committee and heads of central authorities of socio-political organizations to attend the Government's meetings about relevant issues.

Article 30. Funding for the Government's operations

Funding for the Government's operations shall be covered by the state budget after the National Assembly makes its decision on this.

Chapter V

IMPLEMENTATION CLAUSES

Article 31. Effect

1. This Law comes into force from March 01, 2025.
2. The Law No. 76/2015/QH13 on Government Organization amended by the Law No. 47/2019/QH14 and the Law No. 20/2023/QH15 will cease to be effective from the effective date of this Law.

Article 32. Transitional clauses

1. In case laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee on duties and powers of the Government, the Prime Minister, Ministers, and Heads of ministerial authorities are not consistent with regulations of this Law, they shall be amended to be consistent with regulations of this Law within 02 years from the effective date of this Law.

2. If laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee have not yet been amended within the time limit specified in clause 1 of this Article, in order to decide delegation and devolution regarding in some urgent cases, the Government is assigned to promulgate legislative documents to adjust some duties and powers and amend regulations related to performance of duties and powers of the Prime Minister, Ministers and Heads of ministerial authorities and specified in relevant articles, clauses and points in laws and resolutions of the National Assembly, ordinances and resolutions of the National Assembly Standing Committee for uniform application, and send periodic reports to National Assembly Standing Committee; in case of relevance to laws and resolutions of the National Assembly, reports shall be sent to the National Assembly at the next session.

3. If competent authorities have not yet promulgated legislative documents to adjust duties and powers of the Government, the Prime Minister, Ministers and Heads of ministerial authorities in accordance with regulations of this Law, regulations of applicable laws on duties and powers of the Government, the Prime Minister, Ministers and Heads of ministerial authorities shall continue to prevail until competent authorities promulgate amending and replacing documents.

This Law was passed by the 15th National Assembly of the Socialist Republic of Vietnam, 9th ad hoc session, on February 18, 2025.

**CHAIRMAN OF THE NATIONAL
ASSEMBLY**

Tran Thanh Man

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