

THE GOVERNMENT

Decree No. 59/2013/ND-CP of June 17, 2013, detailing a number of articles of the Anti-Corruption Law

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to Anti-Corruption Law No. 55/2005/QH11, which was amended under Law No. 01/2007/QH12 and Law No. 27/2012/QH13;

At the request of the Government Inspector General;

The Government promulgates the Decree detailing a number of articles of the Anti- Corruption Law.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details a number of articles of the Anti-Corruption Law regarding acts of corruption, publicity and transparency in activities of agencies, organizations and units; the order, procedures and periods of suspension from work and temporary transfer to other working positions; salaries, allowances, benefits, other entitlements and interests, and the compensation for and restoration of the rights and lawful interests of cadres, civil servants and public employees after competent agencies or organizations conclude that they do not commit any acts of corruption; the regime of information and reporting on anti-corruption; the regime of supervising and inspecting the implementation of the law on anti-corruption; denunciation of acts of corruption; formulation and implementation of regimes, norms and standards, and some other provisions of the Anti-Corruption Law.

Article 2. Identification of acts of corruption defined in Clauses 1,2, 3,4, 5, 6 and 7, Article 3 of the Anti-Corruption Law

The acts of corruption defined in Clauses 1, 2, 3, 4, 5, 6 and 7, Article 3 of the Anti- Corruption Law are identified in accordance with the 1999 Penal Code.

Article 3. Identification of acts of corruption defined in Clauses 8, 9, 10, 11 and 12, Article 3 of the Anti-Corruption Law

The acts of corruption defined Clauses 8, 9, 10, 11 and 12, Article 3 of the Anti- Corruption Law are identified as follows:

1. Giving or brokering bribes by persons with positions or powers to settle, affairs of agencies, organizations, units or localities includes:

- a/ Giving or brokering bribes in order to have beneficial mechanisms and policies applied to agencies, organizations, units or localities;
 - b/ Giving or brokering bribes in order to be given priority in budget allocation to agencies, organizations, units or localities;
 - d Giving or brokering bribes in order to have projects assigned to or approved for agencies, organizations, units or localities;
 - d/ Giving or brokering bribes in order to have emulation titles or honorary state titles awarded to collectives and individuals;
 - dd/ Giving or brokering bribes in order to have organizational and state payroll quotas allocated to or approved for agencies, organizations, units or localities;
 - e/ Giving or brokering bribes in order to dodge examination, inspection, investigation or audit, or to falsify its results;
 - g/ Giving or brokering bribes to have other benefits provided for agencies, organizations, units or localities.
2. Taking advantage of positions or powers to illegally use state property for self-seeking interests includes:
- a/ Using state property for personal affairs;
 - b/ Leasing or lending state property illegally;
 - c/ Using state property in excess of prescribed regime, norms and standards.
3. Harassment for self-seeking interests is authoritative and imperious acts that cause difficulties and troubles when performing tasks or official duties in order to force other agencies, organizations or individuals to pay extra sums of money against regulations, or to perform other acts in the interest of the harassing persons.
4. Failure to perform tasks or official duties for self-seeking interests is deliberate failure to discharge responsibilities prescribed by law in order to perform assigned tasks or official duties, or failure to comply with the competence, order, procedures and time limit related to one's tasks or official duties for self-seeking interests.
5. Taking advantage of positions or powers to cover up law violators for self-seeking interests; illegally obstructing or intervening in the examination, inspection, audit, investigation, prosecution, adjudication or judgment enforcement for self-seeking interests includes:
- a/ Abusing positions, powers or influence to conceal or alleviate violations committed by other persons;

b/ Abusing positions, powers or influence to cause difficulties to the examination, inspection, audit, investigation, prosecution, adjudication or judgment enforcement, or to falsify its results.

Chapter II

PUBLICITY AND TRANSPARENCY IN ACTIVITIES OF AGENCIES, ORGANIZATIONS AND UNITS

Section 1

ASSURANCE OF THE PRINCIPLE OF PUBLICITY AND TRANSPARENCY

Article 4. Assurance of publicity and transparency in the promulgation of lists of state secrets by competent agencies, organizations and units

1. The lists of state secrets promulgated by competent agencies and organizations according to the law on state secrets must not include the information that must be disclosed according to Articles 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 26a, 26b, 26c, 26d, 27, 28, 29, 30 and 46a of the Anti-Corruption Law.

2. The Ministry of Public Security and competent agencies and organizations shall ensure the principle of publicity and transparency prescribed by the Anti-Corruption Law when drawing up and promulgating lists of state secrets.

Article 5. Application of forms of publicity and transparency in activities of agencies, organizations and units

1. Based on the contents, subjects and purposes of the publicity of information, heads of agencies, organizations or units shall select a form of publicity provided in Article 12 of the Anti-Corruption Law.

2. Heads of agencies, organizations or units shall organize and direct the application of forms of publicity, and take responsibility for violations of the provisions on application of forms of publicity in accordance with law.

3. In cases in which a specific form of publicity is prescribed by law, such form of publicity must be applied. In addition, heads of agencies, organizations or units shall apply one or several of the forms of publicity specified at Points b, c, d, dd and e, Clause 1, Article 12 of the Anti-Corruption Law.

Section 2 INFORMATION PROVISION AT THE REQUEST OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS

Article 6. Rights and obligations of agencies, organizations and individuals that request information provision

1. Agencies, organizations and individuals that request information provision have the following rights:

a/ To request the provision of information on operations of agencies, organizations and units according to Articles 31 and 32 of the Anti-Corruption Law;

b/ To receive the information as requested or a written reply on refusal or inability to provide information;

c/ To lodge complaints about the refusal to provide information or failure to perform the obligation to provide information in accordance with law.

2. Agencies, organizations and individuals that request information provision have the following obligations:

a/ To make requests for the provision of information in writing or data messages, specifying their names or full names, addresses, and reasons for information provision;

b/ To exercise the right to request information provision in accordance with the Anti-Corruption Law and this Decree;

c/ Not to take advantage of the right to request information provision to cause disorder or commit illegal acts that cause damage to agencies, organizations and individuals;

d/ To comply with legally effective decisions on settlement of complaints about information

provision.

Article 7. Rights and obligations of agencies, organizations, units and individuals requested to provide information

1. Agencies, organizations, units and individuals that are requested to provide information have the following rights:

a/ To be informed of the reasons for information provision;

b/ To refuse to provide information classified as state secret and other contents stipulated by the Government, information that has been published in the mass media, printed in publications or publicly posted up, or information irrelevant to their operations;

c/ To request information recipients to use information legally and ensure the accuracy when using such information.

2. Agencies, organizations, Units and individuals that are requested to provide information have the following obligations:

a/ To provide information in writing or data message in accordance with the order, procedures and time limit specified in the Anti- Corruption Law and this Decree;

b/ To make written replies clearly stating the reasons for the refusal or inability to provide information to the requesters;

d To guide how to access the information requested if it has been published in the mass media, printed in publications or publicly posted up, or information irrelevant to their own operation;

d/ To comply with legally effective decisions on settlement of complaints about information provision.

Article 8. Responsibilities of heads of agencies, organizations and units for the provision of information on request

Heads -of agencies, organizations or units shall organize and direct the information provision take responsibility for violations of the obligation to provide information committed by their agencies, organizations or units according to the Anti-Corruption Law, this Decree and other laws.

Article 9. Forms of request for information provision

1. A request for information provision must be made in writing or data message.

2. A request in writing or data message must be sent directly, by post, or via electronic means to the agency, organization, unit or individual requested to provide information.

Article 10. Response to requests for information provision

Within 10 working days after receiving a request for information provision, agencies, organizations, units or individuals shall perform one of the following tasks:

1. Providing information if its content satisfies the following conditions:

a/ The information can be publicized according to the Anti-Corruption Law and this Decree;

b/ The information is about their operation;

c/ The information has not been publicized in the mass media, printed in publications or publicly posted up.

2. Sending a written refusal to provide information to the information requester if such information does not meet the conditions specified in Clause 1 of this Article, clearly stating the reason.

3. If the information requested has been publicized in the mass media, printed in publications or publicly posted up, the written reply must provide guidance on how to access such information.

Article 11. Assurance of the right of agencies, organizations and individuals to request information provision

1. Agencies, organizations or individuals that make requests for information provision may lodge complaints when they have grounds to believe that the information provision is insufficient or illegal.

2. The lodging and settlement of complaints about the right to request information provision comply with the law on complaints.

Article 12. Handling of violations of regulations on request for information provision

1. The person requested to provide information who fails to properly perform the obligation to provide information according to the Anti-Corruption Law and this Decree shall be disciplined depending on the nature and seriousness of the violation.

2. Those who abuse the right to request information provision to cause disorder or illegally use the information provided to harm the rights and lawful interests of other agencies, organizations and individuals shall, depending on the nature and seriousness of the violations, be disciplined, administratively sanctioned or examined for penal liability in accordance with law.

Chapter III ,

SUSPENSION FROM WORK AND TEMPORARY TRANSFER TO OTHER WORKING POSITIONS OF CADRES, CIVIL SERVANTS AND PUBLIC EMPLOYEES WHO COMMIT ILLEGAL ACTS RELATED TO CORRUPTION

Section 1

COMPETENCE TO ISSUE DECISIONS ON SUSPENSION FROM WORK AND TEMPORARY TRANSFER TO OTHER WORKING POSITIONS OF CADRES, CIVIL SERVANTS AND PUBLIC EMPLOYEES

Article 13. Principles of determination of competence to issue decisions on suspension from work and temporary transfer to, other working positions

Heads of agencies, organizations or units competent to appoint, recruit and manage cadres, civil servants and public employees may decide or propose competent persons to decide to suspend from work or temporarily transfer to other working positions cadres, civil servants and public

employees under their management when obtaining the grounds specified in Article 16 of this Decree.

If the competence to decide on suspension or temporary transfer is specified in other laws or charters of political organizations or socio-political organizations, such laws or charters apply.

Article 14. Competence to issue decisions on suspension from work and temporary transfer to other working positions in state administrative agencies

1. Chairpersons of People's Committees of communes, wards and townships (below referred to as commune level) shall decide or propose competent persons to suspend from work or temporarily transfer to other working positions cadres, civil servants and public employees under their direct management.

2. Chairpersons of People's Committees of districts, towns and provincial cities (below referred to as district level) shall decide to suspend from work chairpersons and vice chairpersons of commune-level People's Committees; decide to suspend from work and temporarily transfer to other working positions heads and deputy heads of specialized agencies of district-level People's Committees, and cadres, civil servants and public employees whom they appoint and directly manage.

3. Heads of specialized agencies of People's Committee of provinces and centrally run cities shall decide to suspend from work and temporarily transfer heads and deputy heads of agencies or units attached to their agencies, and cadres, civil servants and public employees whom they appoint and directly manage.

4. Chairpersons of People's Committees of provinces and centrally run cities (below referred to as provincial level) shall decide to suspend from work chairpersons and vice chairpersons of district-level People's Committees; decide to suspend from work and temporarily transfer to other working positions heads and deputy heads of specialized agencies of provincial-level People's Committees, and cadres, civil servants and public employees whom they appoint and directly manage.

5. Directors of general departments, departments and the equivalent shall decide or propose competent persons to decide to suspend from work or temporarily transfer to other working positions heads and deputy heads of agencies or units attached to their general departments, departments and the equivalent, and cadres, civil servants and public employees whom they appoint and directly manage.

6. Ministers, heads of ministerial-level agencies and heads of government-attached agencies shall decide or propose competent persons to decide to

suspend from work and temporarily transfer to other working positions heads and deputies heads of agencies and units attached to their ministries, ministerial-level agencies or government-attached agencies, and cadres, civil servants or public employees whom they appoint and directly manage.

7. The Prime Minister shall decide to suspend from work chairpersons and vice chairpersons of provincial-level People's Committees; propose the National Assembly to approve the decisions to suspend from work Deputy Prime Ministers, ministers, heads of ministerial-level agencies or heads of government-attached agencies; or while the National Assembly is in recess, propose the President to decide to suspend from work Deputy Prime Ministers, ministers, heads of ministerial-level agencies or heads of government-attached agencies; and decide to suspend from work and temporarily transfer to other working positions deputy ministers and equivalent positions, and cadres, civil servants and public employees whom the Prime Minister appoints.

Article 15. Competence to make decisions on suspension from work and temporary transfer to other working positions in public

1. Heads of agencies competent to manage public non-business units and state enterprise shall decide to suspend from work and temporarily transfer to other working positions cadres, civil servants and public employees whom they appoint.

2. Heads of public non-business units and state enterprise shall decide to suspend from work and temporarily transfer to other working positions cadres, civil servants and public employees whom they recruit, appoint and directly manage.

Section 2

GROUNDS FOR SUSPENSION FROM WORK AND TEMPORARY TRANSFER TO OTHER WORKING POSITIONS; RIGHTS AND OBLIGATIONS OF DECISION ISSUERS AND SUSPENDED AND TRANSFERRED CADRES, CIVIL SERVANTS AND PUBLIC EMPLOYEES

Article 16. Grounds for suspension from work and temporary transfer to other working positions

1. The suspension from work and temporary transfer to other working positions of cadres, civil servants and public employees may be decided only when there are grounds to believe that they commit illegal acts related to corruption and they show signs of causing difficulties to examination and handling activities if they keep working.

2. The grounds to believe that a cadre, civil servant or public employee commits illegal acts related to corruption include:

a/ A written request made by the inspectorate, state audit office, investigative agency or procuracy;

b/ His/her acts showing signs of corruption detected through verification and clarification of denunciations;

c/ His/her acts showing signs of corruption detected through internal examination in the agency, organization or unit;

d/ His/her illegal acts related to the management and use of state budget and property or the performance of official duties detected through management and direction work.

3. A cadre, civil servant or public employee is considered showing signs of causing difficulties to examination and handling activities of competent state agencies when he/ she commits one of the following acts:

a/ Refusing to provide information and documents or providing insufficient and false information and documents;

b/ Deliberately postponing or avoiding complying with requirements of competent persons during the verification and clarification of acts of corruption;

c/ Removing the seals of documents or destroying information, documents and evidence without permission; dispersing property related to violations;

d/ Taking advantage of positions, powers and influence of his/her own or other persons or employing other methods to cover up violations, causing difficulties to verification and clarification work.

Article 17. Rights and obligations of persons who decide on suspension from work or temporary transfer to other working positions

1. The person who decides on suspension from work or temporary transfer of cadres, civil servants or public employees has the following rights:

a/ To request the inspectorate, state audit office, investigative agency or procuracy to provide information and documents to have grounds for issuing decisions on suspension from work or temporary transfer to other working positions;

b/ To request suspended or transferred cadres, civil servants or public employees to cooperate with competent agencies or persons in the verification and clarification of acts of corruption.

2. The person who decides on suspension from work or temporary transfer of cadres, civil servants or public employees has the following obligations:

- a/ To send the decision on suspension or temporary transfer to the suspended or transferred cadre, public employer or civil servant and the agency, organization or unit to which he/she is transferred;
- b/ To cancel the decision on suspension or temporary transfer after a competent agency concludes that the cadre, public employee or civil servant concerned does not commit any act of corruption, or cannot determine that such person commits an act of corruption after the expiration of the period of suspension or temporary transfer;
- c/ To publicly announce before cadres, civil servants and public employees of the agency, organization or unit the cancellation of the decision on suspension or temporary transfer;
- d/ To restore the rights and lawful interests of the cadre, public employee or civil servant concerned after a competent agency concludes that he/she does not commit any act of corruption, or cannot determine that such person commits an act of corruption after the expiration of the period of suspension or temporary transfer.

Article 18. Rights and obligations of suspended or transferred cadres, public employees or civil servants

1. Suspended or transferred cadres, public employees or civil servants have the following rights:

- a/ To receive the decision on suspension and temporary transfer;
- b/ To be informed of conclusions of competent state agencies about the verification and clarification of acts of corruption;
- c/ To propose the decision issuer to reconsider the decision when having grounds to believe that it is illegal and infringes upon their rights and lawful interests.

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- d/ To propose the decision issuer to annul the decision on suspension or temporary transfer after a competent state agency makes no conclusion that they commit an act of corruption after the expiration of the period of suspension of temporary transfer, or after a competent state agency concludes that they do not commit any act of corruption;
- dd/ To propose competent persons to restore their rights and lawful interests and pay compensation for any damage caused by illegal acts when issuing the decision on suspension or temporary transfer.

2. Suspended or transferred cadres, public employees or civil servants have the following obligations:

- a/ To strictly comply with the decisions on suspension and temporary transfer issued by competent persons;
- b/ To provide relevant information and documents and cooperate with competent agencies during the verification and clarification of acts of corruption;
- c/ To comply with the internal rules and working regulations of the new agency or unit during the period of temporary transfer.

Section 3

ORDER, PROCEDURES AND PERIOD OF SUSPENSION FROM WORK AND TEMPORARY TRANSFER TO OTHER WORKING POSITIONS; CANCELLATION AND PUBLIC ANNOUNCEMENT OF CANCELLATION OF DECISIONS ON SUSPENSION OR TEMPORARY TRANSFER

Article 19. Making of decisions on suspension from work or temporary transfer to other working positions

1. Within 5 days after obtaining the grounds specified in Article 16 of this Decree, the head of the agency, organization or unit shall decide or propose the competent manager of the cadre, civil servant or public employee concerned to decide on the suspension or temporary transfer.
2. The suspension or temporary transfer must be decided by the head of the agency organization or unit or the competent manager of the cadre, civil servant or public employee concerned based on the nature and seriousness of each case and the requirement of arrangement and employment of cadres, civil servants and public employees in such agency, organization or unit.
3. The decision on suspension or temporary transfer must specify the full name of the cadres, civil servant or public employee concerned, the period of suspension or temporary transfer; the reasons for suspension or temporary transfer; rights and obligations of the suspended or transferred cadre, civil servant or public employee; and its effect.
4. The decision on suspension or temporary transfer must be signed and stamped by the agency, organization or unit. In case of temporary transfer, this decision must be sent to the head of the agency, organization or unit to which the cadre, civil servant or public employee concerned is transferred.
5. If the order and procedures for suspension or temporary transfer are provided differently in other laws, such laws apply.

Article 20. Period of suspension from or temporary transfer to other working positions

The maximum period of suspension from work or temporary transfer to other working positions is 90 days after the decision on suspension or temporary transfer is issued.

Article 21. Cancellation of decisions on suspension from work or temporary transfer to other working positions

1. Within 5 days after a competent agency or organization concludes that the cadre, civil servant or public employee concerned does not commit any act of corruption, or cannot conclude that he/she commits an act of corruption after the expiration of the period of suspension or temporary transfer, the decision issuer shall cancel the decision on suspension or temporary transfer.

2. The decision to cancel the suspension or temporary transfer must be sent to the suspended or transferred cadre, civil servant or public employee, the agency, organization or unit to which he/she is transferred, and the agency, organization or individual that requests the suspension or temporary transfer.

Article 22. Announcement of decisions to cancel the suspension or temporary transfer

The person who issues the decision to cancel the suspension or temporary transfer shall announce it before all cadres, civil servants and public employees in one of the following forms:

1. Announcing it at a meeting of the agency, organization or unit where the suspended or transferred cadre, civil servant or public employee works; this meeting must be attended by the person who issues the cancellation decision; the suspended or transferred cadre, civil servant or public employee; the agency, organization or unit to which he/she is transferred, and the agency, organization or individual that requests the suspension, or temporary transfer, and cadres, civil servants and public employees of the workplace where he/she works.

2. Posting it at the head office of the agency, organization or unit where the suspended or transferred cadre, civil servant or public employee works for 15 consecutive days, counting from the first date of posting;

3. Announcing it in the mass media, including radio, television, printed newspapers, and electronic newspapers. The person who issues the cancellation decision may choose one of the mass media above to make the announcement; if the agency has a website, this decision must be posted on that website.

Article 23. Order, procedures and time limit for making decisions on suspension or temporary transfer of cadres, civil servants or public

employees who are members of political organizations or socio-political organizations.

The order, procedures and period of suspension or temporary transfer of cadres, public employees or civil servants who are members of political organizations or socio-political organizations comply with the Anti-Corruption Law, this Decree and the charters of those organizations.

Section 4

REGIMES AND POLICIES; COMPENSATION, RESTORATION OF THE RIGHTS AND LAWFUL INTERESTS OF SUSPENDED OR TRANSFERRED CADRES, CIVIL SERVANTS AND PUBLIC EMPLOYEES

Article 24. Regimes and policies toward cadres, civil servants and public employees during the period of suspension or temporary transfer

Suspended or transferred cadres, civil servants or public employees enjoy the same regimes, policies and other rights and lawful interests during the period of suspension or temporary transfer as in the previous working positions.

Article 25. Restoration of the rights and lawful interests of cadres, civil servants and public employees after competent agencies or organizations conclude that they do not commit any acts of corruption or make no conclusion on acts of corruption

Suspended or transferred cadres, public employees for civil servants may return to their previous working positions after competent agencies or organizations conclude that they do not commit any acts of corruption or make no conclusion on acts of corruption, and receive public apologies and compensations as prescribed by law for the damage caused illegal acts when issuing decisions on suspension or temporary transfer.

Chapter IV

ANTI-CORRUPTION INFORMATION AND REPORTING REGIME

Section 1

ANTI-CORRUPTION INFORMATION AND REPORTING REGIME APPLICABLE TO AGENCIES, ORGANIZATIONS AND UNITS

Article 26. Reporting responsibility of ministries, ministerial-level agencies, government-attached agencies and provincial- level People's Committees

1. Ministries, ministerial-level agencies, government-attached agencies and provincial- level People's Committees (below referred to as ministries, sectors and localities) shall report on their anti-corruption work to the

Government. Those reports must be sent to the Government Inspectorate for building and maintaining a general anti-corruption data system.

2. The Government Inspectorate shall assist the Government in making annual reports on anti-corruption nationwide.

Article 27. Contents to be reported to the Government

Ministries, sectors and localities shall report on the following contents to the Government:

1. Legal documents and other documents relating to anti-corruption they have promulgated according to their competence.

2. The situation of corruption, causes, and results of their anti-corruption work.

Article 28. Contents of reports sent by the Government to the National Assembly and the Standing Committee of the National Assembly

Reports sent by the Government to the National Assembly and the Standing Committee of the National Assembly contain the following contents:

1. The situation of corruption and results of anti-corruption work nationwide;

2. Assessment and causes of and forecast about corruption, recommendations on policies and solutions for anti-corruption.

Article 29. Forms of information and reporting Information and reports must be made in either of the following forms:

1. Administrative documents;

2. Data messages.

Article 30. Reporting time

1. Ministries, sectors and localities shall send reports once every three months and six months according to Clause 1, Article 26 of this Decree.

2. Biannually and annually, the Government shall send reports to the National Assembly and the Standing Committee of the National Assembly according to Article 28 of this Decree.

3. The Government shall send irregular reports to the Standing Committee of the National Assembly upon request.

Article 31. Provision of information on anti-corruption for ministries, sectors and localities

1. When necessary, ministries, sectors and localities may request the Government Inspectorate to provide information to serve their anti-corruption work.
2. The Government Inspectorate shall provide information within 10 days after receiving a request for information from a ministry, sector or locality. If the information requested is complicated and relating to different fields, this time limit may be extended but must not exceed 20 days; if refusing or being unable to provide information, it shall issue a written reply clearly stating the reason to the requesting agency.
3. The exchange of information on anti-corruption work between the Government Inspectorate and ministries, sectors and localities must be effected in the forms specified in Article 29 of this Decree.

Article 32. Responsibilities of ministers, heads of ministerial-level agencies, heads of government-attached agencies, and chairpersons of provincial-level People's Committees

1. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall direct, urge and supervise the implementation of the regime of information and reporting on anti-corruption work under their management.
2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees are responsible for the information and data reported and violations of the obligation to provide information and report.

Article 33. Regime of information and reporting within ministries, sectors and localities

1. Pursuant to this Decree, ministries, sectors and localities shall specify the regime of information and reporting on anti-corruption work within their ministries, sectors and localities.
2. The Government Inspectorate shall guide, supervise and urge ministries, sectors and localities to implement the regime of information and reporting provided in this Decree.

Section 2

INFORMATION EXCHANGE BETWEEN THE GOVERNMENT INSPECTORATE AND THE MINISTRY OF PUBLIC SECURITY, THE SUPREME PEOPLE'S PROCURACY, THE SUPREME PEOPLE'S COURT, THE STATE AUDIT OFFICE, AND OTHER ORGANIZATIONS

Article 34. Information exchange between the Government Inspectorate and the Ministry of Public Security, the Supreme People's Procuracy, the Supreme People's Court and the State Audit Office

1. The Government Inspectorate shall coordinate with the Ministry of Public Security, the Supreme People's Procuracy, the Supreme People's Court and the State Audit Office in periodically exchanging and providing information, documents and experiences on anti-corruption work in inspection, investigation, prosecution, adjudication and audit activities.

2. The exchange and provision of information and documents on anti-corruption work between the Government Inspectorate and the Ministry of Public Security, the Supreme People's Procuracy, the Supreme People's Court and the State Audit Office must be fast, accurate and timely.

3. The Government Inspectorate shall assume the prime responsibility for, and coordinate with the Ministry of Public Security, the Supreme People's Procuracy, the Supreme People's Court and the State Audit Office in, promulgating a joint circular on exchange and provision of information and documents between the Government Inspectorate and the Ministry of Public Security, the Supreme People's Procuracy, the Supreme People's Court and the State Audit Office.

Article 35. Exchange of information on anti-corruption work between the Government Inspectorate and other organizations

1. The Government Inspectorate shall coordinate with the Vietnam Fatherland Front Central Committee and the Front's member organizations, the Vietnam Chamber of Commerce and Industry, business associations, professional associations and press agencies in regularly exchanging and providing information and documents about anti-corruption work through activities of these organizations.

2. The exchange and provision of information and documents on anti-corruption work mentioned in Clause 1 of this Article must be fast, accurate and timely.

Article 36. Exchange of information on local anti-corruption work

Pursuant to the joint circular mentioned in Clause 3, Article 34 of this Decree, provincial-level People's Committees shall assume the prime responsibility for, and coordinate with the People's Procuracies and People's Courts at the same level, provincial-level Vietnam Fatherland Front Committees, and local business associations, professional associations and press agencies in, exchanging and providing information and documents on local anti-corruption work.

Article 37. Publicization of annual reports on anti-corruption work

1. Annual reports on anti-corruption work of People's Committees must be published by chairpersons of People's Committees on the last working day of March at the latest.
2. Annual reports on anti-corruption work of ministries, ministerial-level agencies or government-attached agencies must be published by ministers or heads of these agencies on the last working day of March at the latest.
3. Annual reports on anti-corruption of the Government must be publicized by the Prime Minister on the last working day of April at the latest.

Section 3

GENERAL ANTI-CORRUPTION DATA SYSTEM

Article 38. General anti-corruption data system

1. The general anti-corruption data system is a collection of collected and processed information, data and reports relating to anti-corruption work.
2. Information, data and reports in the system mentioned in Clause 1 of this Article must be collected and processed promptly, accurately and scientifically to serve the study, assessment and forecast about corruption; formulation and perfection of policies and laws on anti - corruption, contributing to the effectiveness and efficiency of anti-corruption work.

Article 39. Development and management of the general anti-corruption data system

1. The development and management of the general anti-corruption data system include:
 - a/ Receiving, making statistics on, summarizing, processing and storing information, data and reports of agencies, organizations and localities on anti-corruption;
 - b/ Ensuring the uninterrupted exchange and provision of information and documents among agencies in charge of anti-corruption work;
 - c/ Summarizing, assessing and forecasting the situation of corruption.
2. The Government Inspectorate shall develop and manage the general anti-corruption data system.

Chapter V

REGIME OF EXAMINATION AND INSPECTION OF THE IMPLEMENTATION OF THE 1[^] ON ANTI-CORRUPTION

Section 1

EXAMINATION OF THE IMPLEMENTATION OF THE LAW ON ANTI-CORRUPTION

Article 40. Examination contents

Agencies, organizations and units shall conduct regular examinations to review, assess and take measures for ensuring strict compliance with the law on anti-corruption by agencies, organizations, units and individuals under their management.

Article 41. Grounds for examination

An examination is conducted on either of the following grounds:

1. The annual examination plan approved by a competent agency, organization or unit.
2. Detected signs of violation of the law on anti-corruption.

Article 42. Order and procedures for examination

1. Based on either of the grounds defined in Article 41 of this Decree, the head of the competent agency, organization or unit shall issue an examination decision and send it to the agency, organization or individual to be examined.

2. The examination decision must contain:

- a/ The ground for examination;
- b/ Full names, positions and workplaces of and members of the examination team examiner;
- c/ Examination contents
- d/ Duration of examination.

3. The examination decision must be announced within 5 days after its issuance. The announcement of the decision must be made at the head office of the agency, organization or unit or workplace of the to-be inspected individual, and must be recorded in writing.

4. The examination duration is 10 days after the examination decision is announced. If the examination involves different subjects and a wide geographical area, or is complicated, the examination duration may be extended but must not exceed 15 days after the examination decision is announced.

5. Within 10 days from the date of completion of the examination, after examining the examination result report made by the head of the examination team or examiner and explanations of the examined agency, organization, unit or individual, the person who has issued the examination decision shall issue an examination conclusion.

6. The examination conclusion must contain:

a/ Conclusion on the implementation by the inspected agency, organization, unit or individual of the Anti-Corruption Law, its guiding documents and relevant provisions of law on anti-corruption;

Conclusion on the responsibility of examined agency, organization, unit or individual, including the responsibility of the head of the examined agency, organization or unit or the examined individual;

c/ Measures to be taken by the examined agency, organization, unit or individual for ensuring the implementation of the Anti- Corruption Law, its guiding documents, and relevant provisions of law on anti-corruption;

d/ Specific measures for handling violations (if any).

7. The examination conclusion must be sent to the examined agency, organization, unit or individual and publicly posted at the head office of the examining agency, organization or unit and the head office of the examined agency, organization or unit, or the workplace of the examined individual.

Article 43. Responsibilities of examined agencies, organizations, units or individuals

The examined agencies, organizations, units) or individuals shall:

1. Comply with the examination decision;
2. Cooperate with, and provide adequate and accurate information and documents in time at the request of the examination team or examiner;
3. Comply with the requests of the examination team or examiner and the decision and conclusion of the issuer of the examination decision.

Section 2

INSPECTION OF THE IMPLEMENTATION OF THE LAW ON ANTI-CORRUPTION

Article 44. Inspection contents

1. Reviewing and assessing the implementation of the law on anti-corruption by the inspected agency, organization or unit, including:

a/ Publicity and transparency in activities of the agency, organization or unit;

b/ Formulation and implementation of regimes, norms and standards;

c/ Code of conduct, rules on professional ethics, and rotation of cadres, civil servants and public employees; b

d/ Transparency of properties and incomes;

dd/ Other provisions of the law on anti-corruption.

2. Examining and making conclusions on the responsibility of the head of the agency, organization or unity for organizing and directing the implementation of the law on anti-corruption.

Article 45. Grounds for inspection

An inspection is conducted based on one of the following grounds:

1. The annual inspection plan approved by the head of the managing agency at the same level;
2. The request of the head of the managing agency at the same level;
3. Detected signs of violation of the law on anti-corruption.
4. The requirement of the settlement of denunciations against corruption.

Article 46. Competence to inspect

1. The Government Inspectorate shall inspect the implementation of the law on anti - corruption by ministries, ministerial-level agencies, government-attached agencies, provincial-level People's Committees; and state enterprises of which the establishment is decided by the Prime Minister.
2. Inspectorates of ministries and ministerial- level agencies (below referred to as ministerial inspectorates) shall inspect the implementation of the law on anti-corruption by agencies, organizations, units and individuals under the management of ministries, and state enterprises of which the establishment is decided by ministers.
3. Inspectorates of provinces and centrally run cities (below referred to as provincial- level inspectorates) shall inspect the implementation of the law on anti-corruption by specialized agencies of provincial-level People's Committees; district-level People's Committees; and state enterprisSZ35f which the establishment is decided by chairpersons of provincial-level People's Committees.
4. Inspectorates of specialized agencies of provincial-level People's Committees (below referred to as departmental inspectorates) shall inspect the implementation of the law on anti-corruption by agencies, organizations, units and individuals under the management of provincial-level departments.
5. Inspectorates of districts, towns and provincial cities (below referred to as district-level inspectorates) shall inspect the implementation of the law on anti-corruption by specialized agencies of district-level and commune-level People's Committees.
6. The Government Inspector General shall direct and urge state inspectorates in inspecting the implementation of the law on anti-

corruption.

Article 47. Responsibilities of heads of state management agencies for activities of inspecting the implementation of the law on anti-corruption

Heads of state management agencies shall:

1. Approve plans on inspection of the implementation of the law on anti-corruption made by the state inspectorates of the same level;
2. Direct and create funding and personnel conditions for state inspectorates at the same level to conduct inspections of the implementation of the law on anti-corruption;
3. Request agencies, organizations and units to realize the recommendations made by state inspectorates during the inspection of the implementation of the law on anti-corruption.
4. Take responsibility before the law for violations of the regulations on inspection.

Article 48. Making of annual inspection plans

1. Every year, the Government Inspectorate shall guide ministries, sectors and localities in making plans on inspection of the implementation of the law on anti-corruption.
2. State inspectorates shall assist heads of managing agencies at the same level to draft annual inspection plans.
3. Heads of managing agencies shall approve annual inspection plans within the time limit defined in the law on inspection.

Article 49. Tasks and powers of persons who issue inspection decisions, heads and members of inspection teams; order and procedures for inspection

1. During inspection, persons who issue inspection decisions, heads and members of inspection teams have the tasks and powers as defined by the law on inspection.
2. The order, procedures and time limit for inspection of the implementation of the law on anti-corruption comply with the law on inspection.

Article 50. Inspection conclusion

1. The inspection conclusion must contain:
 - a/ Conclusion on the inspected contents;
 - b/ Conclusion on the responsibility of the head of the inspected agency, organization or unit for organizing and directing the implementation of the law on anti-corruption;

c/ Measures recommended for remedying weaknesses and errors in the implementation of the law on anti-corruption by the inspected agency, organization or unit;

d/ Measures recommended for handling the head of the inspected agency, organization or unit for the violations of the law on anti-corruption according to Clause 1, Article 44 of this Decree.

2. If violations of the law on anti-corruption show signs of crime, the persons making inspection conclusions shall send dossiers of the violations to the investigative agency and procuracy for examination of penal liability of the violators.

Article 51. Rights and obligations of inspected agencies, organizations, units and individuals

The rights and obligations of inspected agencies, organizations, units and individuals comply with the law on inspection.

Chapter VI

DENUNCIATION OF ACTS OF CORRUPTION

Section 1

COMPETENCE AND PROCEDURES FOR RECEIVING, PROCESSING AND SETTLING DENUNCIATIONS OF ACTS OF CORRUPTION

Article 52. Establishment and publicization of forms of receiving denunciations

The public security agencies and state inspectorates competent to settle denunciations shall establish and provide phone numbers, email addresses and addresses for receiving denunciations of acts of corruption.

Article 53. Responsibility to receive, process and settle denunciations of acts of corruption

1. The responsibility to receive and settle denunciations of acts of corruption complies with the Denunciation Law, the Anti-Corruption Law and this Decree.

2. Within 5 days from the date of receiving a denunciation, the public security agency or state inspectorate shall send the denunciation dossier to a competent agency, organization or person, and send a written notification to the denouncer; process and settle the denunciation if it falls within its competence, and send a written notification to the denouncer at the latter's request.

Article 54. Forms of denouncing acts of corruption

1. Citizens may denounce acts of corruption in one of the following forms:

- a/ Direct denunciation;
- b/ Written denunciation;
- c/ Denunciation by phone;
- d/ Denunciation via website.

2. The denouncer shall specify the full name, address, denunciation contents, and provide available information and documents relating to the denunciation.

3. Denunciations of acts of corruption that are made under a false names, or the contents of which are unclear or groundless, denunciations that are re-made without new evidence after having been settled by competent authorities shall not be considered and settled.

Article 55. Procedures for receiving denunciations of acts of corruption made in different forms

1. When a citizen makes a direct denunciation, the recipient shall record the denunciation contents, full name and address of the denouncer, and record the spoken denunciation if necessary. The denunciation record must be read out or played to and signed for certification by the denouncer. The date of receiving a denunciation is the date on which the denouncer signs the denunciation record.

2. Receiving written denunciations:

a/ If the written denunciation is sent by post, the date of receiving the denunciation is the date on which the written denunciation is received;

b/ If the written denunciation is submitted in person, the recipient shall make a note of receipt. The date of receiving the denunciation is the date written on the note of receipt.

3. Upon receiving a denunciation by phone or data message, the agency, organization or unit receiving the denunciation shall verify the full name and address of the denouncer based on the information provided by the denouncer, and take measures according to its competence or request a competent agency or organization to take necessary measures to promptly detect and prevent acts of corruption.

4. For the denunciations without full names or addresses of denouncers but with clear contents and concrete evidence and grounds for verification, competent agencies, organizations and individuals shall study and use the provided information in their anti-corruption work.

Article 56. Procedures for processing and handling denunciations of acts of corruption

1. The procedures for processing and settling denunciations of acts of corruption comply with the Denunciation Law, the Anti-Corruption Law and this Decree.
2. The conclusions on denunciations and decisions on handling denounced violations must be publicly announced, and sent to the public security agency and state inspectorate at the same level, and to the denouncers at their request.
3. When concluding that a denunciation is untrue, the agency, organization or individual competent to settle the denunciation shall publicly announce its conclusion and handle or propose a competent agency, organization or person to handle the person who deliberately makes the false denunciation.

Article 57. Handling of violations committed when receiving, processing and settling denunciations

1. When a person in charge of receiving denunciations refuses to receive denunciations, deliberately delays sending or fails to send denunciations to competent agencies, organizations or persons, he/she shall be disciplined or examined for penal liability, depending on the nature and seriousness of the violations.
2. When a person in charge of settling denunciations refuses to process or settle denunciations, he/she shall be disciplined depending on the nature and seriousness of the violation; if he/she deliberately violates the provisions on denunciation and processing of denunciations of the Anti-Corruption Law, this Decree and the law on denunciation for a personal motive, he/she shall be considered failing to perform tasks and official duties for self-seeking interests according to Clause 11, Article 3 of the Anti-Corruption Law, and be disciplined or examined for penal liability in accordance with law.

Section 2

PROTECTION AND COMMENDATION OF DENOUNCERS

Article 58. Protection of denouncers

Competent agencies, organizations and individuals shall take measures for protecting denouncers. The protection of denouncers must comply with the law on denunciation

Article 59. Commendation in anti-corruption work

1. Agencies, organizations and individuals that make achievements in the prevention, detection and handling of corruption shall be commended and receive material and spiritual rewards. The commendation and reward comply with the laws on denunciation and commendation.

2. Anti-corruption commendation fund

a/ The anti-corruption commendation fund is established to commend organizations, agencies and individuals that make achievements in the prevention, detection and handling of corruption.

b/ The anti-corruption commendation fund is formed from state budget allocations, deductions from properties retrieved from corruption cases, and contributions of organizations and individuals.

c/ The anti-corruption commendation fund is managed and used by the Government Inspectorate in accordance with the law on state budget.

Chapter VII

FORMULATION AND IMPLEMENTATION OF REGIMES, NORMS AND STANDARDS

Article 60. Formulation, promulgation and implementation of regimes, norms and standards

1. Heads of state agencies competent to formulate and promulgate regimes, norms and standards shall:

a/ Organize and direct the publicization of regimes, norms and standards promulgated by the agencies under their management;

b/ Provide guidance for organizations, agencies and units in formulating, promulgating, publicizing and implementing regimes, norms and standards applicable to such agencies, organizations and units based on the regimes, norms and standards promulgated by the agencies under their management;

c/ Take responsibility before law for violations of regulations on the formulation, promulgation and publicization of regimes, norms and standards according to the Anti- Corruption Law, this Decree, and other laws on regimes, norms and standards.

2. Heads of agencies, organizations and units shall organize, direct, supervise and urge the formulation, promulgation and publicization of regimes, norms and standards applicable to the agencies, organizations and units under their management.

Article 61. Handling of violations of prescribed regimes, norms and standards

1. Those who violate prescribed regimes, norms and standards shall be disciplined or examined for penal liability, depending on the nature and seriousness of their violations.

2. Those who direct, permit or suggest the use in excess of regimes, norms and standards shall pay compensation for the excessive value, while the users shall bear joint responsibility for paying such compensation.

3. Those who direct, permit or suggest the application of econo-technical norms and standards that are lower than the prescribed ones for self-seeking interests shall pay compensation for the value below the prescribed norms and standards; beneficiaries of the application of such lower econo-technical norms and standards shall bear joint responsibility for paying compensation for the value they benefit from.

4. If the violations of regimes, limits, and standards cause damage to or loss of property, or remedial measures must be taken, those who commit the violations defined in Clauses 2 and 3 of this Article shall pay compensation for the damage or expenses for taking remedial measures.

Chapter VIII

OTHER PROVISIONS

Article 62. Renewal of methods of payment and management of revenues and expenditures in cash applicable to cadres, civil servants and public employees

1. The Government shall apply financial and technological solutions so that all payments to the persons with positions and powers defined at Points a, b, and c, Clause 3, Article 1 of the Anti- Corruption Law and other transactions funded by the state budget are made via accounts.

2. The Minister of Finance shall assume the prime responsibility for, and coordinate with the Governor of the State Bank of Vietnam and the Minister of Home Affairs in, preparing plans for managing incomes and expenditures of cadres, civil servants and public employees by means of personal accounts.

Article 63. International cooperation on anti-corruption

1. The projects of international cooperation on anti-corruption defined in Clause 1, Article 90 of the Anti-Corruption Law must be consulted by the Government Inspectorate, the Ministry of Public Security, the Ministry of Justice and the Ministry of Foreign Affairs, before being submitted to competent agencies for approval.

2. The results of these projects must be reported to the Prime Minister and sent to the Government Inspectorate for entry into the general anti-corruption data system specified in Article 38 of this Decree.

Chapter IX

IMPLEMENTATION PROVISIONS

Article 64. Effect

This Decree takes effect on July 31, 2013, and replaces the Government's Decree No. 120/2006/ND-CP of October 20, 2006, detailing and guiding the implementation of a number of articles of the Anti-Corruption Law.

Article 65. Implementation responsibility

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and related agencies, organizations and individuals shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG

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