

THE GOVERNMENT

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

Pursuant to the June 17, 2010 Law on Commercial Arbitration;

At the proposal of the Minister of Justice,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details and guides a number of articles of the Law on Commercial Arbitration on the management of arbitration; procedures for registration or termination of operation, revocation of establishment licenses and operation registration papers of arbitration centers and arbitration center branches; procedures for establishment, registration or termination of operation, revocation of establishment licenses and operation registration papers of Vietnam-based branches or representative offices of foreign arbitration institutions; and enforcement of decisions of arbitration councils on application of provisional urgent measures.

Article 2. Tasks and powers of the Ministry of Justice

The Ministry of Justice shall take responsibility before the Government for performing the state management of arbitration and has the following tasks and powers:

1. To elaborate and submit to the Government or the Prime Minister for promulgation legal documents on organization and operation of arbitration; to guide the implementation of legal documents on arbitration.
2. To grant and revoke establishment licenses of arbitration centers; to grant and revoke establishment licenses of Vietnam-based branches or representative offices of foreign arbitration institutions; to approve changes in establishment licenses of arbitration centers under this Decree.
3. To approve charters of arbitration centers.
4. To announce lists of arbitrators of arbitration institutions operating in Vietnam; to disclose information on establishment, operation and termination of operation of arbitration institutions.
5. To guide and organize the propagation and dissemination of the arbitration law.
6. To enter into international cooperation in the field of arbitration.
7. To guide the professional training and retraining of arbitrators.
8. To examine, inspect and handle violations of the arbitration law.
9. To settle complaints and denunciations about arbitration in accordance with law.
10. To promulgate and guide the uniform use of forms of documents and papers relevant to arbitration institutions.

Article 3. Tasks of the Ministry of Finance

The Ministry of Finance shall guide the collection, management and use of the fees for grant or modification of licenses and operation registration papers of arbitration centers, operation registration papers of branches of arbitration centers, and the fees for grant or modification of licenses and operation registration papers of branches or representative offices of foreign arbitration institutions.

Article 4. Tasks and powers of provincial-level Justice Departments

Provincial-level Justice Departments have the following tasks and powers:

1. To register operation or modification of establishment licenses and revoke operation registration papers of arbitration centers and Vietnam-based branches of foreign arbitration institutions; to register operation and revoke operation registration papers of branches of arbitration centers.
2. To update information on arbitration centers, branches or representative offices of arbitration centers; Vietnam-based branches or representative offices of foreign arbitration institutions.
3. To provide information on operation registration and establishment of branches or representative offices of arbitration centers; and Vietnam-based branches or representative offices of foreign arbitration institutions to state agencies, organizations and individuals that so request in accordance with law.
4. To propagate and disseminate the arbitration law.
5. To examine, inspect and handle violations of the law on arbitration institutions and arbitrators according to their competence.
6. To settle complaints and denunciations about arbitration activities in accordance with the arbitration law.
7. To report on organization and operation of arbitration centers; branches or representative offices of arbitration centers; and Vietnam-based branches or representative offices of foreign arbitration institutions on an annual basis and in unexpected cases at the request of the Ministry of Justice and provincial-level People's Committees.
8. Other tasks and powers provided by law.

Article 5. Method of filing dossiers

Dossiers of application for grant, re-grant or modification of establishment licenses and operation registration papers, dossiers for termination of operation of arbitration centers, branches of arbitration centers, Vietnam-based branches or representative offices of foreign arbitration institutions may be filed directly at, or sent by post to, competent agencies.

Chapter II

REGISTRATION, TERMINATION OF OPERATION, REVOCATION OF ESTABLISHMENT LICENSES AND OPERATION REGISTRATION PAPERS OF ARBITRATION CENTERS AND BRANCHES OF ARBITRATION CENTERS

Article 6. Names of arbitration centers, branches or representative offices of arbitration centers

1. Names of arbitration centers shall be written in Vietnamese and selected by center members but must contain the phrase “trung tam trong tai” (arbitration center) and must neither be identical nor confusingly similar to names of licensed arbitration centers, branches or representative offices of arbitration centers, and contrary to the nation's historical tradition, culture, morality and fine traditions and customs.

In case an arbitration center has a foreign-language name, such name must be one translated from its Vietnamese name and must neither be identical nor confusingly similar to the name of another operating arbitration institution in Vietnam.

2. Arbitration centers may have logos but may not use the national flag, the Communist Party of Vietnam's flag, the national emblem, images of national leaders and banknotes of the Socialist Republic of Vietnam as their logos.

3. Names of branches of arbitration centers must contain the word “chi nhanh” (branch) and names of these arbitration centers.

4. Names of representative offices of arbitration centers must contain the phrase “van phong dai dien” (representative office) and names of these arbitration centers.

Article 7. Charters of arbitration centers

The charter of an arbitration center must contain the following principal details:

1. Name of the arbitration center; foreign-language name of the arbitration center (if any);
2. Head office;
3. Fields and objectives of operation;
4. Duration of operation;
5. Conditions of physical foundation and financial sources, and financial regime of the arbitration center;
6. Organizational structure, mechanism of administration, reorganization and dissolution of the arbitration center, and mechanism of settlement of internal disputes of the arbitration center;
7. At-law representative of the arbitration center, and his/her rights and obligations;
8. List of founding members; method of changing founding members of the arbitration center; conditions for admission or expulsion of arbitrators; rights and obligations of arbitrators;
9. Regime of preservation of dossiers and documents;
10. Mode of adoption of the charter;
11. Mode of announcement of rules of proceedings of the arbitration center;
12. Other contents in accordance with law.

Article 8. Registration of operation of arbitration centers

1. A dossier for operation registration is a set of the following papers:

a/ An application for operation registration;

b/ A certified copy of the establishment license of the arbitration center; in case of submission of a copy, the original is required for comparison;

c/ A certified copy of the charter of the arbitration center; in case of submission of a copy, the original is required for comparison;

d/ The original or a certified copy of the paper proving the working office of the arbitration center.

2. Within 15 days after receiving a valid dossier, the provincial-level Justice Department shall grant an operation registration paper to the arbitration center.

Within 7 working days after granting an operation registration paper to an arbitration center, the provincial-level Justice Department shall send one copy of this paper to the Ministry of Justice.

3. After being granted an operation registration paper, an arbitration center shall announce its establishment under Article 26 of the Law on Commercial Arbitration and have a seal carved in accordance with law.

An arbitration center may commence its operation from the date it is granted an operation registration paper.

Article 9. Branches of arbitration centers

1. Branches are dependent units of arbitration centers and may operate in the fields of operation indicated in the establishment licenses of these arbitration centers.

2. Arbitration centers shall take responsibility before law for the operations of their branches. An arbitration center shall appoint an arbitrator to act as the head of its branch.

Article 10. Registration of operation of branches

1. Within 15 working days after deciding to establish a branch, an arbitration center shall register operation of the branch with the provincial-level Justice Department of the locality in which its branch is located.

A dossier for registration of operation of a branch is a set of the following papers:

- a/ An application for operation registration;
- b/ A certified copy of the establishment license of the arbitration center; in case of submission of a copy, the original is required for comparison;
- c/ The arbitration center's original decision on establishment of a branch;
- d/ The arbitration center's original decision on appointment of the branch head;
- e/ The original or a certified copy of the paper proving the working office of the branch.

2. Within 10 days after receiving a valid dossier, the provincial-level Justice Department shall grant an operation registration paper to the branch.

3. Within 7 working days after its branch is granted an operation registration paper, an arbitration center shall notify in writing the establishment of its branch to the Ministry of Justice.

In case an arbitration center establishes a branch outside the province or centrally run city in which its head office is located, within 7 working days after the branch is granted an operation registration paper, the arbitration center shall notify in writing the establishment of its branch to the Ministry of Justice and the provincial-level Justice Department of the locality in which its head office is located.

4. Branches of arbitration centers may use seals in accordance with law.

Article 11. Modification of establishment licenses or operation registration papers of arbitration centers, operation registration papers of branches

1. When wishing to change their names or fields of operation, arbitration centers shall send dossiers of application for change of their names or fields of operation to the Ministry of Justice. A dossier of application for change is a set of the following papers:

- a/ An application for modification of the establishment license;
- b/ The original establishment license of the arbitration center and papers relevant to the modification (if any).

2. Within 15 working days after receiving an arbitration center's dossier, the Ministry of Justice shall notify in writing its approval or disapproval of proposed changes. In case of disapproval, it shall reply in writing, clearly stating the reason.

3. Within 15 working days after the document approving the modification of its license takes effect, an arbitration center shall register the modification with the provincial-level Justice Department with which it has registered its operation. The provincial-level Justice Department with which the modification is registered shall record changed contents in the operation registration paper of the center. A dossier of application for registration of modified contents is a set of the following papers:

- a/ An application for modification of the operation registration paper;
- b/ The original operation registration paper;
- c/ A certified copy of the establishment license of the arbitration center; in case of submission of a copy, the original is required for comparison.

4. An arbitration center that changes its at-law representative or removes its head office within a province or centrally run city shall, within 7 working days after effecting the change, notify in writing the change to the Ministry of Justice and send a dossier of change in a registered content to the provincial-level Justice Department with which it has registered its operation. Dossiers of application for registration of changed contents shall be made according to Clause 3 of this Article.

In case of removal of its head office to another province or centrally run city, an arbitration center shall send a notice of removal to the provincial-level Justice Department that has granted the operation registration paper and send a dossier for operation registration to the provincial-level Justice Department

of the locality in which its new head office is located. A registration dossier contains the papers specified in Article 8 of this Decree.

5. In case of change of the head or removal of the office of a branch within a province or centrally run city, within 7 working days after deciding on the change, the branch shall send a dossier of application for such change to the provincial-level Justice Department, with which it has registered its operation. Dossiers of application for registration of changed contents shall be made according to Clause 3 of this Article.

An arbitration center's branch that removes its office to another province or centrally run city shall send a notice of removal to the provincial-level Justice Department that has granted its operation registration paper and send an operation registration dossier to the provincial-level Justice Department of the locality in which its new office is located. Registration dossiers shall be made according to Article 10 of this Decree.

Article 12. Re-grant of establishment licenses and operation registration papers

1. Arbitration centers, branches of arbitration centers, Vietnam-based branches or representative offices of foreign arbitration institutions, which have their establishment licenses or operation registration papers lost, torn, worn out, burnt or destroyed may send dossiers of application for re-grant of these licenses or papers to competent agencies that have granted these licenses or papers. A dossier of application for re-grant is a set of the following papers:

a/ An application for re-grant of an establishment license or operation registration paper;

b/ Written certification of the loss of an establishment license or operation registration paper issued by the commune-level police office of the locality in which this license or paper is lost.

2. The Ministry of Justice shall consider and re-grant an establishment license within 10 working days after receiving a dossier of application for re-grant. The provincial-level Justice Department that has granted an operation registration paper shall consider and re-grant this paper within 5 working days after receiving a dossier of application for re-grant.

Article 13. Representative offices of arbitration centers

1. Representative offices are dependent units of arbitration centers and established to seek and promote arbitration activity opportunities, and represent arbitration centers in transactions of these centers. Representative offices have their heads.

2. Arbitration centers shall take responsibility before law for operation of their representative offices.

3. Within 7 working days after the establishment, removal or change of the head of its representative office, an arbitration center shall notify in writing such establishment, removal or change to the provincial-level Justice Department of the locality in which the arbitration center's head office is located and the provincial-level Justice Department of the locality in which the representative office is located.

In case an arbitration center's representative office is established outside the province or centrally run city in which the arbitration center's head office is located, the dossier of notification is a set of the following papers:

a/ A notice of establishment of a representative office;

b/ A certified copy of the establishment license or operation registration paper of the arbitration center. In case of submission of a copy, the original is required for comparison.

Article 14. Overseas branches or representative offices of arbitration centers

Within 30 days after being licensed by a competent foreign authority to establish an overseas branch or representative office or after the date of termination of operation of its overseas branch or representative office, an arbitration center shall notify such in writing to the Ministry of Justice or the provincial-level Justice Department with which it has registered its operation.

Article 15. Revocation of establishment licenses or operation registration papers of arbitration centers or branches of arbitration centers

1. An arbitration center will have its establishment license or operation registration paper revoked in the following cases:

a/ It repeats a violation for which it has been administratively sanctioned;

b/ It fails to conduct any activity stated in its charter or establishment license in 5 consecutive years after being granted an operation registration paper;

c/ It fails to register its operation within 30 days after obtaining its establishment license with the provincial-level Justice Department of the locality in which its head office is located;

d/ It fails to amend or supplement its charter or rules of arbitration proceedings to comply with the Law on Commercial Arbitration within 12 months after the effective date of the Law on Commercial Arbitration.

2. Any organization or individual that detects an arbitration center falling into a case subject to establishment license revocation shall notify such to the provincial-level Justice Department of the locality in which the arbitration center's head office is located. The provincial-level Justice Department shall verify the notified information.

Within 7 working days after detecting an arbitration center subject to establishment license revocation, a provincial-level Justice Department shall request in writing the Ministry of Justice to revoke the establishment license, clearly stating the reason and enclosing proving documents (if any).

3. Within 15 working days after receiving a written request of the provincial-level Justice Department, the Minister of Justice shall issue a decision to revoke the establishment license of the arbitration center. Within 30 days after the issuance of the decision to revoke its establishment license, the arbitration center shall return its license to the Ministry of Justice.

Within 15 working days after the decision to revoke the establishment license of the arbitration center takes effect, the arbitration center shall return its operation registration paper to the provincial-level Justice Department that has granted this paper.

4. Branches of arbitration centers that violate Point a, Clause 1 of this Article will have their operation registration papers revoked. Branches of arbitration centers having their establishment licenses revoked shall return their operation registration papers to provincial-level Justice Departments that have granted these papers.

5. Fifteen working days after detecting an arbitration center or a branch subject to operation registration paper revocation in accordance with law, the provincial-level Justice Department that has granted this paper shall revoke this paper.

Within 15 working days after the decision to revoke its operation registration paper or the decision to sanction its administrative violation takes effect, an arbitration or a branch shall return its operation registration paper to the provincial-level Justice Department that has granted this paper.

Article 16. Order and procedures for termination of operation of arbitration centers according to their charters

1. In case of termination of operation of an arbitration center according to its charter under Point a, Clause 1, Article 29 of the Law on Commercial Arbitration, at least 30 days before the time of operation termination, the arbitration center shall notify in writing the operation termination to the Ministry of Justice and the provincial-level Justice Department with which the arbitration center has registered its operation; and publish the operation termination on three consecutive issues of a central daily or a daily of the locality in which it has registered its operation.

The arbitration center shall fully pay its debts and completely settle cases it has accepted, unless otherwise agreed upon.

2. Within 7 working days after completing the procedures specified in Clause 1 of this Article, the arbitration center shall report in writing on the completion of procedures to the Ministry of Justice.

Within 7 working days after receiving a report of the arbitration center, the Ministry of Justice shall issue a decision on termination of operation of the arbitration center. The arbitration center shall return its establishment license to the Ministry of Justice and its operation registration paper to the provincial-level Justice Department with which it has registered its operation and return its seal to a competent agency.

Article 17. Order and procedures for termination of operation of arbitration centers in case of revocation of establishment licenses

1. In case an arbitration center has its establishment license revoked under Point b, Clause 1, Article 29 of the Law on Commercial Arbitration and Article 15 of this Decree, within 60 days after the issuance of the decision to revoke its establishment license, the arbitration center shall fully pay its debts and completely settle cases it has accepted, unless otherwise agreed upon.

2. Within 10 days after the issuance of the decision on revocation of its establishment license, the arbitration center shall publish the operation termination on three consecutive issues of a central daily or a daily of the locality in which its has registered its operation.

3. Within 7 working days after the completion of the procedures specified in Clauses 1 and 2 of this Article, the arbitration center shall report in writing on the completion of these procedures to the Ministry of Justice and the provincial-level Justice Department with which it has registered its operation and return its seal to a competent agency.

Article 18. Termination of operation of branches or representative offices of arbitration centers

1. A branch of an arbitration center shall terminate its operation in the following cases:

a/ Under the arbitration center's decision on termination of operation of its branch;

b/ The arbitration center terminates its operation or has its establishment license revoked;

c/ The branch has its operation registration paper revoked in accordance with law.

2. At least 30 days before the date of termination of operation of its branch, an arbitration center shall notify in writing the Ministry of Justice and the provincial-level Justice Departments of the localities in which its head office and its branch are located of the termination of operation of the branch.

The arbitration center shall full pay its debts and completely settle cases it has accepted, unless otherwise agreed upon.

Within 30 days after the date of termination of operation of its branch, the arbitration center shall return the branch's operation registration paper to the provincial-level Justice Department with which the branch has registered operation; and return the branch's seal to a competent agency.

3. Representative offices shall terminate their operation under their arbitration centers' decisions. At least 10 working days before the date of termination of operation of its representative office, an arbitration center shall notify the operation termination to the Ministry of Justice and the provincial-level Justice Departments of the localities in which its head office and representative office are located.

Article 19. Order and procedures for announcing or changing lists of arbitrators and information on commercial arbitration institutions and activities

1. An arbitration center or a Vietnam-based branch of a foreign arbitration institution shall send its list of arbitrators to the Ministry of Justice within 15 days after it is granted an establishment license or make a change in its list of arbitrators.

On a monthly basis, the Ministry of Justice shall update and announce the list of arbitrators on its e-portal. The announcement of the list of arbitrators aims to provide information on arbitrators without affecting their status.

2. Within 7 working days after deciding to make a change in its list of arbitrators, an arbitration center or a Vietnam-based branch of a foreign arbitration institution shall notify in writing the change to the Ministry of Justice and the provincial-level Justice Department with which it has registered its operation.

3. The Ministry of Justice shall announce on its e-portal the establishment of arbitration institutions, the revocation of establishment licenses and operation registration papers, the termination of operation and other necessary information on commercial arbitration institutions and activities.

Chapter III

ESTABLISHMENT, REGISTRATION, TERMINATION OF OPERATION, REVOCATION OF ESTABLISHMENT LICENSES AND OPERATION REGISTRATION PAPERS OF VIETNAM-BASED BRANCHES OR REPRESENTATIVE OFFICES OF FOREIGN ARBITRATION INSTITUTIONS

Article 20. Names of branches or representative offices of foreign arbitration institutions

1. Names of branches of foreign arbitration institutions must contain the word “chi nhanh” (branch) and names of foreign arbitration institutions.

2. Names of representative offices of foreign arbitration institutions must contain the phrase “van phong dai dien” and names of foreign arbitration institutions.

3. Names of branches or representative offices of foreign arbitration institutions must be compliant with the provisions on naming in Clauses 1 and 2, Article 6 of this Decree.

Article 21. Grant of licenses for establishment of Vietnam-based branches or representative offices of foreign arbitration institutions

1. Foreign arbitration institutions wishing to establish their branches or representative offices in Vietnam shall send dossiers of application for licenses for branch or representative office establishment to the Ministry of Justice. Within 45 days after receiving a valid dossier and a prescribed fee, the Ministry of Justice shall consider granting a license for establishment of a branch or representative office of a foreign arbitration institution. In case of refusal to grant a license, it shall reply in writing, clearly stating the reason.

A license for establishment of a foreign arbitration institution’s branch or representative office becomes valid on the date of its signing.

2. A dossier for establishment of a branch is a set of the following papers:

a/ An application for a license for branch establishment;

b/ A certified copy of the document proving the lawful establishment of the foreign arbitration institution issued by a foreign competent agency or organization;

c/ A written introduction of operation of the foreign arbitration institution;

d/ A certified copy of the charter of the foreign arbitration institution;

e/ A certified copy of the decision to appoint an arbitrator to act as the head of the branch, who must permanently reside in Vietnam;

f/ A list of expected arbitrators and employees of the branch.

3. A dossier for establishment of a representative office is a set of the following papers:

a/ An application for a license for representative office establishment;

b/ A certified copy of the document proving the lawful establishment of the foreign arbitration institution;

c/ A written introduction of operation of the foreign arbitration institution;

d/ A certified copy of the decision to appoint the head of the representative office;

e/ A list of expected foreign and Vietnamese employees of the representative office.

4. Applications for licenses for establishment of Vietnam-based branches or representative offices of foreign arbitration institutions must be made in Vietnamese. Foreign-language papers enclosed with applications must be translated into Vietnamese and Vietnamese translations must be certified under the Vietnamese law.

Papers issued by foreign agencies or organizations or notarized or certified overseas must be consularly legalized under the Vietnamese law, except cases exempt from consular legalization under treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 22. Registration of operation of Vietnam-based branches, notification of establishment of Vietnam-based representative offices of foreign arbitration institutions

1. Within 60 days after being granted an establishment license, a branch of a foreign arbitration institution shall register its operation with the provincial-level Justice Department of the locality in which it is located.

2. A dossier for operation registration is a set of the following papers:

a/ An application for operation registration;

b/ The original or a certified copy of the document proving the branch office;

c/ A certified copy of the branch establishment license; in case of submission of a copy, the original is required for comparison;

d/ A certified copy of the decision to appoint the branch head.

3. Within 10 working days after receiving a complete and valid dossier and a prescribed fee, the provincial-level Justice Department shall grant an operation registration paper to the branch. The branch may commence its operation on the date it is granted the operation registration paper.

Within 7 working days after granting an operation registration paper to the branch, the provincial-level Justice Department shall send a copy of this paper to the Ministry of Justice.

4. Within 7 working days after being granted an establishment license, a representative office of a foreign arbitration institution shall notify in writing its establishment to the provincial-level Justice Department of the locality in which it is located. A dossier of notification is a set of the following papers:

a/ A notice of representative office establishment;

b/ A certified copy of the representative office establishment license; in case of submission of a copy, the original is required for comparison.

5. Within 30 days after being granted an operation registration paper, a branch of a foreign arbitration institution shall publish its establishment on three consecutive issues of a central daily or a daily of the locality in which the branch has registered its operation.

Article 23. Modification of establishment licenses or operation registration papers of Vietnam-based branches or representative offices of foreign arbitration institutions

1. Vietnam-based branches of foreign arbitration institutions that change their names or fields of operation shall send dossiers of application for change of their names or fields of operation to the Ministry of Justice. A dossier of application for change is a set of the following papers:

a/ An application for modification of the establishment license;

b/ The original establishment license of the branch of the foreign arbitration institution and papers relevant to the modification (if any);

Within 15 working days after receiving a dossier of application for change, the Ministry of Justice shall consider and issue a written approval. In case of disapproval, it shall reply in writing, clearly stating the reason.

2. Within 15 working days after receiving the written approval of the modification of its establishment license, a branch of a foreign arbitration institution shall register the modification with the provincial-level Justice Department of the locality in which it is located. A dossier for registration of modified contents is a set of the following papers:

a/ An application for modification of the operation registration paper;

b/ The original operation registration paper;

c/ A certified copy of the establishment license of the branch of the foreign arbitration institution; in case of submission of a copy, the original is required for comparison.

The provincial-level Justice Department with which the modification is registered shall record modified contents in the operation registration paper of the branch.

3. A branch of a foreign arbitration institution that changes its head or removes its office within a province or centrally run city shall, within 7 working days after deciding on the change, notify the change in writing to the Ministry of Justice and send a dossier of application for registration of the change to the provincial-level Justice Department with which it has registered its operation. A dossier of application for registration of a change is a set of the following papers:

a/ An application for modification of the operation registration paper;

b/ The original operation registration paper;

c/ A certified copy of the establishment license of the branch of the foreign arbitration institution; in case of submission of a copy, the original is required for comparison.

In case of removal of its office to another province or centrally run city, a branch of a foreign arbitration institution shall send a notice to the provincial-level Justice Department with which it has registered its operation and send a dossier for operation registration to the provincial-level Justice Department of the locality in which its new office is located. Dossiers for registration shall be made according to Article 22 of this Decree.

4. A Vietnam-based representative office of a foreign arbitration institution that changes its head or removes its office within a province or centrally run city shall notify in writing the change, within 7 working days after deciding on it, to the Ministry of Justice and the provincial-level Justice Department of the locality in which its office is located.

In case of removal of its office to another province or centrally run city, a representative office shall send a notice of removal to the provincial-level Justice Departments of the localities in which its old office and new office are located. A dossier of notification to the provincial-level Justice Department of the locality in which the new office is located is a set of the following papers:

a/ A notice of relocation of the representative office;

b/ A certified copy of the representative office establishment office; in case of submission of a copy, the original is required for comparison.

Article 24. Revocation of establishment licenses and operation registration papers of Vietnam-based branches or establishment licenses of Vietnam-based representative offices of foreign arbitration institutions

1. A Vietnam-based branch or representative office of a foreign arbitration institution will have its establishment license or operation registration paper revoked in the following cases:

a/ It repeats a violation for which it has been administratively sanctioned;

b/ It fails to conduct any operations stated in its establishment license in 5 consecutive years after it is granted the establishment license.

2. Any organization or individual that detects a branch or representative office falling into a case subject to establishment license or operation registration paper revocation shall report such to the provincial-level

Justice Department of the locality in which this branch or representative office is located. The provincial-level Justice Department shall verify reported information.

Within 7 working days after the provincial-level Justice Department detects a branch or representative office subject to establishment license revocation, it shall request in writing the Ministry of Justice to revoke the establishment license, clearly stating the reason and enclosing documents proving this reason (if any).

3. Within 15 working days after receiving a written request of the provincial-level Justice Department, the Minister of Justice shall issue a decision to revoke the establishment license of the branch or representative office.
4. Within 30 days after the Ministry of Justice issues a decision to revoke its establishment license, a Vietnam-based branch or representative office of a foreign arbitration institution shall return its establishment license to the Ministry of Justice.
5. Within 15 working days after a provincial-level Justice Department that has granted an operation registration paper for a branch of a foreign arbitration institution issues a decision to revoke this paper, the branch shall return its operation registration paper to the provincial-level Justice Department.

Article 25. Termination of operation of Vietnam-based branches or representative offices of foreign arbitration institutions

1. A Vietnam-based branch or representative office of a foreign arbitration institution shall terminate its operation in the following cases:

- a/ It is forced to terminate its operation under a decision of the foreign arbitration institution;
- b/ The foreign arbitration institution that has established the branch or representative office in Vietnam terminates its operation;
- c/ It has its establishment license revoked under Article 24 of this Decree.

2. In case of termination of operation of a branch or representative office under Points a and b, Clause 1 of this Article, at least 30 days before the date of operation termination, the branch or representative office shall notify in writing the operation termination to the Ministry of Justice and the provincial-level Justice Department of the locality in which it is located; and announce the operation termination under Clause 1, Article 16 of this Decree.

Within 15 working days after receiving a notice of termination of operation of a Vietnam-based branch or representative office of a foreign arbitration institution, the Ministry of Justice shall issue a decision on termination of operation of this branch or representative office.

Before operation termination, Vietnam-based branches or representative offices of foreign arbitration institutions shall fully pay their debts, liquidate labor contracts, completely settle cases they have accepted (for branches), unless otherwise agreed upon, and return their licenses to the Ministry of Justice, their operation registration papers to provincial-level Justice Departments and their seals to agencies competent to grant and register the use of these seals.

3. In case a branch or representative office has its establishment license revoked, it shall announce the operation termination under Clause 1, Article 16 of this Decree, fully pay its debts, liquidate labor contracts, and completely settle cases it has accepted (for branches), unless otherwise agreed upon.

Within 60 days after a decision of the Ministry of Justice on operation termination or a decision on sanctioning of an administrative violation subject to license revocation takes effect, a branch or representative office shall complete the above procedures and send a written report on its operation termination to the Ministry of Justice and the provincial-level Justice Department of the locality in which it is located, and return its seal to the competent agency that has granted it.

IMPLEMENTATION PROVISIONS

Article 26. Enforcement of decisions of arbitration councils on application of provisional urgent measures

The enforcement of decisions of arbitration councils on application, change or cancellation of provisional urgent measures or application of additional provisional urgent measures complies with the law on enforcement of civil judgments regarding enforcement of court rulings on application of provisional urgent measures.

Article 27. Transitional provisions

1. Before December 31, 2011, arbitration centers established before the effective date of the Law on Commercial Arbitration shall revise their charters and rules of arbitration proceedings to be conformable with the Law on Commercial Arbitration. Revised charters shall be approved by the Ministry of Justice.

A dossier of application for approval of a revised charter is a set of the following papers:

- a/ An application for approval of the revised charter;
- b/ A certified copy of the establishment license of the arbitration center or the decision approving the charter of the arbitration center; in case of submission of a copy, the original is required for comparison;
- c/ The draft revised charter.

2. Within 30 days after receiving a valid dossier, the Ministry of Justice shall approve the revised charter of an arbitration center.

Article 28. Effect

1. This Decree takes effect on September 20, 2011.

The Government's Decree No. 25/2004/ND-CP of January 15, 2004, detailing a number of articles of the Ordinance on Commercial Arbitration, ceases to be effective on the effective date of this Decree.

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

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG