

THE GOVERNMENT

No. 111/2011/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, December 5, 2011

DECREE

ON CONSULAR CERTIFICATION AND LEGALIZATION

THE GOVERNMENT

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

Pursuant to the June 18, 2009 Law on Representative Missions of the Socialist Republic of Vietnam;

At the proposal of the Minister of Foreign Affairs,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree provides the competence, order and procedures for consular certification and legalization, contents of state management and responsibilities of agencies, organizations and individuals for consular certification and legalization.

Article 2. Interpretation of terms

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

1. Consular certification means the competent Vietnamese agencies' certification of stamps, signatures and titles on Vietnam's papers and documents for being recognized and used abroad.
2. Consular legalization means the competent Vietnamese agencies' certification of stamps, signatures and titles on foreign papers and documents for being recognized and used in Vietnam.

Article 3. Contents of consular certification and legalization

Consular certification and legalization is simply certification of stamps, signatures and titles on papers and documents, not covering certification of contents and forms of papers and documents.

Article 4. Requirement of consular certification and legalization

1. To be recognized and used abroad, papers and documents of Vietnam must be consularly certified, except the cases specified in Article 9 of this Decree.
2. To be recognized and used in Vietnam, papers and documents of foreign countries must be consularly legalized, except the cases specified in Article 9 of this Decree.

Article 5. Vietnamese agencies competent to carry out consular certification and legalization

1. The Ministry of Foreign Affairs is competent to carry out consular certification and legalization.

The Ministry of Foreign Affairs may authorize foreign affairs agencies of provinces and centrally run cities to receive dossiers of request for consular certification or legalization.

2. Overseas Vietnamese diplomatic missions, consulates or other agencies authorized to perform the consular function (below referred to as representative missions) are competent to carry out consular certification and legalization overseas.

Article 6. Requesters for consular certification and legalization

1. Agencies, organizations and individuals may request consular certification or legalization of their own papers and documents or others' without authorization paper.

2. Agencies, organizations and individuals shall submit dossiers to competent consular certification and legalization agencies directly or through authorized foreign affairs agencies under Clause 1, Article 5 of this Decree or by post.

Article 7. Languages and places of consular certification and legalization

1. The languages used for consular certification and legalization are Vietnamese and the official language of the country where the papers concerned are used, or English or French.

2. Places of consular certification and legalization are head offices of the Ministry of Foreign Affairs and overseas Vietnamese representative missions.

Article 8. Consular certification and legalization expenses

1. Requesters for consular certification or legalization shall pay a fee.

2. The rates and regime of collection, payment, management and use of such fee comply with the guidance of the Ministry of Finance.

3. In case of sending dossiers by post, requesters for consular certification or legalization shall pay postal charges for both sending and receipt.

Article 9. Papers and documents exempted from consular certification and legalization

1. Papers and documents exempted from consular certification and legalization under treaties to which Vietnam and foreign countries concerned are contracting parties, or on the reciprocity principle.

2. Papers and documents delivered directly or via diplomatic channel between competent Vietnamese and foreign agencies.

3. Papers and documents exempted from consular certification and legalization under Vietnamese laws.

4. Papers and documents not required of consular certification and legalization by receiving Vietnamese or foreign agencies under relevant Vietnamese or foreign laws.

Article 10. Papers and documents prohibited from consular certification and legalization

1. Papers and documents containing modifications or erasures without proper correction as required by law.

2. Papers and documents in dossiers of request for consular certification or legalization containing contradictory details.

3. Forged or unduly issued or certified papers and documents according to law.

4. Papers and documents bearing non-original signatures or stamps.
5. Papers and documents with contents infringing upon the interests of the Vietnamese state.

Chapter II

ORDER AND PROCEDURES FOR CONSULAR CERTIFICATION AND LEGALIZATION

Section I: ORDER AND PROCEDURES FOR CONSULAR CERTIFICATION

Article 11. Order and procedures for consular certification at the Ministry of Foreign Affairs

1. A requester for consular certification shall submit a dossier comprising:
 - a/ One declaration for consular certification, made according to a set form;
 - b/ A personal identification paper, for production in case of direct submission;
 - c/ One copy of a personal identification paper, in case of submission by post;
 - d/ Papers and documents requested for consular certification, enclosed with one copy each for filing at the Ministry of Foreign Affairs.
2. When it is necessary to check the authenticity of papers and documents requested for consular certification, dossier-receiving officers may ask requesters for consular certification to additionally produce the originals of related papers and documents, and submit copies of these papers and documents, one copy each, for filing at the Ministry of Foreign Affairs.
3. Consular certification shall be carried on the basis of:
 - a/ Comparing stamps, signatures and titles on papers and documents requested for consular certification with those officially notified to the Ministry of Foreign Affairs; or
 - b/ Results of verification of competent Vietnamese agencies or organizations confirming the authenticity of these stamps, signatures and titles.
4. Consular certification mentioned in Clause 3 of this Article is applicable to papers and documents made, notarized or certified by the following agencies:
 - a/ Agencies of the National Assembly, the President, the Government, courts, procuracies; central and local state administrative agencies;
 - b/ Central agencies of the Communist Party of Vietnam, the Vietnam Fatherland Front Central Committee, the Vietnam General Confederation of Labor, the Vietnam Women's Union, the Ho Chi Minh Communist Youth Union Central Committee, the Vietnam Farmers Association, the Vietnam War Veterans Association, the Union of Vietnamese Friendship Organizations, the Union of Vietnamese Literature and Arts Associations, the Union of Vietnamese Scientific and Technical Associations, the Union of Vietnamese Cooperatives, and the Vietnam Chamber of Commerce and Industry.
 - c/ Vietnamese public notary organizations;
 - d/ Other agencies and organizations as provided by law.

5. The time limit for settlement is 1 working day after the date of receiving a complete and valid dossier. For a dossier comprising 10 or more papers and documents, the time limit for settlement may be longer but must not exceed 5 working days.

6. When necessary to check the authenticity of stamps, signatures and titles on papers and documents requested for consular certification, immediately after receiving a dossier, the Ministry of Foreign Affairs shall make a written request for competent agencies and organizations making, notarizing or certifying such papers and documents or higher-level agencies or organizations to verify. Within 5 working days after receiving such written request, agencies and organizations shall issue written replies to the Ministry of Foreign Affairs. Upon receiving such replies, the Ministry of Foreign Affairs shall settle and notify results to requesters for consular certification.

Article 12. Certification of papers and documents produced at the Ministry of Foreign Affairs

1. For papers and documents not subject to consular certification according to the procedures provided in Article 11 of this Decree, but for facilitating their recognition and use overseas and meeting the aspiration of requesters, the Ministry of Foreign Affairs may give certification that these papers and documents have been produced at the Ministry of Foreign Affairs.

2. Certification under Clause 1 of this Article is applicable to the following papers and documents:

a/ Papers and documents bearing signatures, stamps and/or titles the specimens of which are no longer filed at agencies or organizations having made, notarized or certified them or unidentifiable;

b/ Papers and documents issued by the old administration before April 30, 1975.

3. Dossiers, procedures and time limit for settlement comply with Clauses 1, 2 and 5, Article 11 of this Decree.

Article 13. Order and procedures for consular certification at overseas Vietnamese representative missions

1. A requester for consular certification shall submit a dossier comprising:

a/ One declaration for consular certification, made according to a set form;

b/ A personal identification paper, for production in case of direct submission;

c/ One copy of a personal identification paper, in case of submission by post;

d/ Papers and documents requested for consular certification, which have been certified by the Ministry of Foreign Affairs under Article 11 or 12 of this Decree, enclosed with one copy each for filing at the representative mission.

2. A representative mission shall give consular certification on the basis of comparing stamps, signatures and titles in consular certification of the Vietnamese Ministry of Foreign Affairs on papers and documents with their specimens notified by the Vietnamese Ministry of Foreign Affairs.

3. The time limit for settlement complies with Clause 5, Article 11 of this Decree.

4. When necessary to check the authenticity of stamps, signatures and titles on papers and documents requested for consular certification, upon receiving a dossier, a representative mission shall make a written request to the Ministry of Foreign Affairs for verification. Within 2 working days after receiving such request, the Ministry of Foreign Affairs shall issue a written reply to the representative mission. Upon receiving such reply, the representative mission shall settle and notify results to the requester for consular certification.

Section 2: ORDER AND PROCEDURES FOR CONSULAR LEGALIZATION

Article 14. Order and procedures for consular legalization at the Ministry of Foreign Affairs

1. A requester for consular legalization shall submit a dossier comprising:
 - a/ One declaration for consular legalization, made according to a set form;
 - b/ A personal identification paper, for production in case of direct submission;
 - c/ One copy of the personal identification paper, in case of submission by post;
 - d/ Papers and documents requested for consular legalization, which have been certified by a foreign diplomatic representative mission or consulate or another foreign agency authorized to perform the consular function;
 - e/ One Vietnamese or English translation of each paper or document requested for consular legalization, if such papers and documents are not made in these languages;
 - f/ Copies of papers and documents mentioned at Points d and e above, one copy each for filing at the Ministry of Foreign Affairs.
2. When necessary to check the authenticity of papers and documents requested for consular legalization, dossier-receiving officers may ask requesters for consular legalization to additionally produce the originals of related papers and documents, and submit copies of these papers and documents, one copy each for filing at the Ministry of Foreign Affairs.
3. The Ministry of Foreign Affairs shall carry out consular legalization on the basis of comparing stamps, signatures and titles in certifications of competent foreign agencies on papers and documents with their specimens officially notified by the country concerned to the Ministry of Foreign Affairs.
4. The time limit for settlement complies with Clause 5, Article 11 of this Decree.
5. In case specimens of signatures, stamps and titles of competent foreign agencies mentioned at Point d, Clause 1 of this Article have not yet been officially notified or are subject to verification, the Ministry of Foreign Affairs may request these agencies to verify. Upon receiving verification results, the Ministry of Foreign Affairs shall settle dossiers and return results to requesters.

Article 15. Order and procedures for consular legalization at overseas Vietnamese representative missions

1. A requester for consular legalization shall submit a dossier comprising:
 - a/ One declaration for consular legalization, made according to a set form;
 - b/ A personal identification paper, for production in case of direct submission;
 - c/ One copy of the personal identification paper, in case of submission by post;

d/ Papers and documents requested for consular legalization, which have been certified by a the Ministry of Foreign Affairs or another competent foreign agency in the country in which the overseas Vietnamese representative mission is based or in charge;

e/ One translation of each paper or document requested for consular legalization in Vietnamese, English or a language which the dossier-receiving officer can understand, if such papers and documents are not made in these languages;

f/ Copies of papers and documents mentioned at Point d and e above, one copy each for filing at the representative mission.

2. When necessary to check the authenticity of papers and documents requested for consular legalization, dossier-receiving officers may ask requesters for consular legalization to additionally produce the originals of related papers and documents, and submit copies of these papers and documents, one copy each for filing at the representative mission.

3. The representative mission shall carry out consular legalization on the basis of comparing stamps, signatures and titles in certifications of competent foreign agencies on papers and documents with their specimens officially notified by the country concerned to the representative mission.

4. The time limit for settlement complies with Clause 5, Article 11 of this Decree.

5. In case specimens of signatures, stamps and titles of foreign agencies and persons competent to give consular certification have not yet been officially notified or are subject to verification, the representative mission may request competent foreign agencies to verify. Upon receiving verification results, the representative mission shall settle dossiers and return results to requesters.

Section 3: FILED CONSULAR CERTIFICATION AND LEGALIZATION DOSSIERS

Article 16. Composition of filed consular certification and legalization dossiers

A filed consular certification or legalization dossier comprises:

1. A declaration for consular certification or legalization.
2. Copies of papers and documents submitted by the requester for consular certification or legalization
3. Documents of competent agencies on verification (if any) and related papers.

Article 17. Filing regime of consular certification and legalization dossiers

1. Competent consular certification and legalization agencies shall properly preserve and apply security measures to consular certification and legalization dossiers.
2. Filed consular certification and legalization dossiers shall be numbered in temporal order corresponding to the recording in the consular certification and legalization register (made according to a set form). The consular certification and legalization register shall be made in paper form and may be managed by computer software.
3. Duration of preservation:

a/ Consular certification and legalization registers, management computer software and records of cases of forged or unduly issued papers and verification-related papers shall be preserved for 10 years;

b/ Consular certification and legalization dossiers not mentioned at Point 2, Clause.2 of this Article shall be preserved for 3 years.

4. Competent consular certification and legalization agencies shall provide copies of consular certification and legalization dossiers when so requested in writing by competent state agencies to serve the supervision, examination, inspection, investigation, prosecution, trial and judgment enforcement related to consular certification and legalization. The comparison of copies with originals shall be carried out at competent consular certification and legalization agencies which keep dossiers and at the Ministry of Foreign Affairs for papers and documents filed at overseas Vietnamese representative missions.

Chapter III

STATE MANAGEMENT AND RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS FOR CONSULAR CERTIFICATION AND LEGALIZATION

Article 18. Contents of state management of consular certification and legalization

1. The Government shall perform unified state management of consular certification and legalization.

2. The Ministry of Foreign Affairs shall take responsibility before the Government for performing the state management of consular certification and legalization, and have the following tasks and powers:

a/ To assume the prime responsibility for drafting and promulgating or submitting to competent agencies for promulgation legal documents or propose the conclusion of or accession to relevant treaties;

b/ To assume the prime responsibility for, and coordinate with other ministries, sectors and localities in, guiding and organizing the implementation of this Decree;

c/ To assume the prime responsibility for disseminating the law on consular certification and legalization and to examine, inspect and handle violations;

d/ To summarize and report to the Government, and compile state statistics on consular certification and legalization;

e/ To implement international cooperation with other countries on consular certification and legalization; to assume the prime responsibility for, and coordinate with other related ministries and sectors in, deciding to apply the reciprocity principle to other countries in consular certification and legalization.

Article 19. Responsibility of the Ministry of Finance

The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Foreign Affairs in, issuing guidelines on the collection of consular certification and legalization charges.

Article 20. Responsibilities of agencies and organizations making, notarizing and certifying papers and documents

1. To take responsibility under law for the authenticity, content and form of papers and documents.
2. To promptly notify the Ministry of Foreign Affairs of specimen stamps and signatures and titles of agencies, organizations and persons competent to sign and issue, notarize and certify papers and documents.
3. To coordinate with the Ministry of Foreign Affairs in performing the state management of consular certification and legalization work within the ambit of their respective tasks and powers.
4. To coordinate with the Ministry of Foreign Affairs in verifying papers to serve consular certification and legalization.

Article 21. Responsibilities of related agencies, organizations and individuals

1. Agencies, organizations and individuals requesting consular certification and legalization shall:
 - a/ Take responsibility before law for the purpose of using papers and documents concerned;
 - b/ Provide relevant information to competent consular certification and legalization agencies.
2. Vietnamese agencies and organizations, when receiving and using consularly certified papers and documents, shall:
 - a/ Examine and compare them with legal provisions and other related papers before deciding whether or not to accept consularly certified papers and documents in the settlement and handling of affairs within the ambit of their functions and powers;
 - b/ Take the initiative in coordinating with competent agencies in verifying the authenticity of foreign papers and documents when necessary.

Article 22. Handling of violations

1. While performing their tasks and powers in consular certification and legalization, competent persons who are irresponsible or act against the provisions of this Decree and other regulations and laws shall, depending on the seriousness of their violations, be administratively handled or examined for penal liability in accordance with law.
2. Agencies, organizations and individuals acting against the provisions of this Decree shall, depending on the seriousness of their violations, be administratively handled or examined for penal liability in accordance with law.

Article 23. Complaints and denunciations and settlement thereof

The lodging and settlement of complaints and denunciations about illegal acts in consular certification and legalization comply with the laws on complaints and denunciations.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 24. Effect

This Decree takes effect on February 1, 2012.

Article 25. Organization of implementation

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