



# LEGAL NEWSLETTER

## JUNE 2025

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## Some key new provisions of the 2025 Law on the Promulgation of Legal Normative Documents

*The Law on the Promulgation of Legal Normative Documents 2025 ("Law on LND 2025") was adopted by the 15th National Assembly at its 9th extraordinary session on 19 February 2025 and will take effect from 1 April 2025. Comprising 9 Chapters and 72 Articles, the new Law significantly reduces the number of chapters and articles compared to the 2015 Law, thereby reflecting a strong shift in legislative thinking aimed at ensuring flexibility, practicality, and efficiency in law enforcement. This article provides an analysis of three prominent groups of new provisions under the Law on LND 2025, including changes regarding legislative competence, improvements to the law-making process, and the addition of regulations on the organisation of enforcement and application of legal normative documents.*

### 1. Changes in the competence to promulgate legal normative documents

According to Article 4 and Chapter II of the Law on LND 2025, the system of legal normative documents has been streamlined from 26 to 25 types, promulgated by 14 competent entities instead of the 16 entities as stipulated under the 2015 Law.

The most notable change is the complete removal of the competence of commune-level authorities to promulgate legal normative documents, specifically Resolutions of commune-level People's Councils and Decisions of commune-level People's Committees. This adjustment aligns with the policy direction of simplifying the legal system and avoiding overlaps in administrative management.

Concurrently, the Law on LND 2025 introduces a new form of legal normative document promulgated by the Government, namely Government Resolutions. These Resolutions are designed to address urgent and emergency issues arising from practical circumstances, particularly in contexts such as epidemics or other critical situations. The process for promulgating Government Resolutions is simplified, enabling prompt responses to practical situations without undergoing complex procedures applicable to Decrees.

Additionally, the Law on LND 2025 amends the form of normative documents issued by the State Auditor General from "Decisions" to "Circulars" to ensure consistency with the legal nature of this document type.

The adjustment of legislative competence not only streamlines the legal system but also enhances clarity in delineating responsibilities among different levels of government. This centralisation trend in the promulgation of legal normative documents at higher levels of authority ensures the uniformity and consistency of the legal system nationwide. Enterprises and organisations will benefit from a more transparent and simplified legal environment when complying with and implementing legal regulations.

## Some key new provisions of the 2025 Law on the Promulgation of Legal Normative Documents

### 2. Changes in the process of drafting and promulgating legal normative documents

The Law on LND 2025 introduces groundbreaking reforms to the process of drafting and promulgating legal normative documents, aimed at enhancing legislative efficiency and quality. These reforms focus on simplifying procedures, increasing flexibility, and ensuring the participation of relevant stakeholders in the law-making process.

One of the most significant changes is the separation of the policy development process from the annual legislative programme. According to the Law on LND 2025, the policy development process and the drafting process are clearly distinguished into two separate sections under Chapter III. The National Assembly Standing Committee now decides the annual legislative programme based on proposals from competent authorities, replacing the previously complex requirement to prepare detailed legislative proposals.

The Law on LND 2025 also narrows the circumstances in which the two-stage process (policy development and drafting) is mandatory. According to Clause 1, Article 27 of the Law, only the following three cases are required to undergo policy development:

- New laws or ordinances, or laws/ordinances replacing existing ones;
- Amendments or supplements to laws that restrict human rights or citizens' rights as stipulated in the Constitution;
- Resolutions of the National Assembly implementing pilot mechanisms or policies.

For other cases, the drafting process may proceed directly without requiring the policy development stage, thereby significantly shortening the time needed to promulgate legal normative documents.

Notably, the Law introduces the mechanism of policy consultation during the development of draft laws, resolutions, and ordinances, as stipulated in Article 30 of the Law on LND 2025. This measure addresses the common issue of vague, impractical policies by requiring focused consultation on policies directly related to the areas and responsibilities of the consulted entities.

Another noteworthy innovation is the expansion of entities entitled to provide opinions on policy proposals and draft documents. National Assembly delegations, the Vietnam Fatherland Front, and socio-political organisations are now included among the stakeholders in the law-making process. This reflects a spirit of democracy and transparency, ensuring that legal normative documents accurately represent the will and interests of the people.

## Some key new provisions of the 2025 Law on the Promulgation of Legal Normative Documents

### 3. Addition of Regulations on the Organisation of Enforcement and Application of Legal Normative Documents

A significant innovation of the Law on LND 2025 is the introduction of a dedicated section on the organisation of enforcement and guidance on the application of legal normative documents, provided in Chapter VII of the Law. This addresses a key shortcoming of the 2015 Law, which lacked clarity regarding the scope of enforcement activities and the responsibilities of competent entities.

According to Article 59 of the Law on LND 2025, the organisation of enforcement includes fundamental activities that competent authorities must undertake after promulgation of legal normative documents, including:

- (i) Promulgating detailed regulations, implementation guidelines, and specific measures to enforce legal normative documents;
- (ii) Providing interpretations of the Constitution, laws, National Assembly resolutions, ordinances, and resolutions of the National Assembly Standing Committee;
- (iii) Disseminating and educating on legal normative documents
- (iv) Providing guidance on the application of legal normative documents, receiving and handling recommendations or petitions regarding such documents, and organising training, professional development, and technical guidance;
- (v) Supervising, inspecting, reviewing, consolidating, and systematising legal normative documents; codifying the legal normative system.





## Some key new provisions of the 2025 Law on the Promulgation of Legal Normative Documents

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The Law on LND 2025 clearly defines the responsibilities for organising enforcement activities, as well as the obligation to report and provide information on enforcement efforts. The authority promulgating the legal normative document is responsible for coordinating with relevant agencies to organise its implementation.

In particular, the Law supplements provisions on guidance for the application of legal normative documents. According to Article 61 of the Law on LND 2025, the authority or individual competent to promulgate legal normative documents must consider and provide application guidance, in writing, for documents issued under their competence, based on requests from agencies, organisations, or individuals. This facilitates the resolution of difficulties and obstacles in the practical application of laws, ensuring consistent and accurate understanding and implementation.

Regarding the use of digital technology and digital transformation in law-making, Article 66 of the Law encourages the use of digital platforms and electronic databases throughout the process of drafting, promulgating, and enforcing legal normative documents. This aims to improve efficiency, transparency, and reduce time and costs associated with law-making.

Relevant authorities are encouraged to develop integrated information systems that enable comprehensive monitoring and supervision of the entire process, from proposal to enforcement of legal normative documents.

The Law on LND 2025 demonstrates Vietnam's strong commitment to modernising its legal system toward greater streamlining, efficiency, and practicality. It provides a solid legal foundation for building a modern rule-of-law state that better serves the country's development needs.

## Latest regulations on Trust services business under Decree No. 23/2025/ND-CP

Electronic transactions have become increasingly common in business operations. This trend highlights the need for tools that ensure the authenticity and legal validity of such transactions. In response, the Government of Vietnam issued **Decree No. 23/2025/ND-CP dated February 21, 2025**, effective from **April 10, 2025 ("Decree 23")**, which provides detailed regulations on digital signatures and trust services. This article summarizes the latest legal provisions on trust services business under Decree 23.

### 1. Trust services activities

According to Clause 1, Article 28 of the Law on Electronic Transactions 2023 and Decree 23, trust services include the following activities:

**Time-stamping services:** As stipulated in Article 24 of Decree 23, time-stamping services consist of:

- (i) Attaching time to a data message; the time attached to a data message is the date and time that the time stamping service provider receives the data message.
- (ii) Providing necessary information to help authenticate that data message of the subscriber who has attached the date, month, year and time on the data message.
- (iii) Performing the storage and management of service users' information.
- (iv) Issuing, renewing, suspending, restoring and revoking subscribers' accounts.
- (v) Maintaining online data on service users' information and the issued timestamp.

**Data message authentication services:** According to Article 25 of Decree 23, these services include:

- (i) Storing and confirming the integrity of data messages;
- (ii) Sending and receiving secured data messages.

**Public digital signature authentication services:** As defined in Article 26 of Decree 23, this service authenticates the signatory of a data message, ensures non-repudiation and guarantees the integrity of the signed message. The service includes:

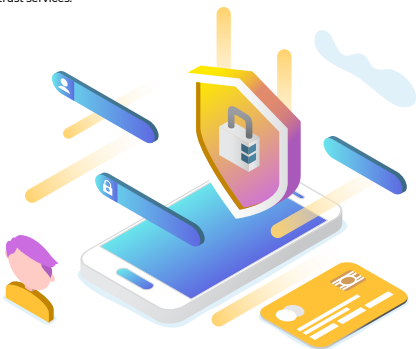
- (i) Public digital signature authentication services following the digital signature model on means of storing secret keys using hardware devices.
- (ii) Public digital signature authentication service following the digital signature model on mobile devices.
- (iii) Public digital signature authentication service following the remote digital signature model.

## Latest regulations on Trust services business under Decree No. 23/2025/ND-CP

### 2. Conditions for operating trust services

Due to the involvement of cybersecurity, data privacy and the legal value of electronic data, the provision of trust services is strictly regulated. According to Clause 1, Article 29 of the Law on Electronic Transactions 2023, a business wishing to provide trust services must meet the following conditions:

- (i) Being enterprises which are legally established and operated in the territory of Vietnam;
- (ii) Satisfying financial, managerial and technical requirements for each type of trust service specified in Clause 1, Article 28 of the Law on Electronic Transactions 2023;
- (iii) Having information systems serving the trust service provision which satisfy at least information security level 3 requirements according to regulations of law on information security;
- (iv) Having technical plans serving the provision for each type of trust service specified in Clause 1, Article 28 of the Law on Electronic Transactions 2023;
- (v) Having plans for technical connections serving supervision, inspection and data reporting by electronic means, which satisfy requirements for state management of trust services.





## Latest regulations on Trust services business under Decree No. 23/2025/ND-CP

Decree 23 requires that enterprises fully satisfy the conditions in Clause 1, Article 29 of the Law on Electronic Transactions 2023 when applying for a license. Detailed guidance on conditions in points b, c, d, and dd of this clause is provided in Article 18 of Decree 23.

Specifically, enterprises are only allowed to provide trust services when they meet the conditions of legal status; finance; management and technical personnel; technical plan and other conditions depending on the reliable service that the enterprise wants to subscribe to. The general conditions for all three types of trust service activities mentioned above are specified as follows:

**Legal status:** The enterprise must be legally established and operating in Vietnam.

**Financial capacity:** To cover risks possible compensations in the course of service provision, enterprises are selected to implement one of the following two options:

- (i) Deposit at a commercial bank in Vietnam applicable to one or multiple trust services. The deposit level is 10 billion VND for every 300,000 subscribers and not less than 10 billion VND, provided that enterprises are not allowed to collect down payments for more than 01 year from subscribers; or
- (ii) Purchase liability insurance for trust service provision to ensure the rights of subscribers during the service provision period.

### Managerial and technical personnel:

- (i) Personnel for system operation, including: administration, operation, information safety, information security, access control, monitoring and inspection, digital signature certificate life cycle management, key life cycle management;
- (ii) Personnel for service provision, including: technical audit, security, issuance, suspension, cancellation, installation and warranty; verification of subscriber's identity (for public digital signature authentication services and data message authentication services);
- (iii) Personnel in charge of information safety, security, and confidentiality must hold a bachelor's degree or higher in information security and have at least 02 years of experience corresponding to the trained major;
- (iv) Personnel in charge of administration, operation, technical audit, issuance, suspension, cancellation, installation and warranty, monitoring and inspection, and key life cycle management must hold a bachelor's degree or higher in/closely related to information technology and have at least 02 years of experience corresponding to the trained major.

## Latest regulations on Trust services business under Decree No. 23/2025/ND-CP

**Technical plan:** Technical plans for service provision applicable to all types of trust services must include the following contents:

- (i) Comply with standards, technical regulations, technical requirements for digital signatures, digital signature certificates; trust services; cyberinformation security; cybersecurity;
- (ii) Store complete, accurate, and updated subscribers' information; update the list of unexpired, suspended, and revoked digital signature certificates; subscribers can access and use the Internet for 24/7 access;
- (iii) Ensure that each pair of keys is generated randomly and only once; has the feature to ensure that the secret key shall not be detected when the corresponding public key is available;
- (iv) Warn, prevent and detect illegal online access;
- (v) The digital signature certificate lifecycle management component is designed to minimize direct contact with the electronic environment and is independent of systems that do not serve trust services;
- (vi) The information system must ensure at least level 3 cyberinformation security and protect personal data according to the law on cyberinformation security and cybersecurity;
- (vii) Control entry and exit, system access, and access to the location of the device;
- (viii) Have backups to ensure safe and continuous operation and recovery when incidents occur, procedures for data backup, online data backup, data recovery, and the capability to recover data within 08 working hours from the time of system error; the backup center is at least 20 kilometers away from the main data center and is ready to operate upon error occurring in the main system;
- (ix) The service provision information system is located in Vietnam;
- (x) Authentication regulations in accordance with Article 29 of Decree 23.

## Latest regulations on Trust services business under Decree No. 23/2025/ND-CP

### 3. Licensing dossier for trust services

Pursuant to Clause 1, Article 19 of Decree 23, the dossier for a trust service license includes:

- (i) Application form for issuance of the trust service business license;
- (ii) Valid copy including a copy extracted from master register or a certified copy or a copy compared with the original copy of one of the following documents: Certificate of business registration, certificate of investment registration for foreign investors, decision on establishment or other valid equivalent certificates and licenses as prescribed by law on investment and law on enterprises;
- (iii) Documents proving that the applicant satisfies financial conditions ;
- (iv) Dossier on managerial and technical personnel, including: Judicial records, certified copies of bachelor's degree or higher of managerial and technical personnel as prescribed in Clause 2 of Article 18 of Decree 23, job descriptions and previous experience corresponding to such positions, employment contracts and assignment decisions;
- (v) Technical plans for service provision applicable to each type of trust services;
- (vi) Authentication regulations.

The dossier can be submitted in person, by post or via the national online public service portal to the Ministry of Information and Communications.



## Latest regulations on Trust services business under Decree No. 23/2025/ND-CP

### 4. Licensing procedure

The Ministry of Information and Communications is the agency competent to receive, appraise and grant licenses. Clauses 3 and 4 of Article 20 and Article 21 of Decree 23 stipulate the process of granting a trust service business license, including the following steps:

**4.1. Receiving and checking the validity of the dossier:** Within 07 working days from the date of receipt of the dossier, the Ministry of Information and Communications shall check the completeness and validity of the dossier.

#### 4.2. Dossier appraisal:

(i) Within 07 working days from the date of receipt of a valid dossier, the Ministry of Information and Communications proposes to coordinate in verifying the dossier of the Ministry of Public Security, the Government Cipher Committee and relevant agencies and organizations.

(ii) Within 20 days from the date of receipt of the request for coordination in verifying the dossier, the Ministry of Public Security, the Government Cipher Committee and relevant agencies and organizations shall reply in writing.

**4.3. Licensing or refusal:** Within 20 days from the date of receipt of the full coordination opinion on verification specified at Point a of this Clause, the Ministry of Information and Communications shall verify and issue a license according to Form No. 06 in the Appendix to this Decree. In case of refusal, the Ministry of Information and Communications shall send a written notice clearly stating the reason.

Decree 23/2025/ND-CP marks a significant advancement in regulating and standardizing Vietnam's trust service market. Enterprises seeking to provide trust services must carefully study the legal requirements, prepare comprehensive documentation, and enhance operational capacity to ensure legal compliance and successful licensing.

## Decree No. 174/2024/ND-CP dated 30 December 2024 on sanctions for administrative violations in the insurance business sector

*Decree No. 174/2024/ND-CP dated 30 December 2024 on Sanctions for Administrative Violations in the Insurance Business Sector officially enters into force on 15 February 2025, contributing to the enhancement of the legal framework, ensuring transparency, and strengthening the effectiveness of State management over insurance activities in Vietnam. With a clearly defined regulatory scope, this Decree specifically identifies violations, corresponding sanctions, the authority to impose sanctions, and remedial measures applicable to organisations and individuals operating in the insurance sector. The following article by TNTP provides an analysis of key provisions of the Decree, covering its scope of application, statute of limitations, and enforcement of administrative sanctions in the insurance industry.*

### 1. Scope of application

Article 2 of Decree No. 174/2024/ND-CP ("**Decree 174**") specifies an extensive scope of application, covering all individuals and organisations committing administrative violations in the insurance business sector in Vietnam, including:

Life insurance enterprises, non-life insurance enterprises, health insurance enterprises, reinsurance enterprises, insurance brokerage enterprises; branches of foreign non-life insurance enterprises, and branches of foreign reinsurance enterprises (collectively referred to as foreign branches in Vietnam);

Representative offices of foreign insurance enterprises, foreign reinsurance enterprises, foreign insurance brokerage enterprises, and representative offices of foreign financial and insurance groups in Vietnam (foreign representative offices in Vietnam);

Insurance agency organisations;

Mutual organisations providing microinsurance;

Organisations providing ancillary insurance services (including insurance enterprises, insurance brokerage enterprises, and other legal entities);

Other relevant organisations as stipulated in this Decree.

Compared to the former Decree No. 98/2013/ND-CP ("**Decree 98**"), Decree 174 has been revised and supplemented to align with the changes introduced by the Law on Insurance Business 2022, replacing the Law on Insurance Business 2014. All Vietnamese and foreign organisations and individuals committing administrative violations in the insurance sector fall under the regulatory scope of Decree 174 and shall bear legal responsibility corresponding to the nature of their violations.

## Decree No. 174/2024/ND-CP dated 30 December 2024 on sanctions for administrative violations in the insurance business sector

### 2. Forms of sanctions and remedial measures

Compared to Decree 98, Decree 174 introduces a more detailed, transparent, and comprehensive system of sanctions and remedial measures, thereby enhancing deterrence and the effectiveness of administrative enforcement.

(i) The form of warning is now exclusively applicable to individuals aged between 14 and 16 who commit violations, as opposed to the broader application under Decree 98.

(ii) The principal form of sanction is monetary fines. The maximum fine for individuals is VND 100,000,000, and for organisations is VND 200,000,000. The fine imposed on organisations is twice the amount applicable to individuals for the same violation.

Specific cases subject to higher fines for organisations are separately regulated in relevant provisions, reflecting the differentiated nature and severity of various violations.

(iii) Additionally, supplementary sanctions, including temporary suspension of operations, may be imposed in severe cases.



## **Decree No. 174/2024/ND-CP dated 30 December 2024 on sanctions for administrative violations in the insurance business sector**

(iv) Previously, Decree 98 stipulated six remedial measures in the insurance sector, whereas Decree 174 expands this to twelve measures, including:

- Mandatory restoration to the original state;
- Obligation to publish or correctly publish information, issue notifications, or rectify inaccurate information;
- Requirement for actuaries to fully perform their statutory duties; insurance enterprises, reinsurance enterprises, foreign branches in Vietnam, and mutual microinsurance organisations must engage qualified actuaries to perform duties by legal provisions;
- Obligation to provide policyholders with relevant documents during the term of insurance contracts identified at the time of detecting violations;
- Obligation to clearly and fully explain to policyholders their insurance benefits, exclusion clauses, rights, and obligations under valid insurance contracts identified at the time of detecting violations;
- Obligation to notify the Ministry of Finance regarding the provision of insurance products and services via online platforms;
- Obligation to comply with legal regulations;
- Obligation to cease employing individuals directly engaged in insurance brokerage or agency activities;
- Obligation to surrender the establishment and operation licence or the licence for foreign representative offices in Vietnam;
- Obligation to return misappropriated funds.

## Decree No. 174/2024/ND-CP dated 30 December 2024 on sanctions for administrative violations in the insurance business sector

(v) A notable addition in Decree 174 is the principle for determining specific monetary fines for violations. According to Clauses 1 and 2, Article 5 of Decree 174, the determination of fines considers aggravating and mitigating circumstances, applying the following principles:

- In the absence of aggravating or mitigating circumstances, the average fine within the prescribed range shall apply;
- Where one mitigating circumstance exists, the fine shall be set between the average and the minimum of the prescribed range;
- Where two or more mitigating circumstances exist, the minimum fine shall apply;
- Where one aggravating circumstance exists, the fine shall be set between the average and the maximum of the prescribed range;
- Where two or more aggravating circumstances exist, the maximum fine shall apply.

### 3. Statute of limitations for sanctions

Article 4 of Decree 174 stipulates the statute of limitations for administrative sanctions as follows:



(i) For ongoing violations: the limitation period commences from the date the competent authority detects the violation;

(ii) For completed violations, the limitation period is calculated from the date the violation ceased. Notably, for serious violations such as falsifying documents to obtain establishment and operation licences, failure to implement risk management policies, or failure to comply with reporting and disclosure obligations, the cessation date is specifically determined to suit the nature of each violation.

(iii) The statute of limitations for administrative sanctions in the insurance business sector is two (2) years.



## Decree No. 174/2024/ND-CP dated 30 December 2024 on sanctions for administrative violations in the insurance business sector

### 4. Notable violations subject to administrative sanctions in the insurance sector

Decree 174 revises and supplements the catalogue of violations to ensure consistency with the amended, replaced, and repealed provisions of the Law on Insurance Business 2022. Accordingly, Chapter II of Decree 174 introduces additional notable violations, such as unauthorised provision of insurance products, breaches relating to insurance agency operations, failures in risk management, internal control, and audit, and non-compliance with solvency restoration measures.

Moreover, Decree 174 categorises violations based on their nature and severity, with notable examples including:

(i) Article 15 of Decree 174 strictly regulates fraudulent acts in insurance claim settlements and benefit payments, where such acts do not yet constitute criminal liability under Article 213 of the Penal Code 2015. The maximum fine for these acts reaches VND 200,000,000, including:

- Collusion with beneficiaries to unlawfully settle insurance claims or pay benefits;
- Forgery of documents or intentional misrepresentation to deny insurance claims or benefits after an insured event occurs;
- Forgery of documents or intentional misrepresentation in claim or benefit applications;
- Deliberately causing damage to one's property or health to obtain insurance benefits.



## Decree No. 174/2024/ND-CP dated 30 December 2024 on sanctions for administrative violations in the insurance business sector

(ii) Violations concerning the provision of information and explanations in insurance contracts are more rigorously regulated under Clause 2, Article 16 of Decree 174, compared to Decree 98:

- Failure to provide required documents or failure to clearly and fully explain to policyholders their insurance benefits, exclusion clauses, rights, and obligations at contract conclusion may result in substantial fines of up to VND 100,000,000 for organisations. This provision addresses prior instances where insurers or individuals in the insurance sector withheld information to avoid liability under exclusion clauses, leaving policyholders unaware of the contractual terms.
- Remedial measures include mandating the provision of contract documentation and requiring clear, comprehensive explanations to policyholders regarding their rights and obligations under valid contracts.

(iii) Sanctions for violations relating to managerial personnel in insurance brokerage enterprises have significantly increased from VND 60,000,000–70,000,000 to VND 140,000,000–180,000,000 under Article 10 of Decree 174, including:

- Appointing individuals as Chairman of the Board, Director, or General Director who fail to meet legal qualifications;
- Changing senior management personnel without prior written approval from the Ministry of Finance, thereby ensuring stability and transparency in corporate governance.

(iv) Additionally, violations of anti-money laundering, counter-terrorist financing, and prevention of proliferation of weapons of mass destruction regulations within the life insurance sector have been supplemented and enhanced. These provisions support the implementation of Vietnam's National Action Plan to fulfil commitments on anti-money laundering, counter-terrorist financing, and counter-proliferation, as stipulated under Decision No. 194/QĐ-TTg.

Decree 174 represents a significant advancement in improving the legal framework governing insurance business activities in Vietnam. Through its comprehensive system of sanctions, clear categorisation of violations, and stringent enforcement mechanisms, Decree 174 strengthens transparency, regulatory discipline, and the effectiveness of supervision across the insurance industry.

# LEGAL NEWSLETTER

## JUNE 2025

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