



LEGAL NEWSLETTER

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Key highlights of digital litigation procedures under Resolution No. 01/2026/NQ-HĐTP

The regulation of litigation and judicial administrative procedures in the digital environment reflects the digital transformation in the operations of the court system, aiming to improve the efficiency of case resolution while making litigation more convenient, transparent, and easier to manage.

In this context, Resolution 01/2026/NQ-HĐTP has supplemented and clarified many important issues related to the implementation of litigation procedures on electronic platforms, particularly on scope of application, legal validity, electronic documents and evidence, and methods of implementation. These provisions create a foundation for the uniform application of digital litigation in practice.

1. Expanded scope of regulation

Under Resolution No. 01/2026/NQ-HĐTP, the scope of procedural and judicial administrative activities conducted in the digital environment has been more clearly defined and significantly expanded compared to previous regulations.

Accordingly, procedures now include not only the submission and receipt of petitions, service of process, or exchange of documents, but also other important litigation activities carried out on electronic platforms. This creates a foundation for parties involved in litigation to exercise their rights and obligations more flexibly.

Specifically, pursuant to Article 1, Clause 1 of Resolution 01/2026/NQ-HĐTP, litigation and judicial administrative procedures at the court conducted in the digital environment include:



Key highlights of digital litigation procedures under Resolution No. 01/2026/NQ-HDTP

Filing lawsuits, petitions, appeals, requests, recommendations, complaints, denunciations (hereinafter collectively referred to as petitions);

Providing and submitting documents and evidence;

Issuing, serving, and notifying documents;

Paying advances of court fees, charges, litigation costs; paying court fees, charges, litigation costs;

Hearings and trials to resolve cases and matters;

Issuing extracts and copies of judgments and decisions;

Delivering and receiving case files, documents, evidence, and litigation papers between courts;

Digitizing and archiving case files, documents, evidence, and litigation papers;

Other litigation and judicial administrative procedures as prescribed by law and guided by the Supreme People's Court.

It can be seen that the application of the digital environment is no longer limited to a few isolated procedures but has expanded to cover many important litigation activities. Compared to Resolution 04/2016/NQ-HDTP (*which expired on March 1, 2026*), Resolution 01/2026/NQ-HDTP has significantly broadened the scope of regulation for litigation procedures in the digital environment.

2. Legal validity of electronic procedures and electronic evidence ensured equivalent to traditional methods

One of the core points of Resolution 01/2026/NQ-HDTP is the clear affirmation of the legal validity of procedures carried out in the digital environment.

According to Clause 2, Article 4 of Resolution 01/2026/NQ-HDTP, litigation and judicial administrative procedures conducted in the digital environment have the same legal validity as other methods in accordance with the law. Accordingly, litigation activities conducted in the digital environment, if meeting the prescribed conditions, will have the same legal validity as those carried out by traditional methods.

This not only legitimizes the electronic litigation process but also provides assurance for parties when using this method. At the same time, the recognition of electronic documents, and electronic evidence contributes to gradually reducing reliance on paper records in the practical resolution of cases.

Key highlights of digital litigation procedures under Resolution No. 01/2026/NQ-HDTP

3. Simplifying procedures and enhancing transparency

Resolution 01/2026/NQ-HDTP not only regulates methods of implementation but also sets out guiding principles. Notably, it requires ensuring transparency and objectivity, while optimizing time and costs for participants in litigation.

According to Clause 4, Article 4 of Resolution 01/2026/NQ-HDTP, the court does not require the re-submission of documents already managed by the court, or those readily shared by other state agencies, or information and data already authenticated through national databases or sectoral data; or standardized and interconnected data between courts.

In practice, this principle significantly reduces the need to prepare duplicate files, limits situations where authorities request additional documents, and shortens unnecessary steps in the litigation process. As a result, participation in litigation in the digital environment can become more proactive and efficient for the parties involved.

4. Method of implementation and responsibilities of litigation participants

Resolution 01/2026/NQ-HDTP allows individuals and organizations to choose whether to carry out litigation procedures in the digital environment or by traditional methods.

However, this choice is not entirely flexible throughout the litigation process. Once the electronic method has been chosen, participants in litigation are, in principle, required to maintain that method, except where there are legitimate reasons and the court accepts such change (*According to Clause 5, Article 4 of Resolution 01/2026/NQ-HDTP*).

At the same time, participants in litigation must ensure the accuracy of the information provided, proactively monitor the case handling process on the system, and promptly respond to requests from the court. This sets higher requirements for proactivity and compliance in the digital environment (*According to Clause 6, Article 4 of Resolution 01/2026/NQ-HDTP*).

Key highlights of digital litigation procedures under Resolution No. 01/2026/NQ-HĐTP

5. Recognition of electronic evidence and digitization of case files

Another notable point is that Resolution 01/2026/NQ-HĐTP explicitly recognizes the legal value of electronic evidence and electronic documents.

According to Clause 3, Article 3 of Resolution 01/2026/NQ-HĐTP, **an electronic document** is a document created, sent, received, or stored in the form of a data message.

According to Clause 4, Article 3 of Resolution 01/2026/NQ-HĐTP, **electronic evidence** is evidence presented in the form of a data message, collected, preserved, and submitted by agencies, organizations, or individuals to the court in accordance with legal procedures, which the court uses as a basis to determine the objective facts of

Thus, this provides an important legal foundation for documents created and stored in data form to be used in the process of resolving cases. In addition, the provisions on conversion between paper documents and data messages, as well as the storage of electronic case files, demonstrate a long-term orientation toward building a digital litigation records system.

6. Significance of the change compared to previous regulations

The expansion of the scope of litigation and judicial administrative procedures conducted in the digital environment under Resolution 01/2026/NQ-HĐTP demonstrates a significant change compared to previous regulations. Whereas previously, the application of electronic means in litigation mainly focused on certain activities such as submitting and receiving petitions or exchanging documents and evidence, the current scope has been broadened to cover many important activities throughout the entire process of resolving cases and matters.

This change has practical significance in that it enables parties involved in litigation to exercise their rights and obligations more flexibly, reducing dependence on direct implementation at the court. At the same time, the recognition and widespread application of procedures in the digital environment also contribute to enhancing transparency, in line with the trend of digital transformation in judicial activities.

Thus, Resolution No. 01/2026/NQ-HĐTP has initially established a clearer and more feasible framework for the implementation of procedural and judicial administrative activities in the digital environment. The expansion of the scope of application, assurance of the legal validity of electronic procedures, and promotion of shared data usage enable parties to be more proactive in exercising their litigation rights and obligations.

In the context of strong digital transformation, understanding and correctly applying these provisions will have practical significance for organizations and individuals participating in court procedures, particularly in saving time and costs and reducing obstacles that may arise during implementation.

Key new provisions of Decree No. 96/2026/ND-CP Guiding the Law on Investment

Following the official entry into force of the Law on Investment No. 143/2025/QH15, on 31 March 2026, the Government promulgated Decree No. 96/2026/ND-CP detailing and providing guidance on the implementation of a number of provisions of the Law on Investment.

Decree No. 96/2026/ND-CP clarifies the procedures and processes for implementation, thereby contributing to the refinement of the legal framework for relevant agencies, organizations, and individuals to apply in practice. Through this article, TNTP highlights several notable new provisions introduced under Decree No. 96/2026/ND-CP.

1. Supplementation of sectors and trades subject to market access restrictions and investment incentives

Decree No. 96/2026/ND-CP updates the list of business sectors, including those subject to market access restrictions applicable to foreign investors, as well as sectors eligible for investment incentives.

a. Sectors and trades subject to market access restrictions for foreign investors

With respect to sectors and trades subject to market access restrictions for foreign investors, pursuant to Articles 17 and 18 of Decree No. 96/2026/ND-CP, market access by foreign investors is determined based on the list of restricted sectors and trades set out in Appendix I issued together with Decree No. 96/2026/ND-CP.

The list of sectors and trades subject to market access restrictions continues to be divided into two categories:

- Sectors and trades in which market access is not yet permitted; and
- Sectors and trades subject to conditional market access.

The list of sectors and trades subject to market access restrictions for foreign investors promulgated together with Decree No. 96/2026/ND-CP has been amended as follows:

- Removal of two (02) sectors and trades from the list of sectors and trades in which market access is not permitted, thereby narrowing the scope of absolutely prohibited sectors;
- Expansion of the list of sectors and trades subject to conditional market access, from 59 sectors and trades to 62 sectors and trades.

These adjustments both broaden market access opportunities for foreign investors and ensure the continued exercise of State control.

Key new provisions of Decree No. 96/2026/ND-CP Guiding the Law on Investment

b. Sectors and trades eligible for investment incentives

In addition to revising the list of sectors and trades subject to market access restrictions, Decree No. 96/2026/ND-CP also supplements and updates the list of sectors and trades eligible for investment incentives as set out in Appendix II, specifically as follows:

Addition of sectors and trades to the category of sectors entitled to special investment incentives, particularly those relating to high technology, information technology, and supporting industries;

Concurrently, the Decree expands the list of incentivized sectors and trades across multiple fields, including:

- Science and technology, electronics, mechanical engineering, material manufacturing, and information technology;
- Agriculture;
- Environmental protection and infrastructure development;
- Education, culture, social affairs, sports, and healthcare.

The supplementation and expansion of this list reflect the State's clear policy orientation to prioritize investment attraction in key sectors that have significant impacts on economic growth and sustainable development. However, investors must accurately determine the applicable incentivized sectors and ensure continued compliance with the conditions for entitlement to such incentives throughout the implementation of their investment projects.



Key new provisions of Decree No. 96/2026/ND-CP Guiding the Law on Investment

2. Detailed guidance on the establishment of economic organizations by foreign investors prior to the issuance of an Investment Registration Certificate

The Law on Investment 2025 establishes a mechanism permitting foreign investors, in certain cases, to establish an economic organization prior to the issuance of an Investment Registration Certificate. Accordingly, foreign investors may choose between two approaches for implementing investment procedures, including

Option 1: Carry out procedures for obtaining an Investment Registration Certificate (IRC) prior to establishing an economic organization to implement the investment project;

Option 2: Establish an economic organization first, and subsequently carry out procedures for obtaining an Investment Registration Certificate.

Article 72 of Decree No. 96/2026/ND-CP provides detailed elaboration and guidance on the procedure and conditions applicable to the option of establishing an economic organization prior to carrying out procedures for the issuance or amendment of an Investment Registration Certificate, specifically as follows:

With respect to the dossier, the procedure for the establishment of an economic organization shall comply with the laws on enterprises or other relevant laws corresponding to each type of economic organization. In this case, the enterprise registration dossier must be accompanied by a commitment to satisfy market access conditions applicable to foreign investors;

In addition, within twelve (12) months from the date of establishment of the economic organization in accordance with regulations, such economic organization must complete the procedure to obtain an Investment Registration Certificate for the implementation of an investment project consistent with its registered business lines, and may only amend its enterprise registration to expand new business after the Investment Registration Certificate has been granted.

This provision indicates that, although the law allows foreign investors flexibility in selecting the sequence of implementation, it still maintains regulatory oversight over investment activities, ensuring that project implementation complies with applicable legal conditions.

Key new provisions of Decree No. 96/2026/ND-CP Guiding the Law on Investment

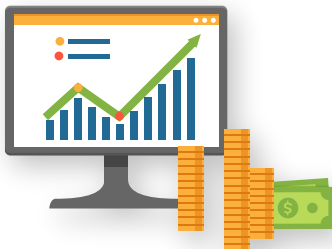
3. Enhanced Decentralization to Local Authorities in Determining Investment Incentives

A notable new feature of Decree No. 96/2026/ND-CP is the introduction of specific criteria and principles for determining areas eligible for investment incentives, thereby clarifying the basis for the application of location-based incentive policies. Pursuant to Clause 1, Article 22 of Decree No. 96/2026/ND-CP, the list of areas eligible for investment incentives includes areas with extremely difficult socio-economic conditions and areas with difficult socio-economic conditions.

The Decree also demonstrates a clear trend toward stronger decentralization to local authorities in determining incentivized areas. Under Clause 8, Article 22, the provincial-level People's Committees are responsible for, based on the prescribed criteria, identifying and promulgating the list of areas eligible for investment incentives down to the commune level, and submitting such information to the Ministry of Finance for monitoring and consolidation.

This provision marks a shift from a centralized determination mechanism to a more flexible approach, enabling local authorities to take a proactive role in identifying areas entitled to investment incentives, thereby attracting investors in alignment with actual local development conditions.

It can be seen that Decree No. 96/2026/ND-CP is not merely an instrument guiding the implementation of the Law on Investment 2025, but also clearly reflects the State's regulatory orientation toward improving the investment environment in a manner that is transparent and flexible, while still ensuring effective oversight. However, such flexibility is accompanied by increased expectations for proactiveness and accountability on the part of investors.



Mortgage the debt collection right

In today's social life, civil transactions take place very frequently, and so does the debt in civil transactions. Among them, cases where the person has the right to collect debts from the person who is obliged to pay appears more (such as debts from the sale of assets, loans, service fees,...) and from the incurrance of these debts, creditors can carry out civil transactions with other subjects (third parties) using the debt collection right to secure their civil obligation.

In this article, TNTP will analyze the topic of "mortgage of debt collection rights" based on the provisions of Vietnamese law so that readers have more perspectives on this issue.

1. The concept of mortgage, debt collection rights

The concept of mortgage

The concept of "mortgage" is based on Clause 1, Article 317 of the Civil Code 2015: "Mortgage of property is the use of property owned by one party (hereinafter referred to as the mortgagor) to secure the performance of obligations and does not hand over the property to the other party (hereinafter referred to as the mortgagee)".

Regarding collateral, Article 346 of the Civil Code 1995 stipulates that the mortgaged property is only real estate owned by the obligor, and the Civil Code 2005 and the Civil Code 2015 have eliminated this requirement.

The concept of debt collection rights

According to Article 105 of the Civil Code 2015, "property" is stipulated, which includes property rights, however, Vietnamese law does not specify the concept of "debt collection rights". It can be understood that the debt collection rights is a special asset expressed in an intangible form and allows the party with the right to request the other party to pay the debt to fulfil their obligations.

Thus, the mortgage of the right to collection debts is a form of security, whereby the mortgagor will mortgage their debt collection right to the mortgagee to ensure the performance of obligations for the mortgagee.



Mortgage the debt collection right

2. Establishing a mortgage measure with the right to collect debts

Accepting the use of debt collection right to mortgage

According to Article 14 of Decree 21/2021/ND-CP stipulates that "The party with the right in the contract may use the right to collect debts, other receivables, and the right to request payment; the right to exploit and manage investment projects; the right to lease or sublease; the right to enjoy yields, incomes and other benefits of money formed from the contract; the right to compensation for damages; other rights to be valued in money arising from the contract to secure the performance of obligations". From this provision, creditors have the right to mortgage their debt collection right to other third parties.

In addition, according to Clause 2, Article 365 of the Civil Code 2015, Article 33 of Decree 21/2021/ND-CP stipulates: "The mortgage with the right to collection debts, receivables, and other rights to request payment does not require the consent of the obligor, but this person must be notified by the mortgagee before performing the obligation as agreed or in accordance with the provisions of the law". Accordingly, the creditor can mortgage the right to collect debt to a third party without the consent of the obligor to pay the debt. When making this transfer, the creditor needs to notify the obligor.

From the above provisions, the creditor can mortgage his right to collect debt to a third party without the consent of the party obliged to pay, if there is no other agreement, the creditor is obliged to notify the debtor in writing of this change.



Mortgage the debt collection right

Forms of the mortgage

According to Article 318 of the Civil Code 2015 and Article 22 of Decree 21/2021/ND-CP, the form of mortgage transactions is significantly relaxed. The mortgage contract is only required to be notarized or authenticated when prescribed by specialized laws or according to the needs of the parties. In the remaining cases, the transaction is valid on the basis of agreement or at the time of entering into it, not required in form including actual words or acts.

Since then, in the current Vietnamese law, the "mortgage of debt collection rights" has the flexibility to allow the parties to freely agree on a form suitable to the nature of each type of property.

3. Handling the mortgage of debt collection right

Regarding the request of the obligor, according to Clause 2, Article 54 of Decree 21/2021/ND-CP stipulates that "the secured party has the right to request a third party, which has the obligation to pay, to transfer the amount or property to the secured party. The secured party must prove its rights in case the obligor requests", that is, the mortgagee has the right to collect debts for these debts from the mortgator's obligor. And if there is a request from the obligor, the secured party needs to prove this right to the requesting party.

Above is the article "**Mortgage of debt collection rights**" that TNTP sends to readers. If you have any information to discuss, please contact TNTP for answers.

Best regards.

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 *Dispute Settlement And Debt Collection*