

**AMENDEMENT OF LAW ON ADMINISTRATIVE PROCEDURES 2020:**

**THE RIGHT TO INITIATE ADMINISTRATIVE LAWSUITS FOR VIOLATIONS IN  
AUDIT ACTIVITIES OF STATE AUDIT OFFICE OF VIETNAM (SAV)**

**O**n 26th of November, 2019, National Assembly has ratified the Amendment of Law on State Audit of Vietnam. As a consequence, there are many supplements and amendments to Law on Administrative Procedures 2015 (hereinafter referred to as "Amended Law on Administrative Procedures"). These new regulations will enter into force on 1st of July, 2020. In particular, the aim of the Amendment of Law on Administrative Procedures is to provide:

- (i) Supplements to the subjects of application of the administrative lawsuits with the "Decision on settlement of the complaints in audit activities of SAV";
- (ii) Supplements to cases when the person conducting the procedure will be required to reject such a conduction or to be replaced in case he/she "has participated in making audit reports, making a decision to settle the complaints about the instituted governmental auditing activities";
- (iii) Supplement of the provisional emergency measure to: "Partly or wholly suspend the execution of the audit decision, opinion of SAV" in administrative procedures;

Accordingly, the above specified the implementation of the measure of "Partly or wholly suspend the execution of audit decisions, opinions of SAV if finding grounds that the partly or wholly execution of such decision shall result insurmountable material consequences";

- (iv) Expansion of the competence of the Trial Panels, as well as the competence to review the rulings of the Judicial Council of the Supreme People's Court.

In conclusion, the Amended Law on Administrative Procedures supplemented the following issues:

- (a) To accept parts or the whole petition, annul parts or the whole settlement of the decision regarding the complaints of such decision in governmental auditing activities under the Law on Competition, Law on State Audit of Vietnam and other relevant laws;
- (b) To compel an agency or organization to bear the costs associated with the compensation for damages, restore the lawful rights and interests of the agency, organization or individual which are infringed upon by the unlawful estimation, confirmation, and conclusion of the chief, team leaders, or members of the audit delegation.

**If you are interested in the content of this newsletter or you need professional legal advice, please feel free to contact with LuatViet as information follows:**

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