

VIETNAM GRP ASSESSMENT



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Vietnam GRP Assessment

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FOREWORD

Good Regulatory Practice (GRP) is fundamental to ensuring that rules and regulations are not only effective and equitable but also streamlined and manageable. GRP creates a transparent, accountable regulatory framework that encourages innovation, minimizes administrative burdens, and stimulates economic growth. By fostering a fair, predictable regulatory environment, GRP also enhances public trust, supports sustainable development, and ensures that regulatory measures are responsive to the changing needs of society and the economy. Vietnam is a dynamic, fast-growing economy in the ASEAN region, with the vision of becoming a high-income country by 2045. Achieving this goal requires enhancing productivity and competitiveness, which are closely linked to the quality and efficiency of the regulatory system. Regulatory reform has therefore been promoted by the Vietnamese government since the late 1980s. GRP is considered a crucial tool to help Vietnam create a high-quality regulatory environment to achieve its national development goals.

This report is the result of the APO In-country Technical Expert Services on the Assessment of Vietnam's GRP Implementation. Prepared by Faisal Naru, Co-founder and Director of Think Test Do, UK, with invaluable inputs from Dr. Vu Minh Khuong, Associate Professor, Lee Kuan Yew School of Public Policy, National University of Singapore, and the Directorate for Standards, Metrology and Quality of Vietnam, it encapsulates expert insights and informed perspectives on Vietnam's regulatory landscape and GRP implementation, highlighting achievements and areas for improvement.

Readers will discover a comprehensive exploration of GRP, including a thorough assessment of its current implementation in Vietnam and insightful recommendations for enhancing regulatory frameworks. This analysis aims to inform policymakers, stakeholders, and the wider community about the state of GRP in Vietnam, providing clear pathways to more effective, efficient regulatory practices. By elucidating the nuances of GRP and its applications, the findings serve as a valuable

resource for driving informed decision-making and fostering a robust regulatory environment in Vietnam and beyond.

The APO extends gratitude to all contributors for their dedication and expertise. We hope that this report not only sheds light on the current state of GRP in Vietnam but also acts as a catalyst for continued improvement and innovation in this crucial area.

Dr. Indra Pradana Singawinata
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INTRODUCTION

This report provides an assessment of Good Regulatory Practice (GRP) in Vietnam conducted by/for the Asian Productivity Organization (APO). The purpose of the report is to map current GRP practices and their implementation to make recommendations for improvement.

The report utilizes the ASEAN GRP principles as its primary framework for assessment and benchmarking. While Vietnam has undertaken a number of GRP activities successfully, most notably in the area of administrative procedure reforms and reduction, improvement in other areas could provide a more comprehensive GRP system. Key recommendations for Vietnam to enhance its GRP efforts take a cross-government approach. Several short-term measures for better GRP implementation are also provided.

The research on which this report is based was conducted by Faisal Naru, Director and Co-Founder of Think Test Do and a global expert on GRP, especially within the ASEAN region. The report benefited from inputs and comments from Dr. Vu Minh Khuong, Associate Professor LKYSPP, National University of Singapore, a well-known international scholar on economic development and policy analysis; and the Directorate for Standards, Metrology and Quality of Vietnam (STAMEQ) under the Ministry of Science and Technology (MOST).

GOOD REGULATORY PRACTICE

What Is GRP?

Good Regulatory Practice (GRP) is the application of regulatory and rule-making tools that seek to enhance the achievement of national development goals.

Rules and regulations are essential for a well-functioning modern society. They ensure safety, security, justice, and fairness as key pillars of society. However, badly developed rules and regulations can hinder the effectiveness of these pillars as well as create barriers to national socioeconomic development. GRP has been used internationally to ensure that rules and regulations are fit for purpose, not burdensome, equitable, and achieve the positive impacts that they were designed to accomplish.

GRP, the term used across ASEAN and APEC, is known by many other terms such as “Better or Good Regulation” (e.g., EU, UK), “Regulatory Policy or Governance” (e.g., OECD), “Regulatory Reform” (e.g., USA, ROK), and “Regulatory Management/Stewardship and Best Practice Regulation” (e.g., New Zealand). GRP principles vary across countries, but their purpose is to ensure transparency and accountability in the regulatory system and avoid negative consequences from regulatory actions by the state. The principles provide a “whole-of-government” approach toward regulating and are adhered to by regulatory actors throughout government (Table 1).

TABLE 1

EXAMPLES OF GRP PRINCIPLES.

ASEAN:

1. Clarity in policy rationale, objectives, and institutional frameworks
2. Benefits that justify costs and are least distortive to markets
3. Consistent, transparent, and practical
4. Support regional regulatory cooperation
5. Promote stakeholder engagement and participation
6. Subject to regular review for continued relevance, efficiency, and effectiveness

Source: ASEAN Guidelines on GRP [1].

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Malaysia:

1. Government intervention necessary and justifiable
2. Accountability
3. Transparency, accessibility, and effective stakeholder consultation
4. Benefits outweigh costs
5. Proportionality



Source: Best Practice Regulation Handbook [2].

New Zealand:

1. Proportional
2. Flexible
3. Durable
4. Certain and predictable
5. Transparent and accountable
6. Capable regulators
7. Growth focused



Source: Best Practice Regulation Principles [3].

Singapore:

1. Serving the nation with competence and commitment
2. Upholding trust
3. Pursuing excellence
4. Improving service delivery
5. One Public Service



Source: Government and Regulations [4].

There are number of key GRP tools and processes that are part of national GRP systems (Table 2):

- 1) A system of reviewing existing rules and regulations (ex-post evaluation and burden review);
- 2) A system for checking and improving new rules and regulations (ex-ante assessment);
- 3) A method for allowing consultation and comment with key stakeholders (stakeholder engagement);

- 4) Initiatives for improving regulatory implementation (compliance, enforcement, and inspection); and
- 5) An approach for innovative practices in regulatory management (e.g., agile regulations, ethical-based regulations, behavioral insights, strategic foresight).

TABLE 2

GRP PROCESSES AND TOOLS.

GRP Processes	GRP Tools
A system of reviewing existing rules and regulations	Ex-post evaluation Administrative burden review and reduction programs
A system for checking and improving new rules and regulations	Regulatory impact assessment/analysis/statement
A method for allowing consultation and comment with key stakeholders	Public consultation Notice and comments
Initiatives for improving regulatory implementation	Compliance strategies Enforcement and inspection reforms Agile regulation
An approach for innovative practices in regulatory management	Regulatory sandbox Ethical/principle-based regulation Behavioral insights Strategic foresight

Why GRP Is Important for Vietnam

Regulatory reform is seen as a crucial driver of Vietnam’s development. Vietnam’s rapid advances since “*Doi Moi*” were largely driven by unprecedented regulatory reforms. Those reforms fostered economic growth, enhanced global integration, nurtured private-sector development, modernized infrastructure, attracted FDI, and bolstered export competitiveness. For the country to continue this successful momentum and achieve the vision of becoming a high-income nation by 2045, further profound regulatory reforms are an urgent strategic imperative.

GRP has been under the government's consideration as an important component for Vietnam's development over the next few years. In 2021, the Prime Minister stressed that GRP would help Vietnam to:

- 1) create a favorable business environment for all economic sectors;
- 2) achieve digital transformation-based sustainable growth with a focus on environmental protection, climate change adaptation, and increasing labor productivity;
- 3) uphold a people-centered approach to development;
- 4) build a technology-based economy with further integration into the world economy; and
- 5) pursue self-resilient diplomacy and multilateralism, while being a responsible member of the international community [5].

Regionally and globally, GRP is also seen as a key driver of productivity, economic growth, and public service outcomes [6].

GRP Framework

This report provides an assessment of GRP practices in Vietnam with a focus on both the principles for GRP as well as the adoption and use of GRP tools. The principles used here are based on those from ASEAN, but also take account of Vietnam's previous and ongoing efforts on GRP. It also considers the most recent priorities set for GRP by the Prime Minister of Vietnam in 2021. The GRP framework for this assessment includes Vietnam's activities in:

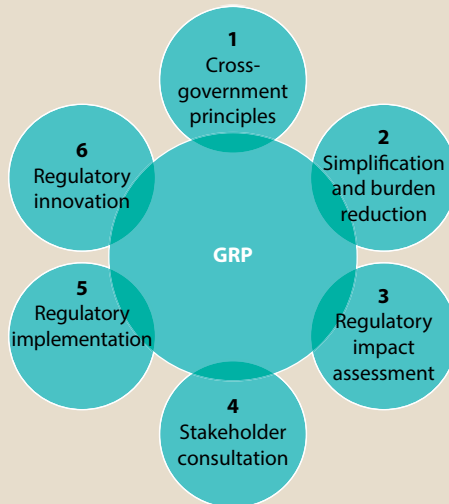
- 1) Cross-government principles for GRP;
- 2) Simplification and reduction of existing rules and regulations;
- 3) Review and explanation of new rules and regulations;
- 4) Transparency and input from stakeholders;

- 5) Enhancement of regulatory implementation; and
- 6) Innovation in regulatory management.

This GRP framework is based upon international best practices in GRP and benchmarking with the ASEAN GRP principles and Vietnam’s GRP objectives.

TABLE 3
GRP ASSESSMENT FRAMEWORK BENCHMARKS.

GRP Framework Logic	ASEAN GRP Principle Benchmark	Vietnam GRP Objective
Cross-government principles for GRP	ASEAN GRP Principle 1 ASEAN GRP Principle 4	Pursuing self-resilient diplomacy, multilateralism, and being a responsible member of the international community (5)
Simplification and reduction of existing rules and regulations	ASEAN GRP Principle 6	Creating a favorable business environment for all economic sectors (1)
Review and explanation of new rules and regulations	ASEAN GRP Principle 2	Creating a favorable business environment for all economic sectors (1)
Transparency and input from stakeholders	ASEAN GRP Principle 5	Upholding a people-centered approach for development (3)
Enhancement of regulatory implementation	ASEAN GRP Principle 3	Creating a favorable business environment for all economic sectors (1)
Innovation in regulatory management	ASEAN GRP Principle 3	Digital transformation-based sustainable growth with a focus on environmental protection, climate change adaptation, and increasing labor productivity (2) Building a technology-based economy with further integration into the world economy (4)

FIGURE 1**GRP ASSESSMENT FRAMEWORK.****GRP Assessment Methodology**

The GRP assessment was conducted through a survey completed by Vietnamese authorities through the Directorate for Standards, Metrology and Quality of Viet Nam (STAMEQ), a governmental agency under the Ministry of Science and Technology (MOST). The survey examined the six areas of the GRP Assessment Framework with responses and evidence provided by the relevant Vietnamese authorities. Interviews and discussions were also conducted with stakeholders including the Administrative Procedure Control Agency (APCA) and Phu Nhuan District People’s Committee. This was supplemented by desk research and analysis by Think Test Do, an expert consultancy agency operating in Southeast Asia and worldwide. The analysis in the report also benefited from expert input from Dr. Vu Minh Khuong, Associate Professor at the Lee Kuan Yew School of Public Policy, National University of Singapore.

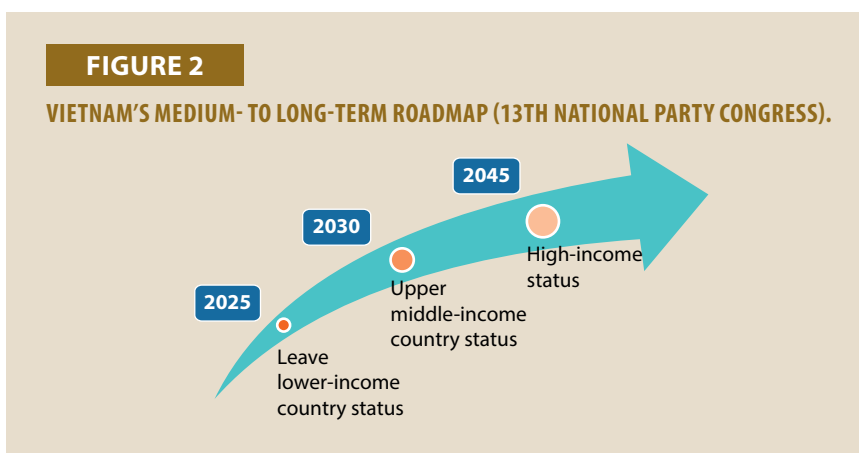
The results of the data collection and evaluation under the GRP assessment framework are given in this report.

GRP ASSESSMENT IN VIETNAM

GRP in Vietnam

Vietnam started its regulatory reform in the late 1980s, when the *Đổi Mới* (Renovation) policy began the transition from a centrally planned to a “socialist-orientated market economy” [7]. More recently, at the 13th National Party Congress (January–February 2021), a resolution was adopted providing Vietnam’s medium- to long-term roadmap (Figure 2). Vietnam’s target is to transition from a lower middle-income country by 2025, which coincides with the 50th anniversary of national reunification. Vietnam aspires to become a developing nation with upper middle-income status by 2030, which coincides with the 100th anniversary of the Party’s founding. Finally, Vietnam aims to be a developed, industrialized country with high-income status by 2045, which will be the 100th anniversary of independence.

Since the 1990s, Vietnam has achieved strong growth rates, which were sustained at around 5% (annual per capita real GNI growth) between 1995 and 2019. To achieve the 2045 ambition of high-income status, this would be required to increase to over 5% [8]. This economic growth will require productivity enhancement, industrial and human capital development, market efficiency, and innovation enabling measures at the national, regional, and international levels.



A high-quality regulatory environment in Vietnam will act as an enabler to achieve the various socioeconomic development targets. GRP is therefore critical for building and maintaining conditions conducive to national goals. On 17 April 2024, Minister of Home Affairs Pham Thi Thanh Tra, Standing Deputy Head of the Government's Administrative Reform Steering Committee, emphasized that Vietnam must focus on institutional and policy reforms to remove bottlenecks during a conference announcing the Public Administration Reform Index (PAR Index) and noting the Satisfaction Index of Public Administrative Services (SIPAS) in 2023 [9].

Cross-government Principles for GRP

Vietnam has not published or established an explicit policy or set of principles for GRP. It has made commitments to improving its regulatory environment through a number of regional and international cooperation agreements, as well as through national efforts and strategies.

GRP is important in achieving Vietnam's medium- to long-term roadmap culminating in becoming a high-income country by 2045, as stated by the Prime Minister in 2021, in particular through creating a favorable business environment for all economic sectors with a people-centered approach [5]. Vietnam has undertaken sector-based activities that implement GRP. For example, the 2017 Law No. 04/2017/QH14 [10] on Support for Small and Medium-sized Enterprises that was implemented in 2018 contains elements of GRP such as simplified tax administrative procedures, transparency, and access to information such as on the SME web portal and government websites. It also seeks to support innovation such as incubators and startups under the law itself. The law is subject to an annual report (ex-post), which leads to further improvements in regulatory requirements such as the simplification of registration processes and a number of other amendments that were in the 2015 Government Decree No. 78/2015/ND-CP [11] and were subsequently amended for a better regulatory environment in the 2018 Decree No. 108/2018/ND-CP [12].

Within the ASEAN region, Vietnam is looking to be part of the ASEAN Single Window [13] and integrating its own National Single Window [14]. Vietnam was supportive of the ASEAN adoption of the GRP work plan in 2017 [15] and has been an active member of the ASEAN-OECD network on GRP, hosting the 6th meeting of the network in 2020 [16]. Vietnam has also committed to

“promoting the application of good regulatory practices” in its 2016 and updated 2018 APEC Individual Action Plan (IAP) under the Renewed APEC Agenda for Structural Reforms (RAASR) 2016–2020 [17].

There are also provisions on improving regulatory quality and the business environment in the Regional Comprehensive Economic Partnership (RCEP) [18] and Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) [19] to which Vietnam is a signatory. Vietnam has harmonized 60% of its 13,000 standards with regional and international standards to improve regulatory cooperation and coherence [20].

While Vietnam has made significant commitments and efforts to enhance the quality of policy and regulations, with some practices of GRP, principles and regulations for GRP to be a norm in the regulatory development of Vietnam have not been established.

Simplification and Reduction of Existing Rules and Regulations

Vietnam has had continuous reduction programs for administrative procedure burdens since 2007. The latest program seeks to review the entire regulatory system for simplification by 2025. The connection between administrative procedure control and other GRP efforts has not been leveraged or connected to maximize their collective impact in Vietnam.

The reduction programs of administrative procedure burdens have been led by the Administrative Procedure Control Agency (APCA), which is located within the Office of the Government (OOG). The APCA was set up in 2007 to implement the first burden reduction program, called Project 30, which sought to reduce burdens by 30% between 2007 and 2010. Project 30 created the National Database for Administrative Procedures and recorded more than 5,700 administrative procedures, 9,000 regulating documents, and 100,000 inventory forms at all four levels of government. The compliance cost savings of the recommended reform package communicated to the National Assembly in 2010 showed an estimated burden reduction of USD1.4 billion per year [21]. Project 30 was followed by a second burden reduction program that reduced, reformed, and simplified 3,893 business conditions and 6,776 import–export-related regulations, resulting in savings of USD260 million per year [22].

In 2020, the Government of Vietnam issued Resolution 68/NQ-CP to cut or simplify business regulations by at least 20% between 2020 and 2025 [23]. The APCA within the OOG is coordinating this simplification program to review the entire regulatory system. The resolution requires ministries to make at least two reform proposals per year in sectors under their mandates. The APCA also has the authority to conduct independent reviews, and the Prime Minister sets priority reform areas every year. Decision No. 101/2023/QH15 of 24 June 2023 also includes the reinforcement of administrative reform, especially administrative procedures and further review and reduction of business conditions [24].

The APCA is also developing a database of business regulations for informing, reviewing, and reforming business regulations. The database will monitor the costs of these regulations to businesses, and any changes in those regulations will also show the related changes in costs to businesses, whether increases or decreases. The Government of Vietnam also launched the National Public Services Portal in 2019 [25].

Many of the latest activities are given in Circular 02/2017/TT-VPCP, a technical document guiding the publication of administrative procedures; review and evaluation of administrative procedures; establishment, management, and operation of the national administrative procedures database; operation and use of the information system for receiving and processing feedback and recommendations on administrative regulations; and review of the implementation of administrative procedure control measures [26].

The 2015 Law No. 80/2015/QH13 on the Promulgation of Normative Documents (Law on Laws) [27] also requires agencies to conduct regular reviews of existing regulations (Figure 3).

In 2021, the Prime Minister requested the Ministry of Justice to conduct revisions to laws that have created bottlenecks, and to create new impetus for development [28]. Vietnam's record of simplification and burden reduction is strong, although the various strands and entities have not been coordinated and conduct their reviews independently. Furthermore, the simplification and burden reduction efforts are not placed or connected with a wider GRP effort that can create greater momentum for change and efficiencies for reform.

FIGURE 3

ARTICLE 170 OF THE LAW ON THE PROMULGATION OF NORMATIVE DOCUMENTS (LAW ON LAWS).

Law No. 80/2015/QH13, Article 170: Reviewing and systematizing legal normative documents.

1. Every regulatory agency, within its competence, has the responsibility to review and systemize legal normative documents; suspend, annul, amend, and replace legal normative documents that are found illegitimate, inconsistent, expired, or no longer applicable with regard to socioeconomic conditions, or issue new legal normative documents. They may perform these tasks themselves or request a competent authority to do so.

All organizations and citizens are entitled to request competent authorities to consider suspending, annulling, amending, or replacing legal normative documents or issuing new legal normative documents.

2. Legal normative documents must be reviewed as frequently as possible. The systemization of legal normative documents must be carried out periodically in order to publish the collection of systemized, effective legal normative documents in a timely manner.
3. The Standing Committee of the National Assembly shall decide on overall review of the system of legal normative documents; other regulatory agencies shall review legal normative documents by topic, field, or geographic area as demanded.

Review and Explanation of New Rules and Regulations

Regulatory impact assessments (RIAs), which are a key GRP tool, were introduced in Vietnam in 2008. There is evidence that they have assisted in

improving the regulatory quality of specific laws, although the RIA system as a whole remains nascent and requires greater consistency across the rule-making process.

The requirement for agencies to produce RIAs when developing legal documents was included in the 2008 Law on Laws, which was updated in 2015 and amended in 2020 [29]. RIAs are one of the key GRP tools used to assess ex-ante the proposed outcomes of regulatory proposals including their costs, benefits, and impacts on key national priorities such as the environment, social equality, or disproportionate impacts on groups or sectors. RIAs are a systemic approach to such analyses and inputs into government decision-making [30].

The Ministry of Justice (MOJ) is responsible for assessing and coordinating law-making projects in Vietnam as a whole. The types of law-making projects under the jurisdiction of the Law on Laws were expanded and elaborated in the 2020 amendments. The 2016 Decree 34/2016/ND-CP provides further details and measures for the implementation of the Law on Promulgation of Legal Normative Document (Law No. 80/2015/QH13, dated 22 June 2015) and for RIAs. RIAs include the analysis of economic, social, gender, legal, and administrative impacts of draft proposals [31].

It is also a requirement that impact assessments be published. Laws are published on the National Assembly website [32]. Other legal documents are published on the MOJ and responsible agency websites. Support for implementing RIAs has been primarily from the MOJ, with assistance from various donors (e.g., USAID, GTZ) and other agencies such as CIEM and VCCI. This includes developing manuals and training workshops for government officials [33].

In 2022, the MOJ compiled a Guidance Document for evaluating RIA reports, with technical support from the ASEAN Economic Reform Program coordinated by the UK Department of Foreign Affairs and Development (FCDO) in conjunction with the UK Department for Business, Energy and Industrial Strategy (BEIS). This document focuses on building a system of criteria for evaluating RIA reports. This tool helps officials of the MOJ in reviewing and evaluating the quality of these reports in the process of appraising proposals for new legal documents or draft legal documents. Additionally, this guidance document can be used as a reference by other ministries and relevant government agencies to appraise RIA reports and enhance the quality of their

own RIA reports. According to Decree 63/2010/ND-CP, agencies proposing to introduce administrative procedures must send their proposals to the APCA along with an impact assessment before the proposals can be sent for appraisal [34]. This monitoring of AP impact assessment is part of the APCA's regular monitoring and reporting of AP reforms.

There is evidence of how RIAs have assisted in the development of specific laws. The RIA for the 2017 SME Support Law helped to calculate the costs and benefits of the policy proposal, such as corporate income tax for SMEs and support for SME-specific policy measures such as registration of household businesses and innovation. The RIA also assisted in the policy debates and deliberations with external stakeholders and within the National Assembly [35].

In 2022, Circular 03/2022/TT-BTP [36] provided guidance on the assessment of administrative procedure impacts in making proposals to develop legal documents and drafting projects and legal documents. This circular guides the assessment of impacts of administrative procedures. Decision No. 101/2023/QH15 of 24 June 2023 also requires strict control of the issuance of circulars and guidance documents, with no new procedures, “sublicenses,” standards, and technical regulations that are inappropriate and impractical [24].

The extent to which the systematic potential of the use of RIAs has been realized in Vietnam is not yet clear. While there is a strong legal foundation and examples of good practice exist, it is a GRP tool that can be enhanced to improve regulatory quality in Vietnam.

Transparency and Input from Stakeholders

Vietnam has had a culture of consensus building and consultation when it comes to regulating through the various institutions and measures in the Law on Laws. However, this can be made easier and more inclusive for stakeholders through enhancement of methods and the adoption of digital innovations to help the process of informing rule-making processes.

The Law on Laws [27] and its implementing Decree 34/2016/ND-CP [31] detail a number of requirements to be followed for public consultation in the development of legal and regulatory proposals. Article 6 of the Law on Laws states that:

1. Vietnamese Fatherland Front, Vietnam Chamber of Commerce and Industry, other associate organizations of Vietnamese Fatherland Front, and other agencies, organizations, and individuals are entitled and will be enabled to provide opinions about formulation of legal normative documents and draft legal normative documents.
2. During the formulation of legal normative documents, the drafting agencies and relevant organizations must enable other organizations and individuals to provide opinions about formulation of legal normative documents and draft legal normative documents and seek opinions from entities regulated by legal normative documents.
3. Opinions about formulation of legal normative documents and draft legal normative documents must be considered during the process of adjusting draft documents.

Article 10 in Section 2 of the implementing decree provides the requirements for the collection of opinions on proposals for formulation of legal documents and states that:

In the course of making a proposal for formulation of a legal document, the proposal-making agency shall:

1. Collect opinions of subjects directly affected by the policies determined in the proposal and of related agencies, organizations, and individuals as prescribed by the Law, and summarize, study, explain, and accept such opinions.
2. Clearly identify each policy in the proposal on which opinions need to be collected in conformity with each subject whose opinions shall be collected and addresses for receiving opinions.
3. Send a dossier of proposals for legal document formulation to ministries, ministerial-level agencies, government-attached agencies, and related agencies and organizations for proposals for formulation of legal documents of central agencies, or to specialized agencies under the provincial-level People's Committee, related line ministries, ministerial-level agencies, and other related agencies and organizations,

for proposals for formulation of resolutions of provincial-level People's Councils.

4. Send a dossier of proposals for legal document formulation to the Central Committee of the Vietnam Fatherland Front, for proposals for formulation of legal documents of central agencies, or to the provincial-level Committee of the Vietnam Fatherland Front, for proposals for formulation of resolutions of provincial-level People's Councils, or to the Vietnam Commerce and Industry, for proposals for formulation of legal documents related to rights and obligations of enterprises to collect their opinions.
5. Hold meetings to collect opinions on basic policies determined in the proposals when necessary.
6. Study opinions to finalize the proposal for legal document formulation. The explanatory report on acceptance of opinions shall be published together with other documents in the dossier of proposals for legal document formulation on the Government Portal, the e-portal of the concerned province or centrally run city, and the e-portal or website of the proposal-making agency.

While there is specific mention of consulting with the Vietnam Chamber of Commerce and Industry (VCCI), agencies are often very active engaging with other business and societal groups, which is a trait of the Vietnamese governance system. In the regulatory reform space, there is also the Prime Minister's Advisory Council for Administrative Procedures Reform (ACAPR), which holds regular meetings with stakeholders and includes domestic and foreign business organizations within its membership [37]. High-level forums have also been established to discuss the regulatory environment in Vietnam such as the Vietnam Reform and Development Forum [38] and Vietnam Business Forum [39].

The feedback on legal and regulatory proposals is assisted by the publication of impact assessments that explain clearly the consequences of proposals for stakeholders. There are specific portals, such as the National Assembly and APCA, that provide information and are avenues for consultation with stakeholders. With the digital and technological changes in how citizens and

organizations obtain information, there is an opportunity to enhance the effectiveness of consultation methods with digital innovation. Vietnam has embraced online channels to provide the public with draft laws and regulatory documents to solicit inputs for improvement. For example, the government portal has a dedicated webpage for this purpose (see <https://chinhphu.vn/du-thao-vbqpp1>). However, according to the provisions of Circular 03/2022/TT-BTP [36] of 2022, the impact assessment of administrative procedures is conducted during the process of drafting projects and draft documents and must be completed before sending documents to the appraisal agency. There are no specific regulations on collecting public comments on this type of assessment report.

In 2020, Resolution 68/NQ-CP was passed to reduce and simplify regulations related to business activities in the period 2020–25. It approaches reform in a new way, not only reforming individual regulations currently in effect but also comprehensive, systematic reform of project regulations, draft legal documents, and the implementation of those regulations in practice. This resolution sets the goal of reducing and simplifying at least 20% of regulations and cutting at least 20% of regulatory compliance costs related to business activities in Vietnam from 2020 to 2025 [40].

Enhancement of Regulatory Implementation

There has been less systemic focus on the implementation of regulatory proposals and compliance or enforcement and inspection reforms. This is an area where Vietnam could develop further, especially at the local and provincial levels, to improve the delivery of regulatory proposals.

The regulatory system may produce rules or regulations that are based on evidence and broad-based consultation. However, if these are not implemented effectively, the rules and regulations can have unintended consequences. Obtaining better compliance may require different enforcement and inspection regimes that seek to enable the right behaviors, as opposed to trying to catch the wrong behaviors. Work conducted by the OECD has sought to support countries through principles and toolkits [41].

Vietnam has evidence of improving regulatory implementation, especially in relation to regional or international trade. In 2021, the Prime Minister’s

Decision No. 38/QD-TTg on approving a project on the reform of the quality and food safety inspection model for imported goods sought inspection reforms. The reforms introduced a risk-based approach to inspection and made compliance easier for businesses [42]. Decision No. 101/2023/QH15 of 24 June 2023 included further review and reduction of business conditions and specialized inspection procedures that were inappropriate and impractical [24].

A systemic review or approach to compliance, enforcement, and inspections is an important GRP tool that can be implemented in Vietnam.

Innovation in Regulatory Management

The main innovation efforts in regulatory management have come from digitalization and one-stop shops or single windows for regulatory processes. Innovation techniques that are being applied in GRP in other countries across the world and within the region such as Malaysia and Singapore have not been started in Vietnam, such as behavioral insights.

In 2021, Vietnam approved its National Digital Transformation Program by 2025 with digital governance being one of the key ambitions. In 2024, the Prime Minister strengthened efforts for digital governance involving services to citizens available online as well as record keeping through connected digital platforms (Figure 4) [43, 44].

FIGURE 4

TARGETS FOR DIGITAL TRANSFORMATION IN VIETNAM.

National Committee for Digital Transformation Work Plan (2024) [45]

- 100% of the information system serving the processing of administrative procedures of ministries, sectors, and localities will be connected to the system monitoring and measuring the level of service provision (EMC system).

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- 100% of the reporting information systems of ministries, sectors, and localities are expected to be connected to the government reporting information system, the center for information and direction of the government and Prime Minister, while 100% of villages and hamlets accessing the national power grid are hoped to have mobile broadband coverage.
- 100% of ministries, ministerial-level agencies, governmental agencies, and People's Committees of provinces and province-equivalent cities are scheduled to use the management support platform to ensure information security by level.

Vietnam places legal documents and regulations online at different levels of government as well as for some public services, as shown in Table 4.

TABLE 4

DATABASES AND PORTALS FOR LEGAL DOCUMENTS IN VIETNAM.

Online Database/Resources	Level of Government	Responsible Agency
Official Gazette of Socialist Republic of Vietnam	Central	Office of Government
Provincial official gazettes	Provincial	Provincial governments
National database of legal documents	Central	Ministry of Justice
National database of administrative procedures	All	Administrative Procedure Control Agency
National database of business regulations	All	Administrative Procedure Control Agency
National Public Service Portal	All	Office of Government

Sources: References 46–48 (links accessed on 23 May 2024 where available).

One-stop shops are single simplified services that connect otherwise multiple public or business services for greater efficiency and effectiveness for users. Vietnam has been implementing one-stop shops since 2001 at all levels of government (Figure 5). The online one-stop shops are also integrated with digital transformation agendas, such as the National Public Service Portal.

FIGURE 5

GROWTH OF ONE-STOP SHOPS IN VIETNAM.

One-stop shops have been operating in Vietnam since 2001. By 2015, there were more than 12,600 one-stop shops. In 2021, they included:

- 76 at ministerial level;
- 67 at provincial level;
- 706 at district level; and
- 10,220 at commune level

Source: Reproduced from References 22 and 49.

In 2021, the Prime Minister's Decision 468/QD-TTg on innovation of the implementation of the interagency one-stop shop mechanism in the settlement of administrative procedures was introduced to improve the integration of IT systems and digital solutions for enhanced service delivery [50]. Decree 107/2021/ND-CP also sought to improve single-window and interagency mechanisms for administrative procedures [51].

Innovations in regulatory management practices in OECD member countries, and increasingly in countries in the Asia-Pacific region such as Malaysia and Singapore, are implementing tools such as behavioral insights into their policy and regulatory systems. These tools apply a more empirical, evidence-based way of determining actual behavior to achieve better regulatory outcomes. These are yet to be widely introduced in Vietnam.

RECOMMENDATIONS: THE NEXT PHASE OF GRP IN VIETNAM

Recommendation 1: Develop a National Policy or Principles for GRP

Vietnam continues to conduct regulatory reforms and activities at different levels of government. While these efforts are meaningful, the absence of a coherent, consistent national policy on GRP or guiding principles for GRP to achieve national socioeconomic objectives is a missed opportunity. Such a policy would guide all national GRP efforts and ensure that they are interconnected.

Recommendation 2: Leverage Ongoing Administrative Procedure Reduction for Specific Priority Areas

Administrative procedure reduction programs have been flagship, successful GRP initiatives in Vietnam. Building on the expertise that is now within the APCA, a mandate to conduct priority reduction projects that go beyond administrative procedures to encompass other regulatory burdens could accelerate GRP adoption in Vietnam. These should be benchmarked against other economies' practices and experiences.

Recommendation 3: Review and Reboot RIA in Vietnam

The implementation of RIAs in Vietnam has yielded some success, but the systemic impact is not backed up by evidence. Public engagement and consultation can be strengthened, e.g., public consultation on RIA proposals for environmental impact assessment reports as specified in Decree 08/2022/ND-CP. Vietnam would benefit from a review of RIA practices, including the positioning of the RIA system within the government, methodology applied, capacity building, and implementation tweaks for wider adoption across government. This could also involve or begin with piloting at the provincial or local level.

Recommendation 4: Utilize Modern Practices for Engaging Stakeholders

Vietnam already engages with stakeholders in its rule-making process, with many traditional methods such as meetings, workshops, and online public notice and comment opportunities. With the digital transformation program in government, newer methods for obtaining feedback and information from stakeholders should be sought which are more frequent and therefore more reliable for rule-making.

Recommendation 5: Publish a Plan or Strategy to Improve Regulatory Implementation

Following from recommendation 1 and the principles for regulatory implementation, a plan to begin a program for improving compliance, enforcement, and inspection should be developed. This may also include innovative approaches at the local or provincial level and pilot tested before moving to the national level.

Recommendation 6: Introduce Innovative Regulatory Practices

Innovative methods should be introduced within the recommendations above to improve GRP tools in Vietnam. For instance, sludge audit methodologies could be applied to administrative procedure reforms. Behavioral insights could be applied to compliance strategies or in the development of RIAs. Vietnam should develop pilot initiatives to incorporate these tools, which again could start at the local or provincial level. To support the implementation of these recommendations and their development, specific short-term activities include:

1. Raising awareness and deepening commitment.
2. Organizing rigorous training workshops for capacity building.
3. Conducting pilot GRP programs at provincial and ministry levels.
4. Fostering innovation in implementing GRP.
5. Launching the GRP movement, with concerted efforts for learning, experience sharing, and progress monitoring.

6. Institutionalization of GRP.
7. Leveraging GRP as a national development initiative.

This report shows that Vietnam has undertaken various regulatory reforms, and the Government of Vietnam has declared the ambition to utilize GRP to achieve the national goal of becoming a high-income country by 2045. While these ambitions and efforts are to be congratulated, there is an opportunity to implement GRP in a more structured, holistic manner. The recommendations in this report provide a pathway for Vietnam to take its GRP activities to the next level. This can be described as the next phase of GRP, which if executed with full support and resources, can contribute to national goals and provide a better environment for citizens and businesses.

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