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**THE CHALLENGES AND PRACTICES OF LEGAL TRANSPLANT IN VIETNAM:
SHARING EUROPEAN EXPERIENCES**

Ha Noi - A two-day international seminar on *“The Challenges and Practices of Legal Transplant in Viet Nam: Sharing European Experiences”* convened today. The seminar is organized by the Office of the National Assembly of Vietnam in cooperation with the European Union Delegation to Vietnam as a forum for sharing experiences on legal transplant among European and international scholars and Vietnamese members of parliament (MPs), officers and scholars.

Within the EU-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation, the EU has strategic objective to enhance political, economic and cultural relations by broadening the scope of cooperation with Vietnam. Sharing European experiences on Legal transplant can also effectively assist Vietnam in implementing the PCA.

Speaking at the seminar, the First Counsellor- Head of Political, Press and Information Section of the EU Delegation to Vietnam, Ms. Delphine Malard, said *“The European process of Legal Harmonization which provides a common set of standards to ensure consistency of laws and practices in the European single market is a successful example of the topics that will be discussed here today. I believe that sharing European experience in this issue can be of great value to Vietnamese legislators, especially in the context created by the new Constitution of 2013, and the need to adapt Vietnamese Legislation to the new Charter.”*

The seminar was participated by leading foreign experts in the field. Particularly, two European experts shared knowledge and information on **legal transplant and culture in the EU’s legislative practices and processes**. Prof. Helen Xanthaki, Institute of Advanced Legal Studies, University of London gave presentations on the European countries' policies on legal transplant and practices of legal transplantation in legislative activities in the EU Member States’ parliaments. Prof. Dr. Norbert Reich, Bremen University, Germany presented theoretical issues on legal transplant as well as practices on legal transplantation in some Asian countries. Also, Prof. Higuchi Yoichi from University of Tokyo shared the experiences of transferring foreign laws into Japanese legal system.

From the Vietnamese side, the seminar received great contribution from senior officials of the National Assembly and the Office of the National Assembly and notable scholars including Dr. Nguyen Si Dzung, Vice Chairman of the National Assembly Office; Prof. Dr. Dao Tri Uc, Faculty of Law, Vietnam National University; Prof. Dr. Tran Ngoc Duong, Former Vice Chairman of the National Assembly Office; Dr. Duong Dang Hue, Deputy Director General, Department of Economic and Civil Legislation, Ministry of Justice; Prof. Dr. Nguyen Nhu Phat, Director of the Institute of State and Law; Prof. Dr. Pham Duy Nghia, University of Economics and Law, Ho Chi Minh City; Dr. Nguyen Van Cuong, Vice Director of the Institute of Legal Science, Ministry of Justice; and Dr. Bui Ngoc Son, Visiting Fellow, Singapore National University. The Vietnamese speakers discussed the current legal transplant situation, challenges and initial recommendations for Vietnam.

The seminar attracted around 20 members of the National Assembly from various provinces in Vietnam, more than 100 participants from different Legal Departments of central and provincial Government Agencies,; representatives of the National Assembly Ethnic Council, National Assembly Committees on Law, Justice, Economy, Finance and Budget, National Defense and Security, Culture, Education, Youth, and Children, Social Affairs, Science, Technology and Environment, and External Affairs. In addition to government agencies, representatives of private Vietnamese and European law firms as well as representatives from international organizations, the diplomatic community and NGOs, including representatives of EU Member States were among the active participants.

Vietnam has pursued the Strategy for the Development and Improvement of Vietnam's Legal System to the Year 2010 and Direction for the Period up to 2020, in which one of the focuses is to further improve the focal institutions to meet the requirements of building the rule of law and promoting international economic integration. The National Assembly has made numerous efforts to constantly improve its legislative work by referencing to foreign laws – legal transplants. Yet, legal transplant in Vietnam is still a new term and has not drawn adequate attention. Moreover, there remains in the Vietnamese legal system some incompatibility with available rules of legal transplant in the world.

There is a need of learning from external experiences in legal transplant, especially from the European Union. The Union has in-depth knowledge of both the theory and practices of legal transplant. It has been a leading model in promotion of policy and legislative solutions across and beyond the traditional divides between common law and civil law or between developed and developing nations. The EU which is characterized by a unique law-making system has proved to be an inexhaustible source of legislation, giving rise to a dynamic legal context which again provides examples and practices of how EU legal order is developed. All of which could serve as a source of information and inspiration for the legal transplant process in Vietnam.

Background Information

The EU-Vietnam Strategic Dialogue Facility is a three-year program (2013-2016) funded by the European Union that aims to support Vietnam's development through the implementation of activities in areas covered by the EU-Vietnam Partnership and Cooperation Agreement (PCA) signed in 2012.

The National Assembly Library is a departmental level organ under the Office of the National Assembly having the functions of providing information and research services to the National Assembly, its Standing Committee, Ethnic Council, and committees, and commissions under its Standing Committee.

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