

Legal news

October 2008

Contents

INVESTMENT LAW	2
Other Sectors	7
Finance.....	7
Banking.....	7
Taxation.....	7
Trade.....	8
Labour.....	9
Transport	9
Construction.....	10
Judiciary.....	12
Interior Affairs.....	13
Agriculture.....	13
Miscellaneous.....	14
Contact Details.....	16

This **Legal news** is published solely for our clients and other interested persons. It is intended to be used for general information purpose only and should not be relied upon as legal advice or opinion. Professional advice should be sought for any specific situation. Please direct your inquiries to our offices or persons listed at the end of this Legal news.

This **Legal news** is also available online at www.vision-associates.com

© Vision & Associates 2008. All rights reserved

INVESTMENT LAW

PPP to boost infrastructure development investment

By Pham Minh Long/Vuong Son Ha

Reason for and Role of Public-Private Partnership

Despite considerable efforts to improve Vietnam's infrastructure, the overall system remains in critical need of development. In particular, Vietnam's transport systems are weak, small scale and below technological standards - the country has not yet developed deepwater seaports and standard highways, and urban road systems in large cities and developed areas have not been fully connected to national transport system.

According to Asian Development Bank (ADB) statistics, during the last ten years, the nation's investments in infrastructure reached an average of 9-10% of GDP. To maintain the current growth, such investments should increase to 11-12% of GDP. This figure is premised on an expected average GDP growth rate of Viet Nam in the 2005 - 2010 period of between 7.2% and 8%, and an estimation that the growth of demand for power will be twice the GDP growth rate.

As estimated by the Ministry of Planning and Investment (MPI) in its draft plan on socio-economic development for the next five years, demands for investment capital are equal to about USD 139.4 billion. In particular, investment in transport infrastructure from now to 2020 requires about USD 7.4 billion; however, the available financial sources from the state budget, ODA and government bonds amount to a total of only USD 2-3 billion.

This draft plan also determines expenditures for specific branches; for example the power sector needs around USD 2.5 billion each year, and the transport and urban circulation systems need about USD 44 billion. According to the MPI, the top source of funding for the plan in the next five years will be private capital (in the form of PPP projects) at a sum of VND568-607 trillion, followed by VND356 trillion in public sector investment, and VND252-277 trillion in foreign direct investment.

Private capital will be raised through Public-Private Partnerships (PPP). A new approach to development whereby the public services and infrastructure are provided through the combined efforts of the public and private sectors, PPP permits the mobilization of abundant capital, the exploitation of management practices from various entities for investment, and more efficient service delivery. The public sector's contribution is limited to funding financial gaps and providing institutional commitments to projects.

Therefore, the Vietnamese Government and relevant ministries recognize that in addition to traditional financial sources, it is necessary to attract and raise capital from the private sector and from banks and credit institutions, regardless of whether they are domestic or foreign. Regarding the private sector, capital for infrastructure investment will be raised by issuing construction bonds; attracting FDI in forms of

BOT, BT, etc.; and relying on voluntary and compulsory contributions of the people in rural transportation. Meanwhile, capital from banks and credit institutions will be mobilized through consortiums that grant loans to infrastructure projects promising high profit at market interest rates.

However, ADB studies reveal that capital from the private sector currently plays only a modest role in the provision of infrastructure services in Vietnam. Only 18 BOT and BCC projects were implemented in the country with foreign partners during the last 12 years, representing about 15% of the total capital invested in infrastructure. Most of these projects are concentrated in the energy and telecommunications sectors.

This problem may be explained by the Government's inconsistent attitude toward private investment and a low expectation of efficiency brought by this economic sector. More specifically, the process for using governmental guarantees is not clear, the term for transfer of BOT projects has not been determined for many fields, and the dispute settlement processes of Vietnamese and international laws differ in significant ways.

As observed by the World Bank, fundamental factors for success include planning, solid revenue and cost estimations as part of a feasibility study, compliance with contractual agreement, strong institutional arrangements, and competitive procurement. But perhaps the most important factor of all is a solid and clear legal framework that specifies the "rules of the game" for the private sector, thereby reducing risk, and improving the success rate of PPP projects.

Legal framework for PPP

In general, Public-Private Partnership is not new to Vietnam, especially in the field of infrastructure development investment. Popular forms in this field include: (i) BOT Build – Operate – Transfer (BOT) contract, (ii) Build – Transfer – Operate (BTO) contracts, and (iii) Build – Transfer (BT) contract. However, even now, there is still no legal concept of PPP or a separate law on PPP in Vietnam.

The current legal landscape for infrastructure development PPP in Vietnam consists of a varied mix of construction, investments and enterprise laws and regulations on investment, based on BOT, BT and BTO contracts issued by the Government between 1977 and 1999. More than ten years ago, on June 18, 1997, the Government issued Decree No. 77/CP promulgating the Regulation on investment in the form of BOT contracts applicable to domestic investment. One year later, on May 15, 1998, the Government issued Decree No. 62/1998/ND-CP promulgating the Regulation on investment in forms of BOT contract, BTO contract and BT contract applicable to foreign investors in Vietnam. Later, Decree No. 62 was amended and supplemented by Decree No. 02/1999/ND-CP of January 27, 1999, to improve implementation. In our opinion, these three decrees represented the initial legal framework for PPP in Vietnam, encouraging and supporting the participation of the private sector in investment and operation of socio-economical infrastructure works for the development of Vietnam's economy.

Though there is currently no single law covering all aspects of PPP, in recent years a variety of legal instruments have addressed the topic. These include: the 2005 Law on Investment (LOI) and its guiding documents; the 2005 Law on Enterprise (LOE) and its guiding documents; the 2003 Law on Construction (“Construction Law”); the 2005 Law on Tendering (“Law on Tendering”); the VAT Law and the Corporate Income Tax Law; and the Ministry of Finance’s Circular No. 149/2007/BTC of December 14, 2007. This last document provides guidelines on management and use of state budget funds applicable to activities of competent state agencies in managing investment projects in forms of BOT, BTO, BT, and so on. In addition, any foreign investor who wants to execute a project in Vietnam should refer to Vietnam’s WTO commitments providing specific conditions for foreign investors’ presence in each domain.

(i) In response to the rapid development and deep international and regional integration of Vietnam’s economy and under the pressure of the country’s WTO accession, the National Assembly issued new LOI and LOE laws on November 29, 2005. These laws are regarded as legal reforms for investment and business activities in Vietnam in general.

- The LOI regulates investment activities for business purposes, specifying (i) rights and obligations of investors, (ii) guarantee of investors’ lawful rights and interests, (iii) encouragement of investment and investment incentives, (iv) licensing requirements and prohibited sectors, and (v) state administration of investment activities.

Under Article 13 of the LOI, investors have the right to autonomy in investment and business activities such as: (i) selection of the investment sector, investment form, method of raising capital, geographical location and investment scale; investment partner(s) and operational duration of a project; and (ii) registration of a business in one or more industries and trades, to establish enterprises and to make their own decisions concerning the registered investment and business activities.

Under the LOI, investments in the form of BCC, BOT, BTO and BT contracts are permitted in addition to direct investment forms. It means that investors are permitted to sign a BOT, BTO or BT contract with a competent state body in order to implement projects for new construction, expansion, modernization and operation of infrastructure projects in the sectors of transport, power generation and business, water supply or drainage, waste treatment and other sectors as stipulated by the Prime Minister.

- Concurrently, setting up corporate entities in Vietnam is governed by the LOE, which provides rules regarding the establishment, organizational management and operations of limited liability companies, joint stock companies, partnership and sole proprietorships. Under the LOE, which established the first united legal framework for foreign-invested and domestic enterprises, enterprises of all economic sectors have the right to conduct any line of business not prohibited by law. In addition, enterprises are

encouraged and facilitated by, and enjoy favourable treatment of the State to participate in the production and provision of public services and products.

- (ii) The LOI, the LOE, the Construction Law and the Law on Tendering have paved the way for the issuance of Decree No. 78/2007/ND-CP (“Decree No. 78”) by the Government on May 11, 2007 providing for the sectors, conditions, orders, procedures and incentives applicable to investment projects to develop infrastructure facilities on the basis of BOT contract, BTO contract or BT contract. Decree No. 78 is a key legal document for investment in the forms of BOT contract, BTO contract and BT contract. In our opinion, in the actual context of Vietnam, it seems to be the “law on PPP in Vietnam” for the time being.

Under Decree No. 78, all investment projects relating to infrastructure are encouraged by the Government. In addition to the state bodies’ lists of projects calling for investments in forms of BOT, BTO and BT contracts, which are prepared and issued annually based on socio-economic development planning and orientations in each period and specific fields, investors can propose their own projects.

Three forms of contract applicable to infrastructure development investment projects include: (i) BOT contract, (ii) BTO contract, and (iii) BT contract. Other similar forms may be decided by the Prime Minister.

It is the investor’s responsibility to seek funds for the implementation of a project. For the first time, Decree No. 78 imposes the minimum thresholds of the investor’s own capital: at least 30%, if the project’s total investment capital is under VND75 billion; 20%, if total capital is between VND75 billion to under VND1,500 billion; 10%, if total capital is VND1,500 billion or more.

The investor, except for the investor of a project proposed by himself/herself, may be selected via a national or international bid or assigned by the State to enter into negotiations on the project contract. The MPI is responsible for evaluation and issuance of investment certificates for BOT, BTO and BT projects.

The investor is obligated to take measures to secure his/her contractual obligations in the form of a bank guaranty or other forms that are valid from the official signing date of the project contract until the date of construction completion. Unlike previous regulations, Decree No. 78 also specifies the minimum levels of the amount of such security: at least 1% if the project’s total investment capital is VND1,500 billion or more; 2% if total capital ranges from VND75 billion to under VND1,500 billion; and 3% if total capital is less than VND75 billion.

A new provision allows the parties to choose foreign laws as governing laws for the BOT, BT or BTO contract and relevant contracts.

- (iii) The State of Vietnam reserves several tax and other incentives for investment in infrastructure, with the most favourable policies being applied to BOT, BT and BTO projects. Under Decree No. 78, BOT and BTO enterprises enjoy a

corporate income tax (CIT) preferential rate of 10% for 15 years, and CIT exemption for 4 years, and half reduction for 9 subsequent years. The project enterprise and the subcontractors are entitled to duty exemption applied to goods imported to form fixed assets. The objects under industrial property protection, technical know-how, technological processes and technical services for the implementation of the project are all exempted from taxes relating to technology transfer and royalty income. The same tax incentives are applied to other projects implemented by the investor to recover the capital invested in BT projects. The project enterprise is also exempted from land use levy or rental for the project's lifespan.

In particular, projects in the field of power and clean energy (solar, wind, etc.) are classified in special incentive sectors which enjoy a CIT preferential rate of 15% for 15 years, CIT exemption for 4 years (when enterprises become profitable), and a 50% reduction for 9 subsequent years. Furthermore, new power plant construction is entitled to a CIT rate of 20% for 10 years, CIT exemption for 2 years, and a 50% reduction for 3 subsequent years. Projects in industrial zones, export processing zones or economic zones enjoy a CIT rate of 15% for 12 years, CIT exemption for 3 years, and a 50% reduction for 7 subsequent years.

Hurdles

However, challenges exist in attracting private investment due to the lack of specific regulations regarding new forms of PPP. As yet, there is no clear regime relating to financial arrangements between state budget, financial institutions, banks, domestic and foreign enterprises. The sharing role between public and private sectors is not expressly specified. Government support remains inadequate. Product prices of most infrastructure projects are under state control. In the context of economic slowdown, the Government follows the trend of reducing guarantees.

Therefore, fostering private investment in infrastructure will require (i) strong government commitments to support the private sector through implementing policies and regimes that facilitate procedures, providing assistance in capital, technology and training, and sharing risks; (ii) effective legal mechanisms such as BOT and PPP - particularly in the form of mixed financial arrangements between different sources comprising ODA, state development funds, state-owned enterprises' capital, commercial banks' loan, and private capital contributions; (iii) stronger guarantees and warranties for investment such as government guarantees and initiatives to provide raw materials, fuels and public facilities, and to purchase products to support the projects; and (iv) new appropriate capital-return regimes.

Conclusion

In our opinion, PPP has a bright future in Vietnam, because the State has undertaken efforts to create a level playing field and a clearer and more open legal corridor for investors in order to mobilize all available financial sources to back up Vietnam's overall and sustainable development. These improvements represent a significant step toward achieving Vietnam's goal of becoming an average-income country.

Other Sectors

Finance

- Decision No. 87/2008/QD-BTC of the Ministry of Finance, dated October 22, 2008 promulgating the Statutes on training and improving professional knowledge of assessment specialty.
- On October 2, 2008, the Ministry of Construction stipulated Circular No. 17/2008/TT-BXD guiding a number of contents of preparation and management of costs for investment in construction of hydroelectric projects according to the mechanism 797 - 400.
- Circular No. 96/2008/TT-BTC of the Ministry of Finance, dated October 27, 2008 providing guidelines on financial support of community education centres through the State budget.

Banking

- On October 16, 2008, the State Bank of Vietnam issued Decision No. 30/2008/QD-NHNN on the amendment of and supplement to a number of articles of the Statutes on factoring operations of credit institutes accompanying Decision No. 1096/2004/QD-NHNN of the Governor of the State Bank, dated September 6, 2004.
- Decision No. 29/2008/QD-NHNN of the State Bank of Vietnam, dated October 13, 2008, promulgating regulations on the maintenance of informatic equipment system in banking branches.
- On October 10, 2008, the State Bank of Vietnam stipulated Decision No. 28/2008/QD-NHNN promulgating regulations on dealing with counterfeited monies and monies suspected of being counterfeited in the banking system.

Taxation

- Decision No. 95/2008/QD-BTC of the Ministry of Finance, dated October 29, 2008 adjusting the preferential import tax rates for a number of items under Group 2710 in the preferential import tariff.
- On October 29, 2008, the Ministry of Finance issued Decision No. 94/2008/QD-BTC on the adjustment of export tax rates for petroleum and oils gained from raw bitumen minerals in the export tariff.
- Decision No. 92/2008/QD-BTC of the Ministry of Finance, dated October 28, 2008 adjusting export tax rates for a number of non-alloyed irons and steels in the export tariff.

- On October 22, 2008, the Ministry of Finance stipulated Decision No. 88/2008/QD-BTC on the adjustment of preferential import tax rates for fuel for turbine motors utilized in aviation in the preferential import tariff.
- Decision No. 84/2008/QD-BTC of the Ministry of Finance, dated October 6, 2008 on the export tax rates for a number of non-alloyed irons and steels in the export tariff.
- On October 3, 2008, the Ministry of Finance issued Decision No. 83/2008/QD-BTC adjusting preferential import tax rates for a number of items in the preferential import tariff.
- Circular No. 93/2008/TT-BTC of the Ministry of Finance, dated October 22, 2008 guiding the implementation of shared State budget submissions of value-added and corporate income taxes by sub-contractors involved in activities such as exploration, development of mines, and exploitation of oil and gas that fall between budgetary levels.

Trade

- On October 31, 2008, the Ministry of Industry and Trade stipulated Decision No. 40/2008/QD-BCT promulgating the Statutes on the management and use of digital signatures, digital certificates and digital signature certification services of the Ministry of Industry and Trade.
- Decision No. 97/2008/QD-BTC of the Ministry of Finance, dated October 31, 2008 on the creation of financial sources for settling deficits in trading stocked mast at the point of time of July 21, 2008 by hub enterprises trading gasoline and oils.
- On October 29, 2008, the Ministry of Finance issued Decision No. 93/2008/QD-BTC promulgating regulations on customs procedures for exported, imported or transited goods and articles sent via land road express delivery service.
- Decision No. 89/2008/QD-BTC of the Ministry of Finance, dated October 24, 2008 on the amendment of and supplement to Decision No. 69/2008/QD-BTC of the Minister of Finance, dated August 27, 2008 promulgating the minimum selling prices of cigarette products.
- On October 21, 2008, the Ministry of Industry and Trade stipulated Decision No. 5610/QD-BCT adjusting the duties of the Bureaus for Export and Import Management of the regions of Quang Ninh and Lang Son.
- Decision No. 36/2008/QD-BCT of the Ministry of Industry and Trade, dated October 10, 2008 promulgating norms for appraisal of a national trade promotion.

- On October 6, 2008, the Ministry of Finance issued Decision No. 85/2008/QD-BTC on advances by the State budget to activities of trading gasoline in favour of hub enterprises trading gasoline and oils.
- Decision No. 34/2008/QD-BCT of the Ministry of Industry and Trade, dated October 1, 2008 approving a project on the reinforcement of managing and controlling pre-substances until 2010.
- On October 22, 2008, the Ministry of Industry and Trade stipulated Circular No. 12/2008/TT-BCT guiding the process and procedures on the market management authority's receipt and registration of application requests for dealing with administrative violations of intellectual property.
- Circular No. 11/2008/TT-BCT of the Ministry of Industry and Trade, dated October 22, 2008, providing guidelines on the process and procedures of sale and purchase of electricity with foreign countries.

Labour

- On October 23, 2008, the Ministry of Industry and Trade issued Decision No. 39/2008/QD-BCT approving a programme on training human resources for Vietnam's textile and garment industries until 2015 with orientation to 2020.
- Decision No. 133/2008/QD-TTg of the Prime Minister, dated October 1, 2008 on the extraction and submission of trade union fees regarding foreign invested enterprises and executive offices of foreign parties to a business cooperation contract.
- On September 29, 2008, the Ministry of Labour, War Invalids and Social Affairs stipulated Circular No. 20/2008/TT-BLDTBXH guiding the adjustment of retirement wages, allowances of social insurance and monthly allowances in accordance with Decree No. 101/2008/ND-CP, dated September 12, 2008.

Transport

- Decision No. 36/2008/QD-UBND of the Hanoi People's Committee, dated October 15, 2008 providing the establishment, and the functions, duties, authority and organizational structure of the Inspectorate under the Hanoi Department of Transport.
- On October 2, 2008, the Ministry of Transport issued Decision No. 20/2008/QD-BGTVT promulgating temporary regulations on the organization and operation of inspection stations for vehicle loading capacity.
- Circular No. 23/2008/TT-BCA-C11 of the Public Security, dated October 14, 2008, guiding the implementation of a number of Decree No. 146/2007/ND-CP, dated September 14, 2007 dealing with administrative violations in the field of land road transport.

Construction

- On October 10, 2008, the Hanoi People's Committee stipulated Decision No. 32/2008/QD-UBND providing the establishment, and the functions, duties, authority and organizational structure of the Steering Board for ground clearance of Hanoi.
- Decision No. 23/2008/QD-UBND of the Hanoi People's Committee, dated September 29, 2008 providing the establishment, and the functions, duties, authority and organizational structure of the Construction Planning Institute of Hanoi.

Land

- On October 27, 2008, the People's Committee of Ho Chi Minh City issued Decision No. 76/2008/QD-UBND on the decentralization of authority to organize land use right auctions to district-level People's Committees.
- Decision No. 43/2008/QD-UBND of the Hanoi People's Committee, dated October 23, 2008 promulgating regulations on auctions of land use rights for land allocation with collection of land use fees or land leases in the area of Hanoi.
- On October 23, 2008, the Hanoi People's Committee stipulated Decision No. 42/2008/QD-UBND on the process and procedures for evaluating demands for land use to implement investment projects of domestic economic organizations which do not use the State budget or are not foreign invested projects in the area of Hanoi.
- Decision No. 41/2008/QD-UBND of the Hanoi People's Committee promulgating regulations on recognition of land use rights, grant of land use rights certificates and registration of moves in land use to organizations using land in the area of Hanoi.
- On October 22, 2008, the Hanoi People's Committee issued Decision No. 40/2008/QD-UBND promulgating construction prices for residential houses, temporary houses and architectural works in the area of Hanoi.
- Decision No. 39/2008/QD-UBND of the Hanoi People's Committee of Hanoi promulgating regulations on land recovery, land allocation, land lease, change of purpose of land use to implement investment projects, and land recovery and land allocation to construct rural residential houses in rural residential locations in the area of Hanoi.
- On October 22, 2008, the Hanoi People's Committee stipulated Decision No. 38/2008/QD-UBND promulgating the regulations on State management regarding measurement and mapping operations in the area of Hanoi.

- Decision No. 73/2008/QD-UBND of the People's Committee of Ho Chi Minh City, dated October 22, 2008 on compensation for, support to and resettlement of households residing in damaged and degraded apartments in the area of Ho Chi Minh City.
- On October 2, 2008, the Prime Minister issued Decision No. 134/2008/QD-TTg providing the functions, duties, authority and organizational structure of the General Department of Land Management under the Ministry of Natural Resources and Environment.

Environment

- Decision No. 2092/QD-BTNMT of the Ministry of Natural Resources and Environment promulgating this Ministry's working regulations.
- On October 13, 2008, the Prime Minister stipulated Decision No. 1479/QD-TTg appraising the planning for the system of preserves of inland water area until 2020.
- Decision No. 95/2008/QD-BNN of the Minister of Agriculture and Rural Development, dated September 29, 2008 promulgating the Statutes on management of kept bears.

Science - Technology

- On October 29, 2008, the Prime Minister issued Decision No. 143/2008/QD-TTg promulgating the Statutes on extraction and set up, management, and use of the Fund for oil and gas search and exploration.
- Decision No. 77/2008/QD-UBND of the People's Committee of Ho Chi Minh City, dated October 29, 2008 promulgating regulations on norms of preparation, evaluation and adjustment of planning on overall socio-economic development, development of branches, and main products in the area of Ho Chi Minh City.
- On October 10, 2008, the People's Committee of Ho Chi Minh City stipulated Decision No. 72/2008/QD-UBND promulgating a programme on the application of information technology in the operation of State authorities of Ho Chi Minh City in the period from 2008 to 2010.
- Decision No. 28/2008/QD-UBND of the Hanoi People's Committee, dated October 9, 2008 providing the establishment, and the functions, duties, authority and organizational structure of the Fund for Investment and Development of Hanoi.
- On October 3, 2008, the Hanoi People's Committee issued Decision No. 25/2008/QD-UBND promulgating the list of industrial branches and products of priority, and designating industries of Hanoi in the period from now to 2010 with orientation to 2020.

- Inter-ministerial Circular No. 98/2008/TTLT/BTC-BCT of the Ministry of Finance and the Ministry of Industry and Trade, dated October 29, 2008 guiding the regime of management and use of expenditures in the State budget for a national main point Programme on scientific and technological research and development in chemical and pharmaceutical industries until 2020.
- On October 28, 2008, the Ministry of Finance stipulated Circular No. 97/2008/TT-BTC guiding the implementation of the State's support policy for investment in electric development in rural, mountainous and sea island regions.

Judiciary

- Resolution No. 695/2008/NQ-UBTVQH12 of the Standing Committee of the National Assembly, dated October 15, 2008 on the amendment of and supplement to Resolution No. 370/2003/NQ-UBTVQH11 on the establishment of the Board of People's Aspiration.
- On October 15, 2008, the Standing Committee of the National Assembly issued Resolution No. 694/2008/NQ-UBTVQH12 on the receipt, classification and settlement of requests, claims, denunciations and petitions of citizens sent to the National Assembly, Standing Committee of the National Assembly, Ethnic Council and committees of the National Assembly.
- Decree No. 113/2008/ND-CP, dated October 28, 2008 promulgating the Statutes on detention houses.
- On October 21, 2008, the Ministry of Justice stipulated Circular No. 07/2008/TT-BTP guiding the implementation of the legal assistance policy in the Programme on socio-economic development of special difficult communes in the minority and mountainous regions in the period from 2006 to 2010 and the Programme on national anti-poverty objective in the period from 2006 to 2010.
- Inter-ministerial Circular No. 01/2008/TTLT-VKSNDTC-TANDTC-BQP-BCA of the Supreme People's Procuracy, the Supreme People's Court, the Ministry of Defence and the Ministry of Public Security, dated October 20, 2008 on coordinating relations between proceedings-conducting authorities within and outside the army regarding areas such as investigation, prosecution and hearing criminal cases.
- On October 17, 2008, the Ministry of Finance and the Ministry of Justice jointly issued Inter-ministerial Circular No. 92/2008/TTLT-BTC-BTP guiding the levels of collection, the regime of collection, submission, management and use of fees for grant of copies and fees for certification.
- Inter-ministerial Circular No. 91/2008/TTLT-BTC-BTP of the Ministry of Finance and the Ministry of Justice, dated October 17, 2008 guiding the levels of

collection, and the regime of collection, submission, management and use of fees for public notarization.

- On October 8, 2008, the Ministry of Labour, War Invalids and Social Affairs and the Ministry of Interior Affairs jointly stipulated Inter-ministerial Circular No. 21/2008/TTLT-BLDTBXH-BNV guiding the functions, duties, authority, organizational structure and personnel norms of the Centres for Disease Treatment – Education – Social Work.
- Inter-ministerial Circular No. 86/2008/TTLT-BTC-BLDTBXH of the Ministry of Finance and the Ministry of Labour, War Invalids and Social Affairs, dated October 6, 2008 guiding the management and use of funding sources to implement Decision No. 19/2004/QD-TTg of the Prime Minister, dated February 12, 2004, approving a programme on prevention and settlement of situations where children wander, are sexually violated, and have to do hard labor in harmful and dangerous conditions in the period from 2004 to 2010;
- On September 26, 2008, the Ministry of Justice issued Circular No. 06/2008/TT-BTP guiding a number of contents on the organization and personnel of local agencies of civil judgment enforcement.

Interior Affairs

- Decision No. 46/2008/QD-UBND of the Hanoi People's Committee, dated October 31, 2008 promulgating regulations on the management and use of funds for training and improving public officials and servants of Hanoi.
- On October 28, 2008, the Hanoi People's Committee stipulated Decision No. 45/2008/QD-UBND on the declaration of assets and incomes by persons obligated to declare in authorities and services of Hanoi.
- Decision No. 31/2008/QD-UBND of the Hanoi People's Committee, dated October 10, 2008 providing the functions, duties, authority and organizational structure of the Hanoi Department for Foreign Affairs.
- On October 6, 2008, the Ministry of Interior Affairs issued Decision No. 02/2008/QD-BNV promulgating sample forms for management of public officials and servants.

Agriculture

- Decision No. 103/2008/QD-BNN of the Ministry of Agriculture and Rural Development, dated October 21, 2008 repealing the Minister of Agriculture and Rural Development's Decision No. 37/2005/QD-BNN, dated July 4, 2005 and Decision No. 18/2007/QD-BNN, dated March 1, 2007 providing the functions, duties, authority and organizational structure of the Central Management Board of irrigation projects and the Management Board of forestry projects.

- On October 21, 2008, the Ministry of Agriculture and Rural Development stipulated Decision No. 104/2008/QD-BNN promulgating an additional list of plant varieties permitted for production and trade.
- Decision No. 100/2008/QD-BNN of the Ministry of Agriculture and Rural Development, dated October 15, 2008 promulgating regulations on production, trade and use of fertilizers.
- On October 15, 2008, the Ministry of Agriculture and Rural Development issued Decision No. 99/2008/QD-BNN promulgating regulations on production and trade of safe vegetables, fruits and tea.
- Decision No. 98/2008/QD-BNN of the Ministry of Agriculture and Rural Development, dated October 9, 2008 adding plant varieties to the list of protected plant varieties and assigning units to implement DUS experimentation.
- On October 6, 2008, the Ministry of Agriculture and Rural Development stipulated Decision No. 96/2008/QD-BNN amending the contents of a number of insecticides in the list of insecticides restricted or permitted for use accompanying Decision No. 49/2008/QD-BNN, dated March 27, 2008, and a number of insecticides added to the list of insecticides permitted for use accompanying Decision No. 76/2008/QD-BNN, dated June 25, 2008 by the Ministry of Agriculture and Rural Development.
- Inter-ministerial Circular No. 94/2008/TTLT-BTC-BNN of the Ministry of Finance and the Ministry of Agriculture and Rural Development, dated October 24, 2008 guiding the regime of management and use of funds from the State budget for the pilot programme on development and application of biological technologies in the field of agriculture and rural development until 2020 and a Project on development and application of biological technologies in the field of aquaculture until 2020.
- On October 2, 2008, the Ministry of Finance and the Ministry of Industry and Trade jointly issued Inter-ministerial Circular No. 85/2008/TTLT-BTC-BCT guiding the regime of management and use of funds from the State budget to implement the Project on development and application of biological technologies in the processing industry until 2020.

Miscellaneous

- Decision No. 144/2008/QD-TTg of the Prime Minister, dated October 29, 2008 promulgating a Programme on national statistics surveys.
- On October 17, 2008, the Hanoi People's Committee stipulated Decision No. 37/2008/QD-UBND providing the functions, duties, powers and organizational structure of the Hanoi Authority for Planning and Investment.

- Decision No. 82/2008/QD-BVHTTDL of the Ministry of Culture, Sports and Tourism, dated October 15, 2008 promulgating the Statutes on process and procedures of elaboration, evaluation and issuance of normative documents of the Ministry of Culture, Sports and Tourism.
- On October 21, 2008, the Ministry of Labour, War Invalids and Social Affairs issued Circular No. 25/2008/TT-BLDTBXH guiding the process for determining households approaching poverty level in accordance with Clause 4, Article 1 of Decision No. 117/2008/QD-TTg of the Prime Minister, dated August 27, 2008.

Contact Details

Hanoi Head Office

Mr. Pham Nghiem Xuan Bac

Managing Partner

Mr. Pham Minh Hai

Partner, Consulting Practice

Ms. Le Quynh Anh

Executive Partner, Legal Practice

Ms. Le Thi Kim Dzung

Partner, Intellectual Property Practice

Unit 308-310, 3rd Floor, Hanoi Towers
49 Hai Ba Trung, Hanoi, Vietnam
Tel: 84-4-3934 0629 /3826 4797 Fax: 84-4-3934 0631
E-mail: vision@hn.vnn.vn

Ho Chi Minh City Office

Mr. Luu Tien Ngoc

Partner, HCMC office

Ms. Charlene Yuen

Foreign Lawyer

Unit 1801, 18th Floor, Saigon Trade Centre
37 Ton Duc Thang Street, District 1
Ho Chi Minh City, Vietnam.
Tel: 84-8-3823 6495 Fax: 84-8-3823 6496
E-mail: hcmvision@hcm.vnn.vn

www.vision-associates.com