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Highlighted

1. Term of licenses for receiving and paying in foreign currency in prize-winning electronic gaming business

This is the highlighted content of Circular No. 11/2017/TT-NHNN dated 30 August 2017 of Vietnam State Bank on foreign exchange control in business activities of prize-winning electronic games for foreigners ("Circular 11").

This Circular provides new regulations on term of license for receiving and paying in foreign currency and other activities in foreign currency, under which the term is equal to the remaining term of one of the following documents:

- (a) Certificate of satisfaction of regulatory conditions for business of prize-winning electronic gaming;
- (b) Certificate of investment registration or certificate of enterprise registration in which prize-winning electronic gaming business is registered;
- (c) Other documents issued by competent authorities licensing business of prize-winning electronic gaming.

Additionally, where an enterprise does not get a certificate of satisfaction of regulatory conditions for business of prize-winning electronic gaming and its certificate of investment registration, certificate of enterprise registration, or other written approval by a competent State authority does not specifies any term of business, the term of the license will not exceed 10 years from its effective date.

Circular 11 shall take effect on 15 October 2017.

2. Casino businesses can pay and casino players can receive bonuses in foreign currency

This is a notable point in Circular No. 10/2017/TT-NHNN issued by the State Bank of Vietnam on 30 August 2017, providing guideline for foreign exchange control in casino business activities ("Circular 10").

Accordingly, casino company permitted to collect and pay in foreign currency must open one specialized account for each type of foreign currency at an authorized bank and use such account(s) for performing the following payment activities:

- (a) Cash deposit in foreign currency into that bank account;
- (b) Receipt of remittances from overseas accounts;
- (c) Receipt of remittance from the payment account in foreign currency;
- (d) Payment for transfer to the account in foreign currency;

- (e) Payment for transfer to overseas accounts of foreign players;
- (f) Payment for cash withdrawal;
- (g) Sale of foreign currency to an authorized bank;
- (h) Payment for transfer to the company's payment account in foreign currency.

In the case where a company does not collect and pay in foreign currencies and other foreign exchange activities, opening a specialized account in foreign currency will not required.

Foreign players can choose to receive award money in foreign currency or Vietnamese Dong.

- (a) In case of receiving award money in foreign currency in cash, they will be permitted:
 - (i) To sell foreign currencies to credit institutions authorized to receive Vietnamese Dong;
 - (ii) To transfer money to a licensed foreign bank;
 - (iii) To be issued a certificate for bringing foreign currency abroad;
 - (iv) Deposit into accounts for payment in foreign currency at an authorized bank;
- (b) In case of receiving award money in foreign currency by bank transfer, it shall be permitted:
 - (i) To transfer foreign currency from the company's specialized account in foreign currency to its payment account in foreign currency opened at an authorized bank;
 - (ii) To transfer foreign currency from its account to a player account opened in a foreign country;

Besides, foreign players can authorize the company to contact an authorized bank to submit, transfer and apply for a certificate for bringing foreign currency cash out of Vietnam.

Circular 10 takes effect on 15 October 2017.

3. Six cases in which new decision on penalty for administrative violation shall be issued

Decree No. 97/2017/ND-CP dated 18 August 2017, on amendment to certain articles of Decree No. 81/2013/ND-CP, detailing a number of articles and implementation measures for Law on administrative violations will come into force on 5 October 2017.

According to this Decree, a person who has issued a decision on penalty for administrative violation shall issue a new decision if:

- (a) There has been a competence and procedure violation in dealing with such administrative violation;
- (b) The decision on penalty for administrative violation is made in any of the cases prescribed in Points a, b, c and d of Clause 1 of Article 65 of Law on administrative violations;
- (c) Documents on penalty or documents on application of administrative penalty are falsified or forged;
- (d) There has been a mistake causing changes in the main contents of the issued decision;
- (e) A decision on complaint settlement is made by the competent person or authority causing changes the basis for and contents of the issued decision;
- (f) A verdict or decision is made by a court cancelling a part or a whole of the issued decision.

4. Annulment of the list of products and goods requiring quality inspection

On 17 August 2017, the Prime Minister issued Decision No.37/2017/QĐ-TTg, repealing Decision No. 50/2006/QĐ-TTg, promulgating a list of products and goods requiring quality inspection ("Decision 37").

According to the current regulation, individuals and organizations manufacturing, trading and importing products and goods included in this list must coordinate with the competent authorities in inspecting the quality of such products and goods.

Designated technical institutions must base on safety, hygiene, health and environment standards for quality testing before the products and goods are domestically marketed.

As a result, in the coming time, relevant individuals, organizations and State agencies will not be required to inspect the quality of products and goods included in the list until new guidelines are available.

Decision 37 shall take effect on 5 October 2017.

5. Additional conditions for selection of entrusted auditing firms

On 15 August 2017, the State Audit of Vietnam issued Decision No.09/2017/QĐ-KTNN, promulgating the Regulation on entrusting or hiring auditing firms ("Decision 09"), which shall take effect on 29 September 2017.

Accordingly, additional conditions on staffing for audit firms to be hired or entrusted to perform auditing activities, such as:

- (a) Audit firm's manager or executive officer is not a member, shareholder, capital contributor or has not other economic or financial relations with the audited entity;
- (b) Relatives of such person (including father, mother, spouse, children, sibling) are not members, shareholders or capital contributors and have not significant influence on the audited entity;
- (c) The auditing firm and the audited entity do not have the same founder.

In addition, Decision 09 also provides some other contents such as:

- (a) Extending the scope of entrusting and hiring auditing firms for a number of entities, including:
 - (i) Enterprises in which the State owns more than 50% of its charter capital or contributes 50% or less of its charter capital (wholly State-owned enterprises as currently prescribed);
 - (ii) Management Board of investment projects with ODA, NGO-derived capital.
- (b) Selection of auditing firms shall comply with Law on Tendering.

6. Guidelines for issuance of work permits to foreigners via the Internet

On 15 August 2017, the Ministry of Labour, War Invalids and Social Affairs issued Circular No. 23/2017/TT-BLDTBXH, providing guidelines on procedures for granting work permits (WP) to foreign workers in Vietnam via the Internet.

Whereby:

- (a) Employer fills in the declaration form and submits the application dossier to the WP issuing authority through the portal at least 7 working days prior to the date on which foreign employee is expected to commence working.
- (b) Within 5 working days from the date of receipt of the declaration form and the application dossier for issuance of WP, the WP issuing authority shall reply with the result via email to the employer, requiring further information or document if the dossier is found inadequate.
- (c) Upon receipt of the reply that the dossier is found satisfactory, the employer shall submit the original application dossier for issuance of work permit to the WP issuing authority for verification, countercheck and record as prescribed.
- (d) The WP issuing authority must return the result to the employer within a maximum time-limit of 8 working hours from receipt of the original application dossier.

This Circular shall take effect on 2 October 2017.

7. Document proof of the right to use warehouses and storage yards for customs procedures

On 15 August 2017, the Ministry of Finance issued Circular No.84/2017/TT-BTC, detailing Decree No. 68/2016/ND-CP, on duty-free goods trading and customs procedures (“Circular 84”).

Accordingly, in order to prove the right to use warehouses and places for performing customs clearance, trading organizations and individuals must have one of the following papers:

- (a) For organizations and individuals requesting for recognition or expansion of the warehouse or place: a copy of the original certificate of land use rights.
- (b) In case of renting or borrowing land for construction of warehouses or storage yards: a copy of the original certificate of land use rights granted to the landlord and the original land lease or borrowing contract.
- (c) In case of renting, borrowing or co-operating in a joint venture for business of warehouses or workshops, a copy of the original certificate of land use rights granted to the landlord and the original lease or borrowing contract or co-operation agreement.
- (d) In case of renting or borrowing land, warehouses and storage yards in export processing zones, ports or border gates, etc.: a copy of the original decision on land allocation, lease or borrowing for construction of the facilities and the original land/ warehouse/ storage yards lease or borrowing contract.

Circular 84 shall come into force on 30 September 2017.

8. Compulsory calculation of the value of market risks for securities rights

This is a notable new provision in Circular No. 87/2017/TT-BTC dated 15 August 2017 of the Ministry of Finance, on financial safety criteria and measures dealing with securities business organizations which fail to meet such criteria.

In particular, the new Circular adds two new subjects that must determine the value of market risks at the end of the transaction day, including:

- (a) Securities companies must calculate the value of market risks for secured securities rights issued by them for current trading.
- (b) Securities trading organizations must calculate the value of market risks for future contracts.

In addition, Circular 87 also stipulates that securities of clients, which securities business organizations receive as collateral assets, and then

re-pledge or use them as collateral asset, will no longer be assets requiring determination of market risks.

This Circular shall take effect on 10 October 2017.

9. Announcement of types of goods and services to be monopolized by the State

On 10 August 2017, the Government issued Decree No. 94/2017/ND-CP, on goods, services and regions to which the State is exclusive in commercial activities ("Decree 94").

The new Decree announces 20 types of goods and services exclusively held by the State in commercial activities, including:

- (a) Goods and services for the national defense and security;
- (b) Production of gold bars;
- (c) Issuance of lottery tickets;
- (d) Import of cigarettes and cigars (except import for sale of duty-free goods);
- (e) Printing of money and minting of coins;
- (f) Printing of postage stamps of Vietnam;
- (g) Transmission and regulation of the national electrical system.

Decree 94 shall come into force on 1 October 2017.

10. Determination of compensation value when recovering land

On 2 August 2017, the Ministry of Finance issued Circular No.80/2017/TT-BTC, providing guidelines for Decree No. 01/2017/ND-CP on land ("Circular 80").

In particular, the new Circular provides detailed guidelines for method for determination of the value of land use rights, land rent and the residual value of assets attached to land for compensation when the State recovers land in the following cases:

- (a) Determination of the residual value of assets attached to land lawfully created, but not derived from the State budget, which shall be compensated to the owner of assets when the State recovers land due to a violation of laws on land.
- (b) Determination of the value of land use rights, land rent, and the residual value of assets attached to land, which shall be compensated to the land user when the user voluntarily returns the land.
- (c) Determination of the remaining land rent already paid in advance, which shall be refunded to the land user when the user leases land from the State with annual land rent payment option but has paid the land rent in advance for many years.

This Circular shall take effect on 15 September 2017.

11. Changes to application dossier for writing-off bankrupt enterprises' tax debts

This is a notable content in Circular No. 79/2017/TT-BTC dated 1 August 2017 of the Ministry of Finance, on amendment to Item b1, Point b, Clause 4, Article 48 of Circular No. 156/2013/TT-BTC, providing guidelines for Law on Tax Administration.

Accordingly, an application dossier for writing off tax debts of an enterprise, which is declared bankrupt, shall include:

- (a) The court's decision declaring bankruptcy of the enterprise;
- (b) The asset division statement of the enforcer indicating the recoverable or irrecoverable amount of tax debt;
- (c) The decision on suspension of enforcement of the decision declaring bankruptcy of the enterprise by the civil judgment enforcement body.

The above documents are original or certified true copies.

Other sectors

Finance

- Decision No. 46/2017/QD-UBND dated 24 August 2017 of the People's Committee of Ho Chi Minh City, abolishing Decision No.3241/QD-UBND, on decentralization of the authority for approving the plan of settling abandoned property, dropped or forgotten property, and inheritance without heir under Decree No. 29/2014/ND-CP dated 10 April 2014.
- Circular No. 12/2017/TT-NHNN dated 31 August 2017 of the State Bank of Vietnam, amending and supplementing a number of articles of Circular No.01/2014/TT-NHNN dated 6 January 2014 of the Governor of the State Bank of Vietnam, on delivery, storage and transportation of cash, precious assets and valuable papers.

Banking

- Decree No. 93/2017/ND-CP dated 7 August 2017, on financial regimes applicable to credit institutions and foreign banks' branches and financial supervision and efficiency evaluation of investments funded by the State budget in wholly or partially State-owned credit institutions.
- Circular No. 09/2017/TT-NHNN dated 14 August 2017 of the State Bank of Vietnam, on amendment and supplement to a number of articles of Circular No.19/2013/TT-NHNN dated 6 September 2013 of the Governor of the State Bank of Vietnam, on purchase, sale and disposal of bad debts by the Asset Management Company for credit institutions of Vietnam.
- Circular No. 08/2017/TT-NHNN dated 1 August 2017 of the State Bank of Vietnam, providing for the order of and procedures for supervision over banks.

Trade

- Decree No. 98/2017/ND-CP dated 18 August 2017, providing for the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade.
- Decision No. 5848/QD-UBND dated 23 August 2017 of the People's Committee of Hanoi, approving the project on "Pilot management of fruit shops in the urban districts of Hanoi".
- Decision No. 1593/QD-BTC dated 15 August 2017 of the Ministry of Finance, on

pilot declaration of numbers of bills of lading on customs declaration forms for imported or exported goods for the purpose of automatic goods management and supervision.

- Decision No. 3117/QD-BCT dated 14 August 2017 of the Ministry of Industry and Trade, supplementing the list of machines, equipment, materials and raw materials which can be manufactured domestically.
- Circular No. 14/2017/TT-BCT dated 28 August 2017 of the Ministry of Industry and Trade, abolishing Circular No. 12/2015/TT-BCT dated 12 June 2015 of the Minister of Industry and Trade, on application of the regime for automatic granting import licenses to a number of steel products.

Labour

- Decision No. 1318/QD-LDTBXH dated 22 August 2017 of the Ministry of Labour, War Invalids and Social Affairs, promulgating the plan of continued implementation of the Scheme on "Propagandization and popularization of laws for employees and employers in all types of enterprises" until 2021.
- Decision No. 1255/QD-LDTBXH dated 11 August 2017 of the Ministry of Labour, War Invalids and Social Affairs, announcing the amended or supplemented administrative procedures within the scope of the State management function of the Ministry of Labour, War Invalids and Social Affairs.
- Decision No. 1188/QD-LDTBXH dated 10 August 2017 of the Ministry of Labour, War Invalids and Social Affairs, providing for the functions, tasks, powers and organizational structure of the Social Insurance Department.
- Decision No. 1229/QD-BLDTBXH dated 4 August 2017 of the Ministry of Labour, War Invalids and Social Affairs, correcting Circular No.15/2017/TT-BLDTBXH dated 8 June 2017 of the Minister of Labour, War Invalids and Social Affairs, providing for criteria and standards for accreditation of vocational education's quality.
- Circular No. 24/2017/TT-BLDTBXH dated 21 August 2017 of the Ministry of Labor, War Invalids and Social Affairs, amending and supplementing a number of articles of Circular No. 45/2015/TT-BLDTBXH dated 11 November 2015 of the Minister of Labour, War Invalids and Social Affairs, providing guidelines for the implementation of a number of articles on the National Fund for Employment as stipulated in Decree No. 61/2015/ND-CP dated 9 July 2015, on policies to support job creation and the National Fund for Employment.

- Circular No. 86/2017/TT-BTC dated 15 August 2017 of the Ministry of Finance, providing guidelines for a number of articles of Decree No. 88/2016/ND-CP dated 1 July 2016 on voluntary supplemental pension scheme.

Health

- Decision No. 3741/QD-BYT dated 17 August 2017 of the Ministry of Health, abolishing Decision No. 818/QD-BYT dated 5 March 2007 of the Minister of Health, promulgating the list of imported goods requiring food hygiene and safety inspection according to the HS codes.
- Decision No. 3725/QD-BYT dated 16 August 2017 of the Ministry of Health, promulgating the Guidelines for implementation of the testing management information system in medical examination and treatment establishments.
- Circular No. 34/2017/TT-BYT dated 18/08/2017 of the Ministry of Health, providing guidelines for prenatal and neonatal consulting, screening, diagnosis, and treatment.

Education

- Resolution No. 81/NQ-CP dated 22 August 2017 of the Government, on the execution of Memorandum of Understanding between the Government of the Socialist Republic of Vietnam and the Government of the Republic of Indonesia on Educational Co-operation.
- Decision No. 2752/QD-BGDDT dated 16 August 2017 of the Ministry of Education and Training, announcing the List of administrative procedures within the scope of State management functions of the Ministry of Education and Training, which can be implemented through public postal services.

Natural Resources - Environment

- Decision No. 1266/QD-TTg dated 24 August 2017 of the Prime Minister, approving the Scheme on "Overall survey on mineral resources and completion of geological mapping at 1/50,000 scale in the Northwest region for the purpose of planning for sustainable socio-economic development".
- Decision No. 1265/QD-TTg dated 24 August 2017 of the Prime Minister, approving amendments and additions to the Planning for development of coal industry in Vietnam up to 2020, with prospects up to 2030 (amended).
- Circular No. 20/2017/TT-BTNMT dated 8 August 2017 of the Ministry of Natural

Resources and Environment, issuing the economic-technical norms of environmental monitoring activities.

Science - Technology

- Decree No. 95/2017/ND-CP dated 16 August 2017, providing for the functions, tasks, powers and organizational structure of the Ministry of Science and Technology.
- Circular No. 15/2017/TT-BCT dated 31 August 2017 of the Ministry of Industry and Trade, providing regulations and guidelines for implementation of a number of contents of Decree No. 68/2017/ND-CP dated 25 May 2017, on management and development of industrial clusters.

Information - Communications

- Decision No. 1443/QD-BTTTT dated 30 August 2017 of the Ministry of Information and Communications, providing for the functions, tasks, powers and organizational structure of the Vietnam Computer Emergency Response Team.
- Decision No. 1438/QD-BTTTT dated 30 August 2017 of the Ministry of Information and Communications, providing for the functions, tasks, powers and organizational structure of the Department of Posts.
- Decision No. 1421/QD-BTTTT dated 28 August 2017 of the Ministry of Information and Communications, promulgating the List of legal documents, which are entirely no longer effective, under the State management of the Ministry of Information and Communications.
- Decision No. 1350/QD-BTTTT dated 15 August 2017 of the Ministry of Information and Communications, announcing the amended or supplemented administrative procedures within the scope of management functions of the Ministry of Information and Communications.
- Decision No. 1278/QD-BTTTT dated 3 August 2017 of the Ministry of Information and Communications, approving the Scheme on "Enhancing the effectiveness of prevention and fighting against violations of the laws and crimes on the Internet".

Administration - Judiciary

- Decree No. 97/2017/ND-CP dated 18 August 2017, on amendment and

supplement to a number of articles of Decree No. 81/2013/ND-CP dated 19 July 2013, detailing a number of articles and measures for implementation of Law on administrative violations.

- Decree No. 96/2017/ND-CP dated 16 August 2017, providing for the functions, tasks, powers and organizational structure of the Ministry of Justice.
- Decree No. 92/2017/ND-CP dated 7 August 2017, amending and supplementing a number of articles of the Decrees relating to the control of administrative procedures.
- Decision No. 4571/QD-UBND dated 24 August 2017 of the People's Committee of Ho Chi Minh City, on document correction.
- Decision No. 4556/QD-UBND dated 24 August 2017 of the People's Committee of Ho Chi Minh City, promulgating the Regulation on management and use of the online system for managing working dossiers in Ho Chi Minh City.
- Decision No. 48/2017/QD-UBND dated 24 August 2017 of the People's Committee of Ho Chi Minh City, on cancellation of documents.
- Decision No. 47/2017/QD-UBND dated 24 August 2017 of the People's Committee of Ho Chi Minh City, on cancellation of documents.
- Decision No. 42/2017/QD-UBND dated 24 August 2017 of the People's Committee of Ho Chi Minh City, on cancellation of documents.

Agriculture - Forestry - Fishery

- Decree No. 100/2017/ND-CP dated 18 August 2017, on amendment and supplement to a number of articles of Decree No. 39/2017/ND-CP dated 4 April 2017, on control of animal feeds and aquatic products.
- Circular No. 16/2017/TT-BNNPTNT dated 24 August 2017 of the Ministry of Agriculture and Rural Development, promulgating the National technical regulations on hygiene requirements for establishments producing pig semen.
- Circular No. 15/2017/TT-BNNPTNT dated 14 August 2017 of the Ministry of Agriculture and Rural Development, on amendment and supplement to a number of contents of Circular No. 03/2016/TT-BNNPTNT dated 21 April 2016 of the Minister of Agriculture and Rural Development, promulgating the list of plant protection pesticides permitted for use or banned from use in Vietnam; issuing HS codes for plant protection pesticides permitted for use or banned from use in Vietnam.

Investment

- Decision No. 1173/QD-BKHDT dated 29 August 2017 of the Ministry of Planning and Investment, announcing the list of legal documents, which are effective or entirely no longer valid up to 30 June 2017, under the State management of the Ministry of Planning and Investment.
- Circular No. 82/2017/TT-BTC dated 15 August 2017 of the Ministry of Finance, on reporting regime and forms of report on implementation and payment of public investment capital plan.

Miscellaneous

- Decision No. 5953/QD-UBND dated 24 August 2017 of the People's Committee of Hanoi, approving the Scheme on "Strengthening the control of means of land transport to reduce traffic congestion and pollution environment in Hanoi for the period 2017-2020, with orientation to 2030".

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