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HIGH LIGHT

1. Preparation of Tender Invitation Dossier for procurement of goods

On February 10, 2010, the Ministry of Planning and Investment issued Circular No. 05/2010/TT-BKH detailing the preparation of Tender Invitation Dossier (TID) for procurement of goods.

According to this Circular, the TID comprises three parts of basic contents. The first part relates to instructions given to the tenderers, comprising: requirements on tender procedures; tender data sheet; standards for evaluation, contents for evaluation, and tender standard forms. The second part relates to supply requirements comprising: supply range, supply schedule, technical requirements. The third part relates to contract requirements comprising: general terms and conditions of the contract, particular terms and conditions of the contract, contract template.

Governed subjects are organizations and individuals in charge of preparation of TID for procurement of goods (including accompanying spare parts, technical documents and technical services, if any) for projects under the application scope of the Law on Tendering, upon open tendering or domestic and international limited tendering. Regarding tender packages for procurement of goods for projects using ODA capital, subject to the sponsor's approval, TID forms according to this Circular can be used or can be amended in terms of certain contents in accordance with regulations on international tendering in international treaties to which Vietnam is a member or in international agreements signed by Vietnam's competent authorities.

For the purpose of such TID implementation, organization and individuals preparing TIDs, based on their tender package's scale and nature, will set forth their other appropriate requirements provided that the principle of fair competition, transparency and economic efficiency is ensured. They are not allowed to set out conditions to limit participation of tenderers or to create certain advantage for a given tenderer or a number of tenderers causing fair competition.

This Circular shall come into force as from April 1, 2010 and replaces Decision No. 1118/2008/QĐ-BKH dated September 3, 2008 of the Ministry of Planning and Investment.

2. New regulations on invoices

On February 1, 2010, the Ministry of Finance issued Circular No. 16/2010/TT-BTC amending and supplementing Circular No. 120/2002/TT-BTC dated December 30, 2002 of the MoF providing guidelines for the implementation of Decree No. 89/2002/ND-CP dated November 7, 2002 of the Government on the print, issuance and management of invoices.

Circular 16 amending Point 5, Section I, Part B of Circular 120 as follows: "5- Invoice sheets: Each invoice must have at least 3 sheets, any use of two-sheet invoice must be approved by the tax authority; function of each sheet.

Sheet 1: for archives, Sheet 2: for the client, Sheet 3: for Internal use. Invoices in the form of stamps, tickets or cards can use an appropriate number of sheets with prior approval of the tax authority”.

Hence, this Circular has repealed the following provision: “*In case of goods or service exportation, Sheet 3 shall be kept by the customs authority*” in Circular 120/2002/TT-BTC.

This Circular took effect as from February 1, 2010.

Other Sectors

Finance

- On February 26, 2010, the Hanoi People's Committee issued Decision No.12/2010/QD-UBND providing for positions, functions, duties, powers and organizational structure of the apparatus of the Hanoi Department of Finance.
- Decision No. 03/2010/QD-KTNN dated February 10, 2010 of the State Audit promulgating the audit process for financial institutions and banks.
- On February 12, 2010, the Ministry of Finance stipulated Circular No.22/2010/TT-BTC providing guidelines for the implementation of Decree No.100/2009/ND-CP dated November 3, 2009 providing for the collection of additional charge on interest portion of petroleum oil revenues allocated to petroleum oil and gas contractors on account of the crude oil price increases.

Banking

- On February 12, 2010, the Government issued Decree No. 10/2010/ND-CP on credit information activities.
- Decision No. 360/QD-NHNN dated February 15, 2010 of the State Bank of Vietnam promulgating the list of documents and regulations issued by the State Bank of Vietnam of which the validity is expired for the period from July 1, 2009 to December 31, 2009.
- On February 25, 2010, the State Bank of Vietnam stipulated Decision No.353/QD-NHNN on the basic interest rate in Vietnamese Dong.
- Circular No. 07/2010/TT-NHNN dated February 26, 2010 of the State Bank of Vietnam providing for the loans in Vietnamese Dong at the agreed interest rates given by credit institutions to clients.
- On February 26, 2010, the State Bank of Vietnam issued Circular No.06/2010/TT-NHNN providing guidelines for the organization, administration, regulation, charter capital, share assignment, amendment and supplement to licenses and charters of commercial banks.
- Circular No. 04/2010/TT-NHNN dated February 11, 2010 of the State Bank of Vietnam providing for the merger, consolidation and acquisition of credit institutions.
- On February 10, 2010, the State Bank of Vietnam stipulated Circular No.03/2010/TT-NHNN providing for maximum interest rates to be applicable for the economic organizations' deposits in United-States Dollar at credit institutions.

Taxation

- Decision No. 12/2010/QĐ-TTg dated February 12, 2010 of the Prime Minister on the deferment of corporate income tax payment for the purpose of continuously solving difficulties of enterprises and contributing to the economic development in 2010.
- On February 12, 2010, the Ministry of Finance issued Circular No. 23/2010/TT-BTC amending import tax rates applicable to a number of commodities in the export tariff and preferential import tariff.
- Circular No. 20/2010/TT-BTC dated February 5, 2010 of the Ministry of Finance providing guidelines for the amendment and supplement to a number of administrative procedures on personal income tax.

Trade

- On February 10, 2010, the Prime Minister stipulated Decision No. 10/2010/QĐ-TTg providing for free circulation certificate for exported and imported products.
- Circular No. 07/2010/TT-BCT dated February 12, 2010 of the Ministry of Industry and Trade providing for the additional import of sugar under quota in 2010.

Health

- On February 12, 2010, the Ministry of Health issued Circular No. 04/2010/TT-BYT providing for drug sampling to evaluate drug quality.
- Circular No. 19/2010/TT-BTC dated February 3, 2010 of the Ministry of Finance providing for collection rates, regime of collection, payment, management and use of fee for re-issuance and change of health insurance cards.

Transport

- On February 24, 2010, the Government stipulated Decree No. 11/2010/ND-CP providing for the management and protection of land-road traffic infrastructure.
- Decision No. 09/2010/QĐ-UBND dated February 2, 2010 of the Hanoi People's Committee promulgating regulations on the operations of transportation vehicles in the area of Hanoi.
- On February 11, 2010, the Ministry of Transport issued Circular No.07/2010/TT-BGTVT providing for loading capacities and clearance gauges of land roads, circulation of overloaded, oversized, and tracked vehicles on land roads, transport of oversized and overweighed commodities, loading limit of transportation vehicles on the land roads.
- Circular No. 05/2010/TT-BGTVT dated February 9, 2010 of the Ministry of Transport providing for the organization and operation of toll plazas.

Land

- On February 2, 2010, the Ministry of Natural Resources and Environment and the Ministry of Home Affairs jointly stipulated Inter-ministerial Circular No. 04/2010/TTLT-BTNMT-BNV providing guidelines for duties, powers, organization and staffing of the Department of Natural Resources and Environment under Committees of provinces and central-running cities, Bureau of Natural Resources and Environment under the People's Committees of districts, towns and provincial cities on the land price fixation.
- Circular No. 03/2010/TT-BTNMT dated February 1, 2010 of the Ministry of Natural Resources and Environment providing the regulations on the economic - technical norms for development of the land price list.

Agriculture

- On February 26, 2010, the Ministry of Agriculture and Rural Development issued Circular No. 09/2010/TT-BNNPTNT promulgating the requirements to ensure the food quality, hygiene and safety in processing cat fish products for export.
- Circular No. 06/2010/TT-BNNPTNT dated February 2, 2010 of the Ministry of Agriculture and Rural Development providing for quarantine order and procedures for aquaculture and aquatic products.

Miscellaneous

- On February 23, 2010, the Hanoi People's Committee stipulated Decision No.11/2010/QĐ-UBND promulgating the regulations on management of ordinary solid wastes in the area of Hanoi.
- Decision No. 12/2010/QĐ-UBND dated February 22, 2010 of the People's Committee of Ho Chi Minh City promulgating the legal documents of which the validity is expired.
- On February 26, 2010, the Ministry of Finance issued Circular No.27/2010/TT-BTC providing for the collection rates, the regime of collection, management and use of securities operation fee applied at the securities exchanges and Vietnam Securities Depository.
- Circular No. 01/2010/TT-BKHCN dated February 25, 2010 of the Ministry of Science and Technology providing for the activities of consulting, evaluating and certifying quality management systems in accordance with national standard ISO 9001:2008 regarding the State administrative agencies.
- On February 9, 2010, the Ministry of Information and Communications stipulated Circular No. 05/2010/TT-BTTTT on the amendment and supplement to Circular No. 01/2005/TT-BBCVT dated May 6, 2005 of the Ministry of Posts

and Telecommunications providing guidelines for issuance of license for conducting business in courier delivery service and for registration of courier delivery agency for foreign delivery organizations.

- Circular No. 01/2010/TT-BTP dated February 9, 2010 of the Ministry of Justice detailing and providing guidelines for the implementation of a number of articles of Decree No. 77/2008/ND-CP dated July 16, 2008 on legal consultancy.
- On February 5, 2010, the Ministry of Public Security issued Circular No.07/2010/TT-BCA detailing the implementation of a number of articles of Decree No. 58/2001/ND-CP dated August 24, 2001 on the management and use of seals that was amended and supplemented in accordance with Decree No.31/2009/ND-CP.
- Circular No. 04/2010/TT-BKH dated February 1, 2010 of the Ministry of Planning and Investment detailing the preparation of dossiers requiring a designation of engineering tenderers.

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