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SECURITIES LAW

Sufficient legal updates for indirect investment by foreigners in Vietnam?

By Luu Tien Ngoc

Paving the way for development of Vietnamese securities market up to 2020, the Government and the Ministry of Finance recently issued several legal documents implementing the amended Securities Law. Although certain clarifications given by these instruments, the legal framework for in-direct investment by foreigners in Vietnam still needs to be rendered updated and consistent to provide better supports to investors.

In an attempt to implement the Strategy for development of the Vietnamese securities market for 2011-2020, attached to Decision No.252/QD-TTg, dated 1 March 2012, of the Prime Minister, a large number of legal documents implementing the Securities Law 2006 and its Amendment 2010 were introduced by the Government and the Ministry of Finance (“**MoF**”). Amongst all, they include the most recently-introduced Circular No.213/2012/TT-BTC, dated 6 December 2012, of the MoF, guiding the operations by foreigners in the Vietnamese securities market (“**Circular 213**”). Circular 213 will be effective on 15 February 2013, and replace Decision No.121/2008/QD-BTC, dated 24 December 2008, of the MoF, on the same subject (“**Decision 121**”).

On the occasion of introduction of Circular 213, we would like to brief some key notes of which foreigners should be aware and updated in relation to their *in-direct investment*, in Vietnam, with necessary comparisons between investment in non-public companies and the same in public companies. For the purpose hereof, *in-direct investment* means “a form of investment by way of purchase of shares, share certificates, bonds, other valuable papers or a securities investment fund and by way of intermediary financial institutions, whereby foreigners do not participate directly in the management of the investment activity”, and *direct investment* by foreigners in Vietnam is excluded.

1. **Governing law.** Different specific legal documents apply differently to in-direct investment by foreigners in public and non-public companies in Vietnam. In general, if the investment is made in non-public companies (including both joint stock and limited liability companies), it is governed by Decision No.88/2009/QD-TTg, dated 18 June 2009, of the Prime Minister, issuing the regulations on capital contribution, share purchase by foreigners in Vietnamese companies (“**Decision 88**”). If investment is made in public companies (including only listed and unlisted joint stock companies, and excluding all limited liability companies), it is alternatively governed by Decision 121, at this moment, and by Circular 213, from 15 February 2013.
2. **Investment vehicle.** In general, foreigners are free to select the most appropriate vehicle for their in-direct investment in Vietnam. However, with respect to investment by foreigners in non-public companies, it seems that the

investment must be made directly by foreigners themselves, in accordance with Decision 88, which is silent on investment indirectly by foreigners through fund managers, securities companies or transaction representatives appointed by them in Vietnam. With respect to investment in public companies, though Decision 121 is not so clear on this point, it is clear under Circular 213 that foreigners can invest either directly by themselves or indirectly through fund managers, securities companies or transaction representatives appointed by them in Vietnam.

3. ***Investment capital account.*** In general, an investment capital account (“CCA”) is required for any new foreigner when it first enters into Vietnam. In principle, the CCA opening must be in compliance with the Ordinance on Foreign Exchange Control, adopted by the Standing Committee of the National Assembly, on 13 December 2005 (“**FX Ordinance**”), and Decree No.160/2006/ND-CP, dated 28 December 2006, guiding the implementation of the FX Ordinance (“**Decree 160**”). However, in practice, the CCA opening is made in compliance with Circular No.03/2004/TT-NHNN, dated 25 May 2004, of the State Bank of Vietnam (“**SBV**”), guiding on the foreign exchange control in relation to the share purchase and capital contribution by foreigners in Vietnamese companies (“**Circular 03**”). As far as we understand, Circular 03 originally provides the legal basis for opening by foreigners the CCA for their in-direct investment in non-public companies in Vietnam, while Decision No.1550/2004/QĐ-NHNN, dated 6 December 2004, of the Governor of the SBV, on foreign exchange control in relation to the sale and purchase by foreigners of securities on stock transaction centres (now stock exchanges) (“**Decision 1550**”), provided legal basis for opening by foreigners the CCA for their in-direct investment in public companies in Vietnam and other securities on the stock exchanges. However, as the validity of Decision 1550 was repealed by the SBV, from 20 October 2012, under Circular No.25/2012/TT-NHNN, dated 6 September 2012, of the SBV, on abolishment of a number of legal documents recently issued by the Governor of the SBV (“**Circular 25/2012**”), we assume that Circular 03 would continue serving as the legal basis for reference by foreigners in practice when opening their CCA in Vietnam for in-direct investment in Vietnam, regardless whether their investment is made in public or non-public companies. Circular 213 seems reflecting this change.
4. ***Investment capital account registration.*** In general, before 14 October 2011, any CCA immediately after its opening, must be registered by foreigners with the SBV, in accordance with relevant legal documents, including Circular 03 and Decision 1550. However, after 14 October 2011, the effective date of Circular No.25/2011/TT-NHNN, dated 31 August 2011, of the SBV, simplifying some administrative procedures within the state management competence by the SBV (“**Circular 25/2011**”), no registration of the CCA by foreigners with the SBV is required. Circular 213 is silent on requiring the registration by foreigners of the CCA with the SBV.
5. ***Securities trading code.*** With respect to investment in non-public companies, Decision 88 is silent on requiring the application by foreigners for securities trading code (“**STC**”) from the Vietnam Securities Depository (“**VSD**”).

Because of that, we assume that no STC is required by the laws if foreigners invest in buying shares or capital contributions in non-public companies in Vietnam. With respect to investment in public companies, though Decision 121 is not so clear on this point, it is clear under Circular 213 that foreigners are required to apply for the STC before making their investment, directly by themselves, in public companies in Vietnam. It is worthy of note that STC is not required if foreigners make their investment indirectly through fund managers, and that if compared with Decision 121, Circular 213 provides much more supports to foreigners in relation to their application for the STC. Instead of insisting on valid legalisation of all relevant legal documents at the very beginning for the STC as it does under Decision 121, which did create a lot of cumbersomes for foreigners when investing in Vietnam, Circular 213 provides that foreigners may submit certified copies of their legal documents for the STC at the beginning, and have up to 9 months thereafter to arrange and submit the required legalisations to the VSD.

6. ***Securities trading and depository accounts.*** With respect to investment in non-public companies, no requirement of either securities trading account (“**STA**”) or securities depository account (“**SDA**”) is found under Decision 88. Because of that, we assume that neither STA nor SDA are required by the laws if foreigners invest in buying shares or capital contributions in non-public companies in Vietnam. With respect to investment in public companies, it seems that both Decision 121 and Circular 213 require the STA and SDA when foreigners making their investment in public companies in Vietnam.
7. ***Reporting.*** In general, foreigners are generally required to report to the business registrars or licensing authorities in case of any change of their major shareholder status (i.e. change of over 5% of the charter capital) in joint stock companies, in accordance with the Law on Enterprises, regardless of they are public or non-public companies. In particular, with respect to investment in non-public companies, no requirement of any other reports by foreign investors to any other authorities is found under Decision 88. With respect to investment in public companies, it is clear that both Decision 121 and Circular 213 require reports by foreign investors and by many other relevant parties (including fund managers, securities companies, custodian banks, securities depository centre, stock exchanges) on the investment activities by foreigners in Vietnam, to the State Securities Commission (“**SSC**”). Reports must be made in the appropriate forms as provided by Decision 121 at this moment and by Circular 213, from 15 February 2013.

Given the introduction of Circular 213 with certain clarifications, the legal framework for in-direct investment by foreigners in Vietnam should be further considered to update, to making the entire legal framework consistent and providing better supports to foreigners having their in-direct investment in Vietnam. Amongst all, our views are that:

8. ***Foreign investor definition.*** This should be first considered, because different legal documents still provide different definitions, which create in practice a lot of confusions to not only foreign investors but also relevant

authorities when dealing with relevant issues arising out of the investment by foreigners in Vietnam, particularly in case of change in the nature of companies where foreigners have their in-direct investment, from non-public into public companies and vice versa. According to Decision 88 (Article 2.1.b), *foreign investor* includes “organisation established and operating in Vietnam, having **over 49% foreign capital contribution**”, but according to Circular 213 (Article 2.6.c), *foreign investor* includes “organisation established and operating in accordance with the laws of Vietnam, having **100% foreign capital contribution**”. In addition, according to Decree No.102/2010/ND-CP, dated 01 October 2010, of the Government, guiding the implementation of the Law on Enterprises (“**Decree 102**”) (Articles 11.3 and 11.4), enterprise established in Vietnam with foreign ownership of **49% or lower** of its charter capital, will be subject to business and investment conditions like they are applicable to Vietnamese investors, but if foreign ownership **exceeds 49%** of its charter capital, it will be subject to business and investment conditions like they are applicable to foreign investors.

9. **Foreign exchange control.** This should be the next to be considered because still different CCAs of different nature provided by different legal documents, are still in existence, which create in practice a lot of confusions to not only foreign investors but also relevant authorities when dealing with foreign exchange issues arising out of the investment by foreigners in Vietnam, particularly in case a foreigner invests in different types of companies in Vietnam (including non-public and public companies, without or with foreign invested capital which were originally established under the former foreign investment laws, before 1 July 2006 and the Law on Investment, from 1 July 2006). In principle, all foreign exchange issues must be in compliance with the FX Ordinance and Decree 160. However, in my view, the current legal framework is not sufficient and clear enough to deal with the historical differences in nature of the CCAs as provided by and opened under Circular 03, Decision 1550 and the same as provided by and opened under Circular No.04/2001/TT-NHNN, dated 18 May 2001, of the SBV, guiding the foreign exchange control in relation to foreign invested companies and foreign parties to business cooperation contracts (“**Circular 04**”).

Other Sectors

Finance - Banking

- On 23 February 2013, the Prime Minister stipulated Decision No. 15/2013/QĐ-TTg on credit for nearly poor households.
- Decision No. 418/QĐ-NHNN dated 21 February 2013 of the State Bank of Vietnam announcing the list of legal documents and regulations promulgated by the State Bank of Vietnam, which expired during the period of time from 1 July to 31 December 2012.
- On 5 February 2013, the Prime Minister issued Decision No. 293/QĐ-TTg on targeted supports funded by the central budget for 23 districts with high poverty rate, to which are applied mechanisms and policies on infrastructure investment under Resolution No. 30a/2008/NQ-CP dated 27 December 2008 of the Government on the support program for fast and sustainable poverty reduction in 62 poor districts.
- Circular No. 19/2013-TT-BTC dated 20 February 2013 of the Ministry of Finance providing guidelines for the implementation of a number of regulations on organization and operations of the inspectorate of the Finance branch.
- On 8 February 2013, the Ministry of Finance stipulated Circular No. 16/2013-TT-BTC providing guidelines for the implementation of the extension of time limits, and reduction in certain payments made to the State Budget under Resolution No.02/NQ-CP dated 7 January 2013 of the Government on a number of solutions to remove difficulties for business production, market support and settlement of bad debts.
- Circular No. 15/2013-TT-BTC dated 5 February 2013 of the Ministry of Finance providing guidelines for the system of indicators and statistical reporting forms used in financial institutions.
- On 5 February 2013, the Ministry of Finance issued Circular No. 14/2013-TT-BTC detailing and providing guidelines for the implementation of a number of articles of Decree No. 66/2012/ND-CP dated 6 September 2012 on sanctioning administrative violations in the field of the management and use of the State's assets.

Trade

- Decision No. 963/QĐ-BCT dated 8 February 2013 of the Ministry of Industry and Trade providing for the functions, duties, powers and organizational structure of the Department of Trade Promotion.
- On 6 February 2013, the Ministry of Industry and Trade stipulated Decision No.907/QĐ-BCT providing for the functions, duties, powers and organizational

structure of the Department of Market Management under the Ministry of Industry and Trade.

- Decision No. 851/QD-BCT dated 5 February 2013 of the Ministry of Industry and Trade providing for the functions, duties, powers and organizational structure of the Department of Chemicals.
- On 5 February 2013, the Ministry of Industry and Trade issued Decision No.849/QD-BCT providing for the functions, duties, powers and organizational structure of the Inspectorate of the Ministry of Industry and Trade.
- Circular No. 05/2013/TT-BCT dated 18 February 2013 of the Ministry of Industry and Trade providing for the activities of business in temporary import for re-export of a number of kinds of goods.
- On 8 February 2013, the Ministry of Industry and Trade stipulated Circular No.04/2013/TT-BTC providing for the directive principles of import tariff quotas applicable to sugar, salt, and eggs in 2013.

Education

- Decree No. 19/2013/ND-CP dated 23 February 2013 amending and supplementing a number of articles of Decree No. 61/2006/ND-CP dated 20 June 2006 issuing the policy on teachers and education managers working in special schools in areas with especially difficult socio-economic conditions.
- On 28 February 2013, the Prime Minister issued Decision No. 371/QD-TTg approving the Project on “Transfer of the sets of programs; training and fostering vocational education teachers and managers; pilot training on key professions at the ASEAN regional and international levels” for the period from 2012 to 2015.
- Circular No. 04/2013/TT-BGDDT dated 21 February 2013 of the Ministry of Education and Training amending and supplementing a number of articles of the Regulation on High School Graduation Exam accompanying Circular No.10/2012/TT-BGDDT dated 6 March 2012 of the Ministry of Education and Training.
- On 20 February 2013, the Ministry of Education and Training stipulated Circular No. 03/2013/TT-BGDDT amending and supplementing a number of articles of the Regulation on enrolment and admission of colleges and junior colleges in regular official system accompanying Circular No. 09/2012/TT-BGDDT and Circular No. 04/2012/TT-BGDDT on the amendment and supplement to a number of article of Circular No. 09/2012/TT-BGDDT dated 5 March 2012 of the Minister of Education and Training.

Labour

- Decree No. 17/2013/ND-CP dated 19 February 2013 amending and

supplementing a number of articles of Decree No. 204/2004/ND-CP dated 14 December 2004 on salary regime applicable to cadres, public officials and servants, and armed forces' personnel.

- On 7 February 2013, the Vietnam Social Insurance issued Decision No.133/QD-BHXX promulgating the Regulation on training and fostering public officials and servants of the Vietnam Social Insurance's system.
- Decision No. 132/QD-BHXX, dated 7 February 2013 of the Vietnam Social Insurance amending and supplementing Decision No. 1071/QD-BHXX, dated 1 September 2009 of the General Director of the Vietnam Social Insurance promulgating the codes recorded on the health insurance cards.
- On 5 February 2013, the Prime Minister stipulated Decision No. 291/QD-TTg promulgating the System of criteria for evaluation of development of human resources so as to monitor and evaluate the implementation of Planning for and Strategy on the development of human resources for the period from 2011 to 2020.
- Circular No. 10/2013/TT-BCA dated 22 February 2013 of Ministry of Public Security detailing and providing guidelines for the implementation of a number of articles of Decree No. 90/2010/ND-CP dated 18 August 2010 providing for the national database on the population.
- On 19 February 2013, the Ministry of Labour, War Invalids and Social Affairs issued Circular No. 03/2013/TT-BLDTBXH providing for the protection of the State's secrets in the industry of Labour, War Invalids and Social Affairs.

Health

- Decision No. 14/2013/QD-TTg dated 20 February 2013 of the Prime Minister on the implementation of the rotation mode for a definite time limit with respect to practitioners in the medical examination and treatment establishments.
- On 7 February 2013, the Prime Minister stipulated Decision No. 319/QD-TTg approving the Project on "Promoting the training and development of medical human resources specialized in Tuberculosis, Leprosy, Forensic and Pathology anatomy for the period from 2013 to 2020".
- Decision No. 317/QD-TTg dated 7 February 2013 of the Prime Minister approving the Project on "Development of health care in sea and islands of Vietnam up to 2020".
- On 8 February 2013, the Ministry of Health and the Ministry of Industry and Trade jointly issued Inter-ministerial Circular No. 05/2013/TTLT-BYT-BCT providing guidelines for the labelling and printing of health warnings on tobacco packages.
- Circular No. 06/2013/TT-BYT dated 8 February 2013 of the Ministry of Health

providing guidelines for the pilot implementation of the management of drug prices by means of the maximum wholesale amount assumption of a whole period with respect to drugs funded by the State budget and health insurance.

Transport

- On 27 February 2013, the Prime Minister stipulated Decision No. 357/QD-TTg on the approval and execution of Protocol No. 2 on the right to transport No. 5 under the Air Transport Agreement between the Governments of the member states of the Association of Southeast Asian Nations and the Government of the People's Republic of China.
- Decision No. 356/QD-TTg dated 25 February 2013 of the Prime Minister approving the adjustment in the Planning for development of land road transport in Vietnam up to 2020 with orientation to 2030.
- On 25 February 2013, the Prime Minister issued Decision No. 355/QD-TTg approving the adjustment in the Strategy on development of Vietnam's transport up to 2020 with orientation to 2030.
- Decision No. 08/2013/QD-UBND dated 19 February of the People's Committee of Ho Chi Minh City on the prohibition and restriction of three-wheel motor vehicles and three-wheel, four-wheel simple vehicles traffic in downtown areas and in a number of routes in the area of Ho Chi Minh City.
- On 27 February 2013, the Ministry of Finance stipulated Circular No.23/2013/TT-BTC providing for the collection rate and the regime on collection, submission, management and use of driving test charges.

Construction

- Decree No. 15/2013/ND-CP dated 6 February 2013 on the management of construction works' quality.
- On 25 February 2013, the Ministry of Construction issued Decision No. 212/QD-BXD on the cancellation of the Standards in Construction industry (Phase 1).
- Decision No. 384/QD-BGTVT dated 7 February 2013 of the Ministry of Transport promulgating the Temporary regulations on construction techniques and final check and acceptance of items for handling soft ground by cohesive vacuum method with airtight membrane in construction of traffic construction works.
- On 1 February 2013, the People's Committee of Hanoi stipulated Decision No.711/QD-UBND approving the planning for use of sands and gravels in the area of Hanoi up to 2020 with orientation to 2030.
- Decision No. 142/QD-BXD dated 1 February 2013 of the Ministry of Construction correcting Circular No. 06/2012/TT-BXD dated 10 October 2012 of

the Ministry of Construction.

- On 19 February 2013, the Ministry of Finance issued Circular No. 17/2013/TT-BTC amending Clause 1 Article 6 of Circular No. 10/2011/TT-BTC dated 26 January 2011 of the Ministry of Finance on management and use of expenses for project management of the projects on construction investment funded by the State budget.
- Circular No. 01/2013/TT-BXD dated 8 February 2013 of the Ministry of Construction providing guidelines for the determination and management of expenses for construction planning and urban planning.

Land

- On 26 February 2013, the People's Committee of Hanoi stipulated Decision No.08/2013/QD-UBND on the amendment and supplement to Decision No.05/2012/QD-UBND dated 8 March 2012 of the People's Committee of Hanoi promulgating the price list taken as the basis to calculate registration fees applicable to houses and personal income tax levied on assignment of houses in the area of Hanoi.
- Decision No. 352/QD-TTg dated 23 February 2013 of the Prime Minister promulgating the plan of implementation of Resolution No. 539/QD-UBTVQH13 dated 30 October 2012 of the National Assembly's Standing Committee on the results of monitoring the implementation of policies and laws on residential land and productive land for ethnic minorities.
- On 7 February 2013, the Prime Minister issued Decision No. 312/QD-TTg approving the plan of implementation of Resolution No. 39/2012/QH13 dated 23 November 2012 of the National Assembly on the continued improvement of the effectiveness and efficiency during the implementation of policies and laws in the settlement of complaints and denunciations by citizens with respect to administrative decisions on land.
- Decision No. 07/2013/QD-UBND dated 5 February of the People's Committee of Hanoi cancelling and supplementing a number of clauses of Regulations accompanying Decision No. 02/2010/QD-UBND dated 18 January 2010 and Decision No. 48/2011/QD-UBND dated 26 November 2011 of the People's Committee of Hanoi on land recoveries, land allocations, land leases, and change of land use purpose for implementation of investment projects and rural residential housing construction in rural residential zones in the area of Hanoi.

Science - Technology

- On 26 February 2013, the Government stipulated Decree No. 20/2013/ND-CP providing for the functions, duties, powers and organizational structure of the

Ministry of Science and Technology.

- Decision No. 348/QD-TTg dated 22 February 2013 of the Prime Minister approving the Program on research, training and construction of high-tech infrastructure under the National program on development of high technologies up to 2020.
- On 22 February 2013, the Prime Minister issued Decision No. 347/QD-TTg approving the program on development of a number of high-tech industries under the National program on development of high technologies.
- Decision No. 999/QD-BCT dated 19 February 2013 of the Ministry of Industry and Trade providing for the functions, duties, powers and organizational structure of the Department of Local Industry.
- On 6 February 2013, the Directorate for Standards, Metrology and Quality stipulated Decision No. 228/QD-TDC on the issuance of written documents on Vietnamese Metrology Techniques.
- Circular No. 05/2013/TT-BKHCN dated 20 February 2013 of the Ministry of Science and Technology amending and supplementing a number of articles of Circular No. 01/2007/TT-BKHCN dated 14 February 2007 providing guidelines for the implementation of Decree No. 103/2006/ND-CP detailing and providing guidelines for the implementation of a number of articles of Law on Intellectual Property with respect to industrial property, which was amended and supplemented under Circular No. 13/2010/TT-BKHCN dated 30 July 2010 and Circular No. 18/2011/TT-BKHCN dated 22 July 2011.

Energy

- On 22 February 2013, the Government issued Resolution No. 26/NQ-CP approving the Agreement on co-operation in the field of energy between the Government of the Socialist Republic of Vietnam and the Government of the Bolivarian Republic of Venezuela.
- Decision No. 370/ QD-TTg dated 28 February 2013 of the Prime Minister approving the Scheme on information and propaganda about the development of nuclear power in Vietnam up to 2020.
- On 20 February 2013, the People's Committee of Hanoi stipulated Decision No.1360/QD-UBND promulgating the Implementation plan of the National target program on economical and efficient use of energy in the area of Hanoi in 2013.
- Circular No. 03/2013/TT-BCT dated 8 February 2013 of the Ministry of Industry and Trade providing for the operation of competitive electricity generation market.

Information

- On 28 February 2013, the Prime Minister issued Decision No. 368/QD-TTg approving the Government's Action Program on foreign relations communication for the period from 2013 to 2020.
- Decision No. 147/QD-BTTTT dated 20 February 2013 of the Ministry of Information and Communications promulgating a set of criteria for assessing the successful implementation level of the National program on the application of information technology in the operation of State agencies for the period from 2011 to 2015.
- On 5 February 2013, the Ministry of Home Affairs stipulated Decision No.113/QD-BNV promulgating the Regulation on management and use of information of Database about associations and non-governmental organizations.

Administration - Judiciary

- Decree No. 16/2013/ND-CP dated 6 February 2013 on the review and systemization of legal documents.
- On 5 February 2013, the Government issued Decree No. 14/2013/ND-CP amending and supplementing a number of articles of Decree No. 07/2007/ND-CP dated 12 January 2007 of the Government detailing and providing guidelines for the implementation of a number of articles of Law on Legal Aid.
- Decision No. 386/QD-TTTP dated 23 February 2013 of the Government Inspectorate of Vietnam on the re-assignment of the tasks of supervision, inspection, expedition, promotion, instruction and synthesis of results of the implementation of the tasks of supervision, review and resolution of outstanding, complicate and prolonged cases under Plan No. 1130/KH-TTTP.
- On 19 February 2013, the Prime Minister issued Decision No. 338/QD-TTg approving the "Strategy on Development of Judicial records up to 2020 with orientation to 2030".
- Decision No. 452/QD-BTP dated 19 February 2013 of the Ministry of Justice approving the Scheme on elaboration of criteria for assessment of task completion levels of administrative management units under the Ministry of Justice in accordance with provisions of Decree No. 130/2005/ND-CP dated 17 October 2005 providing for the regime on self-management and self-responsibility in the utilization of staff and expenditures for administrative management in the State's agencies.
- On 7 February 2013, the Ministry of Justice stipulated Decision No. 417/QD-BTP promulgating the plan of popularization and education of laws in 2013.
- Decision No. 316/QD-TTg dated 7 February 2013 of the Prime Minister promulgating the Implementation plan of Resolution of the National Assembly

on the works of prevention of and fighting against the violations of laws and crimes, and on the judgments enforcement in 2013.

- On 6 February 2013, the Prime Minister issued Decision No. 303/QD-TTg promulgating the Plan of elaboration of legal documents and regulations detailing and providing guidelines for the implementation of laws and resolutions passed by the 13th National Assembly at the 4th Session.
- Decision No. 376/QD-BTP dated 5 February 2013 of the Ministry of Justice announcing the List of legal documents and regulations individually and jointly promulgated by the Ministry of Justice and expired from 1 July to 31 January 2012.
- On 5 February 2013, the Ministry of Industry and Trade stipulated Decision No.869/QD-BCT promulgating the Regulation on authority in terms of organization, staffing, and management of cadres, public officials and servants with respect to the Divisions, ministerial Inspectorate, ministerial Office, General Departments, Departments, and public non-business professional units under this Ministry.
- Joint Circular No. 01/2013/TTPT-BCA-BTP-BNG-VKSNDTC-TANDTC dated 22 February 2013 of the Ministry of Public Security, the Ministry of Justice, the Ministry of Foreign Affairs, the Supreme People's Procuracy and the Supreme People's Court providing guidelines for the receipt, transfer, and continuous judgment enforcement with respect to those who are subject to imprisonment sentence.
- On 1 February 2013, the Ministry of Justice and the Ministry of Defence jointly issued Inter-ministerial Circular No. 04/2013/TTLT-BTP-BQP providing guidelines for the implementation of the State's control on the work of compensation in civil judgement enforcement activities.

Agriculture

- Decision No. 358/QD-TTg dated 7 February 2013 of the Prime Minister amending and supplementing a number of articles of Decision No. 315/QD-TTg dated 1 March 2011 of the Prime Minister on the pilot implementation of agricultural insurance for the period from 2011 to 2013.
- On 25 February 2013, the People's Committee of Hanoi stipulated Decision No.1835/QD-UBND approving the Planning for development of livestock in Hanoi up to 2020 with orientation to 2030.
- Decision No. 342/QD-TTg dated 20 February 2013 of the Prime Minister amending a number of criteria in the Set of national criteria for new rural areas.
- On 25 February 2013, the Ministry of Finance issued Circular No. 22/2013/TT-BTC providing the charges for import, export and storage of plant protection

products under the national reserves managed by the Ministry of Agriculture and Rural Development.

- Circular No. 21/2013/TT-BTC dated 25 February 2013 of the Ministry of Finance providing for the rates of fee for import, export and storage of vegetable seeds under the national reserves managed by the Ministry of Agriculture and Rural Development.
- On 25 February 2013, the Ministry of Agriculture and Rural Development stipulated Circular No. 14/2013/TT-BNNPTNT providing for the grant of certificates of eligibility for production of and trade in plant protection products.
- Circular No. 12/2013/TT-BNNPTNT dated 6 February 2013 of the Ministry of Agriculture and Rural Development promulgating the National technical regulations on Paddy storage premises and Rice mills.
- On 6 February 2013, the Ministry of Agriculture and Rural Development issued Circular No. 11/2013/TT-BNNPTNT announcing the additional list of protected plant varieties.

Forestry

- Decision No. 710/QD-UBND dated 1 February 2013 of the People's Committee of Hanoi approving the "Planning for forest protection and development in Hanoi for the period from 2012 to 2020".
- On 1 February 2013, the Ministry of Agriculture and Rural Development and the Ministry of Planning and Investment jointly stipulated Inter-ministerial Circular No. 10/2013/TTLT-BNNPTNT-BKHDT providing guidelines for the management and use of investment capital funded by the State budget to implement the forest protection and development plan for the period from 2011 to 2020 under Decision No. 57/QD-TTg dated 9 January 2012 of the Prime Minister.
- Circular No. 18/2013/TT-BTC dated 20 February 2013 of the Ministry of Finance provides guidelines for the order of and procedures for liquidation of planted forests, and management and use of the amounts of money collected from the liquidation of planted forest failing to become a forest and planted forests or being unlikely to become a forest.

Fishery

- On 25 February 2013, the People's Committee of Hanoi issued Decision No.1836/QD-UBND approving the Planning for development of fisheries in Hanoi up to 2020 with orientation to 2030.
- Circular No. 13/2013/TT-BNNPTNT dated 8 February 2013 of the Ministry of Agriculture and Rural Development providing for the Registration of fishing

vessel agents.

Miscellaneous

- Decision No. 09/2013/QĐ-UBND dated 28 February 2013 amending the Charter on Organization and Operations of the Hanoi environmental protection Fund accompanying Decision No. 38/2010/QĐ-UBND promulgated by the People's Committee of Hanoi.
- On 26 February 2013, the State Securities Commission of Vietnam stipulated Decision No. 105/QĐ-UBND promulgating the Regulation on guiding the setup and operation of the risk management system for securities companies.
- Decision No. 339/QĐ-TTg dated 19 February 2013 of the Prime Minister approving the overall scheme on restructuring the economy in association with transformation of growth model towards to increase quality, effectiveness and competitiveness for the period from 2013 to 2020.
- On 18 February 2013, the Prime Minister issued Decision No. 321/QĐ-TTg approving the National Action Program on Tourism in the period 2013-2020.
- Decision No. 304/QĐ-TTg dated 6 February 2013 of the Prime Minister approving the Scheme on improvement of national credit rating.

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