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HIGHLIGHTED

1. Detailed regulations on marriage and family relations involving foreign elements

On 28 March 2013, the Government has promulgated Decree No.24/2013/ND-CP detailing the implementation of a number of articles of the Law on Marriage and Family regarding marriage and family relations involving foreign elements.

The Decree clearly stipulates that within the territory of Vietnam, rights and legal benefits of the parties in marriage and family relations involving foreign elements are respected and protected in accordance with the Laws of Vietnam and international treaties to which Vietnam is a party.

The Decree also stipulates that the marriage, recognition of father, mother, offspring for the purpose of human traffic, labour exploitation, sexual assault on women and children or other self-interest purposes are strictly prohibited.

According to the Decree, where a marriage is between a foreigner and a Vietnamese citizen or between two Vietnamese citizens, one of who resides abroad, the provincial-level People's Committee of the locality where the Vietnamese citizen permanently resides shall record such marriage registration. If the Vietnamese citizen does not have or has not yet got permanent residence registration, but has registered for temporary residence in accordance with the laws on residence, the provincial-level People's Committee of the locality where the Vietnamese citizen temporarily resides shall do so.

In case of marriage between foreigners in Vietnam, the provincial-level People's Committee of the locality where either of them registers for permanent residence or temporary residence shall register it as requested.

Time limit for marriage registration procedure in Vietnam shall not exceed 25 days from the date on which the Department of Justice fully receives the duly dossiers and fees. In case the Department of Justice requires a Police's verification as stipulated in this Decree, the aforesaid time limit shall be extended up to not more than 10 working days. Within 5 working days from the date on which the President of the provincial-level People's Committee signs the Marriage Certificate, the Department of Justice shall organize the marriage registration ceremony.

In addition, marriage registration shall be refused in the following cases: either of the parties does not satisfy the condition on marital age in accordance with the Laws of Vietnam; the foreigners do not satisfy conditions for marriage as stipulated by the laws of the country/countries of which the foreigner is a citizen or where the foreigner permanently resides in case such foreigner have no nationality; the marriage is based on voluntary consent by the man and the woman; there is a deception or forced marriage; same-sex marriage; marriage between direct line or relative descents from the common ancestor within three generations; etc.

Marriage registration shall also be refused if the results of the interview, investigation, verification show that such marriage is arranged through brokerage for the purpose of getting profits; the marriage is not real and for the purpose of prosperous, equal, progressive, happy and sustainable family building; taking advantage of the marriage for the purpose of human traffic, labour exploitation, sexual assault on women and or other self-interest purposes.

This Decree shall become effective on 15 May 2013.

2. Continued and expanded pilot implementation of bailiff institution

On 25 March 2013, the Prime Minister has signed Decision No. 510/QĐ-TTg approving the Scheme on “Continued pilot implementation of institutions on Bailiffs”.

The Scheme provides solutions and plans in order to effectively implement Resolution No. 36/2012/QH13 of the National Assembly on continued pilot implementation of institutions on Bailiffs, then obtaining further sufficient evaluation as a basis of the summary and report to the National Assembly for its decision on subsequent policies; in order to contribute to the implementation of the objectives on judicial and administration reform proposed by the Party and State.

Regarding the main contents of the Scheme, the Decision clearly states:

- To continue the pilot implementation of institutions on bailiffs in Ho Chi Minh City; maintain operation of Offices of Bailiffs that have been established; and further establish several Offices of Bailiffs in Ho Chi Minh City.
- Simultaneously, to expand the pilot institutions on Bailiffs in from 12 to 15 provinces and centrally-run cities. Determination of localities to implement pilot expansion must be based on the following conditions and criteria: ensuring the representative nature for regions throughout the country, therefore a locality to expand pilot implementation must have provinces and centrally-run cities at different regions (North of Vietnam, Central of Vietnam, South of Vietnam); localities have relatively stable socio-economic conditions; quantity of cases accepted for settlement by Courts and civil judgment enforcement agencies is sufficiently large, and based on the demand of the people and society in Bailiff implementation; and determinedness and readiness of agencies, organizations in localities of pilot implementation.

The Prime Minister assigns the Minister of Justice to decide on selecting localities for pilot implementation after reaching an agreement with the Supreme People’s Court, the Supreme People’s Procuracy and the Ministry of Finance.

Regarding the agreed contents of policies and plans on the pilot implementation of institutions on Bailiffs, the Prime Minister suggest the

Central Steering Board of Judicial reform to give an official document to Party's executive committees and local Steering Boards of Judicial reform in implementation of the Resolution No.36/2012/QH13 dated 23 November 2012 of the National Assembly. The relevant ministries, sectors; the Party's executive committees, the People's Committees of provinces and centrally-run cities engaged in the pilot implementation of institutions on bailiffs shall all be aware of pilot Bailiffs-related policies of the Party and State.

Besides, the Scheme covers the matters: to amend, supplement and complete the institutions for the pilot expansion; to train and appoint Bailiffs; to establish and register operations for Offices of Bailiffs in localities as the pilot implementation of these institutions; to strengthen the propaganda and raise awareness about the Bailiff in many different forms; to strengthen international cooperation on Bailiffs; to check, supervise, and monitor activities of Bailiffs, etc.

According to the Decision, expenditures for formulation and implementation of the Scheme shall comply with the provisions of the laws. Based on contents of the approved Scheme, the Ministry of Justice and the Supreme People's Court shall make a budget estimation and send it to the Ministry of Finance and submit it to competent authorities for approval of estimation on the implementation of the Scheme. The estimation should be balanced so that the cost for further implementation of institutions on Bailiffs in Ho Chi Minh City must be allocated immediately.

Relevant agencies shall, within their scope of functions and tasks, regularly check and update the actual situation in order to have measures to settle timely difficulties on expenditures for the pilot implementation.

The Decision takes effect on 25 March 2013.

3. Detailed regulations on penalties against administrative violations in the field of land road traffic

“If at inspection time, the driver of vehicle fails to present Vehicle Registration Certificate; Driver's License; permit (or certificate) for vehicle driving and certificate of legal knowledge about land road traffic; Inspection certificate for technical safety and environmental protection, which the said driver states that he/she has been issued with them but does not carry them along, an administrative violation minutes shall be made for the act of lack of compulsory papers as stipulated; the vehicle shall be taken into custody in accordance with the laws”.

It is one of the contents contained in Circular No. 11/2013/TT-BCA dated 1 March 2013 of the Ministry of Public Security detailing the implementation of a number of articles of Decree No. 34/2010/ND-CP dated 2 October 2010 and Decree No. 71/2012/ND-CP dated 19 September 2012 amending and supplementing a number of articles of Decree No.34/2010/ND-CP providing regulations on sanctioning administrative violations in the field of land road transport.

The said Circular specifies cases of sanctioning the motor-bike or moped driver's act of failing to present the above-mentioned papers as follows:

Within a fixed time limit, in the event that the competent person has not yet made a decision on sanctioning, the offender presents such required papers, the officer in charge of administrative violation settlement must temporarily hold those papers, record the time that the said papers were presented on the back side of the administrative violation minutes (archive copy); sign with his/her full name; report it to the competent person in order to return the temporarily held vehicle to the offender; issue a decision on sanctioning the act of not carrying the compulsory papers.

Within a fixed time limit, in the event that the competent person in charge has issued a decision on sanctioning the act of lack of the required papers, the offender presents them, the officer in charge of administrative violation settlement must temporarily hold said papers, record the time that said papers were presented on the back side of the administrative violation minutes (archive copy); sign with his/her full name; report it to the competent person in order to cancel the said issued decision on sanctioning, return the temporarily held vehicle to the offender; issue a decision on sanctioning the act of not carrying papers.

Where the offender presents the required papers after the expiration of the fixed time limit, the decision on sanctioning the violation act stated in the administrative violation minutes must be complied.

With respect to the act of not transferring vehicle's ownership in accordance with the laws, the Circular clearly states: regarding vehicles that are circulating on the roads, it is not allowed to stop the vehicle to inspect and to deal with the act of "Not transferring vehicle's ownership in accordance with the laws".

Through the works of registration and issuance of number plates; investigation and settlement of traffic accidents; through professional technical means and equipment; the cases of the violating vehicles temporarily held in accordance with the laws and through the investigation of criminal cases, if it is found out that the purchaser or the seller does not carry out the procedures for changing the owner's name, moving, changing the vehicle registration in accordance with the Circular of the Ministry of Public Security on vehicle registration, the act "sale and purchase of the vehicle without changing the owner's name" must be verified and clearly determined; and sanction must be imposed in case of failing to comply with the procedures for changing the owner's name, moving, changing the vehicle registration in accordance with the laws, within 30 days as from the date of making the vehicle sale and purchase document.

In addition, the Circular also provides regulations on sanctioning administrative violations related to the order and safety of land road traffic regarding adolescents; sanctioning the vehicle driver's act of transporting passengers in excess of the prescribed number of people that the vehicle is allowed to transport; depriving the right to use the Driver's License and certificate of legal knowledge about land road traffic; sanctioning the vehicle owner's act of delivering the vehicle or allowing people who are not qualified under the laws to conduct the vehicle in traffic; temporarily holding the papers; temporarily holding the vehicle; procedures for sanctioning; etc.

This Circular comes into force on 15 April 2013.

Other Sectors

Finance - Banking

- Decision No. 643/QD-NHNN dated 25 March 2013 of the State Bank of Vietnam on refinancing interest rate, rediscount interest rate and overnight loan interest rate applicable to inter-bank electronic payments and loans for making up capital deficits in the clearing payments of the State Bank of Vietnam to other banks.
- On 8 March 2013, the State Bank of Vietnam issued Decision No. 542/QD-NHNN correcting Circular No. 04/2013/TT-NHNN dated 1 March 2013 of the Governor of the State Bank of Vietnam providing for the activities of discounting negotiable instruments and other valuable papers by credit institutions and foreign banks' branches for their customers.
- Decision No. 16/2013/QD-TTg dated 4 March 2013 of the Prime Minister on the sale and purchase of gold bars on domestic market by the State Bank of Vietnam.
- On 25 March 2013, the State Bank of Vietnam stipulated Circular No.09/2013/TT-NHNN providing for the maximum interest rate applicable to short-term loans in Vietnamese Dong provided by credit institutions and foreign bank's branches to borrowers to satisfy the capital demand for serving a number of economic sectors and industries.
- Circular No. 08/2013/TT-NHNN dated 25 March 2013 of the State Bank of Vietnam providing for maximum interest rate applicable to deposits in Vietnamese Dong of organizations, individuals in credit institutions and foreign bank's branches.
- On 18 March 2013, the Ministry of Finance issued Circular No. 31/2013/TT-BTC providing guidelines for the financial management regime of the national investment promotion program.
- Circular No. 07/2013/TT-NHNN dated 14 March 2013 of the State Bank of Vietnam providing for the special control with respect to credit institutions.
- On 12 March 2013, the State Bank of Vietnam stipulated Circular No.06/2013/TT-NHNN providing guidelines for the activities of sale and purchase of gold bars on domestic market of the State Bank of Vietnam.
- Circular No. 05/2013/TT-NHNN dated 8 March 2013 of the State Bank of Vietnam amending and supplementing a number of articles of Regulations on classification, testing, packaging, and delivery of precious metals and gems in the Banking industry accompanying Decision No. 78/2000/QD-NHNN dated 6 March 2000 of the Governor of the State Bank of Vietnam.
- On 1 March 2013, the State Bank of Vietnam issued Circular No. 04/2013/TT-NHNN providing for the activities of discounting negotiable instruments and other valuable papers by credit institutions and foreign banks' branches for their

customers.

Taxation

- Decree No. 23/2013/ND-CP dated 25 March 2013 amending and supplementing a number of articles of Decree No. 45/2011/ND-CP dated 17 June 2011 on registration fee.
- On 14 March 2013, the General Department of Vietnam Customs stipulated Decision No. 694/QD-TCHQ promulgating the tax inspection process in the field of customs.
- Circular No. 34/2013/TT-BTC dated 28 March 2013 correcting the Minister of Finance's Circular No. 124/2011/TT0BTC providing the guidelines on registration fee.
- On 15 March 2013, the Ministry of Finance issued Circular No. 28/2013/TT-BTC adjusting import tax rate applicable to used passenger transportation vehicles as prescribed in Clause 1, Article 1 of Decision No. 36/2011/QD-TTg dated 29 June 2011 of the Prime Minister.

Trade

- Resolution No. 31/NQ-CP dated 5 March 2013 of the Government approving the Protocol supplementing the provisions on technical and quarantine barriers and the Agreement on Trade in Goods and the third Protocol amending the Framework Agreement on Comprehensive Economic Co-operation between ASEAN and China.
- On 1 March 2013, the Prime Minister stipulated Decision No. 373/QD-TTg on the public non-business professional units directly under the Ministry of Industry and Trade.

Education

- Inter-ministerial Circular No. 09/2013/TTLT-BGDDT-BTC-BNV dated 11 March 2013 of the Ministry of Education and Training, the Ministry of Finance, and the Ministry of Home Affairs providing guidelines for the implementation of payments supporting lunch charges for preschool kid and of policies with respect to preschool teachers in accordance with Decision No. 60/2011/QD-TTg dated 26 October 2011 of the Prime Minister providing a number of policies on preschool education development for the period from 2011 to 2015.
- On 8 March 2013, the Ministry of Finance, the Ministry of Education and Training jointly issued Inter-ministerial Circular No. 25/2013/TTLT-BTC-BGDDT amending and supplementing Inter-ministerial Circular

No.21/2010/TTLT-BTC-BGDDT dated 11 February 2010 of the Ministry of Finance and the Ministry of Education and Training providing for the regime on collection and use of test and enrolment charges (entrance fee) of professional colleges, junior colleges and intermediate schools.

- Inter-ministerial Circular No. 07/2013/TTLT-BGDDT-BTC-BNV dated 8 March 2013 of the Ministry of Education and Training, the Ministry of Home Affairs, and the Ministry of Finance providing guidelines on implementation of the regime on payment of additional teaching hours for teachers in public education establishments.
- On 1 March 2013, the Ministry of Education and Training stipulated Circular No.06/2013/TT-BGDDT amending and supplementing a number of articles of Regulation on final examinations of secondary education accompanying Circular No. 10/2012/TT-BGDDT dated 6 March 2012 of which a number of articles were amended and supplemented by Circular No. 04/2013/TT-BGDDT dated 21 February 2013 of the Minister of Education and Training.

Labour

- Decision No. 519/QD-LDTBXH dated 28 March 2013 of the Ministry of Labour, War Invalids and Social Affairs providing for the functions, tasks, powers and organizational structure of the Department of Labour - Wages.
- On 28 March 2013, the Ministry of Labour, War Invalids and Social Affairs issued Decision No. 517/QD-LDTBXH providing for the functions, tasks, powers and organizational structure of the Department of Employment.
- Decision No. 489/QD-LDTBXH dated 19 March 2013 of the Ministry of Labour, War Invalids and Social Affairs providing for the functions, tasks, powers and organizational structure of the Department of International Co-operation.
- On 1 March 2013, the Ministry of Labour, War Invalids and Social Affairs stipulated Circular No. 04/2013/TT-BLDTBXH amending and supplementing a number of articles of Circular No. 32/2010/TT-BLDTBXH dated 25 October 2010 of the Ministry of Labour, War Invalids and Social Affairs providing guidelines for the implementation of a number of articles of Decree No. 127/2008/ND-CP dated 12 December 2008 detailing and providing guidelines for implementation of a number of articles of the Law on Social Insurance regarding unemployment insurance.

Health

- Decision No. 538/QD-TTg dated 29 March 2013 of the Prime Minister on the approval of the Project on implementation of a roadmap toward health insurance for the entire population for the period from 2012 to 2015 and 2020.

- On 27 March 2013, the Prime Minister issued Decision No. 518/QD-TTg approving the Scheme on establishment of the system of quick alert warning and risk analysis on food safety in Vietnam.
- Decision No. 774/QD-BYT dated 11 March 2013 of the Ministry of Health approving Scheme on satellite hospitals for the period from 2013 to 2020.
- On 29 March 2013, the Ministry of Health stipulated Circular No. 10/2013/TT-BYT amending and supplementing a number of articles of Circular No.02/2007/TT-BYT dated 24 January 2007 of the Minister of Health providing detailed guidelines for the implementation of a number of articles on conditions for trade in medicines prescribed by Pharmaceutical Law and Decree No.79/2006/ND-CP dated 9 August 2006 detailing the implementation of a number of articles of the Pharmaceutical Law.
- Circular No. 08/2013/TT-BYT dated 13 March 2013 of the Ministry of Health providing guidelines for the food advertisements under management scope of the Ministry of Health.
- On 8 March 2013, the Ministry of Health issued Circular No. 07/2013/TT-BYT providing for the standards, functions and tasks of the health staff in hamlets and mountain villages.

Transport

- Decision No. 645/QD-BGTVT dated 15 March 2013 of the Ministry of Transport promulgating the Regulation on the management and use of digital signatures, digital certificates, and services certifying digital signatures of the Ministry of Transport.
- On 1 March 2013, the Ministry of Public Security stipulated Circular No.12/2013/TT-BCA amending and supplementing Clause 3, Article 20 of Circular No. 36/2010/TT-BCA dated 12 October 2010 of this Ministry on vehicle registration.

Natural Resources - Environment

- Decree No. 27/2013/ND-CP dated 29 March 2013 providing for the conditions for organizations providing environmental survey service.
- On 29 March 2013, the Government issued Decree No. 25/2013/ND-CP on environmental protection fee applicable to wastewater.
- Decree No. 21/2013/ND-CP dated 4 March 2013 providing for the functions, tasks, powers, and organizational structure of the Ministry of Natural Resources and Environment.
- On 29 March 2013, the Prime Minister stipulated Decision No. 18/2013/QD-TTg on environmental remediation and restoration and deposit of environmental

remediation and restoration with respect to mineral exploitation activities.

- Decision No. 499/QĐ-TTg dated 21 March 2013 of the Prime Minister approving the Planning for water supply of Hanoi Capital up to 2030, with orientation to 2050.
- On 27 March 2013, the Ministry of Planning and Investment issued Circular No.02/2013/TT-BKHDT providing guidelines for the implementation of a number of contents of the sustainable development strategy of Vietnam for the period from 2011 to 2020.
- Circular No. 30/2013/TT-BTC dated 18 March 2013 of the Ministry of Finance providing guidelines for the refund of environmental protection tax applicable to plastic bags used for packing goods under Resolution No. 02/NQ-CP dated 7 January 2013 of the Government.
- On 8 March 2013, the Ministry of Industry and Trade stipulated Circular No.06/2013/TT-BCT providing for the contents and order of, and procedures for formulation, assessment and approval of the planning for development of wind power.
- Circular No. 02/2013/TT-BTNMT dated 1 March 2013 of the Ministry of Natural Resources and Environment providing for the formulation of status-quo maps, section drawings of actual status of zones permitted for mineral exploitation, statistics and inventory of mineral reserves.

Construction

- On 29 March 2013, the Government issued Decree No. 26/2013/ND-CP on the organization and operation of the inspectorate of the Construction industry.
- Circular No. 02/2013/TT-BXD dated 8 March 2013 of the Ministry of Construction providing guidelines for the adjustment in apartment structure of projects on commercial residential housing and projects on investment in construction of urban areas, and the conversion of commercial residential housing into social residential housing or service works.

Information

- On 19 March 2012, the Ministry of Finance stipulated Decision No. 525/QĐ-BTC correcting Inter-ministerial Circular No. 225/2012/TTLT-BTC-BTTTT-BKH&DT dated 26 December 2012 of the Ministry of Finance, the Ministry of Information and Communications, and the Ministry of Planning and Investment providing guidelines for the regime on management and usage of expenditures funded by the State budget to implement the national target program on providing information to mountainous regions; and isolated, remote, frontier and sea island areas for the period from 2012 to 2015.

- Circular No. 07/2013/TT-BTTTT dated 18 March 2013 of the Ministry of Information and Communications providing for the point of time to integrate the terrestrial digital television receipt function into television sets produced and imported for use in Vietnam.
- On 7 March 2013, the Ministry of Information and Communications issued Circular No. 06/2013/TT-BTTTT providing for the regime on periodical reports on the status of information technology application in the State agencies.

Administration - Judiciary

- Resolution No. 37/NQ-CP dated 25 March 2013 of the Government approving the agreement on the amendment of and supplement to the Agreement between the Government of the Socialist Republic of Vietnam and the Royal Government of Cambodia in order to eliminate trafficking of women and children and support human trafficking victims.
- On 13 March 2013, the Government stipulated Decree No. 22/2013/ND-CP providing for the functions, tasks, powers and organizational structure of the Ministry of Justice.
- Decision No. 14/2013/QD-UBND dated 20 March 2013 of the People's Committee of Ho Chi Minh City repealing the legal documents.
- On 20 March 2013, the People's Committee of Ho Chi Minh City issued Decision No. 12/2013/QD-UBND on implementation of the support policies with respect to people who are subject to the measures of inclusion into health establishments managed by the Department of Labour, War Invalids and Social Affairs and the Force of Young Volunteer of Ho Chi Minh City.
- Circular No. 01/2013/TT-TTCT dated 12 March 2013 of the Government Inspectorate of Vietnam providing for the activities of monitoring, expediting, and examining the implementation of the conclusions, recommendations, and settlement decisions on inspection.

Agriculture

- On 21 March 2013, the Ministry of Agriculture and Rural Development stipulated Decision No. 580/QD-BNN-KTHT approving the Planning for initiating professional operations to implement the National target program on construction of new countryside in 2013.
- Decision No. 498/QD-TTg dated 21 March 2013 of the Prime Minister supplementing the investment mechanism under the National target program on construction of new countryside for the period from 2010 to 2020.
- On 11 March 2013, the People's Committee of Hanoi issued Decision No.10/2013/QD-UBND amending and supplementing a number of articles of

regulations on the pilot implementation of a number of policies on encouraging the development of agricultural production and construction of rural infrastructures in Hanoi for the period from 2012 to 2016 accompanying Decision No. 16/2012/QD-UBND dated 6 July 2012 of the People's Committee of Hanoi.

- Decision No. 2002/QD-UBND dated 5 March 2013 of the People's Committee of Hanoi promulgating the Regulations on “A number of expenditure contents and support levels applicable to agricultural promotion activities in the area of Hanoi”.
- On 1 March 2013, the Prime Minister stipulated Decision No. 375/QD-TTg on the approval of the Scheme on reorganization of production in sea product exploitation.
- Circular No. 33/2013/TT-BTC dated 21 March 2013 of the Ministry of Finance amending and supplementing Article 2 of Circular No. 187/2010/TT-BTC dated 22 November 2010 of the Ministry of Finance providing for the support mechanism and policies of plant, livestock, and aqua cultural product varieties in order to recover the production in areas damaged by natural disasters and epidemics.
- On 15 March 2013, the Ministry of Agriculture and Rural Development issued Circular No. 19/2013/TT-BNNPTNT providing guidelines for the methods for economical and effective use of energy in agricultural production.
- Circular No. 18/2013/TT-BNNPTNT dated 14 March 2013 of the Ministry of Agriculture and Rural Development promulgating the additional List of livestock varieties permitted to be manufactured and marketed in Vietnam.

Miscellaneous

- On 18 March 2013, the People's Committee of Hanoi stipulated Decision No.2193/QD-UBND promulgating the processes of arrangement and renovation of wholly State-owned enterprises under the People's Committee of Hanoi.
- Circular No. 07/2013/TT-BKHCN dated 8 March 2013 of the Ministry of Science and Technology providing for the principles, forms and contents of documents on co-operation with foreign countries in the field of science and technology.
- On 6 March 2013, the State Securities Commission of Vietnam issued Decision No. 132/QD-UBCK providing guidelines for the working head office and facilities serving securities trading activities.

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