

Legal news

November 2012

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LABOUR LAW

New regulations of Labour Code 2012 (continued)

By Do Quoc Binh

Chapter VII – Work hours and Breaks

The Chapter comprises 14 Articles divided into 4 sections. Section 1 prescribes hours of work, Section 2 - hours of breaks, Section 3 - the public holiday leave, personal leave and leave without pay, and Section 4 - working time and rest break for people performing work of special nature.

This Chapter has a number of new regulations as follows:

1. Regarding hours of night work, the LC 2012 imposes a single time limit applicable to the whole country, it is then calculated from 22 p.m. to 6 a.m. of the next day, instead of being calculated from 22 p.m. to 6 a.m. or from 21 p.m. to 5 a.m. subject to the regions under the current laws.
2. Supplementing:
 - (i) Employer's right to determine working hours on hour basis, apart from daily and weekly basis as in the LC 1994;
 - (ii) Adding 01 day to Lunar New Year Holiday to be 05 days instead of 4 as currently stipulated, and increasing the public holidays to 10 with full pay in a year. However, the LC 2012 does not clearly state that the added day shall be prior to the last day of the year or after the first three days of the new lunar year;
 - (iii) Adding breaks during working hour: those whose works are extremely hard, harmful and dangerous under the laws and working hours do not exceed 6 hours per day shall be entitled to a break of at least half an hour to be included in the working hours.
3. Detailing special cases to which overtime working is permitted, including: performing the mobilization order to guarantee the duties of national defense and security in the state of emergency on national defense and security as prescribed by law; performing work to protect human life and property of the agencies, organizations and individuals in the prevention and relief of the consequence of natural disasters, fire, epidemics and disasters.
4. Requiring that overtime-working hours shall not exceed 30 hours in a month, instead of not exceeding 16 hours in a week (equivalent to 64 hours in a month) as provided for in the LC 1994 (item c, Article 1.2, Section II, Circular No.15/2003/TT-BLDTBXH dated 3 June 2003). This may adversely affect enterprises doing business on seasonal basis, and only in a number of months of a year. In addition, the overtime-working hours under the LC 2012 are prescribed by the laws, collective labour agreement or internal labour regulations.

The above new regulations will force enterprises, when the LC 2012 takes effect, to take a number of administrative procedures and to pay certain cost for

amending internal labour regulations, collective labour agreement, labour contracts signed with employees, and other labour rules.

5. Regarding the case of leave without pay, the LC 2012 also widens the circumstances of leave without pay of employees, including: death of grandparents, natural brother and sister; marriage of father or mother, natural brother and sister.

Chapter VIII – Labour discipline and material responsibility

This Chapter includes 15 Articles divided into 2 sections. Section 1 regulates the labour discipline and Section 2 - the material responsibility.

This Chapter has some new regulations as follows:

1. Supplementing:
 - (i) Employees' obligation in protecting of the employer's intellectual property secret;
 - (ii) Particulars of the dossier of the internal labour rules to be registered at Department of Labour, War Invalids and Social Affairs, specifying the contents to be complied by the employer: application for registration, written opinion of internal organization representing labor collective, etc.;
 - (iii) Prohibited acts of the employer when applying labour discipline measure: violating the employee's body or dignity; monetary penalties, salary reduction in lieu of labor discipline, etc.
2. Regarding the registration time-limit, the LC 2012 states that within 10 days from the date of issuance of the internal labour rules, the employer must submit a dossier for registration of such regulations.
3. Regarding the effectiveness of internal labour rules, the LC 2012 states that they shall take effect after 15 days from the date when the State's management agency on labour at provincial level receives the dossier for their registration.
4. Regarding the types of disciplinary action, the LC 2012 removes the type of transferring the employee to another position with a lower wage for a maximum period of six months.
5. Regarding the strictest type of disciplinary action, i.e. dismissal, the LC 2012 further includes a number of acts: gamble, causing injury intentionally, illegal drug use at work, infringement of the employer's intellectual property rights, or threatening to cause extremely serious damages to the property and interests of the employer.
6. The LC 2012 also clarifies the recidivism in which case the employee repeats the act of violation that was disciplined but the discipline has not been cancelled.

Chapter IX – Labour safety and hygiene

This Chapter comprises 20 Articles divided into 3 Sections. Section 1 provides the general provisions on labour safety and hygiene, Section 2 - the occupational accident and disease, and Section 3 - prevention of occupational accident and diseases.

This Chapter has some new regulations as follows:

1. Supplementing:
 - (i) A number of policies of the State on the labour safety and hygiene through encouraging the development of labour safety and hygiene services in order to better care for health and safety of employees, and create favourable conditions for the enterprises;
 - (ii) Employer's responsibility for appointing a person to perform the work of labour safety and hygiene at workplace. For the production and business facilities in the areas with higher risks of occupational accidents and diseases and of 10 or more employees, the employer must appoint a person with relevant expertise to be in charge of the work of labour safety and hygiene;
 - (iii) Employer's responsibilities for actively making a plan for handling incidents and emergency rescue and periodically organizing the performance of such plan;
 - (iv) Employer's responsibilities when planning for production and business of the enterprises each year, for making a plan and taking measures for the labour safety and hygiene, and improvement of the working conditions.
2. The LC 2012 stipulates clearly the employer's responsibilities to employees who suffer from occupational accident, apprentice, trainee and probationer.

Chapter X – Regulations for female employees

This Chapter includes 8 Articles on the State's policies for female employees; the employer's obligations for female employees; maternity protection for women employees; pregnant employee's right to unilateral termination and suspension of labour contract; maternity leave; return-to-work guarantee for female employee after maternity leave, allowance for leave to care for sick children, prenatal care, application of birth control methods; work in which female employees must not be used.

This Chapter has some new regulations as follows:

1. Specifying the employer's obligation for female employees in ensuring the gender equality, which is not limited to recruiting, using or training, but also work hours, rest hours, wages and other regimes.
2. Increase the maternity leave in accordance with the laws on social insurance, i.e. total maternity leave before and after giving birth is 06 months; and at the same time, additionally prescribe that the prenatal period of leave shall not exceed 2 months.

LC 2012's provision on 6-month maternity leave is in accordance with recommendation of United Nations Children's Fund – UNICEF encouraging mothers to give baby lactation for the whole first 6 months, and protects health of female employee after giving birth. However, it also causes disadvantages for employers in relation to management and arrangement of works of female employees during the maternity leave, especially enterprises doing business in leather and foot wares, textile and garment, agricultural and aquacultural product

processing, which employ a lot of female employees. The lack of employees might decrease the labour capacity, production output and competition on the market.

Regarding the enterprises currently having female employees in managerial positions, the personnel arrangement for substitution may create certain difficulties, increase of the recruiting and training cost, and potential issues where the enterprise has to terminate the contract with substitution personnel if the female employee comes back to work after her maternity leave. Thus, enterprises shall prefer to recruit men employee for personnel stability reasons. This may create a discrimination, whether public or not, in recruiting female employee and increase the unemployment rate of female employees.

3. Supplementing:

- (i) A provision that allows female employee to return to work prior to the expiry of maternity leave, provided that such early working is not harmful to her health;
- (ii) A provision on return-to-work guarantee when female employee resumes to work after her maternity leave, if the old job no longer exists, the employer must arrange another job for her with the salary rate not lower than that of the old job;
- (iii) Specifying some circumstances where female employees are entitled to get allowance when she takes leave to care for her sick children, or has abortion, stillbirth, pathological abortion, etc. in accordance with the law on social insurance.

Chapter XI – Exclusive provision for underage employee and others

This Chapter comprises 25 Article divided into 6 Sections. Section 1 regulates minor employees; Section 2 - elderly employees; Section 3 - Vietnamese employees working abroad, working for foreign organization and individual in Vietnam, foreign employees working in Vietnam; Section 4 - disabled employees; Section 5 - employee as a house servant; and Section 6 - other workers.

This Chapter has some new regulations as follows:

1. Supplementing:

- (i) Regarding house servant as employee in order to regulate a relationship that exists in reality and tends to develop;
- (ii) General principles prohibit employers from employing minor employees to produce and trade in alcohol, wine, beer, tobacco, psychotropic substance, and other addictive drugs.

2. Classifying minor employees into 4 groups of age in order to prescribe appropriate working conditions where those groups participate in employment relationship.

3. Specifying jobs and workplaces, in which under 15 year old employees are prohibited, including: wearing, carrying and lifting heavy objects beyond the physical conditions, producing, using or transporting chemicals, gases, explosives; maintaining the equipment and machinery; demolishing constructional buildings, etc.

4. Regarding foreign employees who work in Vietnam, the LC 2012 adds two conditions, including: having full capacity for civil acts; qualification, skills and health in accordance with the job requirements.
5. The LC 2012 also amends the time-limit of work permit, which may be up to 2 years at maximum, and is silent on its extension. Meanwhile, under the LC 1994, the time-limit of a work permit is subject to labour contract, but shall not exceed 36 months and may be extended at the request of employer.
6. Regarding the employee as a house servant, the LC 2012 dedicates exclusively 4 Articles for such employment relationship, which define this new type of employee and other tasks to be performed by such employee. However, the LC 2012 does not regulate other kinds of house works performed in the form of a package contract.

Chapter XII – Social Insurance

This Chapter reserves only 2 Articles for social insurance matters, including participation in the social insurance, health insurance, and retirement age. Below are some key points:

1. The retirement age remains unchanged under the LC 2012, i.e. 60-year-age for male and 55-year age for female.
2. Those having high technical qualification, in managerial position and some other special cases can retire at higher age but not more than 5 years.

Chapter XIII – Trade union

This Chapter consists of 6 Articles, providing for role of trade union organization in employment relationship; establishment, membership and operation of trade union in enterprises, agencies and organizations; acts from which the employer is prohibited in relation to the establishment, membership and operation of trade union; rights of internal trade union's officials in the employment relationship; responsibilities of employers to trade union; ensuring trade union's operational conditions in enterprises, agencies and organizations.

Some new points in this Chapter are as follows:

1. Repealing:
 - (i) Provisions requiring the enterprise currently without a trade union organization, to establish it within a time-limit of 6 months;
 - (ii) Provisions under which a provisional executive committee of trade union must be appointed during the pending of establishment of a trade union organization.
2. Defining clearly that the representative and protector of employees' rights at enterprises without a trade union, is the directly superior trade union.
3. Providing for:
 - (i) Additional acts from which employer are prohibited in relation to the establishment, membership and operation of trade union.

- (ii) Specifying rights of internal trade union official in more details, including: meeting employers for dialogue, discussion, negotiation on issues of labour and labour use; coming to workplace to meet the employee within the scope of their representative responsibility.

Chapter XIV – Settlement of labour disputes

This Chapter includes 41 Articles divided into 5 Sections. Section 1 provides general provisions on settlement of labour disputes, Section 2 - competence and order of settlement of personal labour dispute, Section 3 - competence and order of settlement of collective labour disputes, Section 4 - strike and settlement of strike, and Section 5 - court's judgement of the strike's legality.

This Chapter has some new regulations as follows:

1. Extending the mechanism on settlement of labour disputes to all organizations using labour in accordance with the LC 2012;
2. Repealing provisions on internal labour conciliation council.
3. Prohibiting strikes related to collective labour disputes on the rights.
4. Supplementing:
 - (i) Responsibilities of Chairman of People's Committee at district level for determining the type of a labour dispute whether it is about rights or interest upon receipt of request for settlement of collective disputes, and for guiding the parties to bring the dispute to other competent authorities;
 - (ii) Rights of employer to temporarily close the workplace during the strike;
 - (iii) Rights of Chairman of People's Committee at provincial level to postpone and stop the strike where it may cause serious damage to the national economy and public interest, and to assign competent authorities to settle it.

For the implementation of the LC 2012, the Government intends to issue 11 decrees detailing and providing guidelines, in particular:

1. Decree detailing and providing guidelines for a number of articles of the LC 2012 on employment service organization;
2. Decree detailing and providing guidelines for a number of articles of the LC 2012 on democracy rules of internal level at workplace;
3. Decree detailing and providing guidelines for a number of articles of the LC 2012 on labor contract;
4. Decree detailing and providing guidelines for a number of articles of the LC 2012 on labour outsourcing;
5. Decree detailing and providing guidelines for a number of articles of the LC 2012 on salary;
6. Decree detailing and providing guidelines for a number of articles of the LC 2012 on hours of work, breaks, labour safety and hygiene;
7. Decree detailing and providing guidelines for a number of articles of the LC 2012 on foreign employees working in Vietnam;

8. Decree detailing and providing guidelines for a number of articles of the LC 2012 on labor disputes;
9. Decree detailings and providing guidelines for a number of articles of the LC 2012 on list of enterprises where strike is not allowed.
10. Decree detailing and providing guidelines for a number of articles of the LC 2012 on extension of retirement age for public officials and servants, and employees working under the labour contract.
11. Decree detailing and providing guidelines for a number of articles of the LC 2012 on salary policy applicable to cadres, public officials and servants, officers and persons in the people's army and people's public security.

The above-mentioned changes and amendments of the LC 2012 are intended to bring the laws on labour in line with other related laws, including: Civil Code 2005; Civil Proceedings Code 2005; Enterprises Law 2005; Commercial Law 2005; Cadres and Civil Servants Law 2008; Public Employees Law 2010; Laws Amending and Supplementing a Number of Articles of the Civil Proceedings Code 2011, Labor Union Law 2012; and Employment Law, Labor Safety and Hygiene Law, Minimum Salary Law (expected to be submitted by the Government for the approval of the National Assembly in accordance with program of the National Assembly's Legislature XIII./.

Other Sectors

Banking - Finance

- On 22 November 2012, the Government issued Decree No. 101/2012/ND-CP on cashless payments.
- Circular No. 188/2012/TT-BTC dated 7 November 2012 of the Ministry of Finance providing guidelines for loan interest rate support and compensation for difference of interest rates resulting from the implementation of the support policy to reduce post-harvest losses of agricultural and aquacultural products.
- On 7 November 2012, the State Bank of Vietnam stipulated Circular No.30/2012/TT-NHNN providing for the collection and submission of charges for custody of valuable papers at the State Bank of Vietnam.

Taxation

- On 22 November 2012, the National Assembly passed Law No. 26/2012/QH13 on the amendment and supplement to a number of articles of Law on Personal Income Tax.
- Law No. 21/2012/QH13 passed by the National Assembly on 20 November 2012 on the amendment and supplement to a number of articles of Law on Tax Administration.
- On 30 November 2012, the Ministry of Finance issued Circular No.208/2012/TT-BTC amending preferential import tax rate applicable to jet fuel and aviation fuel under heading 2710 in the Preferential Import Tariff.
- Circular No. 161/2011/TT-BTC dated 17 November 2011 of the Ministry of Finance promulgating the special preferential import tariff of Vietnam to implement the ASEAN Agreement on Trade in Goods for the period from 2012 to 2014.
- On 16 November 2012, the Ministry of Finance stipulated Circular No.201/2012/TT-BTC providing guidelines for tax policy applicable to unprocessed agricultural products enjoying Vietnam's support to the investment and cultivation in Cambodia and being imported into Vietnam.
- Circular No. 199/2012/TT-BTC dated 15 November 2012 of the Ministry of Finance providing guidelines for the implementation of Decree No. 122/2011/ND-CP dated 27 December 2011 on the conversion of corporate income tax incentives for enterprises that enjoy corporate income tax incentives owing to their satisfaction of conditions on export percentage, such but such incentives has been terminated under WTO commitments.

Trade

- On 12 November 2012, the Government issued Decree No. 95/2012/ND-CP providing for the functions, duties, powers and organizational structure of the Ministry of Industry and Trade.
- Decree No. 94/2012/ND-CP dated 12 November 2012 on the manufacture of and trade in alcohols.
- On 14 November 2012, the Ministry of Finance stipulated Decision No.2914/QD-BTC on the correction of Circular No. 156/2011/TT-BTC dated 14 November 2011 of the Ministry of Finance promulgating the list of import and export goods of Vietnam.
- Decision No. 6835/QD-BCT dated 13 November 2012 of the Ministry of Industry and Trade promulgating the newly-issued administrative procedures in the field of food safety management within the scope of the Ministry of Industry and Trade's management function.
- On 13 November 2012, the General Department of Customs issued Decision No.2516/QD-TCHQ on the amendment and supplement to professional skills and practices in customs management with respect to export and import goods and goods in transit accompanying Decision No. 209/QD-TCHQ dated 29 January 2011; the Regulations on customs supervision at land frontier border-gates accompanying Decision No. 148/QD-TCHQ dated. 28 January 2011 and the regulations on customs supervision at sea port border-gates accompanying Decision No. 2408/QD-TCHQ dated 1 November 2011 of the Director of the General Department of Customs.
- Circular No.207/2012/TT-BTC dated 29 November 2011 of the Ministry of Finance issued providing guidelines for determination of selling prices of quality tobaccos illegally imported, confiscated, and re-exported by enterprises as well as the management and use of revenues from such re-export under Decision No.1112/QD-TTg dated 21 August 2012 of the Prime Minister.
- On 29 November 2012, the Ministry of Industry and Trade stipulated Circular No. 35/2012/TT-BCT on the amendment and supplement to Circular No.36/2010/TT-BCT dated 15 November 2010 of the Ministry of Industry and Trade implementing the amended Rule on procedures for grant and inspection of origin and the Rule detailing commodities under the harmonization system of 2007 version in the Agreement on Trade in Goods under the Frame Agreement on Enhanced Economic Cooperation between the Association of South-East Asian Nations and the People's Republic of China.
- Circular No. 187/2012/TT-BTC dated 7 November 2012 of the Ministry of Finance providing for the regime on collection, submission and management of

fee for grant of licences for establishment of representative offices of foreign commercial promotion organizations in Vietnam.

Labour

- On 21 November 2012, the Government issued Decree No. 100/2012/ND-CP on the amendment and supplement to a number of articles of Decree No.127/2008/ND-CP dated 12 December 2008 detailing the implementation of a number of articles of Law on Social Insurance with respect to unemployment insurance.
- Decision No. 52/2012/QĐ-TTg dated 16 November 2012 of the Prime Minister on the policy on support to employment and occupational training for labourers whose agricultural land is recovered.
- On 12 November 2012, the Ministry of Labour, War Invalids and Social Affairs stipulated Circular No. 28/2012/TT-BLĐTBXH promulgating the list of vocational training equipment for intermediate and advanced levels for occupations: Driving means of inland waterway transport; Driving sea-going vessels; Exploitation of vessel machine; Repair of vessel machine; Vessel electricity, Civil electricity; Techniques for technological pipe installation.
- Circular No. 27/2012/TT-BLĐTBXH dated 12 November 2012 of the Ministry of Labour, War Invalids and Social Affairs promulgating the list of vocational training equipment at intermediate and advanced levels for occupations: Tourism guide; Travel administration; Restaurant skills – restaurant administration; Food processing techniques; Hotel administration; Resort administration; Computer network administration; Computer programming.

Education

- On 23 November 2012, the Ministry of Education and Training issued Circular No. 42/2012/TT-BGDĐT promulgating the Regulations on standards for evaluation of educational quality, and process and periods of education quality verification for compulsory education establishments and permanent education establishments.
- Circular No. 39/2012/TT-BGDĐT dated 5 November 2012 of the Ministry of Education and Training promulgating the Regulation on organization and operation of private professional intermediate schools.

Health

- On 15 November 2012, the Government stipulated Decree No. 96/2012/ND-CP providing for the treatment of opium substance addiction by substitutive medicines.

- Decree No. 91/2012/ND-CP dated 8 November 2012 on sanctioning administrative violations related to food safety.
- On 1 November 2012, the Ministry of Finance issued Decision No. 2771/QD-BTC on the correction of Inter-ministerial Circular No. 27/2012/TTLT-BTC-BLDTBXH dated 24 February 2012 of the Ministry of Finance; the Ministry of Labour, War Invalids and Social Affairs providing for the management and use of expenditures for implementation of the regime on application of measures of compulsory medical treatment, the regime on contribution to, exemption and reduction of, and support to subjects in treatment establishment and organization for drug detoxification in the family and community.
- Circular No. 26/2012/TT-BYT dated 30 November 2012 of the Ministry of Health providing for the grant of Certificates of compliance with food safety conditions applicable to establishments manufacturing and trading functional foods, foods fortified with micronutrients, food additives, food processing aids, natural mineral water, bottled drinking water; tools and materials for food packaging and containing within the scope of the Ministry of Health's management.
- On 29 November 2012, the Ministry of Health stipulated Circular No.25/2012/TT-BYT promulgating the National Technical Regulation on biological practice and safety in laboratories.
- Circular No. 19/2012/TT-BYT dated 9 November 2012 of the Ministry of Health providing guidelines for the declaration of compliance with regulations on food safety.

Transport

- On 8 November 2011, the Government issued Decree No. 93/2012/ND-CP on the amendment and supplement to a number of articles of Decree No. 91/2009/ND-CP dated 21 October 2009 on business and business conditions of transport by car.
- Resolution No. 75/NQ-CP dated 13 November 2012 of the Government approving Protocol No. 6 on railways transit stations and border stations under ASEAN Frame Agreement on facilitation of goods in transit.
- On 15 November 2012, the Ministry of Finance stipulated Circular No.197/2012/TT-BTC providing guidelines for the regime on collection and submission of fees for use of land roads based on number of means of transport.
- Circular No. 48/2012/TT-BGTVT dated 15 November 2012 of the Ministry of Transport promulgating the National technical regulation on service stations/rest area.

- On 7 November 2012, the Ministry of Transport issued Circular No. 46/2012/TT-BGTVT providing for the training, test and issuance of motor vehicle driving licences.

Construction

- Decision No. 1758/QD-TTg dated 20 November 2012 of the Prime Minister approving the duty on adjustment in planning for construction of the area of Hanoi Capital until 2030, with orientation to 2050.
- On 19 November 2012, the People's Committee of Ho Chi Minh City stipulated Decision No. 51/2012/QD-UBND promulgating the regulations on formulation and publication of a number of indicators for evaluation of real estate market in the area of Ho Chi Minh City.
- Decision No. 50/2012/QD-TTg dated 9 November 2012 of the Prime Minister on the application of tender appointment method to tender packages in special cases reviewed and decided by the Prime Minister.
- On 7 November 2012, the Prime Minister issued Decision No. 1659/QD-TTg approving the National program on urban development for the period from 2012 to 2020.
- Circular No. 09/2012/TT-BXD dated 28 November 2012 of the Ministry of Construction providing for the use of unburned construction materials in building works.
- On 21 November 2012, the Ministry of Construction stipulated Circular No.08/2012/TT-BXD providing guidelines for the implementation of ensuring safe water supply.

Land - Housing

- Decision No. 35/2012/QD-UBND dated 27 November 2012 of the People's Committee of Hanoi on land price adjustment factors taken as the basis for collection of land use levies regarding the surface area exceeding the land use limits in case of issuance of certificate of residential land use rights with respect to land in use or in purpose conversion from non residential land into residential land of households and individuals.
- On 20 November 2012, the People's Committee of Hanoi issued Decision No.33/2012/QD-UBND promulgating the Regulation on auction of the right to lease service business area in resettlement apartment buildings and social housing buildings funded by the State budget in the area of Hanoi.
- Decision No. 32/2012/QD-UBND dated 12 November 2012 of the People's Committee of Hanoi promulgating the regulations on management and use of

housing fund under State ownership, which is used for purpose of business and services in the area of Hanoi.

Natural Resources - Environment

- On 21 November 2012, the Prime Minister stipulated Decision No. 1775/QD-TTg approving the Scheme on management of emission of green house gases, management of activities of business of carbon credits on international markets.
- Decision No. 1660/QD-TTg dated 7 November 2012 of the Prime Minister approving the Scheme on development and application of biologic technologies in the field of environmental protection until 2020.
- On 2 November 2012, the Ministry of Industry and Trade issued Decision No.6534/QD-BCT on the supplement to zoning planning of exploration, exploitation, processing and use of chromite and manganese ores for the period from 2007 to 2015, with orientation to 2025.
- Circular No. 16/2012/TT-BTNMT dated 29 November 2012 of the Ministry of Natural Resource and Environment providing for the scheme on exploitation of minerals, closure of mineral mines, and standard form of report on result of mineral activities, standard forms of documents in the application dossier for issuance of licences for mineral activities, dossiers approving mineral reserves, and dossiers of closure of mineral mines.
- On 15 November 2012, the Ministry of Industry and Trade and the Ministry of Natural Resource and Environment jointly stipulated Inter-ministerial Circular No. 34/2012/TTLT-BCT-BTNMT providing guidelines on conditions for import of refuses used as materials for manufacture.
- Circular No. 33/2012/TT-BCT dated 14 November 2012 of the Ministry of Industry and Trade providing for the formulation, assessment and appraisal of mine designs, and projects on investment in construction of mines of solid minerals.
- On 7 November 2012, the Ministry of Natural Resource and Environment issued Circular No. 13/2012/TT-BTNMT promulgating the national technical regulation on tolerance limit for dioxin in a number of land types.

Energy

- Law No.24/2012/QH13 passed by the National Assembly on 20 November 2012 on the amendment and supplement to a number of articles of Law on Electricity.
- On 29 November 2012, the Prime Minister stipulated Decision No. 1791/QD-TTg approving the mechanism on pilot implementation of domestic designing and manufacture of equipment of thermal power plants for the period from 2012 to 2025.

- Decision No. 53/2012/QĐ-TTg dated 22 November 2012 of the Prime Minister promulgating the schedule for application of rates of mixing biologic fuel with conventional fuels.
- On 8 November 2012, the Prime Minister issued Decision No. 1670/QĐ-TTg approving the Scheme on development of smart electricity grid in Vietnam.
- Circular No. 32/2012/TT-BCT dated 12 November 2012 of the Ministry of Industry and Trade providing for the implementation of development of wind power and sample contract on sale and purchase of electricity for wind power projects.

Information - Communications

- On 8 November 2012, the Prime Minister stipulated Decision No. 1671/QĐ-TTg on the amendment and supplement to Decision No. 2451/QĐ-TTg dated 27 December 2011 of the Prime Minister approving the Scheme on digitalizing transmission and emission of the waves of terrestrial television up to 2020.
- Circular No. 19/2012/TT-BTTTT dated 22 November 2012 of the Ministry of Information and Communications providing for the advisory part and inspection activity of agencies assigned to implement specialized inspection function of the Ministry of Information and Communications.
- On 15 November 2012, the Ministry of Finance issued Circular No. 194/2012/TT-BTC providing guidelines for rates of expenditures for creation of electronic information in order to maintain regular operation of agencies and units funded by the State budget.
- Circular No. 18/2012/TT-BTTTT dated 15 November 2012 of the Ministry of Information and Communications on the list of telecommunications carriers and groups of telecommunication carriers holding dominant positions on market with respect to important telecommunications services.

Administration

- On 16 November 2012, the People's Committee of Hanoi stipulated Decision No. 5311/QĐ-UBND promulgating the amended, supplemented and replaced administrative procedures within the settlement authority of the Hanoi Authority for Investment and Planning.
- Decision No. 6483/QĐ-BCT dated 1 November 2012 of the Ministry of Industry and Trade promulgating the amended and supplemented administrative procedures within the scope of the Ministry of Industry and Trade's management function.
- On 1 November 2012, the People's Committee of Ho Chi Minh City issued Decision No. 50/2012/QĐ-UBND repealing Decision No. 93/2007/QĐ-UBND

dated 16 July 2007 of the People's Committee of Ho Chi Minh City on the classification of administrative units being ward, commune and town directly under Ho Chi Minh City.

Judiciary

- Law No. 27/2012/QH13 passed by the National Assembly on 20 November 2012 on the amendment and supplement to a number of articles of Law on Anti-Corruption.
- On 20 November 2012, the National Assembly passed Law No. 20/2012/QH13 amending and supplementing a number of articles of Law on Lawyer.
- Decree No. 90/2012/ND-CP dated 5 November 2012 on the inspection organization and operation of home affairs branch.
- On 2 November 2012, the Supreme People's Procuracy, the Supreme People's Court, the Ministry of Public Security, the Ministry of Justice, the Ministry of National Defence, the Ministry of Finance, and the Ministry of Agriculture and Rural Development jointly stipulated Inter-ministerial Circular No.05/2012/TTLT-VKSNDTC-TANDTC-BCA-BTP-BQP-BTC-BNNPTNT providing guidelines for the implementation of the State's responsibility for compensation in criminal proceedings.
- Circular No. 12/2012/TT-BTP dated 7 November 2012 of the Ministry of Justice promulating a number of standard forms on organization and operation of commercial arbitration.

Agriculture - Forestry - Fishery

- On 29 November 2012, the Government issued Decree No. 102/2012/ND-CP on the organization and operation of fishery inspection.
- Circular No. 59/2012/TT-BNNPTNT dated 9 November 2012 of the Ministry of Agriculture and Rural Development providing for the management of production of safe vegetables, fruits and tea.
- On 23 November 2012, the Ministry of Finance stipulated Circular No.205/2012/TT-BTC providing guidelines for the implementation of the supporting policy to protect and develop rice land under Decree No.42/2012/ND-CP dated 11 May 2012 on the management and use of rice land.
- Circular No. 58/2012/TT-BNNPTNT dated 7 November 2012 of the Ministry of Agriculture and Rural Development promulating the additional list of animal medicines, vaccines, biological preparations, micro-organisms, and chemicals used in veterinary medicine, which are permitted for being marketed in Vietnam.
- On 7 November 2012, the Ministry of Agriculture and Rural Development issued Circular No. 57/2012/TT-BNNPTNT providing for the inspection, supervision

and dealing with violations related to prohibited substances of Beta-agonist group in animal husbandary.

- Circular No. 56/2012/TT-BNNPTNT dated 6 November 2012 of the Ministry of Agriculture and Rural Development providing for the restoration of natural forest in exhaustion that is used for production.

Immigration

- On 9 November 2012, the Ministry of Finance stipulated Circular No.190/2012/TT-BTC on the amendment and supplement to Circular No.66/2009/TT-BTC dated 30 March 2009 of the Ministry of Finance providing for the regime on collection, submission, management and use of fees for grant of passports, visas and papers on entry to, exit from, transit and residence in Vietnam.
- Circular No. 189/2012/TT-BTC dated 9 November 2012 of the Ministry of Finance on the amendment and supplement to Circular No. 236/2009/TT-BTC dated 15 December 2009 of the Ministry of Finance providing guidelines for the regime on collection, submission, management and use of consular charges and fees applicable to foreign affairs and consular representative agencies of Vietnam in foreign countries.

Miscellaneous

- On 20 November 2012, the National Assembly passed Law No. 23/2012/QH13 on Co-operatives.
- Law No. 22/2012/QH13 passed by the National Assembly on 20 November 2012 on National reserves.
- On 20 November 2012, the National Assembly passed Law No. 19/2012/QH13 on Publication.
- Decree No. 99/2012/ND-CP dated 15 November 2012 on the assignment of duties and decentralization to implement rights, responsibilities and obligations of the State owner regarding State-owned enterprises and State capital invested in enterprises.
- On 5 November 2012, the State Audit issued Decision No. 08/2012/QD-KTNN promulgating the Regulations on list of audit dossiers; regime on deposit for archive, preservation, exploitation and destruction of audit dossiers.
- Decision No. 48/2012/QD-TTg dated 1 November 2012 of the Prime Minister on the amendment and supplement to Decision No. 204/2005/QD-TTg dated 15 August 2005 of the Prime Minister.

- On 19 November 2012, the Ministry of Finance stipulated Circular No.204/2012/TT-BTC providing guidelines on dossiers of and procedures for public offering of securities.
- Circular No. 26/2012/TT-BLDTBXH dated 12 November 2012 of the Ministry of Labour, War Invalids and Social Affairs providing guidelines for a number of articles of Decree No. 28/2012/ND-CP dated 10 April 2012 of the Government detailing and providing guidelines for the implementation of a number of articles of Law on Disabled People.
- On 12 November 2012, the Ministry of Foreign Affairs issued Circular No.05/2012/TT-BNG providing guidelines for the implementation of Decree No.12/2012/ND-CP dated 1 March 2012 of the Government on the registration and management of operations of non-governmental organizations in Vietnam.
- Circular No. 19/2012/TT-BKHCH dated 8 November 2012 of the Ministry of Science and Technology providing for the control and assumption of radiation safety in professional radiation and public radiation.
- On 7 November 2012, the Ministry of Planning and Investment stipulated Circular No. 08/2012/TT-BKHDT providing for the system on general statistic reporting applicable to the Statistic Bureaus of provinces and centrally-run cities.

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