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Highlighted

1. Guidelines for conversion of investment costs for construction of building works

On 20 September 2007, the Ministry of Construction issued Decision No.964/QĐ-BXD, providing guidelines for conversion of investment costs for construction of building works.

Whereby:

- (a) Conversion of investment costs for construction of building works shall be conversion of items of investment costs already finalized in term of the price level at the time of hand-over for putting into use.

The conversion is intended to determine the newly increased value of assets formed by investment and shall be taken as the basis for finalization of the completed project.

- (b) Conversion will be done for projects and building works whose duration of construction is more than 2 years (from the date of commencement of construction to the date of final inspection and acceptance).
- (c) The purpose of conversion of investment costs for construction of building works is to correctly calculate and to adequately take all influencing factors, to adjust them in accordance with market price floor and the State regulations at the time of hand-over.

Where the value after converted is lower than the value of finalising investment costs obtained, that finalized value shall be used as the conversion value.

This Decision shall take effect on 20 September 2017.

2. Conditions for credit transfer in vocational education

On 21 September 2017, the Ministry of Labour, War Invalids and Social Affairs issued Circular No. 27/2017/TT-BLĐTBXH, on inter-level credit transfer in vocational education ("Circular 27").

Accordingly, in order to be accept credit transfer, educational institutions must satisfy the following requirements:

- (a) have been granted by competent authorities with certificates of registration of vocational education at intermediate and junior college levels for the disciplines and professions to be intended by the educational institutions at the corresponding levels.

- (b) Have offered specific credit transfer schemes which have been developed in accordance with the regulation for the disciplines and professions intended for credit transfer.
- (c) Educational institutions offering credit transfer in health-related disciplines, must further satisfy another condition that at least one class of students participated in formal training at intermediate or junior college levels has graduated.

Circular 27 also specifies subjects and forms of admission for credit transfer at intermediate or junior college levels.

This Circular takes effect on 5 November 2017.

3. New guidelines on value-added tax (VAT)

On 9 September 2017, the Ministry of Finance has issued Circular No. 93/2017/TT-BTC (“Circular 93”) amending certain VAT-related contents of Circulars No. 219/2013/TT-BTC and 156/2013/TT-BTC.

This Circular has several new provisions as follows:

- (a) the Form No. 06/GTGT will be removed where business taxpayers (i) change their VAT computation methods or (ii) register a discounting method as VAT credit method in case of newly established business entities and operating entities whose VAT taxable income are less than one billion Vietnamese Dong. Therefore, from the effective date of Circular 93 (5 November 2017), VAT computation method shall be determined based on VAT declaration dossier submitted by business taxpayer (according to the Official Dispatch No. 4253/TCT-CS):
 - (i) If any business taxpayer wishes to register a discounting method as its VAT credit method, it must file Declaration Forms No. 01/GTGT and No. 02/GTGT with the tax authority.
 - (ii) If any business taxpayer wishes to register a direct subtraction method, it must file Declaration Forms No. 03/GTGT and No. 04/GTGT with the tax authority.
- (b) Guideline for method of VAT computation for business taxpayer to be determined based on VAT declaration dossier is provided in Article 11 of Circular No. 156/2013/TT-BTC dated 6 November 2013.

4. Cancellation of various conditions for alcohol trading

This is a notable change in Decree No. 105/2017/ND-CP dated 14 September 2017 on alcohol trading (“Decree 105”), which shall take effect on 1 November 2017 and replace Decree No. 94/2012/ND-CP dated 12 November 2012 (“Decree 94”).

Accordingly, in order to be licensed to distribute alcohol, business entities must satisfy the following conditions:

- (a) To be lawfully established;
- (b) To have a storage facility of which the floor area is at least 150 m² (300 m² as currently prescribed);
- (c) To ensure that their trading alcohol meet food safety standards;
- (d) To maintain a distribution network over at least 2 provinces or centrally-run cities; in each province or centrally-run city, it must keep at least one alcohol wholesaler (6 provinces and 3 traders in each province as currently prescribed);
- (e) To get an introduction letter or an agreement in principle from another alcohol manufacturing trader, distributor or a foreign alcohol supplier; and
- (f) To strictly comply with the regulations on fire safety and environmental protection.

Compared with the prevailing provisions in Decree 94, Decree No. 105 abolish regulations on conditions for business location, transport equipment and financial capability of alcohol trading and/or distribution companies.

For alcohol retailing activities, the owner must fully satisfy the following conditions:

- (a) To be an enterprise, a cooperative, a cooperative union or a business household established in accordance with law;
- (b) To have the legal right to use a fixed place of business, with a clear address;
- (c) To get an introduction letter or an agreement in principle from the alcohol manufacturing trader, distributor or wholesaler;
- (d) Alcohol intended for sale must meet food safety requirements; and
- (e) To fully comply with the regulations on fire safety and environmental protection.

The new Decree also defines on-premises alcohol sale as direct alcohol sale to buyers for immediate consumption at the place of sale and for this activity, the business conditions to be satisfied by traders include:

- (a) To be an enterprise, a cooperative, a cooperative union or a business household lawfully established;
- (b) To have the legal right to use a fixed place of business, with a clear address;
- (c) Alcohol must be supplied by a trader licensed for alcohol manufacture, distribution, wholesale or retail.
- (d) To fully comply with the regulations on fire safety and environmental protection; and
- (e) Where a trader produces alcohol for on-premises sale and consumption, it must be licensed to produce alcohol on industrial scale

or as craft distillery for commercial purpose in accordance with the provisions of this Decree.

Prior to 1 February 2018, traders of on-premises alcohol sale must apply for on-premises licences.

5. Changes in conditions for licensing trade in tobacco products

On 14 September 2017, the Government has issued Decree No. 106/2017/ND-CP ("Decree 106"), on amendment and supplement to Decree No. 67/2013/ND-CP, providing guidelines for tobacco business in the Law on Prevention and Control of Harmful Effects of Tobacco ("Decree 67").

Therefore, conditions for licence for tobacco wholesale will be changed as follows:

- (a) An introduction letter from an tobacco supplier or distributor clearly stating the intended business location shall be required in lieu of any sales contract with such supplier or distributor as prescribed in the prevailing regulations;
- (b) Conditions, such as (i) Having owned or co-owned means of transport under a joint venture or capital contribution or contract for hiring of a means of transport which is suitable for its business scale; and (ii) meeting the requirements for maintaining the quality of tobacco products during transportation, will be abolished.

The provisions on condition for means of transport for maintaining the quality of tobacco products during the transportation with respect to licenses for tobacco distribution, and those for business place with respect to licenses for tobacco retail will also be removed.

A license for tobacco trading, which was previously granted in accordance with Decree 67, will remain valid until it expires.

Decree 106 shall come into force on 1 November 2017.

6. Changes in conditions for fertilizer trading

On 20 September 2017, the Government issued Decree No.108/2017/ND-CP, on fertilizer control ("Decree 108"), which came into effect from its signing date and replaced Decree No. 202/2013/ND-CP dated 27 November 2013 ("Decree 202").

Accordingly, the new Decree specifies fertilizers which are not accepted for being marketed and those of which decisions on authorised marketing are revoked, in particular:

- (a) Fertilizers not accepted for being marketed when:

- (i) Containing harmful elements in excess of the permitted levels prescribed by the current law;
 - (ii) There is scientific evidence of harmful impact on human health and environment;
 - (iii) of the same names as those of fertilizers already authorised for marketing;
- (b) Fertilizers which were authorised for marketing, but now revoked because:
- (i) There is scientific evidence of harmful impact on human health and environment;
 - (ii) Use of materials or provision of information which is contrary to the fertilizer applied for marketing authorisation;
 - (iii) Their authorisations of marketing have expired, but not renewed;

Compared to Decree 202, according to Decree 108, conditions for fertilizer trading by organizations and individuals have some changes:

- (a) Fertilizer trading store must have a signboard; book recording fertilizer purchase and sale; list of sale price for each type of fertilizer publicly displayed at a place being easy to see and read (The previous regulations only require that place of sale is maintained to ensure quality of fertilizers in accordance with the law on quality of products and goods);
- (b) Person who directly sells fertilizers must have a certificate of professional training in fertilizers, except for graduates at intermediate or higher degree in one of the fields, such as cultivation, plant protection, agro-chemical, agronomy, chemistry, biology.

7. Date of validity of registration of collateral arrangements

On 1 September 2017, the Government issued Decree No. 102/2017/ND-CP (“Decree 102”) to replaces Decree No. 83/2010/ND-CP dated 23 July 2010, on registration of collateral arrangements.

One of the highlights of this Decree is date of validity of registration of collateral arrangements in the following particular cases:

- (a) Validity of registration of land use rights, property attached to land, aircraft or sea vessel as collateral asset will commence from the date on which the registry enters such registration into its register;
- (b) Validity of registration of other movable property as collateral arrangement will commence from the date on which such registration is updated into the database of collateral arrangements;

- (c) If the registration is changed due to additional collateral asset for which relevant parties do not make a new collateral agreement or additional secured obligations, however at the time of entering into a collateral agreement, relevant parties have not agreed on securing obligations that may arise in the future.

Such registration will be valid from the date on which changed registration is entered into the register or updated into the database.

Decree 102 shall come in force on 15 October 2017.

Other sectors

Finance - Banking

- Decision No. 1871/QD-BTC dated 20 September 2017 of the Ministry of Finance, announcing the list of legal documents on business investment conditions, which are partially no longer effective, under the State management of the Ministry of Finance and the State Bank of Vietnam.
- Circular No. 96/2017/TT-BTC dated 27 September 2017 of the Ministry of Finance, amending and supplementing Circular No. 250/2016/TT-BTC dated 11 November 2016 of the Minister of Finance, providing guidelines on charges and fees under the deciding authority of the People's Councils of the provinces and centrally-run cities.
- Circular No. 13/2017/TT-NHNN dated 29 September 2017 of the State Bank of Vietnam, amending and supplementing a number of articles of Circular No.07/2015/TT-NHNN dated 25 June 2015 of the Governor of the State Bank of Vietnam, on bank guarantees.

Trade

- Decision No. 3705/QD-BCT dated 27 September 2017 of the Ministry of Industry and Trade, on adding wholesale markets and grade-I marketplaces to "Master plan for development of nationwide network of markets up to 2025, with orientation to 2035".
- Circular No. 17/2017/TT-BCT dated 19 September 2017 of the Ministry of Industry and Trade, providing guidelines for the implementation of provisions on border market areas/ trading stands in the Border Trade Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China.

Labour

- Resolution No. 93/NQ-CP dated 26 September 2017 of the Government, on simplification of administrative procedures and civil papers related to population management within the scope of State management functions of the Ministry Labour, War Invalids and Social Affairs;
- Decision No. 1541/QD-BHXH dated 22 September 2017 of the Vietnam Social Insurance, promulgating the Action Program of the Vietnam Social Insurance in

implementation of Resolution No. 51/NQ-CP dated 19 June 2017 of the Government.

Health

- Decision No. 1553/QD-BHXH dated 28 September 2017 of the Vietnam Social Insurance, promulgating regulations for information management and exploitation on the information system of health insurance verification;
- Decision No. 4210/QD-BYT dated 20 September 2017 of the Ministry of Health, providing for the standards and formats of output data used in management, verification, and payment of expenses for medical examination and treatment under health insurance;
- Circular No. 36/2017/TT-BYT dated 11 September 2017 of the Ministry of Health, abolishing Circular No. 03/2017/TT-BYT dated 22 March 2017 of the Minister of Health, issuing the National technical regulations QCVN 5-1: 2017/BYT for liquid milk products.

Education

- Resolution No. 89/NQ-CP dated 13 September 2017 of the Government, on simplification of administrative procedures and civil papers related to population management within the scope of the State management functions of the Ministry Education and Training.
- Circular No. 23/2017/TT-BGDĐT dated 29 September 2017 of the Ministry of Education and Training, promulgating the Regulation on examination of foreign language capabilities under the 6-level framework of foreign language capabilities for Vietnam.
- Circular No. 06/2017/TT-BNV dated 27 September 2017 of the Ministry of Home Affairs, providing for the codes of professional titles for probationary teachers at universities.
- Circular No. 22/2017 / TT-BGDĐT dated 6 September 2017 of the Ministry of Education and Training, promulgating the Regulation on conditions, order and procedures for offering training disciplines, suspending enrolment, and revocation of decisions on offering training disciplines at university/college level.
- Circular No. 21/2017/TT-BGDĐT dated 6 September 2017 of the Ministry of Education and Training, on application of information technology in activities of online improvement and training for teachers, educational staffs and

administrators.

Transport

- Decision No. 43/2017/QD-TTg dated 26 September 2017 of the Prime Minister, specifying responsibility for implementation of procedures for entry, exit and transit of aircrafts through the nationwide “One-stop-shop” mechanism.
- Circular No. 33/2017/TT-BGTVT dated 28 September 2017 of the Ministry of Transport, on amendment and supplement to a number of articles of Circular No.54/2013/TT-BGTVT dated 16 December 2013 of the Minister of Transport, on ship inspection officers.
- Circular No. 29/2017/TT-BGTVT dated 1 September 2017 of the Ministry of Transport, on training of inspectors and management of certificate of road traffic safety inspector.

Natural Resources - Environment

- Decision No. 1622/QD-BTTTT dated 29 September 2017 of the Ministry of Information and Communications, promulgating the National Communication Program to promote use of biofuels.
- Decision No. 2548/QD-BKHCHN dated 20 September 2017 of the Ministry of Science and Technology, promulgating the Plan of reviewing, amending and supplementing national standards and national technical regulations on biofuels, and inspection and control of measurement equipment and biofuels’ quality in importation, production, preparation and circulation in the market.
- Circular No. 31/2017/TT-BTNMT dated 27 September 2017 of the Ministry of Natural Resources and Environment, promulgating the National technical regulations on environment.
- Circular No. 25/2017/TT-BTNMT dated 6 September 2017 of the Ministry of Natural Resources and Environment, providing for the regulation on the operations of the Council for assessment of projects on mineral resource mining closure.
- Circular No. 30/2017/TT-BTNMT dated 11 September 2017 of the Ministry of Natural Resources and Environment, promulgating the Technical and economic norms for survey and evaluation of water resources.
- Circular No. 24/2017/TT-BTNMT dated 1 September 2017 of the Ministry of Natural Resources and Environment, on environmental monitoring techniques.

Science - Technology

- Resolution No. 90/NQ-CP dated 15 September 2017 of the Government, on simplification of administrative procedures and civil papers related to population management within the scope of the State management function of the Ministry Science and Technology.
- Decision No. 32/2017/QD-UBND dated 28 September 2017 of the People's Committee of Hanoi, promulgating "Regulation for coordination in State management of operations of industrial zones and high-tech zones in the area of Hanoi".
- Circular No. 20/2017/TT-BCT dated 29 September 2017 of the Ministry of Industry and Trade, on amendment and supplement to a number of articles of Circular No. 46/2012/TT-BCT dated 28 December 2012 of the Ministry Industry and Trade, detailing a number of contents of Decree No. 45/2012/ND-CP dated 21 May 2012, on industrial promotion.
- Circular No. 18/2017/TT-BCT dated 21 September 2017 of the Ministry of Industry and Trade, abolishing a number of articles of Joint Circular No.58/2015/TTLT-BCT-BKHCN dated 31 December 2015 of the Minister of Industry and Trade and the Minister of Science and Technology, on control of domestically-produced steel and imported steel quality.

Energy

- Circular No. 19/2017/TT-BCT dated 29 September 2017 of the Ministry of Industry and Trade, providing for the contents, methods and order of conducting studies of electricity usage.
- Circular No. 16/2017/TT-BCT dated 12 September 2017 of the Ministry of Industry and Trade, providing for development of projects and Model contract for electricity supply applicable to solar power projects.

Information - Communications

- Decision No. 1458/QD-BTTTT dated 1 September 2017 of the Ministry of Information and Communications, providing for the functions, tasks, powers and organizational structure of Vietnam Telecommunications Authority.
- Circular No. 22/2017/TT-BTTTT dated 29 September 2017 of the Ministry of Information and Communications, providing for the maximum charge rates and policies on exemption and reduction of charges for services of receiving and

sending dossiers for administrative procedures and services of returning results of processing administrative procedures through public postal services.

- Circular No. 21/2017/TT-BTTTT dated 29 September 2017 of the Ministry of Information and Communications, on provision and use of telecommunication data.
- Circular No. 20/2017/TT-BTTTT dated 12 September 2017 of the Ministry of Information and Communications, on nationwide coordination and response to network information security incidents.
- Circular No. 19/2017/TT-BTTTT dated 12 September 2017 of the Ministry of Information and Communications, on protection of State secrets in the Information and communication sector.
- Circular No. 18/2017/TT-BTTTT dated 11 September 2017 of the Ministry of Information and Communications, promulgating the "National Technical Regulations on Electromagnetic Compatibility for Wideband Data Transmission Radio Equipment".

Administration - Judiciary

- Decree No. 103/2017/ND-CP dated 12 September 2017, providing for the establishment, organization, operations, dissolution and management of social service facilities.
- Resolution No. 05/2017/NQ-HDTP dated 19 September 2017 of the Judges' Council of the Supreme People's Court, on issuance of a number of forms to be used during adjudication of criminal cases, review of legally-effective judgments and decision in the Criminal Proceedings Code.
- Decision No. 1559/QD-BTP dated 27 September 2017 of the Ministry of Justice, promulgating the Plan for implementation of the Criminal Code.
- Decision No. 1355/QD-TTg dated 12 September 2017 of the Prime Minister, issuing the Plan for implementation of Law on Legal Aids.

Agriculture - Forestry - Fishery

- Decree No. 107/2017/ND-CP dated 15 September 2017, on amendment and supplement to a number of articles of Decree No. 193/2013/ND-CP dated 21 November 2013, detailing a number of articles of Law on Cooperatives.
- Decree No. 104/2017/ND-CP dated 14 September 2017, on sanctioning of administrative violations in the field of natural disaster prevention and control;

exploitation and protection of irrigation works; dykes.

- Decision No. 1434/QĐ-TTg dated 22 September 2017 of the Prime Minister, approving the program on objectives of sustainable development of aquacultural economy for the period 2016-2020.

Miscellaneous

- Resolution No. 91/NQ-CP dated 15 September 2017 of the Government, on licensing national use of indicators of geographical origin.
- Decision No. 5091/QĐ-UBND dated 28 September 2017 of the People's Committee of Ho Chi Minh City, announcing the administrative procedures within the scope of management functions of the Department of Construction.
- Circular No. 95/2017/TT-BTC dated 22 September 2017 of the Ministry of Finance, providing guidelines for a number of articles of Decree No.71/2017/ND-CP dated 6 June 2017, providing guidelines on corporate governance applicable to public companies.
- Circular No. 91/2017/TT-BTC dated 31 August 2017 of the Ministry of Finance, on examination, issuance and management of auditor and accountant certificates.

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