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REAL ESTATE LAW

Open House: Allowing Home Ownership by Foreigners

By Vuong Son Ha

The number of foreigners coming to work, study and live in Vietnam (estimated at around 1,500,000) is incessantly increasing, particularly since Vietnam's entry to the WTO. Therefore, the issue of housing for foreigners needs to be addressed.

Policy on housing for foreigners is an important element of Vietnam's legal system on housing. Since the "open door" policy was initiated to attract investment capital from abroad, the State has issued numerous policies and regulations related to foreign organizations and individuals, including policies on land and housing.

Previous Legal Framework

These are backed up by the following legal framework:

- *Provisions of land laws:* Since 1993, pursuant to the old Land Law foreign organizations and individuals investing or working in Vietnam were permitted to lease land in the country. In 1994, the Outstanding Committee of the National Assembly promulgated the Ordinance on Rights and Obligations of Foreign Organizations and Individuals Leasing Land in Vietnam. Foreign representative agencies and international organizations permitted to operate in Vietnam, after leasing land from the State, had the right to build and own construction works on the leased land within the term of the lease. Foreign organizations and individuals coming into Vietnam to invest under the Foreign Investment Law had the right to mortgage the value of the rights to use land with attached assets at Vietnamese banks; in case of leasing land for construction of industrial park infrastructure, they were permitted to sublease the land.

In 2001, after the amended Land Law was passed, the State introduced a policy permitting foreign investors to invest in the construction of housing in Vietnam. With Decree 71/2001/ND-CP dated October 5, 2001, the Government allowed foreign investors to invest in the construction of housing for sale or lease in such investment forms as establishment of joint ventures with domestic business entities, business cooperation contracts, or enterprises with 100% foreign capital.

In the 2003 Land Law, the State widened the right of foreign investors to invest in the construction of residential units, allowing them to mortgage, guarantee and contribute capital in the form of assets on leased land at credit institutions licensed to operate in Vietnam, to sell assets attached to leased land, and to transfer the land use rights.

- *Regulations on investment in residential real estate business:* As one focus of building a market economy in Vietnam, the development of a real estate

market, particularly of a residential market, will facilitate the implementation of social welfare policies and create homes for peoples, and can currently encourage the development of building materials, labour and financial markets. For these reasons, through the 2005 Investment Law, the 2005 Law on Housing (“LHR”) and especially the 2006 Law on Real Estate Transactions (“LORET”), the National Assembly has continued to entitle foreign investors to transfer investment projects, mortgage land use rights and assets attached to land at credit institutions licensed to operate in Vietnam, and to lease land for the construction of residential units for sale or lease. If building housing for lease, foreign investors are issued housing ownership certificates by the State for the term of lease. In addition, foreign investors are entitled to participate in the renovation and repair of existing residential properties, and the provision of such services as brokerage, auction, appraisal, establishment of trading floors, consultancy, advertisement and management of residential real estate.

As a result, foreigners have been entitled since 2007 to participate in most aspects of residential real estate development, except purchasing houses for resale, lease or sublease. However, as residential real estate development must be carried out by legal entities (foreign companies or joint-ventures), individual foreigners are not allowed to direct set up investment projects to build housing and are not entitled to own residential property in Vietnam.

- *Regulations on the foreigners’ right to ownership of housing:* For various reasons, there are still differing opinions on the rights of foreigners and on the level of ownership. When the Law on Housing took effect on July 1, 2006, there were new and more open regulations on such rights. The Law permitted foreign investors to own houses built by themselves under the investment law for lease to others, meaning that after the State licensed the investment in housing for lease, the investors would be issued house ownership certificates for the floor area of constructed housing. This regulation sets the mind of investors at rest when investing in residential real estate development in Vietnam. However, the Law does not have provisions for housing ownership by foreign individuals and organizations that do not function in the business of real estate investment in Vietnam. Therefore, foreigners did not feel secure when coming to work and live in Vietnam.
- *Regulations on residential real estate transactions related to foreigners:* Residential real estate transactions are provided for in different instruments, such as the 2005 Civil Code, the Law on Housing, the 2005 Commercial Law and the LORET.

Under the Civil Code, the owner is permitted to conduct various kinds of transactions involving housing, including purchase and sale, lease, donation, pledge, mortgage, guarantee, capital contribution, inheritance and authorized management. However, residential real estate transactions are not only civil but economic in nature, since houses are a form of property. Thus, such transactions must comply with the commercial law. The issue drawing the foreigners’ attention, therefore, is whether they are entitled to participate in residential real estate transactions and if so, to what extent.

With Decree No. 61/CP, dated July 5, 1994, on residential real estate sale, purchase and business, the Government permitted foreigners settling in Vietnam to purchase one house from a housing enterprise. However, there were no recorded cases of housing being purchased in Vietnam under this Decree, because there were differing provisions of the law on immigration, residence and travel by foreigners and regulations on housing purchases under Decree No. 61/CP at that time. Foreign investors were entitled to sell and lease houses built by themselves only after the National Assembly passed the Law on Housing and the LORET, which provided that foreigners coming in Vietnam to work and live for three or more consecutive months were permitted to lease homes in Vietnam. Such leases must comply with the Law on Housing and the Civil Code.

New Regulations

On June 3, 2008, the National Assembly passed Resolution No.19/2008/QH12 giving pilot permission for foreign organizations and individuals to purchase and own their residences in Vietnam. That move realized and detailed some relevant provisions of the housing law. The Ministry of Construction is now drafting a decree providing guidelines for implementation of the Resolution. Below are notable provisions in these two documents.

Apartments for sale

The Resolution confirms that only apartments in apartment buildings of commercial housing development projects that are not located in areas in which residence and movement of foreigners is restricted or prohibited may be purchased and owned by foreign organizations and individuals. This provision is aimed at limiting land use by foreigners, and ensuring national defence, security and sovereignty. As specified in the draft Decree, such apartments are in apartment buildings built in new urban zones and new residential zones under approved projects for sale at commercial prices. Foreigners are not allowed to purchase apartments falling within categories to be sold to low-income persons (social housing) or resettlement housing sold to inhabitants for ground clearance.

Qualified foreigners

The purpose of the pilot policy is to encourage economic development and ensure efficient management of the purchase of residential houses in Vietnam by foreigners, while limiting the scale to allow assessment of the policy. Thus, although there are many kinds of foreigners and foreign organizations working in Vietnam, the National Assembly has only permitted the following groups of foreigners to purchase and own residences in Vietnam:

- (i) A foreign individual making direct investment in Vietnam under the investment law, or who is engaged by an enterprise currently operating in Vietnam under the enterprise law (including both domestic enterprises and foreign-invested enterprises) and who holds a managerial position in such enterprise;

- (ii) A foreign individual whose contributions to Vietnam have been rewarded with a decoration or medal from the President of the Socialist Republic of Vietnam, or a foreign individual who has made a special contribution to Vietnam as recognized in a decision of the Prime Minister;
- (iii) A foreign individual currently working in the economic sector with a university or higher qualification, or a person with special knowledge and/or skills for which Vietnam has demand;
- (iv) A foreign individual married to a Vietnamese citizen;
- (v) A foreign-invested enterprise currently operating in Vietnam without the real property business function, which is in need of residential housing for its employees.

The draft decree provides guidelines for certain specific case and exceptions as follows:

- persons who are engaged to hold a managerial position in an enterprise (group i) but who are not investors, may purchase homes if who have knowledge and/or skills in business management and direction and are engaged by enterprises operating in Vietnam to hold such titles as general director, director, deputy general director or deputy director. Such persons must have an appointment contract or decision.
- persons who have made special contributions to Vietnam (group ii) but who have not received prizes awarded by the President, are permitted by the National Assembly to purchase homes with the Prime Minister's written permission.
- persons who have special knowledge and/or skills but who do not have academic titles or degrees, such as artisans, experts, and athletic coaches, are also allowed to purchase homes in Vietnam subject to certification of Vietnamese authorities or organizations.

As a result, to be eligible, the listed foreigners must have documentation, including a passport or a paper of substitute validity issued by a competent foreign authority, and accompanying documents evidencing their qualification. For example, foreign investors must be named in the investment certificate or equivalent papers; those who have made contributions to Vietnam must possess certificates awarded by the President; and those who are married to a Vietnamese citizen must have a marriage registration certificate issued by Vietnamese or foreign authorities accompanied by the Vietnamese passport or household registration book and ID card of the spouse.

In addition, the following conditions must also be met:

- Foreign individuals must be currently living in Vietnam, must have permission from the competent state authorities to reside in Vietnam for a period of one or more years, and must not belong to the category of those entitled to diplomatic or consular immunities and privileges as stipulated by Vietnamese law. This condition will be determined through such documents as passports (to verify whether the holder belongs to the category of persons entitled to diplomatic or consular immunities, who are not allowed to purchase homes), temporary resident cards or (issued to persons permitted to reside in Vietnam for a period of one year) or permanent resident cards (issued to

persons permitted to reside in Vietnam for a period of three years) or in case of failing to these two cards, residence permission cards for a period of twelve or more months issued by immigration authorities under the Ministry of Public Security;

- Foreign-invested enterprises must have an investment certificate corresponding to their investment form as stipulated by the investment law and issued by competent authorities in Vietnam. Under the draft Decree, the remaining validity term of such investment certificate must be at least one year. This provision is for the purpose of preventing enterprises that have less than a year remaining to the term of their investment in Vietnam to purchase and own housing.

The provision for a year or more of residence in Vietnam is based on Vietnam's policies on economic development, to ensure that persons eligible to purchase housing must engage in a certain period and make certain kinds of contribution to Vietnam's economic development. In addition, this provision ensures stability in housing sale and purchase transactions, and is based on the experience of some neighbour countries (for example, China requires 1 year of residence, and Singapore requires 2 years).

Ownership period

Any eligible foreign individual shall be permitted to own a residential house for a maximum period of 50 years commencing from the issuance date of the residential house ownership certificate (which is stated therein). The foreign individual must sell or donate his or her owned house within 12 months upon the expiry of this ownership period.

Any eligible enterprise with foreign owned capital shall be permitted to own a residential house for a period corresponding to the duration mentioned in its investment certificate including any extension; and the ownership period shall commence from the issuance date of the ownership certificate and shall be stated therein. If the investment certificate is expired or the enterprise is dissolved or declared bankrupt, the house owned by the enterprise shall be dealt with in accordance with the investment laws, the enterprise laws, and other relevant laws of Vietnam.

Rights and obligations of foreign owners

Apart from a number of the same rights as those of Vietnamese owners, foreign owners have some limited rights such as:

- To bequeath their house in accordance with Vietnamese laws on bequests. However, if the legatee is ineligible to own a house in Vietnam, this legatee will only be entitled to such house's value;
- Any eligible foreign individual is permitted to own, at any time, **one apartment** in an apartment building of a commercial housing development project. If such individual inherits or is donated another residential house, he or she may only select ownership of the apartment in the first category and shall only be entitled to the value of the one in the other category.
- Any eligible foreign-invested enterprise is permitted to **own one or a number**

of apartments (*up to 100 in practice*) in an apartment building(s) of a commercial housing development project(s), for its workers. If such enterprise inherits or receives donation of another house, it may only select ownership of the apartment(s) in the first category and will only be entitled to the value of the one(s) in the other category.

- To sell or donate their house within 12 months from the expiration of the ownership certificate. If the owner being an individual is unable to continue residing in Vietnam, he or she will be permitted to sell or donate the purchased house prior to the said time-limit.

Regarding foreign owners' obligations, except the restriction requiring them to use the house only for residential purposes, and not to lease it or use it as an office or for any other purposes, the remaining obligations are similar to those of Vietnamese owners.

House ownership and residential land use right certificates

All ownership certificates of foreign owners in Vietnam will be issued by People's Committees of provinces or centrally run cities.

For the issuance of such a certificate, the draft Decree requires that an application file dossier be filed with the department of Construction in the place where the house exists, consisting of:

- (i) A request for issuance (a standard form for this is provided by the draft Decree);
- (ii) Copies of documents proving the eligibility of the applicant;
- (iii) An original purchase and sale contract, or documents related to the donation or inheritance of the house;
- (iv) A document proving ownership of the seller, donor or legator as stipulated by the Law on Housing; and
- (v) Receipts for the payment of taxes, fees and charges.

In cases where an apartment is purchased from a real estate business enterprise, the seller must have documents such as a written agreement from the competent authorities or a decision on the approval of a commercial housing development, drawings of the ground floor of the purchased apartment, land use right certificates or land lease agreements granted to such enterprise, minutes of apartment delivery, etc.

In case of purchasing, inheriting, or receiving donation of an apartment from an individual, the seller/legator/donor must have one of the following documents: A residential ownership certificate and land use right certificate granted in accordance with the Law on Housing, Decree No. 60/CP of July 5, 1994 on the right to residential housing ownership and the right to residential housing use in urban areas or Decree No. 95/2005/ND-CP of July 15, 2005, or a land use right certificate recording a residential house on land, issued in accordance with the Land Law.

After receiving a valid dossier, the Department of Construction must notify in writing the Ministry of Construction of information relating to the purchase of a housing by a foreign individual. Based on this notification, the Ministry of

Construction will inform the relevant Department of Construction about the ownership status of the purchaser. If the applicant does not yet own any houses in Vietnam, the Department of Construction will prepare the contents of the certificate according to the form stipulated in Decree 90/2006/ND-CP of September 6, 2006 and submit it to the concerned provincial-level People's Committee for signature. After being signed, the certificate will be returned to the Department of Construction to be granted to the applicant.

The time-limit for issuance of an ownership certificate by the provincial-level People's Committee is 30 days from the date of receiving a complete and valid application dossier. In case of refusal to issue an ownership certificate, there must be a written explanation for such refusal.

Any foreign purchaser, donee or legatee is permitted to authorize another person to conduct procedures requesting issuance of an ownership certificate in accordance with Vietnamese law.

Dealing with violations

Under the Resolution, foreign organizations and individuals who commit acts in breach of the Resolution such as by purchasing houses in a non-permitted category, attempting purchase despite belonging to an ineligible category of foreigner, or attempting to own housing through false documents, will not be issued a house ownership certificate. If a violation is found after issuance of such certificate, the certificate will be revoked and ownership of the purchased house will not be recognized. In case a foreigner uses or permits another person to use a house under his/her ownership in breach of Vietnamese laws, or the foreigner is expelled from Vietnam, the house will be disposed in accordance with a Vietnamese court's decision and Vietnamese law.

With respect to violations committed in the course of purchasing and selling, transferring or owning residential houses by foreigners, the Ministry of Construction is drafting a series of regulations forcing violators to bear administrative penalties. In particular, the Ministry of Construction also proposes a sanction of 30% of the house's value to be paid to the State. As this Ministry has explained, if the maximum penalty were only a fine of VND 100 million as stipulated in the Ordinance on Sanctioning Administrative Violations, it would not be strict enough to prevent the violators from repeating their act in violation.

Resolution No. 19 took effect on January 1, 2009 and is valid for 5 years. When this Resolution ceases to be valid, owners will continue to be entitled to own their houses according to the term recorded in their house ownership certificates and will have rights and obligations under the Vietnamese laws in force at the point of time at which the Resolution ceases to be valid.

The issuance of Resolution No. 19 and its guiding decree follows the common global trend and Vietnam's international integration by welcoming and facilitating the stable residence of foreign individuals and organizations in Vietnam, a *sine qua non* for all works as mentioned in a Vietnamese idiom, in order to encourage foreign investment in Vietnam and foreigners' active contribution to society. Such change is also hoped to help enliven the current gloomy real estate market in Vietnam./.

Other Sectors

Finance

- Decree No. 09/2009/ND-CP, dated February 5, 2009 promulgating the Regulation on the financial management of State-owned enterprises and management of State capital invested in other enterprises.
- On February 20, 2009, the Prime Minister stipulated Decision No. 239/QD-TTg on the deferment of recovery of receivable capital advanced by the State budget in the State budget's estimation in 2009.
- Decision No. 29/2009/QD-TTg of the Prime Minister, dated February 20, 2009 on the autonomy regime on personnel and operation expenditures of the State Securities Commission.
- On February 13, 2009, the Prime Minister issued Decision No. 211/QD-TTg on the issuance of government bonds in foreign currencies on domestic capital markets.
- Circular No. 26/2009/TT-BTC of the Ministry of Finance, dated February 6, 2009 guiding the implementation of finalizing compensation for losses resulting from business in oil commodities in 2008.
- On February 5, 2009, the Ministry of Finance stipulated Circular No. 23/2009/TT-BTC providing the levels of collection; and the regime of collection, submission, management and use of fees for exploitation and use of documents on hydrometeorology, and water and air environments.
- Circular No. 21/2009/TT-BTC of the Ministry of Finance, dated February 4, 2009 providing the levels of collection; and the regime of collection, submission, management and use of fees for grant and sticking of control stamps on programme tapes and discs.
- On January 23, 2009, the State Bank of Vietnam issued Circular No. 01/2009/TT-NHNN guiding on agreed interest rates of credit institutions regarding loans granted to demands for capital serving life, and loans through operation of issuance and use of credit cards.
- Circular No. 16/2009/TT-BTC of the Ministry of Finance, dated January 22, 2009 providing guidelines for the amendment of this Ministry's Circular No. 69/2007/TT-BTC, dated June 25, 2007 guiding a number of articles of Decree No. 151/2006/ND-CP, dated December 20, 2006 on the State investment credits and export credits.
- On January 22, 2009, the Ministry of Finance stipulated Circular No. 14/2009/TT-BTC guiding the setting up, management, use and finalization of expenditures funded by the State budget for implementation of duties and

projects under the Scheme on the protection of river basin environments in accordance with the Prime Minister's decision.

Banking

- Decision No. 291/QD-BTC of the Ministry of Finance, dated February 12, 2009 announcing interest rates applicable to the State investment and export credits, and the difference of interest rates calculated as post-investment support.
- On February 3, 2009, the State Bank of Vietnam issued Circular No. 02/2009/TT-NHNN detailing the implementation of assistance with interest rates to organizations and individuals borrowing loans from banks for production and business.

Taxation

- Decree No. 13/2009/ND-CP, dated February 13, 2009 on the amendment of and supplement to a number of articles of Decree No. 98/2007/ND-CP, dated June 7, 2007 dealing with breaches of laws on taxation and enforcement of administrative decisions on taxation.
- On January 19, 2009, the Tax Department of Hanoi stipulated Decision No. 793/QD-CT-THNVDT promulgating the list of minimum prices applicable to calculate registration fees for a number of assets such as: boards and vessels, automobiles, motorbikes, hunting guns, and sport guns.
- Decision No. 650/QD-CT-TNHHVDT of the Tax Department of Hanoi, dated January 15, 2009 promulgating the list of minimum prices applied to calculate registration fees for a number of assets such as: boards and vessels, automobiles, motorbikes, hunting guns, and sport guns.
- On February 27, 2009, the Ministry of Finance issued Circular No. 38/2009/TT-BTC adjusting the preferential import tax rates applicable to automobile components and spare parts in the preferential import tariff.
- Circular No. 30/2009/TT-BTC of the Ministry of Finance, dated February 11, 2009 on the adjustment of preferential import tax rates applicable to the item of turbine engine fuel used in aviation in the preferential import tariff.
- On February 10, 2009, the Ministry of Finance stipulated Circular No. 28/2009/TT-BTC adjusting the preferential import tax rates applicable to a number of items in the preferential import tariff.
- Circular No. 27/2009/TT-BTC of the Ministry of Finance, dated February 6, 2009 guiding the implementation of deferment of the time limit for personal income tax payments.

- On February 5, 2009, the Ministry of Finance issued Circular No. 25/2009/TT-BTC providing guidelines for the implementation of import tax rates applicable to the item of coal in the import tariff.
- Circular No. 24/2009/TT-BTC of the Ministry of Finance, dated February 5, 2009 guiding the implementation of preferential import tax rates applicable to a number of items under Group 2710 in the preferential import tariff.
- On January 30, 2009, the Ministry of Finance stipulated Circular No. 18/2009/TT-BTC providing guidelines for the implementation of 50% reduction of value-added tax rates in accordance with the preferential import tariff.
- Circular No. 13/2009/TT-BTC of the Ministry of Finance, dated January 22, 2009 guiding the implementation of value-added tax reduction regarding a number of goods and services for enterprises that have experienced business difficulties.

Trade

- On February 12, 2009, the Ministry of Foreign Affairs issued International Treaty No. 01/2009/SL-LPQT on the agreement between the Government of the Socialist Republic of Vietnam and the Government of the Republic of Belarus on the mutual administrative cooperation and assistance in the field of customs.
- Decision No. 24/2009/QD-TTg of the Prime Minister, dated February 17, 2009 promulgating the Regulation on trade in duty-free sales.
- On February 12, 2009, the Prime Minister stipulated Decision No. 21/2009/QD-TTg on the selling prices of electricity in 2009, and between 2010 and 2012 in accordance with the market mechanism.
- Decision No. 19/2009/QD-TTg of the Prime Minister, dated February 6, 2009 providing the functions, duties, authority and organizational structure of the Market Management Department under the Ministry of Industry and Trade.
- On January 30, 2009, the People's Committee of Ho Chi Minh City issued Decision No. 12/2009/QD-UBND promulgating the Regulation on examination to permit the use of APEC businessmen's travel cards belonging to Ho Chi Minh City.
- Circular No. 37/2009/TT-BTC of the Ministry of Finance, dated February 26, 2009 guiding the free of charge for certification of origin (C/O).
- On February 26, 2009, the Ministry of Industry and Trade stipulated Circular No. 05/2009/TT-BCT providing the selling prices of electricity in 2009 and guidelines for implementation.
- Circular No. 03/2009/TT-BCT of the Ministry of Industry and Trade, dated February 10, 2009 providing guidelines on dossiers, process and procedures for grant of establishment license and report regime of the Commodity Exchanges as

stipulated in Decree No. 158/2006/ND-CP, dated December 28, 2006 detailing the Commercial Law on activities of goods sold and purchased through Commodity Exchanges.

- On January 20, 2009, the Ministry of Industry and Trade issued Circular No. 01/2009/TT-BCT guiding the inspection, checking, systemization and handling of legal documents of the industry and trade branch.

Labour

- Decision No. 31/2009/QD-TTg of the Prime Minister, dated February 24, 2009 approving a Scheme on propaganda and popularization of laws to workers and employers in all forms of enterprises from 2009 to 2012.
- On February 5, 2009, the Prime Minister stipulated Decision No. 151/QD-TTg on the establishment of the Centre for Labour Relation Development Assistance under the Ministry of Labour, War Invalids and Social Affairs.
- Decision No. 14/2009/QD-UBND of the People's Committee of Ho Chi Minh City, dated February 3, 2009, promulgating the Regulation (sample) on the organization and operations of the Office of Labour, War Invalids and Social Affairs of districts.
- On February 4, 2009, the Ministry of Finance issued Circular No. 20/2009/TT-BTC providing the levels of collection; and the regime of collection, submission, management and use of fees for verification of kinds of machineries, equipment and materials that have strict requirements on labour safety.
- Inter-ministerial Circular No. 06/2009/TTLT-BLDTBXH-BTC of the Ministry of Labour, War Invalids and Social Affairs, dated February 27, 2009 guiding the implementation of Decision No. 30/2009/QD-TTg of the Prime Minister, dated February 23, 2009 on the assistance to workers who lose jobs in enterprises that have difficulties due to economic decline.
- On January 22, 2009, the Ministry of Finance stipulated Circular No. 17/2009/TT-BTC providing guidelines on the extraction for payment and use of trade union expenditures regarding foreign invested enterprises and executive offices of foreign party in business cooperation contracts.

Transport

- Decree No. 20/2009/ND-CP, dated February 23, 2009 on the management of heights of hurdles to aviation and battlefields of management and protection of airspace in Vietnam.
- On February 25, 2009, the Ministry of Finance and the Ministry of Public Security jointly issued Inter-ministerial Circular No. 35/2009/TTLT-BTC-BCA guiding the implementation of a number of articles of Decree No. 103/2008/ND-

CP, dated September 16, 2008 on the obligatory civil liability insurance of the owners' vehicles.

Construction

- Decree No. 12/2009/ND-CP, dated February 12, 2009 on the management of investment projects for construction of works.
- On February 10, 2009, the Prime Minister stipulated Decision No. 202/QD-TTg on the selection of tender forms for construction investment projects belonging to a Scheme on Solidization of Schools, Class Rooms and Mission Houses for Teachers for the period from 2008 to 2012.
- Circular No. 02/2009/TT-BKH of the Ministry of Planning and Investment, dated February 17, 2009 guiding the setting up of tender plans.

Land – Real Estate

- On February 25, 2009, the People's Committee of Ho Chi Minh City issued Decision No. 19/2009/QD-UBND providing the minimum surface area required for land that has been split into plots.
- Circular No. 01/2009/TT-BXD of the Ministry of Construction, dated February 25, 2009 providing a number of contents on the grant of certificate of residential housing ownership and guidelines on standard contracts for sale and purchase of apartments in construction investment projects of organizations operating businesses in residential housing.

Science - Technology

- International Treaty No. 04/2009/SL-LPQT of the Ministry of Foreign Affairs, dated February 12, 2009 on the agreement on economic, cultural, scientific and technical cooperation between the Government of the Socialist Republic of Vietnam and the Government of the People's Democratic Republic of Laos of 2009.
- On February 25, 2009, the Ministry of Industry and Trade stipulated Decision No. 1008/QD-BCT providing the functions, duties, authority and organizational structure of the Chemical Department.
- Decision No. 37/QD-BKHCHN of the Ministry of Science and Technology, dated January 14, 2009 on the correction of Decision No. 12/2008/QD-BKHCHN of the Minister of Science and Technology, dated September 4, 2008 promulgating a number of tables for scientific and technological statistic classification.
- On February 24, 2009, the Ministry of Finance and the Ministry of Science and Technology jointly issued Inter-ministerial Circular No. 34/2009/TTLT/BTC-BKHCHN on the amendment of and supplement to a number of articles of Inter-

ministerial Circular No. 39/2005/TTLT/BTC-BKHCN, dated May 23, 2005 guiding the financial management of the programme on "Building up models for application and transfer of sciences and technologies in service of the socio – economic development in rural and mountainous regions for the period from now on to 2010".

Intellectual Property

- Circular No. 29/2009/TT-BTC of the Ministry of Finance, dated February 10, 2009 providing the levels of collection; and the regime of collection, submission, management and use of fees for grant of certificates of copyright and related rights.
- On February 4, 2009, the Ministry of Finance stipulated Circular No. 22/2009/TT-BTC providing the levels of collection; and the regime of collection, submission, management and use of intellectual property fees and charges.

Judiciary

- Ordinance No. 10/2009/UBTVQH12 of the Standing Committee of the National Assembly, dated February 27, 2009 on the courts' fees and charges.
- On February 27, 2009, the Standing Committee of the National Assembly issued Ordinance No. 09/2009/PL-UBTVQH12 on the amendment of and supplement to a number of articles of the Ordinance on the organization of criminal investigations.
- Decree No. 22/2009/ND-CP, dated February 24, 2009 on the amendment of and supplement to a number of articles of Decree No. 70/2006/ND-CP, dated July 24, 2006 providing the management of exhibits and means detained in accordance with administrative procedures.
- On February 13, 2009, the Government stipulated Decree No. 15/2009/ND-CP on the amendment of and supplement to a number of articles of Decree No. 97/2006/ND-CP, dated September 15, 2006, providing the application of the penalty in the form of expulsion in accordance with administrative procedures.
- Decree No. 08/2009/ND-CP, dated February 4, 2009 detailing and guiding the implementation of a number of articles of the Law on Anti-Familial Violence.

Interior Affairs

- On January 16, 2009, the Standing Committee of the National Assembly issued Resolution No. 725/2009/UBTVQH12 adjusting the duties and authority of People's Councils and People's Committees of provinces and central-running cities, and providing duties, authority and apparatus organization of People's Committees of districts and wards where People's Councils are not organized.

- Resolution No. 724/2009/UBTVQH12 of the Standing Committee of the National Assembly, dated January 16, 2009 on the list of districts and wards of provinces and central-running cities where People's Councils of districts and wards are not organized in the pilot implementation.
- On February 16, 2009, the Government stipulated Decree No. 16/2009/ND-CP on the amendment of and supplement to Clause 2, Article 8 of Decree No. 13/2008/ND-CP, dated February 4, 2008 providing the organization of specialized agencies under the People's Committees of provinces and central-running cities.

Agriculture

- Decree No. 14/2009/ND-CP, dated February 13, 2009 on the amendment of and supplement to a number of articles of Decree No. 59/2005/ND-CP, dated May 4, 2005 on the conditions for production of and business in a number of aquacultural industries.
- On February 10, 2009, the People's Committee of Ho Chi Minh City issued Decision No. 15/2009/QD-UBND on the amendment of and supplement to a number of regulations on encouraging the structural transformation of agriculture for the period from 2006 to 2010 accompanying this Committee's Decision 105/2006/QD-UBND, dated July 17, 2006.
- Circular No. 08/2009/TT-BNN of the Ministry of Agriculture and Rural Development, dated February 26, 2009 guiding the implementation of a number of policies on assistance to development of agricultural, forest and aquacultural productions in accordance with Resolution No. 30a/2008/NQ-CP of the Government, dated December 27, 2008.
- On February 26, 2009, the Ministry of Finance stipulated Circular No. 36/2009/TT-BTC guiding the implementation of a number of articles of Decree No. 115/2008/ND-CP, dated November 14, 2008 amending and supplementing a number of articles of Decree No. 143/2003/ND-CP, dated November 28, 2003 detailing the implementation of a number of articles of the Ordinance on Exploitation and Protection of Irrigation Works.
- Circular No. 05/2009/TT-BNN of the Ministry of Agriculture and Rural Development, dated February 3, 2009 on the addition of a number of plant protection products to the list of plant protection products permitted to be used in Vietnam.
- On January 14, 2009, the Ministry of Agriculture and Rural Development issued Circular No. 03/2009/TT-BNN providing the labelling of animal medicines.

- Circular No. 02/2009/TT-BNN of the Ministry of Agriculture and Rural Development, dated January 14, 2009 guiding the procedures of revocation and handling of animal medicines.

Investment

- On February 16, 2009, the Government stipulated Decree No. 17/2009/ND-CP on the amendment of and supplement to a number of articles of Decree No. 121/2007/ND-CP, dated July 25, 2007 providing the overseas investments in oil and gas activities.
- Decision No. 20/2009/QD-UBND of the People's Committee of Ho Chi Minh City, dated February 27, 2009 promulgating regulations on the implementation of domestic investment projects belonging to the Demand Stimulus Programme in the area of Ho Chi Minh City.
- On February 20, 2009, the Prime Minister issued Decision No. 236/QD-TTg on the approval of a Scheme on "Promotion of Vietnam's overseas investments".
- Decision No. 13/2009/QD-UBND of the People's Committee of Ho Chi Minh City, dated February 3, 2009 promulgating regulations on the management and use of official development aid sources (ODA) of Ho Chi Minh City.

Miscellaneous

- On February 12, 2009, the Ministry of Foreign Affairs stipulated International Treaty No. 07/2009/SL-LPQT on the agreement between the Government of the Socialist Republic of Vietnam and the Government of the Republic of Rwanda on the cooperation in the field of health.
- International Treaty No. 08/2009/SL-LPQT of the Ministry of Foreign Affairs, dated February 4, 2009 on the agreement between the Government of the Socialist Republic of Vietnam and the Government of the Republic of Mozambique on the exemption from visa requirements for bearers of foreign affairs and mission passports.
- On January 22, 2009, the Ministry of Foreign Affairs issued International Treaty No. 06/2009/SL-LPQT on the agreement between the Government of the Socialist Republic of Vietnam and the Government of the Republic of Tunisia on the exemption from visa requirements for bearers of foreign affairs, mission and special passports.
- Decree No. 11/2009/ND-CP, dated February 10, 2009 on the amendment of and supplement to Decree No. 111/2005/ND-CP, dated August 26, 2008 detailing and guiding the implementation of a number of articles of the Law on Publications.

- On February 6, 2009, the Government stipulated Decree No. 10/2009/ND-CP providing the sanction against administrative violations in the course of implementing procedures of bankruptcy.
- Decision No. 270/QD-TTg of the Prime Minister, dated February 27, 2009 approving a Scheme on “Reinforcement, consolidation and improvement of quality of human power sources in popularization and education of laws to meet requirements of the country’s renovation and development, which belongs to “the Government’s programme on popularization and education of laws from 2008 to 2012”.
- On February 3, 2009, the Prime Minister issued Decision No. 18/2009/QD-TTg approving the overall planning on socio – economic development of sea and littoral regions of Vietnam in Thailand gulf until 2020.
- Circular No. 02/2009/TT-BTTTT of the Ministry of Information and Communication, dated February 9, 2009 on the repeal of legal documents.
- On February 6, 2009, the Ministry of Public Security and the Ministry of Natural Resources and Environment jointly stipulated Inter-ministerial Circular No. 02/2009/TTLT-BCA-BTNMT guiding the cooperative relation in the prevention of and fighting against crimes and breaches of laws on environmental protection.

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