

# Legal News

December 2015

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## Contents

<b>Highlighted</b> .....	2
<b>Other sectors:</b> .....	9
Finance.....	9
Banking.....	9
Securities.....	10
Taxation.....	10
Trade .....	11
Labour.....	12
Education .....	14
Health.....	15
Transport.....	17
Construction .....	18
Natural Resources - Environment.....	19
Land - Real Estate.....	19
Science - Technology .....	20
Energy.....	21
Information - Communications .....	21
Administration - Judiciary .....	22
Agriculture - Forestry - Fishery.....	22
Investment .....	23
Miscellaneous.....	23
<b>Contact details</b> .....	24

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## Highlighted

### 1. New regulations on non-banking credit institutions' operations

*On 25 December 2015, the State Bank of Vietnam ("SBV") promulgated Circular No.30/2015/TT-NHNN, providing for the issuance of Licenses to, and the organization and operations of non-banking credit institutions ("Circular 30").*

Accordingly, Circular 30 applies to financial companies, financial leasing companies, and individuals and organizations related to the issuance of Licenses, and the organization and operations of non-banking credit institutions.

Local non-banking credit institutions are established and organized in one of the following forms: A joint stock company established by shareholding of shareholders that are organizations and individuals in accordance with the laws; A single-member limited liability company owned by a Vietnamese commercial bank; A limited liability company with two or more members established by capital contribution(s) of Vietnamese commercial bank(s) and Vietnamese enterprise(s) (in which at least 30% of the non-banking credit institution' charter capital is owned by a Vietnamese commercial bank) or of Vietnamese commercial banks.

Joint-venture non-banking credit institutions are established and organized in the form of a limited liability company with two or more members established by capital contribution(s) of Vietnamese party(ties) [including one or more Vietnamese commercial bank(s), Vietnamese enterprise(s)] and foreign party(ties) [including one or more foreign credit institution(s)] on the basis of a joint-venture contract].

Wholly foreign-owned non-banking credit institutions are established and organized in the form of a single-member limited liability company owned by a foreign credit institution or in the form of a limited liability company with two or more members established by capital contribution(s) of foreign credit institutions.

The operational duration of a non-banking credit institution recorded in its License shall not exceed 50 years.

This Circular shall take effect on 8 February 2016.

### 2. Guidelines on provision of foreign currency receipt and payment services

***On 31 December 2015, the SBV promulgated Circular No.34/2015/TT-NHNN, providing guidelines for the provision of foreign currency receipt and payment services (“Circular 34”).***

Regarding competence to approve the provision of foreign currency receipt and payment services, the SBV shall give written approval (including its amendments, supplements, extension or revocation) for the direct foreign currency receipt and payment; and registration of foreign currency payment agents for Vietnam Post.

SBV’s branches in provinces and cities where credit institutions and economic organizations are headquartered are competent to give written approval (including its amendments, supplements, extension and revocation) for the direct foreign currency receipt and payment; registration of foreign currency payment agents for economic organizations and credit institutions (“CI”).

CI is allowed to provide foreign currency receipt and payment services, which do not need to conduct procedures for requesting for the SBV’s approval pursuant to this Circular.

Circular 34 requires an economic organization directly providing foreign currency receipt and payment services to open a payment account for each currency at one commercial bank or licensed foreign bank branch in the locality where its head office is located to implement foreign currency payment (via this specialized account).

The specialized foreign currency account is used to implement the following transactions: For foreign currency account of an economic organization in the locality where its head office is located: receipt of foreign currency from abroad; retrieval of foreign currency from specialized foreign currency account of the economic organization opened at a licensed commercial bank or licensed foreign bank’s branch within the locations of such organization's branches that return money after failing to make payments in foreign currency to beneficiaries; payments in foreign currency by bank transfer or in cash to local beneficiaries; withdrawal of cash in foreign currency for CI acting as foreign currency payment agent to make payments to beneficiaries; transfer of money to the economic organization’s specialized foreign currency account at the locations of its branches which make payments in foreign currency; sale of foreign currency to licensed CI in order to make payments to beneficiaries in Vietnamese Dong.

Furthermore, specialized foreign currency accounts of an economic organization at the locations of its branches making payments in foreign currency may be used for the following transactions: receipt of foreign currency transferred from the economic organization’s specialized foreign currency account opened at the locality where it is headquartered; payment in foreign currency by bank transfer or in cash to local beneficiaries; sale of

foreign currency to licensed CI in order to make payments to beneficiaries in Vietnamese Dong; return of money to specialized foreign currency account of economic organization opened at licensed commercial bank or licensed foreign bank' branch in the locality where the organization is headquartered in case of failing to make payments to beneficiaries.

This Circular shall come into force on 1 March 2016.

### 3. Considerable advancing step in regulations on stock exchange in markets

*On 21 December 2015, the Ministry of Finance (“MoF”) stipulated Circular No. 203/2015/TT-BTC, providing guidelines for the transactions in securities markets (“Circular 203”), replacing Circular No. 74/2011/TT-BTC dated 1 June 2011 of the MoF, on the same subject matter (“Circular 74”).*

Circular 203 includes 3 Chapters, 15 Articles with various new features compared to Circular 74:

- (a) *Firstly*, the new Circular clarifies **scope and subject of application**. Accordingly, this Circular provides guidelines for operation of listed stock exchange, securities registered to trade in the Stock Exchange, and applied to investors, depository members, trading members, security companies, fund management companies, Stock Exchange, Security Deposit Centre of Vietnam, and other relevant organizations and individuals.
- (b) *Secondly*, Circular 203 allows the investors to **place order to purchase and sell at the same time in each consecutive order matching** (but **not allowed for periodic order matching to determine opening/closing price**). **Investors are no longer limited to use only 1 account to conduct reverse transaction of the same type of securities**. This provision overcomes the limit of current transaction mechanism; accordingly, the investors may use only 1 account to conduct reverse transaction of the same type of securities, may not issue orders to purchase and sell at the same time in each order matching, is only able to conduct the transaction upon previous order matching, etc.; and meet the investors' long time demands.
- (c) *Thirdly*, Circular 203 allows the investors to conduct transaction orders upon obtaining payment guarantee of Depository Bank. This regulation fits with the current status of several institutional investors and big investment funds, always having deposit account separated from trading account, having account at monitoring bank, that do not need to transfer money to securities trading account in order to implement

transactions. This regulation helps reducing costs of conducting transactions incurred by the investors, encourages cash flow, but still guarantees risk control over the market.

- (d) *Fourthly*, the new Circular sets forth legal basis for conducting transactions of pending securities, T transactions. This does not only cultivate stock circulation, boost liquidation, but, more importantly, also helps the investors fully perform ownership over their assets. However, these are modern transaction mechanisms, implemented on respective modern infrastructure; thus, it may take some times for members of market to complete the new system in order to deploy these transactions. For the purpose of managing and controlling risks of these transactions, Circular 203 provides regulations in line with international practices on payment support to T transactions.
- (e) *Fifthly*, Circular 203 sets forth legal basis for market establishment activities. This is a popular professional operation in international stock exchange, which is not yet organized in Vietnam. Deployment of this professional operation shall help securities companies gradually approach the professional operation in line with international practice, improve competitiveness in time of integration, especially, gradually implement investment banking model in a new stage of in-depth development of Stock Exchange.

In addition to the new, breakthrough regulations cultivating transaction in secondary market, Circular 203 also provides some regulations to overcome limits arose in the market in recent time. In particular:

- (a) The new Circular does not allow security companies to make or receive payment of security transactions in cash or direct transfer to a third party. Or, at least 7 days prior to implementation of treasury stock-related transactions, issuers must publish information about such transactions.
- (b) And at the same time, Circular 203 (i) **prohibits listing, registration with Stock Exchange to disclose information about transactions to acquire shares, sale of treasury stocks, without placing orders** at the time of registering treasury stock-related transactions; or to place orders at prices outside price fluctuation margin at the time of registering treasury stock-related transactions; (ii) forbids listing, transactional registration on Stock Exchange to publish expected prices for conducting treasury stock-related transactions.

This Circular shall come into force on 1 July 2016.

#### 4. New regulations on offshore indirect investments

*On 31 December 2015, the Government promulgated Decree No. 135/2015/ND-CP, on offshore indirect investments (“Decree 135”). Decree 135 contains the following important contents:*

Regarding scope and subject of application: Decree 135 provides detailed regulations on offshore indirect investments in the form of purchase and sale of securities, other valuable papers or investment through securities investment funds or offshore intermediate financial institutions; which are applicable to the following subjects:

- (a) Investors, including:
  - (i) Economic organizations pursuant to Clause 16 Article 3 of Law on Investment;
  - (ii) Individuals of Vietnamese nationality entitled to participate in program on bonus with shares issued abroad.
- (b) State administrative authorities participating in management of offshore indirect investments under this Decree.
- (c) Organizations and individuals related to offshore indirect investments.
- (d) Foreign invested economic organizations (defined in Clause 1 Article 23 of Law on Investment) not allowed to conduct offshore indirect investments under this Decree.

**Regarding opening account for self-trading in offshore indirect investment and entrusted offshore indirect investment, Decree 135 states:**

- (a) Opening of foreign currency account(s) for self-trading in offshore indirect investments:
  - (i) Self-trading organizations must open 1 (one) capital account for offshore indirect investment in foreign currency at 1 (one) commercial bank or foreign bank’s branch licensed to provide foreign exchange service in Vietnam in order to implement receipt and payment transactions related to trading in offshore indirect investments (except for self-trading organizations that are security investment companies and securities investment funds implementing offshore indirect investments through a fund management company);
  - (ii) If self-trading organizations that are securities investment funds and securities investment companies implement offshore indirect investments through a fund management company, the fund management company shall open 1 (one) capital account for offshore indirect investment in foreign currency at 1 (one)

commercial bank or foreign bank's branch licensed to provide foreign exchange service in Vietnam to each securities investment fund or securities investment company to implement receipt and payment transactions related to offshore indirect investments of securities investment fund or securities investment company.

- (b) Opening of foreign currency account for entrusted offshore indirect investment:
  - (i) Entrusted organizations must open 1 (one) capital account for entrusted offshore indirect investments in foreign currency at 1 (one) commercial bank or foreign bank's branch licensed to provide foreign exchange service in Vietnam to implement receipt and payment transactions related to entrusted offshore indirect investments;
  - (ii) Entrusted organizations must manage separately entrusted investment amount of each investor, manage entrusted investment amount of investor separately from self-trading offshore indirect investment amount.
- (c) Opening of foreign currency account abroad:
  - (i) Self-trading organizations and entrusted organizations may open foreign currency accounts abroad to implement receipt and payment transactions related to entrusted offshore indirect investments pursuant to rules of law of the host countries;
  - (ii) Self-trading organizations and entrusted organizations may only open foreign currency accounts under Point a Clause 3 of this Article after obtaining license for offshore indirect investment, written approval for indirect offshore investment, entrusted offshore indirect investment registration certificate from specialized management agencies and registration certificate from the SBV for self-trade quota and entrust quota.

This Decree comes into force on 15 February 2016.

## 5. Guidelines on compulsory Social Insurance

*On 29 December 2015, the Ministry of Labour, War Invalids and Social Affairs issued Circular No. 59/2015/TT-BLDTBXH, detailing and providing guidelines for the implementation of a number of articles of Law on Social Insurance with respect to compulsory Social Insurance ("Circular 59").*

Under Circular 59, the rate of entitlement to one-off Social Insurance benefit for employees whose time of payment of Social Insurance premium is less than

1 year shall be equal to 22% of monthly wage used for payment of Social Insurance premium, maximum level of benefit is equal to twice of monthly wage used for payment of Social Insurance premium.

For employees who have concurrently paid voluntary and compulsory Social Insurance premiums, one-off Social Insurance benefit does not include State support for each period of payment of voluntary Social Insurance premium. Calculation of one-off Social Insurance benefit shall be implemented in the same manner as employees who do not enjoy State support to payment of Social Insurance premium, then, subtracting State support to payment of voluntary Social Insurance premium.

Regarding benefits of sickness regime, under Circular 59, in case where absent employee enjoys benefit equivalent to more than 14 days in a month, both employer and employee will be exempted from payment of Social Insurance premium for that month; this period shall not be included for calculation of Social Insurance benefit. During time of absence with sickness allowances listed in the List of diseases requiring long-term treatment, the employee is entitled to Health Insurance premium paid by Social Insurance Fund.

Also under Circular 59, monthly wage used for payment of compulsory Social Insurance premium shall not include other benefits and welfare, such as: bonuses, initiative bonuses; expenses for shift-middle meal; subsidies on gasoline, telephone, transport, residential housing, babysitting, child care; supportive payments for employees whose relative(s) has/have just died or married, employees' birthday, benefits for employees facing difficulties due to labour accidents and occupational diseases.

This Circular shall come into force on 15 February 2016.

**Other sectors:****Finance**

- Decision No. 2770/QD-BTC dated 25 December 2015 of the Ministry of Finance, announcing newly-issued/ replaced/ repealed/ maintained administrative procedures in the field of customs under State authority of the Ministry of Finance.
- Decision No. 2704/QD-BTC dated 17 December 2015 of the Ministry of Finance, on piloting procedures for electronic transactions of public services on State Treasury Portal.
- Decision No. 2524/QD-BTC dated 3 December 2015 of the Ministry of Finance, promulgating the Regulation on provision of legal information and publication of legal documents on national law database and electronic information portal of the Ministry of Finance.

**Banking**

- Decision No. 2589/QD-NHNN dated 17 December 2015 of the State Bank of Vietnam, on the maximum interest rate applicable to deposits in US Dollar of organizations and individuals in credit institutions and foreign banks' branches under Circular No. 06/2014/TT-NHNN.
- Decision No. 2730/QF-NHNN dated 31 December 2015 of the State Bank of Vietnam, announcing the central exchange rate of Vietnamese Dong against US Dollar, and cross exchange rate of Vietnamese Dong against other currencies.
- Decision No. 2645/QD-NHNN dated 30 December 2015 of State Bank of Vietnam, on the interest rate imposed by commercial banks in 2016 on outstanding loans for residential housing support pursuant to Circular No.11/2013/TT-NHNN dated 15 May 2013 and Circular No. 32/2014/TT-NHNN dated 18 November 2014.
- Circular No. 36/2015/TT-NHNN dated 31 December 2015 of the State Bank of Vietnam, on the reorganization of credit institutions.
- Circular No. 33/2015/TT-NHNN dated 31 December 2015 of the State Bank of Vietnam, on the prudential ratios in operations of microfinancial institutions.
- Circular No. 32/2015/TT-NHNN dated 31 December 2015 of the State Bank of Vietnam, on the limits and prudential ratios in operations of people's credit funds.

- Circular No. 29/2015/TT-NHNN dated 22 December 2015 of the State Bank of Vietnam, on the amendment and supplement to a number of legal instruments of SBV providing for components of dossiers, including notarized copies of papers and documents.
- Circular No. 28/2015/TT-NHNN dated 18 December 2015 of the State Bank of Vietnam, on the management and use of digital signatures, digital certificates and digital signature authentication of the SBV.
- Circular No. 26/2015/TT-NHNN dated 9 December 2015 of the State Bank of Vietnam, providing guidelines on process of and procedures for mortgage and release of assets being projects on investment in construction of residential housing and houses to be formed in the future.
- Circular No. 25/2015/TT-NHNN dated 9 December 2015 of the State Bank of Vietnam, providing guidelines on concessional loans for the implementation of social housing policies.
- Circular No. 24/2015/TT-NHNN dated 8 December 2015 of the State Bank of Vietnam, on the lending in foreign currencies by credit institutions and foreign banks' branches to residents.
- Circular No. 23/2015/TT-NHNN dated 4 December 2015 of the State Bank of Vietnam, amending and supplementing a number of articles of the Regulation on compulsory reserves applied to credit institutions under Decision No.581/2003/QD-NHNN dated 9 June 2003 of the Governor of SBV.

## Securities

- Circular No. 202/2015/TT-BTC dated 18 December 2015 of the Ministry of Finance, providing guidelines on listing of securities on stock exchange.
- Circular No. 197/2015/TT-BTC dated 3 December 2015 of the Ministry of Finance, on the practicing of securities professions.

## Taxation

- Decision No. 2351/QD/TCT dated 11 December 2015 of the General Department of Taxation, promulgating the Process of receiving and resolving tax administrative procedures in line with one-stop shop mechanism at tax authorities.
- Circular No. 56/2015/TT-BCT dated 31 December 2015 of the Ministry of

Industry and Trade, providing for imports under tariff quotas with import tax rate of 0% for goods originating from the People's Democratic Republic of Laos.

- Circular No. 208/2015/TT-BTC dated 28 December 2015 of the Ministry of Finance, providing for the operations of consulting councils of communes, wards or towns.
- Circular No. 204/2015/TT-BTC dated 21 December 2015 of the Ministry of Finance, providing for the implementation of risk management in tax administration.
- Circular No. 201/2015/TT-BTC dated 16 December 2015 of the Minister of Finance, on Preferential Import Tariff of Vietnam for the implementation of Free Trade Agreement between Vietnam and the Republic of Korea in the period from 2015 to 2018.

## **Trade**

- Decree No. 127/2015/ND-CP dated 14 December 2015, on the organization and operations of the inspectorate of the Industry and Trade branch.
- Decision No. 14478/QD-BCT dated 29 December 2015 of the Ministry of Industry and Trade, announcing the list of legal documents constructed, issued, or jointly issued under the leading of the Ministry of Industry and Trade, which are no longer effective.
- Decision No. 7263/QD-UBND dated 29 December 2015 of the People's Committee of Hanoi, announcing newly-issued or repealed administrative procedures under the settlement authority of the Department of Industry and Trade of Hanoi.
- Decision No. 65/2015/QD-TTg dated 17 December 2015 of the Prime Minister, providing for the functions, duties, powers and organizational structure of the General Department of Customs directly under the Ministry of Finance.
- Circular No. 52/2015/TT-BCT dated 30 December 2015 of the Ministry of Industry and Trade, detailing the activities of cross-border trading in goods under Decision No. 52/2015/QD-TTg dated 20 October 2015 of the Prime Minister, on the management of cross-border trading activities with bordering countries.
- Circular No. 207/2015/TT-BTC dated 25 December 2015 of the Ministry of Finance, amending and supplementing Circular No. 148/2013/TT-BTC dated 25 October 2013 of the Ministry of Finance, providing guidelines for the Regulation

on selling duty-free goods accompanying Decision No. 24/2009/QD-TTg dated 17 February 2009 and the Decision No. 44/2013/QD-TTg dated 19 July 2013 of the Prime Minister, on the amendments and supplements to the Regulation on selling duty-free goods accompanying Decision No. 24/2009/QD-TTg dated 17 February 2009 of the Prime Minister.

- Circular No. 49/2015/TT-BCT dated 21 December 2015 of the Ministry of Industry and Trade, providing for the activities of production and processing of uniforms to be exported to foreign armed forces.
- Circular No. 48/2015/TT-BCT dated 14 December 2015 of the Ministry of Industry and Trade, amending Circular No. 40/2015/TT-BCT, providing for the implementation of the Rules of origin in the Free Trade Agreement between Vietnam and the Republic of Korea.
- Circular No. 47/2015/TT-BTC dated 11 December 2015 of the Ministry of Industry and Trade, promulgating the National technical regulations on requirements on design of floating oil and gasoline stations.
- Circular No. 46/2015/TT-BTC dated 11 December 2015 of the Ministry of Industry and Trade, on the inspection of domestically-manufactured products' quality within the scope of the Ministry of Industry and Trade' managerial responsibility.
- Circular No. 49/2015/TT-BYT dated 11 December 2015 of the Ministry of Health, providing for the announcement of conformity to national technical regulations and consistency with regulations for tobaccos.
- Circular No. 43/2015/TT-BTC dated 8 December 2015 of the Ministry of Industry and Trade, providing for the gradations of oils and gasolines in the oil and gasoline business activities.

## **Labour**

- Decree No. 134/2015/ND-CP dated 29 December 2015, detailing a number of articles of the Law on Social Insurance on voluntary social insurance.
- Decision No. 2528/QD-TTg dated 31 December 2015 of the Prime Minister, approving the implementation plan and the proposal for accession to the conventions of the United Nations and the International Labour Organization in the field of labour and social affairs for the period from 2016 to 2020.
- Decision No. 1559/QD-BHXH dated 25 December 2015 of Vietnam Social

Security, amending and supplementing a number of articles of the Regulation on electronic transactions in the implementation of the procedures to participate in social insurance, health insurance, and unemployment insurance; and grant of social insurance books and health insurance cards, accompanying Decision No. 528/QD-BHXH dated 14 April 2015 of the General Director of the Vietnam Social Insurance Agency.

- Decision No. 1872/QD-LDTBXH dated 22 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, announcing the administrative procedures in the field of employment within the scope of the Ministry of Labour, War Invalids and Social Affairs' managerial functions;
- Decision No. 1858/QD-LDTBXH dated 21 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, announcing the administrative procedures in the field of labour, wages, and employment relations within the scope of the Ministry of Labour, War Invalids and Social Affairs' managerial functions.
- Decision No. 63/2015/QD-TTg dated 10 December 2015 of the Prime Minister, on the policies to support vocational training and provide jobs to workers whose land is recovered.
- Decision No. 1808/QD-LDTBXH dated 9 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, approving the use of 12 sets of programs transferred from Australia to pilot training for issuance of Australian junior colleges' diplomas and Vietnamese junior colleges' diplomas regarding 12 key jobs at international level.
- Decision No. 1474/QD-BHXH dated 03 December 2015 of Vietnam Social Insurance Agency, promulgating version 2.0 of the software in service of conducting Social Insurance transactions;
- Decision No. 1458/QD-BHXH dated 3 December 2015 of Vietnam Social Insurance Agency, on the establishment of system comprising public officials and servants to act as controller of administrative procedures of Vietnam Social Insurance Agency.
- Decision No. 1456/QD-BHXH dated 1 December 2015 of Vietnam Social Insurance Agency, issuing the process of health insurance assessment.
- Decision No. 60/2015/QD-TTg dated 27 November 2015 of the Prime Minister, on the mechanism on financial management of social insurance, health insurance and unemployment insurance, and costs of management of social insurance, health

insurance and unemployment insurance.

- Circular No. 58/2015/TT-BLDTBXH dated 29 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, providing for the levels of adjustment in monthly wages and incomes used for payment of social insurance premiums.
- Circular No. 54/2015/TT-BLDTBXH dated 16 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, providing guidelines on the working time and rest time of employees doing production work of seasonal nature and work of processing goods by orders.
- Circular No. 53/2015/TT-BLDTBXH dated 11 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, providing guidelines for the process of receiving citizens and dealing with petitions in the fields under the State management of Labour, War Invalids and Social Affairs branch.
- Joint Circular No. 52/2015/TTLT-BLDTBXH-BCA-BTC dated 10 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, Ministry of Public Security, Ministry of Finance, guiding the regime for persons directly mobilized, ordered to firefighting, firefighting service and cadres and civil defense members, fire prevention and fighting facility, specialized participating in training, professional training on fire prevention and fighting.
- Circular No. 51/2015/TT-BLDTBXH dated 8 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, promulgating the National Technical Regulations on labour safety for engined forklift with lifting capacity of 1,000 kg or more.
- Circular No. 50/2015/TT-BLDTBXH dated 8 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, promulgating the National Technical Regulations on labour safety for Refrigeration Systems.
- Circular No. 49/2015/TT-BLDTBXH dated 8 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, promulgating the National Technical Regulations on labour safety for fixed system of gas pipeline in metal.
- Circular No. 48/2015/TT-BLDTBXH dated 8 December 2015 of the Ministry of Labour, War Invalids and Social Affairs, promulgating the National Technical Regulations on labour safety for lifting floors to lift people.

## **Education**

- Decision No. 6155/QD-BGDĐT dated 23 December 2015 of the Ministry of

Education and Training, announcing the newly-issued administrative procedures within the scope of the Ministry of Education and Training's managerial functions.

- Decision No. 6154/QD-BGDDT dated 23 December 2015 of the Ministry of Education and Training, announcing the newly-issued administrative procedures within the scope of the Ministry of Education and Training's managerial functions.
- Decision No. 6153/QD-BGDDT dated 23 December 2015 of the Ministry of Education and Training, announcing the newly-issued, repealed or annulled administrative procedures within the scope of the Ministry of Education and Training's managerial functions.
- Decision No. 6152/QD-BGDDT dated 23 December 2015 of the Ministry of Education and Training, announcing the newly-issued administrative procedures; amended and supplemented, or replaced administrative procedures; and repealed or annulled administrative procedures within the scope of the Ministry of Education and Training's managerial functions.
- Decision No. 6151/QD-BGDDT dated 23 December 2015 of the Ministry of Education and Training, announcing the newly-issued, or amended and supplemented administrative procedures within the scope of the Ministry of Education and Training's managerial functions.
- Circular No. 32/2015/TT-BGDDT dated 16 December 2015 of the Ministry of Education and Training, on the Regulations on determination of enrollment targets of higher education institutions.

## **Health**

- Decision No. 5084/QD-BYT dated 30 November 2015 of the Ministry of Health, on the Shared code list applied in healthcare and health insurance payments.
- Decision No. 5055/QD-BYT dated 27 November 2015 of the Ministry of Health, announcing the amended and supplemented, or repealed administrative procedures within the scope of the Ministry of Health's managerial functions.
- Decision No. 5530/QD-BYT dated 25 December 2015 of the Ministry of Health, promulgating the guidelines on the construction of standard practicing process for laboratory quality management.
- Decision No. 5433/QD-BYT dated 21 December 2015 of the Ministry of Health, announcing the List of wholly or partly-expired legal documents in the fields under State management of the Ministry of Health from 1 July 2015 to 31 December

2015.

- Decision No. 5227/QD-BYT dated 7 December 2015 of the Ministry of Health, providing guidelines on the qualification requirements for staff in charge of information technology in health sector.
- Joint Circular No. 56/2015/TTLT-BYT-BNV dated 29 December 2015 of the Ministry of Health and Ministry of Home Affairs, providing for the criteria, requirements, contents and form of exams for professional promotion of public servants specialized in health sector.
- Circular No. 54/2015/TT-BYT dated 28 December 2015 of the Ministry of Health, providing guidelines for the regime on notification of, reporting on, and declaration of diseases and infectious diseases.
- Circular No. 52/2015/TT-BYT dated 21 December 2015 of the Ministry of Health, providing for the State inspection of food safety regarding imported foods, and the dossiers and procedures for the issuance of certificates in respect of exported foods within the governing scope of the Ministry of Health' managerial functions.
- Joint Circular No. 51/2015/TTLT-BYT-BNV dated 11 December 2015 of the Ministry of Health and Ministry Home Affairs, providing guidelines on the functions, tasks, powers and organizational structure of the Departments of Health under the People's Committees of provinces and centrally-running cities and the Offices of Health under the People's Committees of districts, towns and provincial cities.
- Circular No. 50/2015/TT-BYT dated 11 December 2015 of the Ministry of Health, providing for the inspection of drinking water and domestic water' sanitation and quality.
- Circular No. 48/2015/TT-BYT dated 1 December 2015 of the Ministry of Health, providing for the inspection of food safety in manufacture and business of foods within the scope of Ministry of Health' managerial functions.
- Circular No. 47/2015/TT-BYT dated 1 December 2015 of the Ministry of Health, promulgating the National technical regulations on supporting components used for processing food - Solvents.
- Circular No. 46/2015/TT-BYT dated 1 December 2015 of the Ministry of Health, promulgating the National technical regulations of food flavours - vanilla flavourings.

**Transport**

- Decree No. 132/2015/ND-CP dated 25 December 2015, on the sanctioning of administrative violations in the field of inland waterway transport.
- Decree No. 125/2015/ND-CP dated 4 December 2015, detailing the management of flight operations.
- Decision No. 4416/QD-BGTVT 16 December 2015 of the Ministry of Transport, announcing the estimated norms for some repairs of inland waterway building works.
- Decision No. 4360/QD-BGTVT 10 December 2015 of the Ministry of Transport, approving the adjustments in and supplements to the Overall planning for development of inland waterway transport in Vietnam by 2020, with an orientation to 2030.
- Decision No. 3551/QD-BKHCN 8 December 2015 of the Ministry of Science and Technology, announcing the National standards - Reflective painting material for road - Zinc powders used in paint.
- Decision No. 4311/QD-BGTVT dated 7 December 2015 of the Ministry of Transport, issuing the Regulations on updating legal documents and consolidating legal documents to the national law database under the responsibility of the Ministry of Transport.
- Decision No. 3448/QD-BKHCN dated 1 December 2015 of the Ministry of Science and Technology, announcing the National standards: Standards of the depth survey in the maritime sector and Standards of maritime maps for port waters and navigable channels.
- Circular No. 86/2015/TT-BGTVT dated 31 December 2015 of the Ministry of Transport, providing detailed guidelines on investment sectors and contents of feasibility study report of investment projects in the form of public-private partnerships in the field of transport.
- Circular No. 85/2015/TT-BGTVT dated 31 December 2015 of the Ministry of Transport, providing the responsibility for and sanctioning of violations in the air transport activities.
- Circular No. 84/2015/TT-BGTVT dated 30 December 2015 of the Ministry of Transport, amending and supplementing a number of articles of Circular No.06/2012/TT-BGTVT dated 8 March 2012 of the Ministry of Transport, providing the responsibility for and sanctioning of violations in the training,

examinations, and issuance of licenses for driving motorized road vehicles.

- Circular No. 83/2015/TT-BGTVT dated 30 December 2015 of the Ministry of Transportation, providing for the organization and operations of Inland waterway port authorities.
- Circular No. 82/2015/TT-BGTVT dated 30 December 2015 of the Ministry of Transport, promulgating the National technical regulations on engines used for motorcycles and electric motorcycles, and the National technical regulations on batteries used for motorcycles and electric motorcycles.
- Circular No. 81/2015/TT-BGTVT dated 25 December 2015 of the Ministry of Transport, providing for the management and maintenance of railway building works.
- Circular No. 79/2015/TT-BGTVT dated 10 December 2015 of the Ministry of Transport, promulgating the National Technical Regulations on Examination centre for drivers of motorized road vehicles.
- Circular No. 78/2015/TT-BGTVT dated 9 December 2015 of the Ministry of Transport, providing for the preparation, issuance, and announcement of the payload commands, speed commands, and diagrams of train operation on national railway.
- Circular No. 77/2015/TT-BGTVT dated 7 December 2015 of the Ministry of Transport, providing for the transportation of passengers and luggages on the urban railway.
- Circular No. 76/2015/TT-BGTVT dated 1 December 2015 of the Ministry of Transport, providing for the management of examinations, new issuance, re-issuance, and revocation of licenses for operating train on railway.
- Circular No. 196/2015/TT-BTC dated 1 December 2015 of the Ministry of Finance, providing for the collection levels and the regime on collection, payment, management and use of charges for fly across the airspace of Vietnam.

## **Construction**

- Decision No. 6649/QD-UBND dated 3 December 2015 of the People's Committee of Hanoi, approving the task of General planning for underground construction space in city centre – Hanoi by 2030, with an orientation to 2050. Location: Hanoi.
- Decision No. 1376/QD-BXD dated 30 November 2015 of the Ministry of Construction, announcing the new, repealed or annulled administrative procedures

within the scope of the Ministry of Construction' managerial functions.

- Circular No. 53/2015/TT-BCT dated 30 December 2015 of the Ministry of Industry and Trade, detailing the registration of lists of imported goods and temporarily imported - re-exported goods of the foreign construction contractors in Vietnam.
- Circular No. 80/2015/TT-BGTVT dated 11 December 2015 of the Ministry of Transport, providing for the issuance of Licenses related to construction activities within the protection boundaries of railway building works.

### **Natural Resources - Environment**

- Law on Hydrometeorology 2015;
- Decision No. 57/2015/QĐ-UBND dated 10 December 2015 of the People's Committee of Ho Chi Minh City, promulgating the regulations on management of natural resources in the area of Ho Chi Minh City.
- Circular No. 74/2015/TT-BTNMT dated 28 December 2015 of the Ministry of Natural Resources and Environment, providing for the exploration and classification of reserves and mineral resources of apatite.
- Circular No. 73/2015/TT-BTNMT dated 28 December 2015 of the Ministry of Natural Resources and Environment, providing for the exploration and classification of reserves and mineral resources of copper.
- Circular No. 59/2015/TT-BTNMT dated 14 December 2015 of the Ministry of Natural Resources and Environment, providing the drilling techniques for investigation, assessment and exploration of underground water.
- Joint Circular No. 198/2015/TTLT-BTC-BTNMT dated 7 December 2015 of the Ministry of Finance and Ministry of Natural Resources and Environment, providing for the methods for calculation and collection, and the regime on management and use of charges for the usage of coastal areas.

### **Land - Real Estate**

- Decree No. 117/2015/ND-CP dated 12 November 2015, on the construction, management and use of information system on residential housing and real estate market.
- Resolution No. 12/2015/NQ-HĐND dated 2 December 2015 of the People's

Council of Hanoi, approving the Adjustment in the Land use planning until 2020 and the Land use plan for the last 5-year period (2016 -2020) in Hanoi.

- Decision No. 37/2015/QD-UBND dated 18 December 2015 of the People's Committee of Hanoi, providing for the registration of land, residential housing and other assets attached to land; recognition of land use rights; issuance of certificate of land use rights and ownership over house and other assets attached to land; registration of movements in use of land, residential housing and other assets attached to land for households, individuals, communities, Vietnamese residing overseas, and foreign individuals; conversion of the using purpose of garden land, adjacent ponds and agricultural land intertwined in a residential zone to residential land in the area of Hanoi.

### **Science - Technology**

- Decision No. 2245/QD-TTg dated 11 December 2015 of the Prime Minister, approving the Scheme on restructuring the science and technology sector by 2020, with an orientation to 2030, associated with conversion of growth model contributing to the economic development.
- Decision No. 3592/QD-BKHHCN dated 10 December 2015 of the Ministry of Science and Technology, announcing the newly-issued, repealed or annulled administrative procedures under the settlement authority of the Ministry of Science and Technology.
- Decision No. 3551/QD-BKHHCN dated 8 December 2015 of the Ministry of Science and Technology, announcing the National standards.
- Circular No. 55/2015/TT-BCT dated 30 December 2015 of the Ministry of Industry and Trade, providing for the order of and procedures for certification of incentives and post-inspection of incentives regarding Projects on manufacture of industrial supporting products on the List of industrial supporting products prioritized for development.
- Circular No. 24/2015/TT-BKHHCN dated 16 November 2015 of the Ministry of Science and Technology, providing for the inspectors, specialized inspection public servants, and inspection collaborators in the Science and Technology branch.

**Energy**

- Decision No. 14318/QD-BCT dated 25 December 2015 of the Ministry of Industry and Trade, approving the Scheme on restructuring the Electricity sector of Vietnam in service of the industrialization, modernization and sustainable development until 2020, with an orientation to 2030.
- Circular No. 51/2015/TT-BCT dated 29 December 2015 of the Ministry of Industry and Trade, amending and supplementing a number of articles of Circular No. 30/2014/TT-BCT dated 2 October 2014 of the Ministry of Industry and Trade, providing for the operation of competitive electricity generation market and Circular No. 56/2014/TT-BCT dated 29 December 2014 of the Ministry of Industry and Trade, providing the methods for determining electricity generation prices, and the orders of inspecting electricity purchase and sale contracts.
- Circular No. 44/2015/TT-BCT dated 9 December 2015 of the Ministry of Industry and Trade, providing for the project development, Avoided cost tariff, and model contract on sale and purchase of electricity applicable to biomass power projects.
- Circular No. 42/2015/TT-BCT dated 1 December 2015 of the Ministry of Industry and Trade, providing for the energy measurement in the power system.

**Information - Communications**

- Decision No. 2716/QD-BTC dated 23 December 2015 of the Ministry of Finance, announcing the newly-issued administrative procedures for the imports of raw materials, supplies, components and spare parts to manufacture the key information technology products in Chapter 98 of the Preferential Import Tariff in the field of customs tariff within the scope of the Ministry of Finance's State management functions.
- Circular No. 31/2015/TT-NHNN dated 28 December 2015 of the State Bank of Vietnam, providing for the assurance of information technology systems' safety and security in the banking activities.
- Circular No. 35/2015/TT-BTTTT dated 15 December 2015 of the Ministry of Information and Communication, providing for the List of telecommunications services obligatorily subject to quality management.

**Administration - Judiciary**

- Civil Code 2015.
- Civil Proceedings Code 2015.
- Law on Monitoring activities of the National Assembly and People's Councils 2015.
- Decree No. 137/2015/ND-CP dated 31 December 2015, detailing a number of articles of the Law on Citizen Identification and measures to enforce this Law.
- Decree No. 126/2015/ND-CP dated 9 December 2015, amending and supplementing the List of drugs and substances accompanying Decree No. 82/2013/ND-CP dated 19 July 2013, promulgating the List of drugs and substances.
- Circular No. 53/2015/TT-BYT dated 28 December 2015 of the Ministry of Health, providing for the conditions on assessment facilities, materials, equipment and tools for public judicial assessment organizations in the field of forensic and psychiatric forensic.
- Joint Circular No. 18/2015/TTLT-BTP-BTC-TTCP dated 14 December 2015 of the Ministry of Justice, Ministry of Finance, and Government Inspectorate, providing guidelines for the implementation of indemnification responsibility of the State in the administrative management operations.
- Joint Circular No. 17/2015/TTLT-BTP-BQP dated 7 December 2015 of the Ministry of Justice and Ministry of National Defense, providing guidelines for the implementation of indemnification responsibility of the State in the civil judgment enforcement operations.

**Agriculture - Forestry - Fishery**

- Decision No. 5208/QD-BNN-QLCL dated 16 December 2015 of the Ministry of Agriculture and Rural Development, announcing the replacing administrative procedures within the scope of the Ministry of Agriculture and Rural Development's managerial functions.
- Circular No. 48/2015/TT-BNNPTNT dated 16 December 2015 of the Ministry of Agriculture and Rural Development, providing detailed guidelines on the conditions for provision of plant protection services.
- Circular No. 46/2015/TT-BNNPTNT dated 15 December 2015 of the Ministry of Agriculture and Rural Development, providing for the certification of conformity

to national technical regulations and announcement of such conformity for plant varieties.

**Investment**

- Decree No. 131/2015/ND-CP dated 25 December 2015, providing guidelines for the projects of national importance.
- Decision No. 4255/QD-BGTVT dated 1 December 2015 of the Ministry of Transportation, providing for the task, power of the Project Management Board with respect to investment projects in the form of public-private partnership under the management authority of the Ministry of Transport.
- Circular No. 23/2015/TT-BKHDT dated 21 December 2015 of the Ministry of Planning and Investment, detailing the formation of reports on assessment of the tender documents.
- Circular No. 22/2015/TT-BKHDT dated 18 December 2015 of the Ministry of Planning and Investment, providing for the reports on investment supervision and evaluation.

**Miscellaneous**

- Decree No. 128/2015/ND-CP dated 15 December 2015, amending and supplementing the Detailed list of national inventories and assignment of agencies to manage the national inventories accompanying Decree No. 94/2013/ND-CP dated 21 August 2013.
- Decision No. 1663/QD-KTNN date 8 December 2015 of the State Audit, on the documents of training on Audit quality control.
- Circular No. 14/2015/TT-BVHTTDL dated 22 December 2015 of the Ministry of Culture, Sports and Tourism, providing for the professional conditions of the establishments organizing sea diving operation for sports and entertainment.
- Circular No. 20/2015/TT-BKHDT dated 1 December 2015 of the Ministry of Planning and Investment, providing guidelines for the registration of enterprises.

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