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# Legal News

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## Highlights

### 1. **Cancelling procedures for issuance of a certificate of shipping business**

*Decree No. 147/2018/ND-CP amending Decrees on conditions for business in the maritime field shall officially take effect on 24 October 2018.*

Accordingly, procedures for issuance of Certificates of satisfaction of conditions for shipping business shall officially be cancelled.

Shipping enterprises and cooperatives will only have to meet the general conditions on establishment in accordance with the laws.

The conditions for domestic enterprises in shipping business have also been simplified in comparison with the current regulations, specifically:

- (a) Being an enterprise or co-operative in maritime shipping business, which has been established in accordance with the laws;
- (b) Having the right to lawfully use at least 1 vessel flying the Vietnamese flag in conformity with the national technical regulation promulgated by the Minister of Transport.

Enterprises must fully meet the conditions for maritime shipping business, maritime shipping agency services and towage service of seagoing vessels according to this Decree as from its effective date.

### 2. **By 1 January 2020: Electronic health insurance card will be issued**

*This is a prominent content of Decree No. 146/2018/ND-CP dated 17 October 2018, detailing and providing guidelines for the implementation of some articles of the Law on Health Insurance ("Decree 146").*

Accordingly, by 1 January 2020 at the latest, the social insurance agency shall have to issue electronic health insurance card to the insured.

The new Decree also clarifies the following points:

- (a) For premiums paid by a group participating in household health insurance, they shall be reduced if their participation altogether in the same financial year.
- (b) Resistance activists exposed to toxic chemicals with a working capacity reduction of 81% or more shall be entitled to 100% of medical examination and treatment costs.

Decree 146 also promulgates the new policy on "health insurance for 5 consecutive years":

- (a) If the patient has a co-payment amount at one or more times at the same health care facility, which is greater than 6 months' basic salary, then:
  - (i) The health care facility shall not collect such co-payment amount greater than 06 months' basic salary.
  - (ii) The receipt invoice must be provided for the co-payment of full 6 months' basic salary so that the patient may request the social insurance agency to certify that he/she is not required to make co-payment in the same year.
- (b) If the patient has a cumulative amount concurrently paid in the fiscal year at different health care facilities or at the same facility, which is larger than six months' basic salary, the patient will bring such paper proof to the health insurance agency issuing the health insurance card in order to pay the co-payment amount, which is larger than six months' basic salary and to receive a non-co-payment certificate for the same year.
- (c) If the patient has a co-payment amount in excess of 6 months' basic salary calculated from January 1, the health insurance fund will pay 100% until the end of December 31 of that year if the patient sufficiently has five consecutive years of health insurance participation.

In addition, Decree 146 also add some cases recognised as continuous participation in health insurance, such as:

- (a) Those assigned to work or study, or being spouses or offspring, legally adopted children under the age of 18 of those working in Vietnamese agencies in foreign countries.
- (b) The duration of participation in health insurance before going to work abroad shall be counted for those re-participating in the health insurance within 30 days from the date of return.

This Decree shall take effect from 1 December 2018.

### **3. 18 standard forms to be used for carrying out overseas investment procedures**

*On 17 October 2018, the Ministry of Planning and Investment has issued Circular No. 03/2018/TT-BKHDT on the forms of documents to carry out overseas investment procedures.*

Accordingly, there are 18 forms accompanying the new Circular, for example:

- (a) Form No. 1: Request for issuance of Investment Registration Certificate (Overseas Investment Registration Certificate);
- (b) Form No. 2: Overseas investment project proposal;
- (c) Form No. 3: Request for Amendment to Overseas Investment Registration Certificate;
- (d) Form No. 4: Explanation on Amendment to Overseas Investment Registration Certificate;
- (e) Form No. 5: Written Commitment to Foreign Currency Self-arrangement;
- (f) Form No. 6: Written Commitment to Foreign Currency Arrangement by authorized credit institutions;
- (g) Form No. 7: Written confirmation on the investor's performance of its tax obligations to the State;
- (h) Forms No. 8a and 8b: Overseas investment certificate in respect of first-time registration (Form No. 8a) and registration of amendment (Form No. 8b);
- (i) Form No. 16: Request for invalidation of Overseas Investment Registration Certificate;
- (j) Form No. 17: Written notice of invalidation of Overseas Investment Registration Certificate.

This Circular shall take effect on 1 December 2018 and shall replace Circular No. 09/2015/TT-BKHDT dated 23 October 2015.

#### **4. The employer must self-check its implementation of labour laws as from 1 January 2019**

*On 17 October 2018, the Ministry of Labour, War Invalids and Social Affairs has issued Circular No. 17/2018/TT-BLDTBXH, providing for self-inspection of the implementation of labour law by enterprises.*

Accordingly, from 1 January 2019, enterprises must carry out self-inspection of their compliance of labour laws at least once a year to assess its level of compliance and propose solutions to improve it. Specifically:

- (a) Time of inspection: To be determined by the enterprise;
- (b) Period of inspection: From the first day of January of the preceding calendar year to the time of inspection;
- (c) Contents of self-inspection comprise:
  - (i) Labour recruitment and training;
  - (ii) Execution and performance of labour contract;
  - (iii) Working time and rest time;
  - (iv) Payment to the employees;

- (v) Participation in compulsory social insurance, unemployment insurance, health insurance, etc.
- (d) Self-inspection dossier includes: Self-inspection sheet; self-inspection conclusion; documents for establishment of the self-inspection team, and relevant documents and records.
- (e) Report on self-inspection results: Enterprises shall coordinate with labour collective's representative in making reports online at the request of the Labour inspectorates.

This Circular shall take effect on 1 January 2019.

## **5. Shortening time-limit for issuance of international multi-modal transportation business license**

*On 16 October 2018, the Government has issued Decree No.144/2018/ND-CP, amending the Decrees on multi-modal transportation.*

Accordingly, an application dossier for issuance of an international multi-modal transportation business license to an enterprise, co-operative or foreign-invested enterprise in Vietnam shall comprise:

- (a) An application for issuance of an international multimodal transport business license (made according to the standard form provided in Appendix I to this Decree);
- (b) Copies from original books or copies accompanied by original copies or certified copies (if submitted directly), certified copies (if submitted by mail) of an enterprise registration certificate, an investment registration certificate or other equivalents;
- (c) The financial statements, which were audited or if not audited, must be guaranteed by the Bank or another organization or individual or an alternative financial plan.

Thus, the dossiers under the new regulations do not require statements of the international multimodal transport business lines in the enterprise registration certificates or investment registration certificates.

In addition, the time-limit for issuing international business multi-modal transportation licenses to enterprises, cooperatives and foreign-invested enterprises in Vietnam shall be shortened as follows:

- (a) For first-time issuance: 5 working days (2 days shorter than before) from the date of receipt of full dossier as prescribed by the regulations.
- (b) For re-issuance: 3 working days (4 days shorter than before), from the date of receipt of full dossier as prescribed by the regulation.

This Decree shall take effect on 16 October 2018 and shall cancel Chapter 3 of Decree No. 87/2009/ND-CP and Decree No. 89/2011/ND-CP dated 10 October 2011.

## **6. Amended regulations on issuance of licenses for electricity activity**

On 16 October 2018, the Ministry of Industry and Trade has issued Circular No. 36/2018/TT-BCT, regulating the order of and procedures for issuance and revocation of licenses for electricity activity.

Accordingly, the regulations on procedures for licensing electricity activities have some changes as follows:

- (a) No later than 15 working days to the date of the official launch of the commercial operation (instead of 30 days required by the current laws), organizations engaged in electricity generation must submit full application dossiers for issuance of license for electricity activity.
- (b) 30 days prior to the expiry date of the license for electricity activity, the licensed power unit which desires to continue operating must have an application dossier for renewal of the license for Electricity activity as prescribed by the regulations.  
(The current regulations require the power unit to submit such dossier no later than 60 days prior to the expiry date of the license).

In the case where the license is lost or damaged, the electricity unit shall have to request the licensing agency to re-issue the license and clearly explain the reasons therefor.

Circular No. 12/2017/TT-BCT will expire on the effective date of this Circular (6 December 2018).

## **7. Acts not allowed for auctioneers**

***On 16 October 2018, the Ministry of Justice has promulgated Circular No.14/2018/TT-BTP which provides that the following acts are not allowed for auctioneers:***

- (a) Colluding and scheming with owners of auctioned assets, valuation organizations, auction appraisal organizations, other individuals or organizations to falsify the auctioned asset information, records or auction results and fix the price.
- (b) Giving, receiving money, assets or benefits from those having the auctioned assets to distort the results.
- (c) Colluding, scheming with, receiving, demanding money, benefits from auction participants to fix the price or distort auction results.

- (d) Acting to restrain auction participants in contravention of the regulations, causing troubles or difficulties to auction participants.
- (e) Disclosing information about auction participants, the price offered by the auction participants prior to the publication of the result in the case where the auction is by indirect voting, unless otherwise prescribed by the regulations.
- (f) Discrimination among auction participants.
- (g) Discriminating, treating individually, demanding material and spiritual benefits from auctioneer-trainees under his/her guidance;
- (h) Colluding with trainees to report wrongly or untruthfully on training results;
- (i) Taking advantage of being a licensed auctioneer to force a trainee to do something illegal.

This Circular shall take effect on 12 December 2018.

## **8. Guidelines for payment of compulsory social insurance by foreign employees**

*On 15 October 2018, the Government has issued Decree No.143/2018/ND-CP, detailing the Law on Social Insurance and the Law on Occupational Safety and Health with respect to compulsory social insurance for employees, who are foreigners working in Vietnam.*

Accordingly, the new Decree provides detailed guidelines for the following specific issues:

- (a) Subjects: foreign nationals who work in Vietnam will have to participate in the compulsory social insurance upon obtaining a Vietnam-issued work permit or practicing certificate or practicing license and having an one year or more indefinite-term labour contract with the employer in Vietnam.
- (b) the compulsory social insurances for which the employee must pay: sickness; maternity; labour accident, occupational diseases; retirement and death.
- (c) Rates of payment:
  - (i) From 1 January 2022, 8% of their monthly salary must be paid for the retirement and death fund.
  - (ii) Employers must monthly pay the social insurances at the following rates based on employees' salaries:
    - From 1 December 2018:
      - ✓ 3% for sickness and maternity fund;

- ✓ 0.5% for labour accident and occupational diseases insurance fund;
  - From 1 January 2022: additional 14% for retirement and death fund.
- (d) Employees who are foreign nationals working in Vietnam and participate in compulsory social insurance shall be entitled to a one-time social insurance benefit upon request if:
- (i) They reach the retirement age according to the provisions of Clause 1, Article 9 of this Decree (like Vietnamese employees), but having paid social insurance for less than 20 years;
  - (ii) They are suffering from life-threatening diseases such as cancer, polio, liver cirrhosis, leprosy, severe TB, HIV infection of AIDS stage, and other diseases prescribed by the Ministry of Health;
  - (iii) They reach the retirement age according to the provisions of Clause 1, Article 9 of this Decree, but do not continue to reside in Vietnam;
  - (iv) They are employees whose the labour contracts have terminated, practicing certificate or practice license have expired without any renewal.

This Decree shall take effect on 1 December 2018, the entitlement to the above-mentioned one-time social insurance benefit shall apply from 1 January 2022.

## 9. Application dossier for issuance of a license for import of cyber-information safety products

*On 15 October 2018, the Ministry of Information and Communications has issued Circular No. 13/2018/TT-BTTTT, providing for the list of cyber-information safety products imported under license, and the order of, procedures for, and application dossiers for issuance of licenses for import of cyber-information safety products.*

Accordingly, an application dossier for issuance of a license for import of a cyber-information safety product comprises the following papers and documents:

- (a) An application form for issuance of an import License, in the Circular's standard form;
- (b) A copy of the License for trade in cyber-information safety products and services;



- (c) A certified copy of certificate of conformity to the standard or national regulation (if not authenticated, the original must be presented for verification);
- (d) A copy of the Technical Document describing the function of the imported product (in Vietnamese or English).

The new Circular also stipulates that application dossiers for issuance of licenses may be submitted directly to the Information Safety Department or via public post services or online (according to the Ministry of Information and Communication's online public-service provision roadmap).

This Circular shall take effect on 1 December 2018.

## **10. Postal service providers must make information on service quality publicly available**

*This is a prominent content of Circular No. 14/2018/TT-BTTTT dated 15 October 2018 of the Minister of Information and Communications, regulating postal services.*

Accordingly, postal services providers must publish the following minimum contents:

- (a) Type of postal services provided by the enterprise and the corresponding service quality;
- (b) The point for receiving and solving customer complaints about the quality of postal services;
- (c) Process for receiving and resolving customers' complaints about the quality of postal services;
- (d) Information on customer support.

The above contents must be displayed in easily readable or public places in other formats convenient for customers to access at all service points and on the "Services quality control" on its website (if any).

(The current regulation in Circular No. 15/2011/TT-BTTTT dated 28 June 2011 only requires the designated postal service enterprises to publish such information.

This Circular shall take effect on 1 December 2018.

## **11. List of used IT products banned from import**

*On 15 October 2018, the Ministry of Information and Communications has issued Circular No. 11/2018/TT-BTTTT, publishing the list of used IT products banned from import along with the HS codes.*

Accordingly, the new Circular stipulates the application of the List of prohibited imports as follows:

- (a) Where only four-digit codes are listed, all 8-digit codes belonging to this four-digit group shall be applied;
- (b) Where only 6-digit code is listed, all 8-digit codes belonging to this 6-digit subheading shall apply;
- (c) In the case where 8-digit codes are detailed in addition to 4-digit and 6-digit codes, only those 8-digit codes shall be applied;
- (d) Parts, accessories, spare parts and accessories of the products on the List are also prohibited from import;
- (e) Refurbished information technology products of which HS codes fall on the list of those banned from import will be prohibited from import;
- (f) Import of printers and multifunctional digital copiers will comply with the provisions of the laws in the field of printing.

This Circular shall take effect on 30 November 2018.

## **12. Amending the conditions for business in several cultural and social services**

*This content is prescribed in Decree No. 142/2018/ND-CP dated 9 October 2018, amending a number of provisions on business investment conditions under the State management of the Ministry of Culture, Sports and Tourism.*

Accordingly, the regulations on karaoke business conditions in Decree No.103/2009/ND-CP dated 6 November 2009 were cancelled, including:

- (a) The karaoke room door must be of colourless glass, visible from the outside of the room;
- (b) The location of karaoke activities must be 200m away from schools, hospitals, religious establishments, beliefs, historical-cultural relics and state administrative agencies;
- (c) Conformity to the karaoke master plan approved by the competent authority.

The legal capital of VND1 billion or more required for film production enterprises is reduced to VND200 million, thereby easing conditions for enterprises desiring to enter the current film production market.

Legal capital of a film production enterprise will be determined in one of the following documents:

- (a) The owner's decision to allocate capital for a State enterprise, or an one-member or two-member limited liability company of which the owner is an organization;

- (b) Minutes of capital contribution by founding shareholders for a joint stock company or by founding members in case of a two-member limited liability companies with two or more members;
- (c) Written registration of investment capital of the enterprise owner with respect to a sole proprietorship, a partnership and, in the case of a limited liability company of which the owner is an individual.

This Decree shall take effect on 9 October 2018.

### **13. Fine up to VND 200 million when selling illegal multi-level goods**

*This content is prescribed in the Government's Decree No. 141/2018/ND-CP dated 8 October 2018, amending several articles of the Decrees on dealing with violations of the laws in multi-level business activities.*

Accordingly, the level of monetary fine imposed on certain unlawful multi-level selling acts committed in two or more provinces or centrally-run cities has been raised to VND 160-200 million, for example:

- (a) Requiring to deposit or to pay a certain amount of money in order to enter into a multi-level sale contract;
- (b) Requiring to purchase a certain quantity of goods in order to enter into a multi-level sale contract;
- (c) Refusing to pay without plausible reasons commissions, bonuses or other economic benefits enjoyed by a multi-level seller;
- (d) Proving fraudulent information about bonus payment plans, benefits of participation in multi-level sales networks; etc.

(The current levels of monetary fine applicable to the above-said acts are VND 120 - 200 million when committed in the two provinces or centrally-run cities)

This Decree shall take effect on 25 November 2018.

### **14. Reduction of the time for the procedures for extension of the employment service license and amendment of the regulations on foreign laborers working in Vietnam**

*On 8 October 2018, the Government issued Decree No. 140/2018/ND-CP, amending the Decrees on business investment conditions and administrative procedures under the management of the Ministry of Labour, War Invalids and Social Affairs ("Decree 140").*

Accordingly, the procedures for extending employment service license in Decree No. 52/2014/ND-CP dated 23 May 2014 have been amended by the new Decree as follows:

- (a) Time-limit for application for extension of the license is changed from 30 days to 20 days prior to the expiry date of the license.
- (b) Types of submission are specified as follows:
  - (i) Direct submission;
  - (ii) Via postal service.
- (c) Time for renewal of employment service license is reduced from 15 days to 5 days as from the date on which the competent agency receives one (set) valid dossier according to the laws.

Note: Within 5 working days from the date of issuance of a new or renewed license, the issuing agency must so notify in writing to the People's Committee of the district where the applicant's head office is located.

Decree 140 also amends the regulations on foreign labourers working in Vietnam as follows:

- (a) Adding cases where determination of the employer's demand for using foreign employees is not required, including:
  - (i) Chief representatives, heads of project offices of international organizations and non-governmental organizations in Vietnam.
  - (ii) Relatives of members of foreign representative agencies in Vietnam, who are not subject to a work permit as provided for in treaties to which Vietnam is a member.
- (b) Adding the cases where other foreign workers who are not subject to a work permit with respect to those responsible for establishing commercial presence of a foreign company in Vietnam.
- (c) Reducing the time for issuing a license from 7 working days to 5 working days as from the date of receipt of the complete application dossier for issuance of a work permit to a foreigner.

This Decree shall take effect on 8 October 2018.

## **15. Reduction of conditions for granting certificates for motor vehicle registrar**

*On 8 October 2018, the Prime Minister has issued Decree No.139/2018/ND-CP, regulating business of motor vehicle inspection services ("Decree 139").*

Accordingly, in comparison with the current regulations, Decree 139 cancels two conditions for issuance of certificate for motor vehicle registrar (from the current 6 conditions). Four remaining conditions include:

- (a) Having university degree in Mechanical engineering of which the training program contains the following contents: Automotive Theory, Automobile Structure, Automotive Computational Structure, Automotive Maintenance Engineering, Internal combustion engines, etc.
- (b) Having a minimum of 12-month of working experience as vehicle registrar;
- (c) Having results of satisfaction of professional requirement for motor vehicle registrar;
- (d) Have a valid driving license.

This Decree shall take effect on 1 January 2019 and shall replace Decree No.63/2016/ND-CP dated 1 July 2016.

## **16. Cancelling a series of business conditions for car driving school services**

*On 8 October 2018, the Government has issued Decree No. 138/2018/ND-CP on amending Decree No. 65/2016/ND-CP dated 1 July 2016, regulating business conditions for car driving school and driving test services.*

Accordingly, the following business conditions for car driving school are cancelled:

- (a) Driving school must be in line with the planning of the network of driving school.
- (b) Having program and lesson plans as prescribed.
- (c) The following conditions applicable to driving practice grounds are cancelled:
  - (i) If leased, a contract of 5 years or more is required.
  - (ii) The driving practice ground must be included in the same planning for a network of driving schools.
- (d) Following conditions applicable to driving instructors are removed:
  - (i) The full-time teachers must be 50% of the total number of teachers of the driving school.
  - (ii) The theory teacher must have information technology degree of level A or higher.

This Decree shall take effect on 1 December 2018.

## 17. Amending many provisions of Decree 43 guiding the Land Law

*On 5 October 2018, the Government has issued Decree No. 136/2018/ND-CP amending a number of articles of the Decrees on business and investment conditions in the field of natural resources and environment (the "Decree 136").*

Accordingly, the new Decree amends and repeals some provisions of Decree No. 43/2014/ND-CP (as amended by Decree No. 01/2017/ND-CP) as follows:

- (a) Amending Article 5a on the capability of organizations and individuals conducting land survey and assessment. For example:
  - (i) Conditions for non-business professional units and enterprises conducting land survey and assessment: Reducing the number of qualified individuals who conduct land survey and assessment from 5 to 2 individuals;
  - (ii) Conditions for individuals conducting land survey and assessment: reducing the minimum working time in the field of land resource management or land survey and assessment from 36 months to 30 months.
- (b) Amending paragraphs 1 and 2 of Article 5b on conditions of organizations and individuals engaged in the development of the land information system.
- (c) Amending Point b, Clause 1, Article 10 on the conditions of organizations providing consultancy on formulation of land use planning and plans.
- (d) Point (a), Clause 3 of Article 5b; the third item of Point a, Clause 5 of Article 5; and Point a, Clause 2 of Article 10 are cancelled.

In addition, Decree 136 (which took effect on 5 October 2018) also amended Decree No. 44/2014/ND-CP, on land valuation.

## 18. Procedures for merger, division and separation of primary schools

*This is a new content in Decree No. 135/2018 / ND-CP dated 4 October 2018, amending Decree No. 46/2017/ND-CP dated 21 April 2017, on investment conditions and operation in the field of education. Whereby:*

- (a) The Chairperson of the district-level People's Committee can decide upon merger, division and separation of primary schools:
- (b) An application dossier shall include:

- (i) Proposal and plan for merger, division or separation; options to ensure the rights of students, teachers, managers and staff;
  - (ii) Confirmation on finance, assets, debts, etc.
- (Removing the component "Written comments of the relevant agencies").
- (c) Implementation order:
    - (i) Communal-level People's Committee (with regard to public schools), organizations and individuals (with respect to private schools) submit 1 set of dossier to the Office of Education and Training (OET) directly under the district-level People's Committee;
    - (ii) If the dossier is not correct or complete, the applicant shall so be notified in writing within 5 working days from the date of receiving the dossier.
    - (iii) Within 15 working days from the date of receipt of the complete application dossier, the OET will direct and coordinate the appraisal of the case and, if satisfied, the head of the OET will make written comments and send the approval of the merger, division or separation to district-level People's Committees;
    - (iv) Within 5 working days from the date of receipt of the complete dossier, the Chairperson of district-level People's Committee shall approve the merger, division or separation of primary schools; or shall notify the applicant of reason why such merger, division or separation is not approved.

This Decree shall take effect on 20 November 2018.

## 19. Areas prioritized for using ODA fund

*This is a notable content in Decree No. 132/2018/ND-CP dated 1 October 2018, amending Decree No. 16/2016/ND-CP, on management and use of official development assistance (ODA) and preferential loans of foreign donors.*

Specifically, areas prioritized for using ODA fund include:

- Transport infrastructure, social infrastructure (health, education, vocational education), smart urban development, irrigation;
- Research, policy formulation, institutionalization and reform;
- Human resource development, knowledge transfer and technology development;
- Treatment of pollution and improvement of the quality of the environment; prevention and mitigation of natural disaster risks, adaptation to climate change and green growth;

- Use as a source of the State investment capital in public-private partnership (PPP) projects;
- Other prioritized areas as decided by the Prime Minister.

According to the new Decree, the time for processing application dossiers for ODA and preferential loan fund withdrawal at the Ministry of Finance is 4 days as from the date of receipt of the complete dossier as prescribed.

This Decree shall take effect on 1 October 2018.

## 20. Reporting system for rice exporters

*On 1 October 2018, the Ministry of Industry and Trade has issued Circular No. 30/2018/TT-BCT ("Circular 30"), detailing some articles of Decree No.107/2018/ND-CP, on business of rice export ("Decree 107").*

Accordingly, the types of reports to be prepared by rice exporters include:

- Report on the situation of execution and performance of rice export contracts, is made according to the standard form in Appendix I of Circular 30 and submitted on the 20th day of each month.
- Report on the actual quantity of paddy and rice stockpiled in each particular category for data compilation for management, made according to the standard form in Appendix II to Circular 30 and submitted on Thursday of every week.
- Quarterly reports submitted before the 20<sup>th</sup> of the first month of the subsequent quarter, annual reports submitted before January 20 of the following year to the Ministry of Industry and Trade, made according to the standard form No. 04 in the Appendix to Decree 107.
- Extraordinary reports as provided in Clause 4, Article 24 of Decree 107, at the request of the Ministry of Industry and Trade on export markets, rice production, rice price, production and business situation, etc.

This Circular shall take effect on 15 November 2018.

## 21. New regulations on licensing the provision and use of digital signature certification services

*On 27 September 2018, the Government issued Decree No.130/2018/ND-CP, providing guidelines for Law on E-transactions with respect to digital signatures and digital signature certification service ("Decree 130").*

Accordingly, it provides some new regulations on licensing conditions for public digital signature certification services, including:



- Payment of service charge for maintaining a complete digital certificate status check system (for re-issuance of a license);
- Personnel for system administration, system operation, issuance of digital certificates, and assurance of the system's information security must have a university or higher degree in information security or information technology or electronic communications.

In addition, digital signature certification service providers, who have legally been operating within two years from 15 November 2018, must meet the conditions for providing services in accordance with the provisions of this Decree.

The new Decree also stipulates that the time for document verification and digital signature certification is shortened to 50 days from the date of receipt of a valid application dossier instead of 60 days as before.

Accordingly, public digital signature certification service providers can provide services if the following conditions are met:

- (a) Having a license for provision of public digital signature certification services issued by the Ministry of Information and Communications (MoIC);
- (b) Having a digital certificate issued by the National Certification Authority.

And at the same time, the 10-year validity of the license granted to a public digital signature certification service provider remain unchanged. Digital certificates issued to organizations that provide public digital signature certification services have a 5-year term of validity.

Decree 130 also expands the use of foreign digital certificates, whereby:

- Subjects licensed by the MoIC to use foreign digital certificates in Vietnam or accepted in international transactions, including foreign organizations and individuals in Vietnam in accordance with the current law, and Vietnamese organizations and individuals who desire to conduct e-transactions with foreign partners whose digital certificates of Vietnam's certification authorities are not yet recognized in that country.
- Where digital certificates are used for servers and software, no license shall be required.

The new Decree adds a requirement that for digital certificates to be recognized in Vietnam, foreign digital signature certification service providers must meet the list of compulsory standards applicable to digital signature and digital signature certification services issued by the MoIC or international standards applicable to digital signatures, which are determined by the MoIC as equivalent in terms of information security level; and cancels the

requirement that such a service provider must establish a representative office in Vietnam to solve related issues as prescribed by the current laws.

The time-limit for the MoIC to verify dossiers of organizations and individuals applying for licenses to use foreign digital certificates in Vietnam is reduced to 30 working days from the date of receipt of valid dossiers instead of 60 working days as prescribed by the current laws.

This Decree shall take effect on 15 November 2018, and shall replace the following documents: Decree No. 26/2007/ND-CP dated 15 February 2007, Decree No. 106/2011/ND-CP dated 23 November 2011 and Decree No.170/2013/ND-CP dated 13 November 2013.

## **Other sectors:**

### **Trade**

- Decision No. 3720/QD-BCT dated 11 October 2018 of the Ministry of Industry and Trade, on the Plan of reduction and simplification of business investment conditions under the State management of the Ministry of Industry and Trade for 2019-2020 period.
- Circular No. 33/2018/TT-BCT dated 8 October 2018 of the Minister of Industry and Trade, on Market inspection cards.
- Circular No. 32/2018/TT-BCT dated 8 October 2018 of the Minister of Industry and Trade, regulating the forms, specifications, system of allocation, management and use of numbers, flags, badges and uniforms of Market Management forces.
- Circular No. 93/2018/TT-BTC dated 5 October 2018 of the Ministry of Finance, amending Circular No. 19/2014/TT-BTC, providing the procedures for temporary import, re-export, destruction and assignment of automobiles and motorbikes of subjects enjoying privileges and immunities in Vietnam.

### **Labour**

- Decree No. 148/2018/ND-CP dated 24 October 2018, amending Decree No.05/2015/ND-CP dated 12 January 2018, detailing and providing guidelines for implementation of a number of contents of the Labour Code.
- Decision No. 1460/QD-LDTBXH dated 23 October 2018 of the Ministry of Labour, War Invalids and Social Affairs, on the implementation Plan of Decree No. 61/2018/ND-CP, on the implementation of the intersectoral one-stop shop mechanism in handling administrative procedures of the Ministry of Labour, War Invalids and Social Affairs.
- Circular No. 37/2018/TT-BCT dated 25 October 2018 of the Minister of Industry and Trade, amending and cancelling regulations on safety management and technical safety inspection under the management of the Ministry of Industry and Trade.

### **Health**

- Decision No. 6556/QD-BYT dated 30 October 2018 of the Minister of Health, on standard tabulation form of costs of medical examination and treatment services

used in medical examination and treatment facilities;

- Decision No. 5220/QD-UBND dated 1 October 2018 of the People's Committee of Hanoi, publishing the list of administrative procedures and cancelled administrative procedures under the State management of the Department of Health of Hanoi.
- Circular No. 26/2018/TT-BYT dated 25 October 2018 of the Ministry of Health, providing for organization of improvement programs in accordance with the standards for professional titles of health public officials in training and research facilities.

### **Transport**

- Decree No. 147/2018/ND-CP dated 24 October 2018, amending Decrees on conditions for doing business in the maritime field.
- Circular No. 52/2018/TT-BGTVT dated 15 October 2018 of the Minister of Transport, amending Circular No. 81/2014/TT-BGTVT, providing for air transportation and general aviation activities.

### **Construction - Real Estate**

- Decision No. 3202/QD-BKHCHN dated 23 October 2018 of the Minister of Science and Technology, publishing the National standard for self-activated fire extinguishers.
- Decision No. 6226/QD-BYT dated 16 October 2018 of the Ministry of Health, providing for the management of projects on investment in construction of medical equipment and works under the approval authority of the Minister of Health.
- Decision No. 25/2018/QD-UBND dated 15 October 2018, amending the regulations on registration, issuance of certificates of land use rights, ownership of houses and other assets attached to land; and registration of changes in land use and ownership of assets attached to land for organizations in the area of Hanoi accompanying Decision No. 13/2017/QD-UBND.
- Decision No. 1269/QD-BXD dated 9 October 2018 of the Ministry of Construction, publishing the list of administrative procedures to receive and return results at One-stop shop of the Ministry of Construction.

**Natural Resources - Environment**

- Decision No. 3204/QD-BKHHCN dated 23 October 2018 of the Minister of Science and Technology, publishing the National standard for geological survey and assessment, and mineral exploration.
- Decision No. 3086/QD-BTNMT dated 10 October 2018 of the Ministry of Natural Resources and Environment, publishing amended administrative procedures and cancelled administrative procedures in the fields of land, environment, geology and minerals, water resource, hydro-meteorology, measurement and mapping within the scope of management functions of the Ministry of Natural Resources and Environment.
- Circular No. 13/2018/TT-BTNMT dated 18 October 2018 of the Minister of Natural Resources and Environment, providing for the technique of establishing sea surface temperature map and map of chlorophyll content in sea surface at 1:500,000, 1:1,000,000 scales with optical remote sensing data at low resolution.
- Circular No. 34/2018/TT-BCT dated 11 October 2018 of the Minister of Industry and Trade, providing for the final check & acceptance and inspection of rock and soil volumes removed in coal mining by open method.

**Information - Communications**

- Decision No. 3210/QD-BTNMT dated 24 October 2018 of the Minister of Natural Resources and Environment, on the Regulation on assurance of information safety and security of the Ministry of Natural Resources and Environment.
- Decision No. 1595/QD-BTTTT dated 2 October 2018 of the Minister of Information and Communications, providing for the functions, tasks, powers and organizational structure of the Department of Computerization.
- Decision No. 1596/QD-BTTTT dated 2 October 2018 of the Minister of Information and Communications, providing for the functions, tasks, powers and organizational structure of the Department of Information Technology.
- Circular No. 12/2018/TT-BTTTT dated 15 October 2018 of the Minister of Information and Communications, regulating the maximum rates of universal postal services.

**Energy**

- Decision No. 4006/QD-BCT dated 23 October 2018 of the Minister of Industry

and Trade, regulating electricity wholesale prices for electricity retail units at the market.

- Circular No. 31/2018/TT-BCT dated 5 October 2018 of the Minister of Industry and Trade, amending Circular No. 27/2013/TT-BCT, providing for the inspection of electricity activities and use of electricity, and resolution of disputes arising from power purchase contracts.

### **Administration - Judiciary**

- Decree No. 137/2018/ND-CP dated 8 October 2018, amending Decree No.123/2013/ND-CP, providing guidelines for implementation of Law on Lawyers.
- Circular No. 12/2018/TT-BNV dated 9 October 2018 of Minister of Home Affairs, cancelling legal documents.
- Guidance No. 28/HD-VKSTC dated 19 October 2018 of the Supreme People's Procuracy on records for supervision over administrative cases and business, labour or bankruptcy affairs; review of and decision on application of administrative measures at the People's Courts.

### **Agriculture - Forestry - Fishery**

- Circular No. 25/2018/TT-NHNN dated 24 October 2018 of the Governor of the State Bank of Vietnam, amending Circular No. 10/2015/TT-NHNN, providing guidelines for implementation of Decree No. 55/2015/ND-CP, on credit policies for agricultural and rural development.
- Circular No. 13/2018/TT-BNNPTNT dated 8 October 2018 of the Minister of Agriculture and Rural Development, amending Circular No.03/2018/TT-BNNPTNT, on the list of plant protection products permitted to be used, or banned in Vietnam.

### **Miscellaneous**

- Decree No. 135/2018/ND-CP dated 4 October 2018, amending Decree No.46/2017/ND-CP, on investment conditions and activities in the field of education.
- Decision No. 39/2018/QD-UBND dated 25 October 2018 of the People's

Committee of Ho Chi Minh City, cancelling Decision No. 15/2017/QD-UBND, on supporting enterprises to invest in development of manufacturing industry and supporting industries.

- Decision No. 1285/QD-TTg dated 1 October 2018 of the Prime Minister, approving the Scheme for "Development of scientific and technological information sources for scientific research and technological development up to 2025, with orientation to 2030".

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