

# VISION

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# Legal News

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## Highlights

### 1. Suspended application of domestic health declaration

*This is the content of Official Dispatch No. 2213/BYT-DP dated 29 April 2022 of the Minister of Health, on temporarily-suspended application of domestic health declaration.*

Accordingly, the Ministry of Health requested the People's Committees of provinces and centrally-run cities to direct relevant agencies to implement the following works:

- (a) Suspending the application of domestic health declarations (for domestic travel, public places, restaurants, etc.) from 00:00 on 30 April 2022.
- (b) Continuing to maintain monitoring activities, early detection, and timely and effective investigation and handling of COVID-19 outbreaks in accordance with the guidelines and direction of the Government, the National Steering Committee for COVID-19 Pandemic Prevention and Control, ministries and branches to protect people's health and to maintain the current anti-epidemic achievements while putting people's health and life first and foremost.
- (c) Actively updating communication materials and recommendations on COVID-19 prevention and control in accordance with the current situation and proactively reporting in a timely manner.

### 2. Guidelines for implementation of regulations on increasing overtime hours

*On 26 April 2022, the Ministry of Labour, War Invalids and Social Affairs (“MOLISA”) promulgated Official Dispatch No. 1312/LDTBXH-ATLD, providing guidelines for implementation of Decree No. 17/2022/UBTVQH15 on increasing overtime hours in the context of economic recovery.*

According to this Official Dispatch, the MOLISA requests provinces and centrally affiliated cities to note the following contents:

- (a) Cases, where employers may assign their employees to work overtime for a maximum limit of 300 hours per year, are prescribed in Clause 1, Article 1 of Decree No. 17/2022/UBTVQH15 and Clause 3, Article 107 of the Labour Code.
- (b) Cases eligible for the maximum limit of 300 overtime hours per year are also eligible for 40 to 60 overtime hours per month as of 1 April 2022.
- (c) Full compliance with other regulations on overtime hours in the Labour Code and documents guiding the Labour Code.

- (d) When organizing overtime work from over 200 to 300 hours per year, employers must notify the Department of Labour, War Invalids and Social Affairs as prescribed in Clause 4, Article 107 of the Labour Code and Article 62 of Decree No. 145/2020/ND-CP.
- (e) Regulations of Decree No. 17/2022/UBTVQH15 shall be implemented until the end of 31 December 2022, unless their implementation period is extended by the National Assembly.

### **3. List of State secrets of Confidential classification in the field of auditing**

*On 22 April 2022, the Prime Minister issued Decision 504/QD-TTg, on the List of the State secrets in the field of auditing.*

Accordingly, State secrets of Confidential classification include:

- (a) Contents of the State Audit's conclusions and recommendations for dealing with cases with signs of serious crimes detected through audit activities.
- (b) Contents of the State Audit's conclusions and recommendations for dealing with cases with signs of serious corruption detected through audit activities.
- (c) State Audit's written reports to and exchanges with competent state agencies on the case with signs of crime and serious corruption detected through audit activities.

Compared to the previous regulations, there is no longer a list of the State secrets of Top Secret classification.

This Decision shall take effect on 22 April 2022 and replaces Decision No.1663/QD-TTg dated 26 October 2020.

### **4. Guidance for inspection of and supervision over settling cases of credit contract dispute**

*On 18 April 2022, the People's Supreme Procuracy promulgated Guidance No. 25/HD-VKSTC on some contents of inspection of and supervision over settling economic cases relevant to "credit contract disputes".*

According to the Guidance, the People's Supreme Procuracy pointed out some common violations and highlights during the inspection of and supervision over settling economic cases relating to credit contract disputes such as:

- (a) A credit contract dispute is usually settled in 2 separate parts. Only the erroneous part of the judgment or decision will be cancelled instead of the entire judgment or decision.
- (b) Husband or wife must be not omitted in the case where the mortgaged property is owned by either of them during the marriage.

- (c) The Regulations relevant to the origin of the property, and property transferred, donated or inherited must be reviewed. Participation of the spouse who is not the holder of the certificate of land use rights in the proceedings must be considered to avoid omission of relative litigants.
- (d) Litigation status must be clarified for enterprises of private sector.
- (e) In the case where an enterprise is shut down or dissolved, instead of suspending the case, the Court must identify individuals and organizations that are the enterprise's members and can participate in the proceedings to settle the case under the general procedures.
- (f) The Court shall accept and settle the "credit contract dispute" cases according to the general regulations on prescriptive period for initiating legal action as provided for in Clause 2, Article 155 of Civil Code 2015.

## 5. Cases of suspension of vocational education activities

***On 6 April 2022, the Government issued Decree No. 24/2022/ND-CP, on amendments to the Decree regulating conditions for investment and operation in the field of vocational education.***

Accordingly, vocational education institutions, vocational education - continuing education centres and enterprises shall be suspended from vocational education activities in the following cases:

- (a) Violating one of the cases specified at Points a, b and c, Clause 1, Article 20 of the Law on Vocational Education.  

(Currently, according to Decree 143/2016/ND-CP, the cases of suspension of vocational education activities are specified at Points a, b, c, d and dd, Clause 1, Article 20 of the Law on Vocational Education).
- (b) Organization of vocational education activities according to the certificate of registration of vocational education activities or the certificate of additional registration of vocational education activities, which is issued improperly.
- (c) Failing to make publicly available the conditions to ensure the organization of vocational education activities for the trained professions after being granted by a competent authority:
  - (i) Certificate of registration of vocational education activities, certificate of additional registration of vocational education activities on their own website.
  - (ii) Failure to send public results to the Department of Labour, War Invalids and Social Affairs where vocational education activities are organized.

- (d) Failing to update vocational education diplomas and certificates issued by their institution on the Information page for looking up vocational education diplomas at <http://vanbang.gdnn.gov.vn>.

This Decree shall take effect on 1 June 2022.

## **6. Motorcycle license plates registered at the communal-level police from 21 May 2022**

*On 6 April 2022, the Ministry of Public Security issued Circular No.15/2022/TT-BCA, on amendments to Circular No. 43/2017/TT-BCA providing for the order of issuance and revocation of Certificate of satisfaction of security and order conditions, and testing and issuance of security professional certificates; Circular No. 45/2017/TT-BCA, providing for the order of registration of seal sample, recovery and destruction of seal, cancellation of seal use value, inspection of seal management and use (“Circular 15”).*

In which, Circular 15 amends regulations on vehicle registration agencies in Clause 6, Article 3 of Circular No. 58/2020/TT-BCA, providing for the process of granting and revoking registration and number plates of road motorized vehicles as follows:

- (a) Police of communes, wards and townships register and issue license plates for motorbikes and mopeds (including electric scooter) of domestic agencies, organizations, enterprises, military enterprises and individuals having head office or permanent residence in their respective localities as well as foreign agencies, organizations and individuals, projects or economic organizations in joint venture with foreign countries in their respective localities;
- (b) Organization of the revocation of expired registration certificates and number plates, and unusable vehicles of agencies, organizations and individuals having headquarters or permanent residence in their respective localities.
- (c) Conditions and competence for registration and issuance of number plates by the commune-level police comply with the provisions of Clause 6, Article 26 of Circular 58/2020/TT-BCA.
- (d) Specifically, in three most recent consecutive years, if a locality has a new registration number of 250 motorbikes and mopeds (including electric scooters) or more in a year, the communal-level police will be allowed to register and issue motorcycles’ number plates.

This Circular shall take effect on 21 May 2022.

## **Other sectors:**

### **Finance**

- Circular No. 24/2022/TT-BTC dated 7 April 2022 of the Minister of Finance, on amendments to Circular No. 48/2019/TT-BTC, providing guidelines for setting up and settlement of provisions for devaluation of inventories; loss of investments; bad debts being accounts receivable; and warranties for products, goods, services and building works at the enterprise.
- Circular No. 23/2022/TT-BTC dated 6 April 2022 of the Minister of Finance, providing guidelines for the State financial management of foreign non-refundable aid as part of the State budget revenue.

### **Banking**

- Consolidated Document No. 08/VBHN-BTC dated 22 April 2022 of the Minister of Finance, combining Decisions on credit for pupils and students.
- Consolidation Document No. 10/VBHN-NHNN dated 13 April 2022, combining Circulars regulating special lending to credit institutions under special control issued by the Governor of the State Bank of Vietnam.
- Consolidation Document No. 09/VBHN-NHNN dated 6 April 2022, combining Decisions on credit for households that have just escaped poverty issued by the Governor of the State Bank of Vietnam.

### **Securities**

- Circular No. 25/2022/TT-BTC dated 28 April 2022 of the Minister of Finance, providing for collection rate and mode of collection, payment, management and use of charges and fees in the securities sector.
- Directive No. 01/CT-BTC dated 25 April 2022 of the Ministry of Finance, on strengthening inspection, supervision and rectification of issuance, investment and service provision in the market of private placement corporate bonds.

### **Taxation**

- Consolidation Document No. 06/VBHN-BTC dated 12 April 2022 of the Ministry of Finance, combining Decrees providing guidelines for Law on Import Tax and Export Tax.
- Decision No. 508/QĐ-TTg dated 23 April 2022 of the Prime Minister, approving

the Strategy on Tax System Reform up to 2030.

### **Trade**

- Decision No. 493/QD-TTg dated 19 April 2022 of the Prime Minister, approving the Strategy on Import and Export of Goods up to 2030.
- Decision No. 612/QD-BCT dated 4 April 2022 of the Minister of Industry and Trade, on correction of Circular No. 04/2022/TT-BCT, providing guidelines for the functions, tasks and powers of agencies specialized in industry and trade sector directly under the People's Committees of provinces and centrally run cities and the People's Committees of rural districts, urban districts, towns, provincial cities.
- Consolidated Document No. 02/VBHN-BTC dated 4 April 2022 of the Minister of Finance, combining Circulars providing guidelines for Decree No.89/2013/ND-CP guiding Law on Price with respect to valuation.

### **Labour**

- Resolution No. 60/NQ-CP dated 27 April 2022 of the Government, on additions to the list of international border gates allowing foreigners with electronic visas to enter and exit.
- Decision No. 1426/QD-UBND dated 27 April 2022 of the People's Committee of Hanoi, implementing the policy on housing rental support for employees in Hanoi City.
- Decision No. 14/2022/QD-UBND dated 19 April 2022 of the People's Committee of Ho Chi Minh City, promulgating the Regulation on management and review of cadres, public officials and servants, and employees going abroad.
- Decision No. 1147/QD-UBND dated 15 April 2022 of the People's Committee of Ho Chi Minh City, publishing the List of administrative procedures in the field of vocational education under the management function of the Department of Labour, War Invalids and Social Affairs of Ho Chi Minh City.
- Decision No. 1148/QD-UBND dated 15 April 2022 of the People's Committee of Ho Chi Minh City, publishing the List of administrative procedures in the fields of foreign workers in Vietnam, labour and wages under the management function of the Management Board of Industrial and Export Processing Zones of Ho Chi Minh City.
- Decision No. 336/QD-LDTBXH dated 13 April 2022 of the Minister of Labour, War Invalids and Social Affairs, on the Implementation plan of Decision 2239/QD-TTg approving the Vocational Education Development Strategy for the

2021-2030 period, with an orientation to 2045.

- Decision No. 1200/QD-UBND dated 8 April 2022 of the People's Committee of Hanoi, publishing the list of administrative procedures and cancelled administrative procedures in the fields of Labour, War Invalids and Social Affairs within the scope of the State management functions of the Department of Labour, War Invalids and Social Affairs of Hanoi.
- Circular No. 06/2022/TT-BLDTBXH dated 6 April 2022 of the Minister of Labour, War Invalids and Social Affairs, providing for the program on professional training in pedagogy, vocational education and professional certificates of vocational education;
- Circular No. 05/2022/TT-BLDTBXH dated 5 April 2022 of the Minister of Labour, War Invalids and Social Affairs, providing for cooperation in organizing the implementation of training programs in vocational education sector.

## **Health**

- Decree No. 29/2022/ND-CP dated 29 April 2022, providing guidelines and measures for implementing Resolution No. 12/2021/UBTVQH15, on allowing implementation of a number of mechanisms and policies in the health sector for COVID-19 pandemic prevention and control.
- Resolution No. 55/NQ-CP dated 14 April 2022 of the Government, on COVID-19 vaccines for children from 5 to under 12 years old.
- Decision No. 1303/QD-BCD dated 21 April 2022 of the Steering Committee for COVID-19 Prevention and Control and Economic Recovery directly under the People's Committee of Ho Chi Minh City, on the set of safety assessment criteria in COVID-19 pandemic prevention and control for activities, industries and fields in the period of safe and flexible adaptation to and effective control of COVID-19 pandemic in Ho Chi Minh City.
- Decision No. 838/QD-BYT dated 5 April 2022 of the Minister of Health, providing guidelines on Occupational safety and hygiene for medical staff in COVID-19 pandemic prevention and control.
- Decision No. 828/QD-BYT dated 4 April 2022 of the Minister of Health, approving the Scheme on building a Platform for management and direction of the health system.
- Decision No. 808/QD-BYT dated 1 April 2022 of the Minister of Health, on Guiding documents for connection to the national information system on management of medical prescription and sale of prescription drugs.

- Circular No. 03/2022/TT-BYT dated 26 April 2022 of the Minister of Health, amending regulations on standards for professional titles of medical public servants.

### Information - Communications

- Decree No. 25/2022/ND-CP dated 12 April 2022, on amendments to Decree No.47/2011/ND-CP, providing guidelines for Law on Posts.
- Decision No. 807/QĐ-BTTTT dated 28 April 2022 of the Minister of Information and Communications, publishing administrative procedures in the field of telecommunications and internet under the management function of the Ministry of Information and Communications.
- Decision No. 769/QĐ-BTTTT dated 27 April 2022 of the Minister of Information and Communications, providing guidelines for connection of applications using digital signatures with organizations providing users with public digital signature certification services for remote digital signing.
- Decision No. 764/QĐ-BTTTT dated 25 April 2022 of the Minister of Information and Communications, on basic technical requirements for products of Detecting and responding to information security incidents on terminal devices.
- Decision No. 742/QĐ-BTTTT dated 22 April 2022 of the Minister of Information and Communications, on basic safety requirements for Internal software.
- Decision No. 724/QĐ-BTTTT dated 20 April 2022 of the Minister of Information and Communications on electronic identifiers of agencies and units under and directly under the Ministry of Information and Communications for connecting to and sharing data with ministries, branches and localities.
- Directive No. 2/CT-TTg dated 26 April 2022 of the Prime Minister, on developing e-Government towards digital Government, and promoting national digital transformation.
- Circular No. 23/2022/TT-BQP dated 4 April 2022 of the Minister of National Defence, on "*National technical regulation on cryptographic technical specification used in civil cryptography products under IP security products group with IPsec and TLS*".

### Education

- Decision No. 11/2022/QĐ-TTg dated 27 April 2022 of the Prime Minister, on credit for non-public preschool and primary education institutions affected by the COVID-19 pandemic.

- Decision No. 1079/QD-BGDDT dated 20 April 2022 of the Minister of Education and Training, on the Fostering program according to the standards of professional titles of university lecturers.
- Decision No. 1078/QD-BGDĐT dated 20 April 2022 of the Minister of Education and Training, on the Fostering program according to the standards of professional titles of teachers at pedagogical junior colleges.
- Decision No. 941/QD-BGDDT dated 6 April 2022 of the Minister of Education and Training, publishing replaced administrative procedures in the field of Secondary education under the management function of the Ministry of Education and Training.

## Transport

- Consolidation Document No. 11/VBHN-BGTVT dated 21 April 2022 of the Ministry of Transport, combining Decrees on management and protection of road traffic infrastructure.
- Consolidated Document No. 10/VBHN-BGTVT dated 14 April 2022 of the Ministry of Transport, combining Decrees on sanctioning administrative violations in the maritime domain.
- Decision No. 522/QD-BGTVT dated 20 April 2022 of the Minister of Transport, publishing the List of harbours belonging to Vietnam's seaports.
- Decision No. 511/QD-BGTVT dated 18 April 2022 of the Minister of Transport, providing guidelines for the method of building economic - technical norms applicable to public passenger transport by bus.
- Consolidated Document No. 12/VBHN-BGTVT dated 28 April 2022 of the Minister of Transport, combining Circulars providing for passenger, baggage and consignment transport on inland waterways.
- Circular No. 04/2022/TT-BGTVT dated 22 April 2022 of the Minister of Transport, on amendments to Circular No. 12/2017/TT-BGTVT, providing for training, testing and issuance of road motor vehicle driving licenses.

## Natural Resources - Environment

- Decision No. 853/QD-BTNMT dated 25 April 2022 of the Minister of Natural Resources and Environment, publishing the outer boundary of the sea area of 3 nautical miles and the sea area of 06 nautical miles of the mainland.
- Decision No. 1019/QD-UBND dated 6 April 2022 of the People's Committee of Ho Chi Minh City, on Implementation plan of Resolution No. 24/2021/NQ-HDND

on adjustment in environmental protection fee rates applicable to industrial wastewater in Ho Chi Minh City;

- Consolidated Document No. 13/VBHN-BTNMT dated 18 April 2022 of the Minister of Natural Resources and Environment, combining Circulars on assessment of impacts of climate change and national climate assessment.
- Consolidated Document No. 05/VBHN-BTC dated 5 April 2022 of the Minister of Finance, combining Circulars regulating collection rates and mode of collection, payment, management and use of fees for appraisal and assessment of reserves of minerals and fees for licensing mineral activities.
- Consolidated Document No. 04/VBHN-BTC dated 5 April 2022 of the Minister of Finance, combining Circulars providing for collection rates and mode of collection, payment, management and use of fees for appraisal of environmental impact assessment reports by the central-level agencies.

### **Administration - Judiciary**

- Consolidated Document No. 01/VBHN-TTCP dated 19 April 2022 of the Government Inspectorate, combining Decrees providing guidelines for Law on Anti-corruption.
- Decision No. 338/QD-BNV dated 26 April 2022 of the Ministry of Home Affairs, publishing the List of periodical reporting in the fields under the State management of the Ministry of Home Affairs.
- Decision No. 19/2022/QD-UBND dated 25 April 2022 of the People's Committee of Hanoi, providing for periodical reporting in Hanoi City.
- Decision No. 18/2022/QD-UBND dated 25 April 2022 of the People's Committee of Hanoi, promulgating the Regulation on protection of the State secrets in agencies, organizations and units of Hanoi City.
- Decision No. 1324/QD-UBND dated 22 April 2022 of the People's Committee of Ho Chi Minh City, publishing the List of administrative procedures in the fields of Construction activities; Construction quality management; Labour and wages; Foreigners working in Vietnam; and International trade under the authority of the Management Board of the High-Tech Park of Ho Chi Minh City.
- Decision No. 11/2022/QD-UBND dated 15 April 2022 of the People's Committee of Ho Chi Minh City, providing for Process of preparing legal documents in Ho Chi Minh City.
- Decision No. 10/2022/QD-UBND dated 15 April 2022 of the People's Committee of Ho Chi Minh City, promulgating the Regulation on inspection, handling, review

and systematization of legal documents, building a national database on law, and organization and management of collaborators to check, review and systematize legal documents in Ho Chi Minh City.

- Decision No. 422/QD-TTg dated 4 April 2022 of the Prime Minister, approving the List of online public services integrated into and provided on the National Public Service Portal in 2022.

### **Agriculture - Forestry - Fisheries**

- Consolidation Document No. 05/VBHN-BNNPTNT dated 20 April 2022 of the Ministry of Agriculture and Rural Development, combining Decrees on sanctioning administrative violations in the field of plant varieties, plants protection and quarantine.
- Consolidation Document No. 04/VBHN-BNN dated 18 April 2022 of the Ministry of Agriculture and Rural Development, combining Decrees on sanctioning administrative violations in livestock production.
- Decision No. 1527/QD-BNN-TCTS dated 27 April 2022 of the Minister of Agriculture and Rural Development, on the Implementation Plan of the Project on Development of the Aquatic Products Processing Industry in the 2021-2030 period.
- Decision No. 1303/QD-BNN-TCLN dated 13 April 2022 of the Minister of Agriculture and Development, publishing amended administrative procedures in the forestry field within the scope of management functions of the Ministry of Agriculture and Rural Development.
- Decision No. 1040/QD-UBND dated 8 April 2022 of the People's Committee of Ho Chi Minh City, approving the Plan to implement, apply and manage the traceability system in Ho Chi Minh City in 2022.
- Decision No. 1039/QD-UBND dated 8 April 2022 of the People's Committee of Ho Chi Minh City, approving the Plan to implement, apply and manage the traceability system in Ho Chi Minh City in the 2021-2030 period.
- Decision No. 10/2022/QD-TTg dated 6 April 2022 of the Prime Minister, providing for order of and procedures for approving change of land use purpose regarding land of wet rice cultivation from 02 crops or more of less than 500 ha; land of special-use forests and watershed protection forests of less than 50 hectares.

**Miscellaneous**

- Consolidated Document No. 07/VBHN-BTC dated 20 April 2022 of the Ministry of Finance, combining Decrees on sanctioning administrative violations in the fields of independent accounting and auditing.
- Decree No. 23/2022/ND-CP dated 5 April 2022 on establishment, rearrangement, ownership conversion, transfer of the right to represent the owner in enterprises in which 100% of the charter capital is held by the State.
- Decision No. 820/QD-BCT dated 29 April 2022 of the Minister of Industry and Trade, on the electricity generation price bracket in 2022.
- Decision 1323/QD-UBND dated 22 April 2022 of the People's Committee of Ho Chi Minh City, publishing the List of administrative procedures in the field of travel within the scope of management function of the Department of Tourism of Ho Chi Minh City.
- Decision No. 492/QD-TTg dated 19 April 2022 of the Prime Minister, approving the task of Planning for the Red River Delta for the 2021-2030 period, with an orientation to 2050.
- Decision No. 463/QD-TTg dated 14 April 2022 of the Prime Minister, approving the task of Planning for the Southeast region for the 2021-2030 period, with an orientation to 2050.
- Decision No. 462/QD-TTg dated 14 April 2022 of the Prime Minister, approving the task of Planning for the North Central and Central Coast regions for the 2021-2030 period, with an orientation to 2050.
- Decision No. 461/QD-TTg dated 14 April 2022 of the Prime Minister, approving the task of Planning for the Central Highlands for the 2021-2030 period, with an orientation to 2050.

## Contact details

### Hanoi Office

Mr. PHAM Nghiem Xuan Bac

*Managing Partner*

Mr. LUU Tien Ngoc

*Partner, Business Development*

Mrs. LE Quynh Anh

*Executive Partner, Legal Practice*

Mrs. NGUYEN Nguyet Dzung

*Partner, Intellectual Property Practice*

Unit 308-310, 3<sup>rd</sup> Floor, Hanoi Towers

49 Hai Ba Trung, Hanoi, Vietnam

Tel: 84-24-3934 0629/ 3826 4797 Fax: 84-24-3934 0631

E-mail: [vision@vision-associates.com](mailto:vision@vision-associates.com)

### Ho Chi Minh City Office

Mr. LUU Tien Ngoc

*Partner, Business Development*

Mrs. NGUYEN Thi Van

*Assistant to Managing Partner*

Mr. LE Nguyen Anh Vu

*Acting Director, Ho Chi Minh City Office*

Unit 905, 9<sup>th</sup> Floor, CitiLight Tower

45 Vo Thi Sau, District 1, Ho Chi Minh City, Vietnam

Tel: 84-28-3823 6495 Fax: 84-28-3823 6496

E-mail: [hcmvision@vision-associates.com](mailto:hcmvision@vision-associates.com)

**[www.vision-associates.com](http://www.vision-associates.com)**