

# Legal news

October 2012

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## LABOUR LAW

### New provisions of Labour Code 2012

*By Do Quoc Binh*

Labour Code 2012 (the “LC 2012”) comprises of 17 Chapters and 242 Articles was adopted by the National Assembly of the Social Republic of Vietnam, Legislature XIII, at its 3<sup>rd</sup> Session on 18 June 2012 and shall take effect on 1 May 2013, replacing Labour Code 1994 (amended and supplemented from time to time) (the “LC 1994”).

In comparison with the provisions of the LC 1994, the LC 2012 provides certain amendment and supplement to come in line with the requirements of international and regional integration and socio - economic development in the context that Vietnam has accessed to and is a member of the World Trade Organization (WTO); to include the provisions of the Conventions of the International Labour Organization (ILO), especially 18 of 189 Conventions that Vietnam has ratified, in the national law; and to harmonize it with the labour laws of the ASEAN countries and international practices. In particular:

#### *Chapter I - General Provisions*

This chapter comprises 8 Articles, providing for the scope of application, subjects of application, definition of terms, the State policy on labour, rights and obligations of employees and employers, employment relationship, and prohibited acts.

Basically, in comparison with the LC 1994, this chapter retains the scope of application and subjects of application, and provides several new points, including:

1. New definitions:
  - (i) such as “the employer representative organizations”; “coercive labour”; “labour relations”;
  - (ii) right to temporarily shut down the workplace; right to participate in the activities of professional associations of the employers;
2. New regulations on:
  - (i) The employer’s obligations to discuss with the labour collective;
  - (ii) The employer’s obligation to strictly observe the internal democratic regulations, and the laws on labour, social insurance, and health insurance;
  - (iii) The State policy on labour, including management of human resource, vocational training, labour market, and labour relations.

#### *Chapter II - Jobs*

This chapter comprises 6 Articles on jobs, job creation; the employees’ right to work; the employer’s right to recruit labour; the State policy on support to development of jobs; job programs; job service organizations.

Amended and added contents comprise:

1. Repealing:
  - (i) Regulations on prohibited acts stipulated in Article 19 of the LC 1994 such as acts of “enticement, false promises, or deceptive advertising in order to mislead workers etc. to commit illegal acts”.
  - (ii) Regulation requiring “Enterprises to establish a reserve for severance package or redundancy pay” in order to support their employees.
2. Replacing “Employment introduction organizations” term with “Employment service organizations”.

Under provisions of the LC 1994, employment introduction organizations include employment introduction center and enterprise in employment introduction activities. At present, there are about 130 such centers throughout the country, of which 64 are directly under Department of Labour, War Invalids and Social Affairs; and the others are directly under the ministries, branches, associations and boards of management of industrial zones and processing zones are being regarded as public employment services. However, the employment service centers are organized as the administrative units under the direct management of localities and associations, and the State management agencies on labour (such as Ministry of Labour, War Invalids and Social Affairs) do not directly manage such centers. In fact, enterprises as employment service centers have been focusing mainly on vocational training, separately or jointly with other entities; while their consultancy, introduction activities and labour market information have been limited. This has made the efficiency and quality of employment service activities entirely dependent on the care of individual localities, ministries and associations. The name change as mentioned above is to bring labour provisions in line with those of the draft law on employment, and ensuring the compliance with the international labour conventions on public employment services (Vietnam has ratified and joined the Convention No. 100 concerning Equal Remuneration for Male and Female Workers for Work of Equal Value 1959, Convention No. 111 concerning Discrimination (Employment and Occupation) 1958 and is considering to join the Convention No. 122 on Employment Policy of the International Labour Organization - ILO).

3. Transferring provision of Article 17 on severance package to Chapter III - “Labour Contract” and detailing the method for calculation of severance package when unemployment insurance regime is already available.

### ***Chapter III - Labour Contract***

This chapter comprise 48 Articles, divided into 5 sections. Section 1 regulates execution of labour contract, Section 2 - performance of labour contract, Section 3 - amendment, addition and termination of labour contract, Section 4 - invalid labour contract, and Section 5 - labour outsourcing.

The amended and added main contents consist of:

1. Added:
  - (i) One section (Section 5) comprises 6 Articles on completely new contents for outsourcing, which regulate the basic and principal matters on labour

- outsourcing; enterprises for labour outsourcing; labour outsourcing contract; rights and obligations of enterprises for labour outsourcing; rights and obligation of the labour outsourcing party; rights and obligations of outsourced employees.
- (ii) Principle for execution of labour contract on the basis of freedom, voluntary, equality, goodwill, honesty and cooperation but without breach of laws, collective labour agreements (if any), and social ethics.
  - (iii) Regulation under which “before recruiting”, the employer and the employee must directly execute the labour contract.
  - (iv) Content on obligation to provide information directly related to the execution of labour contract at the request of either of the parties before executing the labour contract.
  - (v) The acts from which the employer is prohibited during the execution and performance of the labour contract, or request the employees to pay a certain money or other property for the performance of labour contract.
  - (vi) New regulation on *Annex of labour contract* under which two parties may use it to include new contents in the labour contract.
  - (vii) New regulation on the form of part-time working with a view to ensure the labour regimes applicable to employees when this working form is chosen.
  - (viii) New regulation on the employees’ right to unilaterally terminate labour contract when suffering from “sexual harassment”.
  - (ix) The level of compensation that the employer must pay to the employee in the event that the employer does not wish to re-employ the employee after the labour contract has unilaterally been terminated in an illegal manner and the employees also agrees about such non-reemployment, apart from salary, social insurance and health insurance for the days the employee is banned from working plus the salary of at least 2 months under the labour contract and severance pay equivalent to a half-month salary for each working year to be applicable to employees who have been working for enterprises for 12 months or more, the employers must pay the employee an extra compensation equal to at least 2 month salary under the employees’ labour contract in order to terminate labour contract.
  - (x) A new article under which the employers must formulate labour use plan in case of changes in structure or technology, economic reasons, merger or separation of enterprises or cooperatives that potentially leads to the massive redundancy.
  - (xi) A group of new regulations including 3 articles on invalid labour contract, including invalidity in whole and in part.
2. The employee may conclude labour contracts with multiple employers as long as he/she can ensure the implementation of the concluded contents. The LC 2012 does not specify rights of the employers in this case.

Accordingly, the employee may implement this right without obligation to notify or consult the employer thereof, provided that the employee completes the assigned work. In this case, the laws are still silent on an issue where the employer has the right to prevent it or not in order to protect his legitimate interests, especially where there is a conflict of interest, in the event of competition or threat to business secrets. If the employer does not have the right to accept or oppose the employees’ implementation of the other work, or at least

to be notified in order to be able to assess potential risks and apply the necessary protective measures, the consequences thereof are difficult to predict.

3. Regarding the types of labour contract, the LC 2012 basically retains provisions of the LC 1994. However, with respect to two types of labour contract being *Definite term labour contract* and *Contract for a specific or seasonal job with a duration of less than 12 months*, in case where such a contract expires and the employee continues to work, the employer and the employee will be required to sign a new labour contract. If they fail to do so, the signed definite term labour contract shall become indefinite term labour contract or the labour contract for a specific or seasonal job with duration of less than 12 months shall become definite term labour contract with a duration of 24 months.
4. LC 2012 establishes a level of probationary salary for the employees in the probationary duration to be equal to at least 85% of the normal wage for the same job, instead of 75% as prescribed in the LC 1994.

The above level may constitute a financial burden for enterprises (especially those manufacturing textile, garment and footwear, etc.) and make the employers be unwilling to recruit employees in a large number.

5. Regarding the cases of termination of labour contract, the LC 2012 had supplemented several important contents on termination events, such as: the employee dies, is declared dead, missing or incapable of civil acts by the Court, etc.
6. However, when the employee is a non-specialized trade union member in his/her membership term but his/her contract has expired, his/her labour contracts' term shall be extended to the end of his/her trade union term.

#### ***Charper IV - Vocational learning and training, vocational skill and grade improvement***

This chapter comprises 4 Articles on vocational learning and training; Responsibilities of employers for vocational training, vocational skill and grade improvement; Vocational learning and apprenticeship towards employment and the vocational training contract between the employer and the employee, vocational training cost.

The amended main contents comprise:

1. Supplement:
  - (i) Regulations on responsibilities of employers for vocational training, vocational skill and grade improvement for their employees, before the the employers transfer them to another job.
  - (ii) Specific regulations on vocational training costs.
2. The employer and employee must sign a vocational training contract, in duplicate, each party holds one copy. Vocational training costs will be borne by the employers.

#### ***Chapter V - Dialogue at the workplace, collective negotiation, collective labour agreement***

This chapter comprises 24 Articles, divided into 5 sections, Section 1 regulates dialogue at the workplace, Section 2 - collective negotiation, Section 3 - collective labour agreement, Section 4 - enterprise collective labour agreement, and Section 5 - sector collective labour agreement.

This chapter has some new contents as follows:

1. Supplement:
  - (i) New section *Dialogue at the workplace*, which clearly specifies the purpose and form of dialogue at the workplace and the implementation of internal democratic regime at the workplace.
  - (ii) Section *Collective negotiation* is intended to provide the purpose, principle and right to require a collective negotiation; representative in charge of such collective negotiation; content, process and responsibilities of parties in collective negotiation.
  - (iii) A number of principles on collective negotiation, apart from those already stipulated in the LC 1994 such as: collective negotiation may be periodical or irregular; collective negotiation is done at the place agreed upon by both parties.
  - (iv) Right of parties to supplement other contents if necessary to conduct a collective negotiation.
2. Regarding representative in charge of collective negotiation, the LC 2012 provides that representative in charge of collective negotiation within the enterprise is a representative organization of the internal labour collective.
3. Regarding the process of collective negotiation, the LC 2012 provides for two main steps: The process of preparation for collective negotiation and the process for conducting the collective negotiation.
4. LC 2012 clearly specifies the responsibilities of the trade unions, representative organizations of the employers and the State management agencies on labour in collective negotiation, on the principle of not direct intervention in the course of negotiation and agreement of the two parties, but they must actively support both sides in the process of discussing, negotiating and signing a collective labour agreement.
5. Regarding the jurisdiction for declaring a collective labour agreement null and void, the LC 2012 states that the People's courts have the authority to declare a collective labour agreement totally or partially null and void.
6. With respect to an expired collective labour agreement while the two parties are continuing to negotiate to extend its term of validity or sign a new agreement, then the old collective labour agreement remains valid within a period not exceeding 60 days; while the LC 1994 allowed the prolonged term of 3 months.
7. Regarding *Sector collective labour agreement*, the LC 2012 provides three articles on Sector collective labour agreement with contents: representative for the signing of the sector collective labour, relationship between the enterprise's collective labour agreement with the sector's collective labour agreement and the time limit of the sector collective labour agreement; instead of only one

article regulating the application in comply with general principles in *Collective labour agreement* chapter of the LC 1994.

### ***Chapter VI - Salary***

This chapter comprises 14 Articles on salary; minimal salary rate<sup>1</sup>; National wages council; Formulation of salary scale, payroll and labour norms; Form of salary payment; Payment term; Principle of salary payment; Overtime and night working pay; salary in case of working stop; Making salary payment through the contractor's foreman; Advance of salary payment; Deduction of salary; Regulation on allowance, subsidy, level upgrade and salary increase; Bonus.

A number of new contents are as follows:

1. Regarding salary structure, the LC 2012 provides: The salary includes the salary rate based on the work or the title, salary allowance and other additions. Salary payment must be made equally without the gender discrimination for the employees performing work of the same value.
2. Supplement:
  - (i) The establishment of National wages council, with the participation of representative organizations of employers at central level, which is an advisory agency to the Government to do researches and make recommendations to the Government on adjustment in and announcement of the minimal wages.
  - (ii) Requirement under which in case of change in the payment form, the employer must notify the employee at least 10 days in advance (while the LC 1994 does not provide the time of such prior notification by the employer).
3. Regarding overtime wages where employees work overtime at night, the LC 2012 reduces the level of additional salary calculated by the salary unit price or salary for day-time work from 30% under the current laws to 20%.
4. Time limit of salary advance payment with minimum rate of 01-week salary and maximum rate of 01-month salary where the employee temporarily leaves his/her work to perform duties of citizen is specified.

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<sup>1</sup> Concerning the minimum wage, on 4 December 2012, the Government issued Decree No.103/2010/ND-CP providing the new minimum wages for employees working in enterprises, cooperatives, cooperative team, farms, households, individuals, organizations and agencies hiring labour. Accordingly, as from 1 January 2013, regional minimum wage applicable to the employees working in enterprises, which operates in region I is VND2,350,000/month, in region II is VND 2,100,000/month, in region III is VND 1,800,000/ month, and in region IV is VND1,650,000/ month.

## **Other Sectors**

### **Banking - Finance**

- On 9 October 2012, the Government issued Decree No. 82/2012/ND-CP on the inspection organization and activities of the financial branch.
- Decision No. 46/2012/QD-TTg dated 29 October 2012 of the Prime Minister on the management of use of fee for re-lending and the extracts of guarantee fee at the Ministry of Finance for the period from 2012 to 2015.
- On 17 October 2012, the Steering Committee on prevention of money laundering stipulated Decision No. 121/QD-BCDPCRT on the Rules for its operation.
- Decision No. 40/2012/QD-TTg dated 5 October 2012 of the Prime Minister on the management of sample money and souvenir money.
- On 24 October 2012, the Ministry of Finance issued Circular No. 181/2012/TT-BTC amending and supplementing a number articles of Circular No.143/2007/TT-BTC dated 3 December 2007 providing guidelines for the implementation of Decree No. 196/2004/ND-CP dated 2 December 2004 of the Government detailing the implementation of the Ordinance on National Reserves.
- Circular No. 164/2012/TT-BTC dated 9 October 2012 of the Ministry of Finance providing guidelines for the regime on collection, submission and management of fees for grant of permits for traveling ashore to foreign crewmembers, permits for getting on foreign vessels, permits for the operators of the Vietnamese means to stop alongside foreign vessels, and permits for Vietnamese and foreigners to perform press activities, scientific researches and tourist visits related to foreign boats and vessels.
- On 3 October 2012, the Ministry of Finance stipulated Circular No.162/2012/TT-BTC providing for the capital advance from the State Treasury.
- Circular No. 28/2012/TT-NHNN dated 3 October 2012 of the State Bank of Vietnam on bank guarantee.
- On 2 October 2012, the Ministry of Finance issued Circular No.161/2012/TT-BTC providing for the regime on control and payment of expenditures funded by the State budget via the State Treasury.

### **Securities - Insurance**

- Decision No. 1369/QD-BHXH dated 12 October 2012 of the Social Insurance of Vietnam announcing the alternative administrative procedures in the jurisdiction of the Social Insurance of Vietnam.
- On 18 October 2012, the Ministry of Labour, War Invalids and Social Affairs stipulated Circular No. 23/2012/TT-BLDTBXH amending and supplementing a

number of contents of Circular No. 19/2007/TT-BLDTBXH dated 23 September 2007 providing guidelines for the implementation of a number of articles of Decree No. 152/2006/ND-CP dated 22 December 2006 of the Government providing guidelines for the implementation of a number of articles of the Law on Social Insurance with respect to compulsory social insurance.

- Circular No. 165/2012/TT-BTC dated 9 October 2012 of the Ministry of Finance amending Circular No. 226/2010/TT-BTC dated 31 December 2010 of the Ministry of Finance on the prudential ratio and the measures for dealing with the securities institutions that fail to achieve the prudential ratio.

### **Taxation**

- On 22 October 2012, the Ministry of Finance issued Circular No. 175/2012/TT-BTC providing guidelines for the deferment of value-added tax payment under Resolution No. 67/NQ-CP dated 5 October 2012 of the Government.
- Circular No.170/2012/TT-BTC dated 19 October 2012 of the Ministry of Finance amending the preferential import tax rates applicable to commodities of code 3909.10.10 and code 3909.20.10 in the Preferential Import Tariff.
- On 11 October 2012, the Ministry of Finance stipulated Circular No.169/2012/TT-BTC amending the export tax rate applicable to coal items under heading 27.01 in the Export Tariff.

### **Trade**

- Decree No. 87/2012/ND-CP dated 23 October 2012 detailing a number of articles of the Law on Customs on electronic customs procedures for commercial export and import goods.
- On 19 October 2012, the Ministry of Industry and Trade issued Decision No.6184/QD-BCT approving "Planning for the nationwide development of network of supermarkets and trade centres up to 2020, with orientation to 2030".
- Decision No. 6077/QD-BCT dated 15 October 2012 of the Ministry of Industry and Trade approving the Planning for development of network of Vietnam - Cambodia border markets up to 2020.

### **Labour**

- On 8 October 2012, the Government stipulated Decree No. 81/2012/ND-CP amending and supplementing a number of articles of Decree No. 68/2008/ND-CP dated 30 May 2008 providing conditions and procedures for setting up, organization, operation and dissolution of social relief establishments and Decree No. 109/2002/ND-CP dated 27 December 2002 amending and supplementing a number of articles of Decree No. 195/CP dated 31 December 1994 detailing and

providing guidelines for the implementation of a number of articles of the Labour Code on working time and rest time.

- Decision No. 43/2012/QD-TTg dated 12 October 2012 of the Prime Minister amending the name, and amending and supplementing Article 1 of Decision No.234/2005/QD-TTg dated 26 September 2005 of the Prime Minister on special regime for workers, employees and officials of several branches and professions in State-owned companies.
- On 8 October 2012, the Prime Minister issued Decision No. 42/2012/QD-TTg on support to organizations and units using labourers who are ethnic minority people in the mountainous regions and especially difficult areas.
- Circular No.25/2012/TT-BLDTBXH dated 25 October 2012 of the Ministry of Labour, War Invalids and Social Affairs promulgating National technical regulation on occupational safety with respect to gas filters used in masks and respirators.

### **Education**

- On 24 October 2012, the Ministry of Education and Training stipulated Circular No.36/2012/TT-BGDDT promulgating the Regulations on organization of teaching, testing and certification of languages of the minority.
- Circular No. 35/2012/TT-BGDDT dated 12 October 2012 of the Ministry of Education and Training promulgating the Regulations on doctoral degree training according to the Scheme on "Doctoral training for university and junior college lecturers during the period from 2010 to 2020" as approved in Decision No.911/QD-TTg dated 17 June 2010 of the Prime Minister.
- On 11 October 2012, the Ministry of Finance issued Circular No. 168/2012/TT-BTC amending and supplementing a number articles of Circular No. 103/2010/TT-BTC dated 19 July 2010 amending and supplementing Circular No. 141/2009/TT-BTC dated 13 July 2009 of the Ministry of Finance providing for the financial regime for implementation of the Scheme on "State budget-funded overseas training and improvement of leading and managerial officials".

### **Health**

- Decree No. 89/2012/ND-CP dated 24 October 2012 amending and supplementing a number of articles of Decree No. 79/2006/ND-CP dated 9 August 2006 of the Government detailing the implementation of a number of articles of the Pharmaceutical Law.
- On 15 October 2012, the Government stipulated Decree No. 85/2012/ND-CP on operational mechanism and financial mechanism of public health non-business professional units and service charges of medical examination and treatment by public medical examination and treatment establishments.

- Circular No. 16/2012/TT-BYT dated 22 October 2012 of the Ministry of Health on the food safety conditions applicable to establishments producing and trading foods, tools and materials for packaging and containing foods within the scope of the Ministry of Health's management.

### Transport

- On 24 October 2012, the Prime Minister issued Decision No. 1586/QD-TTg approving the National strategy on ensuring land-road traffic order and safety up to 2020, with orientation to 2030.
- Decision No. 1502/QD-TTg dated 11 October 2012 of the Prime Minister approving the master planning of vehicle weight inspection stations on the land roads till 2020, with orientation to 2030.
- On 5 October 2012, the Prime Minister stipulated Decision No. 1486/QD-TTg providing for the organizational structure and operational regulation of the Board of Management of the Central Roadway Maintenance Fund.

### Construction

- Decision No. 1511/QD-TTg dated 12 October 2012 of the Prime Minister approving the adjustment in the Scheme on strengthening the capability of construction work quality verification in Vietnam.
- On 10 October 2012, the Ministry of Construction issued Circular No.05/2012/TT-BXD promulgating the Construction branch's System of statistical indicators.
- Circular No. 06/2012/TT-BXD dated 10 October 2012 of the Ministry of Construction providing for the Construction branch's regime on general statistic reports.

### Natural Resources - Environment

- On 5 October 2012, the Prime Minister stipulated Decision No. 1474/QD-TTg promulgating the National plan of action on climate change for the period from 2012 to 2020.
- Circular No. 10/2012/TT-BTNMT dated 12 October 2012 of the Ministry of Natural Resource and Environment promulgating the National technical regulation on the environment.
- On 25 October 2012, the Ministry of Industry and Trade issued Decision No.6302/QD-BCT supplementing the zoning planning for exploration, exploitation, processing and use of tin, tungsten and antimony ores for the period from 2007 to 2015, with orientation to 2025.

**Science and Technology**

- Decree No. 86/2012/ND-CP dated 19 October 2012 of the Government detailing and providing guidelines for the implementation of a number of articles of Law on Measurement.
- On 2 October 2012, the Prime Minister stipulated Decision No. 1427/QD-TTg approving the National target program on efficient use of energy for the period from 2012 to 2015.
- Circular No. 18/2012/TT-BKHHCN dated 2 October 2012 of the Ministry of Science and Technology providing guidelines for the criteria and processes to determine technologies on the List of technologies encouraged to be transferred, the List of technologies restricted to be transferred, and the List of technologies prohibited to be transferred.

**Information - Communications**

- On 23 October 2012, the Government issued Decree No. 88/2012/ND-CP on information and press activities of foreign presses, and foreign representative agencies and foreign organizations in Vietnam.
- Decree No. 77/2012/ND-CP dated 5 October 2012 amending and supplementing a number of articles of Decree No. 90/2008/ND-CP dated 13 August 2008 of the Government on Anti-spam.
- On 23 October 2012, the Prime Minister stipulated Decision No. 45/2012/QD-TTg on the criteria for determination of important telecommunications works related to national security.
- Circular No. 14/2012/TT-BTTTT dated 12 October 2012 of the Ministry of Information and Communications on the charge rates of the terrestrial mobile communications services.

**Administration**

- On 12 October 2012, the Government issued Decree No. 84/2012/ND-CP providing for the functions, duties, powers and organizational structure of the Committee for Ethnic Minorities.
- Decision No. 1557/QD-TTg dated 18 October 2012 of the Prime Minister approving the Scheme on "Promoting reforms of the regime on public services and public servants".
- On 10 October 2012, the Ministry of Finance stipulated Circular No.167/2012/TT-BTC providing for the estimate preparation, management and use of expenditures for implementation of activities of controlling the administrative procedures.

**Judiciary**

- Decree No. 83/2012/ND-CP dated 9 October 2012 providing for the functions, duties, powers and organizational structure of the Government Inspectorate.
- On 3 October 2012, the Government issued Decree No. 76/2012/ND-CP detailing the implementation of a number of articles of Law on Denunciations.
- Decree No. 75/2012/ND-CP dated 3 October 2012 detailing a number of articles of Law on Complaints.
- On 16 October 2012, the Prime Minister stipulated Decision No. 1549/QD-TTg promulgating the deployment Plan for implementation of Law on Judicial examination.
- Decision No. 1473/QD-TTg dated 5 October 2012 of the Prime Minister promulgating the deployment Plan and the List of decrees detailing the implementation of Law on Dealing with administrative violations.
- On 5 October 2012, the Prime Minister issued Decision No. 41/2012/QD-TTg on allowance regime for the participants in trials and meeting sessions settling the civil affairs.

**Agriculture**

- Decree No. 80/2012/ND-CP dated 8 October 2012 on the management of fishing ports and sheltering harbors for fishing vessels.
- On 17 October 2012, the Prime Minister stipulated Decision No. 1554/QD-TTg approving the Planning for irrigation of the Red River Delta region for the period from 2012 to 2020, with orientation to 2050, in the context of climate change and sea-level rise.
- Decision No. 39/2012/QD-TTg dated 5 October 2012 of the Prime Minister promulgating the Regulation on management of ornamental, shade and ancient trees.
- On 19 October 2012, the Ministry of Agriculture and Rural Development issued Circular No. 51/2012/TT-BNNPTNT providing guidelines for the implementation of forest protection and development duty stipulated in Decision No. 57/QD-TTg dated 9 January 2011 of the Prime Minister.
- Circular No. 50/2012/TT-BNNPTNT dated 8 October 2012 of the Ministry of Agriculture and Rural Development repealing Decision No. 85/2008/QD-BNN dated 6 August 2008, and partly repealing Circular No. 50/2010/TT-BNNPTNT dated 30 August 2010 and Circular No. 24/2011/TT-BNNPTNT dated 6 April 2011.

**Enterprise**

- On 17 October 2012, the Prime Minister stipulated Decision No. 1556/QD-TTg approving the Scheme on “Supporting the development of medium and small enterprises of auxiliary industries”.
- Decision No. 4406/QD-UBND dated 3 October 2012 of the People's Committee of Hanoi amending and supplementing a number of articles of Decision No.2650/QD-UB dated 14 June 2011 of the People’s Committee of Hanoi providing for the post-investment interest rate support to the enterprises of Hanoi.
- On 23 October 2012, the Ministry of Finance issued Circular No. 176/2012/TT-BTC providing for the collection rates and the regime on collection, payment, management, and use of fees for enterprise registration and business household registration, and the charges for provision of information about enterprises.
- Inter-ministerial Circular No. 31/2012/TTLT-BCT-BKHDT dated 10 October 2012 of the Ministry of Industry and Trade and the Ministry of Planning and Investment providing guidelines for the settlement of industrial clusters established before the Regulation on the management of industrial clusters, accompanying the Prime Minister’s Decision No. 105/2009/QD-TTg dated 19 August 2009, takes effect.

**Miscellaneous**

- On 5 October 2012, the Government stipulated Decree No. 79/2012/ND-CP on art performances, fashion shows; model contests and beauty contests; the circulation and trade of audio, video recordings of musical, dance and theatre performances.
- Decree No. 78/2012/ND-CP dated 5 October 2012 amending and supplementing a number of articles of Decree No. 30/2007/ND-CP dated 1 March 2007 of the Government on lottery business.

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