



SEPTEMBER 2023

LAW BULLETIN

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VU THI THU HA

MANAGING PARTNER – ATS LAW FIRM



— WELCOME —

WORDS FROM MANAGING PARTNER

We are committed to providing an effective, reliable and responsive service to each of our clients.

Our approach is client-focused, solution-oriented and innovative. We have a dedicated and experienced team providing a comprehensive range of services to meet the needs of our clients.

We strive to do whatever it takes in order to resolve the legal issues that face clients, allowing them to minimize administrative overheads and focus on their core business activities.

ASSOCIATION – TRUST – SUCCESS

At ATS Law Firm, our deeds reflect our creed – to provide the very best professional legal services, and to gain and maintain our clients' trust and satisfaction

To become a top-level legal services provider on domestic and international matters, we have formed associations with many local, national and international organizations to exchange knowledge, experience and skills.

We pride ourselves on our ability to build client trust and support them in navigating applicable laws. We have a very high rate of success in accomplishing our clients' objectives, consistently exceeding expectations.

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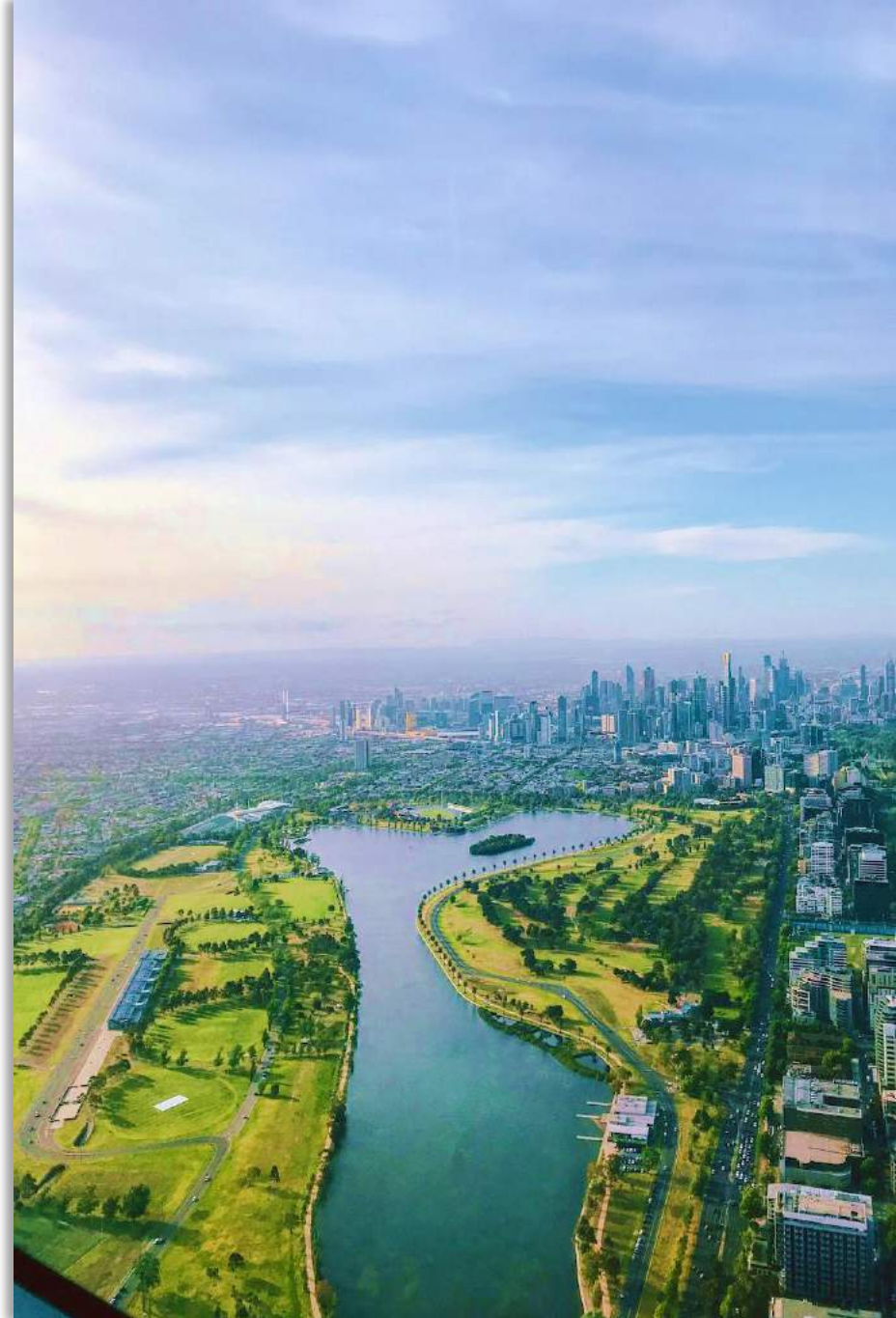
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TAX – FEE – CHARGES

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Supplement 03 countries for Preferential Export Tariff and Special Preferential Import Tariff

On September 07, 2023, the Government issues Decree No. 68/2023/ND-CP on Vietnam's Preferential Export Tariff and Special Preferential Import Tariff.

Accordingly, the Government decided to supplement several countries to apply Vietnam's Preferential Export Tariff and Special Preferential Import Tariff to implement the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership for the 2022-2027 period.

- For goods imported and exported between Vietnam and Malaysia: If such goods fully satisfy the conditions to be eligible for the preferential export duty rates and special preferential import duty rates specified in Decree 115/2022/ND-CP and this Decree;

- For goods imported and exported between Vietnam and the Republic of Chile: If such goods fully satisfy the conditions to be eligible for the preferential export duty rates and special preferential import duty rates;
- For goods imported and exported between Vietnam and Brunei Darussalam with customs declarations registered in the period from July 12, 2023, to the date before September 07, 2023: If such goods fully satisfy the conditions to be eligible for the preferential export duty rates and special preferential import duty rates, and duties on such goods have been paid at higher rates, customs offices shall handle the overpaid duty amounts in accordance with the law on tax administration.

▶ [Decree No. 68/ND-CP](#)





From October 16, 2023: Increase 20% of fees in medical sector

On August 30, 2023, the Ministry of Finance issues Circular No. 59/2023/TT-BTC on prescribing fees in the medical sector, and collection, transfer, management, and use thereof. Accordingly:

(i) Payers are organizations or individuals that receive processing/appraisal services from regulatory authorities in respect of the matters, including:

- Processing of applications for licenses/certificates for receipt/import/export of insecticidal and germicidal preparations for household and medical use;
- Processing of applications for registration, import/export license, or declaration of applied standards for medical devices;
- Appraisal of fulfillment of eligibility requirements for practicing and doing business in the medical sector.

(ii) Collectors include the Ministry of Health of Vietnam, the Ministry of National Defense of Vietnam, the Ministry of Public Security of Vietnam, or their affiliated units that are tasked with collecting the fees. Provincial Departments of Health are in charge of collecting the fees.

(iii) From October 16, 2023, increase 20% of fees in the medical sector, in particular:

- Fees for appraisal of processing of applications for new registration numbers for class-C or class-D medical devices: Increase from VND 5 - 6 million/dossier;
- Fees for appraisal for issuance or re-issuance of operating licenses after revocation due to the reasons in Clause 1 Article 29 of the Law on Medical Examination and Treatment: Increase from VND 360,000/time to VND 430,000/time;...

▶ [Circular No. 59/2023/TT-BTC](#)

Format of domestic PPA from October 16, 2023

The Ministry of Industry and Trade issues the format of domestic power purchase agreement (hereinafter referred to as “PPA”) in the appendix attached with this Circular.

Format of domestic PPA shall come in physical form or electronic form. The agreement shall be written in the Vietnamese language.

The parties may negotiate about using other ethnic dialects of Vietnam or foreign languages.

For the signers of domestic PPA, Article 4 prescribes that:

Signers of the Buyer shall be representatives of the buyers who must have full civil act capacity as prescribed by law and a written request for power purchase attached with the residence information of their households at

the place of electricity purchase, or documents proving the ownership, management and use at the place of electricity purchase.

The PPA shall specify the number of sharing households (with attached lists) and applicable electricity price according to regulations by the Ministry of Industry and Trade.

If the Buyer is a tenant, signers of the Buyer shall be identified in accordance with regulations on electricity retail price promulgated by the Ministry of Industry and Trade.

The effective period of PPAs shall be agreed upon by the parties. The effective period of PPAs shall start from the date of signing to the date of expiry as per the law unless otherwise agreed upon in detail by the parties.

▶ [Circular No. 16/2023/TT-BTC](#)





Ministry proposes policies to promote supporting industries

The Ministry of Industry and Trade has proposed the policies to support enterprises operating in supplying parts and materials to promote the development of supporting industries in Vietnam.

The priority would be given to sectors including garment and textile, footwear, electronics, automobile production and assembly and mechanical engineering, besides others, including moulds, mechanical details with high-quality standards used for electronics, mechatronics, microelectronics, robots, electronic and optoelectronics components, circuits and new materials.

The ministry said that it was necessary to amend Decree No 111/2015/NĐ-CP about developing supporting industry in the current context so that part-supplying enterprises of

Vietnam could keep up with the pace of integration with the world, which was critical to increase national competitiveness.

Statistics of Vietnam Association for Supporting Industries showed that the local procurement rate of Vietnam remained low, around 5-20 per cent for the automobile manufacturing industry, 5-10 per cent for electronics, 30 per cent for footwear, 30 per cent for garment, 1-2 per cent for high-tech industry in 2022.

To promote the development of supporting industries in Vietnam, the Government issued Resolution 115.NQ-CP for 2022-30 period which aimed that products of the supporting industries would meet 70 per cent of the demand and account for 14 per cent of the industrial production by 2030.

▶ [Resolution No. 115/NQ-CP](#)

From January 01, 2024, only employ foreign workers after failing to recruit Vietnamese workers

This is one of the important contents prescribed in the Decree No. 70/2023/ND-CP on amending a number of the Decree No. 152/2020/ND-CP on foreign workers in Vietnam and recruitment and management of Vietnamese workers working for foreign organizations and individuals in Vietnam.

In particulars, after failing to recruit Vietnamese workers for job assignments expected to recruit foreign workers, employers shall determine their demand for employment of foreign workers from January 01, 2024.

The Decree also points out that the notice of recruitment of Vietnamese workers for job assignments expected to recruit foreign workers shall be posted on:

- The Ministry of Labor, Invalids and Social Affairs' e-portal (the Department of Employment); or
- E-portals of Centers of Employment Services established under decisions of Chairpersons of provincial-level People's Committees.

Besides, this Decree amends the conditions for the foreign workers in Vietnam. Within that, foreign workers who work in Vietnam as experts must graduate from university or higher or equivalent, have at least 03 years' working experience and have at least 05 years' experience and possessing a practice certificate relevant to their expected job assignment in Vietnam.

▶ [Decree No. 70/2023/ND-CP](#)





Vietnam to amend regulations on loan interest rates as of September 1, 2023

According to Circular No. 06/2023/TT-NHNN on lending transactions of credit institutions and/or foreign bank branches, if the customer has been rated transparent and healthy in its financial status by the credit institution, the credit institution and the customer shall agree on the interest rate on short-term loan in VND which shall not exceed the maximum lending interest rate over periods of time in order to meet certain demands for borrowed fund:

- Loans taken out to support the agricultural and rural development sector on credit policies for agricultural and rural development;
- Loans taken out to implement the export business plan and its instructional documents;

- Loans taken out to finance business activities of small and medium-sized enterprises under the Law and the Government's regulations on support for development of small and medium-sized enterprises;
- Loans taken out to develop ancillary industries on development of ancillary industries;
- Loans taken out to finance business operations of enterprises that apply high technologies included in the List of prioritized high technologies and other high-tech enterprises under the provisions of the Law on High Technology and its instructional documents.

▶ [Circular No. 06/2023/TT-NHNN](#)

Country approves national energy master plan for 2021-30 period

By 2030, Vietnam will establish and develop several clean energy centers in the northern, central, and southern regions, and develop new energy production to meet domestic and export demands. The capacity of green hydro-electricity production is estimated at about 100,000-200,000 tons per year by 2030 and about 10-20 million tons annually by 2050.

Such are targeted in Decision 893/QD-TTg, approving the national energy master plan for the 2021-2030 period, with a vision toward 2050.

Under the Decision, the overall objective of the plan is to ensure the energy security of the country, meet the requirements of economic and social developments, industrialization and modernization, ensure national defense and security, improve the

people's living standards, and protect the ecological environment. In addition, it aims to develop an independent and autonomous energy industry, and establish a comprehensive energy industry ecosystem based on renewable and new energy sources, with a goal of becoming a regional center for clean energy industries and renewable energy exports.

It sets a target for total primary energy supply to reach 155 million tons of oil equivalent by 2030 and between 294 and 311 million tons by 2050. The total national oil and petroleum reserves (including crude oil and products), meanwhile, is expected to rise to 75-80 days of net imports by 2030 and gradually to 90 days after that year.

➤ [Decision No. 893/QD-TTg](#)





Papers for foreigners to carry out vehicle registration in Vietnam

Under the Ministry of Public Security's Circular 24/2023/TT-BCA providing the registration and grant of number plates of motor vehicles, effective as of August 15, foreigners can register their motorbikes and cars at their places of temporary or permanent residence.

(i) Proof of origin:

- If your vehicle is an imported one, the Vehicle Registration and Management System will acquire vehicle information from the Public Service Portal or the custom database;
- If your vehicle is manufactured or assembled in the country, the proof of origin will be the certificate of ex-works quality inspection; if the proof is unavailable, the paper certificate will be required.

(ii) Proof of ownership: If you buy the vehicle from, or are gifted the vehicle by its former owner, you will need a document proving the transfer of title, which may be:

- The e-invoice data, which will be acquired by the Vehicle Registration and Management System or the tax administration database; or,
- A notarized or authenticated agreement on sale and purchase or gifting of the vehicle.

(iii) Proof of payment of registration fee, which will either be taken by the Vehicle Registration and Management System in the form of electronic data or the tax administration database or a receipt of payment of registration fee to the state budget or another registration fee payment.

➤ [Circular No. 24/2023/TT-BCA](#)

OUR EXPERTISE

We are always at your service



Mergers & Acquisitions

We provide an end-to-end service to our clients, in cross-border as well as domestic M&A transactions, and are committed to providing pragmatic advice



Taxation

Our practice covers all types of taxes (commercial/sales, individual and VAT, among others) and we advise on matters ranging from compliance issues to the tax implications of particular transactions



Investment

We provide legal services to investors and foreign-invested enterprise. We always well understand the requirements of investors, financial institutions and stakeholders in large-scale investment projects in Vietnam.



Litigation

We always discuss thoroughly with customers and review the provided documents to propose optimal solutions which is best protect the rights and legitimate interests of customers in each specific case.



Banking & Project Finance

We have the expertise necessary to properly handle the risks in financial and banking activities and provide services such as: identifying potential risks, loan contracts, mortgage contracts, establish internal procedures of the banks



Labour

Our diverse service range from consulting employee recruitment, employee benefits, performance evaluation, contract signing and termination, personal income tax, and human resource management to, resolving labor dispute



Civil Matters

We strive to assist our clients in resolving legal issues in the area of civil, land, marriage and family



Contracts & Agreements

We provide service on consulting and reviewing contracts and agreements, to support clients to negotiate with their partners, to protect their legal rights and interests to settle contractual dispute



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PROFILES



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