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LAW BULLETIN

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V U T H I T H U H A

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.

INDEX

Monthly Updates

1. INSURANCE

- *Change the health insurance premium from the state budget*

2. ENERGY

- *New Petroleum Law detailed for implementation*

3. IMPORT - EXPORT

- *A series of new regulations for refurbished goods imported into Vietnam*



INDEX

Monthly Updates

4. FINANCE - BANKING

- *New regulations on State investment credit loans take effect from December 22, 2023*
- *Enterprises are allowed to contribute capital to joint stock commercial banks*

5. LAND – HOUSING

- *National Technical Regulation on fire safety of buildings and constructions*



Change the health insurance premium from the state budget

This is one of the new points prescribed in the Decree No. 75/2023/ND-CP on amending and supplementing a number of articles of the Government's Decree No. 146/2018/ND-CP dated October 17, 2018, detailing, and guiding measures to implement, a number of articles of the Law on Health Insurance.

In particular, the Decree 75 prescribes a number of contents on the health insurance premium from the state budget as follows:

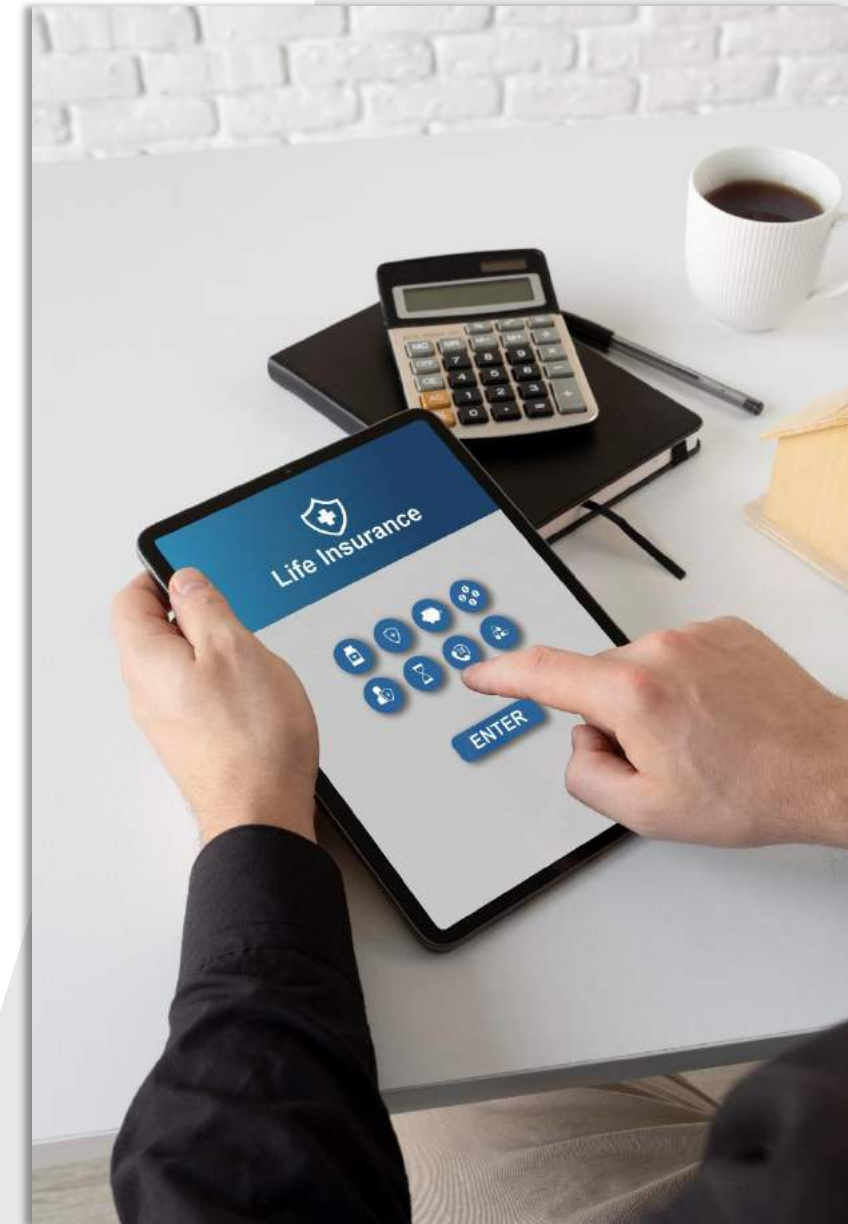
- Expand the groups of 100% of health insurance premiums from the state: Decree 75 prescribes that 100% of health insurance premiums, for persons of households living in near poverty in poor district areas under the Prime Minister's decisions and other documents issued by competent agencies;

In previous regulations, the Decree 146/2018 only prescribes that 100% of health insurance premiums, for persons of households living in near poverty in poor districts under the Government's Resolution No. 30a/2008/NQ-CP.

- Supplement the subjects of at least 70% of health insurance premiums: Ethnic minorities currently living in communes of Region II, Region III, and extremely difficult villages in ethnic minority and mountainous areas for the 2016-2020 period, and such communes are no longer on the List of communes in Region II, Region III, and extremely difficult villages in ethnic minority and mountainous areas for the period 2021-2025.

The Decree No. 75/2023/ND-CP takes effect on December 03, 2023.

▶ [Decree No. 75/2023/ND-CP](#)





New Petroleum Law detailed for implementation

Taking effect on July 1, No. 45/2023/ND-CP, guiding a number of articles of the Law on Oil and Gas, is expected to facilitate the petroleum sector's oil and gas exploitation and prospecting activities, thus contributing to its rapid and sustainable development.

With 64 articles arranged in 10 chapters, the Decree details the Law's provisions regarding:

- (i) basic oil and gas investigation;
- (ii) the list of oil and gas blocks;
- (iii) selection of contractors for signing of oil and gas contracts;
- (iv) oil and gas contracts;
- (v) safety in oil and gas activities;
- (vi) incentives for oil and gas activities;
- (vii) enhanced oil recovery at oil and gas fields, field clusters and blocks;

(viii) among other, within the mainland, islands and seas of the Socialist Republic of Vietnam.

This Decree is applicable to Vietnamese and foreign agencies, organizations and individuals involved in basic oil and gas investigation and oil and gas activities in the country.

Notably, for oil and gas contracts for which investment registration certificates are granted before July 1, the competence, dossiers, order and procedures for appraisal and approval of new reports, plans and programs or modification of existing ones after such date must comply with this Decree.

Issued together with Decree 45 are two appendices, one providing the model oil and gas production sharing contract and the other providing the accounting mode applicable to oil and gas contracts.

➤ [Decree No. 45/2023/ND-CP](#)

IMPORT - EXPORT

▶ [Back to index](#)

A series of new regulations for refurbished goods imported into Vietnam

Decree No. 77/2023/ND-CP was issued on refurbished goods under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP Agreement).

Accordingly, refurbished goods are products listed according to product codes in Appendix I, II, III, IV and V of this Decree; is composed in whole or in part of recovered material; Have a shelf life similar to the shelf life of the goods themselves when not in use; Can perform all the same functions as those of the goods themselves when not in use, with quality and performance unchanged or similar to the quality and performance of the goods themselves when not in use.

There is a warranty similar to the warranty applicable to the same type of goods when unused.

According to the Decree, the label of refurbished goods must have the phrase "Refurbished goods" that can be read with the naked eye and must meet the following conditions: Have an import license; Meets regulations on rules of origin of goods according to the CPTPP Agreement.

Meet relevant regulations of Vietnamese law and specialized laws being applied to new imported goods of the same type. In particular, depending on specific cases, there are regulations on: product labels, product quality, standards, technical regulations, energy efficiency, radiation safety, network information security, measurement, environmental protection, intellectual property rights protection, other regulations.

▶ [Decree No. 77/2023/ND-CP](#)





New regulations on State investment credit loans take effect from December 22, 2023

On November 7, 11, the Government issued Decree 78/2023/ND-CP amending and supplementing a number of articles of Decree 32/2023/ND-CP on State investment credit. Specifically, Article 6 of Decree 32/2017/ND-CP amended in Decree 78/2023/ND-CP stipulates that customers must fully meet the following conditions:

- Belonging to the subjects specified in Article 5 of Decree 32/2017/ND-CP;
- Have full legal capacity and carry out investment procedures according to regulations;
- Have an investment project applying for a loan that is appraised and evaluated by the Vietnam Development Bank as an effective project; have financial capacity to

repay debt at the time the Vietnam Development Bank considers and decides to lend;

- Equity capital participating in the project implementation process is at least 20% of the total investment capital of the project (excluding working capital), the specific level is considered and decided by the Vietnam Development Bank accordingly;
- Implement loan guarantees according to the provisions of Decree 32/2017/ND-CP and the provisions of law;
- Customers have no bad debt at credit institutions or foreign bank branches at the time the Vietnam Development Bank considers and decides to lend.

▶ [Decree 78/2023/ND-CP](#)

Enterprises are allowed to contribute capital to joint stock commercial banks

Circular No. 13/2023/TT-NHNN dated October 31st, 2023 of the State Bank on providing amendments to Circulars prescribing licensing, organization, operation, and application and procedures for approval of changes of commercial banks and foreign bank branches.

Notably, according to the amendments, supplements to clause 5 Article 2 of Circular No. 40/2011/TT-NHNN, non-bank enterprises, including domestic enterprises, foreign enterprises, state - owned enterprises may contribute capital to joint stock commercial banks if they meet the conditions at point b (iii) clause 3 Article 1 of this Circular. In which, the owner's equity is at least VND 1,000 billion and total asset is at least VND 2,000 billion in the last 03 consecutive years prior to the year of submission of an application for approval for

purchase and sale or transfer of the stake at a joint stock commercial bank (if the charter capital contributed to purchase is between 1% and 5% of the stake of the joint stock commercial bank); or it must have the owner's equity of at least VND 200 billion and total assets of at least VND 400 billion in the last 03 consecutive years if the purchase ratio is under 1% of the stake of the joint stock commercial bank.

However, each joint stock commercial bank (the commercial bank is established and organized in the form of a multi-member limited liability company) is only allowed to receive capital contribution of a non-bank enterprise as follows: it is maximum a Vietnamese bank with regard to the Vietnamese party and a foreign bank with regard to the foreign party.

▶ [Circular No. 13/2023/TT-NHNN](#)





National Technical Regulation on fire safety of buildings and constructions

Circular No. 09/2023/TT-BXD dated October 16th, 2023 of the Ministry of Construction on Amendment 1:2023 of QCVN 06:2022/BXD on National Technical Regulation on fire safety of buildings and constructions.

This Circular promulgates the Amendment 1:2023 on National Technical Regulation on fire safety of buildings and constructions (amendments to QCVN 06:2022/BXD) applicable from December 1st, 2023.

Construction design dossiers whose fire prevention and firefighting design has been approved by competent state authorities before the effective date of this Circular shall remain valid for compliance.

Construction design dossiers where competent state authorities have responded in

writing regarding fire prevention and firefighting design during fundamental design phase but whose fire prevention and firefighting design has not been approved before the effective date of this Circular shall be submitted for approval in accordance with the written response from competent state authorities.

Construction design dossiers where competent state authorities have not responded in writing regarding fire prevention and firefighting design and have not approved the fire prevention and firefighting design concerned from the effective date of this Circular shall conform to the QCVN 06:2022/BXD and the Amendment 1:2023 QCVN 06:2022/BXD.

▶ [Circular No. 09/2023/TT-BXD](#)

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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