ATS
LAWYERS

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LAW BULLETIN

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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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Ho Chi Minh City businesses eye opportunities from carbon market

Decision No. 42/2026/QD-TTg issued by the Prime Minister on August 10, 2026, 479 businesses in the city are required to conduct greenhouse gas inventories. Earlier, 16 thermal power and steel businesses had been allocated pilot emission allowances for 2025-2026. Depending on their emissions reduction results, these businesses may have demand for buying or selling allowances and carbon credits.

To prepare for the market, the department advised the municipal People's Committee to announce seven administrative procedures in climate change and three in forestry and forest protection that have been decentralised to provincial-level People's Committee chairpersons. This provides a basis for the city to process applications when businesses have relevant needs.

Ho Chi Minh City has proposed clarifying mechanisms for a private-sector carbon credit exchange, licensing requirements and connections with the national registration system. It has also called for the publication of a list of eligible carbon credit verification bodies by sector to help businesses select suitable providers.

Regarding the initial listing price of carbon credits generated by projects using public assets, Nguyen said specific guidance is needed to provide a basis for implementation. The city also proposed clarifying the rate of credit transfer and the share of emissions reductions eligible for conversion into credits for projects outside priority and encouraged sectors.

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- Decision 42/2026/QĐ-TTg

ENVIRONMENT

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Over 2,400 greenhouse gas emitting facilities must undergo inventory

Deputy Prime Minister Ho Quoc Dung signed Decision No. 42/2026/QD-TTg promulgating the List of sectors and facilities emitting greenhouse gases that must conduct greenhouse gas inventories (updated).

Six sectors that must conduct greenhouse gas inventories, including:

1. Energy (including energy production industry; energy consumption in industry, commerce, services and residential use; coal mining; oil and natural gas extraction);
2. Transportation (energy consumption in transportation);
3. Construction (including energy consumption in the construction industry; industrial processes in the production of building materials);
4. Industrial processes (including chemical production; metallurgy; electronics industry; use of substitutes for ozone-depleting substances; production and use of other industrial products);
5. Agriculture , forestry and land use (including livestock; forestry and land-use change; crop production; energy consumption in agriculture, forestry and fisheries; other agricultural emissions);
6. Waste (including solid waste landfills; biological treatment of solid waste; incineration and open burning of waste; wastewater treatment and discharge).

List of greenhouse gas emitting facilities required to conduct an updated greenhouse gas inventory by 2026, including:

1. The list of greenhouse gas emitting facilities under the Ministry of Industry and Trade that are required to conduct greenhouse gas inventories includes 1916 facilities.
2. The list of greenhouse gas emitting facilities subject to greenhouse gas inventory in the Construction sector includes: 53 facilities in the transportation sector and 411 facilities in the construction sector.
3. The list of greenhouse gas emitting facilities subject to greenhouse gas inventory under the Ministry of Agriculture and Environment includes 61 facilities.

➢ Decision 42/2026/QĐ-TTg

EDUCATION

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The government has issued new regulations regarding application documents for state-funded scholarships

Decree No. 322/2026/ND-CP amends and supplements a number of articles of Decree No. 86/2021/ND-CP dated September 25, 2021, on Vietnamese citizens going abroad for study, teaching, scientific research, and academic exchange.

One of the amendments concerns the regulations on the electronic database system for managing Vietnamese citizens studying, teaching, conducting scientific research, and participating in academic exchanges abroad. This is a specialized database of the Ministry of Education and Training , which is responsible for its development, management, exploitation, use, and connection and synchronization with the national population database and other relevant national and specialized databases.

According to the new regulations, the application dossier for studying abroad with a state budget scholarship includes an application form; a letter from the directly supervising agency nominating the applicant, a commitment to fulfilling the responsibilities of the nominated applicant, and a resume certified by the directly supervising agency in the case of applicants with a workplace.

Applicants must provide certified copies of diplomas, professional certificates, and foreign language proficiency certificates that meet the scholarship program requirements. If the diploma information is already available in the National Database on Education and Training, the sponsoring agency may access it for verification and comparison instead of requiring applicants to submit certified copies.

For international students who are not civil servants or public employees, the compensation amount is 100% of the training costs in cases of voluntarily dropping out of school or quitting their job during the training period; being expelled due to disciplinary action; or not receiving a diploma or certificate from the training institution.

➢ Decree No. 322/2026/ND-CP

TAX – FEE – CHARGE

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Digital ID holders get fee waivers, discounts

The Ministry of Finance has issued Circular No. 117/2026/TT-BTC, effective from August 15, 2026 to February 28, 2027, offering incentives to citizens who meet the prescribed conditions. Among the key benefits, registration fees for transferred houses and land will be cut by 10 per cent, while fees for passenger cars with up to nine seats from the second registration onward will fall by 50 per cent. Registration fees for motorcycles from the second registration onward will be fully waived.

Each registration-fee incentive applies once per asset, including house and land, car or motorcycle for each citizen within one year from the circular's effective date. The reduction is capped at five times the statutory base salary applicable at the time of declaration.

To access the benefits, citizens must use their Level-2 electronic identification accounts to submit registration-fee declarations online. Required property and vehicle documents must also be shared or integrated through the VNeID application.

The new policy also delivers a broader package of administrative fee waivers. Citizens will be exempt from fees for accessing civil status database information, residence registration, replacement or reissuance of identity cards, and criminal record information.

Certain fees for issuing or reissuing driving licences and international driving permits will also be waived, along with registration and licence-plate fees in specified vehicle registration cases. For travel documents, the circular provides exemptions for certain domestic ordinary passport applications, Vietnam-Laos and Vietnam-Cambodia border travel documents, Vietnam-China border-area travel documents, and the issuance or reissuance of ABTC cards. Eligible citizens will further receive a 50-per cent reduction in fees for registering secured transactions and obtaining information on secured transactions involving certain assets.

Fees for appraisal and approval of fire prevention and fighting designs will likewise be cut by 50 per cent, ranging from VND 250,000 (USD 9.6) to VND 75 million (USD 2,900) per project.

Where citizens qualify for incentives under both the new circular and other legal provisions, the most favourable benefit will apply.

➢ Circular 117/2026/TT-BTC

TAX – FEE – CHARGE

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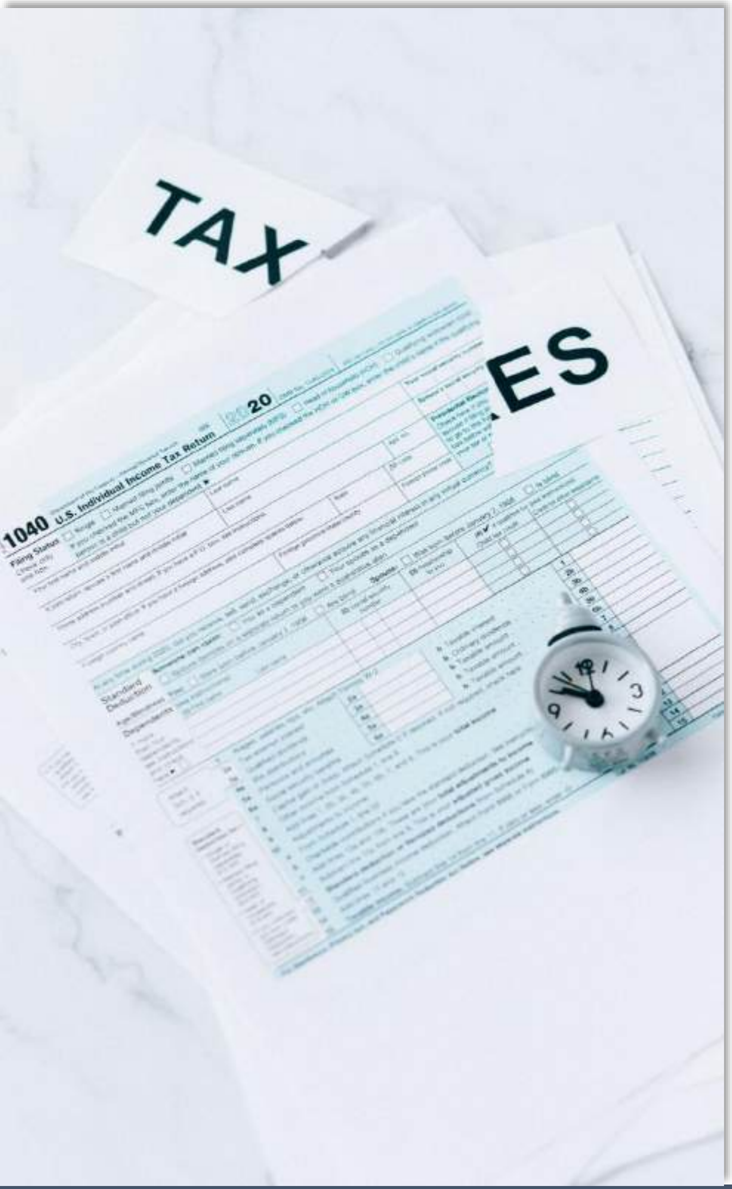

Circular No. 110/2026/TT-BTC repeals 22 Circulars and 3 Decisions in the tax from September 12, 2026

Accordingly, under Article 1 of Circular No. 110/2026/TT-BTC, the Ministry of Finance repeals 22 Circulars and 3 Decisions with effect from September 12, 2026, as follows:

The Circular includes the following documents:

1. Circular No. 69-TC/TCT
2. Circular No. 75A-TC/TCT
3. Circular No. 48/1998/TT-BTC
4. Circular No. 105/2000/TT-BTC
5. Circular No. 24/2002/TT-BTC
6. Circular No. 02/2004/TT-BTC
7. Circular No. 95/2004/TT-BTC
8. Circular No. 123/2004/TT-BTC
9. Circular No. 114/2007/TT-BTC
10. Circular No. 160/2009/TT-BTC
11. Circular No. 175/2010/TT-BTC
12. Circular No. 35/2011/TT-BTC
13. Circular No. 120/2011/TT-BTC
14. Circular No. 128/2011/TT-BTC
15. Circular No. 83/2012/TT-BTC
16. Circular No. 175/2012/TT-BTC
17. Circular No. 16/2013/TT-BTC
18. Circular No. 160/2013/TT-BTC
19. Circular No. 215/2013/TT-BTC
20. Circular No. 127/2015/TT-BTC
21. Circular No. 87/2018/TT-BTC
22. Circular No. 43/2019/TT-BTC

The Decision includes the following documents:

1. Decision No. 1042/1998/QD-BTC
2. Decision No. 18/2007/QD-BTC
3. Decision No. 78/2007/QD-BTC

Circular No. 110/2026/TT-BTC takes effect on September 12, 2026. For details, please refer to the attached document.

➢ Circular No. 110/2026/TT-BTC

INDUSTRY

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New policies to boost industrial cluster development issued

The Government has issued Decree No. 303/2026/ND-CP dated August 1, 2026, amending and supplementing Decree No. 32/2024/ND-CP regarding the management and development of industrial clusters.

A notable feature of the Decree is the amendment of Article 3, which clarifies and distinguishes between encouraged investment sectors, encouraged investor categories (organizations and individuals), and priority types of industrial clusters.

Accordingly, in addition to small and medium-sized enterprises, cooperatives, cooperative groups, and household or individual production facilities in craft villages or those practicing traditional trades, the Decree adds high-tech enterprises, manufacturers of high-tech products, strategic technology enterprises, science and technology enterprises, digital technology enterprises, and innovative startups to the list of entities encouraged to invest in industrial clusters. This provision aligns with the policies of the Politburo, the National Assembly, and the Government regarding private sector development.

In addition, the State continues to prioritize the development of various types of industrial clusters, such as craft village, specialized, supporting, high-tech, and eco-industrial clusters as well as models that are smart, efficient, and sustainable.

Decree amends the conditions for establishing industrial clusters as follows: in a commune where an industrial cluster already exists, the establishment of a new cluster will be considered only when the average occupancy rate of existing clusters exceeds 50% or the total unleased industrial land area is 50 hectares or less.

Regarding the expansion of industrial clusters, the Decree stipulates that the cluster must have achieved a minimum occupancy rate of 50% or demonstrate a demand for industrial land that exceeds the currently available area. This requirement does not apply to industrial clusters established prior to Decision No. 105/2009/QĐ-TTg.

Decree No. 303/2026/ND-CP takes effect on September 15, 2026, establishing a new legal framework for attracting investment, upgrading infrastructure, and improving the development efficiency of industrial clusters nationwide.

➢ Decree No. 303/2026/ND-CP

COMMERCIAL

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Conditions for establishing a Commodity Exchange from September 15, 2026

The government has just issued Decree No. 302/2026/ND-CP detailing some provisions and measures for implementing the Commercial Law regarding the trading of goods through commodity exchanges. The Decree specifies certain provisions and implementation measures of the Commercial Law regarding the trading of goods through commodity exchanges, including: the trading of goods through commodity exchanges; the conditions for establishing commodity exchanges, the powers and responsibilities of commodity exchanges, and the approval of the operating regulations of commodity exchanges; the operating conditions of commodity exchange brokerage firms; management measures in emergency situations; and the right to conduct commodity trading through commodity exchanges abroad.

Businesses proposing to establish a commodity exchange must be businesses established in Vietnam; in the case of businesses with foreign investment, the total capital contribution ratio of foreign investors must not exceed 49%. Businesses must have charter capital of VND 1,500 billion or more.

Simultaneously, businesses must have an information technology system that meets the requirements for safe, stable, and secure management and operation, including an electronic trading platform that ensures smooth and secure operation, capable of processing and storing transaction data, modifying orders, canceling orders, and matching results in real time; capable of connecting and exchanging data with the Clearing and Settlement Center to ensure that margin trading, clearing, and risk management in transactions are carried out accurately and promptly; and a transaction monitoring system capable of tracking, detecting, warning, and storing data to serve the management and supervision of commodity trading activities.

In addition, it is necessary to meet requirements for cybersecurity, information security, data security, and redundancy to ensure technical standards and system recovery capabilities in case of failure; it must be able to connect with members and state management agencies to ensure openness, security, synchronization, and the provision of accurate and transparent data.

Businesses must have a model and operational organization for a commodity exchange, and a solution and roadmap for listing goods produced in Vietnam; they must also have a draft operating charter that meets the requirements of Article 13 of the Decree.

➢ Decree No. 302/2026/ND-CP

BANKING - FINANCE

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Foreign credit institutions allowed to conduct int’l payments via accounts in Viet Nam from September

The State Bank of Viet Nam has issued a new circular allowing foreign credit institutions to conduct international payments and money transfers via accounts in Viet Nam from September 19, 2026. It supplement regulations on the use of foreign currency and Vietnamese Dong accounts opened by non-resident foreign credit institutions at authorized banks in Viet Nam, thereby completing the legal framework for correspondent account activities between domestic and foreign credit institutions.

The policy is consistent with international practices and meets the practical requirements of cross-border payment activities amid increasingly deep international integration.

It is expected to facilitate the provision of international payment and money transfer services.

In addition to international payments and money transfers, foreign credit institutions may also conduct collection and payment transactions in accordance with Circular No. 16/2014/TT-NHNN.

Other matters related to the use of the accounts will be agreed upon in writing by the two parties in compliance with Vietnamese law.

According to the Circular, Vietnamese banks must provide guidance to customers, inspect and retain transaction documents, assume responsibility for the services they provide, and fully comply with regulations on foreign exchange management, cashless payments, as well as anti-money laundering and counter-terrorist financing.

Notably, authorized banks must assume responsibility for providing payment and money transfer services through accounts held by foreign credit institutions at those banks, while complying with regulations on cashless payments, foreign exchange management and other relevant legal provisions.

- Circular No. 39/2026/TT-NHNN

BANKING - FINANCE

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Adding regulations on storing transaction records for payment accounts and e-wallets

The State Bank of Vietnam (SBV) has issued Circular No. 37/2026/TT-NHNN amending and supplementing several articles of Circular No. 04/2025/TT-NHNN regulating the retention period for records and documents in the banking sector.

The circular comprises four articles and two appendices. A notable provision is the addition of regulations regarding the transfer of records and documents when credit institutions, branches of foreign banks, or payment intermediary service providers are dissolved, go bankrupt, or cease operations. According to the new regulations, records and documents related to the opening and use of payment accounts and e-wallets, along with other information, records, documents, and reports as required by law on anti-money laundering, must be transferred to the State Bank of Vietnam (SBV) in electronic form. The entities are responsible for completing this transfer before the expiration of their operating license or before the SBV's decision to revoke the license takes effect.

For records, documents, and data received from the aforementioned units, the State Bank of Vietnam stipulates a minimum retention period of 5 years from the date of transfer. Providing information from these records to state agencies or other organizations must ensure compliance with the law on information security and personal data protection.

The Circular also amends and supplements the table of retention periods for records and documents in the banking sector. In the payment sector, in addition to the regulation that records of opening and closing payment accounts and e-wallets of customers are retained for 10 years, the Circular adds the group "*Transaction records on payment accounts and e-wallets of customers*," including transaction documents, payment orders, and receipt and disbursement documents. This group of records is subject to a 10-year retention period, including both paper and electronic data; the retention period is calculated from the end of the fiscal year.

➢ Circular No. 37/2026/TT-NHNN

BANKING - FINANCE

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Amend regulations on exchanging banknotes that do not meet circulation standards

Circular No. 16/2026/TT-NHNN of the State Bank of Vietnam, amending and supplementing several articles of Circular No. 25/2013/TT-NHNN regulating the collection and exchange of banknotes that do not meet circulation standards. It has amended and supplemented Article 6 on exchanging banknotes that do not meet circulation standards.

For polymer banknotes that are burned or deformed due to exposure to high heat, the remaining area must be at least 30% of the area of a banknote of the same type and still retain the original layout of a banknote; at the same time, at least two of the following security features must be identifiable: the hidden image in the small window, colorless fluorescent ink, fluorescent serial number, security thread, shimmering yellow strip, embossed portrait of President Ho Chi Minh , color-changing ink, positioning image, and watermark.

Based on this regulations, the State Bank of Vietnam branch or exchange unit shall exchange the banknotes for the customer. If the banknotes do not meet the exchange conditions, the State Bank of Vietnam branch or exchange unit shall return them to the customer and inform them of the reason. In cases where the exchange conditions for the banknotes cannot be determined and require examination, the customer must submit a request for exchange to the State Bank of Vietnam branch or exchange unit for examination in accordance with Article 7 of this Circular. Criteria for banknotes that are not suitable for circulation:

1. Money that does not meet circulation standards due to the circulation process (objective causes):

- Banknotes that have changed color, faded images, patterns, letters, or numbers; are wrinkled, torn, smudged, dirty, or old; are torn into separate pieces or are glued back together but still retain the original banknote;
- Metal coins that are worn, rusted, or partially or completely damaged in terms of images, patterns, letters, numbers, and plating.

2. Banknotes that do not meet circulation standards due to improper storage (subjective causes).

3. Banknotes with technical defects due to the manufacturer's printing or minting process, such as creased paper causing loss of image or color, ink stains, and other errors in the printing or minting process.

➢ Circular 16/2026/TT-NHNN

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