



JULY 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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TAX – FEES – CHARGES

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Rates of the charge for granting certificates of origin (C/Os) from July 21, 2023

On June 06, 2023, the Ministry of Finance issues Circular No. 36/2023/TT-BTC prescribing the rates, collection, remittance, management, and use of the charge for granting certificates of origin (C/Os).

Accordingly, rates of charge for granting C/Os are specified below:

- Grant of C/Os: VND 60,000 for a full set;
- Re-grant of C/Os: VND 30,000 for a full set of C/O.

Charge and fee payers shall pay charges and fees when submitting the dossier for C/Os. In the forms in accordance with Circular No 74/2022/TT-BTC:

- Making cashless payment of charges and fees into accounts for charge and fee

collection that are opened by charge- and fee-collecting organizations at credit institutions;

- Paying charges into accounts of charge amounts pending remittance into the state budget that are opened by charge-collecting organizations at the State Treasury;
- Paying charges and fees via accounts of money recipients other than charge- and fee-collecting organizations (applicable to cases of performance of administrative procedures or provision of online public services);
- Paying charges and fees in cash to charge- and fee-collecting organizations.

► [Circular No. 36/2023/TT-BTC](#)





Policy on value-added tax reduction from July 01, 2023

On June 30, 2023, the Government issues the Decree No. 44/2023/ND-CP stipulating the policy on value-added tax reduction from July 01, 2023. Accordingly, the Government grants 2% reduction of the value-added tax rate in 2022 for commodity and service groups currently subject to the value-added tax rate of 10%, except the following goods and service groups:

- Telecommunications, finance, banking, securities, insurance, real estate business, metals, precast metal products, mineral products (excluding coal exploitation), coke, refined petroleum, and chemical products. Details in Appendix I to this Decree;
- Goods and services liable to excise tax. Details in Appendix II to this Decree.

The reduction of value-added tax for each goods or service item specified in Clause 1 of this Article shall be uniformly applied at all stages of import, production, processing, and trading.

Reduced value-added tax rates:

- Business establishments calculating value-added tax by the credit method are entitled to the value-added tax rate of 8% for goods and services;
- Business establishments (including also business households and individuals) calculating value-added tax based on a percentage of their turnover are entitled to a 20%-reduction of the percentage used to calculate value-added tax when issuing invoices for goods and services eligible for value-added tax reduction.

➤ [Decree No. 44/2023/ND-CP](#)

TAX – FEE – CHARGES

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Registration fee rates for domestically manufactured automobiles from July 01, 2023

The new decree is scheduled to take effect from July 1, 2023 to December 12, 2023.

Since January 1, 2024, the level of automobile registration fees will follow the rate mentioned in Decree 10/2022/ND-CP, dated January 15, 2022.

The risk of economic turmoil had brought about a great impact on businesses, including domestic automobile assemblers and manufacturers. In addition, pressure from tightened credit policy, high interest rates, and market liquidity problems also have influence on consumer psychology as many people have decided to tighten their budget.

In the first three months this year, Viet Nam Automobile Manufacturers Association (VAMA) members sold a total of nearly 77,090 vehicles,

down 31 percent compared to the same period last year.

By the end of March 2023, the sales of domestically-assembled cars decreased by 34 percent while the number of imported cars dropped by 4% compared to the same period last year.

Hence, the Ministry of Industry and Trade asked the Government to halve the registration fee for locally assembled or manufactured cars during the first half of the year to boost market demand.

► [Decree No. 41/2023/ND-CP](#)





Pilot auction of automobiles' number plates from July 01, 2023

On June 26, 2023, the Government issued Decree No. 39/2023/ND-CP on the pilot auction of automobiles' number plates.

The Decree No. 39 guides steps to organize an auction of automobiles' number plates as follows:

(i) Step 1: Registration for participating in the auction

- Bidder shall be provided with an account to get access to, be guided on how to use the account, how to offer bids and other contents on the online auction website to conduct the auction;
- Bidders shall select the automobile's number plates in the list of automobiles' number plates to be put up for auction in all provinces and centrally-run cities nationwide to participate in the auction;

- Bidders shall pay the dossier expenses, the deposit for the automobile's number plates selected for auction to the account of the property auction organization and shall be granted a code to participate in the auction for such automobile's number plates.

(ii) Step 2: Bidding: Bidders shall access to the online auction website using their own accounts and conduct auction procedures as prescribed in the Auction Regulations.

(iii) Step 3: Determining the winning bidder

At the end of the online auction, the website shall identify the winning bidder, announce the auction result, display the auction minutes for confirmation by the winning bidder, and send them to the emails of bidders who have registered with the property auction organization.

➤ [Decree No. 39/2023/ND-CP](#)

Stiffer safety requirements for oil and gas facilities

The Government on July 1 issued Decree 45, detailing a number of articles of the Law on Oil and Gas, specifying requirements for ensuring safety in the engineering, manufacturing, construction and operation of oil and gas facilities.

Accordingly, oil and gas facilities must be designed and built in conformity with national technical regulations, national, regional or international standards or foreign standards that are accredited and widely applied in accordance with Vietnam's law and in accordance with treaties to which Vietnam is a contracting party.

Specifically, these facilities are required to satisfy requirements on several standards such as technological safety and construction safety, fire prevention, fighting safety, safety zones and corridors, as well as environmental protection,...

In addition, they must be capable of carrying designed loads in the course of the operation and upon the occurrence of breakdowns. Under the new rule, contractors will have to identify, analyze and assess all possible risks against machinery, equipment, chemicals and hazardous materials of oil and gas facilities. Risk assessment results will be used as input data for the performance of emergency responses.

At the same time, contractors are required to maintain an emergency response system to effectively perform rescue operations upon the occurrence of breakdowns or accidents that cause harm to people, the environment or property.

➤ [Decree No. 45/2023/ND-CP](#)





10 demands ineligible for borrowing loans from September 01, 2023

On June 28, 2023, the State Bank of Vietnam issued Circular No. 06/2023/TT-NHNN. Accordingly, a credit institution may not provide loans to meet the following demands:

- Carrying out investment or business activities in sectors and trades in which such activities are banned by the Law on Investment;
- Paying expenses for or financing investment or business activities in sectors and trades in which such activities are banned and other transactions or acts which are banned by law;
- Buying and using goods and services of sectors and trades in which investment and business activities are banned by the Law on Investment;
- Buying gold bullion;
- Repaying the credit extended at the lending credit institution;
- Repaying foreign loans (excluding deferred payment foreign loans for goods), credit extended by another credit institution
- Depositing money (new regulations)
- Paying capital contributions, purchasing, receiving the transfer of contributed capital of limited liability companies, partnerships;
- Paying the capital contribution under the capital contribution contract, investment cooperation contract;
- For financial offsetting, unless the loan fully meets the following conditions: the client has advanced the client's own capital to pay and cover the cost of implementing the business project, which has been incurred less than 12 months up to the time the credit institutions decide to provide loans;

➤ [Circular No. 06/2023/TT-NHNN](#)

Vietnam to amend opening procedure for operations of non-bank credit institutions

The Governor of the State Bank of Vietnam promulgated Circular No. 05/2023/TT-NHNN on issuing licenses, organization, and operation of non-bank credit institutions. Accordingly, the opening procedure for operations of credit institutions is as follows:

- (i) Licensed non-bank credit institutions may only begin their operations from opening date;
- (ii) Licensed non-bank credit institutions must meet the requirements prescribed in Article 26, Credit Institutions Law to open their operations;
- (iii) Licensed non-bank credit institutions must send written notices of the satisfaction of requirements for opening to branches of the State Bank of Vietnam where they are headquartered and the State Bank of Vietnam;

Previously, according to Circular 30/2015/TT-NHNN, licensed non-bank credit institutions

must send written notices of the satisfaction of requirements for opening at least 15 days before their expected opening day in person or by post to:

- Bank Supervision and Inspection Authorities in areas where they are headquartered;
- Provincial or municipal branches of the State Bank of Vietnam in areas where they are headquartered if they are not in the proximity of any Department of Bank Supervision and Inspection.

(iv) Non-bank credit institutions must conduct their opening within 12 months after they are licensed. If they fail to conduct their opening after the mentioned period, the State Bank of Vietnam shall revoke the licenses.

▶ [Circular No. 05/2023/TT-NHNN](#)





Vietnam to increase pensions by 12,5% to 20,8% as of July 1, 2023 for 9 groups of beneficiaries

On June 29, 2023, the Government of Vietnam promulgated Decree No. 42/2023/ND-CP on adjustments to pensions, social insurance allowances, and monthly allowances. Accordingly, pensions, social insurance allowances, and monthly allowances are increased by 12,5% to 20,8% as of July 1, 2023, for the following persons:

- Officials, workers, public employees, employees, soldiers, people's police officers, and persons performing cipher work that are currently receiving monthly pensions;
- Officers of communes, wards, and towns;
- Beneficiaries of monthly allowances for loss of working capacity as prescribed by laws; beneficiaries of monthly allowances;
- Officers of communes, wards, and towns that are currently receiving monthly

allowances according to Decision No. 130-CP and Decision No. 111-HDBT;

- Soldiers that are currently receiving monthly allowances;
- People's police officers that are currently receiving monthly allowances;
- Soldiers, people's police officers, and persons performing cipher work receiving wages similar to soldiers and people's police officers that are currently receiving monthly allowances according to Decision No. 62/2011/QD-TTg;
- Beneficiaries of monthly occupational disease or accident allowances;
- Beneficiaries of monthly death allowances before January 1, 1995.

➤ [Decree No. 42/2023/ND-CP](#)

Adjustments to Hanoi Master Plan: Urban development space on both sides of Ring Road 4

On June 06, 2023, the Prime Minister issued the Decision No. 700/QĐ-TTg on approving adjustments to Hanoi Master Plan by 2045, with a vision towards 2065

In order to Develop Hanoi into a modern and smart city that plays a leading role in spreading the urban region; having a high standard of living and quality of life; achieving a comprehensive, unique, and harmonious development of economy, culture, and society.

Promote the development of satellite urban areas, and cities affiliated to Hanoi; strictly manage the development of high-rise buildings in the central areas...

Adjust Hanoi Master Plan with the Red River as a green arc and central landscape with harmonious urban design on its two banks. Adjust Hanoi Master Plan with the Red River

as a green arc and central landscape with harmonious urban design on its two banks. Consider increasing the ratio of land for urban growth; develop the "city within the Capital" model in the North (Dong Anh, Me Linh, Soc Son) and in the West (Hoa Lac, Xuan Mai);

For transportation, the city shall adjust and supplement solutions for planning the framework technical infrastructure system in line with the national sector planning orientation (airway, road, waterway, and railway) in association with the implementation roadmap according to each phase. Improve connectivity with neighboring Hanoi region and the Red River Delta provinces. Review and adjust the main routes, and bridges over the Red River, Duong River, Da River, Day River, and other major river routes.

➤ [Decision No. 700/QĐ-TTg](#)



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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