



# OCTOBER 2023

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# LAW BULLETIN

## ATS LAW FIRM

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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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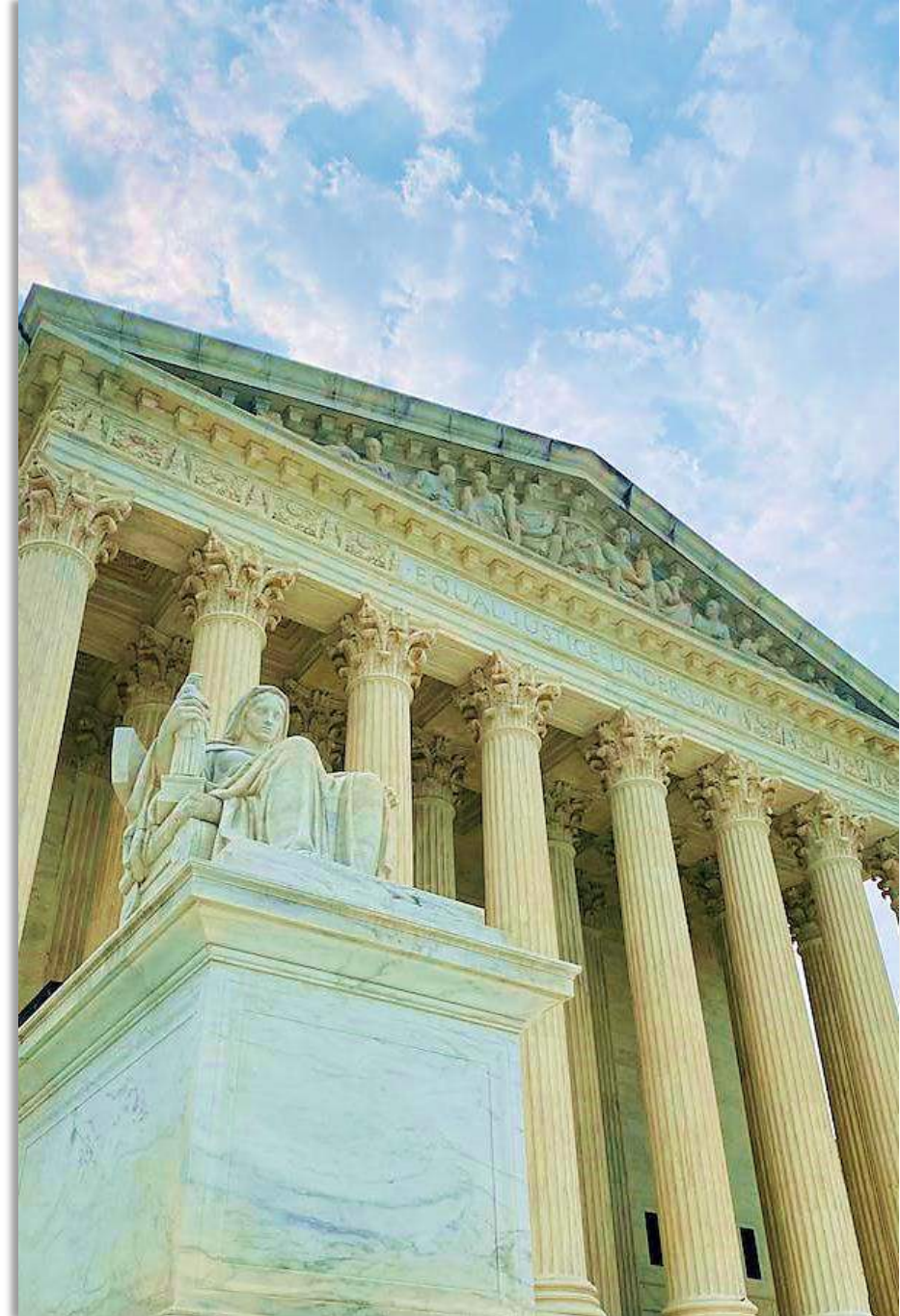
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# TAX – FEE – CHARGES

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## Charges for grant of multiple-entry visas from October 3, 2023

On October 3, 2023, the Ministry of Finance issues Circular No. 62/2023/TT-BTC amending and supplement Circular No. 25/2021/TT-BTC, prescribing the rates of charges and fees related to exit from, entry into, transit through and residence in Vietnam and charge and fee collection, remittance, management and use. Accordingly:

(i) Charges for grant of multiple-entry visas as follows:

- Visas of a validity of not exceeding 90 days: USD 50/visa;
- Visas of a validity of between over 90 days and 180 days: USD 95/visa;
- Visas of a validity of between over 180 days and 01 year: USD 135/visa;
- Visas of a validity of between over 01 year and 02 years: USD 145/visa;

(ii) Charge-collecting organizations may retain 25% of the collected charge amounts to cover the expenses specified in Article 5 of Decree No. 120/2016/ND-CP, in which, other expenses related to job performance, service provision, and fee collection include expenses for travel, accommodation, hiring interpreters, watching detained foreigners; medical examination and treatment for foreigners when they get sick, for providing training and further training to improve the qualifications and knowledge of officials and soldiers engaged in immigration management work; for application of advanced and modern science and technology serving immigration management work and for negotiation and cooperation with foreign parties in issuance of visas and papers related to exit from and entry into Vietnam for foreigners.

▶ [Circular No. 62/2023/TT-BTC](#)





## Charges in registration of secured transactions

On September 28, 2023, the Ministry of Finance issues Circular No. 61/2023/TT-BTC providing for the rates and collection, remittance, management and use of charges in registration of secured transactions. Accordingly:

- (i) To add the charge for grant of codes for self-single-search according to basic standards which is VND 10,000/time. The charge for searching data according to basic, advanced standards and getting extracted data is VND 2,000/transaction.
- (ii) The Transaction and Asset Registration Center acting as a charge-collecting organization may:
  - Retain 85% of the collected charge amounts to cover expenses for provision of services and collection of charges under Article 5 of Decree No. 120/2016/ND-CP (including also expenses for the National Registration

Agency for Secured Transactions to cover the management, operation and maintenance of the online registration system and the database on security interests under the Ministry of Justice);

- Remit 15% of the collected charge amounts into the state budget according to the chapter and item of the current State Budget Index.
- (iii) Charge-collecting organizations include: The Vietnam Maritime Administration under the Ministry of Transport or the Vietnam Maritime Administration's Branches or Maritime Administrations as decentralized by the Vietnam Maritime Administration; The Transaction and Asset Registration Center of the National Registration Agency for Secured Transactions under the Ministry of Justice; The National Registration Agency for Secured Transactions.

▶ [Circular No. 61/2023/TT-BTC](#)



## New regulations on compensation for consumers

The National Assembly has approved the Law on Protection of Consumer Rights 2023. The Law supplements the subjects of compensation for consumers in the case of defective product or goods means a product or goods that is unsafe to consumers and likely harms the life, health, or property.

In particulars, the business organization and individuals are:

- Products or goods producers and importers;
- Organizations and individuals with their commercial names on products, goods or using trademarks or commercial indicators showing that they are products and goods producers or importers;
- Organizations and individuals performing commercial intermediary activities for

products and goods. Within that, in accordance with Chapter V of the Commercial Law 2005, intermediary activities in commerce include representation of traders, commercial brokerage, sale and purchase of goods by mandated dealers, commercial agency...

- Organizations and individuals directly providing products and goods to consumers;
- Relevant organizations and individuals.

In case traders are unidentifiable, organizations and individuals directly providing products and goods to consumers shall take responsibility for compensation for consumers, unless otherwise provided by law.

➤ [Law on Protection of consumers rights](#)







## Nation loosens regulation on foreign workers' employment

Under Decree 70 dated September 18, every foreign expert has to possess a university or higher degree or an equivalent qualification diploma and have at least three years' work experience for his/her intended working position in Vietnam.

Compared to Decree 152, the new regulation no longer requires foreign experts' university degrees to be relevant to the working positions for which they will be employed.

Besides, foreign technical workers are required to undergo training for at least one year and have at least three years' working experience relevant to their expected job assignments in Vietnam.

Notably, at least 15 days before the expected date of a foreign worker's work commencement, his/her employer (other than the contractor) will have to submit a

report on a change in the demand for employment of foreigners regarding the working position, form of job performance and workplace to the Ministry of Labor, Invalids and Social Affairs (MOLISA) or provincial-level Department of Labor, Invalids and Social Affairs.

In case a foreign worker works for an employer in Vietnam in different locations, such locations must all be listed in the application for a work permit.

As assigned under the Decree, MOLISA will be in charge of the unified state management of recruitment and management of foreign workers in Vietnam, and delegate powers to provincial-level Departments of Labor, Invalids and Social Affairs for management of foreign workers in their localities.

▶ [Decree No. 70/2023/ND-CP](#)

## Pilot disposal of bad debts of credit institutions to the end of December 31, 2023

The Government issues the Resolution No. 148/NQ-CP on regarding pilot disposal of bad debts of credit institutions.

Accordingly, during the extended period of the Resolution the Government requests to direct and perform the following tasks:

- The State Bank of Vietnam shall require credit institutions, Vietnam Asset Management Company (VAMC), and relevant entities of the State Bank of Vietnam to be fully aware of the extended period;
- The Ministry of Information and Communications to strengthen their propagation and dissemination to raise awareness of bad debt disposal for people;
- Direct and guide media agencies to regularly hold seminars so that credit institutions can exchange information and experience in dealing with bad debts and disposal of collateral;
- The State Bank of Vietnam shall coordinate with concerned ministries and agencies in proposing legislation of regulations on the disposal of bad debts and collateral thereof along with reviewing and amending the Law on Credit Institutions;
- The Ministry of Finance shall develop and formulate regulations on standards for the valuation of credit debts to establish a legal basis for the valuation activities of valuation organizations.

▶ [Resolution No. 148/NQ-CP](#)







## Reduce 30% of land rental for 2023

On October 03, 2023, the Prime Minister issues Decision No. 25/2023/QĐ-TTg on reduction of land rental for 2023.

- Subject entitled to land rental reduction include: Organizations, units, enterprises, households and individuals directly leasing land from the State with annual land rental payment under competent state agencies' decisions or contracts or certificates of land use rights and ownership of houses and other land-attached assets.
- This regulation applies to land lessees ineligible for land rental exemption or reduction, land lessees whose land rental exemption or reduction period expires, and land lessees eligible for land rental reduction as specified in the land law (the

Land Law and its detailing documents) and other relevant laws.

- To reduce payable (receivable) land rental by 30% for 2023 for land lessees specified in Article 2 of this Decision; not to reduce land rentals based on the remaining land rental amounts of the years preceding 2023 and late-payment interests (if any).

In case a land lessee is entitled to the prescribed land rental reduction, and/or the reduction of expenses for compensation and ground clearance as prescribed by the law on land rentals, a 30% reduction of land rental shall be calculated based on the land rental amount he/she/it has to pay (if any) after being eligible for the prescribed current land rental reduction and/or compensation and ground clearance deduction.

▶ [Decision No. 25/2023/QĐ-TTg](#)

## Government issues new rules on civil liability insurance for motor vehicle owners

The Government has recently issued a regulation on compulsory civil liability insurance for motor vehicle owners in a move to facilitate their participation in civil liability insurance.

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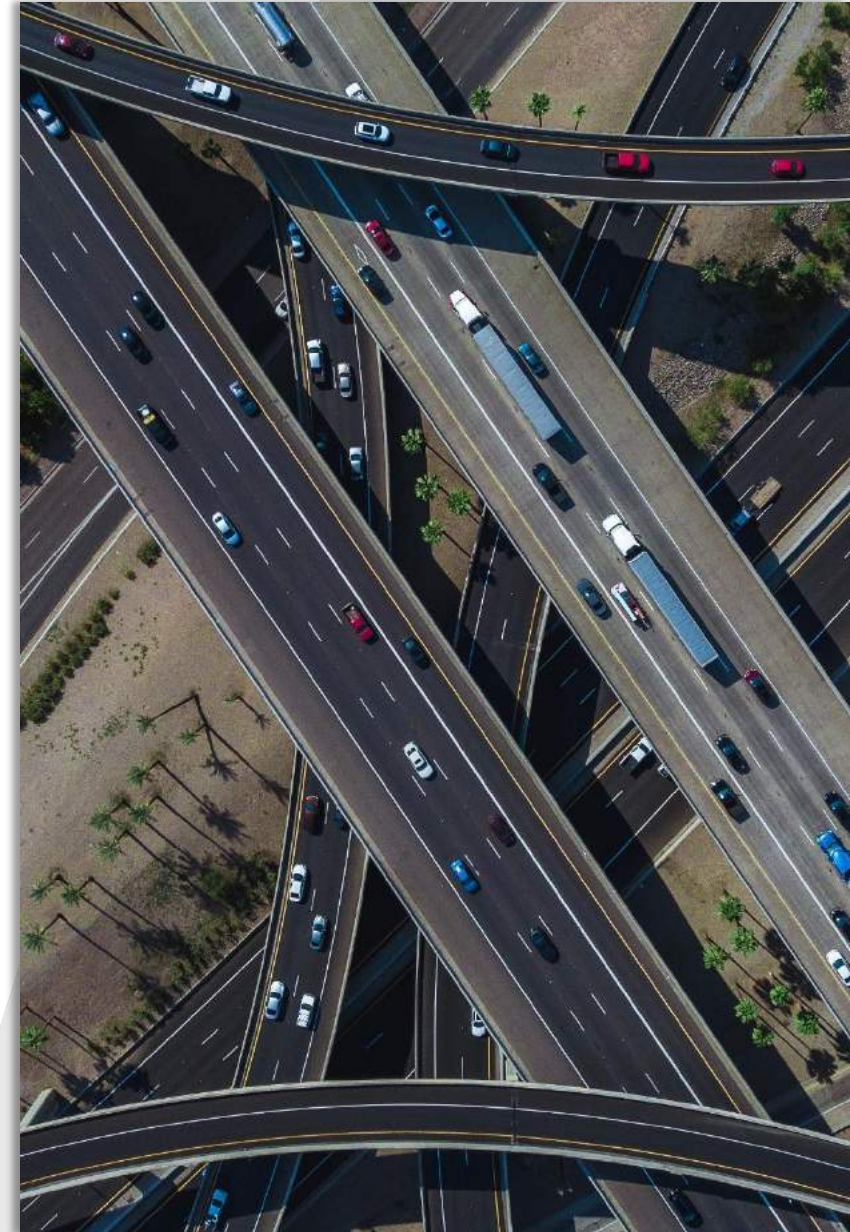
As per Decree 67 issued on September 6, civil liability insurance duration of motor vehicle owners will be between one year to three years, except motor vehicles temporarily imported for re-export with the period of joining traffic in Vietnam of less than one year, those intended for use for less than one year,

and those subject to temporary registration under the Minister of Public Security's regulations.

Decree 67 provides civil liability insurance limits for damage caused by motor vehicles.

Specifically, in case of an accident, the insurance limit for damage caused to people's health or life by motor vehicles will be VND 150 million per person. Meanwhile, an insurance sum of VND 50 million will be applied for damage to assets caused by motorbikes, three-wheeled motorcycles, electric motorcycles, and vehicles of similar structure, and VND 100 million for damage to assets caused by cars, tractors, trailers or semi-trailers, and tractors as specified in the Law on Road Traffic.

▶ [Decree No. 67/2023/ND-CP](#)





# 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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