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LAW BULLETIN

ATS LAW FIRM

Ha Noi City Office
10th Floor, Dao Duy Anh Tower
9 Dao Duy Anh Street, Dong Da District, Ha Noi City
Email: partners@atslegal.vn – Tel: +84-24-3751 1888

Ho Chi Minh City Office
12th Floor, 40 Pham Ngoc Thach
Vo Thi Sau Ward, District 3, Ho Chi Minh City
Website: www.atslegal.vn - Tel: 84-28-3926 2635





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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Cabinet sets out 17 national actions to combat money laundering

Deputy Prime Minister Le Minh Khai on February 23 signed Decision 194/QD-TTg, promulgating the national action plan to implement the Government's commitment to prevent and combat money laundering, terrorist financing, and financing of the proliferation of weapons of mass destruction.

The decision aims at realizing the National Action Plan to implement the Vietnamese Government's commitment with the Financial Action Task Force (FATF), so as to soon remove the country from the Increased Monitoring List (Grey List) on the basis of ensuring to the maximum national interests.

Under the decision, 17 specific actions are set out to implement the commitment, i.e. demonstrating that competent authorities have improved understanding of money laundering/terrorist financing risks and are

taking actions to mitigate these risks through the implementation of related strategies and policies; and proving effective cooperation, coordination and communication between relevant agencies. Attention will be paid to strengthening formal cooperation (multilateral cooperation in extradition and legal assistance) and informal cooperation (of law enforcement agencies and Financial Intelligence Units) with foreign partners by providing constructive information and proactively seeking cooperation regarding criminals and their assets; and ensuring competent authorities, including central agencies, are provided with appropriate resources to carry out international cooperation.

➤ [Decision No. 194/QD-TTg](#)

Risk control in customs operation

The Ministry of Finance issued Circular 06/2024/TT-BTC (“Circular 06”) dated 29 January 2024 to amend Circular 81/2019/TT-BTC dated 15 November 2019 on risk control in customs operation. Circular 06 takes effect from 15 March 2024, except certain provisions which will be applicable from 15 July 2025.

Circular 06 revises the criteria for assessment of law compliance and the criteria for classification of risk levels for customs declarants.

The customs offices shall base on the results of assessment of law compliance and classification of risk levels to apply appropriate customs inspection measures and other professional measures.

Regarding refund of taxes for import-export goods, the customs offices will classify dossiers for tax refund, non-collection of tax and apply a corresponding measure for customs declarants with different risk levels. Customs declarants facing high risks will be inspected first and refunded tax later. Customs declarants facing medium risks will be refunded tax first and inspected later and subject to inspection within 05 years after the date of tax refund decision.

Customs declarants facing low risks will be refunded tax first and inspected later and subject to random inspection within 05 years after the date of tax refund decision.

▶ [Circular No. 06/2024/TT-BTC](#)





Contents of shared information on and results of international cooperation in law and judicial reform in Vietnam

On March 1, 2024, the Government of Vietnam promulgated Decree No. 26/2024/ND-CP on international cooperation in laws and judicial reform.

(i) Cooperative authorities and organizations shall share information on and results of international cooperation in laws and judicial reform under one of the following methods: Posting information on and results of international cooperation in laws and judicial reform on their web portals/websites (if any); or Printing and distributing publications on the results of international cooperation in laws and judicial reform.

(ii) Contents of shared information on and results of international cooperation in law and judicial reform:

- International treaties and agreements containing contents of cooperation in laws and judicial reform in Vietnamese and foreign languages.
- Documents of programs, projects, and non-project assistance containing contents of laws and judicial reform in Vietnamese and foreign languages (if any).
- Contents of cooperation in laws and judicial reform of programs, projects, and non-project assistance after their end; results of international conferences and seminars on laws and judicial reform not subject to programs, projects, and non-project assistance after their end.

➤ [Decree No. 26/2024/ND-CP](#)

The transfer of electricity works being public assets to the Vietnam Electricity

On January 10, 2024, the Government issues Decree No. 02/2024/ND-CP on the transfer of electricity works being public assets to the Vietnam Electricity.

Accordingly, electricity works that are public assets transferred including:

- Electricity works being public assets at state agencies, public non-business units, people's armed forces units, agencies of Communist Party of Vietnam, Vietnam Fatherland Front, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, other organizations established in accordance with the law on associations;
- Electricity works being public assets assigned to enterprises to manage, excluding the state capital component at the enterprises;
- Electrical works belonging to state-funded technical infrastructure projects of which the project owners are the Project Management Boards, agencies, organizations or units;
- Electricity works belonging to technical infrastructure commonly used in urban area projects, residential area projects, and other projects that must be handed over to the State by the project owners in accordance with law, etc.

➤ [Decree No. 02/2024/ND-CP](#)





The application form for renewal and re-grant of certificates of traffic safety investigator is replaced

On January 01, 2024, the Government issues the Decree No. 01/2024/ND-CP amending and supplementing a number of articles of the Government's Decree No. 11/2010/ND-CP prescribing the management and protection of road infrastructure facilities. Below are a number of remarkable contents of this Decree:

(i) To replace 03 Appendices attached to the Decree No. 11/2010/ND-CP, including:

- The application form for renewal and re-grant of certificates of traffic safety investigator;
- The application Official Dispatch for approval of operations of traffic safety investigator training establishments;
- The application Official Dispatch for re-grant of certificates of approval of

operations of traffic safety investigator training establishments.

(ii) In case the application dossier for settlement of administrative procedures related to the provision of training traffic safety investigator services (re-grant of certificates of traffic safety investigator, renewal of certificates of traffic safety investigator, approval of operations of traffic safety investigator training establishments, re-grant of certificates of approval of operations of traffic safety investigator training establishments) has been submitted to the Department for Roads of Vietnam before the effective date of this Decree, provisions of the Government's Decree No. 11/2010/ND-CP shall continue to be complied with.

➤ [Decree No. 01/2024/ND-CP](#)

MOT to raise ceiling airfares next month

The Government on February 5 issued Decree 12/2024/ND-CP, specifying four land valuation methods instead of the current five, namely comparison method, income-based method, surplus-based method and land price adjustment coefficient method.

In addition, the new regulation also details conditions applying those methods.

Under the new Land Law 2024, the land price list will be published on an annual basis with the first list applied from January 2026. On an annual basis, the provincial/municipal People's Committee will propose to the provincial/municipal People's Council adjustment, amendments and supplements for the land price list, which will become effective the following year.

The specific land price on the land price list is used as a starting price for auctioning land use rights when the State allocates land with collection of land use fees, or leases land with a one-time fee for the entire lease period.

The natural resources and environment agency is responsible for helping People's Committees at the same level carry out the determination of specific land prices.

▶ [Circular No. 34/2023/TT-BGTVT](#)





Amending foreign trade development measures

On February 07, 2024, the Government issues Decree No. 14/2024/ND-CP on amending and supplementing several articles of the Decree No. 28/2018/ND-CP detailing several articles of the Law on Foreign Trade Management regarding foreign trade development measure. Some important contents is prescribed in the Decree 14 as follows:

A foreign trade-promotion organization wishing to establish a Vietnam-based representative office shall send 1 dossier of application for a license for the establishment of a Vietnam-based representative office to the provincial-level Department of Industry and Trade (the licensing agency) of the locality where the representative office is expected to be located. Within 20 days of receiving a complete dossier, the licensing agency shall consider it and grant to the foreign trade promotion

organization a license for the establishment of the representative office. If refusing to grant a license, the licensing agency shall issue a written reply, clearly stating the reason.

After granting to a foreign trade-promotion organization a license for establishment of Vietnam-based representative office, the licensing agency shall send an electronic license to the Ministry of Industry and Trade, Ministry of National Defense, Ministry of Public Security, provincial-level Departments of Industry and Trade nationwide, and provincial-level agencies of the locality where the representative office is located, including the provincial-level People's Committee, tax office, statistics office and Public Security agency, and publish such on the licensing agency's website.”.

▶ [Decree No. 14/2024/ND-CP](#)

Amending regulations on cancellation of franchise registration

On January 30, 2024, the Ministry of Industry and Trade issues Circular No. 03/2024/TT-BCT amending and supplementing a number of articles of the Minister of Industry and Trade's Circulars concerning to franchise, representative offices and branches of foreign traders, the trading of goods and activities directly related to the trading of goods by foreign service providers.

(i) Amending regulations on cancellation of franchise registration in Part IV of Circular No. 09/2006/TT-BTM as follows:

A trader's franchise registration shall be canceled in the cases specified in Article 22 of Decree No. 35/2006/ND-CP. Within 5 working days from the date of cancellation of a trader's franchise registration, the Ministry of Industry and Trade shall publicize such cancellation on its website according to Form No. TB-6A provided in Appendix II to this Circular.

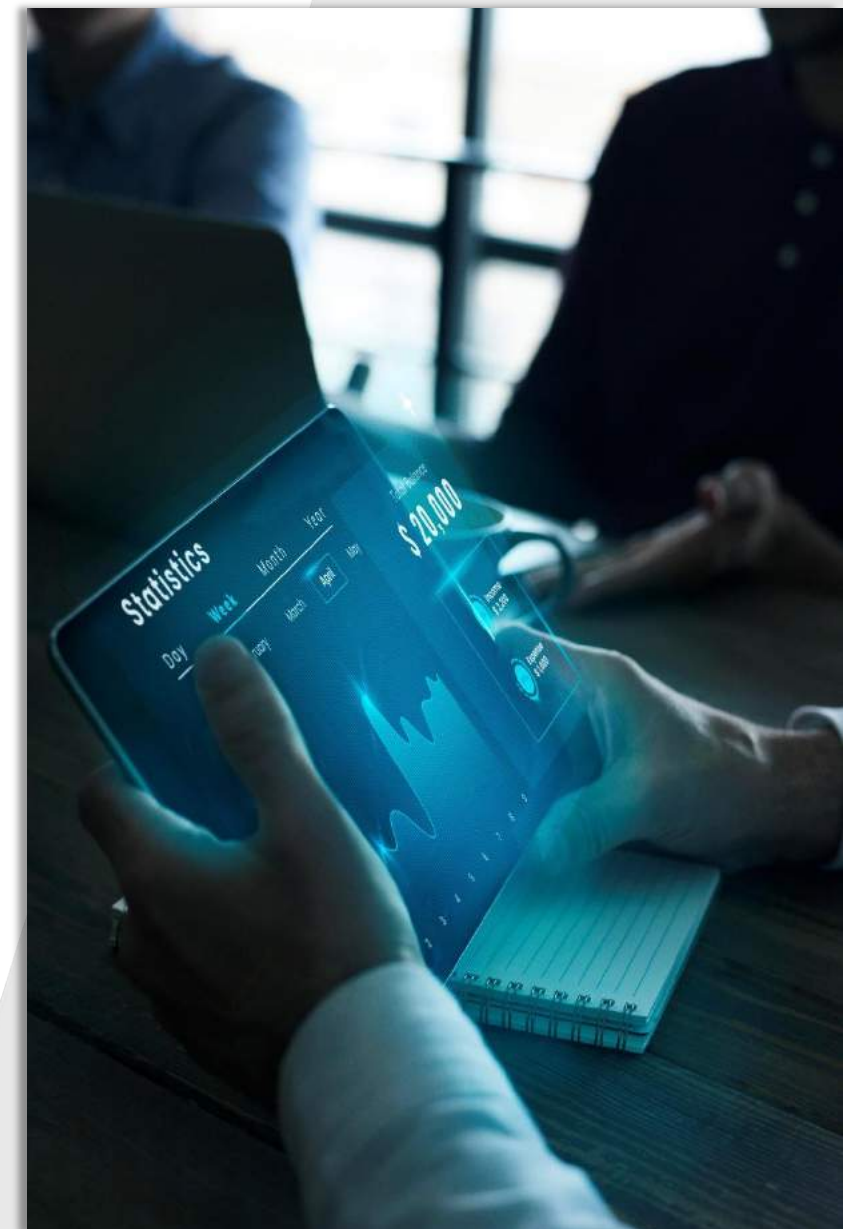
(ii) Amending Article 2 of Circular No. 11/2016/TT-BCT:

Codes of provinces and centrally-run cities shall comply with the list of codes of provinces and centrally-run cities where citizens register their birth according to the Minister of Public Security's regulations in each period.

(iii) Amending Clause 2 Article 4 of Circular No. 11/2016/TT-BCT as follows:

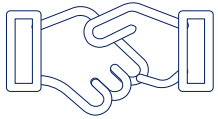
The Vietnam E-commerce and Digital Economy Agency under the Ministry of Industry and Trade shall establish, manage, run, and maintain the operation and provide training courses and guidance on use of the database of Vietnam-based representative offices and branches of foreign traders on the website <http://vpdd.dvctt.gov.vn>.

▶ [Circular No. 03/2024/TT-BCT](#)



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.



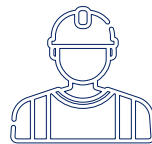
Litigation

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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