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LAW BULLETIN

ATS LAW FIRM

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

Ho Chi Minh City Office
12th Floor, 40 Pham Ngoc Thach
Xuan Hoa Ward, Ho Chi Minh City
Website: www.atslegal.vn - Tel: 84-28-3926 2635

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LAWYERS

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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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Amendments and additions to certain regulations on administrative sanctions for violations in the field of land

Amendments and additions to certain regulations on administrative penalties for violations in the field of land. Specifically, Decree No. 281/2026/ND-CP adds Article 3a after Article 3, stipulating the principles for determining administrative violations in the field of land as follows:

(1) Administrative penalties for land-related violations in special administrative zones recognized as urban areas according to the law, performing the corresponding tasks and powers of local government at the ward level, shall be applied at the same penalty levels as for ward-level administrative units; administrative penalties for land-related violations in special administrative zones performing the corresponding tasks and powers of local government at the commune level shall be applied at the same penalty levels as for commune-level administrative units.

(2) If a husband and wife jointly own land, administrative penalties for violations will be applied as if they were an individual.

Notably, this Decree amends and supplements point b, clause 2, and adds points p, q, r, and s after point o, clause 3, Article 4, in the direction of adding remedial measures such as: Forcing the restoration of the land to its original state before the violation; forcing the restoration of the original state of the administrative boundary markers; forcing the re-implementation of administrative procedures regarding land; and forcing the return of documents that have been erased, altered, falsified, or forged.

In addition, this Decree amends and supplements Clause 1, Article 6, which stipulates the determination of illegal profits obtained from violations.

The police officers, as stipulated in Article 8 of Government Decree No. 189/2025/ND-CP dated July 1, 2025, detailing the Law on Handling Administrative Violations regarding the authority to impose administrative penalties, are authorized to impose penalties for administrative violations in the use of land for security purposes as prescribed in Clauses 1 and 5 of Article 12; Clauses 1, 4, and 6 of Article 13; Article 15; Clause 3 of Article 27; and Article 28 of Decree No. 123/2024/ND-CP, within their jurisdiction.

➢ Decree 281/2026/ND-CP

CUSTOMS

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Vietnam's regulations on persons eligible to purchase duty-free goods and applicable conditions from August 21, 2026

Article 5 of Decree No. 273/2026/ND-CP prescribes the persons eligible to purchase duty-free goods and the applicable conditions as follows:

(1) Persons exiting or transiting after completing exit or transit procedures, and persons awaiting exit, may purchase duty-free goods.

(2) Passengers on international flights departing from Vietnam may purchase duty-free goods aboard the departing aircraft. Passengers on international flights arriving in Vietnam may purchase duty-free goods aboard the aircraft operating the international flight to Vietnam.

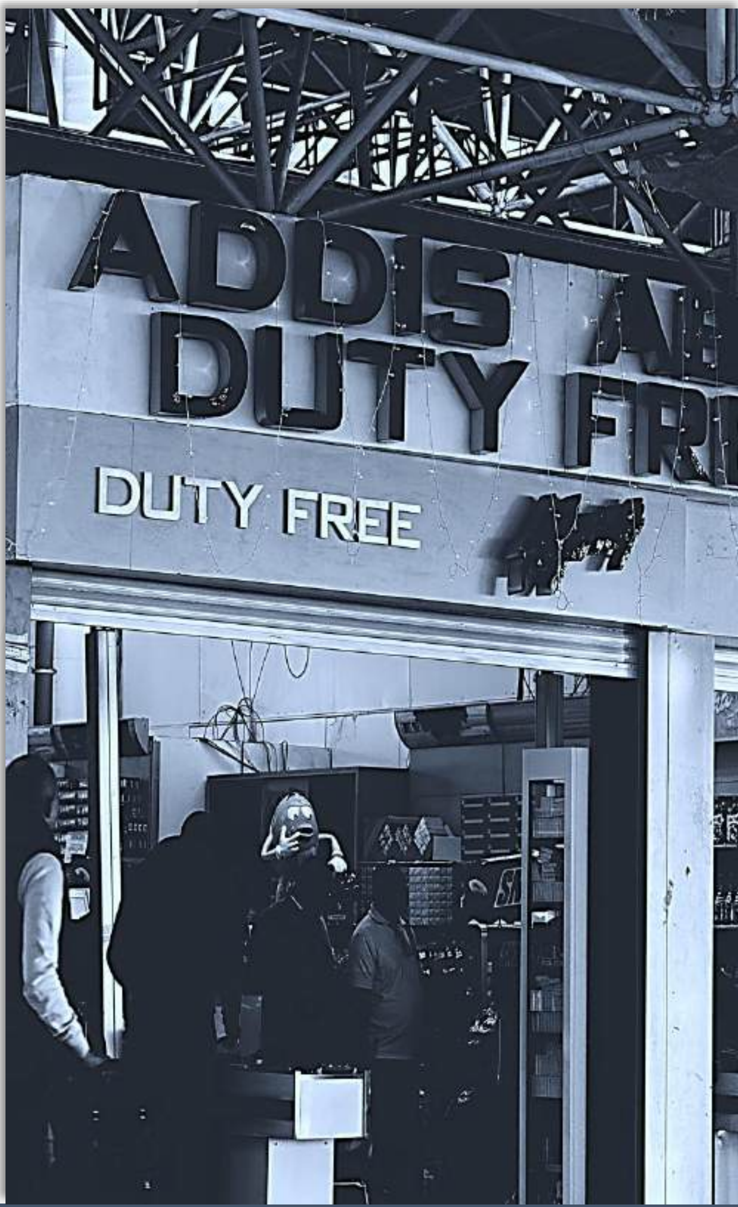
(3) Persons entering Vietnam may purchase duty-free goods from duty-free shops located in the restricted area of an international civil airport immediately after completing entry procedures. They may not purchase duty-free goods after leaving the restricted area of the international civil airport.

(4) Persons entitled to privileges and immunities in Vietnam may purchase duty-free goods from inland duty-free shops. When purchasing duty-free goods for an organization, the purchaser must present the organization's duty-free goods quota book. When purchasing duty-free goods for an individual, the purchaser must present the individual's duty-free goods quota book together with the identity card issued by the Ministry of Foreign Affairs of Vietnam.

(5) Crew members working aboard ships operating on international routes, including foreign-flagged ships and Vietnamese-flagged ships operating on international routes, may purchase duty-free goods at seaports or inland duty-free shops to meet their personal needs or the crew's common daily needs for use aboard the ship while it is berthed at a Vietnamese seaport, and for use aboard the ship outside Vietnam's territorial waters after its departure.

(6) During implementation, where the personal information of a purchaser of duty-free goods can be retrieved from the National Population Database, another national database, or a specialized database, the purchaser shall not be required to present paper copies of documents containing such information.

- Decree 273/2026/ND-CP



CUSTOMS

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Standards for duty-free shop locations and management of duty-free business

The Circular applies to duty-free business enterprises, customs authorities, customs officers, and other relevant organizations and individuals.

Under the Circular, duty-free business locations must be situated within isolated or restricted areas at international border gates, seaports, international airports, or other permitted locations.

Such locations must be equipped with an information technology system and a surveillance camera system connected online with customs authorities to ensure 24/7 supervision. Surveillance data must be retained for at least six months..

Duty-free business enterprises are required to notify the regional Customs Sub-department via the Customs electronic information portal when commencing operations or expanding, downsizing, relocating, or transferring the ownership of a duty-free business location.

If the regional Customs Sub-department raises no objection within 10 working days from the date of receiving a valid notification, the enterprise may announce that the location satisfies the prescribed requirements for operation.

An enterprise may suspend operations at its own request or where the business location no longer satisfies the prescribed requirements.

During the suspension period, the enterprise must preserve goods in their original condition and may not carry out customs procedures. Upon termination of operations, it must handle the remaining goods in accordance with law and notify the regional Customs Sub-department.

Duty-free business enterprises are responsible for the accuracy of the information provided in their notifications and for maintaining the required information technology and surveillance systems.

Customs authorities are responsible for supervising duty-free business activities, providing guidance to enterprises, and updating relevant information in the customs electronic data processing system.

Circular No. 82/2026/TT-BTC takes effect on July 1, 2026

➢ Circular No. 82/2026/TT-BTC

LABOR

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Special maritime workers to work no more than 6 hours per day from September 1, 2026

This is one of the notable contents of Circular No. 56/2026/TT-BXD dated July 6, 2026, on working time and rest time for workers performing jobs of special characteristics at sea in the provision of public non-business services for maritime safety assurance.

Under Article 4 of Circular No. 56/2026/TT-BXD, working time for workers performing jobs of special characteristics at sea in the provision of public non-business services for maritime safety assurance shall be arranged in work shifts of not more than 06 hours per day.

The subjects of application include workers performing the following jobs:

- Operation and maintenance of isolated lighthouses, isolated danger marks, and cardinal marks;
- General inspection and maintenance of marine aids to navigation;
- Routine inspection of dikes and revetments along navigational channels;
- Painting and maintenance of marine aids to navigation on navigational channels (buoys and beacon marks); replacement, deployment, adjustment, and retrieval of marine navigational buoys on navigational channels;
- Provisioning of lighthouse stations and navigational channel management stations.

Besides limiting working time per work shift, the Circular also provides that the number of overtime hours of a worker must not exceed 50% of the number of working hours in a work shift in one day, and the total number of overtime hours must not exceed 300 hours in one year. The organization of overtime work must be agreed upon by workers.

In addition, under Clause 1, Article 6 of Circular No. 56/2026/TT-BXD, after each working shift, a worker is entitled to a rest of at least 12 consecutive hours before starting a new working shift.

➢ Circular 56/2026/TT-BXD

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Small-value loan ceiling raised to VND 400 million from August 24, 2026

The State Bank of Vietnam has issued Circular No. 29/2026/TT-NHNN dated June 30, 2026, amending and supplementing a number of articles of Circular No. 39/2016/TT-NHNN prescribing the provision of loans by credit institutions and foreign bank branches to clients.

Previously, under Clause 13, Article 2 of Circular No. 39/2016/TT-NHNN, as amended by Circular No. 12/2024/TT-NHNN, a small-value loan meant a loan prescribed in Clause 2, Article 102 of the Law on Credit Institutions with a maximum value of VND 100 million.

However, under Article 2 of Circular No. 29/2026/TT-NHNN, a small-value loan means a loan prescribed in Clause 2, Article 102 of the Law on Credit Institutions, which does not exceed VND 200,000,000 (two hundred million Vietnam dong) in the case of people's credit funds, or VND 400,000,000 (four hundred million Vietnam dong) in the case of other credit institutions.

Accordingly, instead of applying a uniform ceiling of VND 100 million as previously prescribed, from August 24, 2026, the ceiling for small-value loans will vary depending on the type of credit institution.

Accordingly, loans provided by banks, finance companies and other credit institutions may be regarded as small-value loans if they do not exceed VND 400 million, while the maximum amount applicable to people's credit funds is VND 200 million.

This is a notable change for individuals, business households, small-sized enterprises and other customers with relatively small borrowing needs.

Besides raising the ceiling for small-value loans, the Circular also supplements regulations on lending by electronic means.

Specifically, under Point h, Clause 2, Article 22 of Circular No. 39/2016/TT-NHNN, as supplemented by Circular No. 29/2026/TT-NHNN, in case of lending by electronic means, the credit institution shall prescribe specific limits on the outstanding loan balance for each client, in accordance with the Law on Credit Institutions, this Circular and other relevant laws.

➢ Circular 29/2026/TT-NHNN

INSURANCE

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Vietnam's amendments to regulations on bases for calculating premiums for life and health insurance products

On July 2, 2026, the Minister of Finance of Vietnam promulgated Circular No. 96/2026/TT-BTC, amending Circular No. 67/2023/TT-BTC guiding the Law on Insurance Business and Decree No. 46/2023/ND-CP of the Government of Vietnam, including amendments to regulations on the bases for calculating premiums for life and health insurance products.

Circular No. 96/2026/TT-BTC amends several regulations on the bases for calculating premiums for life and health insurance products in Article 22 of Circular No. 67/2023/TT-BTC.

For example, Point a Clause 1 Article 22 of Circular No. 67/2023/TT-BTC regarding insurance risk rates is amended as follows:

For mortality risk rates, an insurer or foreign non-life insurer branch may use one of the following sources:

- The 1980 CSO Mortality Table specified in Appendix V enclosed with this Circular, or rates adjusted based on the 1980 CSO Mortality Table;
- A mortality table developed using actual data from the insurer's/foreign non-life insurer branch's operations over a period of at least 10 years;
- Mortality tables provided by the parent company of the insurer or foreign non-life insurer branch, or by a reinsurer or reinsurance-assuming organization.

Where the mortality rate used by an insurer or foreign non-life insurer branch exceeds 70% of the mortality rate specified in the 1980 CSO Mortality Table, the insurer or foreign non-life insurer branch must be able to explain the reasonableness of, and the particular characteristics of the client group to which such higher rate is expected to apply.

In addition, the Circular also amends regulations on:

- Assumptions regarding product implementation costs and profits of insurers and foreign non-life insurer branches;
- Charges imposed on policyholders for investment-linked insurance products and pension insurance products.

Circular No. 96/2026/TT-BTC, effective as of July 2, 2026.

➢ Circular 96/2026/TT-BTC

E-COMMERCE

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E-commerce platforms face stricter livestream rules

E-commerce platforms offering livestream sales features must publicly disclose their livestream operating rules under Government Decree 248/2026/ND-CP, which details several provisions of the Law on E-Commerce.

Accordingly, the rules must clearly set out the rights and obligations of all parties involved. They must also provide procedures and guidance for electronically identifying and authenticating livestream hosts, as well as the conditions and steps for sellers and hosts to register and open accounts.

These platforms must specify the circumstances in which a livestream may be suspended or terminated, or in which displayed information and links may be removed.

They must also provide detailed instructions on tools enabling livestream hosts to display warnings about goods or services that may pose risks to buyers' health, safety, lives, or property. In addition, a clear mechanism must be established for receiving and resolving feedback, requests, and complaints from viewers both during and after livestream sales sessions.

With regard to the responsibilities of e-commerce platform operators, the decree says that operators must submit periodic online reports through the E-Commerce Activity Management System and provide information at the request of competent state agencies.

They must inspect and review information concerning goods or services that infringe intellectual property rights or are associated with unlawful business activities, and remove or otherwise deal with such information. Specifically, the information must be processed within 24 hours of receiving a request from a competent authority.

Platform operators are also required to maintain and use their registered accounts on the E-Commerce Activity Management System to receive and respond to complaints, reports and disputes. Where goods or services show signs of infringing intellectual property rights, operators must cooperate with rights holders in reviewing the content and temporarily remove it or block access to it in accordance with their published complaint-handling procedures.

➢ Decree No. 248/2026/ND-CP

TAX - FEE - CHARGE

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Key changes under Circular No. 94/2026/TT-BTC on tax risk management

On July 14, 2026, the Tax Department issued Official Dispatch No. 4812/CT-QLTT introducing the key changes introduced by Circular No. 94/2026/TT-BTC on tax risk management. Accordingly, the Official Dispatch requests tax authorities to promptly study, implement, disseminate and communicate the new provisions of the Circular to tax officials and taxpayers to facilitate its implementation.

Regarding the principles of tax risk management, Circular No. 94/2026/TT-BTC establishes principles for applying tax risk management to ensure the effectiveness and efficiency of tax administration, encourage voluntary tax compliance, and prevent and combat violations of tax laws.

While inheriting the previous framework, the Circular further emphasizes that:

- Tax compliance management and tax risk management must be conducted objectively, transparently, in accordance with law, and without discrimination among taxpayers;
- Data analysis must be based on objective, comprehensive, and regularly updated databases, with priority given to the application of big data, machine learning, and artificial intelligence (AI) to automate data collection, processing, analysis, assessment, and classification;
- Results of tax compliance assessment and classification and tax risk assessment and classification must be recorded, monitored, and traceable, serving as the basis for developing compliance improvement plans, targeted inspection and supervision plans, and appropriate tax administration measures.

Regarding technological tools, Circular No. 94/2026/TT-BTC introduces the tax compliance management and tax risk management application, an information technology system designed to support tax authorities in analyzing taxpayer compliance, assessing tax risks, and assisting decision-making.

➢ Circular No. 94/2026/TT-BTC

Decree No. 291/2026/ND-CP on tax and invoice penalties issued

On July 21, 2026, the Government issued Decree No. 291/2026/ND-CP amending Decree No. 125/2020/ND-CP on the sanctioning of administrative violations related to taxes and invoices.

Under Decree No. 291/2026/ND-CP, the Government adds Section 3 and Article 19a after Section 2, Chapter II of Decree No. 125/2020/ND-CP, providing specific regulations on the sanctioning of administrative violations relating to the provision of information for information exchange purposes under Vietnamese law and treaties or international agreements on taxation to which the Socialist Republic of Vietnam is a member or signatory.

Specifically, organizations and individuals that provide information requested by a tax office 05 days or more after the prescribed deadline for information exchange purposes are subject to a fine ranging from VND 10 million to VND 30 million.

A fine ranging from VND 30 million to VND 50 million is imposed for providing inaccurate or incomplete information requested by a tax office for information exchange purposes.

The highest fine, ranging from VND 50 million to VND 100 million, applies to serious violations, including failing to provide information within 15 days after the expiration of the time limit for providing information or the extended time limit for providing information as requested by a tax office, or colluding with or shielding a taxpayer to obstruct a tax office from collecting or verifying information for information exchange purposes.

In addition to monetary penalties, the Decree also prescribes a remedial measure requiring violating organizations and individuals to provide sufficient and accurate information as requested by the tax office.

The addition of these sanctions aims to institutionalize the recommendations of the Global Forum on Transparency and Exchange of Information for Tax Purposes (GF), thereby strengthening deterrence, enhancing compliance among relevant organizations and individuals, improving tax administration efficiency, and meeting international cooperation requirements in the field of taxation.

Decree No. 291/2026/ND-CP takes effect on July 21, 2026.

➢ Decree 291/2026/ND-CP

TRANSPORT

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Circular No. 100/2026/TT-BTC repeals 06 Circulars on service prices in the transport sector

Under Article 1 of Circular No. 100/2026/TT-BTC, the Ministry of Finance repeals in their entirety the following 06 Circulars previously issued by the Minister of Finance:

First, Circular No. 234/2016/TT-BTC dated November 11, 2016 of the Minister of Finance prescribing the prices of services for inspection of technical safety and quality of seagoing ships, offshore facilities, and industrial products installed on seagoing ships and offshore facilities; assessment and certification of safety management systems and approval, inspection, assessment, and certification relating to maritime labour.

Second, Circular No. 235/2016/TT-BTC dated November 11, 2016 of the Minister of Finance prescribing the prices of services for exhaust emission testing of road motor vehicles and fuel consumption testing of passenger cars of up to 07 seats that are manufactured, assembled, or imported.

Third, Circular No. 236/2016/TT-BTC dated November 11, 2016 of the Minister of Finance prescribing the prices of services for appraisal of designs, inspection of quality, technical safety and environmental protection of rolling stocks and equipment.

Fourth, Circular No. 237/2016/TT-BTC dated November 11, 2016 of the Minister of Finance prescribing the prices of services for inspection of the technical safety and quality of inland waterway vessels.

Fifth, Circular No. 239/2016/TT-BTC dated November 11, 2016 of the Minister of Finance prescribing the prices of services for testing, inspection of technical safety quality and environmental protection of road motor vehicles, special-use motorcycles, and components used in manufacture, assembly, and importation.

Sixth, Circular No. 47/2018/TT-BTC dated May 15, 2018 of the Minister of Finance guiding the determination of lease prices and reserve prices in auctions for lease or definite-term transfer of the right to operate irrigation and transport infrastructure assets.

➢ Circular No. 100/2026/TT-BTC

OUR EXPERTISE

We are always at your service

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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.

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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.

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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

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ATS LAW FIRM

Han Noi City Office

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

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12th Floor, 40 Pham Ngoc Thach
Xuan Hoa Ward, Ho Chi Minh City
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