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LEGAL UPDATE

No. 2 – December 2022

(15 Nov 2022 – 30 Nov 2022)



News in focus

Summary of several remarkable policies which take effect on December 2022 and January 2023)



New Legal documents

Remarkable among documents:

The Prime Minister's Decision 24/2022/QĐ-TTg on implementing policies to support administrators, teachers and staff in non-public kindergartens and primary education institutions facing difficulties due to the COVID-19 pandemic

A – News in focus



Summary of several remarkable policies

*(Taking effect on December 2022
and January 2023)*

December 2022 is the time when important policies come into effect; and at the same time, it is also the time to completely abolish some regulations.

In this legal update, we summarize several remarkable legal policies taking effect on December 2022 and January 2023.

Official removal of household registration book

From 01 Jan 2023, household registration book, temporary residence book that have been officially issued is officially removed (Clause 3, Article 38 of the Law on Residence 2019). All information about residence will be updated on the National Population Database system.

⇒ Household registration and temporary residence book are valid as documents confirming the residence until the end of 31 Dec 2022.



Remove regulations on environmental protection tax reduction for gasoline and oil

Resolution No. 20/2022/UBTVQH15, approved on July 6, 2022, introduced a significantly reduced environmental protection tax rate for gasoline and oil: VND 1.000 đồng/1 liter of gasoline (except for ethanol), 1 liter of Aviation Gasoline; VND 500/1 liter of diesel; VND 300/1 liter of kerosene, 1 liter of fuel oil, 1 liter of lubricant; VND 300/1 kg of grease.

However, this tax rate is only applied until the end of 31 Dec 2022.

⇒ From Jan 1, 2023, the environmental protection tax rate will be applied according to the tax schedule specified in Resolution 579/2018/UBTVQH14, much higher than the current rate.



New regulations on the sanction of administrative violations in the field of vocational education

From 12 Dec 2022, Decree 88/2022/ND-CP takes effect and takes place Decree 79/2015/ND-CP stipulating on the sanction of administrative violations in the field of vocational education.

Decree 88/2022/ND-CP increases fines for violations in the field of vocational education, such as:

- A fine of VND 10 - 20 million: acts of using another person's vocational education diploma or certificate or letting another person use their own vocational education diploma or certificate (*Decree 79/2015/ND-CP only regulates a fine of VND 3 - 5 million*);
- A fine of VND 10-20 million: acts of using erased or corrected diplomas and certificates to falsify the previous content (*Decree 79/2015/ND-CP only regulates 5 - 7 million*).

In addition, the new Decree also adds more regulations on new administrative violations, for example: A fine of VND 30-40 million for fraudulent acts to obtain a diploma or certificate or a copy of a diploma or certificate but not to the extent of being prosecuted for penal liability.

New Circular on the List of imported and exported goods

From 01 Dec 2022, Circular 31/2022/TT-BTC on the List of imported and exported goods taking effect, which takes place Circular 65/2017/TT-BTC and Circular 09/2019/TT-BTC.

Accordingly, there are 02 Annexes attached with Circular 31/2022/TT-BTC, including:

- Annex I: The List of imported and exported goods in Vietnam;
- Annex II: 06 general rules explaining the classification of goods according to the List of Exported and Imported Goods of Vietnam based on the Harmonized System of Commodity Description and Coding of the World Customs Organization.

B – New legal documents



Remarkable new legal documents (Enacted from 15 Nov 2022 – 30 Nov 2022)

| No. | Legal documents |
|-------------------|---|
| COMMERCIAL | |
| 1 | Decree 96/2022/ND-CP defining the functions, tasks, authorities and organizational structure of the Ministry of Industry and Trade |
| | Enactment Date: 29 Nov 2022 |
| 2 | The Minister of Industry and Trade's Circular 32/2022/TT-BCT amending Circular 05/2022/TT-BCT stipulating the Rules of Origin of goods in the Regional Comprehensive Economic Partnership |
| | Enactment Date: 18 Nov 2022 |
| LABOR | |
| 3 | The Prime Minister's Decision 24/2022/QD-TTg on implementing policies to support administrators, teachers and staff in non-public kindergartens and primary education institutions facing difficulties due to the COVID-19 pandemic |
| | Enactment Date: 29 Nov 2022 |

| No. | Legal documents | |
|-----------------------------------|--|-----------------------------|
| FINANCE – BANKING | | |
| 4 | The Minister of Finance’s Circular 71/2022/TT-BTC stipulating the management and use of non-business funds for the implementation of the Program on conservation and sustainable promotion of the value of Vietnam's cultural heritage in the 2021-2025 period and the Program on digitization of Vietnam’s cultural heritage in the 2021-2030 period | |
| | Enactment Date: 22 Nov 2022 | Effective Date: 08 Jan 2023 |
| EDUCATION | | |
| 5 | The Minister of Education and Training’s Circular 16/2022/TT-BGDT stipulating library standards for kindergartens and general education institutions | |
| | Enactment Date: 22 Nov 2022 | Effective Date: 07 Jan 2023 |
| 6 | Decision 3710/QD-BGDT in 2022 on the Regulation on ensuring cyberinformation security of the Ministry of Education and Training | |
| | Enactment Date: 16 Nov 2022 | Effective Date: 16 Jan 2022 |
| INSURANCE | | |
| 7 | Decision 3503/QD-BHXH in 2022 amending the process of settling social insurance benefits, payment of social insurance and unemployment insurance benefits together with Decision 166/QD-BHXH issued by the General Director of Vietnam Social Insurance | |
| | Enactment Date: 18 Nov 2022 | Effective Date: 19 Dec 2022 |
| 8 | Vietnam Social Security’s Decision 3510/QD-BHXH on the process of registration for payment and issuance of health insurance cards for people only participating in health insurance on the Public Service Portal according to Decision 422/QD-TTg on approval of the List of public services integrated online, provided on the National Public Service Portal in 2022 | |
| | Enactment Date: 21 Nov 2022 | Effective Date: 01 Jan 2023 |
| ADMINISTRATIVE – JUDICIARY | | |
| 9 | Decree 95/2022/ND-CP stipulating functions, tasks, authorities and organizational structure of the Ministry of Health Decree | |
| | Enactment Date: 15 Nov 2022 | Effective Date: 15 Nov 2022 |
| 10 | Decree 98/2022/ND-CP stipulating the functions, tasks, authorities and organizational structure of the Ministry of Justice | |
| | Enactment Date: 29 Nov 2022 | Effective Date: 01 Jan 2023 |