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## LEGAL UPDATE

**No. 2 – February 2023**

(15 Feb 2023 – 28 Feb 2023)



### News in focus

*Outstanding policies which take effect from March 2023*



### New legal documents

Remarkable among documents:

*The Minister of Industry and Trading's Circular 04/2023/TT-BCT stipulating the application of tariff quotas on import of raw tobacco, poultry eggs originating from member states of the Eurasian Economic Union in the period 2023-2027*

## A – News in focus

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### **Summary of outstanding policies**

*(Taking effect from March 2023)*

Several important documents officially come into effect from March 2023, also these documents will take place some other applicable legal documents.

In this legal update, we summarize some notable policies that come into effect in March 2023.

## Law on Anti-Money Laundering 2022

From 01 Mar 2023, the Law on Anti-Money Laundering No. 14/2022/QH15 is effective.

Accordingly, several highlights of the Law on Anti-Money Laundering 2022 are as follows:

1. Supplement reporting objects which are payment intermediary service providers in the group of financial institutions.
2. Classify customers according to 03 levels of money laundering risk: high, medium, low (*According to the previous regulations, there are 02 levels: high and low*).
3. Supplement of suspicious signs in the banking sector:
  - Signs of suspicion that customers use personal accounts to make transactions related to the organization's activities or trade on behalf of other individuals;
  - Online transactions through accounts that are constantly changing in terms of login device or Internet protocol (IP) address abroad.
4. Supplement of suspicious signs in securities sector: Foreign investors who resides in countries or territories with high risk of money laundering contribute capital to establish securities investment funds or securities investment companies in Vietnam.
5. Stipulate in detail on the exchange, provision and transfer of anti-money laundering information with domestic and foreign competent authorities.

## Issuing passports with chips for Vietnamese citizens

From 01 March 2023, The Ministry of Public Security and Vietnamese representative offices abroad will issue ordinary passports with electronic chips to Vietnamese citizens in accordance with the Law on Exit and Entry of Vietnamese citizens.

Passport with an electronic chip has high information security because it is stored in the chip so it is difficult to copy information, avoiding the risk of personal information being stolen or counterfeited.

According to the Ministry of Public Security, the electronic chip mounted on the new model passport simply stores information, there is absolutely no tracking of the passport holder.

Ordinary passports without electronic chips and ordinary passports with electronic chips are used in parallel. Ordinary passport without electronic chip is used until the expiry of the passport, not required to change to a passport with electronic chip.

According to the Law on Exit and Entry of Vietnamese citizens, people aged 14 and over are entitled to choose whether to be issued passport with chip or passport without chip....

## Increase the level of compensation in kind for employees

From 01 March 2023, Circular 24/2022/TT-BLDTBXH stipulating compensation in kind for employees working in conditions with dangerous and harmful factors is officially effective.

Accordingly, employees are entitled to have compensation in kind when the following two conditions are fully satisfied:

- Doing occupations, jobs under the list of extremely hard, harmful, dangerous and hard, harmful, dangerous jobs issued by the Minister of Labor, Invalids and Social Affairs;
- Is working in an environment with at least 01 of the following 02 factors:
  - + Having at least one of the dangerous factors or harmful factors that do not meet the allowable hygiene standards and regulations as prescribed by the Ministry of Health;
  - + Approach with at least 01 factor with a score of 4 or more in the target group “Approach to infectious disease according to the Law on Prevention and Control of Infectious Diseases” (No. 10.1 Section A, Appendix I of Circular 29/2021/TT-BLDTBXH).

*(Note: The determination of factors specified in this section must be carried out by an organization that is eligible for labor environmental monitoring activities in accordance with the law.)*

Level of compensation in kind is calculated on a casual rate and has a monetary value as follows:

- Level 1: VND 13.000 (increase VND 3.000 compared to the previous regulation);
- Level 2: VND 20.000 (increase VND 5.000 compared to the previous regulation);
- Level 3: VND 26.000 (increase VND 6.000 compared to the previous regulation);
- Level 4: VND 32.000 (increase VND 7.000 compared to the previous regulation).

Towards employees who are eligible for having compensation in kind, the specific level for each occupation and is applied according to the corresponding working time as follows:

- If the employee works from at least 50% of the normal working time of the business day, he/she is entitled to have the whole compensation rate;
- If the employee works less than 50% of the normal working time of the business day, he/she is entitled to have a half of compensation rate;
- In case the employee works overtime, the compensation in kind will be increased in proportion to the number of overtime hours according to the above principle.

## B – New legal documents

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### Remarkable new legal documents

*(Enacted from 15 Feb 2023 – 28 Feb 2023)*

No.	Legal documents
<b>INVESTMENT</b>	
1	The Prime Minister's Decision 4/2023/QD-TTg on the level of support and support mechanism for using public investment capital to implement several contents of Project 1 and Subproject 1, Project 4 of the National Target Program on socio-economic development in ethnic minority and mountainous areas for the period 2021-2030, phase I: from 2021 to 2025
	Enactment Date: 23 Feb 2023
<b>EXPORT AND IMPORT</b>	
2	The Minister of Industry and Trading's Circular 04/2023/TT-BCT stipulating the application of tariff quotas on import of raw tobacco, poultry eggs originating from member states of the Eurasian Economic Union in the period 2023-2027
	Enactment Date: 20 Feb 2023

No.	Legal documents	
<b>LABOR</b>		
<b>3</b>	Decree 05/2023/ND-CP amending Decree 56/2011/ND-CP stipulating preferential allowances according to occupation for civil servants and public employees working at public health facilities	
	Enactment Date: 15 Feb 2023	Effective Date: 15 Feb 2023
<b>4</b>	The Minister of Health's Circular 03/2023/TT-BYT guiding the employment positions, norms of number of employees, structure of public employees according to titles in public non-business units	
	Enactment Date: 17 Feb 2023	Effective Date: 05 Apr 2023
<b>ADMINISTRATIVE – JUDICIARY</b>		
<b>5</b>	Decree 06/2023/ND-CP stipulating the accreditation of input quality towards civil servants	
	Enactment Date: 21 Feb 2023	Effective Date: 10 Apr 2023
<b>6</b>	The Minister of Culture, Sports and Tourism's Circular 02/2023/TT-BVHTTDL stipulating codes, standards for titles and salary ranking of public employees specialized in cultural propagandists	
	Enactment Date: 21 Feb 2023	Effective Date: 10 Apr 2023