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LEGAL UPDATE

No. 1 – April 2023

(1 Apr 2023 – 15 Apr 2023)



News in focus

Summary of outstanding policies effective in April 2023 and May 2023



New

Legal documents

Remarkable among documents:

Decree 10/2023/ND-CP dated 03/4/2023 amendments and supplements to several articles of decrees on instructions for implementation of the law on land

A – News in focus



Summary of outstanding policies

*(Taking effect on April 2023
and May 2023)*



During April and May 2023, several policies have been enacted that will come into force.

At the same time, in this legal newsletter, we will summarize the new legal regulations issued in early March 2023.

SUMMARY OF NEW HIGHLIGHTS ON THE LAND LAW

On April 3, the Government issued Decree 10/2023/ND-CP amending and supplementing many articles of the Decree guiding the implementation of the Land Law, effective on May 20, 2023, mainly as follows:



1. New regulations on granting Certificate of land use rights

- Certificate of land use rights for Condotel:

- Construction works used for accommodation purposes (including condotels, officetels, resort villas, etc.) by the law on tourism on commercial and service land. If all conditions satisfy the law on land and construction, real estate businesses may be granted certificates of ownership of construction works attached to the land.
- Furthermore, according to the Law on Land 2013, land ownership terms depend on the land use purpose.

- Replacing authorities to grant Certificate of Land use rights :

- Land Registration Office: Organizations, religious establishments; overseas Vietnamese to implement investment projects; foreign organizations and individuals; foreign-invested enterprises;
- Registration Offices: Households, individuals, residential communities, and overseas Vietnamese may own houses associated with residential land use rights in Vietnam.

2. Provide more Conditions for permitting a change of land use purpose for rice cultivation for the implementation of investment projects

- An investment project has been approved for investment policies or has been issued an investment registration certificate.
- By the approved land use planning and investment project
- There is an alternative afforestation plan or a document to fulfil the payment responsibility
- Have an environmental impact assessment
- The agency or person competent to appraise and approve the policy of changing the use purpose of protective forest land, special-use forest land, and rice-growing land to another purpose: Only responsible for the contents specified in Clause (2) and (3); is not responsible for other contents that have been appraised, approved, decided, approved or resolved by the competent authority or person before.

Off-plan Housing Guarantee

Circular 11/2022/TT-NHNN of the State Bank of Vietnam regulating bank guarantees takes effect from April 1, 2023, specifically:

- Commercial banks can provide guarantees for the sale or lease-purchase of off-plan housing if the commercial bank's enterprise registration Certificate and operation license (amended and supplemented, if any) stipulate the content of a bank guarantee that not to be limited, temporarily suspended, or suspended from guaranteeing off-plan housing.
- Commercial banks are allowed to guarantee off-plan houses on the list published by the State Bank on the electronic information system.
- If the investor's project fully meets the conditions specified in Article 55 of the Law on Real Estate Business and relevant law regulations, the commercial bank shall consider and grant the project's investor a guarantee.
- The maximum guarantee for an off-plan housing project is equal to the total amount specified in Article 57 Law on Real Estate Business and other amounts (if any) under the house purchase or lease purchase contract.



The organizational structure of the National Competition Commission

Decree 03/2023/ND-CP on functions, tasks, powers and organizational structure of the National Competition Commission takes effect from April 1, 2023. Specifically:

The organizational structure of the National Competition Commission includes the following:

- **The assisting apparatus** performs the function of competition proceedings, controls economic concentration, decides on exemptions from prohibited competition restriction agreements, to settle complaints about decisions on handling of competition cases:
 - Competition investigation agency
 - Secretariat of Competition Case Handling Councils
 - Competition Supervisory Board
- **Competition investigation agency.** The Minister of Industry and Trade shall decide the number of rooms under the Competition Investigation Agency. Having legal status, own seal and being allowed to open an account at the State Treasury.
- **Several units under the National Competition Commission** perform the state management of competition, protection of consumers' interests and management of business activities in a multi-level manner within the jurisdiction of the Government. Ministry of Industry and Trade.

B – New legal documents



Remarkable new legal documents *(Enacted from 01 Apr 2023 – 15 Apr 2023)*

No.	Legal documents
LAND	
1	Decree 10/2023/ND-CP dated 03/4/2023 amendments and supplements to several articles of decrees on instructions for implementation of the law on land
	Enactment Date: 03 Apr 2023
ADMINISTRATIVE - JUDICIARY	
3	Circular 01/2023/TT-VPCP, dated April 5, 2023, stipulates the contents and measures to be implemented in the digitization of dossiers, results of administrative procedures settlement and implementation of managerial procedures in the electronic environment
	Enactment Date: 05 Apr 2023

No.	Legal documents	
FINANCE		
4	Official Dispatch 2308/NHNN-TD dated April 1, 2023, implementing the loan program for social housing, worker housing, renovating and rebuilding old apartment buildings according to Resolution 33/NQ-CP	
	Enactment Date: 01 Apr 2023	Effective Date: 01 Apr 2023
EDUCATION		
5	Circular 07/2023/TT-BGDDT dated 10/4/2023 Regulations on training at the college level in Early Childhood Education	
	Enactment Date: 10 Apr 2023	Effective Date: 25 May 2023
MEDIA		
7	Circular 04/2023/TT-BVHTTDL dated 4/4/2023 regulating economic - technical norms for formulation and adjustment of outdoor advertising planning.	
	Enactment Date: 04 Apr 2023	Effective Date: 04 Apr 2023