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## LEGAL UPDATE

**No. 1 – May 2023**

(1 May 2023 – 15 May 2023)



### News in focus

*Summary of outstanding investment policies effective in May 2023*



**New**

### Legal documents

Remarkable among documents:

*Decree No. 22/2023/ND-CP dated 12/5/2023 amending Decrees related to business activities in the field of natural resources and environment*

## A – News in focus

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### **Summary of outstanding investment policies**

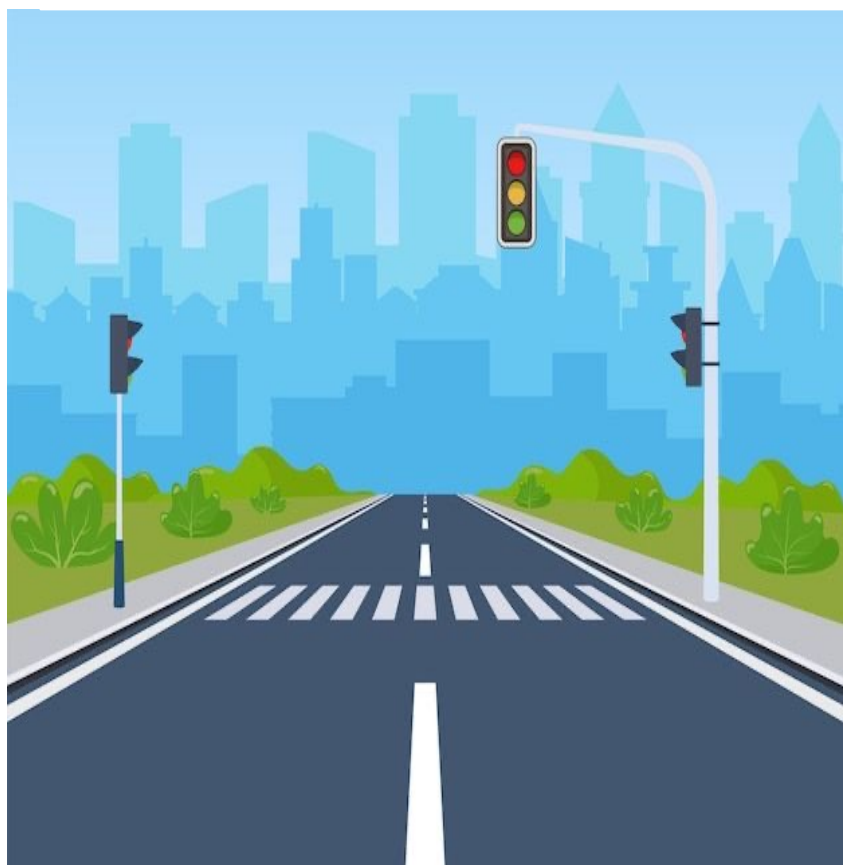
*(Taking effect on May 2023)*



This legal update will provide information on many newly issued investment policies that will come into effect from the beginning of May 2023.

In addition, new legal regulations promulgated in early May 2023 are also summarized in this newsletter.

# FORMS OF SELECTION OF INVESTORS FOR ROAD TRAFFIC WORKS



On March 7, 2023, Circular 01/2023/TT-BGTVT guiding the formulation, approval and publication of the project list; methods and criteria for evaluating bids and proposals in bidding for selection of investors in specialized road traffic services are promulgated. This Circular takes effect from May 1, 2023.

Accordingly, investors in specialized road traffic services are selected in the following forms:

- **Form of international competitive bidding:** Specialized road traffic works must meet the provisions of Article 15 of the Bidding Law.
- **Form of domestic competitive bidding for the following cases:**
  - + Projects in industries and trades that have not yet been able to access the market for foreign investors according to the provisions of the law on investment;
  - + The project has two or more investors satisfying the preliminary requirements on capacity and experience, in which no foreign investor is participating in the registration of project implementation or meeting the initial requirements on capacity; ability and experience as prescribed at Point a, Clause 1, Article 10 of Circular 01/2023/TT-BGTVT;
  - + The Prime Minister shall decide on projects with requirements on assurance of national defense and security at the request of competent agencies and the unanimous opinion of the Ministry of National Defense.

# ADDITIONAL PROCEDURES FOR ADJUSTMENT OF PROPOSAL OF PROGRAMS AND PROJECTS USING ODA

On May 4, 2023, the Government issued Decree 20/2023/ND-CP amending Decree 114/2021/ND-CP on management and use of official development assistance (ODA) and loans. Preferences of foreign investors. Additional content on the order and procedures for adjusting the Proposal of programs and projects funded by ODA or concessional loans is as follows:

- The governing body is not required to make adjustments to the Program/Project Proposal in the following cases:
  - Adjustment of total investment due to change in price; reduce ODA and concessional loans and do not change other main contents as prescribed in Point d Clause 2 Article 13 Decree 114/2021/ND-CP;
  - Proposing programs and projects under the target program, critical national projects, public investment, and group A investment projects under the approving competence of the Prime Minister.
- The governing body shall send a document and report on the reasons for the adjustment to the Ministry of Planning and Investment to summarize the opinions of the Ministry of Finance and relevant agencies and submit it to the Prime Minister in case of changes in the contents. The program's or project proposal's main Proposal does not increase ODA or concessional loans.
- The governing body shall manage the formulation of the Program/Project Proposal and implement the order and procedures specified in Clause 2, Article 13 of Decree 114/2021/ND-CP; The dossier submitted to the competent authority and time for deciding to adjust the program/project proposal shall comply with the provisions of Clause 3, Article 13 of Decree 114/2021/ND-CP, clearly stating the reasons and contents in the dossier. Ranges for adjusting project proposals, projects to increase ODA loans, concessional loans



## B – New legal documents

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### Remarkable new legal documents (Enacted from 01 May 2023 – 15 May 2023)

No.	Legal documents
<b>FINANCE</b>	
1	Decree No. 20/2023/ND-CP dated 4/5/2023 amending Decree 114/2021/ND-CP on management and use of official development assistance (ODA) and concessional loans of donors' foreign aid
	Enactment Date: 04 May 2023
<b>IMPORT-EXPORT</b>	
2	Circular No. 11/2023/TT-BCT dated May 8, 2023, on tariff quotas for importing raw tobacco in 2023
	Enactment Date: 08 May 2023

No.	Legal documents	
<b>LAND</b>		
3	Resolution No. 73/NQ-CP on authorization to decide on specific land prices	
	Enactment Date: 06 Mayr 2023	Effective Date: 06 May 2023
<b>INSURANCE</b>		
4	Decree No. 21/2023/ND-CP dated 5/5/2023 regulating microinsurance	
	Enactment Date: 05 May 2023	Effective Date: 05 May 2023
<b>COMMERCIAL</b>		
5	Decree No. 22/2023/ND-CP dated 12/5/2023 amending Decrees related to business activities in the field of natural resources and environment	
	Enactment Date: 12 May 2023	Effective Date: 12 May 2023
6	Decision No. 1062/QD-BCT dated 4/5/2023 regulating electricity selling price	
	Enactment Date: 04 May 2023	Effective Date: 04 May 2023