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## LEGAL UPDATE

**No. 1 – June 2023**

(1 June 2023 – 15 June 2023)



### News in focus

*Summary of outstanding policies effective in early June 2023*



**New**

### Legal documents

Remarkable among documents:

*Circular 36/2023/TT-BTC, dated June 6, 2023, stipulates the collection rate, mode of collection, payment, management, and use of fees for certification of origin (C/O)*

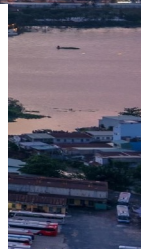
## A – News in focus

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### **Summary of outstanding policies**

*(Taking effect on June 2023)*



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

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

## NATIONAL TECHNICAL REGULATIONS ON THE CLASSIFICATION OF WORKS FOR CONSTRUCTION DESIGN ARE PROBABLY

National technical regulation on the classification of works in service of construction design (QCVN 03:2022/BXD) is promulgated together with Circular 05/2022/TT-BXD, effective from June 1, 2023. Regulation 03: 2022/BXD stipulates the classification of works according to the following criteria:

- Consequences caused by damage or destruction of the work structure (from now on referred to as the consequence class);
- The term of use according to the design of the work;
- Technical classification of fire for works (or parts of works, from now on referred to as works), including fire resistance level, structural fire hazard class, and functional fire hazard group.

## ENVIRONMENTAL RISK MANAGEMENT IN LENDING ACTIVITIES OF VIETNAM BANK

Circular 17/2022/TT-NHNN on risk management the environment in lending activities of credit institutions, this Circular takes effect from June 1, 2023, specifically:

- Credit institutions must manage environmental risks if lending to the following investment projects:
- Projects that are likely to have a significant impact on the environment.
- Projects with minimal potential adverse environmental impact

Principles of environmental risk management for credit granting activities:

- Comply with regulations on credit granting and risk management in banking activities
- Credit institutions must approach environmental risks to determine credit risks, credit granting conditions, and credit risk management;
- Credit institutions may approach environmental risks on their own or rely on qualified third parties or other credit institutions;
- When assessing environmental risks, credit institutions must agree with borrowers on measures to reduce environmental risks; and
- Borrowers must provide all information necessary for the environmental risk management of credit institutions and are responsible for the accuracy of the information provided.



## DOCUMENTATION FOR MODIFICATION AND SUPPLEMENT OF ELECTRICAL ACTIVITIES LICENSE

Circular 10/2023/TT-BCT amending Circular 21/2020/TT-BCT issued by the Ministry of Industry and Trade, effective June 9, 2023. Specifically:

+ A written request for an operation license, made according to the form

+ Copy of business registration certificate

In case the organization applying for a license receives the transfer of assets or reduces part of the scope of operation from the unit that has been granted the electricity activity license, a document proving the transfer of the property is required; documents proving the transfer of personnel or records about the direct team of technical managers, operational managers, consultants.



## HO CHI MINH CITY INCREASES REAL ESTATE TRANSACTION FEES

- According to Resolution No. 01/2023/NQ-HDND and the fee for appraisal and issuance of certificates in Ho Chi Minh City according to Resolution No. 02/2023/NQ-HDND of the City People's Council, from June 1, 2023, Ho Chi Minh City begins to apply new rates for two types of fees: registration fee for secured transactions with land use rights and land-attached assets in Ho Chi Minh City and appraisal fee for issuance of permits.
- The new fee is collected according to Circular 85/2019/TT-BTC provisions, adequate from 2020. But due to the impact of the COVID-19 epidemic, the city has yet to raise the fee in 2020-2021.
- From June 1, 2023, the fee for the registration of transactions secured by land use rights and land-attached assets has increased by 20 times compared to before (fluctuating amount (fluctuating about 1 million VND/time compared to the previous year). with the former 80,000 VND/mortgage, 20,000 VND/deletion).



## ISSUES 9 LIST OF MACHINERY AND EQUIPMENT THAT CAN BE MANUFACTURED IN THE COUNTRY

Circular 01/2023/TT-BKHDT issued by the Ministry of Planning and Investment, effective from June 9, 2023, specifically:

- List of special-use means of transport that can be produced domestically (Details are in Appendix I with a total of 128 items);
- List of machinery, equipment, and technological lines that can be produced domestically (Details are in Appendix II with a total of 294 items);
- List of domestically produced construction materials (Details are in Appendix III with a total of 85 items);
- List of raw materials, supplies, components, and spare parts that can be produced domestically (Details are in Appendix IV with a total of 542 items);
- List of domestically produced auto parts and components (Details are in Appendix V with 652 items);
- List of machinery, equipment, and supplies needed for petroleum activities that can be produced domestically (Details are in Appendix VI with 84 items);
- List of materials, supplies, and semi-finished products for shipbuilding that can be produced domestically (Details are in Appendix VII with 02 items);
- List of machinery, equipment, raw materials, supplies, and components for the telecommunications - information technology industry, digital content, and software that can be produced domestically (Details are in Appendix VIII with 134 items);
- List of plant varieties, livestock breeds, aquatic breeds, fertilizers, and pesticides that can be produced domestically (Details are in Appendix IX with 121 items).

## B – New legal documents

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

No.	Legal documents
<b>COMMERCE</b>	
1	Decree 32/2023/ND-CP dated 9/6/2023 amending Decree 53/2018/ND-CP amending Decree 58/2016/ND-CP guiding the business of cryptographic products and services and export and import of civil cryptographic products
	Enactment Date: 09/06/2023
2	Circular 12/2023/TT-BCT dated 5/6/2023 amending Circular 10/2018/TT-BCT guiding Decree 40/2018/ND-CP on the management of business activities by a multi-level method
	Enactment Date: 05/06/2023
3	Decree 30/2023/ND-CP dated June 8, 2023, amending Decree 139/2018/ND-CP regulating the business of motor vehicle inspection services
	Enactment Date: 08/06/2023

No.	Legal documents	
<b>INTELLECTUAL PROPERTY</b>		
4	Circular 08/2023/TT-BVHTTDL, dated June 2, 2023, provides templates for registering copyright and related rights	
	Enactment Date: 02/06/2023	Effective Date: 15/07/2023
<b>FINANCE</b>		
5	Circular 39/2023/TT-BTC, dated June 9, 2023, regulates the collection rate, collection regime, payment, exemption, management, and use of fees to exploit and service national remote sensing data	
	Enactment Date: 19/06/2023	Effective Date: 01/08/2023
6	Circular 36/2023/TT-BTC, dated June 6, 2023, stipulates the collection rate, mode of collection, payment, management, and use of fees for certification of origin (C/O)	
	Enactment Date: 06/06/2023	Effective Date: 21/07/2023
7	Circular 37/2023/TT-BTC dated 07/6/2023 regulates the collection rate, mode of collection, payment, management, and use of driving test fees; fees for granting degrees and certificates to operate on all types of vehicles and costs for registration and issuance of plates for special-use motorcycles	
	Enactment Date: 07/06/2023	Effective Date: 01/08/2023
<b>ADMINISTRATION</b>		
8	Decree 28/2023/ND-CP, dated June 2, 2023, defines the functions, tasks, powers, and organizational structure of the Ministry of Science and Technology	
	Enactment Date: 02/06/2023	Effective Date: 06/06/2023