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## LEGAL UPDATE

No. 2 – August 2023

(15 Aug 2023 – 31 Aug 2023)



### News in focus

*Several policies taking effect from September 2023*



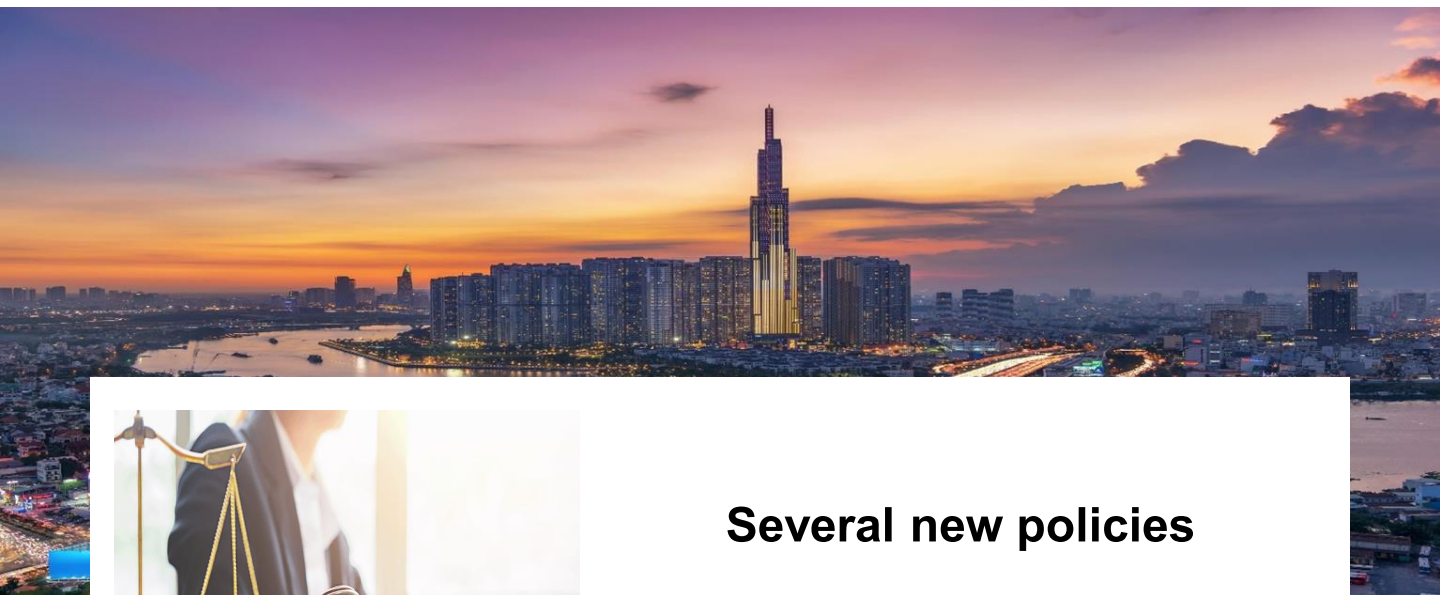
### New legal documents

Remarkable among documents:

*Decree 65/2023/ND-CP guiding the Law on Intellectual Property on industrial property, protection of industrial property rights, rights to plant varieties and State management of intellectual property*

## A - News in focus

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### **Several new policies**

*(Taking effect from Sep 2023)*

From September 2023, several policies and highlights officially come into effect. Accordingly, these new policies will directly affect employees and people.

In this legal update, we reveal some of the remarkable policies which take effect from September 2023.

## 1. From September 1, 2023, 08 cases of airline employees being suspended

From Sep 1, 2023, Circular 23/2023/TT-BGTVT stipulating specific labor regimes and labor disciplines for aviation employees officially takes effect.

Accordingly, aviation employees shall be immediately suspended from work in the following cases:

- Violating regulations and internal working regulations causing incidents, accidents, threatening aviation safety and security;
- Being investigated and prosecuted in criminal cases;
- Arbitrarily quit a working position;
- Drinking alcohol during working hours or having alcohol levels in the blood or breath while performing duties;
- Theft or illegal appropriation of property of organizations, individuals;
- Taking advantage of working positions to smuggle or illegally transport people, property and goods;
- Using or being tested positive for other narcotics or stimulants that are not permitted for use as prescribed;
- Gambling, disrupting, disturbing security and order in the workplace.

## 2. Refund flight tickets for passengers delayed for 5 hours or more

Circular 19/2023/TT-BGTVT officially takes effect from September 1, 2023.

Accordingly, the new Circular clearly stipulates that, in case the flight is delayed due to the fault of the carrier, the airlines must fulfill the following flight tickets exchange/refund obligations:

- Flight delays of 2 hours or more: Change the itinerary suitable for passengers or transfer to another flight, exemption from restrictions on itinerary or flight change and surcharges.
- Flight delay of 5 hours or more: If the customer does not request a change but requests a refund of the flight ticket, the carrier will refund the full ticket or refund the unused portion of the ticket.
- Prolonged flight delay: in addition to the above obligation to change/refund tickets, the carrier must make non-refundable advance compensation for passengers who have confirmed seats and tickets on the flight according to the regulations of the Minister of Transport.

### 3. Prohibiting persons with positions and powers under the Ministry of Construction from establishing enterprises after retirement

Circular 05/2023/TT-BXD takes effect from September 20, 2023.

Persons holding positions and powers in the following fields shall not set up an enterprise within 24 months from the date of resignation: (i) Construction and architectural planning; (ii) Construction investment activities; (iii) Urban development; (iv) Technical infrastructure; (v) Housing, offices and the real estate market; (vi) Building materials.

Persons holding positions and powers in the following fields shall not establish enterprises within 12 months from the

date of resignation: (i) Science and technology in the field of construction; (ii) Management of enterprises in which the State holds 100% of charter capital;

Persons holding positions and powers in the fields of programs, projects or schemes in the fields specified in Clauses 1, 2, 3, 4, 5, 6, 7 Article 4 of Circular 05/2023/TT-BXD will not be allowed to establish enterprises within the time limit specified in these Clauses.

### 4. 07 cases of loan are banned according to Circular 06/2023/TT-NHNN

Circular 06/2023/TT-NHNN officially takes effect from 01/9/2023.

Accordingly, 07 cases include:

- To carry out business investment activities in business lines prohibited from business investment under the Law on Investment;
- To pay expenses, meet financial needs of business investment activities in business lines prohibited from business investment specified in the Law on Investment & other transactions and acts prohibited by laws;
- To purchase and use of goods and services in business lines prohibited from business investment under the Law on Investment;
- To buy gold bars;
- To repay of credit grants (except for loans to pay interest on loans incurred during the construction of works that interest expense on loans is included in the total construction investment approved by competent authorities);
- To repay of foreign loans (excluding foreign loans in the form of deferred sale and purchase of goods), except in the case of loans for early repayment of loans that meet the following conditions: (i) The loan term does not exceed the remaining loan term of the old loan; (ii) The loan has not yet been restructured for the repayment term;.
- To make a deposit.

## B - New legal documents

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### Remarkable new legal documents (Enacted from 15 Aug 2023 – 31 Aug 2023)

No.	Legal documents
<b>LABOR</b>	
1	Decree 64/2023/ND-CP supplementing Decree 87/2021/ND-CP on extending implementation time and amending Decree 20/2020/ND-CP piloting labor management, wages and bonuses for economic groups and state corporations
	Enactment Date: 23 Aug 2023
2	Minister of Natural Resources and Environment's Consolidated document 02/VBHN-BTNMT in 2023 consolidating the Joint Circular stipulating codes and standards of professional titles of specialized environmental resources investigation officers
	Enactment Date: 30 Aug 2023
<b>EXPORT AND IMPORT</b>	
3	Decree 60/2023/ND-CP stipulates the inspection and certification of quality, technical safety and environmental protection of imported automobiles and components under international treaties to which Vietnam is a signatory
	Enactment Date: 16 Aug 2023

No.	Legal documents	
<b>FINANCE – BANKING</b>		
4	The Governor of the State Bank of Vietnam’s Circular 10/2023/TT-NHNN on invalidation of several contents of Circular 39/2016/TT-NHNN regulating lending activities of credit institutions and foreign bank branches to customers (supplemented in Circular 06/2023/TT-NHNN)	
	Enactment Date: 23 Aug 2023	Effective Date: 01 Sep 2023
5	The Minister of Finance’s Circular 59/2023/TT-BTC stipulating the collection rate, regime of collection, payment, management and use of fees in the health sector	
	Enactment Date: 30 Aug 2023	Effective Date: 16 Oct 2023
<b>INTELLECTUAL PROPERTY</b>		
6	Decree 65/2023/ND-CP guiding the Law on Intellectual Property on industrial property, protection of industrial property rights, rights to plant varieties and State management of intellectual property	
	Enactment Date: 23 Aug 2023	Effective Date: 23 Aug 2023
<b>INFORMATION TECHNOLOGY</b>		
7	Decree 63/2023/ND-CP guiding the Law on Radio Frequency 42/2009/QH12, amended by Law 09/2022/QH15	
	Enactment Date: 18 Aug 2023	Effective Date: 01 Aug 2023
<b>ADMINISTRATION – STATE</b>		
8	Decree 66/2023/ND-CP amending Decree 54/2018/ND-CP guiding the collection of voters' opinions on the establishment, dissolution, merger, division and adjustment of the boundaries of administrative units	
	Enactment Date: 24 Aug 2023	Effective Date: 25 Aug 2023
9	The Minister of Finance’s Circular 54/2023/TT-BTC guiding the position of professional civil servants specialized in finance in agencies and organizations in financial sectors and fields	
	Enactment Date: 15 Aug 2023	Effective Date: 01 Oct 2023
10	The Minister of Home Affairs’s Circular 13/2023/TT-BNV guiding the storage of electronic administrative procedure records	
	Enactment Date: 31 Aug 2023	Effective Date: 15 Oct 2023