



WIKI LEGAL LLC

HANOI

7th Floor, HH Office, No. 293/15 Khat Duy Tien Str., Trung Hoa Ward, Cau Giay Dist., Hanoi

Website: www.wikilegal.vn

Email: admin@wikilegal.vn

HO CHI MINH CITY

Ground Floor, DHouse Building, No. 39 Nguyen Thi Dieu Str., Vo Thi Sau Ward, Dist. 3, HCM City

Website: www.wikilegal.vn

Email: hcm.office@wikilegal.vn

LEGAL UPDATE

No. 1 – March 2024

(1 March 2024 – 15 March 2024)



News in focus

Summary of new policies effective in early March 2024



New

Legal documents

Remarkable among documents:

Decree 26/2024 dated March 1, 2024 managing international cooperation on law and judicial reform

A – News in focus



Summary of outstanding policies

(Taking effect on January 2024)

This our legal newsletter provide the outstanding policies, which will come into effect from the beginning of January 2024.

Moreover, the newsletter also includes a concise summary of the new legal regulations that were announced in early March 2024.

THE FEE FOR SEA DUMPING LICENSE IS 22.5 MILLION VND/LICENSE

Circular No. 8/2024/TT-BTC of the Ministry of Finance dated 05/02/2024 on stipulating the rates, collection, and payment of fees for sea dumping permits will take effect from March 21, 2024.

The level, collection, and payment of fees for sea dumping permits include Issuance, re-issuance, extension, amendment, and supplementation of sea dumping permits.

The fee collection organization is the agency that has the authority to issue, reissue, extend, amend, and supplement sea dumping permits according to the law on marine and island resources and the environment.

Fees for Issuance, re-issuance, extension, amendment, and supplementation of sea dumping permits are prescribed as follows:

1. Licensing 22.5 million VND/license
2. Reissue of license 7 million VND/license
3. License renewal 17.5 million VND/license
4. Amendment and supplementation of license 12.5 million VND/license

Fee collection organizations pay 100% of the collected fee to the state budget. The source of costs to cover fee collection is arranged by the state budget in the fee collection organization's estimates according to the regime and state budget spending norms prescribed by law. Fee collection organizations declare, collect, and pay fees according to Circular No. 74/2022/TT-BTC regulations.

TRANSFER OF PUBLIC ASSETS POWER PROJECTS TO EVN

Decree No. 02/2024/NĐ-CP of Government dated 10/01/2024 on transferring power projects as public assets to Vietnam Electricity Group (EVN) takes effect from March 1, 2024.

The project transferred to EVN must fully meet the following conditions: Match with the electricity development planning and power network development plan in the provincial planning at the time of construction or at the time of actual inspection. Status of electrical works for transfer: Meet relevant regulations and standards when checking the current status of the electrical project for transfer.

At the same time, this must also be an electrical project that is in operation (used to generate electricity, transmit electricity, and distribute electricity) generally when checking the current status of the electrical project for transfer. The electrical project is not in a state of mortgage, mortgage, guarantee, or other debt obligations...

INCENTIVES AND SUPPORT FOR INVESTMENT IN HIGH-TECH PARKS

Decree No. 10/2024/ND-CP of Government dated 01/02/2024 regulating high-tech parks, effective from March 25, 2024, has many preferential policies and support for investment in high-tech parks, such as:

Preferential policies and investment support for investment projects in high-tech zones; a mechanism to encourage investment in construction and business of technical infrastructure; social infrastructure development policies to serve workers in high-tech zones; policies on high-tech research and development activities, high-tech incubation, high-tech business incubation, and high-tech human resource training...

Investment projects and operations in high-tech zones are given priority to participate in training and labor recruitment support programs; Support research activities, high technology application, and technology transfer; Support the development of high-tech industries and high-tech development in agriculture; Supporting innovative businesses and creative small and medium-sized businesses; loan support and other support programs of the Government, ministries, branches, and localities.

FEES FOR EXPLOITATION AND USE OF GEOLOGICAL AND MINERAL DOCUMENTS

The Ministry of Finance has issued Circular No. 11/2024/TT-BTC dated 01/02/2024 stipulating the rates, collection, payment, management, and use of fees for the exploitation and use of geological and mineral documents; the circular is effective—enforcement from March 21, 2024.

Specifically, fee collection organizations are agencies with the authority to provide geological and mineral documents according to the provisions of the Law.

The fee payer shall pay the fee when receiving the results of geological and mineral documents from the agency providing geological and mineral documents. Fees are paid to the fee collection organization in the form specified in Circular No. 74/2022/TT-BTC of the Minister of Finance.

Fee collection organizations are allowed to set aside 60% of the fee amount collected to cover costs for service provision and fee collection activities as prescribed in Clause 4, Article 1 of Decree No. 82/2023/ND-CP of the Government. The government amends and supplements several articles of Decree No. 120/2016/ND-CP detailing and guiding the implementation of several articles of the Law on fees and paying 40% of collected fees to the budget government.

Suppose the fee collection organization is a state agency that is not eligible to allocate operating costs from the fee collection source as prescribed in Clause 3, Article 1 of Decree No. 82/2023/ND-CP. In that case, all collected fees shall be paid to the State budget. The source of costs to cover service provision and fee collection activities is arranged by the state budget in the estimates of the collecting organization according to the regime and state budget expenditure norms according to the provisions of Law.

B – New legal documents



Remarkable new legal documents (Enacted from 01 March 2024 – 15 March 2024)

No.	Legal documents	
TOURISM		
1	Decree 30/2024/ND-CP of Government, dated March 7, 2024, regulates the management of road motor vehicles registered abroad and brought by foreigners to Vietnam for tourism.	
	Enactment Date: 02/03/2024	Effective Date: 06/03/2024
ADMINISTRATIVE - JUDICIARY		
2	Decree 29/2024/ND-CP of Government dated March 6, 2024 regulating standards for leadership and management positions in state administrative agencies	
	Enactment Date: 06/03/2024	Effective Date: 01/05/2024
3	Decree 26/2024ND-CP of Government dated March 1, 2024 managing international cooperation on law and judicial reform	
	Enactment Date: 01/03/2024	Effective Date: 15/05/2024
FORESTRY		
3	Decree 27/2024/ND-CP dated March 6, 2024 amending Decree 156/2018/ND-CP guiding the Forestry Law	
	Enactment Date: 06/03/2024	Effective Date: 06/03/2024

C – Q&A

1. Do employees have to pay bankruptcy fees when requesting to open bankruptcy proceedings?

There are no bankruptcy fees for employees who request to open bankruptcy proceedings, and the ones who have rights and obligations are employees who fail to get their rights after three months from the date the enterprise must fulfill its obligation to pay salaries and other debts due to employees, the enterprise fails to fulfill its payment obligations..

(Clause 2, Article 5 and Article 22 of the Bankruptcy Law 2014)

2. What are the charter capital requirements for an enterprise permitted to operate the service of sending Vietnamese workers to work abroad under contract?

Requirements for Enterprises are granted a License to operate the service of sending Vietnamese workers to work abroad under contract according to the law and the company's charter capital: Rate from 05 billion VND or more; whose owner, all members and shareholders are domestic investors according to the provisions of the Investment Law.

Thus, businesses that are granted a License to operate services to send Vietnamese workers to work abroad under contracts must have a charter capital of VND 5 billion or more.

(Point d, Clause 1, Article 10 of the Law on Vietnamese Workers working abroad under labor contracts 2020)

3. What if the date of the marriage relationship is established if the marriage certificate is canceled due to the wrong authority?

If the marriage registration is not done within the authority, upon request, the competent authority will revoke and cancel the marriage certificate according to the provisions of the law and request both parties to comply with registering a marriage at a competent authority. The marriage relationship will be recognized from the date of the previous marriage registration.

Thus, after the marriage certificate is canceled due to the wrong authority, the marriage registration must be re-registered at the competent authority, and the marriage relationship will still be recognized from the date of the previous registration.

(Clause 5, Article 3, and Article 13 of the Marriage and Family Law 2014)