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LEGAL UPDATE

No. 1 – April 2024

(1 April 2024 – 15 April 2024)



News in focus

Summary of new policies effective in early April 2024



New

Legal documents

Remarkable among documents:

Decree 37/2024/ND-CP dated April 4, 2024, amending Decree 26/2019/ND-CP guiding the Fisheries Law

A – News in focus



Summary of outstanding policies

(Taking effect on April 2024)

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

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

TWO REGULATIONS OF THE LAND LAW 2024 EFFECTIVE FROM APRIL 1, 2024

The Land Law 2024 takes effect from January 1, 2025, 2 regulations will take effect from April 1, 2024, specifically:

According to Clause 2, Article 252 of the Land Law 2024, it is clearly stated: Article 190 and Article 248 of this Law take effect from April 1, 2024. These two regulations include:

- Sea reclamation activities: The State encourages organizations and individuals to use capital, techniques, and technology to carry out sea reclamation activities; Have support and incentive policies for investors carrying out sea reclamation activities according to the provisions of law

Sea reclamation activities must comply with the following principles: ensuring national defense, security, sovereignty, sovereign rights, jurisdiction, and national interests at sea by the provisions of other relevant laws and international treaties to which Vietnam is a member.

- Contents amending and supplementing Forestry Law No. 16/2017/QH14 on Principles and grounds for forest allocation, forest lease, and conversion of forest use to other purposes; Conditions for converting forests to other purposes

NATIONAL STANDARDS ON FIRE PREVENTION AND FIGHTING EQUIPMENT

Circular 56/2023/TT-BCA is used to replace Circular No. 123/2021/TT-BCA dated December 28, 2021, of the Minister of Public Security promulgating QCVN 03:2021/BCA National technical regulations on Fire Prevention and Fighting Equipment and takes effect from April 1, 2024, specifically:

General requirements for fire prevention and fighting equipment (fire protection) are as follows:

- Declare and declare by the list of vehicles in the Regulations. If the type is unknown, the kind of fire protection equipment must be identified according to the standards and technical regulations of the law and the manufacturer's instructions.

- Fire protection equipment: Fire hose, hand-held water sprinkler, fire hydrant, fire connector, portable fire extinguisher.

ADMINISTRATIVE PROCEDURES AMENDED, SUPPLEMENTED, AND ABOLISHED IN THE REGISTRATION FIELD

The Ministry of Transport issued Decision No. 233/QD-BGTVT dated March 12, 2024, announcing amended, supplemented, and abolished administrative procedures in the registration field within the scope of management functions of the Ministry of Transport. The Ministry of Transport takes effect from April 15, 2024. Specifically:

- There are 2 amended and supplemented administrative procedures, including Issuance of an International Certificate on ship security according to the International Code on Ship and Seaport Security (ISPS Code) and Approve the ship security plan according to the International Ship and Port Security Code (ISPS Code)
- The administrative procedure abolished is issuing a Certificate of professional training for ship security officers and company security officers.

AMENDING REGULATIONS ON REGISTRATION OF VEHICLES SERVING UNDERWATER ENTERTAINMENT

Decree 19/2024/ND-CP amending and supplementing several articles of Decree No. 48/2019/ND-CP dated June 5, 2019, of the Government regulating the management of activities of recreational vehicles, Water play, and entertainment effective April 10, 2024. Specifically:

Amend and supplement Article 19 of this Decree on vehicle registration agencies.

- District People's Committee (former regulations of Provincial People's Committee) organizes the implementation and management of registration and management of water entertainment facilities that must be registered according to the provisions of the Decree: this and other relevant provisions of law.
- Commune-level People's Committees that manage facilities serving water, recreation, and entertainment are exempt from registration.

B – New legal documents



Remarkable new legal documents

(Enacted from 01 April 2024 – 15 April 2024)

STT	Legal documents	
AQUACULTURE INDUSTRY		
1	Decree 38/2024/ND-CP, dated April 5, 2024, regulates penalties for administrative violations in the field of fisheries	
	Enactment Date: 05/042024	Effective date: 20/05/2025
2	Decree 37/2024/ND-CP dated April 4, 2024, amending Decree 26/2019/ND-CP guiding the Fisheries Law	
	Enactment Date: 19/102024	Effective date: 19/052024
TRANSPORTATION		
3	Circular 09/2024/TT-BGTVT dated April 5, 2024, amended 01:2024 QCVN 43:2012/BGTVT - National technical regulations on road rest stops	
	Enactment Date: 05/042024	Effective date: 05/10/2024
4	Circular 08/2024/TT-BGTVT dated April 4, 2024, amending Circular 19/2018/TT-BGTVT regulating standards for railway surveyors and requirements for physical and technical facilities of the organization Railway registration office	
	Enactment Date: 04/04/2024	Effective date: 01/06/2024

C – Q&A

1. What is the administrative penalty level for violations of the Fishery Exploitation License from May 20, 2024?

Exploitation License from May 20, 2024?

Penalties for violations of regulations on fisheries exploitation licenses from May 20, 2024 are as follows:

- Fine from 5,000,000 VND to 10,000,000 VND for one of the following acts:
 - + Do not bring the original or certified copy of the fishing license when the fishing vessel is engaged in fishing activities;
 - + Using a fishing vessel with a maximum length of 06 meters to less than 12 meters to exploit fisheries other than the occupation stated in the Fisheries Exploitation License;
 - + Using fishing vessels with a maximum length of 06 meters to less than 12 meters to exploit inland fisheries without a Fisheries Exploitation License or an expired Fishery Exploitation License.
- Fine from 20,000,000 VND to 30,000,000 VND for one of the following acts:
 - + Using fishing vessels with a maximum length of 06 meters to less than 12 meters to exploit fisheries in Vietnamese waters without a Fisheries Exploitation License or an expired Fishery Exploitation License;
 - + Using a fishing vessel with a maximum length of 12 meters to less than 15 meters to exploit fisheries other than the occupation stated in the Fisheries Exploitation License;
 - + Using fishing vessels with a maximum length of 15 meters or more to exploit inland fisheries without a Fishery Exploitation License or an expired license.
- Fine from 30,000,000 VND to 50,000,000 VND for one of the following violations:
 - + Using fishing vessels with a maximum length of 12 meters to less than 15 meters to exploit aquatic resources inland and in Vietnam's waters without a Fisheries Exploitation License or an expired Fishery Exploitation License;
 - + Using a fishing vessel with a maximum length of 15 meters or more to exploit fishery other than the occupation stated in the Fisheries Exploitation License.
- Fine from 60,000,000 VND to 100,000,000 VND for violations specified in Clause 3, Article 23 of Decree 38/2024/ND-CP in case of repeat or administrative violations. - Additional sanctions: + Confiscation of exploited aquatic products for violations specified in Point c Clause 1, Clauses 2, 3 and 4 Article 23 Decree 38/2024/ND-CP; + Confiscation of fishing gear for violations specified in Point b Clause 2, Clauses 3 and 4 Article 23 Decree 38/2024/ND-CP; + Revoke the right to use diplomas and certificates of fishing vessel captains from 06 months to 12 months for violations specified in Point c Clause 1, Clauses 2, 3 and 4 Article 23 Decree 38/2024/ND -CP.

(Article 24 of Decree 38/2024/ND-CP regulating penalties for administrative violations in the field of fisheries)

2. Procedures for registering for cage aquaculture from May 19, 2024?

Procedures for registration and re-registration of cage aquaculture and key aquaculture species include:

- The owner of the aquaculture facility sends the application to the Provincial Fisheries State Management Agency;
- Within 07 working days from the date of receipt of the complete dossier, the Provincial Fisheries State Management Agency shall base on the planning, plans, programs, schemes, and projects on aquaculture development in the locality that has been approved by the competent authority and other relevant regulations for appraisal and issuance of a Certificate according to Form No. 28. NT Appendix III issued with Decree 26/2019/ND-CP. If the Certificate is not issued, a written response must be provided stating the reason. Re-register for cage aquaculture, the leading aquaculture species in one of the following cases: Registration confirmation is lost; turned; change the owner of the farming facility; change production scale and farming species

(According to Clause 5, Article 36 of Decree 26/2019/ND-CP (Amended and supplemented in Decree 37/2024/ND-CP))