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LEGAL UPDATE

No. 2 – July 2024

(15 July 2024 – 31 July 2024)



News in focus

Several important policies taking effect from August 2024



New legal documents

Remarkable among documents:

Decree 101/2024/ND-CP detailed the procedures for issuing the first red book in 2024 according to the land Law 2024

A – News in focus



Several important policies taking effect from August 2024

From August 2024, many important policies on housing, procedures for issuing Land Use Right Certificate for the first time and health insurance will officially take effect.

In this legal update, WIKI LEGAL reveals several highlights of policies coming into effect from August 2024.

1. Decrees will expire from August 1, 2024.

Decree 101/2024/ND-CP takes effect from August 1, 2024, the following Decrees cease to be effective from August 1, 2024:

- Decree 43/2014/ND-CP guiding the implementation of the 2013 Land Law .
- Decree 01/2017/ND-CP amending the Decree guiding the 2013 Land Law .
- Decree 148/2020/ND-CP amending a number of Decrees guiding the 2013 Land Law .
- Decree 10/2023/ND-CP amending the Decree guiding the implementation of the 2013 Land Law .

At the same time, amend and supplement a number of contents of the Decrees:

- Decree 104/2022/ND-CP amends the Decree related to the submission and presentation of paper household registration books and temporary residence books when performing administrative procedures and providing public services.
- Decree 136/2018/ND-CP amending the Decree related to investment and business conditions in the field of natural resources and environment.

2. Documents proving that the subject is eligible to own a house in Vietnam from August 1, 2024

The Government issued Decree 95/2024/ND-CP guiding the 2023 Housing Law , including guidance on documents proving who is eligible to own a house in Vietnam.

• **Documents proving that an organization is eligible to own housing in Vietnam include:**

- For domestic organizations, there must be a Enterprise Registration Certificate or a Certificate of Investment Registration or documents proving the establishment of the organization issued by a competent authority in accordance with the provisions of law;
- For foreign organizations investing in housing construction projects in Vietnam, they must have an Investment Registration Certificate in accordance with the provisions of the law on investment;
- For foreign organizations investing in housing construction projects in Vietnam, they must have an Investment Certificate or Investment Registration Certificate or documents issued by a competent authority of Vietnam permitting operation or establishment in Vietnam that are still valid at the time of signing the housing transaction.

• **Documents proving that an individual is eligible to own a house in Vietnam include:**

- For individuals who are Vietnamese citizens, they must have an identity card or passport or other valuable documents proving Vietnamese nationality;
- For people of Vietnamese origin residing abroad, they must have a foreign passport or valid international travel documents according to the law on entry and exit and documents confirming their Vietnamese origin according to the law on nationality;
- Foreign individuals must have a foreign passport and a written commitment that they are not entitled to diplomatic or consular privileges and immunities.

3. Procedures for issuing red books for the first time from August 1, 2024

According to Article 36 of Decree 101/2024/ND-CP, the procedures for issuing the first red book from August 1, 2024 according to the 2024 land Law are prescribed as follows:

- **For individuals, communities, and households using land:**
 - Prepare a report according to Form No. 09/DK and submit it to the District People's Committee to sign the Certificate of land use rights and ownership of assets attached to land.
 - Transfer the Certificate of land use rights, ownership of assets attached to land, land lease contract in case of land lease to the agency receiving the dossier;
 - Transfer the file with a copy of the issued Certificate to the Land Registration Office to update and correct the cadastral records and land database.
- **For organizations using land, people of Vietnamese origin residing abroad inheriting land use rights according to the provisions of Point b, Clause 1, Article 28 of the 2024 land Law:**
 - Submit to the Provincial People's Committee to sign the Certificate of land use rights and ownership of assets attached to land or sign the Certificate of land use rights and ownership of assets attached to land in case of authorization; sign the land lease contract in case of land lease;
 - Transfer the Certificate of land use rights, ownership of assets attached to land, and land lease contract in case of land lease to the dossier;
 - Transfer the file with a copy of the issued Certificate to the Land Registration Office to update and correct the cadastral records and land database.
- **In case a household, individual or community has a Notice confirming the results of land registration and property attached to land and needs to be granted a Certificate of land use rights and ownership of property attached to land, the following shall be done:**
 - Land users submit the Notice of confirmation of land and property registration results and the Application for land and property registration according to Form No. 04/DK;
 - The People's Committee at the commune level exploits information on land registration dossiers and assets attached to land in the land database or requests the Land Registration Office to provide dossiers if it cannot exploit information.

4. Supplementing the group of subjects receiving state budget support for health insurance premiums

Vietnam Social Security has just issued Decision No. 1018/QĐ-BHXH dated July 24, 2024 amending and supplementing Article 2 of Decision No. 1351/QĐ-BHXH dated November 16, 2015

Accordingly, the subject "Participants in the force participating in protecting security and order at the grassroots level" is added to the Group supported by the state budget with the code BA, symbolized by number 4: The Health Insurance Fund will pay 80% of the medical examination and treatment costs within the scope of health insurance payment (with a limit on the payment rate for some drugs, chemicals, medical supplies and technical services according to regulations of the Minister of Health); 100% of the medical examination and treatment costs at the commune level and the cost for one medical examination and treatment is lower than 15% of the basic monthly salary.

B – New legal documents



Remarkable new legal documents (Enacted from 15 July 2024 – 31 July 2024)

No.	Legal documents
ENTERPRISES	
1	Decree 89/2024/ND-CP on converting state-owned enterprises established and operating under the Law on State-owned Enterprises into single-member limited liability companies organized and operating under the provisions of the Law on Enterprises
	Enactment Date: 16 July 2024
TAX – FREE - FEE	
2	Decree 1707/QD-BTC of 2024 adjusting the Price list for calculating registration fees for cars and motorbikes issued the Minister of Finance
	Enactment Date: 22 July 2024
SPORTS - HEALTH	
3	Circular 12/2024/TT-BYT on National Technical Regulation QCVN 20-1:2024/BYT on limits of contaminants in health protection foods issued by the Minister of Health
	Enactment Date: 18 July 2024

No.	Legal documents	
REAL ESTATE		
4	Decree 98/2024/ND-CP detailed regulations on a number of articles of the housing law on renovation and reconstruction of apartment buildings	
	Enactment Date: 25 July 2024	Effective Date: 01 August 2024
MONETARY BANK		
5	Circular 40/2024/TT-NHNN on guidelines for the provision of payment intermediary services issued by the Governor of the State Bank of Vietnam	
	Enactment Date: 17 July 2024	Effective Date: 17 July 2024
6	Circular 41/2024/TT-NHNN regulating the supervision and implementation of supervision of important payment systems and payment intermediary service provision activities issued by the Governor of the State Bank of Vietnam	
	Enactment Date: 17 July 2024	Effective Date: 17 June 2024
7	Circular 42/2024/TT-NHNN amending Circular 04/2021/TT-NHNN regulating refinancing for credit institutions after credit institutions lend to Vietnam Airlines Corporations – JSC and restructuring debt repayment terms, maintaining debt groups, and setting up risk provisions for debts of Vietnam Airlines Corporation – JSC due to the impact of the Covid – 19 pandemic, issued by the Governor of the State Bank of Vietnam	
	Enactment Date: 22 July 2024	Effective Date: 22 July 2024
8	Decree 93/2024/ND-CP amending Decree 122/2013/ND-CP regulating the suspension of circulation, blocking, sealing, temporary detention, and handling of money and assets related to terrorism and terrorist financing; establishing a list of organizations and individuals related to terrorism and terrorist financing	
	Enactment Date: 18 July 2024	Effective Date: 01 September 2024