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## LEGAL UPDATE

No. 1 – October 2024

(01/10/2024 – 15/10/2024)



### News in focus

*Summary of new legal policies effective from October 2024*



### New

### Legal documents

Remarkable among document:

*Decree 122/2024/ND-CP dated 04/10/2024 amending Decree 14/2018/ND-CP guiding border trade activities*

## A – News in focus

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### Summary of new legal policies *(effective from the beginning of October 2024)*

The new legal policies that take effect from October 2024 will be summarized in this legal updates .

In addition, in this legal updates, we also provide a number of legal regulations issued in early October 2024.

## **1. REGULATIONS ON COST NORMS FOR PROJECT MANAGEMENT AND CONSTRUCTION INVESTMENT CONSULTANCY**

Circular 09/2024/TT-BXD dated 30/8/2024 amending and supplementing a number of construction norms in Circular 12/2021/TT-BXD dated 31/8/2021 of the Minister of Construction, effective from 15/10/2024, specifically:

Amending and supplementing a number of promulgated construction norms, including: Norms of work construction estimates; Norms of cost estimates for installation of technological machines and equipment; Norms of estimates for repair and maintenance of construction works; Norms of use of construction materials; Norms of project management and construction investment consultancy costs.

At the same time, it is clearly stipulated that the transition to apply the amended and supplemented construction norms promulgated in this Circular shall comply with the provisions of Clause 8, Article 44 of Decree 10/2021/ND-CP dated February 9, 2021 of the Government on management of construction investment costs.

## **2. REGULATIONS ON THE EXPLOITATION OF HOUSES AND LAND BEING PUBLIC ASSETS NOT USED FOR RESIDENTIAL PURPOSES**

Decree No. 108/2024/ND-CP issued by the Government on August 23, 2024, stipulating the management, use and exploitation of houses and land that are public assets not used for residential purposes and assigned to organizations with the function of managing and trading local houses for management and exploitation, effective from October 15, 2024, concrete:

To prescribe the management, use and exploitation of houses and construction works attached to land that are public assets not used for residential purposes (hereinafter referred to as houses and land) and assign them to organizations with the function of managing and trading in local houses for the following purposes: House lease (associated with land use rights); Temporarily manage while waiting for the house and land to be handled in accordance with law.

The management, use and exploitation of houses and land must ensure efficiency and meet the demand for houses and land in service of the local socio-economic development tasks; publicity, transparency and lawfulness.

Organize house management and business; organizations and individuals renting houses; agencies, organizations and units may arrange houses and land for temporary use and fully fulfill their responsibilities as prescribed.

The management, use and exploitation of houses and land must be supervised, inspected, examined and audited in accordance with law;

Lease of houses (associated with land use rights) of house management and business organizations shall be carried out by the auction method, except for cases of implementation by the method of listing

### **3. REGULATIONS ON PERIODIC REPORTING REGIME OF INDUSTRIAL CLUSTERS**

Circular No. 14/2024/TT-BCT dated August 15, 2024 issued by the Ministry of Industry and Trade regulating the regime of periodic reports on industrial clusters, the national database of industrial clusters and a number of forms of documents on management and development of industrial clusters, effective from October 1, 2024, specifically:

Subjects of application: enterprises, cooperatives, organizations investing in the construction of technical infrastructure of industrial clusters; organizations and individuals engaged in production and business in industrial clusters; other relevant agencies, organizations and individuals.

Subjects: Departments of Industry and Trade of provinces and centrally-run cities (Departments of Industry and Trade); district-level People's Committees; investors in the construction of technical infrastructure of industrial clusters; organizations and individuals investing in production and business in industrial clusters.

Time to finalize data: 6-month reports (at the beginning of the year) are calculated from December 15 of the year preceding the reporting period to June 14 of the reporting period; The annual report is calculated from December 15 of the year preceding the reporting period to December 14 of the reporting period.

### **4. LIST OF GOODS AND SERVICES SUBJECT TO NATIONAL CENTRALIZED PROCUREMENT FROM NOVEMBER 15, 2024**

Circular 69/2024/TT-BTC dated October 1, 2024 issued by the Ministry of Finance, regulating the list of goods and services subject to national-level centralized procurement, effective from November 15, 2024, specifically:

- The list of goods and services subject to national-level centralized procurement being automobiles in service of the general work of agencies, organizations and units; comprise:

Cars for general work with 4-5 seats.

Cars for general work have 7-9 seats.

Cars for common work with 12-16 seats.

Cars for the common work of pickups.

- The list specified in Clause 1, Article 2 of Circular 69/2024/TT-BTC not applicable to cars serving general work is:

Cars in service of the general work of Vietnamese agencies abroad.

2-axle cars with large capacity as prescribed in Clause 2, Article 15 of Decree 72/2023/ND-CP stipulating standards and norms for the use of cars.

- The list specified in Clause 1, Article 2 of Circular 69/2024/TT-BTC not applicable to cars serving general work is:

Cars in service of the general work of Vietnamese agencies abroad.

2-axle cars with large capacity as prescribed in Clause 2, Article 15 of Decree 72/2023/ND-CP stipulating standards and norms for the use of cars.

## B - New legal documents

### Remarkable new legal documents

(Enacted from 01/10/2024 - 15/10/2024)

No.	Legal documents
<b>FINANCE</b>	
1	Circular 70/2024/TT-BTC dated October 1, 2024 regulating the management and use of revenues from project consultancy and management activities of investors and project management boards using state budget capital
	Date of issue: 01/10/2024 <span style="float: right;">Effective Date: 15/11/2024</span>
<b>COMMERCE</b>	
2	Decree 122/2024/ND-CP dated 04/10/2024 amending Decree 14/2018/ND-CP guiding border trade activities
	Date of issue: 04/04/2024 <span style="float: right;">Effective Date: 01/12/2024</span>
<b>LAND</b>	
3	Decree 123/2024/ND-CP dated 04/10/2024 on sanctioning administrative violations in the field of land
	Date of issue: 04/10/2024 <span style="float: right;">Effective Date: 04/10/2024</span>
<b>EDUCATION</b>	
4	Decree 125/2024/ND-CP dated 05/10/2024 regulating conditions for investment and operation in the field of education
	Date of issue: 05/10/2024 <span style="float: right;">Effective Date: 20/11/2024</span>

## C – Q&A

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### **1. Can economic organizations that are leased land by the State collect annual land rents contribute capital with land use rights?**

(Economic organizations that are leased land by the State with annual land rents may exercise the following rights:

Mortgage of property under their ownership attached to land

Sale of assets under their ownership attached to land and lease rights in land lease contracts

Lease of assets under their ownership attached to land and lease rights in land lease contracts

Contributing capital with assets under their ownership attached to land during the land lease term. However, the law does not stipulate the right of economic organizations to contribute capital with land use rights during the land lease term.

Therefore, economic organizations that are leased land by the State with annual land rents are not allowed to exercise the right to contribute capital with land use rights during the land lease term.

*(Article 34 of the Land Law 2024)*

### **2. Can foreigners be granted a Land Use Right Certificate under the Land Law 2024?**

Land users who are allocated land, leased land by the State, recognized land use rights and eligible for issuance of land use right certificates include:

- Domestic organizations: State agencies, agencies of the Communist Party of Vietnam, people's armed forces units, Vietnam Fatherland Front, socio-political organizations, socio-political-professional organizations, social organizations, socio-professional organizations, public non-business units and other organizations as prescribed by law; Economic organizations in accordance with the Law on Investment';

Religious organizations and affiliated religious organizations;

Domestic individuals and overseas Vietnamese who are Vietnamese citizens;

Residential communities;

Foreign organizations with diplomatic functions;

People of Vietnamese origin residing abroad;

Foreign-invested economic organizations

Therefore, foreigners of Vietnamese descent are allocated land, leased land, and recognized land use rights by the State; are using land stably and are eligible for land use right certificates, they shall be granted land use right certificates. In case foreigners are not of Vietnamese origin, they shall not be granted land use right certificates

*(Article 4 of the Land Law 2024)*