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LEGAL UPDATE

No. 2 – September 2024

(15 Sep 2024 – 30 Sep 2024)



News in focus

Some prominent new regulations on labor and land from September 2024



New legal documents

Remarkable among documents:

Decree No. 108/2024/ND-CP of the Government: Regulating the management, use and exploitation of houses and land that are public assets not used for residential purposes, assigned to organizations with the function of managing and trading local houses for management and exploitation.

A – News in focus



Several important policies taking effect from September 2024

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

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

1. REGULATIONS ON THE EXPLOITATION OF HOUSES AND LAND THAT ARE PUBLIC ASSETS NOT USED FOR RESIDENCE

The Government issued Decree No. 108/2024/ND-CP regulating the management, use and exploitation of houses and land that are public assets not used for residential purposes, assigned to organizations with the function of managing and trading local houses for management and exploitation.

This Decree regulates the management, use and exploitation of houses and construction works attached to land which are public assets not used for residential purposes (hereinafter referred to as houses and land) assigned to organizations with the function of managing and trading local houses for management and exploitation for the purposes of: Renting houses (attached to land use rights); Temporary management while waiting for the handling of houses and land according to the provisions of law.

The Decree requires that the management, use and exploitation of houses and land must ensure efficiency, address the need for houses and land to serve the tasks of local economic and social development; be public, transparent and in accordance with the law.

The assignment of houses and land to organizations for management and business management and exploitation is carried out in the form of recording an increase in assets and the value of assets does not include the State capital component in the enterprise.

Organizations managing and trading houses; organizations and individuals renting houses; agencies, organizations and units that are arranged houses and land for temporary use must fully perform their responsibilities according to regulations.

The management, use and exploitation of houses and land must be monitored, inspected, checked and audited in accordance with the provisions of law; any violations of the law on the management, use and exploitation of houses and land must be promptly detected and strictly handled in accordance with the provisions of law.

According to regulations, the leasing of houses (associated with land use rights) by housing management and business organizations is carried out by auction, except for cases carried out by price listing method.

2. ABROGATION OF SOME LEGAL DOCUMENTS ON THE SALARIES OF CIVIL SERVANTS AND PUBLIC EMPLOYEES

Circular 10/2024/TT-BNV of the Ministry of Home Affairs (effective from October 1, 2024) abolishes legal documents issued or jointly issued by the Minister of Home Affairs, including:

- + Decision 04/2004/QD-BNV dated January 16, 2004 stipulating specific standards for cadres and civil servants of communes, wards and towns;
- + Circular 07/2018/TT-BNV dated June 15, 2018 regulating the appointment and salary classification of professional titles of university preparatory teachers;
- + Joint Circular 07/2011/TTLT-BNV-BTC-BVHTTDL dated June 10, 2011 stipulating the coefficient of adjusting the minimum wage increase compared to the general minimum wage for public employees and workers working at the Management Board of the Cultural - Tourism Village of Vietnamese Ethnic Groups under the Ministry of Culture, Sports and Tourism;
- + Joint Circular 08/2011/TTLT-BNV-BTC dated August 31, 2011 guiding Decree 116/2010/ND-CP on policies for cadres, civil servants, public employees and salaried people in the armed forces working in areas with especially difficult socio-economic conditions...

3. INCENTIVES IN SELECTING INVESTORS TO IMPLEMENT INVESTMENT PROJECTS USING LAND

On September 16, 2024, the Government issued Decree 115/2024/ND-CP guiding the 2023 Law on Bidding on selecting investors to implement investment projects using land.

- Beneficiaries and preferential levels:

+ Investors with solutions applying advanced technology, high technology, environmentally friendly technology, and the best available techniques to minimize environmental pollution for projects in the group with a high risk of negative impact on the environment according to regulations of the law on environmental protection will enjoy a 5% incentive when evaluating bidding documents;

+ Investors who commit to technology transfer and carry out high-tech activities for high technologies and high-tech products on the List of high technologies prioritized for investment and development and the List of high-tech products encouraged for development issued by the Prime Minister in accordance with the provisions of the law on high technology or on the List of technologies encouraged for transfer in accordance with the provisions of the law on technology transfer shall enjoy a preferential rate of 2% when evaluating bidding documents.

- When participating in the bidding, investors must submit documents proving the application of advanced technology, high technology, environmentally friendly technology, the best available techniques, and the right to legally use the technology according to the provisions of the law on high technology, technology transfer, environmental protection, and other relevant laws to enjoy the above incentives.

4. NEW REGULATIONS ON SALARY SCALES, PAYROLLS, AND SALARY ALLOWANCES FOR EMPLOYEES IN STATE-OWNED ENTERPRISES

Circular 06/2024/TT-BLDTBXH issued on July 30, 2024, effective from September 15, 2024, amends and supplements Circular 26/2016/TT-BLDTBXH guiding the implementation of labor management, wages and bonuses for employees working in single-member limited liability companies with 100% state capital.

Circular 06/2024/TT-BLDTBXH supplements Article 9a on salary scales, salary tables, and salary allowances for employees in single-member limited liability companies with 100% state capital (state-owned enterprises) as follows:

- Based on the production organization and labor organization, the company reviews and decides to continue to maintain or amend, supplement or develop and issue new salary scales, salary tables, and salary allowances (with applicable standards), ensuring the provisions in Clause 2, Article 9a of Circular 26/2016/TT-BLDTBXH (amended and supplemented by Circular 06/2024/TT-BLDTBXH) as a basis for salary arrangement, salary payment and implementation of regimes for employees according to the provisions of labor law.

- The salary levels in the salary scale, salary table, and salary allowances are decided by the company, ensuring that the salary fund determined on the basis of the total annual salary of all employees calculated according to the salary levels in the salary scale, salary table, and salary allowances of the company must not exceed the planned salary fund of employees according to the provisions of Circular 26/2016/TT-BLDTBXH (amended and supplemented by Circular 06/2024/TT-BLDTBXH).

- When amending, supplementing or developing and issuing new salary scales, salary tables and salary allowances, the company must consult with the organization representing employees at the facility, organize dialogues at the workplace according to the provisions of the Labor Code and implementing guidelines, report to the owner's representative agency for comments and make it public at the company before implementation.

B – New legal documents



Remarkable new legal documents (Enacted from 15 Sep 2024 – 30 Sep 2024)

No.	Legal documents
FINANCE	
1	Decision 1659/QD-KTNN of 2024 on the Regulations on implementing democracy in the activities of the State Audit
	Enactment Date: 26 September 2024 Effective Date: 26 September 2024
STOCK	
2	Circular 68/2024/TT-BTC amending the Circular regulating securities transactions on the securities trading system; clearing the settlement of securities transactions; activities of securities companies and information disclosure on the securities market issued by the Minister of Finance
	Enactment Date: 18 September 2024 Effective Date: 02 November 2024
CURRENCY - BANKING	
3	Circular 14/2023/TT-NHNN regulating the internal control system of non-bank credit institutions issued by the Governor of the State Bank of Vietnam
	Enactment Date: 20 November 2023 Effective Date: 01 October 2024

No.	Legal documents	
COMMERCE		
4	Circular 14/2024/TT-BTC regulating the periodic reporting regime on industrial clusters, the national industrial cluster database and a number of sample documents on management and development of industrial clusters issued by the Minister of Industry and Trade	
	Enactment Date: 15 August 2024	Effective Date: 01 October 2024
CONSTRUCTION		
5	Circular 08/2024/TT-BXD regulating the numbering and mounting of house and construction number plates issued by the Minister of Construction	
	Enactment Date: 30 August 2024	Effective Date: 15 October 2024
TRAFFIC - TRANSPORTATION		
6	Circular 30/2024/TT-BGTVT amends Circular 16/2021/TT-BGTVT regulating technical safety and environment protection inspection of road motor vehicles and Circular 03/2018/TT-BGTVT regulating technical safety and environmental protection quality inspection of imported automobiles subject to Decree 116/2017/ND-CP issued by the Minister of Transport	
	Enactment Date: 12 August 2024	Effective Date: 01 October 2024
7	Circular 06/2024/TT-BGTVT National technical regulations on expressways issued by the Minister of Transport	
	Enactment Date: 31 March 2024	Effective Date: 01 October 2024
8	Circular 07/2024/TT-BGTVT National technical regulation on front lights of road motor vehicles issued by the Minister of Transport	
	Enactment Date: 31 March 2024	Effective Date: 01 October 2024