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## LEGAL UPDATE

March 2025

(01 Mar 2025 – 31 Mar 2025)



### News in focus

*Policies taking effect  
in April 2025*



### New legal documents

Remarkable among documents:

Decree 57/2025/ND-CP stipulating the mechanism of direct power purchase and sale between renewable energy generating units and large electricity users

## A - News in focus

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### **Several policies taking effect in April 2025**

In April 2025, many prominent new policies on land, commercial housing projects, bank, labor will officially take effect.

In this legal update, WIKI LEGAL reveals several highlights on these remarkable policies.

## 1. LAW ON ENACTMENT OF LEGAL DOCUMENTS (AMENDED IN 2025): THE GOVERNMENT'S RESOLUTION IS A LEGAL DOCUMENT

From April 1, 2025, the Law on enactment of Legal Documents (amended 2025) officially takes effect. The new Law consists of 9 chapters and 72 Articles, reducing 101 Articles compared to the old Law in 2015.

One of the most notable adjustments under the new Law is: The Government's Resolution **is a legal document** (*According to the old regulations, only the Government's Decree is a legal document, while the Government's Resolution is not considered a legal document*).

In addition, the new Law has also repealed a number of previous legal documents: Resolutions of commune-level People's Councils and Decisions of commune-level People's Committees.

## 2. AGRICULTURAL LAND TO BE PILOTED AS A COMMERCIAL HOUSING PROJECT

From April 1, 2025, Resolution 171/2024/QH15 piloting the implementation of commercial housing projects through an agreement on receiving land use rights or having land use rights officially takes effect. This Resolution shall be implemented for 05 years.

Real estate business organizations may receive the transfer of land use rights or land use purposes for agricultural land in order to implement the pilot projects if they meet the conditions as follows:

- (i) The scope of land plots for project implementation is consistent with district-level land use plannings or construction plannings, urban planning;
- (ii) The scope of land plots for project implementation is consistent with the approved local housing development programs and plans;
- (iii) The scope of land plots and land plots for project implementation is included in the list of land plots expected to be implemented for pilot projects approved by provincial-level People's Councils;
- (iv) There is a written approval of the provincial-level People's Committee on the agreement on the receipt of land use rights for the implementation of pilot projects towards projects of real estate business organizations receiving land use rights and projects of real estate business organizations that are having land use rights and receiving land use rights;
- (v) Real estate business organizations must meet the conditions prescribed by the law on land, housing, real estate business, investment and other relevant provisions of laws.

Particularly, in case of using the planned area of national defense land or security land removed from the national defense land or security land for the implementation of the pilot project, (1) the above conditions must be satisfied and (2) there are written approval of the Ministry of National Defense as well as the Ministry of Public Security for the national defense land and security land.

### 3. REGULATIONS ON BANK GUARANTEE FEES FROM 1 APR 2025

From April 1, 2025, Circular 61/2024/TT-NHNN regulating bank guarantees officially takes effect, replacing Circular 11/2022/TT-NHNN.

The most prominent feature of the new Circular compared to the previous regulations is: Credit institutions and foreign bank branches must publicly post the guarantee fee.

### 4. LABOR CLASSIFICATION STANDARDS ACCORDING TO WORKING CONDITIONS

Circular 03/2025/TT-BLDTBXH stipulating labor classification standards according to conditions officially takes effect From April 1, 2025. Includes 6 types of conditions:

- (i) Occupations and jobs with working conditions classified as I, II, III are non-heavy, non-toxic and non-dangerous occupations and jobs;
- (ii) Occupations and jobs with working conditions classified as IV are heavy, hazardous and dangerous occupations and jobs;
- (iii) Occupations and jobs with working conditions classified as V and VI are particularly heavy, hazardous and dangerous occupations and jobs.

Labor conditions are classified and evaluated according to 03 methods: (i) The method of evaluation and scoring according to the process; (ii) Statistical methods and experience; and (iii) Method combining the above 2 methods.

### 5. CLASSIFICATION OF E-SIGNATURE CERTIFICATES

From April 10, 2025, Decree 23/2025/ND-CP regulating electronic signatures and trusted services will officially take effect.

Accordingly, e-signature certificates are classified as follows:

- (i) The original digital signature certificate of the national e-certification service provider is the digital signature certificate issued by the national e-certification service provider corresponding to each type of trusted service;
- (ii) Digital signature certificate of a trust service provider is a digital signature certificate issued by a national e-certification service provider to a trust service provider corresponding to each type of trust service, including: Digital Signature Certificate for time stamp issuance service, Digital Signature Certificates for Data Message Authentication Services, Digital Signature Certificates for Public Digital Signature Certification Services;
- (iii) Public digital signature certificate is a digital signature certificate issued by an organization providing public digital signature authentication services to subscribers;
- (iv) Special-use e-signature certificate means an e-signature certificate issued by an agency or organization that creates a specialized e-signature.

## B - New legal documents

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### Remarkable new legal documents

*(Enacted from 1 Mar 2025 – 31 Mar 2025)*

No.	Legal documents
<b>ELECTRICITY</b>	
1	Decree 56/2025/ND-CP guiding the Law on Electricity on electricity development planning, plans for development of power supply networks, investment in construction of power projects and bidding for selection of investors in electricity business projects
	Enactment Date: 03 Mar 2025
2	Decree 57/2025/ND-CP stipulating the mechanism of direct power purchase and sale between renewable energy generating units and large electricity users
	Enactment Date: 03 Mar 2025
3	Decree 58/2025/ND-CP guiding the Law on Electricity on the development of renewable energy and new energy electricity
	Enactment Date: 03 Mar 2025
4	Decree 61/2025/ND-CP guiding the Law on Electricity on electricity activity licenses
	Enactment Date: 04 Mar 2025
5	Decree 62/2025/ND-CP guiding the Law on Electricity on protection of electricity works and safety in the field of electricity
	Enactment Date: 04 Mar 2025

No.	Legal documents	
<b>FINANCE - BANKING</b>		
6	Decree 51/2025/ND-CP amending Decree 10/2022/ND-CP regulating registration fees	
	Enactment Date: 01 Mar 2025	Effective Date: 01 Mar 2025
7	Decree 69/2025/ND-CP amending Decree 01/2014/ND-CP on foreign investors purchasing shares of Vietnamese credit institutions	
	Enactment Date: 18 Mar 2025	Effective Date: 19 May 2025
8	Decree 70/2025/ND-CP amending Decree 123/2020/ND-CP regulating invoices and documents	
	Enactment Date: 20 Mar 2025	Effective Date: 01 June 2025
9	The Minister of Finance's Circular 13/2025/TT-BTC stipulating the collection rate, regime of collection, remittance, management and use of service fees to maintain the system of checking the status of digital signature certificates	
	Enactment Date: 19 Mar 2025	Effective Date: 10 Apr 2025
10	The Minister of Finance's Circular 10/2025/TT-BTC stipulating the collection rates, regime of collection, remittance, management and use of fees for maintaining the use of the Internet resources, fees for allocation of the Internet resources	
	Enactment Date: 19 Mar 2025	Effective Date: 03 May 2025
<b>ADMINISTRATIVE VIOLATIONS</b>		
11	Decree 68/2025/ND-CP amending Decree 118/2021/ND-CP guiding the Law on Handling of Administrative Violations	
	Enactment Date: 18 Mar 2025	Effective Date: 02 May 2025
<b>NATURAL RESOURCES – ENVIRONMENT</b>		
12	Decree 63/2025/ND-CP amending Decree 78/2021/ND-CP establishing and managing the Natural Disaster Prevention and Control Fund	
	Enactment Date: 05 Mar 2025	Effective Date: 19 Apr 2025
13	Decree 65/2025/ND-CP amending Decree 40/2016/ND-CP guiding the Law on Marine Resources and Environment and Islands and Decree 11/2021/ND-CP regulating the assignment of certain marine areas to organizations and individuals exploiting and using marine resources	
	Enactment Date: 12 Mar 2025	Effective Date: 02 May 2025

## C – Question & Answer

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### **1. Is it from 2025 that the personal income tax refund is automatic, so taxpayers do not have to go through any procedures?**

Basically, taxpayers are reduced by many steps but still have to perform several operations to get a tax refund.

Pursuant to Clause 1, Article 4 of the process of automatic personal income tax refund issued together with Decision 108/QĐ-TCT, the tax authority will create a personal income tax finalization declaration recommended for taxpayers who are individuals directly finalizing personal income tax. In case the declaration suggests correctly, the taxpayer shall certify and submit the dossier. In case the declaration suggests wrong, the taxpayer shall adjust it correctly and then submit the dossier.

### **2. A joint-stock company with foreign shareholders holding 49% of shares and then receiving a transfer to increase the share ownership rate to over 51%, does it need to carry out procedures for issuance of an Investment Registration Certificate (IRC)?**

First, it is necessary to determine that, if from the beginning, a foreign investor invests in establishing an enterprise in Vietnam, the project to establish an enterprise in Vietnam must carry out the procedures for granting an IRC, regardless of the capital ownership ratio of the foreign investor.

On the contrary, if a foreign investor does not participate in the establishment of an enterprise in Vietnam, but owns shares or contributed capital in the enterprise in Vietnam through the form of capital contribution, receipt of shares/contributed capital transfer, the investment in of foreign investors under this form the form is not subject to IRC issuance procedures, regardless of the percentage of shares or contributed capital held by foreign investors.

However, if after the foreign investor holds more than 50% of the share ownership rate or contributed capital in the enterprise in which this enterprise implements the investment project, the investment project of this enterprise is subject to IRC issuance procedures.

Therefore, if an enterprise with foreign investors implements a new investment project, this investment project is subject to IRC issuance procedures.

Note: Although it is not necessary to carry out the procedures for granting IRC in case the foreign investor contributes capital, receives the shares/contributed capital transfer leading to the ownership rate of shares or contributed capital over 50%, however, in this case, the foreign investor needs to carry out the procedures for registering capital contribution, shares/contributed capital purchase of the enterprise before the procedure of changing members shareholders.