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LEGAL UPDATE

January 2026

(01 January 2026 – 31 January 2026)



News in focus

*Policies taking effect
in February 2026*



New legal documents

Remarkable among documents:

Decree No. 49/2026/ND-CP of the Government detailing and guiding the implementation of a number of provisions of National Assembly Resolution No. 254/2025/QH15 on certain mechanisms and policies to remove difficulties and obstacles in the organization and implementation of the Law on Land.

A – News in focus



Several policies taking effect in January 2026

In February 2026, many prominent new policies on finance and intellectual property will officially take effect.

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

1. PENALTIES FOR BUYING, SELLING, AND LEASING BANK ACCOUNTS

From February 9, 2026, according to Decree 340/2025/ND-CP on administrative penalties in the monetary and banking sector (“**Decree 340**”), Article 30.5 stipulates that violations of regulations on payment activities will be subject to a fine of **100 million VND to 150 million VND** for any of the following acts: buying, selling, renting, leasing, borrowing, or lending payment accounts; or buying or selling payment account information involving **from 1 to less than 10 payment accounts**, provided that the offense does not yet warrant criminal prosecution.

In addition, buying, selling, renting, leasing, borrowing, or lending payment accounts, or buying or selling payment account information involving **10 or more payment accounts**, while not yet reaching the level of criminal liability, is punishable by a fine of **150 million VND to 200 million VND**.

2. GOLD BARS WILL BE CONFISCATED IF TRANSACTIONS ARE CONDUCTED AT UNLICENSED SHOPS.

From February 9, 2026, according to Decree 340, serious violations such as: producing, trading, or buying and selling gold bars without a license issued by the State Bank of Vietnam; illegally importing or exporting raw gold/gold bars; or trading gold without a license will be subject to fines ranging **from 300 to 400 million VND**.

In particular, in addition to fines, authorities will apply the supplementary penalty of confiscating all the infringing gold (evidence). Gold confiscation will only apply to organizations and individuals whose illegal production, trading, or import/export of gold has been clearly identified in Article 28.8 of Decree 340. Businesses that repeatedly or seriously violate the law may also face suspension of business operations, suspension of imports, or revocation of licenses. In addition, for other violations:

- A fine of **200-300 million VND** will be imposed for the following: producing gold bars in violation of regulations; using imported gold raw materials for improper purposes; and conducting business through authorized agents when committing repeat offenses;
- A fine of **80-100 million VND** will be imposed for the illegal trading of gold bars (except in special cases); and the illegal import/export of gold (not within the scope of customs);
- A fine of **30-50 million VND** will be imposed for businesses that do not publicly display buying/selling prices; do not disclose standards or label goods for gold jewelry, handicrafts, and gold bars;
- A fine of **10-20 million VND** will be imposed for the buying and selling of gold (including gold bars) with a value of 20 million VND or more in a single day without payment through a bank account.

3. ACTS OF INFRINGEMENT OF COPYRIGHT AND RELATED RIGHTS

From February 15, 2026, Decree 341/2025/ND-CP stipulates 35 acts of copyright and related rights infringement and the penalties for those acts. Some notable acts include:

- Infringement of the right to protect the integrity of a work (Penalties range **from 20 to 40 million VND** depending on the infringing act);
- Infringement of the right to perform a work in public (Penalties range **from 20 to 50 million VND** depending on the infringing act);
- Infringement of the right to import and distribute original or copies of a work to the public (Penalties range **from 200 to 250 million VND**);
- Infringement of the right to reproduce a work (Penalties range **from 5 to 100 million VND** depending on the infringing act);
- Violations of regulations concerning legal liability for copyright and related rights for intermediary service providers and other individuals and organizations (Penalties range **from 10 to 150 million VND** depending on the violation);...

4. NEW REGULATIONS COMPLETE THE LEGAL FRAMEWORK FOR SECURED CERTIFICATES

From February 6, 2026, Circular No. 122/2025/TT-BTC guiding the issuance of secured warrants, replacing Circular No. 107/2016/TT-BTC, will officially come into effect, completing the legal framework for this important derivative financial product on the Vietnamese stock market. Specifically:

- Warrants can only be issued in the form of call warrants, exercised in the European style, settled in cash, with a term of 3 months to a maximum of 2 years;
- Only listed stocks belonging to the VN30 or HNX30 indices, with large market capitalization, high liquidity, a minimum free float ratio of 20%, profitable business operations, and not subject to warnings, controls, or trading restrictions are allowed to be used as underlying assets for warrant issuance;
- Stricter regulations on warrant offering limits: the total number of shares converted from issued warrants for each underlying security shall not exceed 10% of the freely tradable shares; at the same time, each issuer may only offer a maximum of 1.5% of the same underlying security in a single issuance;
- The value of issued warrants is directly linked to the securities company's available capital ratio, at thresholds from 0% to 20%, depending on the level of financial safety;
- Foreign investors are not restricted in the percentage of warrants they can own;
- Other regulations on developing risk mitigation plans; reporting and information disclosure regimes;...

B – New legal documents



Remarkable new legal documents (Enacted from January 1, 2026 – January 31, 2026)

No.	Legal documents
ENTERPRISE	
1	Decree No. 373/2025/ND-CP of the Government amends and supplements a number of articles of Government Decree No. 126/2020/ND-CP dated October 19, 2020, detailing a number of articles of the Law on Tax Administration.
	Enactment Date: December 31, 2025 Effective Date: February 14, 2026
2	Decree No. 20/2026/ND-CP of the Government provides detailed regulations and guidance on the implementation of several articles of Resolution 198/2025/QH15 dated May 17, 2025, of the National Assembly on some special mechanisms and policies for the development of the private economy.
	Enactment Date: January 15, 2026 Effective Date: January 15, 2026
3	Decree No.29/2026/ND-CP of the Government on the domestic carbon exchange.
	Enactment Date: January 19, 2026 Effective Date: January 19, 2026
4	Circular No. 80/2025/TT-NHNN of the State Bank of Vietnam amends and supplements a number of articles of Circular 12/2022/TT-NHNN guiding foreign exchange management for foreign borrowing and debt repayment by enterprises.
	Enactment Date: December 31, 2025 Effective Date: January 25, 2026
CONSTRUCTION	
5	Decree No. 14/2026/ND-CP of the Government amends and supplements several articles of decrees to reduce and simplify administrative procedures related to production and business activities under the management of the Ministry of Construction.
	Enactment Date: January 13, 2026 Effective Date: January 15, 2026

No.	Legal documents	
SCIENCE - TECHNOLOGY		
6	Decree No. 15/2026/ND-CP of the Government amends and supplements several articles of decrees to reduce and simplify administrative procedures related to production and business activities under the State management scope of the Ministry of Science and Technology.	
	Enactment Date: January 14, 2026	Effective Date: January 14, 2026
TRANSPORTATION		
7	Decree No. 16/2026/ND-CP of the Government provides detailed regulations on a number of articles of the Railway Law.	
	Enactment Date: January 14, 2026	Effective Date: January 14, 2026
JUSTICE		
8	Decree No. 18/2026/ND-CP of the Government amends and supplements several articles of decrees to reduce and simplify administrative procedures and business conditions under the management of the Ministry of Justice.	
	Enactment Date: January 14, 2026	Effective Date: January 15, 2026
INVESTMENT		
9	Decree No. 19/2026/ND-CP of the Government stipulates the procedures for appraising nationally important projects and monitoring and evaluating investments.	
	Enactment Date: January 14, 2026	Effective Date: January 15, 2026
LAND - HOUSING		
10	Decree No. 34/2026/ND-CP of the Government amends and supplements a number of articles of Government Decree No. 178/2025/ND-CP dated July 1, 2025, detailing a number of articles of the Law on Urban and Rural Planning.	
	Enactment Date: January 22, 2026	Effective Date: January 22, 2026
11	Decree No. 35/2026/ND-CP of the Government provides detailed regulations on a number of articles of the Resolution on urban classification.	
	Enactment Date: January 22, 2026	Effective Date: January 22, 2026
12	Decree No. 49/2026/ND-CP of the Government provides detailed regulations and guidance on a number of articles of National Assembly Resolution 254/2025/QH15, which stipulates a number of mechanisms and policies to remove difficulties and obstacles in the organization and implementation of the Land Law.	
	Enactment Date: January 31, 2026	Effective Date: February 01, 2026
13	Decree No. 50/2026/ND-CP of the Government provides detailed regulations on a number of articles of Resolution 254/2025/QH15 dated December 11, 2025 of the National Assembly stipulating a number of mechanisms and policies to remove difficulties and obstacles in the organization and implementation of the Land Law regarding land use fees and land lease fees.	
	Enactment Date: January 31, 2026	Effective Date: January 31, 2026

C – Q&A

1. What are the latest regulations regarding signs of financial instability in businesses?

Based on Article 20 of Decree 365/2025/ND-CP, the following are the signs of financial insecurity in enterprises:

a) Signs of financial insecurity in enterprises include:

- For enterprises currently in the planned loss phase: The amount of loss incurred in the reporting year is greater than 30% of the planned loss approved by the competent authority.
- For enterprises after the planned loss phase, falling into one of the following cases: (i) The amount of loss incurred in the reporting year is 30% or more of the owner's investment capital or the cumulative loss is greater than 50% of the owner's investment capital; (ii) The debt-to-equity ratio exceeds the safe level as prescribed by the owner's representative agency (if any).

b) Other indicators that the owner's representative agency needs to consider when determining signs of financial insecurity in a business include:

- For businesses in the planned loss phase: Actual losses exceeding planned losses for two consecutive years.
- For businesses after the planned loss phase, falling into one of the following cases: (i) Losses for two consecutive years or more; (ii) Net revenue or gross profit decreasing for two consecutive years or more; (iii) Negative cash flow from operating activities for two consecutive years or more; or (iv) Failure to conduct an audit of financial statements, or having an adverse audit opinion, refusal to give an opinion in the audit report, or a qualified audit opinion in the audit report for two consecutive years on the same issue that materially affects the business's operations; There are opinions on issues requiring emphasis or signs and events, considered individually or in combination, that may lead to significant doubt about the going concern ability of the enterprise for two consecutive years in the audit report.

c) The signs specified in (a) and (b) are warning signs indicating the possibility of placing an enterprise under special financial supervision.

When an enterprise has one of these signs, the owner's representative agency shall preside over the assessment of the enterprise's production, business and investment activities, consider the signs of financial insecurity, and decide whether to place the enterprise under special financial supervision or continue to conduct supervision and inspection as prescribed in Articles 14 to 18 of Decree 365/2025/ND-CP.

C – Q&A

2. How is transparency in the management of artificial intelligence systems regulated?

Based on Article 11 of the 2025 Artificial Intelligence Law, which stipulates transparency responsibilities from March 1, 2026, the following applies:

- The provider shall ensure that the artificial intelligence system interacting directly with humans is designed and operated in a way that allows users to recognize when interacting with the system, unless otherwise provided by law.
- The provider shall ensure that audio, visual, and video content generated by the artificial intelligence system is tagged in a machine-readable format as prescribed by the Government.
- The implementing party is responsible for clearly notifying the public when providing text, audio, visual, or video created or edited using the artificial intelligence system if such content is likely to cause confusion regarding the authenticity of events or individuals, unless otherwise provided by law.
- The implementing party is responsible for ensuring that audio, images, and videos created or edited using artificial intelligence systems to simulate or replicate the appearance and voice of real people or to recreate real events are clearly labeled to distinguish them from real content.
- For products that are cinematographic, artistic, or creative works, the labeling stipulated in this clause shall be done in an appropriate manner, ensuring that it does not hinder the display, performance, or enjoyment of the work.
- The provider and implementing party are responsible for maintaining transparent information as stipulated in this Article throughout the process of providing the system, product, or content to users.
- The Government shall specify the details of the notification and labeling procedures.