

LEGAL NEWSLETTER

No. 18 – July 2024 – Capable Counsel

I. Commercial sector:

1.1. **Decision 1725/QD-BCT on Promulgating the list of goods subject to inspection of their energy efficiency and energy labeling under management of ministry of industry and trade issued by the Ministry of Industry and Trade on July 1, 2024.**

This Decision promulgates the List of goods (with HS codes) subject to inspection of their energy efficiency and energy labeling under management of Ministry of Industry and Trade in the Appendix to this Decision.

Subjects of application: Agencies, organizations and individuals related to activities of market development and management.

This Decision comes into force from the day on which it is signed.

This Decision supersedes Appendix III to the Decision No. 1182/QD-BCT dated May 20, 2019 of the Minister of Industry and Trade promulgating Lists of imports (with HS codes) subject to specialized inspection under the management of the Ministry of Industry and Trade.

1.2. **Circular 08/2024/TT-BTTTT detailing wholesale activities in telecommunications issued by the Ministry of Information and Communications on July 10, 2024**

This Circular details Clause 3, Article 16 and Point d, Clause 3, Article 17 of the Law on Telecommunications No. 24/2023/QH15 on wholesale activities in telecommunications.

The following services are not covered by this Circular:

- (i) Rental services for the use of cable networks in buildings, rental of passive telecommunications technical infrastructure;
- (ii) Basic telecommunications services on the Internet;
- (iii) Data center services, cloud computing services.

Subjects of application of the Circular include: State management agencies related to wholesale activities in telecommunications, telecommunications enterprises participating in wholesale activities in telecommunications.

This Circular takes effect from August 23, 2024.

1.3. Decree 96/2024/ND-CP on Elaboration of certain articles of the law on real estate business on development and management of housing and real estate market information system and database issued by The Government on July 24, 2024.

This Decree elaborates certain articles and clauses of the Law on Real Estate Business No. 29/2023/QH15 (hereinafter referred to as the Law on Real Estate Business), including.

Subjects of application of the Decree include: agencies, organizations and individuals involved in the development, management and use of the housing and real estate market information system.

This Decree takes effect from August 1, 2024.

Decree No. 44/2022/ND-CP dated June 29, 2022 of the Government on the development, management and use of the housing and real estate market information system ceases to be effective from the effective date of this Decree.

In case Vietnamese citizens have been granted personal identification numbers and the national population database, investment registration and enterprise registration databases are connected and operated, they may use personal identification numbers to replace papers related to personal identity (people's identity cards, citizen identity cards, identity cards, passports and other personal identification papers as prescribed by relevant laws) when carrying out procedures related to real estate business activities in accordance with the law on real estate business.

1.4. Decision 2017/QD-BCT on the announcement of newly promulgated administrative procedures and amendments and supplements in the field of protection of consumer rights under the management of the Ministry of Industry and Trade issued by the Ministry of Industry and Trade on July 31, 2024.

This Decision is announced together with newly promulgated administrative procedures, amended and supplemented administrative procedures in the field of protection of consumer rights under the management of the Ministry of Industry and Trade as the attached Appendix.

This Decision takes effect from the date of signing and replaces Decision No. 1372/QD-BCT dated June 5, 2024 of the Ministry of Industry and Trade on announcing newly promulgated administrative procedures and amending and supplementing in the field of consumer rights protection under the management of the Ministry of Industry and Trade.

List of newly promulgated administrative procedures in the field of protection of consumer rights under the management of the Ministry of Industry and Trade:

Number	Filing number	Name of administrative procedure	The name of the Legal Document stipulates the content of amendments and supplements	Field	Implementing agency
1		Notification of the implementation of non-sales activities at regular transaction locations	Decree No. 55/2024/ND-CP dated May 16, 2024 of the Government detailing a number of articles of the Law on Protection of Consumer Rights	Consumer Protection	Commune-level People's Committees

List of amended and supplemented administrative procedures under the management of the Ministry of Industry and Trade:

Number	Filing number	Name of administrative procedure	The name of the Legal Document stipulates the content of amendments and supplements	Field	Implementing agency
Administrative procedures at the central level					
1	2.000249	Registration of contracts according to forms and general transaction conditions under the competence of the Ministry of Industry and Trade	Decree No. 55/2024/ND-CP dated May 16, 2024 of the Government detailing a number of articles of the Law on Protection of Consumer Rights	Consumer Protection	Ministry of Industry and Trade
Provincial administrative procedures					
2	2.000191	Registration of contracts according to forms and general transaction conditions under the	Nghị định Decree No. 55/2024/ND-CP dated May 16, 2024 of the Government detailing a number of articles of the Law on	Consumer Protection	State management agencies in charge of consumer rights protection under provincial-level People's Committees

		jurisdiction of localities	Protection of Consumer Rights		
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II. Taxes, fees and charges:

2.1. Decree No. 81/2024/ND-CP dated July 04, 2024 amendments to some articles of the government’s decree no. 119/2022/nd-cp dated December 30, 2022 on Vietnam’s special preferential import tariff schedule for implementation of the ASEAN - Korean trade in goods agreement in the 2022 - 2027 period.

Amending and supplementing a number of articles of Decree No. 119/2022/ND-CP dated December 30, 2022: Amending and supplementing Clause 1, Clause 3 and Clause 7 Article 3.

This Decree is promulgated to replace Vietnam's Special Preferential Import Tariff for the implementation of the ASEAN-Korea Trade in Goods Agreement for the period of 2022 - 2027 promulgated together with the Government's Decree No. 119/2022/ND-CP dated December 30, 2022 with Vietnam's Special Preferential Import Tariff for the implementation of the Trade in Goods Agreement ASEAN - Korea in the period of 2023 – 2027.

This Decision takes effect from the date of signing.

III. Labor and salary:

3.1. Circular 07/2024/TT-BNV guiding the implementation of the base salary for beneficiaries of salaries and allowances in public agencies, organizations and non-business units of the Party, allowances in public agencies, organizations and non-business units of the Party, the State, the Vietnam Fatherland Front, etc socio-political organizations and associations promulgated by the Ministry of Home Affairs on July 05, 2024.

Subjects of application:

- Cadres and civil servants receiving salaries from the state budget working in agencies of the Party, the State, the Vietnam Fatherland Front, socio-political organizations at the central level; in provinces and centrally-run cities; in

districts, urban districts, towns, provincial cities, cities under centrally-run cities; in special administrative-economic units.

- Public employees receive salaries from the salary fund of public non-business units in accordance with law.
- Cadres, civil servants and public employees who are sent by competent authorities to work at associations, non-governmental organizations, projects and international agencies and organizations located in Vietnam are still entitled to salaries according to the salary table promulgated together with the Government's Decree No. 204/2004/ND-CP of December 14, 2004 on the salary regime for cadres and civil servants, public employees and armed forces.
- Salaried persons working within the payroll quota assigned by competent authorities at associations assigned by the Party or the State shall be supported by the state budget according to the provisions of the Government's Decree No. 45/2010/ND-CP dated April 21, 2010 on organization and operation and management of the association (amended and supplemented in Decree No. 33/2012/ND-CP dated April 13, 2012 of the Government).
- Cadres and civil servants in communes, wards and townships and part-time activists at the commune, village and neighborhood levels specified in the Government's Decree No. 33/2023/ND-CP dated June 10, 2023 on commune-level cadres and civil servants and part-time activists at the commune level, in villages and residential groups.
- Deputies of the People's Councils at all levels are entitled to activity fees in accordance with current law.
- People working in key organizations.
- Persons doing jobs under the labor contract regime specified in the Government's Decree No. 111/2022/ND-CP dated December 30, 2022 on contracts for a number of types of jobs in administrative agencies and public non-business units are subject to application or agreement in labor contracts applying salary grading according to Decree No. 204/2004/ Decree of December 14, 2004 of the Government on the salary regime for cadres, civil servants, public employees and the armed forces.

The following subjects may apply this Circular to calculate and determine the level of social insurance contributions and entitlements and settle salary-related regimes in accordance with the law:

- Cadres, civil servants and public employees who go to study, practice, work, treat and heal (domestic and foreign) on the salary payment list of Party and State agencies, socio-political organizations, public non-business units and associations that are supported by the state budget for their activities;
- Persons who are in the period of probation or probation (including probationary commune-level civil servants) in Party agencies, State agencies, socio-political organizations, public non-business units and associations are supported by the state budget for their activities;
- Cadres, civil servants and public employees who are temporarily suspended from work, are being detained or detained.

This Circular replaces Circular No. 10/2023/TT-BNV dated June 26, 2023 of the Minister of Home Affairs guiding the implementation of the base salary for salary and allowance beneficiaries in public agencies, organizations and non-business units of the Party, the State, the Vietnam Fatherland Front, etc socio-political organizations and associations.

Deductions and benefits calculated according to the base salary will be recalculated accordingly from July 1, 2024.

This Circular takes effect from July 5, 2024.

3.2. Decision No. 922/QĐ-BLĐTBXH on announcing administrative procedures for amending and supplementing the field of vocational education under the state management of the Ministry of Labor, War Invalids and Social Affairs issued by the Ministry of Labor, War Invalids and Social Affairs on July 12, 2024.

This Decision is promulgated together with 04 administrative procedures amending and supplementing the field of vocational education within the scope of state management functions of the Ministry of Labor, War Invalids and Social Affairs.

This Decision takes effect from the date of signing and replaces the Decision No. 1822/QĐ-LĐTBXH dated 30/12/2016 of the Minister of Labor, War Invalids and Social Affairs on the announcement of newly promulgated administrative

procedures within the scope of state management of the Ministry of Labor, War Invalids and Social Affairs and Decision No. 1856/QD-LDTBXH dated 26/12/2018 of the Minister of Labor, War Invalids and Social Affairs on the announcement of newly promulgated administrative procedures, abolished administrative procedures in the field of vocational education under the management of the Ministry of Labor, War Invalids and Social Affairs.

List of administrative procedures for amending and supplementing the field of vocational education within the scope of state management functions of the Ministry of Labor, War Invalids and Social Affairs:

No.	Administrative procedure number	Name of administrative procedure	The name of the Legal Document stipulates the content of amendments, supplements, and replacements	Field	Implementing agency
A. Central-level administrative procedures					
1	2.000250	Grant, re-grant, renewal and supplementation of certificates of assessment and issuance of national vocational skills certificates	Circular No. 41/2019/TT-BLDTBXH[1]	Vocational education	Ministry of Labor, War Invalids and Social Affairs

2	1.000567	Issuance, re-issuance, renewal and supplementation of national vocational skills assessor cards		Vocational education	Directorate of Vocational Education
3	1.000546	Issuance, renewal and re-issuance of national vocational skills certificates		Vocational education	Directorate of Vocational Education
4	2.000100	Register to participate in the assessment and issuance of national vocational skills certificates		Vocational education	Vocational Skills Assessment organization

IV. Business Sector:

4.1. Decree 92/2024/ND-CP on registration of cooperative groups, cooperatives and cooperative unions issued by the Government on July 18, 2024

This Decree provides for dossiers, orders and procedures for registration of cooperative groups, registration of cooperatives and cooperative unions; to the business registration agency; the interconnection of registration of cooperative groups, registration of cooperatives and cooperative unions; other contents related to the registration of cooperative groups, cooperatives and cooperative unions.

Subjects of application of this Decree include: Cooperative groups subject to business registration, cooperative groups wishing to register their business as



prescribed in Clause 2, Article 107 of the Law on Cooperatives; cooperatives, cooperative unions; Agencies, organizations and individuals related to the registration of cooperative groups, cooperatives and cooperative unions.

This Decree takes effect from the date of signing for promulgation.