

LEGAL NEWSLETTER

No. 21 – October 2024 – Capable Counsel

I. Investment Sector

1.1. Decree No. 125/2024/ND-CP regulating conditions for investment and operation in the field of education issued by the Government on October 5, 2024

This Decree provides for conditions for investment and operation in the field of education, including:

- Establishing or permitting the establishment or permitting of educational activities, suspension of educational activities, merger, division, separation or dissolution of: preschool education institutions, general education institutions, specialized schools;
- Establishment or permitting of establishment, suspension of operation, merger, division, separation or dissolution of: continuing education institutions, centers for support for inclusive education development;
- Establishing or permitting the establishment of a pedagogical college; grant certificates of registration of vocational education activities for the group of majors training teachers at the college level; suspension of vocational education activities for the group of college-level teacher training disciplines; revoke vocational education registration certificates for college-level teacher training disciplines; merger, division, separation and dissolution of pedagogical colleges; merger of colleges into universities;
- Establishing or permitting the establishment of universities or branches of higher education institutions; allowing universities and branches of higher education institutions to conduct training activities; suspension of training activities of higher education institutions and branches of higher education

institutions; merger, division and separation of higher education institutions; dissolution of higher education institutions, branches of higher education institutions; recognition of regional and national universities (hereinafter collectively referred to as higher education institutions);

- Establishing or permitting the establishment, permitting, suspension or dissolution of Vietnam's education quality accreditation organizations; recognition of foreign education quality accreditation organizations operating in Vietnam;
- Registration of overseas study consultancy services; suspension of overseas study consultancy services; revoke the certificate of business registration for overseas study consultancy services.

This Decree applies to: Preschool education institutions; independent children's groups, independent kindergarten classes, independent preschool classes; general education institutions; continuing education institutions; Center for Inclusive Education Development; specialized schools; colleges shall carry out vocational education activities for the group of majors training teachers at the college level; higher education institutions; organizing education quality accreditation; organizing the business of overseas study consultancy services; other organizations and individuals conducting educational activities

This Decree does not apply to organizations conducting vocational education quality accreditation and providing overseas study consultancy services on vocational education under the state management of the Ministry of Labor, War Invalids and Social Affairs.

This Decree takes effect from November 20, 2024.

This Decree replaces Decree No.46/2017/ND-CP dated April 21, 2017 of the Government regulating conditions for investment and operation in the field of

education and Decree No.135/2018/ND-CP dated October 4, 2018 of the Government amending and supplementing a number of articles of Decree No.46/2017/ND-CP dated April 21, 2017 of the Government regulating conditions for investment and operation in the field of education.

1.2. Decree No. 124/2024/ND-CP amending and supplementing a number of articles of the Government's Decree No. 86/2018/ND-CP dated June 06, 2018 regulating foreign cooperation and investment in the field of education issued by the Government dated October 05, 2024

The Decree amending and supplementing a number of clauses of Article 2, Article 4, Article 5, Article 6, Article 7, Article 14, Article 15, Article 17, Article 18, Article 20, Article 22, Article 28, Article 29, Article 31, Article 32, Article 33, Article 34, Article 35, Article 36, Article 37, Article 38, Article 42, Article 43, Article 46, Article 47, Article 48, Article 50, Article 51, Article 58, Article 59, Article 60, Article 65 of Decree No. 86/2018/ND-CP dated June 06, 2018

This Decree takes effect from November 20, 2024

II. Commercial sector:

2.1. Decree No. 122/2024/ND-CP amending and supplementing a number of articles of the Government's Decree No. 14/2018/ND-CP dated January 23, 2018 detailing border trade activities issued by the Government on October 4, 2024

Decree amending and supplementing Articles 3, 4, 16, 21, 22, 24 of Decree No. 14/2018/ND-CP dated January 23, 2018.

This Decree takes effect from December 1, 2024.

2.2. Decree No. 128/2024/ND-CP Amending and supplementing a number of articles of the Government's Decree No. 81/2018/ND-CP dated May 22, 2018 detailing the

Commercial Law on trade promotion activities promulgated by the Government on October 10, 2024

Decree amending and supplementing Articles 6, 7, 17, 18, 19, 20, 21, 32 of Decree No. 81/2018/ND-CP dated May 22, 2018.

This Decree takes effect from December 1, 2024

2.3. Decree 129/2024/ND-CP amending Decree 91/2016/ND-CP on management of insecticidal and bactericidal chemicals and preparations used in the household and medical sectors; Decree 155/2018/ND-CP amending business investment conditions under the state management of the Ministry of Health issued by the Government on October 10, 2024.

Amending and supplementing the Government's Decree No. 91/2016/ND-CP dated July 1, 2016.

Amending and supplementing a number of Articles of the Government's Decree No. 155/2018/ND-CP dated November 12, 2018 amending and supplementing a number of regulations related to business investment conditions under the state management of the Ministry of Health.

To annul and replace a number of provisions of Decree No. 91/2016/ND-CP and Decree No. 155/2018/ND-CP.

Establishments producing, trading, exporting, importing, testing and testing insecticidal and bactericidal preparations used in the household and medical sectors that have submitted dossiers to the Ministry of Health before the effective date of this Decree shall continue to comply with the provisions of Decree No. 91/2016/ND-CP and Decree No. 155/2018/ND-CP, except for the case where the establishment voluntarily completes the dossier as prescribed in this Decree.

This Decree takes effect from November 30, 2024.

2.4. Circular 20/2024/TT-BYT dated October 14, 2024 amending Circular 09/2015/TT-BYT regulating the certification of advertising content for products, goods and special services under the management of the Ministry of Health

Amending and supplementing a number of articles of the Circular No. 09/2015/TT-BYT dated May 25, 2015 of the Minister of Health regulating the certification of advertising content for products, goods and special services under the management of the Ministry of Health:

- Point dd, Clause 1, Article 12 is annulled.
- Point c is added after Point b, Clause 2, Article 12 as follows: "*Chemicals, insecticidal and germicidal preparations for household and medical use of the unit requesting certification of advertising contents are headquartered in the area under the management of the Department of Health.*"

This Circular takes effect from November 28, 2024.

Organizations and individuals that have been granted certificates of advertising contents of insecticidal and bactericidal chemicals and preparations for household and medical use before the effective date of this Circular may continue to advertise as prescribed.

Organizations and individuals that have submitted dossiers of application for certificates of advertising contents of insecticidal and bactericidal chemicals and preparations for household and medical use before the effective date of this Circular shall comply with the provisions of Circular No. 09/2015/TT-BYT.

III. Taxes, fees and charges

3.1. Circular 73/2024/TT-BTC stipulating the rates of collection, exemption, collection and payment of fees for renewal and re-issuance of identity cards issued by the Minister of Finance on October 21, 2024

This Circular prescribes the rates of collection, exemption, collection and payment of fees for renewal and re-issuance of identity cards.

This Circular applies to fee payers; organize the collection of fees; other organizations and individuals involved in the collection and payment of fees for renewal and re-issuance of identity cards.

Fee payers under the provisions of this Circular are Vietnamese citizens who carry out procedures for renewal or re-issuance of identity cards in accordance with the

law on identity cards, except for cases where fees are not required to be paid as prescribed in Clauses 2 and 3, Article 38 of the Law on Identity Cards.

The fee for renewal and re-issuance of identity cards is as follows:

- Issuance and replacement of citizen identity cards to identity cards according to the provisions of Clause 3, Article 21 of the Government's Decree No. 70/2024/ND-CP dated June 25, 2024 detailing a number of articles and measures to implement the Law on Identity: VND30,000/identity card;
- Replacement of identity cards for the cases specified in Clause 1, Article 24 of the Law on Identity Cards: VND50,000/identity card;
- Re-issuance of identity cards for the cases specified in Clause 2, Article 24 of the Law on Identity Cards: VND70,000/identity card.

From the effective date of this Circular to the end of December 31, 2024, the fee for renewal and re-issuance of identity cards is equal to 50% of the fee rate specified in Clause 1 of this Article. From January 1, 2025 onwards, the fee rates specified in Clause 1 of this Article shall apply, except for the cases specified in Clause 3 of this Article.

From January 1, 2025 to the end of December 31, 2025, the fee rate when a citizen submits an application for renewal or re-issuance of an identity card in the online form is equal to 50% of the fee rate specified in Clause 1 of this Article. From January 1, 2026 onwards, the fee rates specified in Clause 1 of this Article shall apply.

This Circular takes effect from October 21, 2024.

IV. Business Sector

4.1. Decree 133/2024/ND-CP dated October 21, 2024 amending a number of articles and appendices to Decree 58/2021/ND-CP regulating the provision of credit information services

To amend and supplement Clause 2, Article 10 and the summary curriculum vitae in Appendix VI issued together with Decree No. 58/2021/ND-CP.

This Decree takes effect from November 1, 2024.

Dossiers of application for the State Bank of Vietnam for issuance of certificates of eligibility for provision of credit information services submitted before the effective date of this Decree shall continue to be considered and handled in accordance with the provisions of law at the time of submission of dossiers.

4.2. Official Letter 907/LDLĐ in 2024 dated October 21, 2024 guiding enterprises to pay and distribute trade union funds issued by the Hanoi Confederation of Labor

Subjects of payment of trade union dues under the provisions of Clause 2, Article 26 of the Law on Trade Unions are agencies, organizations and enterprises, regardless of whether such agencies, organizations or enterprises have or do not have grassroots trade union organizations.

The payment rate is equal to 2% of the salary fund as a basis for paying social insurance premiums for employees. This salary fund is the total salary of employees who are subject to social insurance contributions in accordance with the law on social insurance.

Before proceeding to pay trade union dues by this method, the unit shall contact the trade union at the immediate superior level of the grassroots decentralized to collect (for places where trade union organizations have been established) or the Labor Confederation of districts, districts or towns where the enterprise registers its head office (for places where trade union organizations have not yet been established) for guidance. declaration into the software.

V. Import and export sector

5.1. Circular 17/2024/TT-BCT amending Circular 22/2019/TT-BCT regulating the suspension of border transfer and temporary import of plywood into Vietnam for re-export to the United States issued by the Minister of Industry and Trade on October 8, 2024

Article 3a is added after Article 3 of the Circular No. 22/2019/TT-BCT dated November 12, 2019 of the Minister of Industry and Trade stipulating the suspension of border transfer and temporary import of plywood into Vietnam for re-export to the United States as follows:



"Article 3a. Responsibilities for organizing the implementation of

1. In case the legal documents referred to in this Circular are amended, supplemented or replaced, such amended, supplemented or replaced documents shall apply.

2. In the course of implementing this Circular, if any problems arise, relevant traders, agencies, organizations and individuals shall report in writing to the Ministry of Industry and Trade for handling"

Amending and supplementing Article 4 on the implementation clause *"This Circular takes effect from December 27, 2019 to December 31, 2029."*

This Circular takes effect from November 25, 2024.

5.2. Circular 18/2024/TT-BCT regulating the list of scrap temporarily suspended for temporary import, re-export and border transfer issued by the Ministry of Industry and Trade on October 8, 2024

This Circular provides for the list of scrap temporarily suspended for temporary import, re-export or border transfer.

Subjects of application:

- Traders engaged in the business of temporary import, re-export, and border transfer of goods.
- Organizations and agencies managing business activities of temporary import, re-export, and border-gate transfer of goods.
- Other agencies, organizations and individuals involved in the business of temporary import, re-export and border-gate transfer of goods.

The list of scraps temporarily suspended for temporary import, re-export or border transfer is in the Appendix attached to this Circular.

The list of scrap specified in Clause 1 of this Article does not apply to the case of border-gate transfer business in the form of goods transported directly from the exporting country to the importing country, without going through the Vietnamese border gate.



This Circular takes effect from January 1, 2025 to the end of December 31, 2029.