



# NEWSLETTERS

Legal Updates December, 2012

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## Operation form of Commercial Arbitration



To manage for commercial arbitration, the Ministry of Justice has issued the form on the organization and operation of commercial arbitration.

Guiding the form stipulated in Circular 12/2012/TT-BTP of the Ministry of Justice.

In Circular, there are 29 forms as: Charter of the arbitration center (MIC); application for the establishment of MIC; registration application of MIC; monitoring books and settle complaints and denunciations ...

These forms are posted on the website of the Ministry of Justice; individuals and organizations can access to print and use.

This Circular takes effect from 25/12/2012.



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## Supporting 100% of the cost of labor export

The laborer is recovered agricultural land, if they wish to work in foreign countries, will be supported 100% vocational training, health costs, passport ... before going abroad.

This content is provided in Decision 52/2012/QĐ-TTg.

The State shall create favorable conditions for them to vocational training and have jobs in the country as well as working abroad.

In particular, they have been given loans at preferential interest rates to cover the necessary expenses to go to work abroad.

This Decision shall take effect from 1.1.2013.



## 4 telecommunication enterprises dominant market

Vietnam Post and Telecommunications Group (VNPT), the Military Telecom Corporation (Viettel), Telecom Joint Stock Company FPT, Information Mobile Company (VMS) was identified as 4 enterprises dominant the market.

This list announced by the Ministry of Information and Communication in Circular 18/2012/TT-BTTTT.



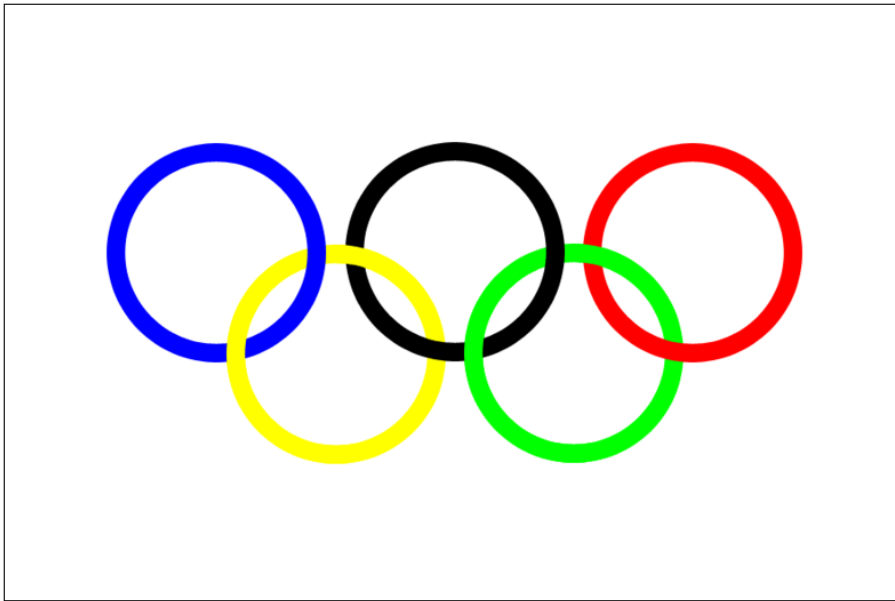
From 1.1.2013, when the Circular 18 takes effect, the issuance of charges will be managed by the state on competition.

The above enterprises are dominating 2 large services: Fixed Telecommunications and Mobile Telecom Services.

VNPT and Viettel are being unique position in the market for local telephone service, long distance in the country and international; leased; private message ...

FPT has huge market share in the market of broadband Internet access service.

## More object admitted to the University



Students are trained to prepare the regional and international Olympic by the Ministry of Education and Training, organizations will be admitted to the University under registered aspirations.

Previously, only members of the Olympic teams receive benefits.

The cause of increasing this type of object is due to the increase in the number of selected candidates to prepare

the Olympic: each team will select a maximum of 1.5 times the number of candidates to be recruited.

In addition, the number of contestants selected to exam in the Olympic team was also increased, by 8 times the number of candidates to recruit (formerly seven times).

The content provided in Circular 41/2012/TT-BGDĐT amended Regulation on the examination of the national good students, effective from 04/01/2013.



## Illegal termination of the labor contract also provides unemployment insurance

Previously, unilaterally terminate the labor contract, the employee must be certified by the employer that terminate is legal, shall be entitled to unemployment insurance.

However, from 15/01/2013 the laborer has certified by the employer about the unilateral termination of labor contract to complete entitled to unemployment insurance records for this case.

The employer will be responsible for providing certification document for their employees to perform to entitle unemployment insurance.

And from this time above, Registered unemployment duration will be extended 3 months from the date of work out or termination of the labor contract (before this period is 7 days).

It is the change in the profile, the procedure stipulated in Decree 100/2012/ND-CP dated 21/11/2012 amending and supplementing a number of articles of Decree No. 127/2008/ND-CP.

Decree above takes effect from 15/01/2013.



### **The water's price include the plan supply water's fee**



Under Circular 08/2012/TT-BXD issued on 21/11, water consumption include funding for safety water plan set up by the water supply unit.

Agencies, authorities shall grant to ensure stable, adequate water and quality assurance under ISO 9000.

In case of there is the problem which occur, we must resolved quickly, periodically check and check the supplied water system, and suggest control measures.

This Circular takes effect from 01.04.2013, replacing Regulation to ensure safe supplied water in Decision No. 16/2008/QD-BXD.



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## The floating restaurants must be equipped enough lifebuoys



5801:2005.

Within 03 months from the date of 01/5/2013, the floating restaurant, floating hotel must be equipped with lifebuoys enough for 100% people on board and be arranged in the bedroom, dining room, bar.

The float for children is 30% customers, the number of minimum round float is 8, including 4 wired throws; each side is 04, including 2 wired throws.

This is the content specified in Circular 43/2012/TT-BGTVT by the Minister of Transport.

According to the circular, in addition to the above conditions, the ship's life-saving equipment on overnight travel, restaurants, floating hotels with the mentioned requirements in TCVN

This Circular takes effect from 1/5/2013.



## Adding special allowances for the People's Police

Officer and contract laborers involved in the health center of the People's Police in addition to the entitled allowance, will be added meal allowances.

This mode is applied to officers and laborers who are mobilized permanent 24/24 hours, the level of support is 15,000 VND / person / tour of duty.

This provision in Circular 69/2012/TT-BCA guidelines Decision 73/2011/QD-TTg for the medical allowance in the People's Police.

In addition, the permanent allowance will increase to \$ 25,000 -115 000 VND / person / day depending on rank level of the hospital (the old rate is 10,000 - 45,000 VND / person / tour of duty).

At the same time, participants will be sabbatical and fully paid after joining permanent.



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Contract laborers are over the norms prescribed by the Ministry or not paid from the state budget will not be eligible the subsidies above.

This Circular takes effect from 28/12/2012.



### Conditions imported scrap use as raw materials

Traders directly import and use scrap as raw materials to produce, must enough conditions in paragraph 2 of Article 43 of the Law on Environmental Protection: warehousing, technology, equipment, waste treatment options, the observance of environmental regulations.

This is the content in jointly circular 34/2012/TTLT-BCT-BTNMT introduce the conditions for import of scrap use as raw materials for production.



Conditions for imported scrap including:

- Must be on the list are allowed to import scrap use as raw materials for production (issued enclosed Decision 12/2006/QD-BTNMT);
- Meets national technical standards of environment for imported scrap: QCVN 31:2010 / BTNMT, QCVN 32:2010 / BTNMT, QCVN 33:2010 / BTNMT.

This Circular takes effect from 01/01/2013.



### Supporting the farmer for rice up to 500,000VND

Organizations, households and individuals in domestic and foreign related to the management and use of land for rice, will receive a subsidy from the state budget.



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This support level is 500,000 VND / ha / year when production on the land for growing rice, and 100,000 VND / ha / year when producing the rice on the other land.

In addition, the local budget is where rice production will be received a similar subsidy from the central budget for investment in the construction and development of rice production.

However, this allowance does not apply to spontaneous rice land not according to plan.

The content above is mentioned in Circular 205/2012/TT-BTC policy guidelines to support and development of rice land under Decree No. 42/2012/ND-CP.

This Circular takes effect 10/01/2013.



### Non-cash payment



From 03.26.2013, organizations provide service: intermediate payments, non-cash payments, the use of this service when you open and use the account to sign contract.

Service cost for payment is regulated and listed by the organization, but in the case of unexpected developments, the State Bank will determine this cost.

The person from 15 years and under 18 years of age who has own property, they are entitled to open

account payment, but they must have a guardian.

The account holder can pay cash and require payment service provision to carry out the transaction invalid. At the same time, having the right to provide information on transactions and account balances on payment.

This content is deployed in Decree 101/2012/ND-CP on payment of non-cash, replace Decree 64/2001/ND-CP.



## Increase learning time for driver's license

Training time is licensed vehicles A1 increased from 8 hours to 10 hours, to B1 from 536 hours to 556 hours.

Many new courses will be added to help driver to be able to handle situations arise such as: emergency practice, conscious practice traffic law ...

For B2 must practice on the normal terrain, the student must practice driving on cars with automatic transmission.



The content above takes effect from 01/07/2013 and be defined in the Circular 46/2012/TT-BGTVT.

Other content in Circular 46/2012/TT-BGTVT takes effect from 01.01.2013, replaces Circular 07/2009/TT-BGTVT.



## Guiding compensation in criminal proceedings

The person died in their custody or detention, imprisonment without their own fault or unforeseen event will be compensated about the mental with 360 months minimum wage.

This is one of the content specified in the Circular 05/2012/TTLT-VKSNDTC-TANDTC-BCA-BTP-BQP-BTC-BNNPTNN on the implementation of the compensation of the state in criminal proceedings.

This amount is compensated for the victims relatives (spouses, parents, foster parents, biological children, adopted children, foster victims).

The relative of dead people is received compensation for material such as pretreatment, the burial of the victims, alimony (if any).

In addition, this circular guides on how to calculate the physical and mental damage in other cases.

This Circular replaces TTLT 04, 2006, and takes effect from 17/12/2012.



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## Procedures for certification of eligibility for safety food



Safety food certification must have been confirmed training of safety food, health certification of the owners and producers, the explanation of facilities, the equipment is most satisfactory...

The above documents must be closed in one volume with the requesting letter and the business registration certificate.

After receiving the dossier, the authority competent shall organize the evaluation.

For companies with unqualified evaluation results will be extended to a maximum of 60 days to

complete the equipment and instruments.

Beyond this time, the company has not achieved the standards will be monitored and not be active until issued certification of eligibility for safety food.

The form used in the above procedure is also issued attached with Circular 26/2012/TT-BYT.

This Circular takes effect from 15/01/2013.



## The Free charge of motorcycle for the poor

Motorcycles of poor households will be exempt from road use fee as prescribed in Circular 197/2012/TT-BTC specific guidance Decree 18/2012/ND-CP.

In addition, vehicles used for public purposes such as ambulances, fire ... also free of charge.

The Owner, using other means not under these circumstances. They have to pay the charge from 01/01/2013, unless the vehicles that is destroyed by accident, disaster or confiscated.

The fee of motorcycles is 50 -100.000/year and depending on kind of vehicle. Especially for cars can pay in months or years for a fee of less than 10 seats is 130,000 / month and 1.56 million / 12 months.

## Shorten the time of studying lawyer

The time of studying will be to 12 months, this is the the Law supplementing a number of Lawyers 2006.

The Law on amending and new features such as:

Lawyer training time was raised months.



shortened from 18 months Amending and articles of the Law on

supplementing also has

from 6 months to 12

The person joined the Lawyer association, who must practice in one of the following:

- Working under labor contracts in lawyers' organizations.
- Practice as an individual through a labor contract with the agency or organization.
- Established, involved the establishment of local lawyers.

Within three years from the date of issuance of the lawyer card, if the lawyer is not practice in accordance with the above provision or not practice five consecutive years. Lawyer card will be deleted the name from the list of lawyers, and revoked Lawyer Card.

Law No. 20/2012/QH13 will take effect from 1/7/2013.



## Promoting internal inspection in the university

Professional secondary schools, colleges and universities scale from 10,000 students or more, must been set up internal inspection.

It is a new provision in Circular 51/2012/TT-BGDDT be issued on 18/12.

Inspection Room will include the Chief was appointed by the Principal, Deputy and specialist by principals who decided on the basis of the proposal of the Chief.

Inspector Chief will have the right to suspend or request the principal to suspend the operation of organizations, individuals and units under the management of the principal.

For the school with scale less than 10,000 students can choose from setting-up inspection or specialized staffing inspection.

Circular 51/2012/TT-BGDDT takes effect from 03/02/2013, and replaces Decision 14/2006/QD-BGDDT.



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