



NEWSLETTERS

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Stopped importing of poultry viscera temporarily



From September 30, 2012, Even the case has been licensed by the Ministry of Industry and Trade,

trader business will not import of used consumer goods, frozen food items such as: organs of poultries, cattles including the head, legs, wings...

That is the direction of the Ministry of Industry and Trade to the General Department of Customs and the traders in Document No. 8818/BCT-XNK issued dated on September 17, 2012 on the implementation of Directive 23/CT-TTg of the Prime Minister.

For frozen items permitted to trade, now the Ministry of Industry and Trade has not been issued a detailed list yet, but requires traders waiting for guidance from the Ministry before continuing business. Likewise is the temporary import of goods with excise tax (wine, beer, cigarettes, cigars), the items were banned from import or export is not in the list of temporary suspension of business.

Guidance above takes effect from the date of issuance.



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The fee of the dancing club business license up to 15 million



The Fee is 15 million /paper. One of the content specified by the Ministry of Finance in Circular 156/2012/TT-BTC on rates, collection, remittance, management of the fee of the karaoke, dancing club business licenses.

This Rate is applied in cities (Hanoi, Ho Chi Minh City, Hai Phong, Can Tho, Da Nang) and in the cities and

towns of the province. The fee of the Karaoke business license in the region is divided into two levels, depending on the karaoke rooms: 6 million / paper from 01 to 05 rooms, 12 million / paper for 06 rooms or more.

The other areas, the fees of dancing club business license is 10 million / paper; karaoke business license is 3 million / paper for 01 to 05 rooms, 6 million for 06 rooms or more.

The fee agency is deducted 30% of the annual amount to cover the cost of fees. The remaining 70%, The fee agency must submit into the State budget.

This Circular takes effect from November 05, 2012.



Increasing the fine level of running speed



On November 10, 2012 will officially increase fines to some violations of road traffic such as: the number of people allowed, driving while exceeding the prescribed of alcohol concentration, ... and especially running speed, the penalty is up to 10 million.

It is stipulated in Decree 71/2012/ND-CP, issued on September 19, 2012, amending Decree No 34/2010/ND-CP on fines of administrative violations in road traffic.

The car driver drives speed from 5 km / h to 10 km / h, a fine of from 600,000 to 800,000, instead of the current fines of 300,000 - 500,000. The Fine is from 2 - 3 million (currently between 800,000 - 1,200,000 VND) if the stipulated speeding 10-20 km / h. In case of automobile driver drives speed over the 20 - 35 km / h, the fines will be doubled compared with the current, from 4,000,000 - 6,000,000.

Especially the highest fine level is from 8 - 10 million (instead of the 4-6 million) for the car driver drives speed over 35 km / h, at the same time deprived of the right to use the driving certificate for 60 days.



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For the motorbike driver drives speed from 10 - 20 km / h (now on 20km / h) will be fines from 500,000 to 1,000,000; the speed is over 20 km / h will be a fine from 2 - 3 million (current level of 500,000 - 1,000,000).

This Decree takes effect from November 10, 2012.



Non Personal Income Tax for maternity allowance



Before pressing of public opinion in the regulation "Salary was paid to entitle maternity allowance by the Social Security, it must be included in the personal income tax" in Dispatch 2139/TCT-TNCN on September 24, General Department of Taxation has issued Dispatch 3367/TCT-TNCN to correct this problem.

Entitled to maternity allowance, the employee received from social insurance funds shall be deducted when determining the income to pay PIT.

The document also refer to Clause 2.2 of Section II, Part A of the Circular 84/2008/TT-BTC on allowance deducted when determining taxable income from salary or wages; including grants under Social Insurance Law and the Labor Code: unexpected difficulties subsidies, labor accidents and occupational diseases; childbirth, adoption; due to the reduction of capacity labor; Lump-sum pension, survivors' allowance; the monthly allowance, severance allowances, unemployment allowance; other allowances paid by the social insurance.

This Dispatch takes effect from the date of signing.



Which Goods suspend the license of automatic import?

Today (26/9), the Ministry of Industry and Trade issued Circular 27/2012/TT-BTC on the suspension of license of automatic import for some goods.

Traders importing some goods have to register the license automatic import as prescribed in Circular 24/2010/TT-BCT, will not be registered at the Ministry of Industry and Trade.

However, there is still not clear in the use of terms in the Circular: the phrase "a specified number of goods at Circular 24/2010/TT-BCT" is all of the goods in Appendix 1 Circular 24, or only some particular

goods and will be added later? Perhaps, Circular 27 is really worth applying, Ministry of Trade and Industry will continue to issue additional documents to explain and guide its Article 1.

This Circular 27/2012/TT-BTC takes effect from the date of signing.



Fees for new identity card form

Vietnamese citizens who is 14 years old or older when making the new procedures for granting, renewal, new ID card, they must pay the following fees: Get images directly, the new is 30,000 VND, change 50,000, re-making is 70,000VND. Getting Photo indirectly, the fees for the new is 20,000, change is 40,000 VND and re-making is 60,000 VND.

This is one of the content specified in the Circular 155/2012/TT-BTC on

collection, management and use of fees for a new identity card issued by the Minister of Finance. Accordingly, the citizens permanently residing in the township mountainous; border communes; island districts, the fee for a new ID card with 50% of level specified above.

The case does not have to pay fees include: Citizens is the father, mother, husband, wife, child under 18 of martyrs; wounded soldiers, beneficiaries of policies such as invalids, children under 18 years of war invalids and enjoy policies such as invalids, sick soldiers, citizens of the town of upland, the poor as prescribed by law; citizens under 18, orphaned by both parents, helpless; changing new ID in the case of changing the new administrative boundary as prescribed by the State.

This Circular takes effect from November 05, 2012.



Adjusting cross-training universities, colleges

The organization and management of cross-training, linking in a number of universities, institutes, universities, colleges contravention of regulations and not quality assurance. Adjusting cross-training, linking, the Ministry of education issued Dispatch 6446/BGDDT-GDDH dated on September 28, 2012.

Accordingly, the Ministry of Education and Training requires the principal of the school to comply with the regulations to ensure the quality of training; Non organized by formal training beyond the school; Cross-training schools are from the secondary school to college, vocational secondary, vocational colleges and universities which must decide to communicate duties of the Minister of Education and Training; publicize outcomes, training programs, facilitate quality assurance, training plans for students on the school's electronic information.

Ministry of Education and Training will conduct inspection and handling the wrong in the training regulations of cross-training, linking.

This Dispatch takes effect from the date of signing.



Restricting the pupil studies the foreign program



Vietnamese pupil is not enough 05-year-old not accepted to study the foreign program which is defined in Decree 73/2012/ND-CP dated on September 26, 2012 by the Government on cooperation, investment of foreign countries in the field of education.

In addition, five types of foreign-invested education was established are: short-term training, vocational education, preschool education, the general education, higher education. Particular, only the general education has the foreign programs , foreign diploma which is allowed to receive Vietnamese students, but the number of Vietnamese students in the elementary and the secondary school must be $\leq 10\%$ of the total number of students, the high school is $\leq 20\%$.

The project of established investment of short-term training, preschool education, the general education, and vocational training centers must invest at least 20 million / student, 30 million /child, 50 million/student, and 60 million VND /student (not including the cost of land) ...

In case of foreign-invested education not to build new facilities that lease or capital contributed by the Vietnamese in the available facilities to implement activities, the level of investment must be at least 70% of the specified levels above.

Decree 73/2012/ND-CP takes effect from the date of November 15, 2012.



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Some goods stopping the import temporarily

11 days after issued Dispatch 8818/BCT-XNK on the implementation of stopped import under Directives 23/CT-TTg of the Prime Minister, dated on September 28, 2012 Ministry of Industry and Trade issued Decision 5737 /QD-BCT on the list of goods temporarily of suspension of business.

Issued together with the decision above, there are 3 appendices to the following:

Appendix 1: Some goods banned from import, transfer (including items such as: a number of inorganic and organic chemicals, discarded materials, plastic, some acids ...)

Appendix 2: Some goods banned from import, transfer and send to customs warehouses (including one of the organs of animals, one of the products of plastics, rubber, used laptop, used personal computer, mobile ...)

Appendix 3: List of frozen food goods are imported but it must comply with the license of the Ministry of Industry and Trade.

Thus, compared with the contents in the written notice 8818, the Ministry of Industry and Trade "owed" enterprises documents to guide the temporarily import for goods which banned import, export, the goods with excise tax (wine, beer, cigarettes, cigars)

This decision and the attached list will be effective from the date of issuance.



Tightened underwriting at the bank



The guaranteed in the following cases: organization, resident individuals; organization not residing in Vietnam; individuals not residing in Vietnam, not in the objects guaranteed. This is one of the new regulations in circular 28/2012/TT-NHNN defined for bank guarantees issued on October 03, 2012.

For the case of guarantee organization for non-residents. Organizations and Non-residents have not only the general conditions of the guaranteed but also its own conditions: guarantee organizations are established enterprises and operating in foreign countries, but there must be equity of the Vietnamese enterprises under direct investment; organization must deposit 100% value guarantee; the guarantee accepting party is the organizations and individuals who are residents. If not under the conditions mentioned above, the only guarantee is made with the approval of the State Bank.

In addition, the circular also provides details on the problem of determining the balance of guarantees, guarantees, rights and obligations of the parties ...

This Circular shall take effect from December 02, 2012 and replaces Decision No. 26/2006/QD-NHNN

Guidelines applicable minimum wage

State enterprise businesses at a loss, non construction and unit wage statements as required, when determining the wage fund must apply the minimum wage set by the government to determine the wage fund to the end of 2011

This is the content in Dispatch 3562/LDTBXH-LDTL on October 03, 2012.

Objects must build and unit wage reports as follows: State companies, independent cost-accounting member companies of the Corporation by the State where decide to invest and establish (as stated in Circular 07/ 2005/TT-BLDTBXH and 08/2005/TT-BLDTBXH); One-member limited liability company owned by the State, not including one-member limited liability company is the parent company of the economic Group which owned by the State (as stated in Circular 27/2010/TT-BLDTBXH).

Minimum wage determining wage fund under Decree 108/2010/ND-CP (from January 01, 2011 to September 30, 2011), Decree 70/2011/ND-CP (from October 01, 2011 to December 31, 2011). From 2012 onwards shall apply the minimum wage prescribed by the Government.

This dispatch takes effect from the date of signing.



The target of the nation is saving energy

In order to implement the Law on Efficiency Energy in 2010, the Prime Minister issued Decision 1427/QD-TTg on using energy with efficiency and saving in the period from 2012 to 2015 with a total capital needs-930 billion.

The target of the saving energy of the nation for the period 2012 - 2015 was 5-8%. For the energy-intensive industries, the reduction is at least 10% intensive energy . Typically, the cement industry, steel industry, textile industry.

A content will be deployed upcoming training and certification of energy management for more than 2,000 people in the field of industrial production and about 500 people in the field of management and use of construction; training and energy audit certification to approximately 200 people.

It also stated that the project will be the development and dissemination of high-performance equipment, energy saving, removing poor performing equipment. And technical support for the production, assembly, import, retail energy-efficient products and the domestic energy performance testing.

Decision 1427/QD-TTg takes effect from the date of its signing and replaces Decision 79/2006/QD-TTg.



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Protect the lives of the participants in the denunciation

The competent authorities are responsible for information security of the accuser in the process of receiving, processing and denunciation settlement, if the denunciation can be detrimental to the accuser.

This content is provided in Decree 76/2012/ND-CP of the Government on Denunciation Law, issued on October 03, 2012.

Pursuant to the denunciation can affect the life, health, property, etc. of the accuser and their relatives, the accuser shall have the right to request the police at home, make measures to protect themselves. In critical circumstances, the accuser has the right to relocate, handling the act of infringement timely ...

In the case of the accuser or their relatives are officials and servants, they also have the right to be protected if there is evidence to prove that he is victimized, discriminated against. When the risk, they can also be transferred to the work, and the competent person must handle quickly for those who commit acts of intimidation, retaliation accuser.

This Decree will take effect from November 20, 2012 and replaces the provisions on denunciation in Decree 136/2006/ND-CP dated January 14, 2006.



District Treasury does not advance the capital



State Treasury of districts, towns and provincial cities will not be capital advance, the advance payment is made in the State Treasury and the State Treasury of the provinces and cities directly under the Central Government, this is the principle in Circular 162/2012/TT-BTC by the Ministry of finance dated on October 03, 2012.

All capital advances are to be repaid on time, as prescribed; if not repaid on time, State

Treasury has the right to reserve budget funds to recover the full amount of capital advance, advance fee and advance fee expired (if any).



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Advance capital fee which is uniformly applied as 15% / month (30 days), calculated on the outstanding advance. Overdue advance fee is calculated by basic interest rate announced by the State Bank at the time of the advance fee expired. Advance overdue fees are calculated under advance fee expired and the number of days past due.

Advance fee paid monthly to the State Treasury Treasury and is calculated on the balance of the advance payment and the actual number of days in advance. Overdue advance fee paid by the recovery of overdue advance and is calculated on the outstanding balance of overdue advances and the number of days.

This Circular takes effect from the date of 1/1/2013 and replaces Circular 49/2005/TT-BTC.



"Removal" spam messages

Decree 90/2008/ND-CP of the anti-spam has many shortcomings. On October 5, the Government issued Decree 77/2012/ND-CP on amendment of some articles of Decree 90/2008/ND-CP to manage spam.

Accordingly, the advertiser or advertising service providers are

only allowed to send e-mail of advertising messages to the recipient when the recipient's consent; well as must terminate to send to the recipient as soon as receiving a request rejected by the recipient.

Upon receipt of the request denied, the advertiser or advertising service provider must send confirmation information that received requests rejected and must stop sending e-mails, advertising messages denied to the recipient.

Decree also stipulates acts forged fake name or electronic address of the organization or individual when sending the email, the message will be fined from 60 - 80 million. Hopefully, with the new rules will "Removal" spam.

This Decree shall take effect on January 01, 2013.



Restraining the health facilities gain more money from patients

According to Decree 85/2012/ND-CP dated on October 15, 2012, the Government prohibits health care facilities, public health officials gain more money from patients over the prescribed rates. If the violation will be handled in accordance with the law.

Decree also stipulates the price of services in public health care facilities. Accordingly, the service charge is the amount charged for each service and the route.

In addition, depending on the service, technical, or the cases of sickness will have the different prices. Price services provided by the Ministry of Health, in collaboration with the Ministry of Finance.

This Decree takes effect from the date of December 01, 2012, replacing Decree 95-CP dated on August 27, 1994.

