



LEGAL NEWSLETTER

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[Legal Newsletter]



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NEW REGULATIONS GUIDING COMPENSATION, SUPPORT AND RESETTLEMENT UPON LAND RECOVERY BY THE STATE



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On 3 January 2019, the Government issued Decree 06/2020/ND-CP amending Article 17 of Decree 47/2014/ND-CP stipulating compensation, support and resettlement when the State recovers land ("**Decree 06/2020**"). Accordingly, Decree 06/2020 has provided more detailed and clear guidelines for land recovery to implement investment projects whose investment policies are decided by the National Assembly and approved by the Prime Minister, particularly:

Adding the content of "Estimating the progress of compensation, support and resettlement plans" to the compensation, support and resettlement policy framework. In addition, the ministries and branches having investment projects shall assume the prime responsibility for, and coordinate with the provincial People's Committee in the locality where the land is recovered, formulate a framework of policies on compensation, support and resettlement and submit it to the Prime Minister for consideration, and must ensure funding for compensation, support and resettlement.



- If the land recovery for implementation of an investment project requires a resettlement area to be built, the policy framework must also include the recovered land area to build that concentrated resettlement area.
- For investment projects which have been approved in terms of compensation, support and resettlement plans for the whole project before 20 February, 2020, continue to comply with Article 17 of Decree 47/2014/ND -CP.
- For investment projects that have not been approved in terms of compensation, support and resettlement plan for the entire project before 20 February, 2020, implement the compensation, support and resettlement according to regulations of this new Decree.

Decree 06/2020 officially takes effect on February 20 2020.

ACTIVITIES OF BAILIFFS



On 08 December 2019, the Government issued Decree 08/2020/ND-CP on the organization and operation of Bailiffs (“**Decree 08/2020**”). Accordingly, Bailiffs are allowed to carry out 04 activities as follows:

- Document delivery
- Making a bailiff certificate
- Verification of civil judgment enforcement conditions
- Organizing enforcement of the Courts’ judgments and decisions

Document delivery

- The Bailiffs are entitled to deliver the following documents: papers, dossiers, documents of the People’s Courts, the People’s Procuracies, the enforcement agencies; papers, dossiers, documents of the authorities with foreign competence related to legal assistance in the civil field.
- The document delivery is considered completed when the bailiff has completed the procedures as prescribed by law.

Making bailiff certificates

- According to Article 36 of Decree 08/2020, bailiffs are entitled to make their certificate to record actual events, activities at the request of organizations, individuals nationwide, except the cases as stated in Article 37 of Decree 08/2020.
- Bailiff certificates cannot be replaced by notarized or certificated documents, and other administrative documents.
- Bailiff certificates operate as evidences for the court’s consideration during the settlement of civil and administrative cases in accordance with laws; as the grounds for the implementation of transactions between agencies, organizations, individuals in accordance with laws.
- During the assessment of proof value of bailiff certificates, people’s courts, people’s procuracies can summon bailiffs, other agencies, organizations, individuals to verify the authenticity of bailiff certificates. Such bailiffs, other agencies, organizations, individuals must be present as summoned.

- In addition, according to Article 37 of Decree 08/2020, there are 9 cases in which Bailiffs are not allowed to make their certificates :

- i. The cases which are related to the rights, interests of the bailiffs themselves and their relative members, including: wife, husband, natural children and adoptive children; biological father, biological mother, adoptive father, adoptive mother, grandmother, uncle, aunts, biological brother and sister; nephew, niece, grandchildren.
- ii. Violation of the regulations on national securities and defense including: Violation of objectives of national security and defense; disclosing state secrets, distributing news, documents, products belonging to state secrets; violation of the regulations on entry, exit and movement in the banned areas, protection areas, safety rims of security, defense and military areas; violation of the regulations on secret protection, protection of security works, national defense and military zones.
- iii. Violation of private life, personal secrets and family secrets under Article 38 of the Civil Code; in contravention of social ethics;
- iv. Certifying the contents and signatures in a contract and a transaction that it is subject to the scope of the notarization, authentication activities prescribed by the laws; certifying the accuracy, legality and social morality of the translation of papers and documents from Vietnamese into foreign languages and vice versa; certifying the signature, the copy true to the original;
- v. Recording the events and acts to transfer the right to use, the right to own land and assets without papers evidencing the right to use or ownership in accordance with laws.
- vi. Recording the events and acts in order to conduct unlawful transactions as required by the bailiff certificate requester;
- vii. Recording the events and acts of officials, professional army, workers and defense officers in agencies and units of the People’s Army, officers and soldiers in People's Public Security agencies and units on their duty.
- viii. Recording events and acts which are not directly witnessed by the Bailiffs.
- ix. Other cases as prescribed by the laws.

ACTIVITIES OF BAILIFFS



3. Verification of civil judgment enforcement conditions

- Bailiffs are entitled to verify the enforcement conditions for the cases which are under jurisdiction of the enforcement authorities in the province where the bailiff office is located.
- During the verification, the bailiffs have the rights to verify outside the province where the bailiff office is located.

4. Enforcement of Courts' judgments and decisions

- According to Article 51.1 of Decree 08/2020, Bailiffs are entitled to organize the judgment execution at the request of the concerned persons with respect to the following judgments and decisions:
 - i. The effective first instance judgments or decision of the people's district court; the effective first instance judgments or decisions of the people's provincial court where the Bailiff office is headquartered.
 - ii. The appellate judgments or decision of the people's provincial court where the Bailiffs office is headquartered; the appellate judgments or decisions of the high court with respect to the judgments or decisions of the people's provincial court where the Bailiff office is headquartered.
 - iii. The decision on cassation or reopening of the high court with respect to the judgments or decisions of the people's district court, the people's provincial court where the Bailiff office is headquartered.

- The bailiffs are not allowed to organize the execution of the judgments and decisions which are within the scope of authority for the head of the civil judgment agencies to proactively issue judgment execution decisions according to Article 36.2 of the Law on Civil Judgment Execution.

In addition, Decree 08/2020 also provides regulations on the tasks banned against bailiffs, bailiffs' offices, state management, handling of violations, settlement of complaints, denunciations, dispute settlement and control of the operation of the bailiff

Decree 08/2020 takes effect from 20 February 2020 and replaces Decree 61/2009/ND-CP and Decree 135/2013/ND-CP.



VIETNAM'S PARTICULARLY PREFERENTIAL IMPORT TAX RATES FOR THE IMPLEMENTATION OF THE ASEAN-HONG KONG AND CHINA FREE TRADE AGREEMENT PERIOD 2019 - 2022



On 5 January 2020, the Government issued Decree 07/2020 / ND-CP on Vietnam's special preferential import tariff table to implement ASEAN - Hong Kong, China Free Trade Agreement for period 2019 - 2022 ("Decree 07/2020"). Accordingly, Decree 07/2020 will take effect from 20 February, 2020.

Preferential export duties

According to Decree 07/2020, it is provided for many imported goods to be subject to special preferential import tax rates (AHKFTA), however, organizations and businesses must meet 04 conditions as follows:

- Firstly, goods to fall into the Special Preferential Import Tariff Table;
- Secondly, goods to be imported from member countries of ASEAN Free Trade Agreement - Hong Kong, China;
- Thirdly, goods to be shipped directly from exporting countries; and
- Fourthly, goods to meet the rules of origin of goods and have C / O form AHK as prescribed.

Regulations on freight

Specifically, goods shipped directly from exporting countries are understood as:

- Goods transferred between two member countries or in transit through many member countries; or
- Goods transferred between 2 member countries or in transit through 1 non-member country.

For the above cases, the following conditions must be met: (i) Goods are in transit due to geographical reasons or transport requirements; (ii) not engage in commercial transactions, not consumed there; (iii) not to be put under any other stages of processing.

In addition, attached to Decree 07/2020 are the Annexes on converting AHKFTA tariff from AHTN 2012 to AHTN; The report assessing the impact of the Decree promulgating special preferential import tariff table to fulfill Vietnam's commitments in ASEAN - Hong Kong Free Trade Agreement.



OPERATION OF INSURANCE AGENTS IN CREDIT INSTITUTIONS



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On 31 December 2019, the State Bank issued Circular No. 37/2019/TT-NHNN on **guiding credit institutions and branches of foreign banks to act as insurance agents for insurance enterprises**. ("Circular 37/2019"). Circular 37/2019 takes effect on 02 March 2020.

Accordingly, a credit institution as insurance agents may conduct the following activities:

- i. Client referral: the credit institution may refer a client who would like to purchase insurance to the insurance enterprise.
- ii. Insurance offer: the credit institution may offer insurance and explain terms and conditions of insurance products to clients who would like to purchase insurance; or offer insurance via electronic or online methods or other methods in compliance with the law.
- iii. Arranging conclusion of insurance policies: the credit institution may assist its clients in drawing up insurance policies, receive proposal forms and arrange conclusion of insurance policies as per the insurance agent agreement and regulations of the law on insurance business.
- iv. Premium collection: the credit institution may collect premiums from clients on behalf of the insurance enterprise as agreed upon in the insurance agent agreement.
- v. Claim settlement upon occurrence: the credit institution may assist its clients with claim procedures, receive claim forms, transfer premiums received from clients to the insurance enterprise for appraisal, issuance of the compensation decision and claim payment. If authorized by the insurance enterprise, the credit institution may pay out claims directly.
- vi. Other activities to execute the insurance agent agreement in compliance with the laws on insurance business and as authorized by the insurance enterprise.

In addition, Circular 37/2019 also regulates the operating principles of insurance agency of credit institutions, insurance agency contracts, the regime of reporting on insurance agency activities of credit institutions for enterprises, etc.



AMENDING THE PROVISIONS ON MANAGEMENT OF MEDICAL EQUIPMENT



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On 01 January 2020, the Government issued Decree 03/2020/ND-CP amending and supplementing Article 68 of Decree No. 36/2016/ND-CP dated 15 May 2016 on management of medical equipment amended and supplemented by the Governmental Decree No. 169/2018/ND-CP dated 31 December 2018 amending and supplementing a number of articles of Decree No. 36/2016/ND-CP dated 15 May 2016 of the Government on management of medical equipment.

Accordingly, Decree 03/2020/ND-CP amends and supplements Clauses 5, 6 and 11 of Article 68 of Decree No. 36/2016/ND-CP amended and supplemented by Decree No. 169/2018/ND-CP as follows:

Article 68.5 is amended as follows:

- The licenses to import medical equipment of classes B, C and D and licenses to import in vitro diagnostic reagents issued in 2018, 2019, 2020 and 2021 will expire after 31 December 2021 and be exempt from any import quantity limit imposed by customs authorities. (old regulations will expire on 01 January 2020);
- The import of medical equipment that do not require the import license and have been classified as B, C or D may be imported until the end of 31 December 2021 without limits and certification documents from the Ministry of Health. (old regulations will expire on 01 January 2020);
- The issued registration numbers of in vitro diagnostic reagents that expire after 10 January 2019 and before 31 December 2021 will be effective until the end of 31 December 2021. (old regulations will expire on 01 January 2020);

- Applications for the license to import in vitro diagnostic reagents that are submitted during the period from 01 January 2019 to 31 December 2021 inclusive will be approved in accordance with the 2005 Law on Pharmacy; such import licenses will be effective until the end of 31 December 2021. (old regulations will expire on 01 January 2020).
- Certificates of registration of insecticides and germicides of which sole purpose is to sterilize medical equipment which expire after 01 July 2016 and before 31 December 2020 will be effective until the end of 31 December 2020. (old regulations will expire on 01 January 2020).

The certificates of registration that expire after 01 July 2016 and before 31 December 2020 will be effective until the end of 31 December 2020. (old regulations will expire on 01 January 2020).

Article 68.6 is amended as follows: applications for registration of medical equipment of classes B, C and D may be submitted from 01 July 2017; and registration numbers of medical equipment will come into effect from 01 January 2022. (old regulations from 01 January 2020)

Article 68.11 is amended as follows: The ASEAN Common Submission Dossier Template (CSDT) is applied from 01/01/2022, from which applicants for circulation numbers are not required to provide the documents stated Articles 26.1.g, 26.1.i and 26.1.m of this Decree. (old regulations falling on 01/07/2020)

Decree 03/2020/ND-CP takes effect from 01/01/2020 and partially invalidates Decree 169/2018/ND-CP.





LEGAL ARTICLE



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TWO CRITICAL POINTS IN THE LEGAL PROTECTION OF MINORITY SHAREHOLDERS

GV Lawyers would like to introduce the article by Lawyer Hoang Thi Hoai Thu titled, "Two Critical Points In The Legal Protection Of Minority Shareholders", published in the Saigon Economic Times magazine on 16 January, 2020. In this article, Ms. Thu argues that the Enterprise Law 2014 creates a mechanism to enable minority shareholders to be able to bring their people to the Board of Directors ("BOM") of the company, but also gives majority shareholders the opportunity to dismiss members representing the minority thanks to their overwhelming majority. This has led to a number of shortcomings in protecting minority shareholders in accordance with the Enterprise Law 2014.

In conclusion, Ms. Thu suggests that legislators need to review the provisions on the BOM and BOM members in the Enterprise Law 2014 and, if necessary, to return to the BOM tenure mechanism under the Enterprise Law 2005. At the same time, it is recommended to limit the possibility of dividing down the BOM to vote several times as well as restrict the possibilities for major shareholders to dismiss BOM members nominated by minority shareholders in the corresponding tenure.

The Enterprise Law 2014 creates a mechanism to allow minority shareholders to have the opportunity to assign their personnel to the board of managers of the company, but concurrently, majority shareholders can therefrom dismiss members representing the minority thanks to their overwhelming majority.

BOARD OF MANAGERS WITH PROTECTION OF MINORITY SHAREHOLDERS

In a joint stock company, shareholders own the company but the operation of the company is delegated to the board of directors. Shareholders convene the General Meeting of Shareholders once or twice a year, and then dissolve it, while the board of directors manages the company permanently. This mechanism creates the possibility of abusing power from the board of directors and the company's management staff, going against the owners' benefits.

To limit the abuse of the board of directors, the law allows shareholders to elect the Board of Managers (BOM) as a permanent representative agency of shareholders to manage the company and supervise the board of directors.

Due to the representative role of the will of all shareholders, the election of the BOM is conducted according to a specific mechanism of cumulative voting. Under this mechanism, the total number of votes of shareholders will be multiplied by in proportion to the number of owned shares and the number of elected BOM members and shareholders have the right to give all or part of their votes to their selected candidate. The election winner will be determined according to the number of votes from high to low without requiring any percentage (65% or 51%) as otherwise decided by the General Meeting of Shareholders. The cumulative voting is done only once and thus increases the possibility for minority shareholders to appoint their personnel to the BOM because majority shareholders as well as minority shareholders may only use the one-off right to vote.

Due to such an important role, the shareholders who take hold of the BOM will take hold of the board of directors and thereby control the company. The struggle for the BOM has been frequent and fierce, especially in the tenure transition period. This is the time when we see the shortcomings of the Enterprise Law 2014 in protecting minority shareholders. Two vital weaknesses of the Enterprise Law 2014 include (1) Tenure of the BOM members and (2) Regulations on the dismissal of the BOM members.

TWO CRITICAL POINTS IN THE LEGAL PROTECTION OF MINORITY SHAREHOLDERS



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WHOSE IS THE TENURE?

At present, there is a common but harmful misunderstanding in relation to the BOM tenure. Such misunderstanding stems from Article 109 of the 2005 Enterprise Law, namely “the tenure of the Board of Managers is five years. The tenure of a member of the Board of Managers will not exceed five years, etc.” Thus, at the end of the term, the BOM members will be re-elected at the same time.

However, the 2014 Enterprise Law has changed the approach, whereby the tenure will be calculated for each member of the Board of Directors. Article 150 of the 2014 Enterprise Law stipulates: “The tenure of the members of the board of managers and its independent members must not exceed five years and may be re-elected with an unlimited number of tenures, etc.” This provision is understood that the tenure of the BOM members will be five years, but the time of start and end of each member’s tenure is different because they can be elected at different times. In other words, a relevant change in the Enterprise Law 2014 results in the fact that the BOM will be separately divided to be elected in several times. With the advantage over votes, majority shareholders easily win such elections to assign their candidates to the BOM. Where there are such several elections, the cumulative voting mechanism is no longer effective in protecting minority shareholders. And the opportunity for minority shareholders to assign their personnel to the BOM will be lower, resulting in the risk of lacking the transparency in corporate governance.

ANY VOTING IS CUMULATIVE, BUT NEITHER ANY DISMISSAL IS

The BOM members are elected by the cumulative voting mechanism, but it is noteworthy that the dismissal is carried out under a simple voting mechanism.

Unless otherwise prescribed by the charter, the dismissal of a BOM member will generally be approved when 51% of the shareholders attending the General Meeting of Shareholders agree. The 2014 Enterprise Law does not require shareholders to dismiss only members whom they previously nominated or supported. When a shareholder or a group of shareholders holding more than 51% of the voting shares, they have the right to dismiss any BOM members, including members who are not nominated by them.

Thus, through cumulative voting, minority shareholders may have the opportunity to assign their personnel to the BOM at the start of the tenure, but later, members nominated by minority shareholders will suffer any dismissal requested by majority shareholders. This dismissal is undoubtedly approved by the General Meeting of Shareholders because it is in the hands of the majority shareholders.

Overall, the efforts by minority shareholders to make their personnel serve on the BOM succeed in the early stages but fail in the long run.



AWAITING THE DRAFT AMENDED LAW

Currently, the amended Enterprise Law 2014 is being drafted and seeking consultation. From the said analysis and with the desire to enhance the protection for minority shareholders, it is time to review the provisions on the Enterprise Law 2014 and, if necessary, to return to the BOM tenure mechanism under the 2005 Enterprise Law. At the same time, it is recommended to limit the possibility of dividing down the BOM to vote several times as well as restrict the possibilities for major shareholders to dismiss BOM members nominated by minority shareholders in the corresponding tenure.

PHÁP LUẬT

Hai điểm yếu sinh tử của luật trong bảo vệ cổ đông thiểu số

Luật Doanh nghiệp 2014 tạo ra cơ chế giúp cổ đông thiểu số có cơ hội đua người của mình vào hội đồng quản trị công ty, nhưng cũng từ Luật này, cổ đông đa số có thể bãi miễn các thành viên đại diện cho nhóm thiểu số nhờ ưu thế đa số của họ.

LS. HOÀNG THỊ HOÀI THU ⁽¹⁾

HỘI ĐỒNG QUẢN TRỊ VỚI VIỆC BẢO VỆ CỔ ĐÔNG THIỂU SỐ

Trong công ty cổ phần, các cổ đông là chủ sở hữu công ty nhưng quyền điều hành công ty được giao cho ban giám đốc. Cổ đông họp đại hội đồng cổ đông một năm một, hai lần rồi giải tán, còn ban giám đốc thì quản lý công ty thường trực. Cơ chế này tạo ra khả năng lạm quyền từ ban giám đốc và các nhân viên quản lý công ty, đi ngược lại quyền lợi của chủ sở hữu.

Để hạn chế sự lạm quyền của ban giám đốc, luật cho phép cổ đông bầu ra hội đồng quản trị (HDQT), với tư

liệt, đặc biệt vào giai đoạn chuyển giao nhiệm kỳ. Đây chính là thời điểm chúng ta thấy sự nã rời của Luật Doanh nghiệp 2014 trong việc bảo vệ cổ đông thiểu số. Hai điểm yếu sinh tử của Luật Doanh nghiệp 2014 là: (1) Nhiệm kỳ của thành viên HDQT và (2) Quy định về bãi miễn thành viên HDQT.

NHIỆM KỲ LÀ NHIỆM KỲ CỦA AI?

Có một hiểu nhầm phổ biến nhưng tai hại hiện nay là nhiệm kỳ được tính cho HDQT. Cách hiểu này xuất phát từ quy định tại điều 109 Luật Doanh

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The State Securities Commission Strictly Sanctioning The Enterprises Delaying Share Listing

Implementing the commitment made from the end of last year that in 2020 strict sanctions will be imposed on enterprises that violate the post-equitization regulations requiring them to list their stocks on the stock exchange, at the beginning of this year, the State Securities Commission (SSC) have sanctioned a number of businesses.

Among the securities market violations that have been handled by the SSC since the beginning of the year, the violations of delayed stock listing have accounted for a high proportion, with 7 companies being fined.

Not only penalizing companies that have not yet listed their shares, the SSC has also heavily sanctioned many companies for failing to list their shares on time. In addition to being sanctioned for not listing or being slow in listing shares, many businesses are also fined by the SSC for other violations.

Regarding the reasons why enterprises delayed their listing, the SSC noted many excuses made by businesses: due to the small capital of less than VND 10 billion following equitization (non-eligible as a public company) they cannot be listed; business losses; Not yet finished equitization ...



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Proposal to consider the responsibility of the representative of the state capital share

In order to continue promoting enterprises to strictly abide by the regulations on stock listing, the Ministry of Finance has proposed the Prime Minister to assign the concerned ministries and branches to review and clearly indicate the reasons why enterprises have not yet registered transactions and listed their shares, and send the list to the Ministry of Finance to seek solutions.

The Ministry of Finance also proposed to the Prime Minister to consider disciplining the representative of state capital in enterprises if they deliberately delay or fail to list their shares on the stock exchange according to regulations ...

Along with renewing the mechanism on the obligation to list shares on the stock exchange when amending Decree No. 126/2017 / ND-CP on transformation of state-owned enterprises and one-member limited liability companies whose charter capital is 100% owned by State enterprises into joint stock companies, to ensure the rationality and feasibility. The representative of the SSC said that the sanctioning of enterprises for delaying the listing of stocks is being promoted to ensure deterrence. In particular, even companies that have brought their shares to the stock exchange, but are still fined due to not meeting the deadline.

According to Nguyen Huan / tinnhanhchungkhoan.vn.

Hopefully, the above content is useful for your reference, if you still have questions or need other legal assistance, please contact our lawyers via email: info@gvlawyers.com.vn or telephone: 028 3622 3555 for specific answers and timely support.



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Corporate income tax incentives for software production activities

In case an enterprise has a new investment project in the field of software product production as prescribed by law, the income from software product production activities will apply:

Tax rate of 10% for 15 years, starting from the first year in which revenue from new investment projects is eligible for tax incentives.

Tax exemption for 4 years from the first year an enterprise with taxable income from a new investment project is entitled to tax incentives and a 50% reduction of payable tax amounts for the subsequent 9 years. In case an enterprise has no taxable income in the first three years, counting from the first year it has turnover from a new investment project, the time for tax exemption or reduction is counted from the fourth year.

The determination of enterprises engaged in software product production activities complies with the Governmental Decree No. 71/2007/ND-CP dated 03 May 2007, Circular No. 16/2014/TT-BTTTT dated 18 June 2007, Circular 09/2013/TT-BTTTT dated 08 April 2013 of the Ministry of Information and Communications.

In case the Company generates income from software trading and software services, the income from this activity is not entitled to corporate income tax incentives for the production of software products as prescribed.

Guidelines are provided in Official Letter No. 1966/CT-TTHT dated 15 January 2020 of the Ha Noi City Tax Department.

2. Value-added tax of advertising services abroad

In case an enterprise provides services to customers in foreign countries, if it satisfies the conditions in Articles 9.1 and 9.2 of Circular 219/2013/TT-BTC, the VAT rate of 0% is applicable. In case the Company provides advertising services delivered in Vietnam to organizations and individuals abroad, the tax rate of 0% will not apply as prescribed in Article 9.3 of the said Circular 219/2013/TT-BTC. Advertising services provided in Vietnam are subject to a VAT rate of 10%.

Guidelines are provided in Official Letter No. 1961/CT-TTHT dated 15 January 2020 of the Ha Noi City Tax Department.

3. Arising difference upon revaluation of real estate

In case an enterprise purchases any real estate (land and housing use rights) for resale, at the end of the year, the value of this property is discounted from its original purchase price and the enterprise is not subject to provision appropriation in accordance with Article 1.1 of Circular No. 48/2019/TT-BTC dated 8 September 2019, the enterprise will be not allowed to appropriate the said provision for real estate reduction to calculate deductible arising expenses when determining taxable income for corporate income tax.

Guidelines are provided in Official Letter No. 1971/CT-TTHT dated 15 January 2020 of the Ha Noi City Tax Department.

4. Determination of interest expenses under Article 8.3 of Decree 20/2017/ND-CP

In case the Company and its subsidiary have associated relationship as prescribed in Article 5.1 of Decree 20/2017/ND-CP, and if there is a related party transaction in accordance with Article 4.3 of Decree 20/2017/ND-CP (the Company lends to a subsidiary), the Company will determine the deductible interest expenses when determining the taxable income for corporate income tax in accordance with Article 8.3 of Decree No. 20/2017/ND-CP dated 24 February 2017 of the Government. Notably, the interest expense is determined according to the said principle as the total interest expense arising in the period of the Company (regardless of whether from related parties or independent parties).

Currently, the Ministry of Finance and the General Department of Taxation are in the process of receiving, summarizing problems and proposals during implementation of Decree No. 20/2017/ND-CP in general and the provisions in Article 8.3 of Decree No. 20/2017/ND-CP in particular to report to the Government for promulgation of a Decree amending and supplementing Decree No. 20/2017/ND-CP. In case there are instructions different from the said guidelines, the Tax Department will guide the Company to implement.

Guidelines are provided in Official Letter No. 1964/CT-TTHT dated 15 January 2020 of the Ha Noi City Tax Department.



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**LIST OF LEGAL DOCUMENTS
ISSUED IN THE MONTH**

LIST OF LEGAL DOCUMENTS ISSUED IN THE MONTH



NO.	DOCUMENT TITLE	ISSUANCE DATE	EFFECTIVE DATE
GOVERNMENT			
1	Decree No. 13/2020/ND-CP on guiding the Law on Animal Husbandry	21/01/2020	05/03/2020
2	Decree 12/2020/ND-CP on invalidation of Article 63.1.c, Article 64.2.b and Article 65.3 of Decree 26/2019/ND-CP guiding the Fisheries Law	20/01/2020	20/01/2020
3	Decree 11/2020/ND-CP stipulates administrative procedures in the field of State Treasury	20/01/2020	16/03/2020
4	Decree No. 10/2020/ND-CP providing regulations on automobile transport business and its conditions	17/01/2020	01/04/2020
5	Decree 09/2020/ND-CP abolishing a number of legal normative documents on the Road Maintenance Fund	13/01/2020	01/03/2020
6	Decree 08/2020/ND-CP on the organization and operation of Bailiffs	08/01/2020	24/02/2020
7	Decree No. 07/2020/ND-CP on Vietnam's Special Preferential Import Tariff to implement the ASEAN - Hong Kong, China Free Trade Agreement in the period of 2019 - 2022	05/01/2020	05/01/2020
8	Decree No. 06/2020/ND-CP on amending and supplementing Article 17 of the Governmental Decree No. 47/2014/ND-CP dated May 15, 2014 on compensation, support and relocation upon land recovery by the State	03/01/2020	20/02/2020
9	Decree 05/2020/ND-CP repealing a number of legal normative documents	03/01/2020	03/01/2020
10	Decree No. 04/2020/ND-CP amending the Governmental Decree No. 31/2016/ND-CP on penalties for administrative violations against regulations on plant varieties, plant protection and quarantine, and the Governmental Decree No. 90/2017/ND-CP on penalties for administrative violations against regulations on veterinary medicine	03/01/2020	18/02/2020
11	Decree No. 03/2020/ND-CP on amending and supplementing Article 68 of Decree No. 36/2016/ND-CP dated May 25, 2016 of Government on medical equipment management which is amended and supplemented in the Decree No. 169/2018/ND-CP dated December 31, 20128 of the Government on amending and supplementing the Governmental Decree No. 36/2016/ND-CP on medical equipment management	01/01/2020	01/01/2020

NO.	DOCUMENT TITLE	ISSUANCE DATE	EFFECTIVE DATE
GOVERNMENT			
12	Decree No. 02/2020/ND-CP on amending the Governmental Decree No. 131/2015/ND-CP of December 25, 2015, providing guidance on national important projects	01/01/2020	01/01/2020
13	Decree No. 01/2020/ND-CP on amending the Governmental Decree No. 84/2015/ND-CP dated September 30, 2015 on investment supervision and evaluation	01/01/2020	01/01/2020
14	Resolution 02/NQ-CP on further performing key tasks and solutions to improve the business environment and enhance national competitiveness in 2020	01/01/2020	01/01/2020
PRIME MINISTER			
1	Decision 27/QD-TTg on establishing Da Nang Centralized Information Technology Park - phase 1	06/01/2020	06/01/2020
MINISTRY OF FINANCE			
1	Circular 01/2020/TT-BTC providing the rate, collection, remittance, management and use of the costs of insurance management and supervision	03/01/2020	20/02/2020
MINISTRY OF INDUSTRY AND TRADE			
1	Circular 01/2020/TT-BCT on prescribing the import of material tobacco under the 2020 tariff quota.	14/01/2020	29/02/2020
PEOPLE'S COMMITTEE			
1	Decision 03/2020/QD-UBND of Ho Chi Minh City People's Committee regulating land price adjustment coefficient in 2020 in Ho Chi Minh City	16/01/2020	26/01/2020
2	Decision 02/2020/QD-UBND of Ho Chi Minh City People's Committee promulgating the Regulation on land price lists in Ho Chi Minh City in the period of 2020-2024	16/01/2020	26/01/2020
3	Decision 30/2019/QD-UBND of Ha Noi City People's Committee on promulgating regulations and land price list in Ha Noi city, applicable from 01 January 2020 to 31 December 2024	31/12/2019	01/01/2020



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