

## LEGAL UPDATE (September 2021)

In this issue, we would like to bring to your attention to the following:

- New regulations on renovation and rebuilding of apartment buildings
- Regulations on the rate, collection, payment, management and use of fees in food safety

### 1. **New regulations on renovation and rebuilding of apartment buildings**

On September 1<sup>st</sup>, 2021, Decree No. 69/2021/ND-CP, which was issued by the Government ("**Decree 69/2021/ND-CP**") to replace Decree 101/2015/ND-CP dated October 20<sup>th</sup>, 2015 detailing the renovation and reconstruction of apartment buildings, has officially come into effect. Some outstanding contents of Decree No. 69/2021/ND-CP including:

- (i) **Firstly**, determining the principles of renovation and reconstruction of apartment buildings, including:
- Supplementing the case that apartment building is not included in the approved renovation and reconstruction plan must be immediately deconstructed due to incident, natural disaster or fire, the People's Committee of the province must immediately relocate households away from this apartment building and then supplement to the local apartment building renovation and reconstruction plan.
  - Determining that the projects of renovation and reconstruction of apartment buildings do not require a spare land area for the construction of social houses by the law on housing.
  - In case the locality implements the project on damaged apartment buildings that are not demolished but are located in the area subject to renovation or construction synchronized with the apartment building subject to demolition according to the approved construction planning, investors may divide investment into stages to implement apartment projects.
  - In case of delay in the implementation of the investment project according to the approved decision on approval of investment project, the agency competent approving the investment project shall decide to extend or terminate the implementation of the investment project.

- (ii) **Secondly**, Decree 69/2021/ND-CP clearly stipulates the cases in which the apartment building must be deconstructed for reconstruction or construction of other buildings as per planning, specifically as follows:
- The apartment building must be immediately demolished due to incidents, natural disasters, fire.
  - The apartment building runs out of its service life or has not yet expired, but there is an overall or local danger situation according to inspection conclusions of the provincial housing management agency.
  - The apartment building has damaged one of the primary structural components, including: foundation, columns, walls, beams which do not meet the requirements of normal use but are not required to be deconstructed but located in the area where the apartment building is subject to demolition.
- (iii) **Thirdly**, competent state agencies to prepare, appraise, and approve detail planning of area where apartment building and apartment complexes required to be renovated and reconstructed.
- (iv) **Fourthly**, clearly stipulating principles in the development and implementation of compensation plans applied to renovation and reconstruction projects of apartment buildings. At the same time, stipulating the compensation coefficient and assign local agencies based on each project area to determine this coefficient.

## 2. Regulations on the rate, collection, payment, management and use of fees in food safety

On August 5<sup>th</sup>, 2021, the Ministry of Finance issued Circular No. 67/2021/TT-BTC regarding the collection levels, regulations for the collection, payment, management and the use of fees in food safety work which is under the management of the Ministry of Health and the Ministry of Industry and Trade (“**Circular 67/2021/TT-BTC**”), specific:

- (i) **Firstly**, supplementing some subjects paying fee as follows:

Organizations and individuals producing, trading, importing and exporting food shall pay the fee when submitting applications to competent authorities for issuance of the license to sell or import foods, or certifications or declarations in the food safety sector; certificates of exported foods; certificates of the fulfillment of food safety requirements; assessment of contents of television advertisements, programs recorded on tapes, disks, software or other materials, and documents used in advertising for foods, food additives, and processing aids in the medical sector.

- (ii) **Secondly**, the business units-public is also a subject entitled to organize the collection of fees when assigned to provide fee collection services as prescribed in Circular 67/2021/TT-BTC.
- (iii) **Thirdly**, Adjusting the level of fees in food safety and stipulating in detail at the Fee Schedule promulgated together with Circular 67/2021/TT-BTC:
  - The level of fees tend to be lower than previous regulations.
  - Evaluating for licensing circulation, importation, certification, publication in the field of food safety without defining the case of first publication or re-announcement.
  - Removing Appraisal fee to confirm food safety knowledge.

Circular 67/2021/TT-BTC will take effect on September 19th, 2021.

We hope this Monthly Newsletter would bring you useful information.

Best regards.

**Contributor(s):****Mr. DINH QUANG LONG****Director cum Managing Partner****M** (+84) 919 963 977 | **E** [long.dinh@apolatlegal.com](mailto:long.dinh@apolatlegal.com)**Ms. THIEU THI KIEU THU****Associate****M** (+84) 378 513 939 | **E** [thu.thieu@apolatlegal.com](mailto:thu.thieu@apolatlegal.com)**Ms. NGUYEN THI TRA MY****Paralegal****M** (+84) 965 155 640 | **E** [my.nguyen@apolatlegal.com](mailto:my.nguyen@apolatlegal.com)

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**Contacts:****HO CHI MINH CITY (Head office)**

5<sup>th</sup> Floor, IMM Building  
99-101 Nguyen Dinh Chieu, District 3  
Ho Chi Minh City, Vietnam

**THE BRANCH IN HA NOI CITY**

Room A8, 29th Floor, East Tower, Lotte Center  
54 Lieu Giai, Cong Vi Ward, Ba Dinh District  
Hanoi City, Vietnam

Tel: +84-28-3899 8683

Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)

Website: [www.apolatlegal.com](http://www.apolatlegal.com)

**SINGAPORE (Affiliated office)**

#26-10, SBF Center,  
160 Robinson Road  
Singapore 068914

Tel: +84-93-2014 986

Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)

Website: [www.apolatlegal.com](http://www.apolatlegal.com)

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