

LEGAL UPDATES (July 27th, 2020)

In this week, we would like to bring to your attention a brief overview of the recent legal news concerning the following:

- The new Circular amending legal conditions to carry out business in 04 sectors.
- The Government to ratify the First Protocol amending ASEAN Trade in Goods Agreement (ATIGA).

1. The new Circular amending legal conditions to carry out business in 04 sectors

On 18th June 2020, the Ministry of Industry and Trade issued Circular no 13/2020/TT-BCT amending, supplementing and removing several conditions to invest and carry out businesses in following sectors: food business; chemicals, mineral business, electricity.

No	Sectors	Amended, supplemented, or removed circulars
1	Food business	Circular 43/2018/TT-BCT
		Joint Circular 13/2014/TTLT-BYT-BNNPTNT-BCT
2	Chemicals	Circular 55/2014/TT-BCT
		Circular 48/2018/TT-BCT
3	Mineral business	Thông tư 12/2016/TT-BCT
		Circular 14/2013/TT-BCT
		Circular 15/2013/TT-BCT
		Circular 28/2017/TT-BCT
4	Electricity	Circular 43/2013/TT-BCT

Several notable points of this Circular as following:

- Regarding food business, removing Article 4, Article 5 and forms 01a, 01b, 02a, 02b, 03a, 03b, 04, 05a, 05b, 05c related to the issuance of Certificate of food safety;
- Regarding chemicals, removing the requirement of Guarantee on production of Schedule chemical, or chemicals DOC, DOC-PSF; Photocopies of the Decision on approval for the environmental impact assessment or the certificate of commitment to environment protection registration that are issued by competent agencies; Photocopies of the Certificate of fire safety or photocopies of the decision on approval for firefighting plans issued by a competent agency in the application for the License for production of Schedule chemicals or DOC or DOC-PSF chemicals;
- Regarding electricity, removing clause 2 Article 25 of Circular 43/2013/TT-BCT dated on 31st December 2013 on procedures to adjust electricity development planning not according to cycle.

This Circular will come into effect on **3rd August 2020**.

2. The Government to ratify the First Protocol amends ASEAN Trade in Goods Agreement (ATIGA)

On 23rd July 2020, the Government has issued Resolution 110/NQ-CP ratifying the First Protocol amending ATIGA Treaty dated 22nd January 2019.

The First Protocol amends ATIGA to incorporate the ASEAN-wide Self Certification (AWSC) scheme. Under the AWSC, exporters may apply for Certified Exporter (CE) status and support their claim that their goods are eligible for duty-free tariff under ATIGA. The CE status may be used as an alternative to a Certificate of Origin (CO) Form D currently applying for exported products from ASEAN nations.

The First Protocol provides businesses an additional avenue to attest the originating status of their goods as required by the Treaty. It is expected to reduce time and costs for businesses, and improve efficiency for issuing authorities.

The First Protocol is expected to come into force later this year, following ratification by all ASEAN member States.

ASEAN Trade in Goods Agreement (ATIGA) was signed in February 2009 and have taken into effect from 17th May 2010. ATIGA is the first comprehensive agreement between ASEAN member States covering regional goods trading activities and developed on the ground of commitments to cut down/remove tariff barriers agreed in CEPT/AFTA and other relevant treaties, protocols.

We hope this short Letter of legal updates would bring you useful information.

Best regards.

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