

LEGAL UPDATE (December 20th, 2021)

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

- Regulations on activities of sending Vietnamese employees to work abroad under contracts.
- Regulations on stating the origin of goods on goods labels in Decree 111/2021/ND-CP.

1. Regulations on activities of sending Vietnamese employees to work abroad under contracts

On December 10th 2021, The Government issued Decree No.12/2021/ND-CP guiding on some articles and measures to implement the Law on Vietnamese employees working abroad under contracts (hereinafter referred to as “**Decree 112**”) with the following notable contents:

a. The level of margin deposit for enterprises providing services to send employees to work abroad

Vietnamese enterprises providing services to send employees to work abroad under the contract must deposit two billion dong at a bank, a foreign bank branch legally established and operating in Vietnam. For the enterprises entrusting the task to its branch(es) to carry out the services activities of sending employees to work abroad must deposit an additional five hundred million dong for each assigned branch.

About the ceiling margin deposit of the employees, Decree 112 stipulates that the service enterprises and the employees can agree on the bank to receive the margin deposit and the margin deposit, in which the margin deposit amount does not exceed the ceiling specified in Appendix II of this Decree and must be clearly stated in the contract of sending Vietnamese workers to work abroad. Specifically, for the Taiwan market (China), all professions except seafarers of offshore fishing vessels and transport ships, the ceiling deposit for the employees is 12 million dong; for the Korean market is 36 million dong.

b. Conditions for the enterprises providing service of sending the employees to work abroad as domestic workers in some specific cases

For the enterprises providing service of sending the employees to work abroad as domestic employees, the Decree stipulates that the service enterprises have to

maintain some conditions: (i) the number and conditions of foreign language ability and experience the professional staffs on sending Vietnamese employees to work abroad; (ii) ensuring the employee has experience in working as a domestic helper abroad or has knowledge of domestic work and foreign language level to meet the requirements of the foreign party receiving employee under the guidance of the Ministry of Labor - Invalids and Social.

In the case of sending Vietnamese workers to work in Taiwan (China) and Japan, the requirements on the foreign language level of the professional staff are different, detailed in Clause 1, Article 12 and Clause 1, Article 15 of Decree 112. Procedures for certifying a list of employees need to be done before sending employees to work abroad. Accordingly, the service enterprises must submit the list of employees to the Ministry of Labor, War Invalids and Social Affairs for certification.

Decree 112 takes effect from on January 1st, 2022.

2. Regulations on stating the origin of goods on goods labels in Decree 111/2021/ND-CP

On December 9th, 2021, the Government issued Decree No. 111/2021/ND-CP guiding on amending and supplementing some articles of the Decree No. 43/2017/ND-CP dated on 14th April, 2017 of the Government on goods label with the following notable contents:

- a. The label goods are currently circulated on the Vietnamese market are required to show the following contents in Vietnamese: (i) name of goods; (ii) name and address of the organizations and the individuals responsible for goods; (iii) the origin of goods; and (iv) several other compulsory contents depending on the essence of each type of goods as prescribed in Appendix I of this Decree. For example, for the commodities group of food, the mandatory contents are quantity, production date, expiry date, warning information (if any). In addition, goods imported into Vietnam are also required to show the following contents in foreign languages or Vietnamese when doing customs clearance procedures: (i) name of goods; (ii) the origin of goods; (ii) the name or abbreviation of the organization/individual that produces or is responsible for such goods in a foreign country.
- b. The origin of goods on the label is self-determined by the organization/individual producing, exporting, or importing, as well as state the origin of the goods and expressed in phrases: “made in”, “country of manufacture”, “origin”, “manufactured by”. If the origin cannot be determined, write the name of the country or territory where the final stage is performed to perfect the goods and show them in phrases: “assembled at”, “bottled at”, “mixed at”, “finished at”, “packed at”, “labeled at”.

- c. For the organization/individual producing or being responsible for goods, on goods labels, it is necessary to show the name and address of the producing organization/individual and the organization/individual importing such goods.

Decree 111 takes effect from on February 15th, 2022.

We hope this Monthly Newsletter would bring you useful information

Best regards,

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