

LEGAL UPDATES (June 26th, 2019)

In these legal updates, we would like to send clients the legal updates on some following issues:

- Decree No.45/2019/NĐ-CP
- Resolution No. 03/2019/NQ-HDTP
- Decision No. 2496/QĐ-UBND

1. Decree No.45/2019/NĐ-CP

Decree No.45/2019/NĐ-CP issued on May 21st, 2019 by Government on penalties for administrative violations in tourism area.

Subjects of application for this Decree are Vietnamese organizations and individuals engaging in tourism in Vietnam's territory and abroad; foreign organizations and individuals engaging in tourism in Vietnam's territory. Accordingly, this Decree stipulates the maximum fine level for each act of administrative violation in the area of tourism for individuals is VND 50 million, and for organizations is VND 100 million. Pursuant to this Decree, the enterprises which engages in tour operator business would receive a fine up to VND 100 million for one of the following violations:

- Keeping running tour operator business after giving the notice of suspension of operation;
- Keeping running tour operator business after being withdrawn the license for tour operator business by competent authority;
- Keeping running tour operator business after its operation is mandatorily suspended by competent authority;
- Running tour operator business without any license for tour operator business; and
- Using fake license for tour operator business to run business.

Decree No. 45/2019/ND-CP comes into effect on **August 1st, 2019**.

2. Resolution No. 03/2019/NQ-HDTP

Resolution No. 03/2019/NQ-HDTP issued on May 24th, 2019 by the Council of Judges of Supreme court on guidance of application of Article 324 of the Criminal Code about the criminal of money laundering.

Accordingly, this Resolution explains and guides conceptual concepts as well as circumstances to criminalize money laundering in accordance with the Criminal Code.

Pursuant to the provisions of this Resolution, participating directly or indirectly in financial transactions, banking which prescribed at Point a, Clause 1, Article 324 of the Criminal Code is implementation, support the implementation or through others to implement, support the implementation of one of the following acts to conceal the illegal origin of money and

property committed by the offender, whether or not there is a basis to know that the other person committed the crime:

- Opening accounts and depositing money, withdrawing money at foreign credit institutions and branches of foreign banks;
- Contributing capital, mobilizing capital into enterprises with money and assets in any form;
- Withdrawal of money in any form and with various tools such as checks, bills of exchange, means of lawful payment in accordance with law;
- Property pledge and mortgage;
- Lending, financial leasing;
- Transfer money or transfer value;
- Trading stocks, bonds and other valuable papers;
- Participate in issuing securities;
- Guarantee and commitment on finance, foreign currency trading, money market instruments and transferable securities;
- Managing individual and collective portfolios;
- Manage cash or securities for other organizations and individuals;
- Manage or provide life insurance and other investment-related insurance;
- Other acts in financial and banking transactions as prescribed by law.

Direct or indirect participation in other transactions which prescribed at Point a, Clause 1, Article 324 of the Criminal Code is implementation, supported the implementation or through others to implement, assisting in the implementation of one of the following acts to conceal the illegal source of money, the property committed by the offender has or has grounds to know that it is committed by another person:

- Activities in (gambling, business of) casino;
- Participation (playing, business of) Reward games;
- Purchases, sales of antiques;
- Other activities not regarding finance, banking.

Resolution No. 03/2019/NQ-HĐTP comes into effect on **July 7th, 2019**.

3. Decision No. 2496/QĐ-UBND

Decision No. 2496/QĐ-UBND issued on June 13th, 2019 by the People's Committee of Ho Chi Minh city on rejection of administrative procedures belong to authorization of Department of Planning and Architecture.

Accordingly, this Decision replaces Decision No. 1461/QĐ-UBND and Decision No. 4269/QĐ-UBND of the People's Committee of Ho Chi Minh city on administrative procedures belong to authorization of the Department of Planning and Architecture.

In addition, this Decision annulled the procedures for licensing planning and procedures for issuing planning certificates under the receiving authority of the Department of Planning and Architecture, the Management Board of urban functional areas, and the People's Committee of District.

Decision No. 2496/QĐ-UBND comes into effect on **June 13th, 2019**.

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

Best regards.

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ABOUT US,

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We are also honored to receive numerous recognitions and/or articles posted by world-leading and local organizations and publications including: The Law Association for Asia and the Pacific (LawAsia, 1966), The Legal500, IP Link, IP Coster, Lexology, Global Trade Review (GTR), The Saigon Times, etc.

Contacts:

HO CHI MINH CITY (Head office)

5th Floor, IMM Building
99-101 Nguyen Dinh Chieu, District 3
Ho Chi Minh City, Vietnam
SDT: +84-28-3899 8683
Email: info@apolatlegal.com
Website: www.apolatlegal.com

SINGAPORE (Affiliated office)

#26-10, SBF Center,
160 Robinson Road
Singapore 068914
Tel: +84-93-2014 986
Email: info@apolatlegal.com
Website: www.apolatlegal.com