

LEGAL UPDATES (August 24th, 2019)

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

- The important contents must be inscribed on label of goods
- Principles when using public property for payment of BT projects

1. The important contents must be inscribed on label of goods

Circular No. 05/2019/TT-BKHCN issued on June 26th, 2019 by the Ministry of Science and Technology detailing the implementation of a number of articles of Decree No. 43/2017/ND-CP issued on April 14th, 2017 by the Government regarding label of goods

This Circular applies to manufacturers (organizations and individuals) and traders of goods in Vietnam; importers (organizations and individuals) of goods; State authorities; relevant organizations and individuals.

According to this Circular, contents required to be inscribed on label of goods do not need to be concentrated on label; they may be inscribed on other positions of goods; but the observations must be easily and fully realized without removing details and parts of goods. The mandatory contents are parts of the label of goods.

The remarkable contents to be inscribed on label of good including:

- Language on label of goods;
- Name and address of the organizations or individual responsible for the goods;
- Date of manufacture, expiry date;
- Ingredients;
- Specifications, warning information;
- Labeling genetically modified food on goods labels applied in case of genetically modified food;
- Labeling household chemicals applied to goods being household chemicals which must carry out the registration in accordance with specialized laws;
- Quantities of goods on goods labels;
- Date of manufacture, expiry date.

Circular No. 05/2019/TT-BKHCN comes into effect **on January 01st, 2021.**

2. Principles when using public property for payment of BT projects

Decree No. 69/2019/ND-CP issued on August 15th, 2019 by the Government stipulates the use of public property to pay the investors when implementing construction investment projects in the form of builds - transfer contracts

This Decree shall be applied with State agencies which has the power to sign Builds - Transfer Contracts (hereinafter BT contracts), agencies, organizations and units which are authorized by competent State agencies to sign BT contract or assigned the duty in preparing investment, negotiating, executing BT contract and implementing the BT contract (hereinafter referred to as authorized Agency), investor implementing BT contract (hereinafter referred to as Investors), other agencies, organizations and individuals related to the implementation of BT Project.

Accordingly, the use of public property to pay the Investors in order to implement BT projects must comply with the following principles:

- Ensuring compliance with the law on management and use of public property; in the form of open bidding; can only be done when the competent authorities allow;
- Paying according to the principle of equal value, the value of the BT Project is equal to the value of public property;
- Payment must be aggregated into the State budget;
- The payment date in case of using vacant land as payment is the date when the decision on land allocation or land lease is made;
- The loan interest in the financial plan of the BT Contract for the value of the construction completed according to the schedule is terminated from the date of issuance of land allocation, land lease, and property allocation decisions;
- The transfer of public property for payment must be effectuated after the project is completed or corresponding to the completed volume.

Decree No. 69/2019/ND-CP comes into effect **on October 1st, 2019.**

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

Best regards.

Disclaimer: All materials have been prepared for general information purposes only. The information is not intended as, and should not be taken as, legal advice. Do not act or refrain from acting based upon information provided herein without first consulting our lawyers about your particular factual and legal circumstances. Apolat Legal can accept no responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this publication. On any specific matter, reference should be made to the appropriate adviser.

ABOUT US,

Apolat Legal is a professional law firm with its offices in Ho Chi Minh city and Ha Noi city. The firm's lawyer team specializes in almost all legal practice areas in Vietnam including Enterprise and Investment; Labor and Employment; Intellectual Property; Dispute Resolution; Real Estate and Construction; Information and Communication; Natural Resources and Environment; Transport; Industry and Trade; Education and Training; Finance and Banking; Agriculture; Legal Document Translation; Legal Training.

Our reputation and the quality of its services are reflected by our clients. We are serving nearly 1,000 clients both local and multi-national companies.

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

SINGAPORE (Affiliated office)

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

SDT: +84-28-3899 8683

Email: info@apolatlegal.com

Website: www.apolatlegal.com

Tel: +84-93-2014 986

Email: info@apolatlegal.com

Website: www.apolatlegal.com