

LEGAL UPDATES (October 9th, 2019)

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

- Remarkable legislations which has effective date in october 2019.
- The executed legislations in september 2019.

I. REMARKABLE LEGISLATIONS WHICH HAS EFFECTIVE DATE IN OCTOBER 2019

1. The minimum requirements to be applied the special preferential tax rates within the framework of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership

On 05th September 2019, the Ministry of Finance issued the Circular No. 62/2019/TT-BTC on amending and supplementing the Articles of Circular No.38/2018/ TT-BTC dated on 20th April 2018 issued by the Ministry of Finance on regulations on identification of origin of imported and exported goods.

According to this Circular, in order to be applied the special preferential tax rates within the framework of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), the documents which certifying the origin of goods must meet the following minimum requirements.

- The documents certifying the origin of goods must contain the sufficient information as prescribed;
- The documents certifying the origin of goods must be issued in paper or electronic form;
- Unless the documents certifying the origin of goods to be in English, the customs declarant must translate them into Vietnamese or English and take responsibility for the contents of the translation.

Circular No. 62/2019/TT-BTC comes into effect **on 21st October 2019.**

2. The principles when using public property to pay for the BT projects

Decree No. 69/2019/NĐ-CP issued on August 15th, 2019 by 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.**

II. THE EXECUTED LEGISLATIONS IN SEPTEMBER 2019

No.	DOCUMENT TITLE	EXECUTION DATE	EFFECTIVE DATE
1	Decree 75/2019/ND-CP stipulates penalties for administrative violations in the field of competition	26/09/2019	01/12/2019
2	Decree 74/2019/ND-CP amends Decree No. 61/2015/ND-CP on job creation policies and National employment fund	23/09/2019	08/11/2019
3	Decree 73/2019/ND-CP stipulating the management of investment in information technology application using state budget capital	05/09/2019	01/01/2020
4	Circular No.16/2019/TT-BCT on guiding the pilot auction of tariff-rate quota for sugar in 2019	19/09/2019	01/12/2019

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

Best regards.

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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