

LEGAL UPDATES (November 25th, 2019)

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

- New regulations on the management of the fertilizers.
- New regulations of the Labor Code (amendments).

1. **New regulations on the management of the fertilizers**

On November 14th, 2019, the Government issued the Decree No. 84/2019/ND-CP regulate to the management of the fertilizers.

In according to Decree No. 84/2019/ND-CP, specific provisions on the implementation of administrative procedures relating to the Decision on recognition of fertilizers in circulation; the Decision on recognition of fertilizer testing organizations; Certificates of conformance to fertilizer production, fertilizer trading regulations; the fertilizer import permit; State's inspection of quality of imported fertilizers and Fertilizer advertising:

- This Decree specific provisions on application documents, processes, procedures for, authority over issuance, re-issuance and renewal of the Decision on recognition of fertilizer in circulation and the Decision on recognition of fertilizer testing organizations. In addition, for the organization of fertilizer test should satisfy sufficient number of personnel performed test include: (i) who directly perform the test; (ii) at least 05 official personnel implementing the test (officer or under the indefinite-term labor contract or under the definite-term labor contract determines the minimum 12-month term).
- Provisions on application documents, processes, procedures for, authority over issuance, re-issuance, revocation of the Certificate of conformance to fertilizer production, fertilizer trading regulations; Accordingly, it is necessary to meet the fertilizer production requirements as follows:
 - The production zone has a wall, barrier to the outside; have a solid structural workshop; wall, ceiling, baffle, door guarantee requirements for quality control;

- Lines, machines and equipment for the production of fertilizer must be in accordance with the production process of each type of fertilizer, the form of fertilizer specified in Appendix II issued attached to this Decree;
- Have a test room recognized in accordance with the ISO 17025 Standard or have a contract with the test organization specified in accordance with the law on product quality, goods except the establishments only active fertilizer packing;
- Have a quality management system which is recognized in accordance with ISO 9001 or equivalent, for the newly founded establishment, the latest after 01 year from the date of certification of qualified fertilizer production.
- Decree provisions on application requirements, procedures and processes and authority over issuance of the fertilizer import permit;

Decree No. 84/2019/ND-CP comes into effect on **01st January 2020**.

2. New regulations of the Labor Code (amendments)

On 20th November, 2019, National Assembly of the XIV Course, the 8th session adopted the revised Labor Code with highlights of the new.

- Since 2021, the retirement age of employees in normal labor conditions is full 60 years and 03 months of age for male employees; full 55 years and 04 months of age for female employees. Then, every next year, the retirement age would increase by 03 months with male employees; 04 months with female employees. As such, the retirement age will be adjusted according to the route until full 62 years old with male employees in 2028, and full 60 years old for female employees in 2035.
- Besides increasing retirement age, the Labor Code (amendments) also provisions to increase the national holidays by 01 days which can be chosen on the September 01st or September 03rd of calendar year-time to be the annual leave together with the National day (September 02nd).
- As of the overtime period, the new Labor Code specifies the overtime hours in the month to rise to 40 hours instead of 30 hours as before.

The Labor Code (amendments) comes into effect on **January 01st, 2021**.

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

Best regards.

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