

LEGAL UPDATES (October 19th, 2020)

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

- Government has just issued Decree No. 122/2020/ND-CP dated October 15th, 2020 regulating on coordinating and linking up procedures for registration of establishment of enterprises, branches and representative offices, report on the use of employees, issue identification numbers of units participating in social insurance, and register to use corporate invoices.
- Government has just issued Decree No. 119/2020/ND-CP dated October 7th, 2020 regulating on sanctioning administrative violations in press activities, publishing activities.

1. **The Government has just issued Decree No. 122/2020/ND-CP dated October 15th, 2020 regulating on coordinating and linking up procedures for registration of establishment of enterprises, branches and representative offices, report on the use of employees, issue identification numbers of units participating in social insurance, and register to use corporate invoices**

On October 15th, 2020, the Government has just issued Decree No. 122/2020/ND-CP regulating procedures on coordinating and linking up for registration of establishment of enterprises, branches and representative offices, report on the use of employees, issue identification numbers of units participating in social insurance, and register to use corporate invoices.

This Decree applied to enterprise founders, enterprises registered for the operation of branches, representative offices, provincial business registration authority, labor state management agencies, social insurance agencies, tax authorities.

The business registration authority is the focal point agency to receive dossiers and return results of the procedures specified in this Decree. Relevant authorities coordinate and interconnect procedures through connection and sharing of digital data among information technology systems.

The Decree also issues and applies new application forms in business registration procedures, and notices the registration of branches and representative offices from the effective date.

Specifically, the procedures for interconnection between relevant authorities are as follows:



- (i) The business registration authority and social insurance agencies:

After the issuance of establishment registration or there is a change in enterprise registration contents, branches, representative offices, the business registration authority shall share information about the Enterprise Registration Certificate and the Certificate of Branch/Representative Office Registration and information about the expected total number of employees, business lines and payment methods of social insurance to the social insurance agencies.

Enterpris code, Branch/Representative Office code are used as the code of units participating in social insurance.

- (ii) The business registration authority and labor state management agencies:

The business registration authority shares information about full name, enterprise code, address, legal representative, the head of the branch/representative office, main business line and total number of employees expected with The Labour, War Invalids and Social Affairs Office or Department of Labour, War Invalids and Social Affairs (for enterprises in industrial park).

- (iii) The business registration authority and tax authorities:

If the application for registration of establishment of the enterprise, branch or representative office is valid, the business registration authority shall share information about registration information of enterprise establishment and registration information to use invoices with the tax authorities.

Tax authorities share information about Enterprise Code, Branch/Representative Office codes and and decentralization of directly tax management authorities with the business registration authority.

Based on the information returned by the tax authorities, the business registration authority shall issue a Certificate Enterprises, branches, representative offices and Notify the managing tax authority to the enterprise.

- (iv) Labor state management agencies and social insurance agencies

Vietnam Social Security shares information on changes and increases and decreases in employees of enterprises, branches and representative offices of the Ministry of Labor, War Invalids and Social Affairs through the National Public Service Portal.

Decree No. 122/2020/ND-CP comes into effect on October 15th, 2020.

2. Government has just issued Decree No. 119/2020/ND-CP dated October 7th, 2020 regulating on sanctioning administrative violations in press activities, publishing activities

On October 7th, 2020, the Government issued Decree No. 119/2020ND-CP, regulating on administrative sanctions in press activities, publishing activities.

This Decree specifies regulated entities, administrative violations, penalties, fines, remedial measures on administrative violations against regulations on press activities, publishing activities.

The scope of Decree applies to organizations and individuals that commit administrative violations against regulations on press activities, publishing activities in the territory of Vietnam.

Accordingly, for prominent press activities on license violation; violating regulations on posting and broadcasting information content on newspapers, newsletters and special issues; violating regulations on export and import of printed newspapers; violating regulations on receiving foreign television signals directly from computers that are not part of radio and television services; violating regulations on general websites can be fined up to VND 200,000,000, confiscate material evidence of the violation, the license shall be suspended or suspend operation, take remedial measures such as correcting, apologizing, removing false information, information that violates the law, forced removal of news, articles on electronic newspapers, electronic magazines, audio press, visual press have contents that are not following the principles and purposes of the license, forcing the destruction of press products, giving back illegal benefits, etc.



For publishing activities, the violations that need to be noted are violations of the provisions of the license, the conditions for publishing activities; violating the regulations on publication content; regulations on publication printing activities; regulations on conditions for electronic publishing and distribution of electronic publications; may be subject to a fine of up to VND 200,000,000, suspension of licenses or suspend operation for a definite time and take some remedial measures such as forced publication revocation, destruction of the publication, forced to submit illegal benefits, forced a public apology, etc.

The fine imposed on an individual is one half as much as the one imposed on an organization for the same administrative violation.

Decree No. 119/2020/ND-CP comes into effect on December 1st, 2020.

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

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