

LEGAL UPDATE (April 04th, 2022)

In this issue, we would like to bring to your attention to the following:

- Proposing amendments and supplements to 6 Decrees detailing the implementation of the Land Law.
- Guidelines for trade remedies under the RCEP.
- Simplifying procedures related to maritime business activities.

1. Proposing amendments and supplements to 6 Decrees detailing the implementation of the Land Law

The Ministry of Natural Resources and Environment is drafting a Decree amending and supplementing decrees detailing the implementation of the Land Law. Specifically, the draft Decree proposes to amend the following decrees:

- Amending and supplementing a number of articles of Decree 43/2014/ND-CP:
 - + Supplementing regulations on auction of land use rights when the State allocates land with collection of land use levy or leases land;
 - + Supplementing regulations on criteria for allowing the conversion of land use purposes for rice cultivation, protection forest land, and special-use forest land to other purposes.
- Amending and supplementing a number of articles of Decree No. 44/2014/ND-CP: Supplementing specific provisions on land valuation methods: direct comparison method, subtraction method, and income method,...
- Amending Decree No. 91/2015/ND-CP, specifically adding enterprises operating in the field of land according to the provisions of the law on land to the group of state-owned enterprises providing public products and essential services, ensuring social security.
- Amending Decree 01/2017/ND-CP: Amending regulations on land recovery in case of termination of operation of an investment project in accordance with the provisions of the law on investment in Clause 14, Article 2 of the Decree. 01/2017/ND-CP.
- Amending Decree 31/2021/ND-CP.
- Amending Decree 148/2020/ND-CP.

2. Guidelines for trade remedies under the RCEP

The Ministry of Industry and Trade has just issued Circular 07/2022/TT-BCT guiding the implementation of trade remedies in the Regional Comprehensive Economic Partnership Agreement (RCEP). The RCEP was signed on November 15th, 2020 by 10 ASEAN member countries and 05 partner countries, namely Australia, China, Japan, South Korea and New Zealand and took effect from January 1st, 2022.

Regulations on trade remedies in the RCEP are mentioned in Chapter 7, which contains a number of complex technical issues such as the prohibition of the application of the zeroing calculation method, disclosure obligations of material facts and handling of confidential information in anti-dumping and countervailing duty investigations and specific commitments on transitional RCEP safeguards.

To implement these regulations, support Vietnamese businesses to take advantage of the Agreement's incentives as well as proactively protect domestic production, the Ministry of Industry and Trade has issued Circular 07/2022/TT-BCT guiding the implementation of trade remedies in the RCEP.

This Circular shall take effect from May 8th, 2022.

3. Simplifying procedures related to maritime business activities

The Ministry of Transport is drafting a Decree amending and supplementing a number of articles of the Decrees related to business activities in the maritime sector.

On the basis of simplifying regulations related to business activities under the management function of the Ministry of Transport, the draft Decree includes 6 articles, amending and supplementing 5 Decrees with relevant regulations related to business activities in the maritime sector, including:

- Decree No. 70/2016/ND-CP dated July 1st, 2016;
- Decree No. 29/2017/ND-CP dated March 20th, 2017;
- Decree No. 37/2017/ND-CP dated April 4th, 2017;
- Decree No. 58/2017/ND-CP dated May 10th, 2017;
- Decree No. 05/2017/ND-CP dated January 16th, 2017.

Specifically, the draft Decree proposes to amend 16 administrative procedures related to business activities in the maritime sector specified in 5 Decrees.

State agencies, organizations and individuals in Viet Nam and abroad can review and provide comments on the draft Decree [here](#).

We hope this Monthly Newsletter would bring you useful information.

Best regards.

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