

LEGAL UPDATE (August 1st, 2022)

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

- Publishing the Draft Law on Land for public comment (amended).
- Draft Circular stipulating the imported raw materials, supplies and components exempt from import tax.

1. Publishing the Draft Law on Land for public comment (amended)

The Ministry of Natural Resources and Environment is drafting a Law on Land (amended) to overcome the shortcomings and limitations of the 2013 Law on Land, and at the same time, add new policies to adjust some issues arising in reality.

Basically, the structure of the draft Law is similar to the current 2013 Law on Land, adding 2 chapters (one chapter on land fund development and separating the chapter on land acquisition, land requisition, compensation, resettlement assistance into two chapters). The draft Law (amended) includes 237 articles, of which 48 articles remain unchanged; amends and supplements 153 articles; adds 36 new articles and removes 8 articles.

Regarding the content, the draft Law (amended) institutionalizes the goals, guidelines and solutions of the Central Committee's Resolution No. 18-NQ/TW, solving the problems in practice and development trends with many new points, specifically:

- Completing the regulations for building a synchronous land use planning system at 3 levels, associated with urban planning, construction and infrastructure.
- Ensuring that the land use planning must combine the criteria of land types associated with space, zoning land use according to 3 areas, natural ecosystems, showing information to each land plot.
- Ensuring the publicity, transparency and equality in land allocation and land lease; land allocation and land lease mainly through auction of land use rights, bidding for projects using land in order to increase state budget revenue.
- Prescribing specific criteria for the case of land allocation or land lease through auction of land use rights, bidding for projects using land and not through auction or bidding; In the case of land lease with one-time payment, land lease with annual payment to ensure ease of enforcement, inspection and supervision, and stable income, enabling land users to take the initiative in accounting for business production.
- Finalizing regulations on land management related to religion and belief.
- Decentralizing authority to localities in the management and use of land, and establish unified management mechanisms of the central government through regulations on land

information systems, databases. Unified land data focuses on managing all changes of each land plot.

Full text of the draft can be accessed [here](#) (Vietnamese).

2. Draft Circular stipulating the imported raw materials, supplies and components exempt from import tax

The Ministry of Information and Communications is drafting a Circular stipulating imported raw materials, supplies and components exempt from import tax directly used for the production of information technology products and digital content, software.

According to the draft, only raw materials, supplies and components that cannot be produced domestically and directly serve the production of products on the regulated list are exempt from import tax. The basis for determining goods cannot be produced domestically shall comply with regulations of the Ministry of Planning and Investment.

The draft clearly states the List of 29 information technology (IT) products, digital content, and software exempt from import tax on raw materials, supplies and components such as: 5G telecommunications network equipment and software and other subsequent technologies; IoT-based devices and software; new generation intelligent terminals, transmission equipment, fixed internet terminals; IT equipment and software for education; smart cameras, AI cameras and software to analyze, process and manage data obtained from cameras; IC products for telecommunications, IT, IoT; optical fiber, optical cable and transmission and connection equipment in optical communication; electronic identification and authentication platform equipment and software; equipment and software of the cloud computing system...

We hope this Newsletter would bring you useful information.

Best regards.

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