

LEGAL UPDATES

December 2022

What's new this month?

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New amendments to regulations on printing activities

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Guidelines on confiscation of illegal profit in case of administrative violations



- Contributed by Benjamin Yap Soon Tat and Dang Thi Tuong Vi -

New Guidelines and Significant Updates on Regulations in the printing sector as well as regarding administrative sanctions of commerce-related violations

to be effective from January 2023

This December's legal update highlights Decree No. 72/2022/ND-CP dated 4 October 2022 and Circular No. 65/2022/TT-BTC dated 2 November 2022. In general, the regulations have brought to light the legal framework and enhance some procedures in the relevant sectors.

Legal Updates – December 2022

New regulations on printing activities

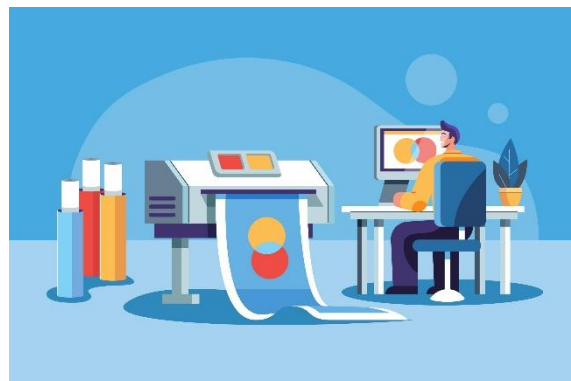
Printing is one of business activities subject to strict supervision from the State. Currently printing is governed by Decree No. 60/2014/ND-CP ("**Decree 60**") which came into effective from 1 November 2014. The State has Decree 60 amended from time to time to strengthen its capacity to efficiently supervise printing business. The first amendment was via Decree No. 25/2018/ND-CP effective on 1 May 2018, and the latest amendment will be via Decree No. 72/2022/ND-CP ("**Decree 72**") being effective from 1 January 2023.

Decree 72 emphasizes that printing publications in accordance with the laws on publications will be specifically governed by such laws and accordingly makes amendments to certain articles of Decree 60 for consistency purpose.

Decree 72 also streamlines administrative procedures as well as documents required during the course of printing and processing businesses, or transferring printing machinery. Printing establishments will no longer be required to keep records of the printing activities in the form as prescribed by laws.



Picture from: https://www.freepik.com/free-photo/man-working-printing-house-with-paper-paints_13781451.htm



Picture from: https://www.freepik.com/free-vector/printing-industry-flat-illustration_13108109.htm

However, Decree 70 still maintains the State control over printing machinery. In general, the import of printing machinery may require an import license from the competent authorities. The new Decree 70 imposes limitation on age of equipment applicable to certain imported printing machinery which will range from three to 20 years.

Printing equipment will be used for manufacturing and business purposes only after a printing establishment has obtained a printing license or registered its printing services. Colour photocopiers or printers with colourful copier functions require a declaration before use and thereafter a notification in case of liquidation.

In addition, currently there are various acts that are prohibited during the course of printing under the existing Decree 60 such as printing without licenses, infringement on intellectual properties laws, non-compliance on regulations on manufacturing or import of printing machinery. The new Decree 72 additionally prohibits the act of printing or placing orders to print packaging or labels of products without proper circulation licenses/ registration licenses/ certificates of quality issued to such products as required by laws. The additional prohibition applies to both the print service providers and their clients.

Guidelines on confiscation of illegal profit in case of administrative violations

With the emergence of cross-border and digital trade nowadays, consumer protection is even more important than ever since this will contribute to dynamic and effective markets for businesses to grow. The Vietnamese State has been trying to tackle this issue by developing a comprehensive legal regime for consumer protection comprising of laws and guidance which have been amended from time to time. Various measures of consumer protection have been set up under laws covering product liability, privacy rights, unfair business practices, fraud or misrepresentation. The laws also provide for sanctions in case of infringements including, among other things, confiscation of illegal profit of which the legal regime has been recently amended under Circular No. 65/2022/TT-BTC ("**Circular 65**"). Circular 65 replaces Circular No. 149/2014/TT-BTC and will come into effect on 1 January 2023.

Illegal profit is profit obtained as a result of committing an administrative violation in commercial sectors, manufacturing/trading counterfeit/ prohibited products and consumer protection sectors. Illegal profit may be in the form of an object, money, valuable documents or other property.

Circular 65 also introduces measures to calculate the amount of illegal profit corresponding to each type. E.g. in case of illegal profit in cash, it is the entire amount from sale/ consumption/ provision of goods or services after deduction of costs; in case of illegal profit being value documents or other properties, it is the whole valuable documents or properties.

In case where exhibits and means of administrative violations are consumed, dispersed or destroyed contrary to the laws, the violating organizations and individuals must return the amount equivalent to the value of such exhibits and means of administrative violations.



Picture from: <https://cand.com.vn/Phong-su-Tieu-diem/Tinh-trang-buon-ban-hang-gia-hang-nhai-ngay-cang-phuc-tap-i496336/>

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