

LEGAL UPDATES

BANKING

Decree No. 93/2017/ND-CP regarding financial regimes of credit institutions and foreign bank branch and control of State owned capital invested in credit institutions

Effective date: 25 September 2017

Credit institutions and foreign bank branches are required to be responsible for their financial status and operations and to implement its commitments pursuant to the laws.

Credit institutions and foreign bank branches must obey regulations on

- capital expenditure; capital acquisition/contribution; capital safety; asset re-evaluation; asset depreciation; lease; disposal of assets;
- income and costs; currency used in accounting;
- profit allocation and funding; and
- financial plans, reporting and audit.

The Decree also sets out responsibilities of Boards of Management, Members' Council, General Directors/Directors and the State representatives in connection to the above compliance.

Circular No. 02/2017/TT-NHNN regarding factoring services carried out by credit institutions and foreign bank branches

Effective date: 30 September 2017

The Circular provides for legal provisions on factoring services such as:

- internal regulations on factoring issued by credit institutions and foreign bank branches and submitted to the State Bank of Vietnam;
- circumstances under which credit institutions and foreign bank branches are not allowed to supply factoring services;
- methods of factoring;
- currency, interest and debt payment;
- factoring contracts; and
- penalties and compensation.

COMMERCIAL**Decree No. 94/2017/ND-CP regarding State monopoly goods, services and commercial areas**

Effective date: 1 October 2017

The list enumerates 20 types of goods and services under the State monopoly. Some of them are

- industrial explosive materials: State's monopoly on manufacturing, trading, export, import, temporary import for re-export and transit within the territory of Vietnam;
- gold bar: State's monopoly on manufacturing within the territory of Vietnam;
- gold material: State's monopoly on export and import to manufacture gold bar within the territory of Vietnam;
- cigarettes and cigars: State's monopoly on import within the territory of Vietnam, except for import for duty free selling business
- fireworks and related services: State's monopoly on manufacturing, export, import, sell, purchase, storage and transport within the territory of Vietnam; and
- publication products: State's monopoly on publication within the territory of Vietnam, excluding of printing and issuance.

Circular No. 65/2017/TT-BTC promulgating list of goods for import and export of Vietnam

Effective date: 1 January 2018

The Vietnam Ministry of Finance issued Circular No. 65/2017/TT-BTC on 27 June 2017 promulgating list of goods for import and export in replacement of the list attached in Circular No. 103/2015/TT-BTC.

The new list increases 1255 codes of goods compared to its predecessor. In which, 2321 codes are updated with new descriptions specifying the changes on technology, technique, commercial features and environment standards in order to satisfy administration demand and trends of international trade.

LABOUR**Circular No. 23/2017/TT-BLDTBXH regarding online issuance of work permits to foreign employees**

Effective date: 2 October 2017

The Circular will apply to:

- procedures for approval to recruitment of foreign employees;
- procedures for issuance and renewal of work permits; and
- procedures for confirmation of exemption from work permits.

Employers will create their accounts on <http://dvc.vietclamvietnam.gov.vn> for the above purposes.

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