

LEGAL UPDATES



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1. Decree No. 38/2021/ND-CP prescribing penalties for administrative violations involving cultural and advertising activities, effective as of 1st June 2021

Decree No. 38/2021/ND-CP prescribing penalties for administrative violations involving cultural and advertising activities (“**Decree 38/2021/ND-CP**”) issued by the Government on 29th March 2021, comes into effect as of 1st June 2021, replacing Decree No. 53/2006/ND-CP on sanctioning administrative violations in cultural and information activities; and Decree No.158/2013/ND-CP on penalties for administrative violations pertaining to culture, sports, tourism and advertising.

According to Decree 38/2021/ND-CP, for administrative violations involving culture and advertising activities, the main sanctioning forms include cautions, fines and temporary suspension. The sanction level is increased from 20% to 30% compared to the provisions replaced by this Decree. Specifically, the maximum amount of fine upon an individual or an organization for an administrative violation arising from cultural activities shall be 50,000,000 VND and 100,000,000 VND, respectively. The maximum amount of fine upon an individual or an organization for an administrative violation arising from advertising activities shall be 100,000,000 VND and 200,000,000 VND, respectively.

Types of administrative violations involving cultural activities pursuant to Decree 38/2021/ND-CP include:

- a) cinematography – related violations;
- b) violations involving performing art activities;



- c) violations involving organization of festivals, trading of karaoke services, discotheque services, cultural activities and community cultural services;
- d) violations involving artistic, photographic exhibition activities;
- e) violations regarding cultural heritage;
- f) library – related violations; and
- g) other violations arising in the cultural sector.

Types of administrative violations involving advertising activities pursuant to Decree 38/2021/ND-CP include:

- a) violations against general regulations;
- b) violations arising for advertising on printed newspapers, products, electronic means, terminal devices and other telecommunication devices;
- c) administrative violations arising from advertising on means of advertising; and
- d) administrative violations arising from advertising for special products, commodities or services.

2. Decree No. 43/2021/ND-CP on national insurance database takes effect as of 1st June 2021

Decree No. 43/2021/ND-CP On National insurance database (“**Decree 43/2021/ND-CP**”) issued by the Government on 31st March 2021, comes into effect as of 1st June 2021. Accordingly, National insurance database is a national database that stores information about social insurance, health insurance and unemployment insurance and about health and social security recognized by



competent authorities and to ensure the insurance rights and obligations of citizens.

Agencies, organizations and individuals are permitted use their own information; or personal information of another person if the consent is given in accordance with the law¹.

Information in National insurance database² includes:

- a) basic personal data;
- b) citizen contact information;
- c) category of household information;
- d) category of social insurance information;
- e) category of health insurance information;
- f) category of unemployment insurance information;
- g) category of employer information;
- h) category of health basic information; and
- i) category of social security information.

3. Circular No.02/2021/TT-BCT stipulating rules of origin of goods in Vietnam – United Kingdom Free Trade Agreement (UKVFTA) takes effect as of 27th June 2021

On 11st June 2021, Ministry of Industry and Trade issued Circular No.02/2021/TT-BCT regarding rules of origin of goods in the Vietnam – United Kingdom Free

¹ Clause 8 Article 10 Decree 43/2021/ND-CP.

² Clause 1 Article 6 Decree 43/2021/ND-CP.



Trade Agreement (UKVFTA) (“**Circular 02**”). Circular 02 has 05 chapters, 40 articles and 8 appendices. It has the noticeable contents:

Definition of “originating goods”³

The following goods shall be considered as originating in a member state – and therefore eligible for preferential duty treatment under the UKVFTA – where the:

- a) Goods that are wholly obtained in a member state⁴; or
- b) Not wholly obtained goods are made from non-originating materials, which have undergone sufficient working or processing according to Article 7 of this Circular, in a member state⁵.

Proof of origin status

One of the following evidences of origin needs to be submitted to the Customs Authorities of the importing country to proof that the importer’s goods have met required origin criteria:

- a) certificate of Origin (hereinafter referred to as “C/O”) form EUR.1 issued by a competent authority of the exporting country; or
- b) self-certification of origin status:
 - (i) for goods exported from the UK and Northern Ireland: Whether the total value of the consignments does not exceed 6,000 EUR, any exporter can self-certify the origin status. Whether the total value of the

³ Article 5 Circular 02/2021/TT-BCT.

⁴ Article 6 Circular 02/2021/TT-BCT.

⁵ Article 7 Circular 02/2021/TT-BCT.



consignments exceeds 6,000 EUR, only approved exporters can self-certify the origin status⁶.

- (ii) for goods exported from Vietnam: Whether the total value of the consignments does not exceed 6,000 EUR, any exporter can self-certify the origin status. Whether the total value of the consignments exceeds 6,000 EUR, C/O form EUR.1 will be used as proof of origin⁷.

Declaration of C/O form EUR.1 specified in Appendix VI issued with this Circular⁸:

- a) C/O must not erase or overwrite other letters. The correction is made by deleting false information and adding correct information. The amendment accompanies with the initials of the person completing the C/O and is approved by the competent authority.
- b) C/O does not leave the spaces between items and must number each item in sequence. Right below the last item must strike a dash. Unused spaces must be crossed out to avoid adding information later.
- c) Goods are described in accordance with commercial practice and have sufficient details to identify them.

⁶ Clause 1 Article 19 Circular 02/2021/TT-BCT.

⁷ Clause 2 Article 19 Circular 02/2021/TT-BCT.

⁸ Article 20 Circular 02/2021/TT-BCT.



DOCUMENTS ISSUED IN JUNE 2021

DATE OF ISSUE	NO.	NAME OF DOCUMENT	ISSUED BY	MAIN CONTENTS
02/6/2021	634/QĐ-LĐTBXH	Decision	Ministry of Labor-War invalids and Social affairs	On Issuance of the list of database of labor, war invalids and social affairs
02/6/2021	738/TTg-PL	Official Letter	Prime Minister	Commanding to review legislative documents
03/6/2021	01/2021/TT-BLĐTBXH	Circular	Ministry of Labor-War invalids and Social affairs	List of potentially unsafe products and goods under authority
04/6/2021	57/2021/NĐ-CP	Decree	Government	Supplementing Point g Clause 2 Article 20 Decree No.218/2013/ND-CP (amended and supplemented in Decree 12/2015/ND-CP) on Corporate income tax incentives for industrial product production projects



07/6/2021	889/QĐ-TTg	Decision	Prime Minister	Promulgating the list of legislative documents need to modify, supplement, promulgate
10/6/2021	58/2021/NĐ-CP	Decree	Government	On provision of Credit information service
11/6/2021	02/2021/TT-BCT	Circular	Ministry of Industry and Trade	Rules of origin of goods in the Vietnam - United Kingdom Free Trade Agreement (UKVFTA)
11/6/2021	43/2021/TT-BTC	Circular	Ministry of Finance	Amendment to Clause 11 Article 10 of Circular No.219/2013/TT-BTC dated in December 18, 2013 on Elaborating to Law on Value-added tax (and amendment thereto under Circular No.26/2015/TT-



				BTC dated February 27, 2015)
17/6/2021	874/QĐ-BTTTT	Decision	Ministry of Information and Communications	Code of conduct for social media
22/6/2021	03/2021/TT-BNNPTNT	Circular	Ministry of Agriculture and Rural development	Amendments to some articles of Circular No.16/2013/TT-BNNPTNT dated February 28, 2013 on Protection of plant variety rights.
24/6/2021	02/2021/TT-BLDTBXH	Circular	Ministry of Labor - War invalids and Social affairs	Guiding implementation of Decree No. 20/2021/ND-CP dated March 15, 2021 on Social assistance policies for social protection beneficiaries
25/6/2021	08/2021/TT-BYT	Circular	Ministry of Health	Issuance of code of pharmaceutical ethics
23/6/2021	46/2021/TT-BTC	Circular	Ministry of Finance	Providing instructions about



				several regulations on financial disposition and business valuation during the process of transformation of state enterprises and single member limited liability company with 100% of their charter capital wholly held by state enterprises into joint-stock companies
29/6/2021	62/2021/ND-CP	Decree	Government	Detailing the Law on Residence
30/6/2021	51/2021/TT-BTC	Circular	Ministry of Finance	Providing guidance on obligations of organizations and individuals arising from foreign investment in Vietnam's securities market

