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1. Law No. 02/2021/QH15 amending Criminal Procedure Code 2015, takes effect as of December 01st, 2021

On November 12th, 2021, National Assembly issued Law No. 02/2021/QH15 amending and supplementing the Criminal Procedure Code 2015 (“**Law 02/2021/QH15**”).

Abolishing criminal cases at the request of victims in case of infringement of industrial property rights

Clause 1 Article 155 Criminal Procedure Code No. 101/2015/QH13 (“**Criminal Procedure Code 2015**”) stipulates that the offences which can be only prosecuted as per victim’s request or representative of victim who is less than 18 years old, or has mental or physical defect or passed away, are prescribed in Clause 1 of Article 134, 135, 136, 138, 139, 141, 143, 155, 156 và 226 of the Criminal Code 2015.

However, Clause 3 Article 1 Law 02/2021/QH15 abolishes the regulation prosecuting criminal case as per victim’s request of infringement of industrial property rights (Clause 1 Article 226 of the Criminal Code 2015).

Therefore, if there are grounds as prescribed in law to prosecute a criminal case specified in Clause 1 Article 226 of the Criminal Code 2015, the competent authority shall issue a decision on instituting criminal case regardless of the request of the victim.

Supplementing ground for suspending the process of denunciations, criminal information and prosecuting proposal

According to Criminal Procedure Code 2015, after the expiration of the time limit for handling denunciations, criminal information and prosecuting proposal (Article 147), competent authority may decide to suspend the process of denunciations, criminal information and prosecuting proposal if it:

- (i) has solicited expert examination, requested valuation and requested foreign judicial assistance but there has been no result; or
- (ii) has requested authorities, entities or individuals to provide important decisive documents and items for decision to or not to prosecute criminal case, but there has been no result.



Currently, Law 02/2021/QH15 adds new provisions. Accordingly, from December 01st, 2021, in addition to the above cases, competent authority may also decide to suspend the process of denunciations, criminal information and prosecuting proposal if it could not finish the examination and verification to decide whether bring a charge or not in case of force majeure comprising disasters, diseases.

Supplementing ground for suspending investigation

Pursuant to the current law, the investigation authority may suspend investigation if:

- (i) the accused are unidentified or their whereabouts are unknown but the investigation time limit has expired;
- (ii) there is a judicial expert examination finding that accused suffer from mental illness or fatal diseases; or
- (iii) has solicited expert examination, requested valuation and requested foreign judicial assistance but there has been no result.

In addition to the above cases, Law 02/2021/QH15 adds one ground so that investigation authorities shall decide to suspend investigation. Accordingly, from December 01st, 2021, investigation authority has the right to suspend investigation if they could not complete the investigation in case of force majeure covering disaster, disease despite the expiration of the investigation time limit.

Supplementing grounds for suspending a case

Clause 1 Article 247 Criminal Procedure Code 2015 stipulates that the Procuracy shall decide to suspend a case in one of these following cases:

- (i) when the accused run away and their whereabouts are unknown but the time limit for deciding the prosecution has expired;
- (ii) if judicial expert examination finds that the accused suffer from mental illness or fatal diseases; or
- (iii) has solicited expert examination, requested valuation and requested foreign judicial assistance but there has been no result.

Currently, Law 02/2015/QH15 recently adds one case that can be a ground for the Procuracy to issue a decision to suspend the case. Specifically, they still can decide to suspend a case if they can not conduct the criminal procedure activities to decide the



prosecution because of events of force majeure, such as disaster or disease but the time limit for deciding the prosecution has expired.

Adding liability of local police to verify the criminal information

Previously, according to Clause 3 Article 146 Criminal Procedure Code 2015, the local police are only responsible for acquiring denunciation and criminal information, making written records of receipts, taking initial testimony and transferring both information and relevant documents, items to competent investigation authorities.

From December 01st, 2021, Clause 1 Article 1 Law 02/2021/QH15 added the responsibility of the local police as follow: local police, ward police, town police and police stations shall be responsible for acquiring denunciation and criminal information, making written records of receipts, examining verifying the facts and transferring the denunciation and relevant documents, items to competent investigation authorities.

In conclusion, the local police currently have rights to conduct some preliminary examination, verification and then they shall transfer all information and items to the investigation authorities. This legislation allows the local police to promote their effect for verifying many information and also helps promptly solve the case at the beginning of the process.

2. Decision No. 32/2021/QD-TTg on deposit insurance coverage limit, takes effect as of December 12th, 2021

On October 20th, 2021, the Prime Minister issued Decision No. 32/2021/QD-TTg on deposit insurance coverage limit (“**Decision 32/2021/QD-TTg**”). Decision 32/2021/QD-TTg takes effect as of December 12th, 2021.

Increasing deposit insurance coverage limit up to VND125,000,000

According to Decision 32/2021/QD-TTg, the deposit insurance organization could pay for a person’s all insured deposits pursuant to Law on Deposit insurance (both principal and interest) at deposit insurance participating organization when an insurance payment obligation arises is VND125,000,000.

Previously, according to Decision No. 21/2017/QD-TTg on deposit insurance coverage limit (“**Decision 21/2017/QD-TTg**”), the maximum deposit insurance



coverage limit is VND75,000,000. Thus, from December 12th, 2021, the deposit insurance coverage limit will be increased by VND50,000,000.

Payment limit of VND75.000.000 for deposits that have incurred insurance payment obligations but have not been paid before December 12th, 2021

For deposits that have incurred an obligation to pay insurance but have not been paid according to Law on Deposit Insurance before the effective date of Decision 32/2021/QĐ-TTg (December 12th, 2021), the deposit insurance coverage limit shall be implemented pursuant to Decision 21/2017/QĐ-TTg. Accordingly, in this situation, the deposit insurance coverage limit is still VND75,000,000.

3. Decree No. 97/2021/ND-CP amending and supplementing a number of articles of Decree No. 23/2018/ND-CP on compulsory fire and explosion insurance, takes effect as of December 23rd, 2021

On November 8th, 2021, the Government issued Decree No. 97/2021/ND-CP ("**Decree No. 97/2021/ND-CP**") amending and supplementing a number of articles of Decree No. 23/2018/ND-CP ("**Decree No. 23/2018/ND-CP**") on compulsory fire and explosion insurance.

Modifying, supplementing compulsory fire and explosion insurance premium

Previously, the compulsory fire and explosion insurance premium (for facilities at risk of fire and explosion with the total insured amount of assets at one location from 1.000 billion VND or more and nuclear facilities) is determined according to the agreement between the insurer and the insurance buyer and on the basis of the reinsurance enterprise's approval.

Currently, Decree 97/2021/ND-CP modifies and supplements the above provisions. Specifically:

- (i) for facilities at risk of fire and explosion with the total insured amount of assets at one location from 1.000 billion VND or more (except nuclear facilities), the insurer and the insurance buyer shall negotiate the insurance premiums on the basis of approval of reinsurance enterprises; and in any case, insurance premiums must not be lower than the amount of VND1,000 billion (x) insurance rate specified under Clause 1 Section I Annex I Decree 97/2021/ND-CP; and



- (ii) for nuclear facilities, the insurer and the insurance buyer shall negotiate the insurance premiums on the basis of approval of reinsurance enterprises.

Insurance enterprises must design a form of Certificate of compulsory fire and explosion insurance

In comparison with Decree 23/2018/ND-CP, Decree No. 97/2021/ND-CP stipulates the responsibility of the insurance company for designing the Certificate of compulsory fire and explosion insurance with the following contents:

- (i) name and address of the insurer, the policyholder, the insured;
- (ii) belonging to the list of establishments having any fire and explosion danger;
- (iii) the address of the property insured;
- (iv) insured property;
- (v) amount insured;
- (vi) insurance deductible;
- (vii) insurance period;
- (viii) rate of insurance premiums and premiums;
- (ix) name, address, phone number of the insurance company's hotline;
- (x) date, month, and year of issuance of the Certificate of Insurance.

In addition, the insurer must issue the Certificate of compulsory fire and explosion insurance to the buyer in paper or electronic form.

Determination of fire and explosion hazard rank

Decree No. 97/2021/ND-CP supplements regulations on responsibilities of agencies, organizations and individuals whose facilities are at risk of fire and explosion and the responsibilities of the Ministry of Public Security in identifying A, B, C, D, E fire and explosion hazard rank of industrial production establishments (for establishments having fire and explosion danger in accordance with the provisions of the Law on fire prevention and firefighting).

Accordingly, the police have the authority to write the fire and explosion hazard rank for industrial establishments with fire and explosion hazard rank A, B, C, D, E in the Minutes of acceptance or Minutes of safety inspection on fire prevention and firefighting on the basis of determination of fire and explosion hazard rank of



agencies, organizations and individuals whose establishments are at risk of fire and explosion.

Obligations to prepare and submit mandatory fire and explosion reports

Decree No. 97/2021/ND-CP also specifies the preparation and sending of specific mandatory fire and explosion reports:

- (i) insurance enterprise prepares and sends a professional report (year) to the Ministry of Finance;
- (ii) report on collection and expenditure of compulsory fire and explosion insurance for fire prevention and fighting activities (6 months/year) to the Ministry of Public Security.

4. Decree No. 108/2021/N□-CP on adjustments to retirement pensions, social insurance allowances and monthly benefits, takes effect as of January 1st 2022.

Changing some retirement pensions, social insurance allowances and monthly benefits beneficiaries

Previously, Decree No. 44/2019/N□-CP on adjustments to retirement pensions, social insurance allowances and monthly benefits (“**Decree 44/2019/N□-CP**”) only governs the retirement pensions, social insurance allowances and monthly benefits for beneficiaries thereof prior to July 1st 2019, including:

- (i) cadres, civil servants, workers, public employees and employees (including those participating in voluntary social insurance, retirees transferred from Nghe An farmer's social insurance fund under Decision No. 41/2009/Q□-TTg dated March 16th 2009 of the Prime Minister); military personnel, police officers and cipher workers receiving monthly pensions in current times;
- (ii) officials at commune, ward and township levels enjoying pensions and monthly benefits as prescribed in Decree No. 92/2009/N□-CP dated October 22nd 2009, Decree No. 121/2003/N□-CP dated October 21st 2003 and Decree No. 09/1998/N□-CP dated January 23rd 1998 of the Government;
- (iii) beneficiaries of monthly benefits for losing their working capacity as prescribed by law; beneficiaries of monthly benefits under Decision No. 91/2000/Q□-TTg dated August 4th 2000, Decision No. 613/Q□-TTg dated



- May 6th 2010 of the Prime Minister; rubber workers enjoying monthly benefits;
- (iv) officials at commune, ward and township levels receiving monthly benefits in accordance with Decision No. 130/CP dated June 20th 1975 and Decision No. 111-H^{BT} dated October 13th 1981 of the Council of Ministers;
 - (v) military personnel enjoying monthly benefits under Decision No. 142/2008/Q^{TTg} dated October 27th 2008, Decision No. 38/2010/Q^{TTg} dated May 6th 2010 of the Prime Minister;
 - (vi) public security forces receiving monthly benefits under Decision No. 53/2010/Q^{TTg} dated August 20th 2010 of the Prime Minister;
 - (vii) military personnel, police officers, cipher workers receiving salaries same as military personnel, police officers who are receiving monthly benefits under Decision No. 62/2011/Q^{TTg} dated November 9th 2011 of the Prime Minister; and
 - (viii) beneficiaries of monthly allowances for labor accident and occupational disease.

Then, Decree 108/2021/N^{CP} modifies a number of contents about the above regulated subjects.

First and foremost, for retirement pensions, social insurance allowance and monthly benefits beneficiaries prior to January 1st, 2022:

- (i) supplementing retirement pensions, social insurance allowances and monthly benefits beneficiaries, which are officials of commune, ward and township as specified in Decree No. 34/2019/N^{CP} dated April 24th 2019 of the Government amending and supplementing on cadres and civil servants at commune level and part-time workers at commune level, in villages and residential quarters;
- (ii) pursuant to Decree No. 108/2021/N^{CP}, monthly allowances for labor accident and occupational disease beneficiaries are no longer the retirement pensions, social insurance allowances and monthly benefits beneficiaries.

Secondly, supplementing the subjects mentioned in Clause 1 Article 1 of Decree 108/2021/N^{CP} who retired before January 1st 1995 and have retirement pensions,

social insurance allowances, monthly benefits of less than VND2,500,000/month, after making adjustments in accordance with this Decree.

Changing retirement pensions, social insurance allowances and monthly benefits adjustment rate

Pursuant to Decree No. 44/2019/N□-CP, retirement pensions, social insurance allowances and monthly benefits beneficiaries before July 1st 2019 are entitled to an increase of 7.19% on the retirement pensions, social insurance allowances and monthly benefits of June 2019.

However, from January 1st 2022, Decree No. 108/2021/N□-CP, such adjustment is modified as follows:

- (i) regarding retirement pensions, social insurance allowance and monthly benefits beneficiaries prior to January 1st 2022: the adjustment leads to an increased rate of 7.4% on the retirement pensions, social insurance allowances and monthly benefits of December 2021;
- (ii) regarding the subjects mentioned in clause 1 Article 1 of Decree 108/2021/N□-CP who retire before January 1st 1995 after making adjustments in accordance with this Decree yet enjoying the retirement pensions, social insurance allowances, monthly benefits of less than VND 2,500,000/month:
 - those who have retirement pensions, social insurance allowances and monthly benefits of VND 2.3000.000 each per month and below are entitled to receive an additional VND200,000 each per month;
 - those whose retirement pensions, social insurance allowances and monthly benefits between VND 2.3000.000 and under VND2.500.000 each per month are entitled to get an additional allowance to make their total VND 2.500.000 each per month.



DOCUMENTS ISSUED IN DECEMBER 2021

DATE OF ISSUANCE	NO.	TYPE OF DOCUMENT	ISSUED BY	MAIN ISSUE
03/12/2021	19/2021/TT-BTTTT	Circular	Minister of Information and Communications	Providing a list of key information technology products
04/12/2021	104/2021/ND-CP	Decree	Government	Regulations on extending the time limit for paying excise tax on domestically manufactured or assembled automobiles
07/12/2021	108/2021/ND-CP	Decree	Government	Adjustment of pension, social insurance allowance and monthly allowance
15/12/2021	18/2021/TT-BL□TBXH	Circular	Ministry of Labor, War Invalids and Social Affairs	Providing guidelines for hours of work, hours of rest applicable to employees doing seasonal production work and processing of goods under



				orders
17/12/2021	114/2021/TT-BTC	Circular	Ministry of Finance	On the annulment of Circular 146/2014/TT-BTC dated October 6, 2014 of the Minister of Finance guiding the financial regime applicable to securities companies, fund management companies
20/12/2021	01/2021/NQ-HDTP	Resolution	Council of Justices of The Supreme People's Court	Instructions on the application of article 201 of the criminal code and the trail of criminal judgements on usury in civil transactions
23/12/2021	119/2021/TT-BTC	Circular	Ministry of Finance	On the amendment and supplementation of a number of articles of Circular 83/2018/TT-BTC dated August 30, 2018 of the



				Minister of Finance guiding the transfer of the right to represent the State owner at the Investment Corporation. State capital investment and business
24/12/2021	120/2021/TT-BTC	Circular	Ministry of Finance	Regulations on rates of certain charges and fees to assist and resolve difficulties for entities impacted by COVID-19
27/12/2021	121/2021/NQ-CP	Decree	Government	On the business of prize-winning electronic games for foreigners

