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1. Circular 39/2022/TT-BTC guiding a number of articles of Decree 121/2021/ND-CP on the business of prize-winning electronic games for foreigners, takes effect from August 8th, 2022

On June 24th, 2022, Ministry of Finance issued Circular No. 39/2022/TT-BTC (“Circular 39/2022/TT-BTC”) guiding a number of articles of Decree 121/2021/ND-CP on the business of prize-winning electronic games for foreigners (“Decree 121/2021/ND-CP”). This Circular takes effect from August 8th, 2022.

Token management

Regarding the tokens, in the past, Decree 121/2021/ND-CP only stipulated that the token of each enterprise must have its own mark and symbol for identification. The face value of the tokens may be stated in Vietnam dongs or in a convertible foreign currency. The conversion of denominations of conventional currencies in foreign currencies shall comply with the guidance of the State Bank of Vietnam. Enterprises shall not use tokens of other enterprises for business. Enterprise must notify in writing of the model, quantity and type of its tokens to the Department of Finance and the local Tax Department for monitoring and management.

Currently, Circular 39/2022/TT-BTC has specifically clarified this issue. Accordingly, this Circular clearly stipulates the enterprise must notify the Department of Finance and the local tax agency in writing about the form, design, quantity and type of the fiat currency at least 5 working days before the date of putting it into business.

At the same time, enterprises are entitled to stop using the tokens according to management needs. They must notify in writing at least 5 days in advance from the date of suspension. The notice must clearly state the time, reason for suspension and the expected time to use them again.



In addition, Enterprises shall adopt Token Monitoring and Management Books, including the following fundamental contents:

- (i) forms of tokens;
- (ii) quantities and types of tokens that enterprises purchase, re-export, or destroy, in which specify each price, type of foreign currency, date of purchase, re-export, or destruction, name of the manufacturer, and provider (if any); and
- (iii) other contents according to management requirements of enterprises.

In addition, Enterprises shall develop and issue regulations on financial management and token management procedures and organize the management, ensuring separation between vaults, checkout counters, and prize-winning electronic game machines. Enterprises may only exchange cash and tokens with players before they play and return cash to players at checkout counters and shall issue Money Exchange Invoices according to the form in Appendix No. 1 promulgated hereof. Cashier divisions shall monitor the specific amount of money and tokens transacted in the period.

Enterprises shall arrange specialized crates (bags) to store cash and tokens. These boxes (bags) shall be sealed before being taken out of the vault and be sealed immediately after being taken out of prize-winning electronic game machines. The opening of seals of boxes (bags) and the inventory and calculation of transactions at checkout counters shall be implemented at a certain time according to regulations on financial management, token management procedures of enterprises, and certified according to forms of invoices and receipts, including Token export slips, token import slips, revenue summary slips, cashier settlement slips in Appendixes No. 2, No. 3, No. 4, and No. 5 promulgated hereof.



License fee

According to Circular 39/2022/TT-BTC, the fee for licensing the prize-winning electronic game business for foreigners is as follows:

- (i) fee for assessment, grant, and extension of the enterprise's Certificate of eligibility for business is 150,000,000 VND; and
- (ii) fee for re-appraisal, re-issue and adjustment of the Certificate of eligibility for business is VND 5,000,000.

After verifying that the eligible enterprise is granted, re-granted, adjusted, and extended the Certificate of Business eligibility, the Ministry of Finance shall notify the enterprise to pay the appraisal fee as prescribed, the above fees are central budget revenues.

Enterprises may only be granted, re-issued, adjusted and extended Business Eligibility Certificates after they have paid the fees into the state budget.

Discounts

Regarding price reductions, Decree 121/2021/ND-CP previously allowed businesses to implement a discount policy for players, with a maximum discount of 2% of the total value of the token.

However, from August 8, 2022, according to Circular 39/2022/TT-BTC, players must buy fiat currency with a minimum value of 50,000 USD (USD)/time to be entitled to the discount.

Enterprises are also entitled to deduct taxable revenue in accordance with tax laws. The method of determining the tax to be deducted shall comply with the provisions of the tax law. Enterprises must notify the tax agency that directly manages the discount policy.



2. Decree 42/2022/ND-CP on providing information and online public services of state authorities by online, takes effect from August 15th, 2022

On 24th June 2022, the Government issued Decree No. 42/2022/ND-CP providing information and online public services of state authorities by online (“**Decree 42/2022/ND-CP**”). This Decree takes effect from August 15th, 2022.

Decree 42/2022/ND-CP replaces Decree No. 43/2011/ND-CP on providing online information and public services on websites or web portals of state authorities (“**Decree 43/2011/ND-CP**”)

Level of online public service providing

Previously, according to Decree 43/2011/ND-CP, the providing online public services included 04 levels, including:

- (i) online public service level 1: means a service which provides full information on an administrative procedure and documents related to that procedure;
- (ii) online public service level 2: means a level-1 online public service which allows users to download forms of documents and make declarations on those forms to complete dossiers as required. Completed dossiers may be submitted directly or by post to the service provider;
- (iii) online public service level 3: means a level-2 online public service which allows users to make online declarations on forms of documents and send these forms online to the service provider. Transactions in the processing of dossiers and providing of the service are made in the network environment. Fees payment (if any) and notification of results shall be made directly at the service provider; and



- (iv) online public service level 4: a level-3 online public service which allows users to make online fees payment (if any). Results may be notified to users online, directly or by post.

Since August 15th, 2022, according to Decree 42/2022/ND-CP, providing public services is carried out at two levels as follows:

- (i) wholly online public service: is a service that ensures to provide all information about administrative procedures, the implementation and settlement of administrative procedures, the implementation and settlement of administrative procedures are all done in the network environment. Results are returned online or via the public postal service;
- (ii) partially online public service: is an online public service that does not satisfy the conditions specified above.

State agencies shall apply information technology, digital technology to the maximum in the process of providing and handling online public services in the network environment, except for the case that organizations, individuals using the service must be present at the state agency or the state agency must inspect and verify at the scene according to regulations.

Online public service providing channel

This is a new regulation in Decree 42/2022/ND-CP. Accordingly, ministerial and provincial public service portals are part of the ministerial and provincial information systems for handling administrative procedures which provide organizations and individuals with online information and public services under the authority Ministries, ministerial agencies, Governmental agencies and People's Committees at all levels.



Ministerial and provincial public service portals must satisfy the following requirements:

- (i) have a consistent domain name: dichvucong(“publicservice”).(name of ministry or local authority).gov.vn for the Vietnamese-language interface, e-services.(name of ministry or local authority in English).gov.vn for the English language interface;
- (ii) connect and integrate with web portals of Ministries, ministerial agencies, Governmental agencies and provincial People's Committees; National Public Service Portal;
- (iii) connect to the System to monitor and measure the level of provision and use of Digital Government services;
- (iv) connect with the Public Digital Signature Certification Portal to assist organizations and individuals perform digital signatures conveniently and easily when using online public services of state agencies in the network environment;
- (v) structure, layout and technical requirements applicable for the ministerial and provincial public service portals shall adhere to the guidelines provided by the Ministry of Information and Communications; and
- (vi) The Ministry of Information and Communications develop a shared tool so as for state agencies to develop the ministerial and provincial public service portals.

In addition to the Ministerial and provincial public service portals, based on specific conditions, state agencies shall proactively establish other online public services channels as follows:

- (i) social networks permitted by state agencies to provide online public services as prescribed by law; and



- (ii) applications on mobile devices permitted by state agencies that allow online public service provision to be deployed centrally, uniformly, and shared within ministries, sectors and local authorities to provide online public services of state agencies, avoiding duplication.

Focusing on deploying public signatures, digital signatures

With online public services allowing organizations and individuals to submit documents on the network environment, state agencies are responsible for: Deploying the application of public digital signatures, specialized digital signatures for specialized applications to meet the demand for digital signatures in the process of performing online public services. Develop and use interactive electronic forms as prescribed. Connecting, exploiting national data, specialized databases, shared databases of other state agencies to automatically fill out information in electronic forms and reduce the composition of records.

Ensure the principle that organizations, individuals only provide information once to state agencies when performing online public services. The connection and sharing of data between state agencies comply with the provisions of Decree No. 47/2020/ND-CP on management, connection and sharing of digital data of state agencies. The Ministry of Information and Communications guides technical criteria to assess, ranks the level of online public services, guides, prescribes technique on digital signature integration or digital signature application on the public service portal.

3. Decree 44/2022/ND-CP on developing, managing and using housing and real estate market information system, takes effect from August 15th, 2022

On June 29th, 2022, The Government hereby promulgates Decree No. 44/2022/ND-CP on developing, managing and using housing and real estate



market information system (“Decree 44/2022/ND-CP”). This Decree takes effect from August 15th, 2022.

Forms of data mining on housing

Previously, according to Decree 117/2015/ND-CP, the exploitation and use of database on housing and real estate market shall be done through one of the following forms:

- (i) via Internet;
- (ii) via the website regulated by the authority managing the database on housing and real estate market;
- (iii) via specialized network;
- (iv) via a request form or written request; and
- (v) via a contract between the agency managing the database on housing and real estate market and the party exploiting and using data on housing and real estate market in accordance with the law.

However, according to Decree 44/2022/ND-CP, from August 15th, 2022, the mining and using of database on housing and real estate market is done through one of three forms as follows:

- (i) via web portal of the system (<http://www.batdongsan.xaydung.gov.vn>);
via Website of the Department of Construction;
- (ii) via a request form or written request; or
- (iii) via a contract between a regulatory authority of the system and an operator or user of the data on housing and real estate market as prescribed by laws.



An entity having demand for registration of granting privileges of operating and using the system shall send a request to an authority or unit which is assigned to manage and provide information and data on housing and real estate market as follows:

- (i) submit directly in writing to the Supplier;
- (ii) send by official dispatches, by fax or post; or
- (iii) register online on the Website of the Provider.

Within 07 working days after receiving the request, the provider shall consider assigning legal privileges of operating and using information and data on housing and real estate market; in case of refusal to assign the privileges, the provider must have a response with clear reasons.

Publishing basic information on housing and real estate market

According to 44/2022/ND-CP, the publication of basic information on housing and real estate market will be made annually and quarterly basis, respectively at each level as follows:

- (i) nationwide: announced by the Ministry of Construction at the portal of the information system on housing and real estate market (<http://www.batdongsan.xaydung.gov.vn>); and
- (ii) local area: announced by the provincial/city Department of Construction on the portal managed by the unit.

4. Decree 45/2022/ND -CP on penalties for administrative violations environmental protection offences, takes effect from August 25th, 2022



On July 7th, 2022, the Government issued Decree No. 45/2022/ND-CP on penalties for administrative violations environmental protection offences (“**Decree 45/2022/ND-CP**”). This Decree takes effect from August 25th, 2022.

Fully supplementing remedies for new regulations in Law on Environment Protection 2020

Decree 45/2022/ND-CP has fully added remedies for new regulations of the Law on Environmental Protection in 2020 such as:

- (i) violations regulations on environmental license and environmental registration;
- (ii) violations regulations on trial operation of waste treatment works after being granted environmental license;
- (iii) violating regulations on environmental protection in the management of persistent pollutants and raw materials, fuels, materials, products and goods containing persistent pollutants;
- (iv) violation of labeling and disclosing of information containing persistent pollutants;
- (v) violation of disclosing of environmental quality monitoring information, publicizing environmental information, providing, updating information and data for the environmental database;
- (vi) violation regulations on the recycling, collecting and treating of waste responsibility of producing, importing organizations and individuals;
- (vii) violation regulations on mitigation of greenhouse gas emissions and protection of the ozone layer;
- (viii) violation regulations on environmental protection of natural heritage;



- (ix) violation of natural ecosystem services;
- (x) ...

Adjusting fine level in accordance with management requirements and practical application

The fine level in Decree 45/2022/ND-CP has been adjusted in accordance with management requirements and practical application. Specifically, increasing sanction level for acts of intentionally stealing, sneaking, discharging untreated waste into the environment, causing environmental pollution such as: construction, installation, installation of equipment, pipes or other waste lines to discharge untreated wastes into the environment, without constructing environmental protection works... to the maximum extent (1 billion VND for individuals; 2 billion for organizations) to ensure deterrence.

At the same time, fines for acts that occur in public places, have also been adjusted to be consistent with sanctioning competence of many local forces such as: police soldiers (the maximum fine for an individual is 500,000 VND) or the head of the commune-level police station or the head of the police station (the maximum fine for an individual is 2,500,000 VND).

With the reduction of fines, a number of acts such as throwing, disposing, discarding cigarette butts and heads in the wrong places (fines from 100,000 VND to 150,000 VND) and personal hygiene (urinating, defecating) at the wrong place in the apartment, commercial, service or public places (the fine level is from 150,000 VND to 250,000 VND) can be fined on the spot without making record.

This reduction is to ensure feasibility for majority of people, and at the same time to simplify the sanctioning procedure with on-the-spot fines. From there, the



sanctions for handling environmental violations in public places will be effectively applied in practice.

Applying additional remedy is deprivation of the right to use environmental licenses

Decree 45/2022/ND-CP stipulates the application of additional sanction measures to deprivation of the right to use environmental licenses for some serious violations with high risk of causing environmental pollution such as: violating of construction, installation of equipment, pipelines or other waste lines to discharge untreated waste into the environment; failing to build and install environmental protection works as prescribed; discharging wastewater and emissions in excess of technical regulations many times, so serious that they are suspended; violating regulations of hazardous waste treatment facilities to the point of being suspended from operation...

According to Law on Environmental Protection 2020, environmental license is a document issued by a competent authority to an organization or individual (hereinafter referred to as "entity") involved in business activities, permitting such organization or individual to discharge waste into the environment and manage waste and scraps imported as production materials in accordance with environmental protection requirements. The deprivation of the right to use an environmental license means that such organization or individual is not eligible for production, business, or service activities.

Supplementing regulations to ensure effective enforcement of penalties

Decree 45/2022/ND-CP has added specific regulations on measures to force the return of illegal profits, which will effectively prevent violations to avoid investment or operating costs for environmental protection constructions.



In addition, the Decree additionally stipulates the competence to sanction administrative violations for new forces such as: Fisheries control; airport authorities; Health Environment Management Department; inspectors specialized in industry and trade, inspectors specialized in culture, sports and tourism... in order to maximize the force participating in the timely detection and handling of administrative violations in environmental protection field.

Other regulations

Information disclosure has been regulated throughout and uniformly in the Law on Environmental Protection 2020. Accordingly, Decree 45/2022/ND-CP also stipulates penalties for violations related to publicity: environmental impact assessment report approved appraisal results, environmental license, plans for prevention and response to environmental incidents, results of waste monitoring by project owners, production and business establishments, concentrated production and business zones, and industrial clusters in the provision and publicization of information on the environment.

Decree 45/2022/ND-CP has added regulations on sanctioning environmental monitoring for acts such as: failing to install monitoring cameras or automatic sampling devices for wastewater; failing to store wastewater and gas emission monitoring data as prescribed or failing to connect and transmit monitoring data to competent authorities as prescribed; the installation lacks one of the automatic and continuous monitoring parameters; failing to ensure the confidentiality and integrity of automatic and continuous monitoring data; intervening and adjusting automatically and continuously monitoring results before transmitting data to the receiving authorities according to regulations.

Regulations on sanctions in the import and demolition of used ships; import machinery, equipment, vehicles, raw materials, fuel and materials; environmental



protection in scrap import has also been added in Decree 45/2022/ND-CP. Accordingly, Decree 45/2022/ND-CP clarifies the act of transferring imported scrap as raw production materials and dividing the fine levels according to the volume and type of scrap in violation (iron, steel, paper, plastic) to ensure equity and apply effective treatment in practice. For violations of the imported scrap quality assessment organization on the quality assessment and analysis results of imported scrap shipments, these acts shall be applied the law on sanctioning of administrative violations in standards, measurement and quality of products and goods.



DOCUMENTS ISSUED IN AUGUST 2022

DATE OF ISSUANCE	NO.	TYPE OF DOCUMENT	ISSUED BY	MAIN ISSUE
August 15 th , 2022	53/2022/ND-CP	Decree	Government	Decree guiding Law on Cybersecurity
August 22 nd , 2022	54/2022/ND-CP	Decree	Government	Amending to some articles of Decree 78/2016/ND-CP stipulating conditions for providing training services for seafarers, inland watercraft drivers and Decree 08/2021/ND-CP on management of inland waterway activities
August 23 rd , 2022	55/2022/ND-CP	Decree	Government	Prescribing national database of reception of citizens, processing of submissions and



				handling of complaints, denunciations, petitions and feedback
August 25 th , 2022	57/2022/ND- CP	Decree	Government	List of narcotics and precursors

