**LEGAL UPDATES**

**VOL 41, MAY 2022**

**Dear Valued Clients and Partners,**

ADK Vietnam Lawyers would like to introduce to you the Legal Updates, Vol 41 of May 2022 with new legal provisions with notable contents as follows:

1. **Suspension of Covid-19 test requirements before entering Vietnam**

On 13/5/2022, the Prime Minister issued Official Telegram No. 416/CD-TTg regarding suspension of Covid-19 Test Requirements before Entering Vietnam

Accordingly, in order to maintain anti-Covid measures while facilitating socio-economic recovery in accordance with the Government's Resolutions, the Prime Minister hereby requests that:

1. Covid-19 test requirements before entering Vietnam are suspended from 00:00 of May 15, 2022. The Ministry of Health shall closely monitor Covid-19 situations and promptly provide guidance on appropriate Covid-19 prevention and control.
2. The Ministry of Foreign Affairs shall request Vietnam's diplomatic missions to inform people who want to enter Vietnam of anti-Covid requirements according to guidance of the Ministry of Health.
3. The Ministry of Transport shall request airlines to implement anti-Covid measures on their vehicles according to guidance of the Ministry of Health.
4. Presidents of the People’s Committees of provinces and centrally affiliated cities shall strictly implement anti-Covid measures in their provinces and cities according to guidance of the Ministry of Health, relevant ministries and central authorities.
5. Ministers, heads of ministerial-level agencies and Governmental agencies; Presidents of the People’s Committees of provinces and centrally affiliated cities shall keep directing implementation of anti-Covid measures; carry out periodic inspections and promptly handle issues within their jurisdiction or report to competent authorities as per regulations./.

**Official Telegram No. 416/CĐ-TTg took effect from 13 May, 2022.**

1. **Preventing tax loss in real estate transfer**

Ministry of Finance has recently issued Official Letter No. 3849/BTC-TCT regarding preventing tax loss in real estate business and transfer.

Accordingly, for resolving several obstacles causing problems in an affair of preventing tax loss from real estate business and transfer, the Ministry of Finance enacted guidelines to address specific problems as follows:

Pursuant to Article 2.11 of Decree No. 12/2015/ND-CP and Article 17 of Circular No. 92/2015/TT-BTC, a land price table regulated by the Provincial People's Committee is the basis of tax calculation for cases of non-prices on the transfer contract or prices on the transfer contract are lower than the land price prescribed by the Provincial People's Committee at the time of transfer.

According to Land Law 2013, the People's Committee of the Province enacted the Land Price Table every 5 years and a land price adjustment annually. For ensuring publicity and transparency in the affair of management of real estate business and transfer, requiring the People's Committees of Provinces and Cities to take care and provide the following noticeable contents:

1. In regards to land locations, road sections, and roads that had prices pursuant to Land Price Table and land price adjustment coefficient issued by the Provincial People's Committee: the Provincial People's Committee is required to issue the Price Land Table (including land price adjustment coefficient) in order to facilitate tax calculation according to the above-mentioned regulations.
2. In regards to land locations, road sections, and roads have not had prices comply with the Land Price Table issued by the People's Committee of the province: the Provincial People's Committee is required to command the Department of Natural Resources and Environment to cooperate with the equivalent agencies to review for advising the Provincial People's Committee to immediately enact the Decision on adjustment and supplement Land Price Table for each location being complied with the real transaction price on the market and the selling price of investor. In cases of non-issuing it, investors are required to publicize the selling prices and notify the equivalent individuals and organizations when proceeding with transactions on real estate formed in the future as well as performing financial obligations regarding real estate transfers.
3. The application for real estate transfer shall be submitted to competent authorities through a one-stop-shop mechanism (the Natural Resources and Environment Agency, the Land Registry, the One-Stop-Shop Section of the People's Committee...): the agency receiving dossiers through the one-stop-shop mechanism is responsible for disseminating laws, propagating and guiding taxpayers on the location, street, and how to identify and apply specific prices of each type of real estate (including the land price adjustment coefficient as prescribed by the Provincial People's Committee) for organizations and individuals acknowledge and comply with regulations when performing financial registration regarding real estate transfers.
4. **Finalizing a Decree on customs management with goods transacted via e-commerce**

Recently, for finalizing a draft Decree on customs management for exported and imported goods transacted via e-commerce submitted to the Government by the Ministry of Finance by the end of 2021, the Government Office required the Ministry of Finance to urgently cooperate with equivalent agencies to correct and finalize such draft.

This draft decree regulates primary issues such as specifying the subjects to be regulated are trading floors and commercial websites. electronic sales (including trading floors, e-commerce websites selling goods abroad), and goods transport enterprises transact via e-commerce.

This draft also stipulates specific incentives on tax policies and commodity policies for imported goods transacted via e-commerce, specifically, exemption from import tax, exemption from permits, and exemption from specialized inspection for import orders with a certain value of goods.

Also, there are provisions for ensuring information related to good transfer operations to serve the management from a time when the order arises until customs clearance (for imports) or actually exported goods (for exports).

We hope you found this brief legal update informative.

Kind regards./.

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