



Commerce - Advertising

Law on Protection of Consumer Rights

The 2023 Law on Protection of Consumer Rights (the Law) will enter into force on July 1 this year and replace its 2010 predecessor with revisions made in 2018.

The Law introduces principles of and policies on protection of consumer rights; rights and obligations of consumers; responsibilities of business organizations and individuals toward consumers;



activities of agencies and organizations to protect consumer rights; settlement of disputes between consumers and business organizations and individuals; and state management of protection of consumer rights.

The Law plays an important role in the system of legal documents on protection of consumer rights, serving as a basis for the formulation and implementation of other legal documents concerning protection of consumer rights. It has helped deal with shortcomings and inadequacies revealed in the 2010 Law on Protection of Consumer Rights and relevant codes and laws to frame a complete legal system regulating the issue of protection of consumer rights.

The Law, with seven chapters and 80 articles, contains salient new provisions compared to the 2010 version.

Subjects of application

The Law applies to consumers; business organizations and individuals; the Vietnam Fatherland Front; socio-political organizations; social organizations (including socio-political-professional organizations, social organizations and socio-professional



organizations) participating in the protection of consumer rights; and domestic and foreign agencies, organizations and individuals related to the protection of consumer rights.

Compared to the current regulations, the Vietnam Fatherland Front, socio-political organizations and social organizations are added as new subjects of application of the Law. For transactions with cross-border elements and transactions in cyberspace, the Law adds foreign agencies, organizations and individuals related to the protection of consumer rights to its subjects of application.

The Law offers definitions of terms of a number of new subjects, e.g., influencers, vulnerable consumers, organizations and individuals conducting business in cyberspace, multi-level marketing organizations and individuals participating in multi-level marketing.

Rights and obligations of consumers

In order to raise the role and position of consumers in new consumption trends and, at the same time, ensure a balance between rights and obligations of consumers, the Law additionally provides a number of new consumer rights in Article 4. Accordingly, consumers will be given the opportunity to choose a healthy and sustainable consumption environment. They will also have the right to request organization of negotiations or assistance in negotiations to resolve arising disputes. Concurrently, the Law adds a number of consumer obligations. As stated in Article 5.3 of the Law, consumers are obliged to comply with regulations on inspection, environmental protection and sustainable consumption. They are held responsible for provision of inaccurate or inadequate information about their transactions with business organizations and individuals under Article 5.5 of the Law.

Responsibilities of business organizations and individuals toward consumers

Responsibilities of business organizations and individuals toward consumers are defined in Chapter II of the Law.

The Law introduces new provisions on responsibilities for assurance of safety, measurement, quantity, volume, quality and utility of products, goods and services sold and provided to consumers; and responsibility for protection of consumer information. It also adds provisions on responsibility to receive and settle consumers' feedback, requests and complaints; and responsibility for provision of services that are at variance with those in the registered, notified, announced, posted, advertised, introduced, concluded or committed contents.

Regarding recall of defective products and goods, the Law classifies defective products and goods into two groups. Group A consists of products and goods that are likely to cause harms to consumers' life and health while group B is composed of products and goods that are likely to cause harms to consumers' property. Defective products and



goods that are likely to harm consumer's life, health and property will be treated as group-A defective products and goods. For each group of defective products and goods, the Law specifies the corresponding responsibility for the recall to help business organizations and individuals identify groups of defective products and goods and recall them in an appropriate manner.

Enterprise

Efforts made to promote establishment of cottage industry zones

The Government has recently issued Decree 32/2024/ND-CP, on the management and development of cottage industry zones to attract small- and medium-sized enterprises, cooperatives and cooperative groups to invest in production and business in concentrated production areas.

With a view to attracting small- and medium-sized enterprises, cooperatives and cooperative groups to invest in production and business in, or relocate their existing production and business facilities to, concentrated production areas, the Government has recently issued Decree 32/2024/ND-CP, on management and development of cottage industry zones.

Cottage industry zone is defined in the new regulation as a delimited place where industrial production activities are carried out and services for industrial and cottage industry activities are provided and there are no inhabitants.

In addition, it must neither be larger than 75 hectares nor smaller than 10 hectares. For cottage industry zones in mountainous districts and those within craft villages, each must neither be larger than 75 hectares nor smaller than 5 hectares.

Worthy of note, a cottage industry zone can be established if it is included in an approved list of cottage industry zones in a province; set to occupy a land area in conformity with a district-level land use master plan; and has its technical infrastructure invested and constructed by the enterprise, cooperative or organization with the legal entity status and sufficient financial capacity.

In case a district already has cottage industry zones, the average occupancy rate of them must exceed 50 percent or the zones' total industrial land area yet to be leased must be under 100 hectares.

As for investment incentives, local budgets will support the development of technical infrastructure facilities both inside and outside cottage industry zones in their localities.

Priority will be given to environmental protection infrastructure facilities for operating cottage industry zones, shared technical infrastructure projects in areas with difficult or

extremely difficult socio-economic conditions, as well as those on sectoral linkage, eco-manufacturing and preservation of traditional crafts.

The State will provide as financial support up to 30 percent of total investment capital required for technical infrastructure construction in a cottage industry zone, which is not included in the project's total investment capital for calculation of land sublease prices and infrastructure use levies.

The Decree will take effect on May 1 this year.

Land - Housing

Ministry proposes pilot mechanism for use of non-residential land to implement commercial housing projects

Real estate businesses would be permitted to implement commercial housing projects on non-residential land if they currently possess or have acquired land-use rights and meet law-prescribed conditions for land repurposing.

Such regulations would be implemented on a pilot basis within five years from 2025,



according to a draft resolution of the National Assembly prepared by the Ministry of Natural Resources and Environment (MONRE).

Particularly, the acquisition of land-use rights might take the form of transfer of land-use rights, contribution of land-use rights as capital, or donation of land-use rights.

To be granted permission for land repurposing, commercial housing projects must align with provincial master plans, district-level land-use master plans or urban construction master plans. Furthermore, such projects must be included in approved local programs and plans on housing development, and real estate businesses must obtain provincial-level People's Committees' consent to the agreements on acquisition of land-use rights they sign with current land users.

The MONRE proposes that the number of projects to be implemented under the pilot mechanism would not exceed 30 percent of the total number of projects, and the total land areas allocated for these projects would not surpass 20 percent of the areas specified in approved programs and plans on housing development by 2030.



Natural Resources - Environment

PM instructs intensification of forest fire prevention, control measures

Prime Minister Pham Minh Chinh has instructed localities, ministries, and agencies to intensify forest fire prevention and control measures.

According to Telegram 31/CD-TTG dated April 4, 2024, the PM requests the Chairpersons of People's Committees of provinces and centrally-run cities and related agencies to strictly enforce forest fire prevention and control and intensify inspection and supervision.

They are asked to develop specific, detailed fire prevention and control plans, arrange staff and resources for the work, review and make a list of fire-prone forests.

The PM also assigns tasks to ministries and asks the mass media to further popularize information about forest fire prevention and control, especially fire warnings and forecasting.

The telegram says unusual hot weather is baking the southern and Central Highlands regions as well as some northern provinces, causing high risk of fire for many forests at dangerous and extremely dangerous levels.

According to the National Centre for Hydro-meteorological Forecasting, due to the impact of climate change and the El Nino phenomenon, in 2024 severe heat waves will appear in many localities, with higher temperatures than in 2023. Severe hot weather and falling rainfalls pose a high risk of forest fires in many places, causing damage to forests and the environment, and affecting the people's health, property, and lives.

Science - Technology

Management of subjects of traceability of products and goods

On March 28, 2024, the Ministry of Science and Technology issues Circular No. 02/2024/TT-BKHDT on the management of product origin tracing.

The Circular prescribes that a product origin tracing system shall ensure 04 the following principles:



- *“One step forward - one step back”*: Assurance of the capacity for supervising and identifying previous and following production and trading stages during the production and trading processes of a product;
- *“Master data element availability”*: Master data elements shall be collected, retained, and updated promptly in reports on detailed information on important events in the production process and the supply chain;
- *“Transparency”*: the origin tracing system shall meet the requirements for mandatory transparency equivalent to the use of static data on clients, suppliers, products, and production conditions;
- *“Adequate participation of origin tracing parties”*: The origin tracing system shall have the adequate participation of origin tracing parties of the organization. Additionally, organizations and individuals in the traceability system of products and goods must fully ensure the traceability process following the provisions of national standards, national technical regulations, international standards, and regional standards corresponding to the type of products and goods and in conformity with the relevant standards and technical regulations. The basis for the appropriate announcement on the internal assessment results of organizations or individuals or certification results of the organizations which are appointed by law provisions.

Besides, traceability data of each product in the product origin tracing system shall include the following mandatory information:

- Name
- Images
- Name of the unit of production and trading;
- Address of the unit of production and trading;
- Production and trading stages (including the following mandatory information: product tracing codes, location tracking codes, and time of origin tracing of each stage);

This Circular takes effect on June 01, 2024.

Transport

New technical regulations on expressways issued

Expressways must have at least four lanes with maximum speed of 120 km per hour as well as rest stops and emergency stopping lanes.

This was stated in the Ministry of Transport's 06/2024/TT-BGTVT dated March 31, 2024, promulgating national technical regulations QCVN 115:2024/BGTVT on expressways.

According to the circular that will take effect on October 1 this year, construction works associated with expressways will include a center for traffic management and operation, rest stop station, non-stop automatic toll collection system, vehicle weighing station, and protective barrier.

Along expressways, different sections can have different maximum speeds, but two consecutive sections must not differ by more than 20km per hour and the minimum lane width should be at least 3.50m.

As for emergency stopping lanes, the minimum width should be at least 2.5m, says the circular.

Amend the dossier for issuance of airport or airfield registration certificates

On February 23, 2024, the Government issues the Decree NO. 20/2004/ND-CP on amending and supplementing a number of articles of Decree No. 05/2021/ND-CP dated January 25, 2021, of the Government, on the management, operation of airports and airfields, and Decree No. 64/2022/ND-CP dated September 15, 2022, of the Government amending and supplementing a number of articles of the Decrees regulating business activities in civil aviation.

Firstly, the dossier for airport or airfield registration certificates, including:

- Issuance of airport or airfield registration certificates
- Copy or electronic copy of the decision to establish an enterprise of the owner or the organization assigned to manage the airport or airfield;





- Copy or electronic copy of the decision on investment policies or decision on investment in airport or airfield in case of new construction, renovation, upgrading, expanding of airports, airfields;

Copy or electronic copy of documents certifying that the airport or airfield infrastructure has completed acceptance procedures.

Secondly, within 10 days, from the date of receipt of valid documents as prescribed, the Airport Authority shall be responsible for appraising dossiers, including the following contents:

- Airports and airfields are built following the approved overall development plan of the national airport and airport system;
- Infrastructures of airports, and airfields are built, and technically accepted following standards, and technical regulations according to regulations and operational capacity;
- Plan for building infrastructure of airports, and airfields complies with technical standards according to the regulation for temporary registration of airports, airfields under construction, and operational capacity.

This Circular takes effect on April 10, 2024.

LIST OF UPDATED LEGAL NORMATIVE DOCUMENTS

Information - Communications		
1	Circular No. 23/2023/TT-BTTTT dated December 31, 2023 of the Ministry of Information and Communications amending and supplementing a number of articles of the Minister of Information and Communications' Circular No. 01/2020/TT-BTTTT	<p>Issuing date: 31/12/2023</p> <p>Effective date: 01/05/2024</p> <p>Effect status: Not yet applied</p>
Finance - Banking		
2	Circular No. 24/2023/TT-NHNN dated December 29, 2023 of the State Bank of Vietnam amending and supplementing a number of articles of Circulars related to submission, presentation and provision of information and documents on population upon carrying out administrative procedures concerning establishment and operations of banks	<p>Issuing date 29/12/2023</p> <p>Effective date: 01/03/2024</p> <p>Effect status: In force</p>
Industry		
3	Decision No. 270/QD-TTg dated April 02, 2024 of the Prime Minister approving the List of important national and key energy programs, works and projects	<p>Issuing date 02/04/2024</p> <p>Effective date: 02/04/2024</p> <p>Effect status: In force</p>
Accounting - Audit		
4	Circular No. 22/2024/TT-BTC dated March 26, 2023 of the Ministry of Finance amending and supplementing a number of articles under the Minister of Finance's Circular No. 202/2012/TT-BTC of November 19, 2012, providing guidance on registration, management, and disclosure of the list of certified practice auditors, the Minister of Finance's Circular No. 203/2012/TT-BTC of November 19, 2012, on the order and procedures for grant, management and use of certificates of eligibility for provision of audit services, and the Minister of Finance's Circular No. 91/2017/TT-BTC of August 31, 2017, prescribing the testing, grant, and management of auditor certificates and accountant certificates	<p>Issuing date 26/03/2024</p> <p>Effective date: 01/07/2024</p> <p>Effect status: Not yet applied</p>



Thank you for your reading!

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