

Technical Update

April 2023

1. Amendments to some articles of Decrees implementing Law on land

On 03 April 2023, the Government issued Decree No. 10/2023/ND-CP ("**Decree 10**") being amendments and supplements to articles in the decrees implementing the Law on land, including Decree no. 43/2014/ND-CP dated 15 May 2014 elaborating some articles of the Law on land ("**Decree 43**") and Decree no. 44/2014/ND-CP dated 15 May 2014 on land price ("**Decree 44**"). Decree 10 comes into force on 20 May 2023 with the following key highlights set out below:

- Supplementing regulations on granting certificates of ownership over non-residential units served for tourism accommodation purposes (also known as "condotel") attached to lands having the commercial and service purposes according to the provisions of the law on tourism provided that conditions as prescribed by laws on land, construction, and real estate business are satisfied.
- Specifically stipulating conditions applicable to organizations participating in auctions of land use rights, according to which, organizations participating in the auction must pay a deposit equal to 20% of total value of the land plot or land area based on starting prices for the auction. Previously, this deposit was applied according to the provisions of the prevailing Law on Property Auction 2016 at from 5% - 20%. In addition, Decree 10 stipulates that in the case of auction of a land plot or a project consisting of one or more land plots where two or more companies have cross ownership, then only one company may participate in the auction.
- The occurrence of force majeure events specified in Decree 43 will not be included in computation of the 24-month extension period as prescribed by the Law on land in the case of land expropriation when land is not put into use within a period of 12 consecutive months or the land use schedule is 24 months behind the schedule stated in the investment project from the date of actual handover of the land.
- Supplementing conditions and criteria to allow the conversion of land use purposes intended for rice cultivation, forest land, and special-use forest land to other purposes for the implementation of investment projects; and amending and supplementing regulations guiding the order and procedures related to land; adding the responsibility for issuance of land price approval decisions by the provincial People's Committees to be within 90 days after competent State agencies have issued decisions on land allocation, land lease, change of land use purpose, and other relevant decisions to land users.

2. Decision on plan for enforcement of Law on implementing grassroots-level democracy

On 06 April 2023, the Prime Minister approved the Plan to implement the Law on implementing grassroots-level democracy under Decision No. 346/QĐ-TTg ("**Decision**"). Law on implementing grassroots-level democracy No. 10/2022/QH15 was approved by the National Assembly on 10 November 2022, and shall take effect from 1 July 2023. In order to implement the Law on implementing democracy on a consistent and efficient basis, the Prime Minister issued the Decision with the following notable contents:

- Requesting relevant competent agencies to issue guidance and other documents to elaborate provisions of the law and to issue regulations on implementation of grassroots democracy according to the timeline and schedule set out in the Decision, in which state-owned enterprises and non-state-owned enterprises must complete and promulgate the regulation on implementing grassroots democracy as aforementioned within the fourth quarter of 2023.
- Reviewing current legal documents related to grassroots democracy implementation; proposing amendments, supplements, replacements, and annulments of regulations that are no longer appropriate, invalidated or promulgate new legal documents to ensure consistency and appropriateness with the law.

3. Decree defining the functions, missions, authority and organizational structure of the Viet Nam Competition Commission

On 31 March 2023, the Government approved Resolution No. 45/NQ-CP ("**Resolution**") promulgating the Government's action plan to continue the implementation of Resolution No. 10-NQ/TW in 2017 on the development of private business as an important element of the market economy, in which the key highlights of the Resolution are as follows:

- The Resolution sets out specific goals, including by 2025, the country shall have approximately 1.5 million enterprises, including 60,000 to 70,000 medium and large enterprises; by 2030 there will be at least 2 million enterprises; the proportion of the private business sector's contribution to GDP will reach about 55% by 2025 and about 60 - 65% by 2030; narrowing the gap in technology level, human resource quality and competitiveness of private enterprises as compared with the leading group of ASEAN-4; many private enterprises participate in production networks, regional and global value chains.
- To achieve the above goals, the Resolution proposes implementing solutions, including:
 - Reviewing the list of conditional investment and business lines and proposing to remove those that are not necessary to be managed under the prevailing Law on investment;
 - Promoting and effectively implementing action plans to improve competitiveness and development of the logistics sector in Vietnam;
 - Continuing to develop infrastructure, synchronize infrastructure of industrial parks, industrial clusters and economic zones to meet requirements of enterprises in terms of production premises and necessary technical infrastructure;
 - Accelerating reform of administrative procedures for registering intellectual property rights for enterprises; developing and improving quality of intellectual property support services in order to promote and improve efficiency of intellectual property rights exploitation, aiming at turning intellectual property rights into essential assets of enterprises, organizations.

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