

Technical Update



May 2024

1. Prime Minister's Decision embarking a significant reduction and simplification of administrative formalities in the field of trade promotion.

On 29 February 2024, the Prime Minister, upon the proposal of the Minister of Industry and Trade, issued Decision No. 209/QĐ-TTg, with immediate effect, to reduce and simplify regulations related to business activities under the scope of management authority of the Ministry of Industry and Trade in 2024. In particular:

- (a) **Removal of a notification requirement for simple promotion types:** to enable the business's market responsiveness and to reduce the burden of the business' administrative cost, the notification procedure is no longer required for the following trade promotion activities:
 - (i) Organizing cultural, artistic or entertainment programs or other events for customers;
 - (ii) Giving free samples of goods or services to customers;
 - (iii) Giving goods as gifts and providing free services;
 - (iv) Discounting on the sales price of goods or services; and
 - (v) Selling goods or providing services with coupons/vouchers.
- (b) Lessen the components of a trade promotion application dossier by **removing the following documents from the dossier:**
 - (i) "Uncertified copies of documents on the quality of promotional goods" from application dossier registering for lucky draw promotional programs; and
 - (ii) "Uncertified copy of the enterprise registration certificate, investment registration certificate, establishment decision or other decisions with the same validity" from application dossier registering for organizing trade fairs and exhibitions.
- (c) **Increasing the flexibility for business operation in trade promotion activities:** requiring the signatory of "representative of the enterprise" in general instead of the previously strictly regulated "legal representative".

2. Decree on amendment of and supplementation to the previous regulations on the representative office of foreign trade promotional organizations

On 7 February 2024, the Government issued the Decree No. 14/2024/ND-CP ("**Decree 14**"), with effect from 25 March 2024, for amending and supplementing some articles of the previous Government's Decree No. 28/2018/ND-CP that details the Law on Foreign trade management regarding measures for foreign trade development.

In general, Decree 14 has facilitated the licensing procedures in relation to the Establishment License ("**RO License**") of the Representative offices of foreign trade promotional organizations ("**RO**") by:

- (a) **Decentralization of the competent authority:** from the Ministry of Industry and Trade to the provincial Departments of Industry and Trade where the RO is located.
- (b) **Supplement of method for application submission:** application dossiers in relation to the RO License can be submitted online via the National Public Service Portal or the Provincial Administrative Procedures Information System, in addition to the conventional direct submission.

- (c) **Removal of the unnecessary documents:** the submission of "Uncertified copies of contracts, agreements or related supporting documents on the location of the RO's headquarters" in the application dossier for the issuance/ amendment of the RO License is no longer is required.
- (d) **Clarification in statutory timeline/deadline in licensing procedures, particularly:**
- (i) Deadline for applying for the amendment of the RO License from the date of change is reduced from 30 working days to 30 days.
 - (ii) Statutory processing timelines are defined and shortened as follow:
 - *For the issuance of the RO License:* from 15 working days to 20 days (or 40 days in cases where consultation with the Ministry of Public Security and the Ministry of National Defense is required); and
 - *For the amendment/ re-issuance/ extension of the RO License:* from 10 working days to 14 days (or extending to 26 days in case of changing the location of the RO's headquarters to another province or centrally administrated city).
 - (iii) The deadline for the relevant agencies (i.e., the Ministry of Public Security and the Ministry of National Defense) to provide written opinions is no more than 14 days from the receipt of a ruling issued by the provincial People's Committee.

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