



## LEGAL UPDATES

### Electricity

#### Format of domestic PPA from October 16, 2023

**The Ministry of Industry and Trade has the guidance on power purchase agreements serving domestic purposes at Circular No. 16/2023/TT-BCT dated August 31, 2023.**

The Ministry of Industry and Trade issues the format of domestic power purchase agreement (hereinafter referred to as “PPA”) in the appendix attached with this Circular.



Format of domestic PPA shall come in physical form or electronic form. The agreement shall be written in the Vietnamese language.

The parties may negotiate about using other ethnic dialects of Vietnam or foreign languages.

For the signers of domestic PPA, Article 4 prescribes that:

Signers of the Buyer shall be representatives of the buyers who must have full civil act capacity as prescribed by law and a written request for power purchase attached with the residence information of their households at the place of electricity purchase, or documents proving the ownership, management and use at the place of electricity purchase.

If the Buyer consists of multiple households sharing electricity under 1 agreement, signers shall be representatives of these households who are authorized by the households in writing.

Sharing households must have full civil act capacity as prescribed by law and a written request for power purchase attached with the residence information of their households at



the place of electricity purchase, or documents proving the ownership, management, and use at the place of electricity purchase

The PPA shall specify the number of sharing households (with attached lists) and applicable electricity price according to regulations by the Ministry of Industry and Trade.

If the Buyer is a tenant, signers of the Buyer shall be identified in accordance with regulations on electricity retail price promulgated by the Ministry of Industry and Trade.

The effective period of PPAs shall be agreed upon by the parties. The effective period of PPAs shall start from the date of signing to the date of expiry as per the law unless otherwise agreed upon in detail by the parties.

The Circular No. 16/2023/TT-BTC takes effect on October 16, 2023.

## Export - Import

### **Preferential Export Tariff and Special Preferential Import Tariff**

**On September 07, 2023, the Government issues Decree No. 68/2023/ND-CP on amending and supplementing a number of articles of Decree No. 115/2022/ND-CP on Vietnam's Preferential Export Tariff and Special Preferential Import Tariff.**

Accordingly, the Government decided to supplement Malaysia, the Republic of Chile, and Brunei Darussalam to apply Vietnam's Preferential Export Tariff and Special Preferential Import Tariff to implement the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership for the 2022-2027 period.

The [Decree No. 68/2023/ND-CP](#) takes effect on September 07, 2023.

- For goods exported from Vietnam to Malaysia or imported into Vietnam from Malaysia with customs declarations registered in the period from November 29, 2022, to the date before September 07, 2023:

If such goods fully satisfy the conditions to be eligible for the preferential export duty rates and special preferential import duty rates specified in Decree No. 115/2022/ND-CP and Decree No. 68, and duties on such goods have been paid at higher rates, customs offices shall handle the overpaid duty amounts in accordance with the law on tax administration.

- For goods exported from Vietnam to the Republic of Chile or imported into Vietnam from the Republic of Chile with customs declarations registered in the period from February 21, 2023, to the date before September 07, 2023:

If such goods fully satisfy the conditions to be eligible for the preferential export duty rates and special preferential import duty rates specified in Decree No. 115/2022/ND-CP

and this Decree, and duties on such goods have been paid at higher rates, customs offices shall handle the overpaid duty amounts in accordance with the law on tax administration.

- For goods exported from Vietnam to Brunei Darussalam or imported into Vietnam from Brunei Darussalam with customs declarations registered in the period from July 12, 2023, to the date before September 07, 2023:

If such goods fully satisfy the conditions to be eligible for the preferential export duty rates and special preferential import duty rates specified in Decree No. 115/2022/ND-CP and this Decree, and duties on such goods have been paid at higher rates, customs offices shall handle the overpaid duty amounts in accordance with the law on tax administration.

## Investment

### **More policies proposed to unlock investment flow into transport projects**

**The Ministry of Planning and Investment (MPI) has submitted to the Government a draft resolution on pilot implementation of policies in order to pave the way for investment in transport projects across the country.**

The Ministry of Planning and Investment (MPI) has submitted to the Government a draft resolution on pilot implementation of policies in order to pave the way for investment in transport projects across the country.

These policies, which are related to the ratio of the state capital in a PPP project, use of local budget funds for investment in inter-regional projects, and papers required for road infrastructure projects, would be implemented on a pilot basis within three years after the resolution is approved.



As provided in the draft, the ratio of the state capital in a PPP project would not exceed 50 percent of the total investment of such project, exclusive of expenses for compensation, site clearance, and support and resettlement.

According to the MPI, such a proposal aims at attracting and mobilizing more investment from the private sector to road projects while reducing the burden for the state budget and saving resources for state management of transport projects.

Noteworthy, the Prime Minister would be vested with the authority to decide on matters concerning projects to be implemented in two or more than two provinces. The cabinet head would also be empowered to assign provincial administrations to act as owners of



local budget-funded projects on building national highways and expressways running through their localities. In addition, during the course of implementing an inter-provincial project, a locality would be allowed to use its local budget funds to support other localities.

In addition, the MPI proposes annulling the regulation requiring investors and construction contractors to carry out procedures for grant of licenses for the exploitation of minerals for use as ordinary construction materials, which are now required when preparing construction material survey dossiers serving the implementation of road infrastructure projects.-

## Transport

### **Papers for foreigners to carry out vehicle registration in Vietnam**

**I am a foreign expat currently working in Vietnam and have been granted a residence permit with a validity period of three years. I'm considering buying a motorbike or a car for use in Vietnam. What papers do I need for the vehicle registration process?**

Under the above-mentioned Circular, a first-time vehicle registration dossier must comprise:

- A vehicle registration declaration: You may log in to and fill in the declaration form at the Ministry of Public Security's Public Service Portal ([dichvucong.bocongan.gov.vn](http://dichvucong.bocongan.gov.vn)).
- The vehicle owner's ID papers: As you are a foreigner residing and working in Vietnam, you need to produce your residence permit which, however, must remain valid for at least six months, counting by the time of registration.

*Papers for foreigners to carry out vehicle registration in Vietnam (Illustration)*

- Vehicle documents:

(i) Proof of origin:

+ If your vehicle is an imported one, the Vehicle Registration and Management System will acquire vehicle information from the Public Service Portal or the custom database.

Particularly, if electronic customs data on your vehicle is unavailable or your vehicle was imported before December 1, 2020, you will have to submit a declaration of origin as prescribed for vehicles imported under commercial contracts.

+ If your vehicle is manufactured or assembled in the country, the proof of origin will be the certificate of ex-works quality inspection which will be taken in the form of electronic



data from the Public Service Portal or the car inspection database in case such electronic data are available; otherwise, the paper certificate will be required.

(ii) Proof of ownership: If you buy the vehicle from, or are gifted the vehicle by, its former owner, you will need a document proving the transfer of title, which may be:

+ The e-invoice data, which will be acquired by the Vehicle Registration and Management System from the Public Service Portal or the tax administration database. In case of unavailability of e-invoice data, you will be required to submit the paper invoice or an invoice converted from the e-invoice; or,

+ A notarized or authenticated agreement on the sale and purchase or gifting of the vehicle.

(iii) Proof of payment of registration fee, which will either be taken by the Vehicle Registration and Management System in the form of electronic data from the Public Service Portal or the tax administration database or a receipt of payment of registration fee to the state budget or another registration fee payment document according to regulations. If your vehicle is exempted from the registration fee, you have to produce a tax authority's notice of registration fee payment, containing information on registration fee exemption.

## LIST OF UPDATED LEGAL NORMATIVE DOCUMENTS

<b>Tax – Fee – Charge</b>		
1	Decree No. <a href="#">68/2023/ND-CP</a> dated September 07, 2023 of the Government amending and supplementing a number of articles of the Government’s Decree No. 115/2022/ND-CP	Issuing date: 07/09/2023 Effective date: 07/09/2023 Effect status: In force
<b>Medical - Health</b>		
2	Resolution No. <a href="#">129/NQ-CP</a> dated August 18, 2023 of the Government on transfer of drugs, supplies and biological products purchased by state budget fund for Covid-19 prevention and control to revenues of medical examination and treatment services	Issuing date: 18/08/2023 Effective date: 18/08/2023 Effect status: In force
<b>Administrative border</b>		
3	Decree No. <a href="#">66/2023/ND-CP</a> dated August 24, 2023 of the Government amending and supplementing a number of articles of the Government’s Decree No. 54/2018/ND-CP dated April 16, 2018, guiding the collection of voters’ opinions on the establishment, dissolution, merger, separation and adjustment of boundaries, of administrative units	Issuing date: 24/08/2023 Effective date: 25/08/2023 Effect status: In force
<b>Electricity</b>		
4	Decision No. <a href="#">14/2023/QD-TTg</a> dated May 24, 2023 of the Prime Minister on the List of energy-consuming devices and equipment subject to elimination and low-efficiency generating sets banned from construction and the application roadmap	Issuing date: 24/05/2023 Effective date: 15/07/2023 Effect status: In force
<b>Agriculture - Forestry</b>		
5	Circular No. <a href="#">04/2023/TT-BNNPTNT</a> dated August 31, 2023 of the Ministry of Agriculture and Rural Development promulgating the List of plant quarantine objects of the Socialist Republic of Vietnam	Issuing date: 15/08/2023 Effective date: 29/09/2023 Effect status: Not yet applied



*Thank you for your reading!*

**VIETNAM LAW COMMUNICATION JOINT STOCK COMPANY**

**In Hanoi:** 1A Floor, IC Building, No. 82 Duy Tan Street, Dich Vong Hau Ward, Cau Giay District, Hanoi

**Tel:** 0938 36 1919

**In Ho Chi Minh City:** 5<sup>th</sup> Floor, Orchard Parkview, No. 130 - 132 Hong Ha, Ward No. 9, Phu Nhuan District, HCMC

**Tel:** 028.39950724 - 028.39950262

**Email:** [cskh@luatvietnam.vn](mailto:cskh@luatvietnam.vn)

**Hotline:** 0938 36 1919

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