

BUSINESS PARTICIPATION IN

LEGISLATION

Survey on practice and need of participation in policy and legal development by the business

Business recommendations on printing industry policy

List of conditional business lines



Amendment of the Law on Promulgation of legal document

BUSINESS PARTICIPATION IN LEGISLATION

The **BUSINESS PARTICIPATION IN LEGISLATION** is a publication by Vietnam Chamber of Commerce and Industry (VCCI) about Vietnam business community participation in current legislation.

Highlights reflects VCCI's major comments and recommendations on legal normative documents with significant impact on business community, and recommendations on solution of business difficulties.

Receptiveness analyzes and evaluates how state agencies are receptive to VCCI's inputs through comparison of issued legal documents against VCCI's recommendations sent to drafting board.

Quick look provides:

- Drafts of legal documents which VCCI has commented and main points
- List of drafts open for comments
- List of drafts with VCCI's participation in drafting and/or reviewing
- Law-making events solely or jointly held by VCCI



Policy recommendations for printing sector



Evaluation of 12 documents issued from July to October, 2014 with VCCI's comments in terms of integrity, transparency, reasonability

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Full draft of legal normative documents and supporting materials, comments and recommendations, information on related past and upcoming events are posted on our website: www.vibonline.com.vn

Amendments to Law on promulgation of legal documents



“Law on legal normative documents is considered Law of laws, however, has revealed some inadequacies, including provisions on ensuring democracy in drafting and implementing legal documents, public participation, and social discussion”

Law on legal normative documents (submitted to 8th session of National Assembly XIII tenure as Law on legal documents) is considered Law of laws, therefore, regulations set forth in this document has special importance in deciding quality of LND in Vietnam legal system.

The current law provides a relatively comprehensive process on drafting, reviewing, verifying and issuing of legal documents. The Law also has some provisions to enhance the legal system, improve the quality of legal documents, and promote transparency, publicity, accessibility and feasibility.

However, the Law has revealed some inadequacies, including provisions on ensuring democracy in drafting and implementing legal documents, public participation, and social discussion. Those inadequacies decrease the effectiveness of the participation of businesses, experts, and people in the law-making process; significantly affect the quality of the legal system and the law-implementing effectiveness.

Due to the high influence of the Law, VCCI has been proactively participating in drafting process, as well as in commenting, such as:

- Participation in Drafting Board and Editing team;
- Survey on practice and need of participation in policy and legal development by business;
- Assessment of legal regulations on people’s participation in policy and legal development;
- Cooperation with drafting agency (Ministry of Justice) for invitation of comments from business community through various forms: seminars, mail comments, on website www.vibonline.com.vn;
- Participation in Consulting and Assessment Council headed by Ministry of Justice;
- Participation in inspection meetings headed by Law Committee of National Assembly;
- Participation in some related topics.

THE SURVEY RESULTS ON STATUS AND NEEDS TO PARTICIPATE IN THE LAW-MAKING PROCESS BY BUSINESS COMMUNITY, ESPECIALLY MEDIUM, SMALL AND SUPER SMALL ENTERPRISES

In order to capture the status of business participation in the law-making process, especially small and super small enterprises, as well as to identify their needs, to propose recommendations to the Government on effective consultation mechanism, VCCI surveyed “the status and needs of participation in the law-making process by the business community, especially medium, small and super-small enterprises”.

The survey’s targets are small and super-small enterprises who are vulnerable to policy risks, especially strict regulations or business conditions. Moreover, this group accounts for over 90% of the Vietnamese business community, hence, the participation of small and super-small enterprises in the law-making process is extremely important, decisively influent to the feasibility and effectiveness of policies.

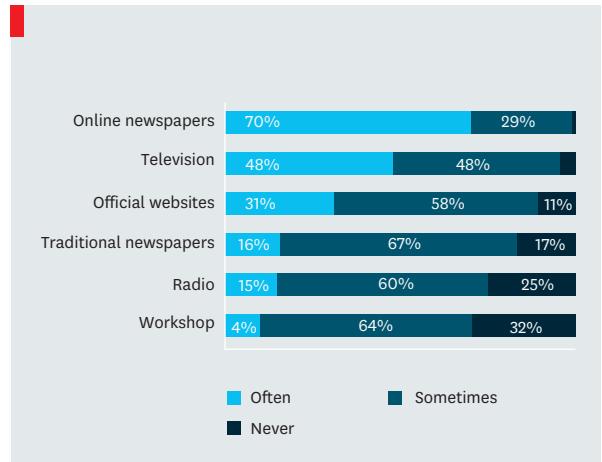
VCCI’s survey focused on 3 aspects:

- **Information accessibility:** questions on how enterprises access to legal information (sources, time);
- **Comment participation:** questions on the status of business participation in the law-making process;
- **Aspiration:** questions to identify difficulties and wishes of enterprises when participating in law-making.

VCCI randomly selected 1,000 enterprises nationwide to send the questionnaire and received 212 responses (21.2%). The results show that:

INFORMATION ACCESSIBILITY

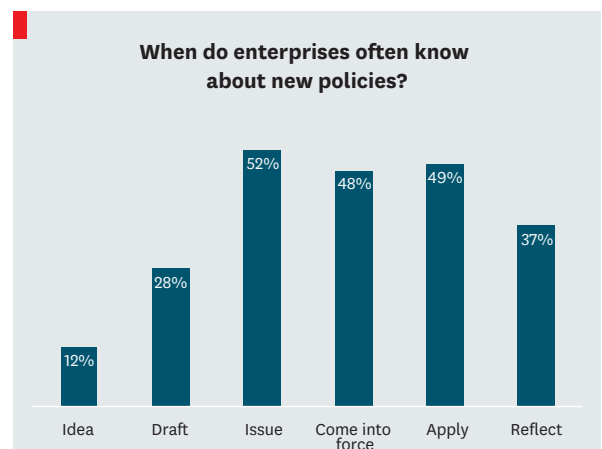
Online newspapers, television and state agencies’ websites are the most popular sources of information for enterprises. It is a consequence of IT and internet development in Vietnam recently.



The life cycle of a legal document was divided into 6 phases, and the businesses had been asked which phase they often know about a new legal document.



Surprisingly, there is a low percentage of surveyed companies knowing about legal documents in the phases of idea or draft.



Highlights

The fact seems that the law-making process is not really transparent when a large portion of companies only know about the legal documents after being issued, come into force, and

implemented. The government should consider the effectiveness of the current public consultation process.

COMMENT PARTICIPATION

The survey result identifies status and demands of business community, including:

- The best consultation methods: Email, fax, and post mail are the most selected methods. On the other hand, workshop, meeting and website – those methods are often used to illustrate the transparency of the consultation – are not popular to enterprises. It is suggested that the government should revise the recent consultation methods;
- Discrimination in the consultation and explanation: the survey shows that the state agencies seem to treat companies differently due to their capital size in consultation and explanation. In detail, ministries often consult bigger companies more than smaller ones. Similarly, when talking about difficulties, a much larger portion of small enterprises suggest that state agencies often ignore their comments than bigger ones;
- Difficulties of business participation in law-making: business community reflects some main reasons hindering them are insufficiency of information, short commenting time, no reply and explanation. These problems should be fixed in order to propose a better and more effective consultation mechanism;
- Business associations – the important connection between businesses and the Government: The results show that being a member of a business association is a huge advantage for enterprises in the law-making participation. For example, businesses have more sources of information, more convincing methods to send their recommendations.



"The best consultation methods: Email, fax, and post mail are the most selected"

RECOMMENDATIONS

Based on the survey result, VCCI made some recommendations for a better law-making process, including:

- Exact identification of effected companies: There are 80% of surveyed companies said that they would not respond if the consulting legal document does not relate to their business. Hence, if the state agencies send consulting requests to too many incorrect effected objects, the consultation will not be effective;
- Wide popularization of draft: Drafts of legal documents should be more well-known to the business community. The state agencies should not only post drafts on their website but also send them to enterprises and newspapers via email;
- Internet use: The internet is going to be the most effective and least costly method to connect to enterprises;

- Consultation through business associations: The business associations are appreciated as the best information channel to help enterprises in the law-making process. It is needed to clarify between “consult business associations” and “consult enterprises through business associations”. They are very helpful for both state agencies and enterprises. The government should ensure and support this role of business associations;
- Establishment of a transparent and responsible law-making process.

COMMENTS ON DRAFT OF LAW ON PROMULGATION OF LEGAL NORMATIVE DOCUMENTS (AUG. 2014 VERSION)

Through studying comments/ recommendations from business community, associations, experts, VCCI submitted to Law Commission of the National Assembly and Ministry of Justice, hereinafter are some major¹ comments on the participation of people/ enterprises/ association in the legislation process:

Process for drafting and promulgating LND

The break-through of the draft Law against the current regulations is to divide the LND development process into two stages: the stage of making policy and the stage of drafting LND on the basic of the approved policies. However, it is not yet clearly stipulated in draft Law about these two stages particularly the stage of making and approving the policies. VCCI recommends a clear stipulation on this process.

Role of business-representing organization in the development and implementation of LND

One new and important point of the draft Law is the regulation on the role and the participation of the business-representing organization - VCCI in the process of LND development and implementation, according to which VCCI will “undertake the collection of inputs/recommendations for business-related LND”.

VCCI appreciates this new regulation, and proposes for the inclusion of a clearer mechanism to ensure the effective implementation of this responsibility, i.e.:

- It is necessary to specify the obligations of LND - proposing agency, National Assembly (NA) members to consult VCCI on the business-related legislative program proposal;
- It is necessary to specify the time/deadline that the drafting agency has to consult with VCCI to avoid any over-laps in collecting inputs and to ensure the effectiveness in consulting the affected entities;
- It is necessary to recognize the role of business associations as the local business representative in the local – level LND development.

Addressing the short-comings of LND development process

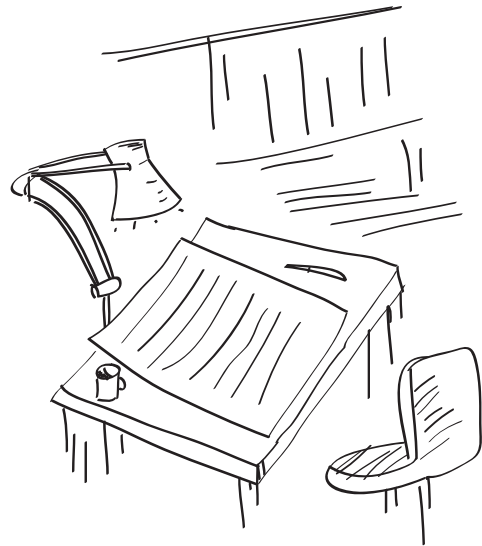
The process of LND development has been improved year by year in the direction of greater transparency. However, business community still considers the process nominal but not yet practical. Many LNDs have been promulgated with constraint quality due to the untransparency in consulting the subjects of the law, particularly in publicizing the draft of LNDs for comments and explaining about the acceptance/non-acceptance of the comments/recommendations.

The regulations of the draft Law have not yet addressed the real shortcomings; VCCI therefore

¹ Full comments are posted on <http://vibonline.com.vn/Forum/TopicDetail.aspx?TopicID=5434>

proposes the following adjustments and additions to solve these problems:

- It is necessary to get comments on the Regulatory Impact Assessment - RIA of the law project in order to ensure the rationale and consistency of the policy to be enacted;
- It is necessary to ensure that the LND draft to be publicized for comments is the last draft before signing for promulgation just to avoid the case that the drafting agency publicizes an initial version for comments, meanwhile it has made a lot of changes to that version. This makes the consultation nominal and ineffective;
- Not only the draft but also other necessary information should be publicized for comments;
- It is necessary to stipulate the cases that LND can be developed and promulgated in a normal process or a short-cut process. That makes the LND development process more transparent;
- It is necessary to stipulate clearly the LNDs that cannot have the retroactive (ex post facto) application. In case of exceptions, they should be in the interest of the applicable entities;
- It is necessary to set the legislation limit of the ministries;
- It is necessary to stipulate state compensation liability of the drafting agencies in case



"The draft Law regulates the role and the participation of the business-representing organization - VCCI in the process of LND development and implementation"

they issue LNDs late, contrary to laws and cause loss or damages to business enterprises and people;

- It is necessary to establish a focal point to provide information on policy/LND being drafted so that the stakeholders can easily get access to it for comments;
- It is necessary to establish a focal point to entertain the legal initiatives of the people.

I POLICY RECOMMENDATIONS FOR PRINTING SECTOR

Decree No. 60/2014/ND-CP of the Government, which was promulgated on 19 June 2014 and comes into effect since 01 November 2014, provides regulations on printing operations (hereafter referred to as Decree 60). The management policy of this Decree includes big changes as compared with the current regulations, in the direction of tighter management ap-

plied to printing enterprises, i.e. with the return of the licensing for the establishment of new printing entities, import of printing equipments, and application of more administrative procedures to printing enterprises.

On 8th October 2014, VCCI in cooperation with Vietnam Printing Associations organized the

seminar “Enterprises’ Contributions to Completion of Policies on Printing” to create a forum for those enterprises who are directly subject to regulation of Decree 60 to reflect their difficulties and make recommendations. The ideas at the seminar focus on the followings:

Decree 60’s management mode on printing is too tight than necessary

In comparison with current regulations (Decree 105/2007/ND-CP) the management applied to printing sector is much tighter:

- Expansion of printing operation must be licensed;
- Import of printing equipment must be licensed;

The application of license over the imports of printing equipment is unreasonable:

- It is unclear about the state management purpose;
- Increase of administrative procedures, affecting the operation of business enterprise;



“The application of license over the imports of printing equipment is unreasonable, it is unclear about the state management purpose; will increase of administrative procedures, affecting the operation of business enterprise and the management over the import of printing equipment by license is not necessary as they are just normal commodities, the usage of these equipments do not have impact on public interest”

- The management over the import of printing equipment by license is not necessary as they are just normal commodities, the usage of these equipment do not have impact on public interest.

Some regulations of Decree 60 tend to have administrative intervention in market factors

- The requirements that the head of the printing entity must be a college graduate in printing specialty or have printing management certificate from Ministry of Information and Communication;
- Requirement that the printing entity “must not cooperate with other printing entity to do the design, printing and post-printing processing for the products that the entity contracts the cooperation” “to print out the exact number of products as stated in the contract”.

Some regulations in the Decree 60 increase administrative procedures unreasonably and causing difficulties to business enterprises

Decree 60 introduces many new administrative procedures, most of which are of little significance but create more difficulties to businesses, thus increasing the documentation and time burden for the businesses and providing chances for corruption, red tapes, authoritativeness at working level; such as:

- The procedure of registering the operation of printing unit;
- Writing down information;
- Requirement on Filing of documents, papers: The printing entity must file a lot of documents such as product sample, papers in connection with the printing products that the contractors must supply.

The regulation of Decree 60 on the management over photocopy entity is more than necessary

- Declaration on the operation of photocopy entity: The Photocopy entity must declara-

tion their operation with the District level People's Committee (meanwhile most of the photocopy entities are individual family businesses who have registered their business in accordance with the current legal regulations);

- The usage of color photocopier:

Decree 60 regulation "color photocopiers can only be used for internal works of the organizations, agencies; and are not allowed for the usage of making money in any way" should significantly affect photocopy service, such as:

- Some photocopy shops have to be closed down, a number of people lose jobs;
- How to do with the color photocopiers of those who are not allowed to operate? The Investment Law clearly stipulates that if any changes of the laws that cause losses to the investors the State will have measure to support or compensate but Decree 60 has not included any regulations to approach this case.

The question here is that why to control the color photocopiers so tightly, even more than the printing equipments, while they are machines of normal usage and have not received any reports

of constraints or undermining the public interest.

Decree 60, in the opinion of many business enterprises, seems to be contrary to the process of administrative reform, simplification of business conditions, constructing a transparent and favorable business environment, improving the national competitiveness.



"Decree 60, in the opinion of many business enterprises, seems to be contrary to the process of administrative reform, simplification of business conditions, constructing a transparent and favorable business environment, improving the national competitiveness"

I LIST OF CONDITIONAL BUSINESS

On prohibited/conditional business line eliminated from the List

From point of view of business freedom, such reduction of prohibited or conditional business line is very meaningful, however, in many cases, exercising control over certain line through application of certain conditions or by prohibiting certain sector is a necessary thing to do in order to provide reasonable guarantee for interest of related public interests. Therefore, reduction of currently prohibited or restricted business line shall be carefully considered, with at least two

issues worth noting:

- Explanation on (i) Reasons for reduction? (ii) How public interests, protected by application of such restriction/prohibition, if any, be treated once such restrictions/prohibition are abolished?
- Forecast of transformation mechanism?
- **Therefore, it is proposed:**
- Publicly announce and invite comments on (i) List of currently prohibited business line that Ministry of Planning and Investment

recommended to abolish; and (ii) List of business line that Ministry of Planning and Investment suggested to reduce;

- Pay attention to implementation of above activities related to business sectors that are proposed to be freed from conditions or prohibition.

On conditional business activities in the List of conditional business and investment line

■ VCCI proposes:

- To clarify notion of “conditional business lines”/“business condition” (in order to differentiate with business activities/conditions for business activities) for all ministries and sectors to guarantee unified interpretation during review of the List of conditional business;



“Reduction of currently prohibited or conditional business lines shall be considered thoroughly as bring one into the List”

- Review whole List in order to exclude cases that are not conditional business lines from the List, such as: trade of goods at Commodities Exchange; franchising; registration for use of unusual additives for production, manufacturing, blending of petroleum products, etc.

Differentiating “business lines” and “business conditions” in the List of prohibited/conditional business

The List, which is under development, is a list of conditional business (i.e. shall categorize by business lines instead of by business conditions/business licenses). However review of the draft of the Conditional business list shows a number of items that are categorized by business conditions (instead of listing by business lines). Such design creates chaos in the List, does not follow any certain criteria and makes overlapping.

VCCI proposes to review the List in order to guarantee that items in the List are business lines, not business conditions/licenses.

On design of regulations on business lines VCCI proposes the Drafting committee review for consistency of design for all business lines in the List of conditional business, guaranteeing that:

- Conditional business lines are listed in precise and complete manner;
- Only business lines are listed.

In order to achieve consistency throughout whole List (so that each business lines is listed only once and is not overlapped), the drafting agency shall adopt unified method for listing detailed business lines and at what level (how many digits) in the List.

Besides, VCCI has also come up with a number of detailed comments on business lines in the draft of the List of conditional business.

From July to October, 2014, there were 12 legal documents issued in many sectors to which VCCI have comments, including:



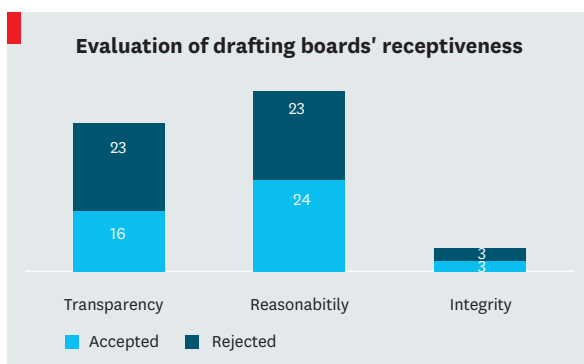
- Decree No. 79/2014/ND-CP dated July 31, 2014 of the Government detailing a number of articles of the Law on fire prevention and fighting and the Law amending and supplementing a number of articles of the Law on fire prevention and fighting
- Decree No. 76/2014/ND-CP dated July 29, 2014 of the Government guiding the Ordinance on management and use of weapons, explosive materials, and combat gear
- Decree No. 71/2014/ND-CP dated July 21, 2014 of the Government detailing the Law on competition on imposition of violation penalties against the Law on competition
- Decree No. 86/2014/ND-CP dated September 10, 2014 of the Government On by-automobile transport business and its conditions
- Decree No. 83/2014/ND-CP dated September 03, 2014 of the Government amending and supplementing a number of articles of Decree No. 84/2009/ND-CP dated October 15, 2009 on petrol and oil trading
- Decree No. 94/2014/ND-CP dated October 03, 2014 of the Government on establishment and management of Fund for natural disaster prevention and control
- Circular No. 23/2014/TT-BNNPTNT dated July 29, 2014 of the Ministry of Agriculture and Rural Development guiding the implementation of the Decree No. 36/2014/ND-CP dated April 29, 2014 of the Government on raising, processing, and exporting pangasius
- Circular No. 103/2014/TT-BTC dated August 06, 2014 of the Ministry of Finance Guiding the performance of tax obligations of foreign organizations and individuals doing business or earning income in Vietnam
- Circular No. 119/2014/TT-BTC dated August 25, 2014 of the Ministry of Finance amending and supplementing a number of articles of the Circular No. 156/2013/TT-BTC, Circular No. 111/2013/TT-BTC, Circular No. 219/2013/TT-BTC, Circular No. 08/2013/TT-BTC, Circular No. 85/2011/TT-BTC, Circular No. 39/2014/TT-BTC and Circular No. 78/2014/TT-BTC in order to simplify tax formalities
- Circular No. 18/2014/TT-BTP dated September 8, 2014 of the Ministry of Justice guiding the asset auctions as prescribed in Decree No. 53/2013/ND-CP dated May 18, 2013 of the Government on establishment, organization and operation of Vietnam Asset Management Company
- Circular 04/2014/TT-TTCP of the Government Spectorate dated September 18, 2014 on assessment criteria of corruption status and anti-corruption activities
- Circular 42/2014/TT-BGTVT of the Ministry of Transportation on container of dumpers, cisterns, and trucks to participate in traffic.

In the above 12 documents, VCCI had 92 comments, with average of 7.7 comments per draft. VCCI's comments concentrated on:

- **Consistency:** review consistency of the document with related regulatory documents, or if there is a conflict or overlapping with other terms in the same document;
- **Transparency:** VCCI suggestions are related mainly to transparency in administrative procedures, as well as in usage of notions in the document, in order to guarantee that administrative procedures are set simply, clearly, to details; the notions are understood among government agencies and businesses in unified manner, eliminating to maximum extent harassment and authoritarian behavior of public servants in charge that can arise from ambiguity of regulations;
- **Reasonability:** VCCI reviews regulations, especially ones related to business conditions, and government regulatory measures if they are conform, feasible, and if they unreasonably hinder freedom of business while not achieving regulatory goals.

VCCI's suggestions, proposals are concentrated on reasonability and transparency.

Through review and comparison between suggestions and promulgated documents, it can be seen that ratio of accepted VCCI's comments is not high, and VCCI has not received explanations from drafting agencies on reasons why comments are not accepted.



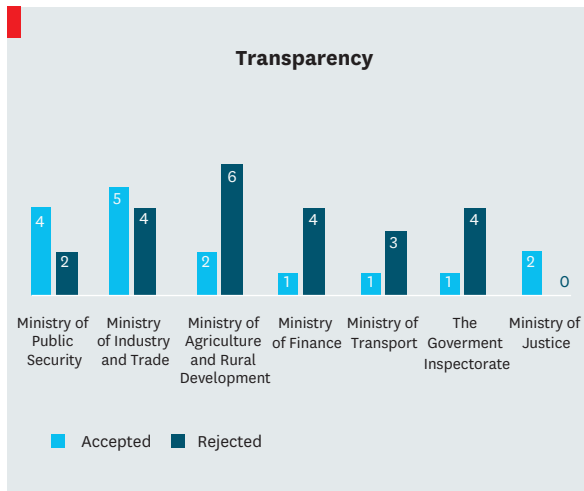
The graph shows that comments on reasonability accounts for more than half of all VCCI's comments (51%), and this is the only category of comments that has acceptance ratio higher than that not accepted. As for suggestions on reasonability, majority are comments on elimination of unreasonable business conditions or amending over-regulatory measures on business conditions, and notably ratio of accepted comments is higher than that of not accepted. It means that a lot of regulations that were not conformed and hinder freedom of business have been eventually abolished owing to VCCI's suggestions.

Transparency is one of the ultimate criteria set by VCCI in reviewing of legal documents. However, it seems that the requirement on clearness in regulations, transparency in administrative procedures is not duly recognized by government agencies. Only 41% (16/39) VCCI's suggestions on transparency are accepted.

Number of comments on consistency, in comparison to above two criteria, is much less. It also shows that drafting agencies are paying more attention to review on consistency, avoiding conflicting, overlapping between documents regulating in the same field. However, though identification of inconsistency among regulations has been clear, the acceptance ratio of drafting agencies is still at only 50%.

Assessment of response to transparency - the criterion with low acceptance ratio - shows that Ministries vary in acceptance, with 3/7 Ministries accepting VCCI's comments more than not accepting, especially in case of Ministry of Justice the rate is 100%.

VCCI's comments on transparency are mostly not accepted in the following Ministries: Ministry of Agriculture and Rural Development, Ministry of Finance, Ministry of Transport and Government Inspectorate, averaging to only 1 comment being accepted out of 3.4 comments.



On reasonability, majority of Ministries have more comments accepted than not. Only two Ministries – Ministry of Finance and Ministry of Transport scored ratio of not accepting higher than accepting, however, such ratio of response is calculated over total number of documents drafted by Ministries, and ratio of response by the Ministries varies among documents. Ministry of Finance, for example, on documents related to administrative reforms on taxation scored 100% acceptance of VCCI's comments, but cumulative response on whole range of other documents is still low.

Among 7 Ministries promulgating LND in past 4 months, only 3 received VCCI's comments on consistency, with Ministry of Industry and Trade accepting 2/3 of VCCI's comments, Ministry of Justice accepting 1/2, and Ministry of Transport not accepting one comment.

Above criterion has highest ratio on VCCI's comments in comparison to others, with 4/6 Ministries having high acceptance, with Ministry of Finance fully accepting VCCI's comments, and at Ministry of Police the ration of accepted comments double that of not accepted.



List of documents commented by VCCI

During the period of 4 months in the second half of 2014 (from July to October), VCCI actively participated and influenced on policy level in 38 LNDs, including 3 Laws, 10 Decrees, 25 Circulars in many different sectors (finance, banking, justice, transport, natural resources – minerals, environment, agriculture, forestry, aqua produce, health care, information technology, etc.), as per below:

No.	Type	Name of Draft	Drafting Agency
LAW			
1	Law	Law on enterprise (amended)	Ministry of Planning and Investment
2	Law	Law on investment (amended)	Ministry of Planning and Investment
3	Law	Law on promulgation of legal documents	Ministry of Justice
DECREE			
1	Decree	Decree on issuing Regulation on protecting seaport constructions and maritime channels	Ministry of Transport
2	Decree	Decree on business condition for internal water transportation	Ministry of Transport
3	Decree	Decree on amending the Decree 171/2013/ND-CP on administrative fine on road and railway traffic	Ministry of Transport
4	Decree	Decree on restructuring, reforming and developing, improving effectiveness of agricultural and forestry companies	Ministry of Agriculture and Rural Development
5	Decree	Decree on customs procedures, customs inspection, supervision and control	Ministry of Finance
6	Decree	Decree on Casino	Ministry of Finance
7	Decree	Decree on geodesy and cartography	Ministry of Natural Resources and Environment
8	Decree	Decree guiding some articles of Law on environmental protection	Ministry of Natural Resources and Environment
9	Decree	Decree on guiding Law on bankruptcy on asset manager, and assets managing and liquidating practice	Ministry of Justice
10	Decree	Decree on IT services	Ministry of Information and Communication
CIRCULAR			
1	Circular	Circular on guiding Decree 76/2014/ND-CP on guiding a number of articles of Ordinance amending and supplementing a number of articles of the Ordinance on management and use of weapons, explosive materials and combat gear	Ministry of Industry and Trade
2	Circular	Circular on National technical regulation on steam and hot water pipeline in power plants	Ministry of Industry and Trade

² Full comments are posted on VCCI's website at www.vibnonline.com.vn

No.	Type	Name of Draft	Drafting Agency
CIRCULAR			
3	Circular	Circular on container of dumpers, cisterns, and trucks to participate in traffic	Ministry of Transport
4	Circular	Circular on checking food safety of imported vegetable-originated products	Ministry of Agriculture and Rural Development
5	Circular	Circular on guiding Decree 202/2013/ND-CP on fertilizers	Ministry of Agriculture and Rural Development
6	Circular	Circular on risk assessment of imported live seafood	Ministry of Agriculture and Rural Development
7	Circular	Circular on guiding Decree 187/2013/ND-CP on international purchases and sales of goods, and activities of agency for sale and purchase, processing and transit of goods involving foreign parties in Agriculture, Forestry and Fishery	Ministry of Agriculture and Rural Development
8	Circular	Circular on pesticide Ministry of Agriculture and Rural Development	Ministry of Agriculture and Rural Development
9	Circular	Circular on guiding Decree 170/2004/ND-CP and Decree 200/2004/ND-CP on pangasius farming, processing and exporting	Ministry of Agriculture and Rural Development
10	Circular	Circular on National Technical Regulation on pesticide spray pumps	Ministry of Agriculture and Rural Development
11	Circular	Circular on legal aid in customs	Ministry of Finance
12	Circular	Circular on issuing Vietnamese valuation standards No. 1, 2, 3 and 4	Ministry of Finance
13	Circular	Circular on valuation service charges and fee of granting license on valuation service	Ministry of Finance
14	Circular	Circular on amending Circular 156/2013/TT-BTC dated 06/11/2013, Circular 219/2013/TT-BTC dated 31/12/2013, Circular 08/2013/TT-BTC dated 10/01/2013, Circular 85/2011/TT-BTC dated 17/06/2011 and Circular 39/2014/TT-BTC dated 31/03/2014 of the Ministry of Finance	Ministry of Finance
15	Joint Circular	Joint Circular on valuation of results of scientific study and technology development, intellectual property funded by state budget	Ministry of Finance
16	Thông tư	Circular on amending Circular 105/2010/TT-BTC on guiding implementation of Loyalty tax	Ministry of Finance
17	Thông tư	Circular on risk management in tax management	Ministry of Finance
18	Thông tư	Circular on amending National technical regulations on industrial wastewater of natural rubber processing, dyeing, pulp and paper production, quality of surface, underground and sea water	Ministry of Natural Resources and Environment

No.	Type	Name of Draft	Drafting Agency
CIRCULAR			
19	Joint Circular	Joint Circular on joint administrative procedures on public notary, registration of land use rights and land-attached assets and tax	Ministry of Justice
20	Circular	Circular on naming enterprises in accordance with national history, culture, morality, customs	Ministry of Culture, Sport and Tourism
21	Circular	Circular guiding on advertisement in health care	Ministry of Health
22	Circular	Circular on drug registration	Ministry of Health
23	Circular	Draft Circular on fee for cash service and Circular on cash payment by organizations using state capital	State Bank of Vietnam
24	Circular	Circular on guiding to handle share ownership exceeding limits in the Law on credit institutions	State Bank of Vietnam
25	Circular	Circular on assessment criteria of corruption status and anti-corruption activities	The Government Inspectorate

VCCI's recommendations mainly concentrated on the following objectives:

- Elimination of unreasonable business conditions;
- Removal of excessive regulatory measures;
- Adjustment of some regulations in order to achieve consistency with related legal documents;
- Adjustment of some regulations in order to achieve transparency: definitions shall be clear, detailed, unified in interpretations; administrative procedures shall be clear, simple...

In addition, VCCI has made comments and contributions in following areas:

TRANSPORTATION



- Seaport and maritime channels³
- Administrative fine on road and railway traffic⁴
- Conditions for internal waterway transportation business⁵
- Container of dumpers, cisterns, trucks to participate in traffic⁶

TAX, FEE, CUSTOMS, AND PRICE MANAGEMENT



- Customs inspection, control, supervision⁷
- Legal aid in Customs⁸
- Adjustment of tax regulation⁹
- Vietnam Standards for price evaluation¹⁰
- Royalty tax¹¹
- Risk management in tax management¹²
- Evaluation fee and charge for issuing the certification of the conditions for services of price evaluation¹³
- Pricing the results of the state-budget funded research on science and technology development, intelligent property¹⁴
- Casino management¹⁵

³ Draft Decree on issuing Regulation on protecting seaport constructions and maritime channels

⁴ Draft Decree on amending the Decree 171/2013/ND-CP on administrative fine on road and railway traffic

⁵ Draft Decree on business condition for internal water transportation

⁶ Draft Circular on dumpers, cisterns, and trucks to participate in traffic

⁷ Draft Decree on customs procedures, customs inspection, supervision and control

⁸ Draft Circular on legal aid in customs

⁹ Draft Circular on amending Circular 156/2013/TT-BTC dated 06/11/2013, Circular 219/2013/TT-BTC dated 31/12/2013, Circular 08/2013/TT-BTC dated 10/01/2013, Circular 85/2011/TT-BTC dated 17/06/2011 and Circular 39/2014/TT-BTC dated 31/03/2014 of the Ministry of Finance

¹⁰ Draft Circular on issuing Vietnamese valuation standards No. 1, 2, 3 and 4

¹¹ Draft Circular on amending Circular 105/2010/TT-BTC of Ministry of Finance on guiding implementation of Loyalty tax

¹² Draft Circular on risk management in tax management

¹³ Draft Circular on valuation service charges and fee of granting license on valuation service

¹⁴ Draft Joint Circular on valuation of results of scientific study and technology development, intellectual property funded by state budget

¹⁵ Draft Decree on Casino

PUBLIC HEALTH

- Drug registration¹⁶
- Advertisement in health care¹⁷

AGRICULTURE, FORESTRY AND FISHERY

- Business enterprises in agriculture and forestry¹⁸
- Food safety in imported vegetable-originated products¹⁹
- Fertilizers management²⁰
- International trade and agent operations, purchasing, selling, processing, transiting of goods in Agriculture, Forestry and Fishery²¹
- Pesticides²²

BANKING

- Fee for cash service²³
- Cash payment by organizations using state capital
- Solutions to credit organizations' ownership of share exceeding the limit set by Law on credit institutions²⁴

ENVIRONMENT

- Detailed guidance for the Law on environmental protection²⁵
- Geodesy and cartography²⁶

INFORMATION TECHNOLOGY

- Decree on IT services

SOME AREAS UNDER THE MANAGEMENT OF MINISTRY OF JUSTICE

- Asset managers²⁷

- Joint procedure of public notarization, registration of land use right, land-attached asset and tax²⁸

OTHER AREAS

- Guidance on naming business enterprise by Ministry of Culture, Sport and Tourism²⁹
- Corruption assessment³⁰
- Business enterprise' comments on National Technical Standards

National technical regulations on industrial wastewater of natural rubber processing, dyeing, pulp and paper production, quality of surface, underground and sea water;

National technical regulation on steam and hot water pipeline in power plants;

National Technical Regulation on pesticide spray pumps.

¹⁶ Draft Circular on drug registration

¹⁷ Draft Circular guiding on advertisement in health care

¹⁸ Draft Decree on restructuring, reforming and developing, improving effectiveness of agricultural and forestry companies

¹⁹ Draft Circular on checking food safety of imported vegetable-originated products

²⁰ Draft Circular on guiding Decree 202/2013/ND-CP on fertilizers

²¹ Draft Circular on guiding Decree 187/2013/ND-CP on international purchases and sales of goods, and activities of agency for sale and purchase, processing and transit of goods involving foreign parties in Agriculture, Forestry and Fishery

²² Draft Circular on pesticide

²³ Draft Circular on fee for cash service and Circular on cash payment by organizations using state capital

²⁴ Draft Circular on guiding to handle share ownership exceeding limits in the Law on credit institutions

²⁵ Draft Decree guiding some articles of Law on environmental protection

²⁶ Draft Decree on geodesy and cartography

²⁷ Draft Decree on guiding Law on Bankruptcy on asset manager, and assets managing and liquidating practice

²⁸ Draft Joint Circular on joint administrative procedures on public notary, registration of land use rights and land-attached assets and tax

²⁹ Draft Circular on naming enterprises in accordance with national history, culture, morality, customs

³⁰ Draft Circular on assessment criteria of corruption status and anti-corruption activities

List of drafts open for comments

No.	Type of document	Name of document	Drafting agency	Deadline for comments
1	Circular	Circular regulating rate of fees, mechanism for collecting, payment, management and disbursement of assessment fees for pangasius business conditions	Ministry of Finance	16/12/2014
2	Decree	Decree on derivative stock and derivative stock market	Ministry of Finance	18/12/2014
3	Circular	Circular regulate the import of medical equipments	Ministry of Health	24/12/2014
4	Joint circular	Joint circular guiding on mechanism of cooperation and handling in inspection and discovery of radioactive substances at border gates	Ministry of Finance	24/12/2014
5	Circular	Circular guiding on value added tax, excise tax, invoice, loyalty tax and tax management according regulated by Decree No. .../2014/ND-CP dated .../12/2014 of the Government guiding Law No. .../2014/QH13 amending and supplementing some articles of Laws on tax	Ministry of Finance	26/12/2014

Drafting Boards in which VCCI is a member:

- Law on investment enterprise (amended)
- Law on investment (amended)
- Civil code of Vietnam (amended)
- Law on enforcement of civil judgments (amended)
- Law on promulgation of legal normative documents
- Civil procedure code (amended)
- Law on prevention against harms of alcohol abuse
- Law on promulgation of administrative decisions
- Ordinance on training some judicial titles
- Decree on trade mediation

Reviewing Boards in which VCCI is a member:

- Civil code of Vietnam (amended)
- Law amending some Laws on tax (Corporate income tax, Personal income tax, Value added tax, Loyalty tax, License tax and Tax management)
- Decree replacing Decree No. 05/2006/ND-CP of January 9, 2006, on establishment, functions, duties, powers and organizational structure of Vietnam Competition Council
- Decree of the Government on management and use of rice-farming land
- Decree on land prices
- Decrees guiding Law on environmental protection: (1) Decree detailing a number of articles of Law on environmental protection, (2) Decree on environmental protection scheme, strategic environmental assessment, environmental impact assessment, environmental protection plan, (3) Decree on waste and scrap
- Decree on casino
- Decree providing for the use life of means permitted to be imported for internal water transportation
- Decree on customs procedures, customs inspection, supervision and control
- Decree on cooperation for anti-smuggling in customs
- Decree on supporting industry
- Decision of the Prime Minister on priority mechanism, policy for development of public passenger transportation

Events held or coordinately held by VCCI

- “Role of the business in Law on promulgation of legal normative documents” (Hanoi, Aug. 13, Danang, Aug. 19 and Hochiminh City, Aug. 20, 2014)
- “Policies on supporting export for enterprises in the process of negotiating, implementing FTAs of Vietnam” (Danang, Sept. 19, 2014)
- Commenting on Drafts of Decrees guiding Law on environmental protection: (Hanoi, Sept. 26, 2014)
(1) Decree detailing a number of articles of Law on environmental protection,
(2) Decree on environmental protection scheme, strategic environmental assessment, environmental impact assessment, environmental protection plan
(3) Decree on waste and scrap
- Commenting on Draft of Law on enterprise Law on investment (amended) (Danang, 02/10/2014 and Cantho, Oct. 15, 2014)
- Commenting on Draft of Enterprise Law and Investment Law (amended) (Hanoi, Oct. 07, 2014)
- “Enterprises’ Contributions to Completion of Policies on Printing” (Hochiminh City, Oct. 08, 2014)
- Commenting on Draft of investment Law (amended) (Hochiminh City, Oct. 14, 2014)
- “Using mediation in business and international trade dispute settlement ” (Hanoi, Oct. 16, 2014)

Functions and responsibilities of VCCI in collecting enterprises' opinion on legal normative documents and international trade negotiation:

Decree No. 24/2009/ND-CP dated 3rd May, 2009 on detailing and providing measures for the implementation of the Law on promulgation of legal documents

Article 27. Collection of opinions in the drafting process (quotation)

1. In the drafting process, the drafting agency shall collect opinions of the subjects to be directly impacted by the document and of agencies, organizations and individuals by the methods prescribed in Clause 2, Article 35 of the Law on Promulgation of Legal Documents

4. The drafting agency shall send the draft document to ministries, ministerial-level agencies and government-attached agencies for opinion.

Ministers, heads of ministerial-level agencies and government-attached agencies shall assign their units in charge of domains related to the draft document to assume the prime responsibility for, and coordinate with the legal organization and other units in, preparing their opinions.

Contributed opinions shall be sent to the drafting agency within 20 (twenty) working days after receiving the draft document.

For a draft legal document concerning the rights and obligations of enterprises, the minister of the drafting ministry or the head of the drafting ministerial-level or government-attached agency shall send it to the Vietnam Chamber of Commerce and Industry for collecting opinions of enterprises.

Within 20 (twenty) working days after receiving the draft legal document, the Vietnam Chamber of Commerce and Industry shall collect opinions of enterprises; sum up and send these opinions to the Ministry of Justice, the Government Office and the drafting ministry or agency.

Decision No. 06/2012/QĐ-TTg issued on January 20, 2012 by the Prime Minister on consultation with Business Community on international trade negotiation

Article 7: Rights and responsibilities of The Chamber of Commerce and Industry (VCCI) in collecting and reflecting comments from business community:

1. Circular materials which negotiation agencies give out for business community.

2. Research to recommend negotiating plans and contents, included request to partners, guidance for enterprises participate into negotiation process.

3. Organise activities aim at enhancing awareness and circulating information for enterprises.

4. Follow up, collect and sum up responds of enterprises, send it to negotiation authorised agencies.

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Toward a transparent and favourable
legal environment of business

Vietnam Business Forum Online at
www.vibonline.com.vn is developed and managed by
Vietnam Chamber of Commerce and Industry (VCCI)
to contribute to the formation of a transparent and
favourable Vietnam legal environment of business.



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