**LEGAL UPDATE (Septemper 2021)**

In this issue, we would like to bring to your attention to the following:

* New regulations on renovation and rebuilding of apartment buildings
* Regulations on the rate, collection, payment, management and use of fees in food safety
1. **New regulations on renovation and rebuilding of apartment buildings**

On September 1st, 2021, Decree No. 69/2021/ND-CP, which was issued by the Government ("**Decree 69/2021/ND-CP**”) to replace Decree 101/2015/ND-CP dated October 20th, 2015 detailing the renovation and reconstruction of apartment buildings, has officially come into effect. Some outstanding contents of Decree No. 69/2021/ND-CP including:

1. **Firstly**, determining the principles of renovation and reconstruction of apartment buildings, including:
* Supplementing the case that apartment building is not included in the approved renovation and reconstruction plan must be immediately deconstructed due to incident, natural disaster or fire, the People’s Committee of the province must immediately relocate households away from this apartment building and then supplement to the local apartment building renovation and reconstruction plan.
* Determining that the projects of renovation and reconstruction of apartment buildings do not require a spare land area for the construction of social houses by the law on housing.
* In case the locality implements the project on damaged apartment buildings that are not demolished but are located in the area subject to renovation or construction synchronized with the apartment building subject to demolition according to the approved construction planning, investors may divide investment into stages to implement apartment projects.
* In case of delay in the implementation of the investment project according to the approved decision on approval of investment project, the agency competent approving the investment project shall decide to extend or terminate the implementation of the investment project.
1. **Secondly**, Decree 69/2021/ND-CP clearly stipulates the cases in which the apartment building must be deconstructed for reconstruction or construction of other buildings as per planning, specifically as follows:
* The apartment building must be immediately demolished due to incidents, natural disasters, fire.
* The apartment building runs out of its service life or has not yet expired, but there is an overall or local danger situation according to inspection conclusions of the provincial housing management agency.
* The apartment building has damaged one of the primary structural components, including: foundation, columns, walls, beams which do not meet the requirements of normal use but are not required to be deconstructed but located in the area where the apartment building is subject to demolition.
1. **Thirdly**, competent state agencies to prepare, appraise, and approve detail planning of area where apartment building and apartment complexes required to be renovated and reconstructed.
2. **Fourthly**, clearly stipulating principles in the development and implementation of compensation plans applied to renovation and reconstruction projects of apartment buildings. At the same time, stipulating the compensation coefficient and assign local agencies based on each project area to determine this coefficient.
3. **Regulations on the rate, collection, payment, management and use of fees in food safety**

On August 5th, 2021, the Ministry of Finance issued Circular No. 67/2021/TT-BTC regarding the collection levels, regulations for the collection, payment, management and the use of fees in food safety work which is under the management of the Ministry of Health and the Ministry of Industry and Trade (“**Circular 67/2021/TT-BTC**”), specific:

1. **Firstly,** supplementing some subjects paying fee as follows:

Organizations and individuals producing, trading, importing and exporting food shall pay the fee when submitting applications to competent authorities for issuance of the license to sell or import foods, or certifications or declarations in the food safety sector; certificates of exported foods; certificates of the fulfillment of food safety requirements; assessment of contents of television advertisements, programs recorded on tapes, disks, software or other materials, and documents used in advertising for foods, food additives, and processing aids in the medical sector.

1. **Secondly**, the business units-public is also a subject entitled to organize the collection of fees when assigned to provide fee collection services as prescribed in Circular 67/2021/TT-BTC.
2. **Thirdly**, Adjusting the level of fees in food safety and stipulating in detail at the Fee Schedule promulgated together with Circular 67/2021/TT-BTC:
* The level of fees tend to be lower than previous regulations.
* Evaluating for licensing circulation, importation, certification, publication in the field of food safety without defining the case of first publication or re-announcement.
* Removing Appraisal fee to confirm food safety knowledge.

Circular 67/2021/TT-BTC will take effect on September 19th, 2021.

We hope this Monthly Newsletter would bring you useful information.

Best regards.

|  |  |
| --- | --- |
| **Contributor(s):****Mr. DINH QUANG LONG****Director cum Managing Partner****M** (+84) 919 963 977 | **E** long.dinh@apolatlegal.com**Ms. THIEU THI KIEU THU****Associate****M** (+84) 378 513 939 | **E** thu.thieu@apolatlegal.com **Ms. NGUYEN THI TRA MY****Paralegal****M** (+84) 965 155 640 | **E** my.nguyen@apolatlegal.com **Disclaimer**: All materials have been prepared for general information purposes only. The information is not intended as, and should not be taken as, legal advice. Do not act or refrain from acting based upon information provided herein without first consulting our lawyers about your particular factual and legal circumstances. Apolat Legal can accept no responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this publication. On any specific matter, reference should be made to the appropriate adviser. | **ABOUT US,**Apolat Legal is a professional law firm with its offices in Ho Chi Minh city and Ha Noi city. The firm’s lawyer team specializes in almost all legal practice areas in Vietnam including Enterprise and Investment; Labor and Employment; Intellectual Property; Dispute Resolution; Real Estate and Construction; Information and Communication; Natural Resources and Environment; Transport; Industry and Trade; Education and Training; Finance and Banking; Agriculture; Legal Document Translation; Legal Training.Our reputation and the quality of its services are reflected by our clients. We are serving nearly 1,000 clients both local and multi-national companies.We are also honored to receive numerous recognitions and/or articles posted by world-leading and local organizations and publications including: The Law Association for Asia and the Pacific (LawAsia, 1966), The Legal500, IP Link, IP Coster, Lexology, Global Trade Review (GTR), The Saigon Times, etc. |

|  |  |
| --- | --- |
| **Contacts:****HO CHI MINH CITY (Head office)**5th Floor, IMM Building99-101 Nguyen Dinh Chieu, District 3Ho Chi Minh City, Vietnam**THE BRANCH IN HA NOI CITY**Room A8, 29th Floor, East Tower, Lotte Center54 Lieu Giai, Cong Vi Ward, Ba Dinh DistrictHanoi City, VietnamTel: +84-28-3899 8683Email: info@apolatlegal.com Website: [www.apolatlegal.com](http://www.apolatlegal.com) | **SINGAPORE (Affiliated office)**#26-10, SBF Center, 160 Robinson RoadSingapore 068914Tel: +84-93-2014 986Email: info@apolatlegal.com Website: [www.apolatlegal.com](http://www.apolatlegal.com) |

**Scan QR code:**

