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## Recent Legal Developments in Vietnam

### 1. New Decree providing regulations on licensing of outsourcing activities, the deposit and outsourcing work category

On 20 March 2019, the Government issued Decree No. 29/2019/ND-CP (“Decree 29”) specifying Article 54.3 of the Labour Code on the license of outsourcing activities, deposit and the category of outsourcing works. Decree 29 shall take effect on 05 May 2019. Notable points are as follows:

- (i) The scope of application of Decree 29 includes the outsourcing enterprises, outsourcing party, outsourced employee and other agencies, organizations and individuals related to outsourcing activities.
- (ii) Decree 29 also provides that the term of the outsourcing operation license (“License”) shall not exceed 60 months (24 months higher than the current regulation).
- (iii) A new regulation is that the license may be extended multiple times and each extension shall not exceed 60 months instead of current regulation pursuant to which the License may not be extended for more than 2 times and each extension shall not exceed 24 months.
- (iv) Decree 29 abolishes two conditions for enterprises to be granted the License including (i) the condition on legal capital; (ii) the condition on the location of the office, branch, representative office of the enterprise.
- (v) Instead, Decree 29 stipulates the conditions for the grant of the License as follows:
  - a. The legal representative of the outsourcing enterprise must ensure following conditions (i) being an enterprise manager; (ii) no criminal record and (iii) having worked in the field of outsourcing or labour supply for at least 03 years within 5 consecutive years before applying for the License;
  - b. The enterprise has made a deposit of 2,000,000,000 VND (two billion Vietnam Dong) at a commercial bank or a foreign bank branch established and operating legally in Vietnam.

### 2. New Decree providing regulations on exhibitions in Vietnam

On 26 February 2019, the Government issued Decree No. 23/2019/NĐ-CP (“Decree 23”) regarding the rules on exhibitions, applicable to Vietnamese organizations and individuals, international organizations, foreign organizations and individuals related to exhibition activities. This Decree regulates the activities in non-commercial exhibiting, which do not include any selling or buying activities. The Decree No. 23/2019/ND-CP has taken effect on April 15, 2019. Notable points are as follows:

- (i) Exhibited works, artifacts and documents must not include one of the following contents:

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- a. Propagating against the State of the Socialist Republic of Vietnam; destroying the great national union;
  - b. Disclosing secrets of agencies, organizations and individuals without the consent of agencies, organizations, individuals and other secrets prescribed by law;
  - c. Inciting war, creating hatred among peoples and countries; creating division among religions and ethical groups; spreading reactionary thoughts;
  - d. Distorting history, denying revolutionary achievements; insulting great men and heroes of the nation, cultural figures; slander, abuse of the agency's reputation, organization, honor and dignity of individuals;
  - e. Violation of regulations on modern civilization, violent rhetoric, propaganda of violence, acts of crimes, social evils, causing harms to social health and ecological environment.
- (ii) Exhibited works, artifacts and documents must not belong the category of being suspended from circulation, prohibited from circulation, withdrawal or confiscation.
  - (iii) Exhibits, artifacts and exhibited materials must conform to the theme and content of the exhibition; have clear origin and ownership or right to use.
  - (iv) According to the Decree, exhibition required to obtain permits include:
    - a. Exhibitions are held abroad by Vietnamese organizations and individuals;
    - b. International exhibitions are held by foreign organizations and individuals in Vietnam.
  - (v) In addition, the Decree also prescribes cases where, before holding exhibitions, the exhibition notice must be sent to:
    - a. Ministry of Culture, Sports and Tourism if
      - i. Exhibitions are held by centrally-governed organizations in Vietnam.
      - ii. Exhibitions are jointly held in Vietnam by organizations in at least 02 provinces and cities.
    - b. Departments of Culture, Sports and Tourism or Departments of Culture and Sports if exhibitions are held by local organizations or are locally held by individuals.

**Note:** This Decree does not regulate: photo and fine arts exhibitions; print publications, precious items and antiques exhibitions; museum exhibitions; exhibitions on national and local socio-economic achievements; displays of internally-used works, exhibits and materials.

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