



LEGAL DIGEST: BANGLADESH, CAMBODIA, LAOS, MYANMAR, VIETNAM

Legislative developments - August 2022



LAWS AND REGULATIONS
Trade & Commerce
<p><i>Bangladesh Bank FE circular No. 21, On “All-in-cost ceiling for short term permissible trade finance in foreign exchange” dated 16 August 2022.</i></p> <p>The Foreign Exchange Policy Department of the Central Bank communicated the revised all-in-cost ceiling per annum set with a mark-up of 3% over the benchmark rate applicable to the relevant currency against short-term permissible trade finance. Earlier the rate was 3.50% over the relevant benchmark rate.</p>
Banking and Finance
<p><i>Bangladesh Bank, BFIU circular No. 01, On “Account Opening in the Scheduled Banks by Non-Resident Bangladeshis” dated 27 July 2022.</i></p> <p>Aiming of relaxation, the procedures for opening bank accounts by expatriates, Bangladesh Bank prescribed that from now expatriates do not need attestation from Bangladesh embassy in documents which are checked by the scheduled banks operating in Bangladesh. The Bangladesh bank introduced the change to facilitate non-resident Bangladeshis to be able to make more remittances easier.</p>
Banking and Finance
<p><i>Bangladesh Bank, ACD Circular No. 05, On “Refinance scheme of US\$104,386,200 for increasing production of wheat and maize” dated 25 August 2022.</i></p> <p>Aiming to reduce country’s dependency on imports, Bangladesh Bank has formed a refinancing scheme of US\$104,386,200 for wheat and maize cultivators. Under the scheme, a customer can get a loan with 4% interest rate. Banks will give loans directly to farmers and will pay the central bank 0.50 percent interest against their disbursed amount. The scheme will run until June 2025.</p>
Trade & Commerce
<p><i>Invitation for Bid (IFB) Notice (Re-Tender) for “Development of Dost Textile Mills Site at Feni, Bangladesh through Public-Private Partnership (PPP) dated 02 August 2022.</i></p>

LAWS AND REGULATIONS

Bangladesh Textile Mills Corporation (BTMC), under the Ministry of Textiles and Jute, Government of the People's Republic of Bangladesh, intends to establish textile mills and/or textile related linked industries and support facilities at Feni, Bangladesh at the existing site of Dost Textile Mills Ltd. through PPP mode.

BTMC invites interested bidders and/or bidding consortiums to participate in the selection of a Private Partner through International Competitive Bidding (ICB) process for the "Development of Dost Textile Mills Ltd. (and/or Textile Related Linked Industries and Support Facilities) at Feni, Bangladesh through Public Private Partnership as per the terms and conditions set out in the PPP Contract. Interested bidders may submit their Bids in response to this IFB notice. Interested bidders have to purchase the IFB with a non-refundable amount of 1045.33 USD, through Pay Order/Bank Draft and send the scanned copy of money receipt to the designated e-mail ID: btmc-tm4@pppo.gov.bd to register online in order to access all available project related documents and to participate in the bidding process. A pre-bid meeting will be organized at the BTMC conference room, Date & Time for the said meeting will be duly notified to registered bidders through on-line process. Bids must be submitted on or before 19 September 2022.

Trade & Commerce

Invitation for Bid (IFB) Notice (Re-Tender) for "Textile Mills Site at Magura, Bangladesh through Public-Private Partnership (PPP)" dated 02 August 2022.

Bangladesh Textile Mills Corporation (BTMC), under the Ministry of Textiles and Jute, Government of the People's Republic of Bangladesh, intends to establish textile mills and/or textile related linked industries and support facilities at Magura, Bangladesh at the existing site of Magura Textile Mills Limited through PPP mode.

BTMC invites interested bidders and/or bidding consortiums to participate in the selection of a Private Partner through International Competitive Bidding (ICB) process for the "Development of Magura Textile Mill (and/or Textile Related Linked Industries and Support Facilities) at Magura, Bangladesh through Public Private Partnership" as per the terms and conditions set out in the PPP Contract.

Interested bidders may submit their Bids in response to this IFB notice. Details of the Project, bid submission process and other requirements have been delineated in the IFB document.

Interested bidders have to purchase the IFB with a non-refundable amount of 1045.33 USD in favor of 'Bangladesh Textile Mills Corporation' through Pay Order/Bank Draft and send the scanned copy of money receipt to the designated e-mail ID: btmc-tm4@pppo.gov.bd to register online in order to access all available project related documents and to participate in the bidding process. A pre-bid meeting will be organized at the BTMC conference room, Date & Time for the said meeting will be duly notified to registered bidders through on-line process. Bids must be submitted on or before 21 September 2022.



LAWS AND REGULATIONS

Trade & Commerce

Tenders for PPP project issued on 16 May 2022, named “Invitation for Bid (IFB) (Re-Tender) Notice for Establishment of 50-seats medical college and nursing institute and modernization of existing Railway hospital to 250 beds at Kamalapur Dhaka on PPP mode” Closing date 15 September, 2022.

Bangladesh Railway is expanding their social services, recently they are planning to establish 250 beds hospital to serve their employee. Bangladesh Railway has established several hospital time to time, Kamalapur railway Hospital is one of them.

Bangladesh Railway has decided to upgrade and modernize the existing hospital at Kamalapur to a 250-beds hospital and establish a 50-seats medical college and nursing institute in the unused land near the Kamalapur station within the existing hospital complex on a PPP model.

The proposed project has been provided in-principal approval by the Cabinet Committee for Economic Affairs (CCEA) on 14 August 2013. The proposed hospital is expected to cater the health service requirements for both the BR’s employees as well as general people and will cater the need for quality medical education in the country.

The main purpose of this projects is:

- To provide medical services to common people as well as Bangladesh Railway’s employees.
- To increase revenue earning potential of Bangladesh Railway.
- To ensure more efficient utilization of Bangladesh Railway assets.

* * *

LAWS AND REGULATIONS

Non-Banking Financial Sector

Sub-Decree No 160 ANKr.BK dated 08 August 2022 issued by Royal Government of Cambodia on “Regularization of Social Security”.

This sub-decree sets out the rules, procedures, and actions for the regularization of the Social Security Regulator to ensure the efficiency, effectiveness, transparency, accountability and financial strength.

The governing authorities under this sub-decree are the Non-Banking Financial Services Authority, that acts as the parent authority, and Social Security Regulator, that is the specialized regulator.

The Government has also set out the monitoring and reporting obligations, funding and financial management, regularization on the services, dispute resolution mechanisms, and applicable penalties.

Public

Royal-Degree No NS/RKT/0822/1008 dated 19 August 2022 issued by His Majesty King Norodom Sihamoni on “Establishing the Phnom Tamao Wildlife Conservation Park and Botanical Garden”.

This royal-decree aims to ensure the sustainability of forest and wildlife conservation, rescue, treatment, rehabilitation, education, dissemination, research, and tourism.

The purposes of this royal-decree include:

- Development of the botanical garden with high-end tree species with high economic value
- Development as a dissemination for natural tourism, culture and history
- Providing wildlife conservation, treatment and rehabilitation
- repopulation of rare and near extinction wildlife, animal species, and plant species
- Foundation of education, research on human-wildlife education, and forest
- Establishing the green cover and enhance local aesthetics

Legislative developments – August 2022



CAMBODIA

LAWS AND REGULATIONS

- Promote the conservation of wildlife genetic resources and the sustainable development of natural resources

*Sub-Decree No 166 dated 12 August 2022 issued by Royal Government of Cambodia on “**Holiday Calendar for Civil Servants, Workers/Employees for 2023**”.*

This sub-decree is issued to determine the public holiday for the year 2023 for the Civil Servants, Workers/Employees of the Kingdom of Cambodia.

* * *



LAWS AND REGULATIONS

Justice

Instruction No. 943/MOJ dated 21 July 2022, issued by the Ministry of Justice on “Dispute mediation at the Justice Office of District, Municipal, City”

The Minister of Justice issued this instruction to further clarify some provisions under the Decree on Dispute Mediation at Village Level No. 626/G dated 22 October 2021.

Disputes that can be mediated at the district level are as follows:

- (i) Civil disputes
- (ii) Commercial disputes
- (iii) Family relationship disputes
- (iv) Environmental disputes
- (v) Labor disputes
- (vi) Criminal Offenses
- (vii) Offenses by children

The resolution of the dispute must be based on the request of the parties. If they are minor disputes with low value and uncomplicated, both parties must go to the village mediation unit to mediate such disputes first.

The results of the mediation must be recorded in a memorandum of mediation, whether there was agreement or disagreement between the parties.

This instruction is effective from the signature date.

Post

Instruction No. 2346/MOTC dated 7 July 2022, issued by the Ministry of Technology and Communications on “Collecting, Dispatching and Delivering of Postal Items”

The instruction stipulates the principles and rules of collecting, dispatching and delivering of postal items as well as how to get information from service users for postal item delivery.

Legislative developments – August 2022



LAOS

LAWS AND REGULATIONS

This instruction entered into force on 22 August 2022 after forty-five days from the signature date and it was published in the Lao Official Gazette.

* * *



LAWS AND REGULATIONS
Banking
<p><i>Notification No. 36/2022 dated 5 August 2022, issued by the Central Bank of Myanmar regarding ‘Same day conversion of foreign exchange by exporters’</i></p> <p>The Central Bank of Myanmar issued a Notification on 5 August 2022 allowing exporters to retain in foreign currency, an amount up to 35% of the export proceeds received in their respective foreign currency bank accounts in Myanmar.</p>
<p><i>Announcement dated 6 August 2022 by the Central Bank of Myanmar regarding “Change in the Central Bank of Myanmar reference exchange rate”</i></p> <p>The Central Bank of Myanmar issued a press release on 6 August 2022 whereby it revised the Central Bank of Myanmar foreign currency reference exchange rate to Myanmar Kyat 2,100 per one US Dollar.</p>
<p><i>Notification 11/2022 dated 10 August 2022 issued by the Central Bank of Myanmar regarding “Trading band for buying and selling Myanmar kyat”</i></p> <p>The Central Bank of Myanmar issued a Notification on 10 August 2022 whereby it requires the authorized dealer banks to exchange United States Dollar (buy and sell) at +/- 0.3% of the conversion rate (of MMK 2100 per one USD).</p>
<p><i>Instruction letter FE-1/Pa-Ta/1957 dated 16 August 2022 issued by the Central Bank of Myanmar regarding “Permitted uses of foreign currency earnings by exempted entities”</i></p> <p>The Central Bank of Myanmar issued a letter on 16 August 2022 wherein it allowed entities exempted from the same day foreign currency conversion requirement to utilize foreign currency earnings received from abroad for their own use or sell such foreign currency earnings to third persons (whether to AD Banks or otherwise). The letter also lists certain other actions that such entities may undertake with respect to their foreign currency earnings.</p>
<p><i>Instruction letter FE-1/Pa-Ta/2071 dated 26 August 2022 issued by the Central Bank of Myanmar regarding “Permitted usage of foreign currency earnings”</i></p>



LAWS AND REGULATIONS

The Central Bank of Myanmar issued an instruction letter on 26 August 2022 which allows exporters to utilize 35% of the export earnings retained as foreign currency for their own use, or to sell them to third-parties, including AD Banks, and to process trade-related payments abroad without the approval of the Foreign Exchange Supervisory Committee.

Notification 39/2022 dated 30 August 2022 issued by the Central Bank of Myanmar regarding “Timeline for use of foreign currency income by non-residents”

The Central Bank of Myanmar issued a notification on 30 August 2022 allowing non-residents to use the foreign currency income remitted to Myanmar for their own use or sell such foreign currency to third persons (whether to AD Banks or otherwise). However, such non-resident citizens must transact such foreign currency within 21-days from remittance and if not transacted within this period must thereby be sold to the AD Bank. Also, persons who purchase the foreign currency from such non-residents may not resell other than to authorized dealer banks or use within 21 days from the date the money is initially remitted into Myanmar.

* * *



LAWS AND REGULATIONS

Bidding and Procurement

Circular No. 16/2022/TT-BKHDT dated 29 July 2022 by the Ministry of Planning and Investment on the “Suspension of Circular No. 08/2022/TT-BKHDT Guiding the Provision and Publishing of Information on the Bidding and Selection of Contractors on the Vietnam National E-Procurement System”

This circular suspends Circular No. 08/2022/TT-BKHDT for the period from 1 August 2022 to 15 September 2022, except for regulations on the roadmap for applying e-procurement to contract packages of the procurement of goods divided into multiple parts according to clause 1 of Article 37, which will be suspended until 1 January 2023 according to the Circular.

Circular No. 10/2022/TT-BKHDT guiding the provision and publishing of information and selection of contractors on the Vietnam National E-Procurement System will also be suspended from 1 August 2022 to 15 September 2022.

During the suspension of the circulars mentioned above, certain Circulars below will remain in effect:

- Circular No. 01/2015/TT-BKHDT dated 14 February 2015
- Circular No. 03/2015/TT-BKHDT dated 06 May 2015
- Circular No. 05/2015/TT-BKHDT dated 16 June 2015
- Circular No. 14/2016/TT-BKHDT dated 29 September 2015
- Circular No. 04/2017/TT-BKHDT dated 15 November 2017

Circular No. 16/2022/TT-BKHDT entered into force on 1 August 2022.

Official Dispatch No. 5520/BKHDT-QLDT dated 8 August 2022 on “Guidelines on the Implementation of Typical Mechanisms for Appointing Contractors according to Resolutions of the National Assembly of Vietnam”

As per the dispatch, there are normally five steps to appoint a contractor:



LAWS AND REGULATIONS

- Step 1: Prepare to select the contractor:
 - Prepare the request document.
 - Review and approve the request document and identify the requested contractor.
- Step 2: Organize the contractor selection
- Step 3: Assess the proposal documents and negotiate the contractor’s proposal:
 - Assess the proposal documents according to the assessment standards prescribed in the request document.
 - Ensure that the contractor satisfies the following criteria before requesting its appointment: has valid proposal documents; has the necessary capacity and experience; and the technical proposal meets the requirements of the request document;
- Step 4: Present, appraise, approve, and disclose the result of the contractor selection.
- Step 5: Complete and conclude the contract.

The contract concluded between the parties should be in accordance with the decision on the approval of the contractor selection result, contract negotiation record, proposal document, request document, and other relevant documents.

Official Dispatch No.5520/BKHDT-QLDT entered into effect on 8 August 2022.

Transportation

Decree No. 47/2022/ND-CP dated 19 July 2022 of the Vietnam Government “Amending Decree No. 10/2020/ND-CP on Auto Transport Businesses”

Of note is Article 1, Clause 12, supplements Article 34, Clause 8 of Decree No. 10/2020/ND-CP as follows:

As of 1 July 2023, transport businesses that use transport business motor vehicles subject to the installation of camera-integrated tracking devices as prescribed in Decree No. 10/2020/ND-CP shall, when participating in the transport business for the first time in Vietnam, will have to install camera-integrated tracking devices for issuance of badges and signs.



LAWS AND REGULATIONS

Attention: Camera-integrated tracking devices shall fully satisfy regulations prescribed in Decree No. 10/2020/ND-CP.”

At the same time, motor vehicles with 10 seats or more that are converted into motor vehicles with fewer than 10 seats (including the driver’s seat) and have been issued with badges or signs before the effective date of this decree may continue to be used in the passenger transport business until such badges and signs expire.

Decree No. 47/2022/ND-CP enters into force on 1 September 2022.

Environment

Decision No. 876/QĐ-TTg dated 22 July 2022 on “Approval of the Action Program for Green Energy Conversion and Carbon and Methane Emission Reduction of the Transport Industry promulgated by the Prime Minister of Vietnam”

This decision specifies the road map for green energy conversion regarding road traffic as follows:

- 2022-2030:
 - Improve manufacturing , assembling, importing and transitioning to electricity-powered road vehicles;
 - Promote blending and use of E5 gas for 100% road motor vehicles;
 - Develop charging infrastructures, meeting demands of individuals and enterprises;
 - Encourage the transition to green energy for new and existing bus stations and rest stops.

- 2031-2050:
 - By 2040, phase out the production, assembly, and import of motor vehicles and motorcycles using fossil fuels in Vietnam.
 - By 2050, 100% of road vehicles will use electricity and green energy, and charging infrastructure will be completed to provide green energy nationwide.

Decision No. 876/QĐ-TTg entered into force on 22 July 2022.



LAWS AND REGULATIONS

Employment and Pension

Resolution No. 24/2022/UBTVQH15 dated 11 August 2022 by the Standing Committee of the National Assembly on the “Continuation of Support Payments for Workers according to Resolution No. 03/2021/UBTVQH15 dated 24 September 2021”

A VND1.155 billion surplus from the Unemployment Insurance Fund as of the end of 2021 will be used for the continuation of support payments for workers eligible to be beneficiaries according to Resolution No. 03/2021/UBTVQH15 who have timely applied for such support.

Under Resolution No. 03/2021/UBTVQH15, beneficiaries of the support include:

- Workers who were participating in the unemployment insurance scheme as of 30 September 2021 (excluding workers working in state agencies, political organizations, socio-political organizations, people’s armed forces, and public service providers with recurrent expenditures guaranteed by the state budget); and
- Workers who have stopped their participation in the unemployment insurance scheme as a result of the termination of their employment contracts or working contracts during the period 1 January 2020 to 30 September 2021 with the period of contribution to the unemployment insurance scheme retained according to the labor laws, excluding beneficiaries of monthly retirement pensions.

The payments are to be completed by 10 September 2022. Resolution 24/2022/UBTVQH15 entered into force 11 August 2022.

Import and Export Policy

Decree No. 46/2022/ND-CP dated 13 July 2022 by the Government of Vietnam “Amending Decree No. 13/2020/ND-CP Providing Guidance on the Law on Animal Husbandry”

Under this decree, there are nine instances where animal feed imports are exempt from quality control:

- Animal feed temporarily imported for re-export, re-imported for recycling at the request of foreign partners



LAWS AND REGULATIONS

- Animal feed in transit, merchanted trade, and transshipments
- Foreign animal feed sent to bonded warehouses
- Animal feed for display at trade fairs, exhibitions, and for advertising
- Animal feed used as samples for analysis in laboratories
- Animal feed used as samples for testing, assessment, and certification of conformity with national technical regulations and interlaboratory testing
- Animal feed for scientific research
- Animal feed brought in by inbound passengers within the limits of tax-free quotas
- Animal feed imports to meet urgent need as decided by the government and the Prime Minister of Vietnam based on a proposal by the Ministry of Agriculture and Rural Development

Decree No. 46/2022/ND-CP entered into force from the signature date.

Decree No. 51/2022/ND-CP dated 8 August 2022 by the Government of Vietnam on “Amendments to the Preferential Import Tariff Rates on Gasoline”

The decree amends the preferential import tariff rates on gasoline under heading 27.10 of the preferential import tariff schedule relative to the list of dutiable commodities issued together with Decree No. 57/2020/ND-CP. Heading 27.10 includes:

- Petroleum oil and oil obtained from bituminous minerals other than crude



LAWS AND REGULATIONS
<ul style="list-style-type: none"> ▪ Preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oil or of oil obtained from bituminous minerals, these oils being the basic constituents of the preparations ▪ Waste oil <p>More specifically, the preferential import tariff rate has been changed from 20% to 10% and applies to a number of HS codes, including:</p> <ul style="list-style-type: none"> ▪ 2710.12.21 (unblended) ▪ 2710.12.22 (blended with ethanol) ▪ 2710.12.23 (others) ▪ 2710.12.24 (unblended); <p>Decree No. 51/2022/ND-CP entered into force on 8 August 2022.</p>
Tax & Accounting
<p><i>Decision No. 1421/QĐ-BTC dated 15 July 2022 by the Ministry of Finance “Disclosing the List of Periodic Tax-Related Reports under the Management of the Ministry of Finance of Vietnam”</i></p> <p>The decision specifies one newly promulgated periodic tax-related report compliance requirement:</p> <ul style="list-style-type: none"> ▪ Report on the use of fee and charge collection receipts (for electronic receipts) <p>There are also four replacements of periodic tax-related reports:</p> <ul style="list-style-type: none"> ▪ Report on the use of invoices



LAWS AND REGULATIONS

- Report on the use of fee and charge collection receipts (for paper receipts)
- Summary table of electronic stamp data to be sent to the tax authorities (which replaces the report on the use of stamps on domestically-produced alcohol)
- Summary table of electronic receipts to be sent to the tax authorities (which replaces the report on electronic receipt transmission)

Additionally, three periodic reports have been removed:

- Report on printing/provision of receipt printing software
- Report on printing/provision of receipt printing software/provision of electronic receipt solutions
- Table of receipt payments

Decision No. 1421/QD-BTC entered into force on 15 July 2022.

Banking and Finance

Circular No. 09/2022/TT-NHNN dated 12 July 2022 by the State Bank of Vietnam providing “Guidance on Foreign Exchange Management for the Business of Prize-Winning Electronic Games for Foreigners”

According to the circular, rules for tokens used in the business of prize-winning electronic games for foreigners are prescribed as follows:

- Token denominations may be in Vietnamese dong or a convertible foreign currency. Each enterprise converts the tokens into Vietnamese dong or other foreign currency.



LAWS AND REGULATIONS

- The conversion rate is based on the publicly listed exchange rate on the transaction date of the permitted bank where the enterprise has its specialized foreign currency account.

If the transaction date is a weekly or public holiday, the conversion rate should be based on the exchange rate of the preceding transaction date. (According to Circular No. 15/2014/TT-NHNN, the conversion rate is currently based on the exchange rate listed by the permitted bank where the enterprise has its specialized foreign currency account. No clear mention on the timing of the listing)

- Players are allowed to convert their tokens into the foreign currency or Vietnamese dong if they do not use them all or win prizes in the form of tokens at the enterprise and use the foreign currency converted from the token prizes to carry out the transactions prescribed in Article 3 of the circular.

Circular No. 09/2022/TT-NHNN enters into force on 1 September 2022.

Information included in this document does not represent legal advice. This document is not intended to represent a comprehensive list of all new laws and regulations issued or published in the relevant jurisdictions.