



LAC DUY & ASSOCIATES

NEWSLETTER

11/2021

NEW REGULATIONS ON INDIVIDUALS CHARITY UNDER DECREE 93/2021/ND-

CASES OF PEOPLE'S COURT IS ALLOWED TO HOLD ONLINE COURT HEARING FROM JANUARY 1, 2022

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Dear Clients,

Lac Duy & Associates would like to send you the newsletter of November 2021 with some outstanding new point and article as:

- New regulations on individuals charity under decree 93/2021/ND-CP
- Cases of People's court is allowed to hold online court hearing from January 1, 2022
- Legal Document 11/2021





NEW REGULATIONS ON INDIVIDUALS CHARITY UNDER DECREE 93/2021/ND-CP

For the purpose of mobilizing, receiving, distributing and using voluntary contributions for people to overcome difficulties caused by natural disasters, epidemics or incidents; support patients with critical illnesses, on October 27, 2021, the Government issued Decree 93/2021/ND-CP on mobilization, receipt, distribution and use of voluntary contributions for people to overcome difficulties caused by natural disasters, epidemics or incidents; support patients with critical illnesses (“Decree”) effective from December 11, 2021. This Decree replaces Decree No. 64/2008/ND-CP dated May 14, 2008 of the Government, supplementing specific regulations on individuals participating in mobilizing, receiving, distributing and using voluntary contributions for people to overcome difficulties caused by natural disasters, epidemics or incidents. As follows:

1. Individuals shall open separate accounts at a commercial bank to receive voluntary contributions for each campaign

Regarding mobilizing and receiving voluntary contributions, the Decree clearly states in Clause 1, Article 17: *“When carrying out the mobilization, receipt and distribution of voluntary contributions for people to overcome difficulties caused by natural disasters, epidemics or incidents, an individual shall be responsible for notifying the purpose, scope, method, form of mobilization, accounts of receipt (of cash contributions), places of receipt (of in-kind contributions), time of commitment to distribute such contributions in the media and send the commune-level People's Committee where he/she resides a written notice, made according to the form*



of Notice issued together with this Decree. The commune-level People's Committees are responsible for storing, monitoring and providing information at the request of organizations and individuals that contribute or receive support and competent agencies to provide guidance and monitoring, inspect, examine, supervise and handle violations.”



Specifically, the individual mobilizing, receiving, distributing and using voluntary contributions is responsible shall open a separate account at a commercial bank for each campaign to receive and manage all amount of voluntary contributions, arrange a suitable location to receive, manage and preserve voluntary contributions in-kind during the period of receiving contributions; have receipts of voluntary contributions in cash or in-kind received at the request by contributing organizations and individuals. The individual is not allowed to additionally receive voluntary contributions after the end of the committed period of receiving contributions and is responsible for notifying the cessation of receiving voluntary contributions to the place where the account is opened.

2. Coordinate with the People's Committee where the support is received to distribute voluntary contributions

Based on the voluntary contributions of each campaign or reception, individuals are responsible for following the steps below:

Step 1: Notify the People's Committee of the place where the support is received (province, district and commune levels according to decentralization; in case of necessity, contact the Provincial People's Committee for specific instructions) to coordinate in determining the scope, subjects, level and duration of support, and distribute and use them in accordance with the commitments in Clause 1, Article 17 and this Decree, even for conditional contributions, specific address (if any).





Step 2: Within 03 working days from the date of receipt of the notice, the People's Committee where the support is received shall assume the prime responsibility for, and coordinate with the Advocacy Committee at the same level (if any) in providing individual guidance on the scope, subjects, level and duration of distribute voluntary contributions and create conditions and ensure safety for support activities; send a coordination force to participate in the distribution of voluntary contributions when necessary or at the request of individuals.

Step 3: Make a plan to distribute and use the remaining voluntary contributions or transfer them to Vietnam Fatherland Front Committees at all levels to implement social security policies to ensure compliance with the committed goals with contributing organizations and individuals.

Encourage individuals to spend from voluntary contributions according to the contents specified in Clause 1, Article 11 of this Decree to support seriously injured people, families with people missing due to natural disasters, epidemics or incidents; funeral expenses for the family whose person died due to natural disasters, epidemics or incidents; supporting food, drinking water, medicine and other essential necessities for people and households facing difficulties due to natural disasters, epidemics or incidents; support households in repairing and rebuilding houses that have fallen, collapsed, drifted, burned completely, repaired severely damaged houses; Households have to move their houses urgently due to risks from natural disasters or incidents in order to stabilize people's lives, unless they comply with commitments made with contributing organizations or individuals.

3. Publicize the results of receipt and distribution of voluntary contributions on the media

The Decree also provides specific regulations on financial management and publicity of voluntary contributions. Specifically, expenses for activities of mobilization, receipt, distribution and use of voluntary contributions shall be paid by the contribution-mobilizing individuals. In case it is agreed by contributing organizations and individuals, individuals may spend from voluntary contributions, but must aggregate and publicize these expenses.

Voluntary contributions mobilized, received, distributed and used by individuals to overcome consequences of natural disasters, epidemics or incidents **shall ensure publicity and transparency.**

Individuals are responsible for opening a record book with full information on the results of receipt and distribution of money and in-kind of voluntary contributions according to the objects and areas supported, including conditional receipts, specific locations (if any), publicize according to the prescribed contents on the media and send the results in writing to the Commune-level People's Committee where he/she resides for public posting at the head office for 30 days. hiện công khai theo các nội dung quy định trên các phương tiện truyền thông và gửi kết quả bằng văn bản tới Ủy ban nhân dân cấp xã nơi cư trú để niêm yết công khai tại trụ sở cơ quan trong 30 ngày.

The time of publicity shall comply with the provisions of Clause 4, Article 14:

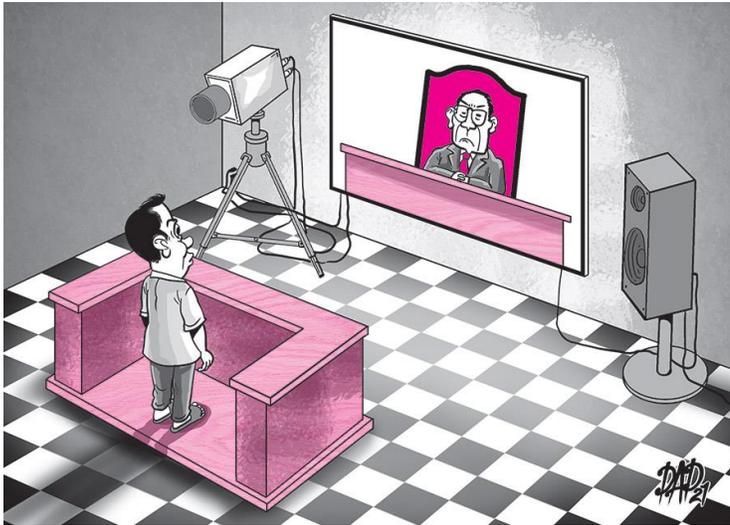
- a) Publicize documents on the organization calling for and mobilizing organizations and individuals to contribute money or in-kind for voluntary contributions right after its promulgation;*
- b) Publicize the time, place, and method of receiving money or in-kind of voluntary contributions from 01 to 03 days before the start of the implementation;*
- c) Publicize the results of mobilization, receipt and distribution of voluntary contributions: Publicize the total amount of money and in-kind that has been mobilized and received no later than 15 days after the end of the receiving period; publicize the total amount of money and in-kind already distributed and used within 30 days from the end of the distribution and use period;*
- d) Publicize support objects, support policies and support levels right from the beginning of the implementation of support, distribution of voluntary contributions in-kind and money.”*





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CASES OF PEOPLE'S COURT IS ALLOWED TO HOLD ONLINE COURT HEARING FROM JANUARY 1, 2022

On November 12, 2021, the National Assembly issued Resolution No. 33/2021/QH15 on holding an online trial (“**Resolution**”). This Resolution takes effect from January 1, 2022.

1. Cases of the People's Court is allowed to hold online court hearing

According to the provisions of Clause 1, Article 1 of the Resolution, the People's Court is allowed to hold online court hearing for first-instance trial and appellate trial of cases when 02 (two) of the following factors are fully satisfied:

- Criminal, civil and administrative cases with simple details and nature;
- There are documents and evidence in the case file clearly.

However, the Resolution also points out 03 (three) cases where the People's Court will not hold online trial, specifically: (i) Criminal, civil and administrative cases related to government secret; (ii) A criminal case for one of the crimes infringements of national security specified in Chapter XIII of the Criminal Code; (iii) A criminal case for one of the crimes disturbing the peace, crimes against humanity and war crimes specified in Chapter XXVI of the Criminal Code.

2. About the form of trial

According to the provisions of Clause 2, Article 1 of this Resolution, the court is held in the courtroom and uses electronic devices connected to each other through the network environment. Defendants,

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victims, litigants and other procedure participants participating in the court are allowed to participate in the court at a location outside the courtroom decided by the Court, but still ensure to directly monitor fully the images, sound and participate in the order and proceedings by the oral and behavioral proceedings continuously, publicly, at the same time.

In addition, Clause 3 of this Article stipulates that the organization of an online court hearing shall comply with the provisions of law; ensure security and safety of network information and conditions of physical and technical foundations; ensure the dignity of the court.



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LEGAL DOCUMENTS 11/2021

NO.	EFFECTIVE DATE	NAME
BUSINESS - GOVERNMENT FINANCE		
1.	17/11/2021	Decision 2244/QD-BTNMT on adjustment of a number of key planning indicators to evaluate the performance of state-owned enterprises under the Ministry of Natural Resources and Environment in 2021
2.	18/11/2021	Decision 2602/QD-BCT on the electricity generation price bracket in 2021 issued by the Minister of Industry and Trade
INFORMATION TECHNOLOGY		
3.	23/11/2021	Decision 1582/QD-BHXH 2021 on Operation Regulations of Vietnam Social Insurance Portal
TRANSPORT		
4.	15/11/2021	Decision 42/2021/QD-UBND stipulating the functions, tasks, powers and organizational structure of the Department of Transport of Lam Dong province
TRADE		
5.	23/11/2021	Decision 4958/QD-UBND in 2021 on the plan to improve productivity and quality of livestock breeds (beef breeds, dairy cows) and aquatic products in Hanoi city for the period 2021-2025
CRIMINAL LIABILITY, CULTURE - SOCIETY		
6.	29/11/2021	Decision 23/2021/QD-UBND stipulating the functions, tasks, powers and organizational structure of the Hanoi Department of Tourism



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		NATURAL RESOURCES - ENVIRONMENT
7.	23/11/2021	Decision 718/QD-UBND in 2021 approving the disaster prevention plan of Tuyen Quang province for the period of 2021-2025
		SPORT - HEALTH
8.	19/11/2021	Resolution 145/NQ-CP in 2021 on adjustment, amendment and supplementation of a number of regimes and policies in COVID-19 prevention and control issued by the Government
9.	16/11/2021	Decision No. 3900/QD-UBND dated November 16, 2021 on provisional measures for "safe, flexible adaptation to and effective control of Covid-19" in Ho Chi Minh City

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