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Law No. 58/2014/Qh13 On Social Insurance

**Law No. 51/2024/Qh15 On Amendments And Supplements Law On
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LAW NO. 58/2014/QH13 ON SOCIAL INSURANCE

Law No. 58/2014/QH13 on social insurance, enacted on 29 June 2024 and effective on 1 July 2025 ("Law on Social Insurance 2024"), has the following new main contents:

1. Expanding the scope of compulsory social insurance participants

It expands persons subject to compulsory social insurance to:

- Owners of household businesses
- Non-professional activists at commune, village, and residential group levels
- Enterprise managers, controllers, representatives of the state capital, representatives of enterprise capital at the company and parent company, and managers and operators of cooperatives do not receive salaries.
- Part-time employees (employees working under flexible working regimes)
- People working under a labor contract with a term of at least one month. Even if a person does not have a labor contract but enters an agreement under another name containing provisions concerning paid work, salary, management, operation, and supervision of one party, they are also subject to this regulation.

2. Supplementing rules on the management of social insurance collection and penalties for late payments and evasion of compulsory social insurance contributions

Law on Social Insurance 2024 amends and supplements several measures and sanctions to deal with late payments and evasion of social insurance contributions.

- For late payments or evasion of social insurance contributions:

Violators are required to pay the full amount of unpaid contributions and an additional amount equal to 0.03% per day of the overdue amount. This interest rate (0.03% per day) is fixed, consistent with the rate applied in the taxation sector. Compared to Law on Social Insurance 2014, where the interest rate was twice the average annual investment return of the social insurance fund in the preceding year, this approach is more straightforward and seems more severe.

- Administrative penalties and criminal liability:

Administrative penalties will apply for late payments. Meanwhile, criminal liability may be pursued for evasion of social insurance contributions for serious violations, as stipulated by relevant legal provisions.

- In addition, to ensure the rights of employees, employers must compensate employees if they do not participate fully or promptly in compulsory social insurance, causing damage to the legitimate rights and interests of employees.

3. Reduction of the Minimum Contribution Period for Monthly Pensions

Under the Law on Social Insurance 2024, the minimum number of years of social insurance contributions required to qualify for a monthly pension is 15 years. Accordingly, employees who reach the prescribed retirement age and have paid social insurance for at least 15 years are eligible for a monthly pension. This change marks a significant departure from Law on Social Insurance 2014, which required a minimum contribution period of 20 years to qualify.

4. Supplementing maternity benefits to voluntary social insurance policy

Under Law on Social Insurance 2024, voluntary social insurance participants who meet the prescribed conditions are entitled to maternity benefits of VND2 million for each newborn child, guaranteed by the state budget. Notably, this benefit does not require participants to pay additional contributions beyond that under the current regulations.

5. Applying international treaties in determining social insurance benefits for Vietnamese workers working abroad and foreign workers working in Vietnam

Law on Social Insurance 2024 enhances the rights of Vietnamese workers employed abroad and foreign workers in Vietnam to participate in and receive social insurance benefits. The new provisions ensure that, in cases where international treaties to which the Socialist Republic of Vietnam is a member provide for it, the periods of social insurance participation in Vietnam and abroad will aggregate to determine eligibility for social insurance benefits. This amendment aligns Vietnam's social insurance policies with international standards, offering better protection for workers in cross-border employment scenarios.

LAW NO. 51/2024/QH15 ON AMENDMENTS AND SUPPLEMENTS LAW ON HEALTH INSURANCE

Law No. 51/2024/QH15 on amendments and supplements Law on health insurance, enacted on 24 November 2024 and effective on 1 July 2025 ("**Law on health insurance amendments 2024**"), has the following new main contents:

1. Amendments to health insurance participants (valid from 1 July 2025)

- Employees with labor agreements include: (i) Individuals working under a labor contract with a term of at least one month and (ii) Those without formal labor contracts but who have signed agreements (under alternative terms) involving paid work, salary, and oversight by one party.
- Enterprise and cooperative managers: managers, controllers, representatives of state capital, representatives of enterprise capital as prescribed by law; members of the Board of Directors, General Directors, Directors, members of the Board of Supervisors or controllers and other elected management positions of cooperatives and cooperative unions as prescribed by the Law on Cooperatives with salaries or no salaries.
- Part-time employees: workers with a labor contract of at least one month who agree with their employers to work part-time and earn a monthly salary equal to or higher than the salary used as the basis for the lowest compulsory social insurance payment. Individuals without formal labor contracts but with equivalent agreements are required to participate.
- Foreign employees working in Vietnam with a fixed-term labor contract with a term of 12 months or more, except for those who are transferred within a corporate group per relevant law or have reached the retirement age according to the Labor Code or international treaties to which the Socialist Republic of Vietnam is a member have other provisions.
- Specific occupational groups: Owners of household businesses; Cadres, civil servants, public employees; Non-professional workers at the commune level; Defence workers, civil servants serving in the military, and police workers in the People's Police; Individuals working in cryptographic organizations as prescribed by the Law on Cryptography.
- Relatives of defense workers and civil servants serving in the army and relatives of police workers working in the people's police are not eligible to participate in health insurance.

2. Electronic health insurance cards will be issued from 1 January 2025

According to the Law on Health Insurance Amendments 2024, electronic health insurance cards will be applied from 1 January 2025. Accordingly, health insurance cards with electronic codes will be issued to health insurance participants as a basis for enjoying health insurance benefits instead of paper certificates. This transition aims to modernize health insurance management, enhance convenience for participants, and align with digital transformation goals.

3. Supplementing regulations on cases of late payment, evasion of payment of health insurance, and handling measures (valid from 1 July 2025)

The Law on Health Insurance Amendments 2024 introduces new provisions and measures to address cases of late payment or evasion of health insurance contributions:

- Financial Penalties: Violators are required to pay the full amount of outstanding contributions. In addition, an additional penalty of 0.03% per day is calculated based on the overdue amount or the amount evaded.
- Administrative and Criminal Penalties: Violators may face administrative penalties or criminal prosecution for evasion of health insurance contributions as prescribed by law. Meanwhile, violators may receive administrative penalties for late payment of health insurance contributions.

These measures aim to strengthen compliance, ensure fairness, and protect the rights of health insurance participants.

LAW NO. 37/2024/QH15 ON AMENDMENTS AND SUPPLEMENTS THE LAW ON ASSET AUCTIONS

Law no. 37/2024/QH15 on amendments and supplements the law on asset auctions ("Law on property auction amendments 2024") was released on 27 June 2024 and shall be valid from 1 January 2025 with the following new main contents:

1. Regarding Auctioned Assets

Law on property auction amendments 2024 continues to specify auctioned assets by listing their types, categorized into two groups: (i) Assets that are required by law to be auctioned; (ii) Assets not included in the first category, where individuals or organizations voluntarily choose to auction them.

Listing asset types requiring auctions under specialized laws is based on accurate and updated provisions of those laws. This ensures consistency and facilitates the unified application of procedures and processes for auctioning such assets per the Law on Property Auction.

In addition, the Law on Property Auction Amendments 2024 expands the range of assets that must be sold through auctions, such as telecommunications rights and the use of Vietnam's national domain name, ".vn," and the right to use and lease forests.

2. Regarding Auctioneers and Asset Auction Organizations

Law on property auction amendments 2024 modifies the conditions for auctioneers and asset auction organizations as follows:

For Auctioneers:

- **Removal of the Work Experience Requirement:** The requirement for three years of work experience in a trained field before attending auctioneer training courses has been abolished.
- **Mandatory Training:** All aspiring auctioneers must complete a professional training course to acquire legal knowledge, professional skills, and ethical standards.
- **Continuing Professional Development:** Auctioneers must participate in ongoing professional development to enhance their skills and ensure the quality of their practice.
- **Restrictions on Certification:** Individuals convicted of crimes related to auction activities are prohibited from being granted or reissued auctioneer certificates, even if their criminal record has been expunged.

For Asset Auction Organizations:

- **Flexibility in Auction Procedures:** Organizations may negotiate with asset owners to apply specific or comprehensive procedures under the Law on Asset Auction.
- **Collaboration with Other Organizations:** Organizations can collaborate to conduct auctions to improve efficiency and professionalism.
- **Simplified Registration and Reporting:** Adjustments include streamlined requirements for registration changes and removing some documents in operational registration applications.

- Enhanced Transparency: Additional regulations prohibit specific acts to ensure transparency, objectivity, and accountability in auction activities.

These changes aim to develop a more professional, efficient, and ethical auction system aligned with international practices and the requirements of a market economy.

3. **Online Auctions:**

Law on property auction amendments 2024 establishes more precise guidelines for online auctions, including how to post results and handle fees.

LAW NO. 57/2024/QH15 AMENDING ARTICLES OF THE LAW ON INVESTMENT

Law No. 57/2024/QH15, enacted on 29 November 2024 and effective on 1 July 2025, amends specific articles of the Law on Investment ("**Law No. 57/2024/QH15**").

1. **Supplement the grounds for termination of the investment project as follows:**

Under Law No. 57/2024/QH15, if an investor fails to complete the project's operational goals within 24 months after the deadlines specified in the investment approval documents (such as the investment policy approval, investment registration certificate, or revised documents), and if no extension of the timeline is granted, the investment registration authority has the right to terminate or partially terminate the project, unless otherwise specified by certain exceptions under the law.

2. **Supplement and amend the list of prohibited business activities and list of conditionally allowed business activities:**

- Add two new prohibited business activities: trade in national treasures and export artifacts and antiques.
- Remove fire prevention and fighting services from the conditionally allowed business activities list.
- Added the following business activities to the list of conditionally allowed business activities:

- Import and export of unmanned aircraft and related equipment
- Business of unmanned aircraft, other flying vehicles, aircraft engines, aircraft propellers and equipment, devices of unmanned aircraft, other flying vehicles
- Research, manufacturing, testing, and maintenance of unmanned aircraft
- Business of data intermediary products and services
- Business of data analysis and synthesis products and services
- Business of data platform services.

Additionally, some details of other business activities have been amended.

NEW LAW ON DATA 2024

Law on Data 2024 has been approved on 30 November 2024 and will be effective on 1 July 2025 ("**Law on Data 2024**").

While Vietnam has plenty of laws addressing data protection, the Law on Data 2024 was enacted to provide a comprehensive and unified regulatory framework for managing digital data. Law on Data 2024 consists of 5 chapters and 46 articles. It addresses the creation, development, protection, governance, processing, use, and management of digital data.

Some key points of this law are as follows:

1. Definitions and Scope

- Digital data refers to data about objects, phenomena, or events, including one or a combination of forms such as sound, images, numbers, text, and symbols presented in digital format.
- Data classification: Data owners and administrators must classify data based on its importance, including core data, critical data, and other data.
- Subjects of application include Vietnamese agencies, organizations, and individuals; foreign agencies, organizations, and individuals in Vietnam; and foreign agencies, organizations, and individuals directly involved in or related to digital data activities in Vietnam.

2. Data Management and Protection

- It provides unified regulations for managing and protecting digital data. Accordingly, the competent state authorities will issue legal guiding documents, standards, technical rules, plans for protecting digital data, data monitoring, and statistical activities.
- Regarding the transfer and processing of cross-border data, it includes provisions on the rights of agencies, organizations, and individuals to transfer data from abroad, process foreign data in Vietnam, and have their legitimate rights and interests protected by the state according to legal regulations.
- In addition, all activities related to the collection, creation, storage, access, retrieval, connection, sharing, coordination, analysis, processing, authentication, disclosure, encryption of data, etc., in which organizations and individuals are involved, must comply with this law and be subject to the management and control of the competent state authorities.

3. Establishment of the National Integrated Database

Law on Data 2024 regulates the establishment of the National Integrated Database, which serves the purposes of national defense, security, foreign affairs, cryptography, combating crime, and handling legal violations, as well as meeting the data exploration, usage, and application needs of organizations and individuals. This database will integrate information from administrative procedure results, public services, data shared and synchronized from other databases, digitized data, and provided by individuals, organizations, and other sources as regulated.

4. Rights and Responsibilities of Stakeholders:

It outlines the rights and obligations of agencies, organizations, and individuals in the collection, creation, storage, access, retrieval, connection, sharing, coordination, analysis, processing, authentication, disclosure, and data encryption. In addition, it stipulates that the government is authorized to issue decrees detailing the activities related to the rights and obligations of individuals and organizations corresponding to each of the activities mentioned above.

5. Digital Data Products and Services

The private enterprises are allowed to provide the following products/services:

- Data intermediary products/services are products/services aimed at establishing commercial relationships between data subjects, data owners, and users of products/services through agreements to exchange, share, access data, and exercise the rights of data subjects, data owners, and data users.
- Data analysis and aggregation products/services are the results of analyzing and aggregating data into in-depth, helpful information at different levels according to the requirements of the product user. Data analysis and aggregation services refer to analyzing and aggregating data according to the service user's requirements.

Organizations providing data intermediary products/services and data analysis and aggregation products/services are eligible for incentives similar to those given to enterprises operating in high-tech, innovative, creative startups and digital technology industries.

The government will provide detailed regulations on these activities.



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