

LEGAL
ALERT

New regulations for liquor trading

On 14 September 2017, the Government of Vietnam issued Decree No. 105/2017/ND-CP (“[Decree No. 105](#)”) to replace its predecessor, Decree No. 94/2012/ND-CP dated 12 November 2012 (“[Decree No. 94](#)”) and enhance existing provisions of the Law of Investment 2014. Decree No. 105 is set to come into full effect on 1 November 2017.

Below are some of the notable effects of Decree No. 105:

1. Decree No. 105 will extend the list of existing liquor licences to include a new licence for selling liquor for on-the-spot consumption (“[New License](#)”). In brief, this New Licence will generally cover circumstances where a vendor engages in direct selling of liquor to consumers for consumption at the selling location.

Under the New Licence, vendors wishing to sell liquor for on-the-spot consumption must satisfy the following conditions:

- a. it must be an enterprise, cooperative, cooperative group or business household established in accordance with Vietnamese law;
 - b. it must have the right to lawfully use fixed business premises with a clear address;
 - c. the liquor sold for on-the-spot consumption must be provided by business entities with licences for liquor production, distribution, wholesaling or retail;
 - d. it must meet all the requirements and conditions relating to fire-fighting and environmental protection as prescribed under Vietnamese law; and
 - e. where the business entity produces its own liquor sold for on-the-spot consumption, it must have either a licence for industrial liquor production or a licence for small scale liquor production for commercial purposes.
2. No changes have been made to the terms of existing liquor licences. Licences for industrial production of liquor will continue to have a term of 15 years, whereas other licences (including the New Licence) will have a term of 5 years.
 3. Enterprises (including enterprises that do not have an industrial liquor production licence or distribution of liquor licence) are permitted to import liquor at a total volume not exceeding 3 litres per liquor label, where:
 - the enterprise conducts procedures relating to issuances of receipts for declaration of conformity with technical regulations; or
 - where the enterprise conducts procedures relating to issuances of certificates of declaration of conformity with food safety regulations.

Liquor imported under the circumstances listed above may not be sold on the market.

If you have any questions or require any additional information, please contact [Quynh Lien Nguyen](#) or the ZICO Law Partner you usually deal with.*advice*.

This alert is for general information only and is not a substitute for legal advice.

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