

SOME NOTES ON FEE COLLECTION AND PAYMENT IN THE FIELD OF SECURED TRANSACTION REGISTRATION

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In order to meet the practical situation's needs and ensure compliance with new legal regulations on secured transactions and other related regulations, the Ministry of Finance has issued Circular 61/2023/TT-BTC providing regulations on the fees, the regimes of collection, payment, management, and use of fees in the field of secured transaction registration (**Circular 61**). Accordingly, Circular 61 will take effect from November 15, 2023 and amend and supplement several contents related to the application scope and fees applied as follows:

Firstly, updating the application scope of regulations on payment of fees in the field of secured transactions. Clause 1, Article 1, Circular 61 supplements the circumstances of application/exclusion as follows:

(i) *Supplementing circumstance of exclusion from Circular 61, namely "securities centrally registered at Vietnam Securities Depository and Clearing Corporation".* Accordingly, the secured transaction registration of this type of movable property will be conducted by the securities laws. According to the Detailed explanation of the amendments to Circular 202/2016/TT-BTC which is replaced by Circular 61, the registration fee will be stipulated in laws on prices; and **(ii)** *Supplementing circumstances of property subject to secured transaction registration, including "annual plants as prescribed in the Law on Crop Production, temporary works as prescribed in the Law on Construction".* The addition is to ensure compatibility with the provisions of Decree 99/2022/ND-CP on registration of collateral.

Secondly, amending the fees. According to the Fee schedule in the field of secured transaction registration in Circular 61, the fees are amended and supplemented as follows:

(i) *Supplementing two fees for registration of secured transactions, namely the registration fee for changing*



the notice on disposal of secured properties and the fee for deregistering the notice on disposal of secured properties with the respective amount of VND 30,000/case and VND 20,000/case.

(ii) *Amending and supplementing the fees for issuing codes to use the database on secured transactions: compared to Circular 202/2016/TT-BTC with only two fees including the registration fees to use the database on secured transactions before July 1 every year and from July 1 every year, Circular 61 has stipulated new fees as follows:*

- *Issuing a code for one-time self-lookup: including data lookup fee according to basic criteria (VND 10,000/turn) and data lookup fee according to basic criteria, advanced criteria with data extraction by the registration agency (VND 2,000/transaction);*
- *Issuing a code for regular self-lookup, including:*
 - *Data lookup fee according to basic criteria: Accordingly, a fee of VND 300,000/customer/year applies to requests for code issuance before July 1 every year, and a fee of VND 150,000/customer/year is applied to requests for code issuance from July 1 every year;*
 - *Data lookup fee according to basic criteria, advanced criteria with data extraction by the registration agency: The fee is VND 2,000/transaction.*

COMMENTS AND RECOMMENDATIONS

The Ministry of Finance's amendment and promulgation of Circular 61 has promptly updated and ensured the compatibility of regulations on fee collection and payment in the field of secured transaction registration with new regulations related to securities and secured transactions in general. Businesses need to quickly update and apply the above regulations as well as subsequent instructions from the Ministry of Finance for prompt application and compliance.