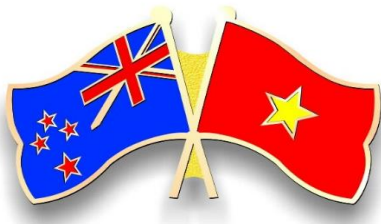


# TRADE OFFICE VIETNAM EMBASSY IN NEW ZEALAND (VTO)



## NEWSLETTER, NUMBER 22- MARCH 2017

### DOING BUSINESS

#### IN THE YEAR 2017

##### In this number:

- 1 Vietnam economic news
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*(\*) request VTO for soft-copy of the legal documents*

### FOCUS

#### EVENT: SPOTLIGHT ON VIETNAM

Early March, in Hamilton, the Vietnam Trade Office (VTO) in cooperation with the ExportNZ of Waikato and the ASEAN- New Zealand Business Council (ANZBC) held a meeting with businesses who are doing business and interested in cooperation in Vietnam.

With the theme "Spotlight on Vietnam" the event attracted the participation of dozens of New Zealand businesses in the Waikato, Bay of Plenty, Auckland and Wellington regions. Event representatives are currently doing business or looking for business opportunities and partners in Vietnam.

Trade Counselor, Mrs Nguyen Kim Phuong, presented a brief overview of the Vietnamese economy recently, key aspects of the business environment in Vietnam, bilateral trade relations between two countries recently and business supporting activities of the VTO in New Zealand.

Representatives from the ExportNZ and ANZBC provided information on activities supporting business enterprises in the ASEAN market in general and Vietnam in particular as well as plans to organize a trade delegation about 15-20 enterprises to Vietnam within 2017. Representatives of two enterprises currently doing business in Vietnam in the field of information technology and purchase of agricultural products also share experiences in doing business in Vietnam. This is an opportunity for the VTO to

grasp and explore the specific needs, desires and intentions of New Zealand businesses in the process of doing business with Vietnam.

## VIETNAM -MEASURES FOR IMPROVING BUSINESS ENVIRONMENT IN 2017 AND ORIENTATION TOWARDS 2020

Resolution No. 19/2017/NQ-CP dated February 6th, 2017 of the Government on main duties and measures for improving business environment and enhancing national competitiveness in 2017 and orientation towards 2020

Under this Resolution, in 2017 the Government will continue making radical reform in regulations on doing business, specialized management of commodities, and import and export services according to international practices. In particular:

- To continue the reduction of deadline for paying taxes and social insurance premiums, issuance of construction permit, grant of customs clearance, etc.
- To amend the List of imports and exports undergoing the specialized customs inspection towards reducing inspection, time and simplifying procedures ; focus on post-clearance audit;
- To review and amend regulations on receipt of declaration of conformity of imports and exports towards annulling or simplifying procedures; do not receive declaration of conformity of imports and exports not governed by any national regulation;
- To boost certification of conformity in the export countries and focus on post-clearance audit of imports;

## VIETNAM ECONOMIC NEWS- HSBC: A POSITIVE SIGNAL FOR THE ECONOMY

**Business Times, 22 February:** Vietnam economic outlook in February 2017 has just been announced by the Research Department of HSBC made quite optimistic comments with GDP forecast quarter I, 2017 growth of 6.3%, and inflation of 5%.

According to HSBC, Vietnam continues to win global market share in some key products, from clothing to electronics, reflecting the integration of the domestic economy into the regional supply chain. The basis for this prediction has been pointed out by HSBC experts, which ends in 2016 with the macroeconomic indicators are quite optimistic.

In particular, the manufacturing sector is still an important factor for Vietnam to achieve strong economic growth. In addition, new orders rose, including export orders that helped boost production. The confidence in manufacturing continues to be reinforced by the decision to recruit additional staff and accumulate inventory - both the finished goods and the finished goods of the business.

## VIETNAM INDUSTRY SUPPORT PROGRAM FOR THE PERIOD OF 2016-2025

In 18 Jan. 2017, the Prime Minister approving the Program on supporting industry development from 2016 to 2025 by issuing Decision No. 68 /QD-TTg

According to this program, from now to 2025, the Government will focus on promoting supporting industries in three main areas:

1. Parts of spare parts (specifically: metal parts, spare parts of plastic parts - rubber and spare parts of electricity - electronics).

2. The sector of industry supports the textile and garment industry - footwear (in particular, the development of raw materials and auxiliary materials for the garment and textile industry).

3. Supporting industries for hi-tech industry (focusing on the development of materials production, specialized support equipment, software and services for hi-tech industries).

The Ministry of Industry and Trade is responsible for the implementation of this program. The decision takes effect from the date of signing.

## **VIETNAM TECHNOLOGICAL MODERNIZATION PROJECT IN THE MINING INDUSTRY TO 2025**

In 22 February, 2007 of the Prime Minister approving "Scheme on renewal and modernization of technology in the mining industry up to 2025" by issuing Decision No. 259 /QD-TTg

The scheme aims to promote the application of advanced science and technology, renovation and modernization of production technologies in enterprises in order to raise labor productivity and efficiency of exploitation and processing; Improve the rate of recovery and reduction of loss of mineral resources in the process of mining and processing of minerals; Improve the level of labor safety, ensure environmental protection regulations.

Accordingly, the backward technologies, machinery and equipment used in mineral exploitation and processing will be eliminated and replaced with modern, advanced and highly efficient technologies, machinery and equipment. , Less environmental pollution.

In addition, the management and production will also be modernized and modernized by enhancing the application of information technology and GIS in the management and operation of production and business in resource management.

The decision takes effect from the date of signing.

## **REGULATION ON SETTLEMENT OF COMMERCIAL DISPUTES BY CONCILIATION**

According to the Government on commercial conciliation provided in the Decree No. 22/2017 / ND-CP dated 24/2/2017, Commercial mediators are selected by one or more persons on the list of commercial conciliators of the trade fair organization or from the list of commercial conciliators of the case published by the Department of Justice of the province or city.

"Commercial Mediation" means a method of settling a commercial dispute as mutually agreed upon, which shall apply to the following disputes: (i) disputes between parties arising out of trade; (li) disputes between parties in which at least one party has engaged in commercial activities; (lii) other disputes between the parties that are required by law to be resolved by commercial conciliation (Article 2).

The parties may agree to resolve the dispute by conciliation before, after the occurrence of a dispute or at any time during the dispute resolution process (Article 6). However, the mediation agreement must be established in writing, in the form of conciliation clauses in a contract or separate agreement (Article 11).

The order, conciliation procedure, commercial conciliator, location and time for the conciliation shall be chosen by the parties in full (Article 13). In it, the commercial conciliator is selected one or more on the list of commercial conciliators of the trade fair organization or from the list of commercial conciliators of the case by the Department of Justice of the province or city public Father (Article 12).

The conciliation results in commercial conciliation shall also be considered for recognition in accordance with the provisions of civil procedure law. In the absence of reconciliation, the parties may continue conciliation or request the arbitrator or the court to settle the dispute as prescribed.

The decree takes effect on April 15, 2017

## LEGAL UPDATE (\*)

### THE MAXIMUM RESIDUE LEVELS OF PESTICIDE IN FOOD

[Circular No. 50/2016/TT-BYT](#) dated December 30th, 2016 of the Ministry of Health regulations on maximum residue levels of pesticide in food

This Circular deals with the maximum residue levels of pesticide in foods, commonly applicable to domestically produced foods and imported ones.

Accordingly, there are 205 types of pesticide subject to limits on residue levels in food.

This Circular takes effect from July 1st, 2017.

Part 8 "Maximum Residue Levels of Pesticide in Food" promulgated under Decision No. 46/2007/QĐ-BYT dated December 19th, 2007 shall be null and void as from the entry into force of this Circular.

### THE NEW LIST OF SERVICES FOR WHICH FOREIGN WORKERS ARE ELIGIBLE FOR WORK PERMIT EXEMPTION WHEN THEY ARE INTERNALLY REASSIGNED TO VIETNAM

[Circular No. 35/2016/TT-BCT](#) dated December 28th, 2016 of the Ministry of Industry and Trade on identification of foreign workers who are eligible for work permit exemption and internally reassigned by enterprises operating within eleven service sectors specified in Vietnam's WTO commitments on services

This Circular is to replace the list of service sectors from which foreign workers (including managers, chief executives, specialists and technicians) are eligible for work permit exemption when they are internally reassigned to Vietnam.

Accordingly, in comparison with the old list, this new list is not fundamentally changed in scope of service sectors from which foreign workers are eligible for work permit exemption when they are internally reassigned to Vietnam.

Conditions for exemption from work permit in the form of internal reassignment are also similar to the earlier conditions, including 3 basic conditions: (i) Foreign enterprises having their commercial presences in Vietnam; (ii) Commercial presences of foreign enterprises in Vietnam operating in the scope of 11 service sectors prescribed in Annex I; and (iii) A foreign worker recruited by a foreign enterprise in at least 12 months prior to reassignment to the commercial presence in Vietnam

However, there is a bit of change in the concept "Commercial presence" in comparison with the earlier regulations. According to the new regulations, commercial presence of foreign enterprises includes these forms:

- a) Foreign-invested business organizations;
- b) Representative offices and branches of foreign traders in Vietnam;
- c) Executive offices of foreign investors as stipulated business cooperation agreements.

This Circular takes effect from February 10th, 2017 and abolishes Circular No. 41/2014/TT-BCT dated November 5th, 2014.

## **THE SCHEDULE OF FEES/CHARGES FOR ENTERPRISE REGISTRATION APPLICABLE FROM 2017**

[Circular No. 215/2016/TT-BTC](#) dated November 10th, 2016 of the Ministry of Finance on amounts, collection, payment, management and use of fees for providing information about enterprises, charges for enterprise registration

According to this Circular, from 2017, fee for reissuance of enterprise registration certificate shall be increased from VND 100,000 to VND 200,000 per registration. Charge for providing information in enterprise registration dossier shall be increased from VND 25,000 to VND 40,000 per dossier

In addition, upon the request for providing information about the certificate of operation of business location, the charge shall be VND 20,000/certificate

In the case of request for providing information about financial statements of business entities, the payable charge is VND 40,000 per statement, regardless type of business entities. Under the earlier provisions, only charge for providing information about financial statements of joint stock companies was collected and it was VND 50,000 per statement.

Charge for providing enterprise's information according to registered accounts at least 125 documents per month is VND 5000,000 per month

However, charge for providing consolidated report on enterprise is reduced from VND 200,000 per report to VND 150,000 per report

Fee for new issuance of enterprise registration certificate is still VND 20,000 per registration; fee for new issuance, reissuance, amendments to certificate of registration for branches, representative offices and business location of enterprise is VND 100,000 per application and charge for declaration of contents of enterprise registration is still VND 300,000 per declaration.

This Circular takes effect from January 1st, 2017. To replace Circular No. 176/2012/TT-BTC dated October 23rd, 2012 and Circular No. 106/2013/TT-BTC dated August 9th, 2013.

## **FEE FOR ISSUANCE OF LICENSE FOR ESTABLISHMENT OF REPRESENTATIVE OFFICES IN VIETNAM**

Fees for issuance of license to establish representative office in Vietnam: VND 3,000,000/license

[Circular No. 143/2016/TT-BTC](#) dated September 26th, 2016 of the Ministry of Finance on providing for fees for processing of applications for the license to establish representative offices of foreign trade promotion organizations or foreign traders in Vietnam, and the collection and transfer thereof

This Circular deals with regulations on fees for issuance of licenses to establish representative offices of foreign trade promotion organizations as prescribed in Decree No. 100/2011/ND-CP and of foreign traders as prescribed in Decree No. 07/2016/ND-CP.

Accordingly, fees for new issuance of license is VND 3,000,000 /license and fee for re-issuance, modification or renewal of license is VND 1,500,000/license. The foreign trade promotion organizations or foreign traders must pay the fees in Vietnamese Dong (VND).

This Circular takes effect from January 1st, 2017. To replace Circular No. 133/2012/TT-BTCstatus1 dated August 13th, 2012 and Circular No. 187/2012/TT-BTCstatus1 dated November 7th, 2012.

***Fee for issuance of license for establishment of representative offices of foreign advertising enterprises is still VND 3,000,000***

[Circular No. 165/2016/TT-BTC](#) dated October 25th, 2016 of the Ministry of Finance on providing for fees for processing of applications for the license for establishment of representative offices of foreign advertising enterprises in Vietnam, and the collection and transfer thereof

According to this Circular, any foreign advertising enterprise that establishes representative office in Vietnam must pay fees for issuance of the license of VND 3,000,000 (for issuance of a new license) and VND 1,500,000 (for re-issuance or modification of license) similar to the rates specified in Circular No. 66/2014/TT-BTC

This Circular takes effect from January 1st, 2017 and replaces Circular No. 66/2014/TT-BTC dated May 20th, 2014.

### **REGARDING TAX OBLIGATIONS INCURRED BY FOREIGN TRADER'S REPRESENTATIVE OFFICES IN VIETNAM**

[Official letter No. 1200/BTC-TCT](#) dated January 24th, 2017 of the Ministry of Finance on tax obligations incurred by foreign trader's representative office in Vietnam

According to the regulations of the Law on value added tax No. 13/2008/QH12, the Law on enterprise income tax No. 14/2008/QH12 and Article 2 of Decree No. 139/2016/ND-CP, value added tax payers, enterprise income taxpayers, and licensing fee payers are only establishments that have business and production activities in Vietnam.

Accordingly, in the case a foreign representative office which is only in charge of communication, market research, promotion of business and investment opportunities in Vietnam rather than performing any manufacture, business activities in Vietnam, it must not pay value added tax, enterprise income tax, licensing fee in Vietnam. However, the representative office must carry out the tax registration for obtaining withholding TIN as prescribed in Clause 1 Article 24 of Circular No. 111/2013/TT-BTC and Clause 3c Article 5 of Circular No. 95/2016/TT-BTC in order to withhold, pay personal income tax on behalf of its employees and to withhold, pay withholding tax on behalf of foreign contractors, foreign sub-contractors (if any).

### **EXPORTS MADE ENTIRELY OF IMPORTED MATERIALS ARE NOT EXEMPT FROM EXPORT DUTY**

From September 1st, 2016: exports made entirely of imported materials are not exempt from export duty

[Official letter No. 2476/TXNK-CST](#) dated November 16th, 2016 of the General Department of Vietnam Customs regarding tax policies for exports made entirely of imported materials

According to the General Department of Vietnam Customs' opinions, cases entitled to be exempt from import duty, export duty are prescribed in Article 16 of the Law on import duty, export duty No. 107/2016/QH13 and from Article 5 through Article 29 of Decree No. 134/2016/ND-CP, taking effect from September 1st, 2016.

Accordingly, there is only the tax exemption policy for materials imported for manufacturing goods for export rather than tax exemption policy for exports made entirely of imported materials.

### **REGARDING LIMITS ON COSMETICS IMPORTED FOR NON-COMMERCIAL PURPOSES**

[Official letter No. 25946/QLD-MP](#) dated December 30th, 2016 of the Ministry of Health regarding deployment of Resolution No. 97/NQ-CP dated November 4th, 2016

According to opinions of the Ministry of Health, limits on cosmetics imported for non-commercial purposes are specified in Clause 2 Article 35 of Circular No. 06/2011/TT-BYT.

Accordingly, with regard to cosmetics imported for the purposes of study, experiment (samples), the maximum amount for each product is 10 samples.

With regard to cosmetics imported as gifts, the total value of each time of receipt must not exceed the goods quantity to be exempted from tax under the current regulations. The import bill of cosmetics used for study, experiment is made into 03 copies

The total value upon each time of receipt must not to exceed the goods quantum to be exempted from tax under current regulations

## TRADE FAIRS & EXHIBITIONS

### VIETNAM EXPO 2017, HANOI IN APRIL

VIETNAM EXPO is one of the biggest trade fairs hosted by Vietnam Ministry of Industry and Trade (MOIT) to develop trade and investment relationship with countries around the world, promote diversity of Vietnam's import and export structure. It create opportunities for Vietnamese visitors to discover participant countries through their pavillions & products. Enterprises have ideal place to show new products, technologies, interchange information, seek for partners and sign trade & investment contracts.

The 27th Vietnam International Trade Fair – Vietnam Expo 2017, themed “Enhancing Regional and Global Economic Links” will take place in Hanoi from April 19-22. It’s expected to attract more than 500 firms from 23 APEC member economies. On display at the 600 booths will be industrial and household plastics, tires and rubber products, electricity meters, cable and lines, water tanks and heaters, beverages, and handcrafted items.

THE 27th VIETNAM INTERNATIONAL TRADE FAIR VIETNAM EXPO 2017

Date: 19th - 22nd April, 2017

Venue: Hanoi International Exhibition Center (ICE) - 97 Tran Hung Dao Str., Hanoi, Vietnam

VINEXAD Exhibitions & Events

Contact person: Julie TA (Ms.) Tel. +84.912585882, +84.4.38255546 ext.442

Email. [thuylt@vinexad.com.vn](mailto:thuylt@vinexad.com.vn); [thuthuyvinexad@yahoo.fr](mailto:thuthuyvinexad@yahoo.fr)

### VIETNAM INTERNATIONAL FURNITURE & HOME ACCESSORIES FAIR 2017- VIFA-EXPO 2017- MORE THAN 1,500 BOOTHS TO SHOWCASE, INTRODUCE PRODUCTS

**VOH** - Vietnam International Furniture and Fine Art Exhibition (ViFa- Expo) 2017 officially opened in the morning 8/3, in Ho Chi Minh City.

The fair attracts more than 300 exhibitors with over 1,530 booths displaying and introducing products. Display structure includes: 67% wood products; Furniture is 17%; Support industries are 12% and 4% are fine art products.

Notably, the number of foreign registered companies this year increased sharply, with 100 brands, up 72%. Enterprises from other countries and territories have a great potential for timber and auxiliary industries such as Singapore, Korea, USA, Australia, Canada, China and Malaysia.

In the context of the majority of wood and handicraft enterprises in the country are small and medium enterprises, less qualified to participate in international fairs and exhibitions, this exhibition ViFa - Expo brings Vietnamese businesses Opportunity to meet, meet international customers and is a way to help businesses promote products, promote exports right at home.

On this occasion, Ho Chi Minh City Handicraft and Wood Industry Association also honored individuals and works won Hoa Mai Award in 2016. This is an annual award held to discover the design talent, contributing to the Rich and creative in the specialty of Vietnam furniture design.

## INTERNATIONAL COFFEE EXHIBITION VIETNAM 2017 IN HO CHI MINH CITY

**VTV.vn, 02 March:** International Coffee Vietnam 2017 Exhibition takes place from 2 to 3, March 2017 at Saigon Exhibition and Convention Center (SECC), District 7, Ho Chi Minh City.

Organized on an area of 6.000m<sup>2</sup>, International Coffee Vietnam 2017 exhibition with the participation of 100 units and 20,000 visitors are expected. This is where converged top names in the coffee, beverages and desserts come from many countries and regions.

The new exhibition will be a chance for visitors to witness the coffee blending process and enjoy the world class coffee.

## BUSSINESS OPPORTUNITIES



## AGRICULTURAL AND FOODSTUFFS

Agrideco Việt Nam specializes in exporting agricultural products. Company's main products are fresh Garlic, Onion, Onion and Carrot. Company's products meet the strictest standards of quality, price and safety food hygiene.

Contact person: Mac Van Luy, Director  
VIETNAM AGRICULTURAL DEVELOPMENT SOLUTIONS CO., LTD. (AGRIDECO VIETNAM)  
Address: No. 02, Lane 325 Kim Nguu, Hai Ba Trung District, Hanoi, Vietnam  
Email: agridecovietnam@gmail.com  
Mobile phone: + 84 989 788 976 or +84 975 201 465



As one of the first companies that built instant food industry in Vietnam, [VIFON](#) became a close and familiar brand with the consumers through a variety of instant products and condiments.

Located on the campus of 67,000 m2, VIFON has large production capacity and a team of dedicated officers and staffs, the company has both modernized equipment constantly and invested heavily in research to create more premium quality products.

VIFON always prioritizes the food safety standard to the forefront. VIFON's products not only meet all the regulations of the quality of food in Vietnam but also get the approval from many countries which have strict quality management standards, such as the US, Australia, Japan and European countries.

Non-stopping at the present achievements, with the desire to take "delicious taste, reach out to the world", its faith and incessant efforts from many generations, VIFON will write more stories about the dream to bring Vietnamese meals to everywhere all over the world, contributing to affirm the position of Vietnamese brand on the international market.

Contact: ANTHONY NGUYEN QUOC ANH, EXPORT EXECUTIVE

Address: 913 Truong Chinh Street, Tay Thanh Ward, Tan Phu District, Hochinh city, Viet Nam

Tel.: +84 8 38153947

Fax. +84 8 38153059

Mobile: +84 905 209 103 (Can use Viber/Whatsapp/Tango/Wechat)

Email: [anh.nguyenquoc@vifon.com.vn](mailto:anh.nguyenquoc@vifon.com.vn)

AN KHANG CO.LTD ( PLEASE FIND THE ATTACHED HARD PROFILE)

Contact person: Trang Vu

Business manager

Address: No 52 Chùa Hà – Q. Cầu Giấy – Hà Nội – Việt Nam

Tel: +844.3.2535145

Mobile/Whatsapp/Viber: +84935466559

Email: [ankhang.vietnam@gmail.com](mailto:ankhang.vietnam@gmail.com)

MINH HUNG GROUP

[Minh Hung Group](#) is standard-factories chain applying Japanese technologies to produce many high quality products arrange to serve other departments such as: Building, Agriculture, Industry and Aquaculture.

Rikishi brand 'product range is a famous brand to represent for one of multiple high- quality product ranges to be produced by Japanese technologies from Minh Hung group. They are aiming to bring high strength, economic, safety, realistic benefits for other departments and satisfactory for the customer's tight requirements. All details of products will be listed below:

**1> RIKISHI 'SCAFFOLDING SAFETY NETTING (HS code: 560890): "Hot sales"**

- RIKISHI 'Scaffolding safety netting:

- + Mainly used to wrap scaffolding, the construction site for the main purpose of preventing the building materials, debris, materials, tools, dusts, workers fall while construction.
- + High tensile strength. Light weight.
- + Protects workers, pedestrians, adjacent properties.
- + Creates a visual barrier for safety.
- + Interferes with less wind.

- + Good elasticity, corrosion resistance.
- + Strong, durable in using.
- + Anti-noise and reduce sound pollution.
- + Dusts proof, Economics, benefits.
- + Friendly the environment.
- +Controlling & reducing for wind speed.
- + Supplying many sizes, colors, fast delivery, high quality and additive stabilizer as customer's requirement.
- + Our Rikishi brand 'products are inspected and accept from our building customers and contractors basing on good quality and standard of products.
- RIKISHI 'Agricultural & Aquaculture netting:
  - + Agriculture netting is used to cover up around the house, stables, nurseries, garden crops,. . . to prevent small insects like flies, bees, butterflies, mosquitoes, insect larvae penetrate the crop damage.
  - +Aquaculture netting: To prevent trapping of birds such as herons eat fish, gulls, few type birds of prey fish and other predators.
  - i) Small size mesh holes: feed for nursery and small fish and to mature - the fish were to escape or avoid large carnivorous fishes.
  - ii) For the large mesh holes: To feed the fish have matured.
- 2> RIKISHI 'PE, HDPE) FILM (HS code: 392010):**
  - Agricultural mulch film:
  - Green house film:
  - PE film for building:
  - HDPE waterproof film:
  - Woven geotextile /Non-woven geotextile:
- 3> RIKISHI 'PE ROPES (HS code: 560749):**
  - With many sizes, colors and additives stabilizer. Rikishi 'PE ropes have high strength, durable with local weather.
  - Applicability in Building, Agriculture, Aquaculture, Industry, Sports, Shipping .....
- 4> RIKISHI 'SAFETY CLOTHES:**
  - Rikishi 'safety suite is designed youthful, fashionable, dynamic, comfortable and protect for the labors 'health at working environment.
  - With reflective contrast designed: Bright, safety for the labors to work at low light area.
  - Colors tone and style: To be designed for each working field and bring for the labors a confidence and best efficiencies.

For further information of Rikishi brand 'products range, Pls contact: David.Long (Mr.)/Regional Sales Director.  
 E-mail : [david.long@minhhung.vn](mailto:david.long@minhhung.vn) Cell phone: +84-939481001

#### VIETNAM TRADE OFFICE (VTO) CONTACT

##### Trade Office, Vietnam Embassy in New Zealand

Tel/Fax: + 64 4 8033 775

Email: [nz@moit.gov.vn](mailto:nz@moit.gov.vn)

Address: Level 2, 90- 92 Dixon Street, Te Aro

PO Box 11095, Manners Street, Wellington 6142

#### REFERENCES:

- 1 - Vietnam [Exporters Directory](#) .
- 2 - Exhibitions and Fair list in Vietnam 2017
- 3 - Book: "A guide on doing business with Viet Nam" & "Môi trường Kinh doanh Thuận lợi tại New Zealand- Easy to do business in New Zealand" (in Vietnamese Version) – are available and freely download [here](#) .