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Highlights

1. New regulations on risk level assessment in COVID-19 prevention and control

On 31 May 2021, the National Steering Committee for COVID-19 Prevention and Control has issued Decision No. 2686/QĐ-BCĐQG regarding “Regulations on risk level assessment and corresponding administrative measures in COVID-19 prevention and control” (“Decision 2686”).

According to Decision 2686, there are 4 risk levels, including “Very High”, “High”, “At Risk”, “New Normal”, for each area at commune, district and nationwide levels.

For example, a district is not considered “Very High”, but will be assessed “High” for the COVID-19 risk, when it has the following epidemic factors:

- (a) At least 30% of the communes are assessed “High” or at least 50% of the commune - “At Risk”; or 1 commune - “Very High” for the COVID-19 risk, scattered in the whole the district area,
- (b) Its sources of infection are difficult to control and has a risk of quickly spreading in more than 20% of the communes; or
- (c) Important industrial zones and factories located within the district need to be protected for ultimate safety according to the superior’s directions and are adjacent to the areas whose sources of infection are difficult to control and track.

This Decision shall take effect on 31 May 2021.

2. Projects subject to preliminary EIA

On 21 May 2021, the Government has promulgated Decree No.54/2021/ND-CP, regulating preliminary environmental impact assessment (EIA).

According to the new Decree, projects subject to preliminary environmental impact assessment need to prepare EIA reports in one of the following cases:

- (a) Public investment projects (except urgent ones, those within the national target program, constituent projects of those in which decisions on policies for investment, investment preparation and planning objectives have been approved by competent authorities);
- (b) Public - private partnership investment projects;
- (c) Investment projects which must obtain policies for investment in accordance with the laws on investment;

- (d) Investment projects subject to investment registration certificates, except investment registration certificates are granted upon the investor's request.

This Decree took effect on 21 May 2021.

3. New national technical regulation on fire safety for houses and building works

On 19 May 2021, the Ministry of Construction has issued Circular No. 02/2021/TT-BXD regarding QCVN 06:2021/BXD – National Technical Regulation on fire safety for buildings and constructions.

Accordingly, roads for fire trucks and parking area for fire truck at buildings of group F1.3 with a fire protection height of more than 15m must meet all of the following requirements:

- (a) There must be a road for fire trucks within a driving distance of not more than 18m from the end of the road to the entrance to all fire compartments of the firefighting lift or of the escape stair with hoses DN 65 intended for professional firefighting forces (of the dry pipe system).

(Current regulation prescribes the distance from the entrance to all fire compartments of the firefighting lift or of the escape stair with hoses DN 65 intended for professional firefighting forces (of the dry pipe system)).

- (b) There must be a parking area for fire truck which is accessible to at least one entire exterior side of each building block, and located at a distance, which is not 2m, and not more than 10m away from the outer wall of the building;
- (c) The design of the parking area and road for fire trucks must conform to the regulations on the size of parking area for fire trucks.

This Circular shall enter into force on 5 July 2021 and shall replace Circular No. 01/2020/TT-BXD dated 6 April 2020 of the Ministry of Construction.

4. New National technical regulation on construction planning

On 19 May 2021, the Ministry of Construction has issued Circular No. 01/2021/TT-BXD, regarding QCVN 01:2021/BXD – the National Technical Regulation on construction planning.

The new national technical regulation QCVN 01:2021/BXD has several new regulations as follows:

- (a) Net density: means the ratio of area of occupancy of main architectural works to the area of a land lot; excluding the area of occupancy of outdoor structures, such as decorative miniatures, swimming pools,

parking lots (yards), sporting fields, guard houses, entrances and exits, and basement ventilation units with roofs and other technical infrastructure works).

(Compared to the current national technical regulation QCVN 01:2019/BXD, the national technical regulation QCVN 01:2021/BXD does not include the area of "entrances, exits and ventilation units of roofed basements" in the area of occupancy of outdoor construction works).

- (b) Construction boundary line: means the line limiting construction of the main work to the land lot.

(The current national technical regulation QCVN 01:2019/BXD defines the boundary line as determined on a planning or field map delineating the boundary between the land area within which construction is allowed (above ground and underground), and vacant public land).

This Circular shall take effect on 5 July 2021 and shall replace Circular No. 22/2019/TT-BXD dated December 31 2019 of the Ministry of Construction.

5. New National technical regulation on apartment buildings

On 19 May 2021, the Ministry of Construction has issued Circular No. 03/2021/TT-BXD regarding promulgation of the National technical regulation QCVN 04:2021/BXD on apartment buildings ("Circular 03/2021/TT-BXD").

Accordingly, Circular 03/2021/TT-BXD changes several contents of the national technical regulation to be in line with 2 new National technical regulations, including QCVN 01:2021/BXD on construction planning and QCVN 06:2021/BXD on fire safety for buildings and constructions, specifically as follows:

- (a) Requirements for tap water supply and sewage drainage systems are aligned with those provided in the national technical regulation QCVN 01:2021/BXD (Currently, they are regulated by the National technical regulation QCVN 01:2019/BXD).
- (b) Emergency routes and emergency exits inside apartment buildings and mixed-use apartment buildings must comply with the National technical regulations QCVN 06:2021/BXD and QCVN 10:2014/BXD (Currently, they are regulated by the National technical regulation QCVN 06:2010/BXD).
- (c) Apartment buildings and mixed-use apartment buildings must conform to the provisions on fire safety under the National technical regulation QCVN 06:2021/BXD (Currently, the National technical regulation QCVN 06:2010/BXD is applicable).

This Circular shall enter into force on 5 July 2021 and shall replace Circular No. 21/2019/TT-BXD dated 31 December 2019 of the Ministry of Construction.

6. Certain changes in the Table of codes of export and import categories

On 18 May 2021, the General Department of Customs has issued Decision No. 1357/QĐ-TCHQ, promulgating the Table of codes of export and import categories and instructions for use.

According to the new Decision, this table is subject to several changes, for example:

- (a) Export categories comprise 16 codes; import categories comprise 24 codes.

(Pursuant to the current regulations of the Official Dispatch No. 2765/TCHQ-GSQL dated 1 April 2015, import categories comprise 22 codes).
- (b) As for codes of export categories:
 - (i) Code C12 (Goods moved from bonded warehouses to foreign countries) is included;
 - (ii) Code E56 (Export of processed products for domestic delivery) is removed;
 - (iii) Instructions for use of codes B11, B12, B13, E52, E62, E82, G23, G61, C22 and H21 are changed.
- (c) As for codes of import categories:
 - (i) Code A43 (Import of goods under tariff preference programs) and code A44 (Temporary import of goods to be sold at duty-free shops) are included;
 - (ii) Instructions for use of codes A11, A12, A31, A41, A42, E13, E15, E21, E41, G12, G13, G14, G51, C11, C21 and H11 are changed.

This Decision shall take effect on 1 June 2021 and shall replace Official Dispatch No. 2765/TCHQ-GSQL dated 1 April 2015 of the General Department of Customs.

7. Land use plan upon equitization of the State-owned enterprises

This is included in Circular No. 03/2021/TT-BTNMT dated May 12, 2021 of the Ministry of Natural Resources and Environment guiding the detailed content of land use plans when equitizing state-owned enterprises; formulation and approval of land use plans for public non-business units

converted into joint stock companies (“Circular 03/2021/TT-BTNMT”), which shall take effect on 28 June 2021.

Specifically, according to the guidance detailed in Circular 03, land use plans upon equitization of the State-owned enterprises contain the following contents:

- (a) Current status of land management and use of equitized enterprises
The enterprise shall make a report on the current status up to the time of enterprise valuation and submit it to the governing body for approval, including:
 - (i) Total area and number of land plots under management and use in each commune, ward, town and assets attached to each land plot;
 - (ii) Land use form and land area according to each form; term of land use; etc.
- (b) Proposed land use plan upon equitization;
- (c) Comparison and reconciliation of the land use plan upon equitization with the master plan, land use plan, construction planning (if any), the options for rearranging and handling houses and land according to Decree No. 118/2014/ND-CP dated 17 December 2014 of the Government, on arrangement, innovation, development and improvement of operational efficiency of agriculture and forestry companies; which have been approved by competent authorities;
- (d) Land area which has changed in comparison with the local planning, land use plan, construction planning (if any) or been used for a purpose other than the land use purpose according to the plan of rearranging and handling houses and land in accordance with the law on management and use of public property: must be dealt with according to the provisions of Clause 15, Article 1 of Decree No. 140/2020/ND-CP dated 30 November 2020.

In addition, the contents of the Land use plan of the equitized enterprise and the summary table of the contents of the land use plan will comply with Appendices I and II attached to Circular 03/2021/TT-BTNMT.

Other sectors:

Health

- Resolution No. 53/NQ-CP dated 26 May 2021 of the Government, on the establishment of the COVID-19 Vaccine Fund.
- Decision No. 2666/QD-BYT dated 29 May 2021 of the Ministry of Health, providing guidelines for use of applications for medical declaration and close contact detection for COVID-19 pandemic prevention and control.
- Decision No. 779/QD-TTg dated 26 May 2021 of the Prime Minister, on establishment of the COVID-19 Vaccine Fund.
- Circular No. 07/2021/TT-BYT dated 27 May 2021, providing guidelines for the functions, tasks, powers and organizational structure of medical centres of districts, towns, provincial cities and centrally-run cities.

Culture - Sports - Tourism

- Decision No. 1662/QD-BVHTTDL dated 25 May 2021 of the Ministry of Culture, Sports and Tourism, publishing amended administrative procedures in the field of Culture within the scope of management function of the Ministry of Culture, Sports and Tourism.
- Circular No. 02/2021/TT-BVHTTDL dated 13 May 2021 of the Ministry of Culture, Sports and Tourism, cancelling a number of legal documents issued by the Minister of Culture, Sports and Tourism.

Transport

- Decision No. 887/QD-BGTVT dated 20 May 2021 of the Ministry of Transport, promulgating the plan of implementation of Decision No. 221/QD-TTg, on amendments to Decision No. 200/QD-TTg, approving the Action Plan to improve competitiveness and develop logistics services in Vietnam by 2025.
- Circular No. 38/2021/TT-BTC dated 31 May 2021 of the Ministry of Finance, cancelling Circular No. 21/2008/TT-BTC, providing guidelines for method of toll collection and the rates of charges and rental price for use of national railway infrastructure.

Construction - Real Estate

- Decision No. 16/2021/QD-UBND dated 31 May 2021 on fire safety for private

houses and residential houses combined with business and production use in the area of Ho Chi Minh City.

- Decree No. 49/2021/ND-CP dated 1 April 2021, amending Decree No.100/2015/ND-CP on development and management of social housing.
- Decision No. 06/2021/QD-UBND dated 26 April 2021 of the People's Committee of Hanoi, promulgating the Regulation on coordination in reporting, providing information and data on residential housing and real estate market in the area of Hanoi.

Land - Environment

- Decree No. 55/2021/ND-CP dated 24 May 2021, amending Decree No.155/2016/ND-CP, providing penalties for administrative violations in the field of environmental protection.
- Circular No. 01/2021/TT-BTNMT dated 12 April 2021 of the Ministry of Natural Resources and Environment, providing techniques of formulation of and adjustment in master plans and plans of land use.

Administration - Judiciary

- Decision No. 661/QD-BNV dated 26 May 2021 of the Ministry of Home Affairs, on the List of electronic identifiers of agencies and units under and directly managed by the Ministry of Home Affairs for data connection and sharing with ministries, branches and localities.
- Decision No. 741/QD-TTg dated 20 May 2021 of the Prime Minister, on the List of the State secrets in the field of law formulation, judicial assistance, judicial administration, the State compensation, and international investment dispute resolution.

Miscellaneous

- Decree No. 53/2021/ND-CP dated 21 May 2021, on Vietnam's Preferential Export Tariff and Special Preferential Import Tariff to implement the Free Trade Agreement between Vietnam and the United Kingdom of Great Britain and Northern Ireland for the 2021-2022 period.
- Decision No. 736/QD-BTTTT dated 31 May 2021 of the Ministry of Information and Communications, on the List of basic requirements to ensure cyber-information security for consumer IoT devices.
- Decision No. 1584/QD-BGDĐT dated 20 May 2021, publishing replaced

administrative procedures in the field of examination and enrolment within the scope of management function of the Ministry of Education and Training.

- Decision No. 526/QD-LDTBXH dated 6 May 2021 of the Ministry of Labour, War Invalids and Social Affairs, publishing newly-issued or amended administrative procedures in the field of employment within the scope of the State management functions of the Ministry of Labour, War Invalids and Social Affairs.
- Circular No. 36/2021/TT-BTC dated 26 May 2021 of the Ministry of Finance, providing guidelines for the contents on the State capital investment in enterprises and management and use of funds and assets in enterprises as stipulated in Decrees No. 91/2015/ND-CP, No.32/2018/ND-CP, No.121/2020/ND-CP, and No.140/2020/ND-CP.

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