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# Legal News

February 2021

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## Highlight

### 1. Those prioritized to get free COVID-19 vaccine

***On 26 February 2021, the Government issued Resolution No. 21/NQ-CP on purchasing and using vaccines against COVID-19 (“Resolution 21”).***

According to this Resolution, those prioritized for free COVID-19 vaccine in 2021 include:

- (a) Front line anti-epidemic forces, including:
  - (i) Individuals working in medical facilities.
  - (ii) Participants in epidemic prevention (members of the National Steering Committee for Epidemic Prevention and Control at all levels, individuals working in isolated areas, individuals in charge of epidemiological tracing and investigation, volunteers, reporters, etc.)
  - (iii) Military; Police.
- (b) Vietnamese diplomatic staff and officers assigned abroad; customs, immigration officers.
- (c) Essential service providers: aviation, transport, tourism; electricity and water service providers, etc.
- (d) Teachers, people working in educational and training institutions; Individuals working at agencies and administrative units often contact many people.
- (e) People with chronic diseases, over 65 years of age.
- (f) People living in epidemic areas.
- (g) The poor, social welfare recipients;
- (h) Those assigned by the State agencies to work or study abroad.
- (i) Others decided by the Ministry of Health based on epidemic prevention and control requirements.

*Note:* In 2021, the vaccine will be used for people aged 18 years and over, with priority given to the above people in the provinces/cities that are experiencing epidemics; in provinces and cities, priority is given to injections in epidemic areas.

Resolution 21 took effect on the date of issuance.

## 2. 6 changes must be notified by price appraisal enterprises to the Ministry of Finance

*On 24 February 2021, Ministry of Finance issued Decree No. 12/2021/ND-CP, on amendments to Decree No. 89/2013/ND-CP, providing guidelines for Law on Price Appraisal (“Decree 12”).*

Accordingly, price appraisal enterprises must notify the Ministry of Finance when there is any of the following changes:

- (a) Changes that lead to:
    - (i) Their failure to satisfaction of conditions for a certificate of satisfaction of conditions for business of price appraisal services (the “**Certificate**”) to be issued.
    - (ii) Their need to re-apply for the Certificate regulated in Article 13.2 of Decree 89/2013;
  - (b) List of price appraisers registered to practice at the enterprise;
  - (c) An enterprise division, separation, merge, consolidation, or conversion of the form of ownership;
  - (d) An enterprise dissolution, bankruptcy, suspension from business; self-termination of price appraisal services; Change of shareholder/capital contributor who is the price appraiser practicing at the enterprise;
- (the current provisions only regulate cases of dissolution, bankruptcy, suspension, self-termination of price appraisal services).
- (e) An enterprise has its business registration certificate or enterprise registration certificate revoked;
  - (f) Its own practicing price appraiser (This is new regulation):
    - (i) is prohibited from practicing;
    - (ii) is prosecuted for criminal liability;
    - (iii) is convicted of one of the offenses related to economics, financial positions, pricing, price appraisal; subject to administrative penalty measures in communes, wards or towns; forced into a compulsory detoxification facility or compulsory educational institution;
    - (iv) is convicted of a serious economic offense or higher; having violation of financial laws under administrative penalty.

Decree 12 shall take effect on 1 March 2021.

### **3. When to pay charges and fees for goods and means of transport in transit**

*On 18 February 2021, Ministry of Finance issued Circular No. 14/2021/TT-BTC, providing for collection levels and system for collection, payment, management and use of customs charges and fees for goods and means of transport in transit (“Circular 14”).*

Accordingly, the fees and charges for goods and means of transport in transit is paid:

- (a) When the customs declaration for imported goods, exported goods or goods in transit; means of transport on exit, entry or in transit, is registered.
- (b) When an ATA book for goods temporarily exported for re-import under the provisions of the temporary detention mechanism under the Istanbul Convention is applied.
- (c) When an application to the customs authority to inspect, supervise or suspend customs procedures for exported or imported goods showing signs of infringement of intellectual property rights is filed.

*(Circular No. 274/2016/TT-BTC dated 14 November 2016 of Ministry of Finance requires fee payment to be made prior to customs clearance, when requesting customs authorities to apply inspection and supervision measures to imported or exported goods, etc.).*

Circular 14 shall take effect on 5 April 2021.

### **4. Price bracket for use of assigned marine areas**

*On 10 February 2021, the Government issued Decision No. 11/2021/ND-CP, on allocating certain marine areas to organizations and individuals for exploiting and using marine resources (“Decree 11”).*

Accordingly, the price bracket for the use of the marine area applicable to activities of use of the marine area will be subject to payment of the following use fees:

- (a) Using the sea area for submerging from 15,000 VND/m<sup>3</sup> to 20,000 VND/m<sup>3</sup>;
- (b) Construction of seaports and berths; ancillary works; tourism, oil and gas exploitation works, mining work; etc. from 6,500,000 VND/ha/year to 7,500,000 VND/ha/year;

- (c) Construction of cable cars; floating, underground, sea encroachment works; artificial islands; civil construction works; and other works from VND 6,000,000/ha/year to VND 7,500,000/ha/year;
- (d) Construction of underground pipeline systems, installation of telecommunications cables and electrical cables from 5,000,000 VND/ha/year to 7,500,000 VND/ha/year;
- (e) Aquaculture and construction of fishing ports from VND 4,000,000/ha/year to VND 7,500,000/ha/year;
- (f) Exploitation of wind, wave, tide, and ocean currents energy; and other marine uses from 3,000,000 VND/ha/year to 7,500,000 VND/ha/year.

Based on the above price bracket, every 5 years:

- (a) The Ministry of Natural Resources and Environment (“**MoNRE**”) shall establish specific prices for marine areas under the allocation authority of the Prime Minister and the MoNRE.
- (b) Provincial-level People's Committee establish specific prices for marine areas under the allocation authority of the Provincial People's Committee.

Decree 11 shall take effect on 30 March 2021.

## 5. Requirements for construction components

*On 9 February 2021, the Government issued Decision No. 09/2021/ND-CP, on construction materials management (“Decree 09”).*

Accordingly, the regulations on the quality of products and goods being construction materials and construction components are as follows:

- (a) In accordance with the laws on products and goods’ quality and the laws on technical standards and national technical regulations.
- (b) Products and goods being construction materials and construction components domestically produced and placed on the market must meet declared standards.
- (c) Products and goods that are construction materials and do not yet have standards must formulate and declare applicable basic standards according to the provisions of the law.
- (d) Imported products and goods being construction materials and construction components must declare the applicable standards.
- (e) Imported products and goods that are construction materials and construction components and subject to the national technical regulations must comply with the respective regulations.

Decree 09 took effect on the date of issuance.

## 6. Management locations for fire protection and rescue vehicles

*On 5 February 2021, Ministry of Public Security issued Circular No. 17/2021/TT-BCA, on management, storage and maintenance of fire prevention and fighting and rescue facilities (“Circular 17”).*

Accordingly, management locations for management of fire protection and fighting and rescue facilities are houses, warehouses, yards, locks, ports, offices or others decided by competent persons and must ensure the conditions as follows:

- (a) Houses, warehouses and yards for keeping fire protection and fighting and rescue facilities must ensure security and order, have lighting systems, are equipped with common fire protection and fighting equipment and facilities, and meet the following conditions:
  - (i) Houses and warehouses for storing fire protection and fighting and rescue facilities are roofed construction works surrounded by walls, dry, well-ventilated, and clean;
  - (ii) The area for keeping fire protection and fighting and rescue facilities for outdoor vehicles must be covered with roofs or have measures to prevent rain and sunlight.
- (b) The berths, locks and ports must ensure security, order, entry and exit rules, environmental protection regulations, fire prevention and fighting;

In addition to the above requirements, an external inland waterway wharf must have equipment for anchoring vessels and parking vehicles and have rules on operations in and out of the wharf, arranging and anchoring vessels or parking vehicles.

Circular 17 shall take effect on 22 March 2021 and replace Circular No. 52/2014/TT-BCA dated 28 October 2014.

**Other Sectors:****Finance**

- Resolution No. 25/NQ-CP dated 26 February 2021 of the Government, on execution of 2016 Financial Cooperation Agreement between Vietnam and Germany.
- Circular No. 11/2021/TT-BTC dated 5 February 2021 of Ministry of Finance, cancelling Circular No. 161/2014/TT-BTC, providing regulations on the protection of the State secrets of the Finance sector.

**Trade**

- Decision No. 259/QD-TTg dated 25 February 2021 of the Prime Minister, approving the program on development of Vietnam's border trade infrastructure to 2025, with an orientation to 2030.
- Circular No. 17/2021/TT-BTC dated 26 February 2021 of Ministry of Finance, on amendments to Circular No. 14/2015/TT-BTC, providing guidelines for classification of goods, analysis to classify goods; analysis for quality inspection, food safety inspection for exported or imported goods.

**Health**

- Resolution No. 16/NQ-CP dated 8 February 2021 of the Government, on expenses for medical isolation, medical examination and treatment and specific regimes in COVID-19 pandemic prevention and control.
- Decision No. 1353/QD-BYT dated 23 February 2021 of Ministry of Health, on amendments to "Guidance on diagnosis and treatment of type 2 diabetes" in Decision No. 5481/QD-BYT of Ministry of Health.
- Decision No. 1125/QD-BYT dated 8 February 2021 of Ministry of Health, providing guidelines for taking care of patients with acute respiratory infections caused by SARS-CoV-2 virus in medical examination and treatment establishments.
- Decision No. 1053/QD-BYT dated 6 February 2021 of Ministry of Health, on wearing masks for COVID-19 pandemic prevention and control in public places.
- Decision No. 1021/QD-BYT dated 4 February 2021 of Ministry of Health, on electronic version of Maternal and child health monitoring book.

**Education**

- Circular No. 02/2021/TT-BGDĐT dated 2 February 2021 of Ministry of Education and Training, providing for codes, professional title standards, and appointment and ranking of teaching staff in public elementary schools.
- Circular No. 01/2021/TT-BGDĐT dated 2 February 2021 of Ministry of Education and Training, providing for codes, professional title standards, and appointment and salary levels for teaching staff in public preschool institutions.

**Transport**

- Decision No. 286/QĐ-BGTVT dated 23 February 2021 of Ministry of Transport, publishing amended administrative procedures in the field of road transport within the scope of management functions of Ministry of Transport.
- Decision No. 221/QĐ-TTg dated 22 February 2021 of the Prime Minister, on amendments to Decision No. 200/QĐ-TTg, approving the Action Plan to improve competitiveness and develop Vietnam's logistics services until 2025.
- Decision No. 280/QĐ-BGTVT dated 22 February 2021 of Ministry of Transport, publishing amended administrative procedures in the field of aviation within the scope of management functions of Ministry of Transport.
- Circular No. 03/2021/TT-BGTVT dated 8 February 2021 of Ministry of Transport, on management and maintenance of national railway infrastructures.
- Circular No. 02/2021/TT-BGTVT dated 4 February 2021 of Ministry of Transport, amending Circular No. 12/2020/TT-BGTVT, on organizing and managing transport activities by motorized vehicle and road transport support services.

**Construction**

- Decree No. 10/2021/NĐ-CP dated 9 February 2021, on management of construction investment costs.
- Decision No. 241/QĐ-TTg dated 24 February 2021 of the Prime Minister, approving the National Urban Classification Plan for the period of 2021-2030.

**Administration - Judiciary**

- Consolidated Document No. 293/VBHN-BTP dated 2 February 2021 of Ministry of Justice, combining Decrees providing guidelines for implementation of the Law

on Judicial Examination.

- Decision No. 06/2021/QD-TTg dated 18 February 2021 of the Prime Minister, cancelling legal documents promulgated by the Prime Minister on identifying restricted areas, restricted locations and lists of the State secrets at Extremely Confidential and Top Secret levels.
- Decision No. 211/QD-TTg dated 17 February 2021 of the Prime Minister, on List of the State secrets of the Government, Prime Minister, and Government Office.
- Circular No. 21/2021/TT-BCA dated 19 February 2021 of Ministry of Public Security, cancelling legal documents promulgated by the Minister of Public Security on the list of the State secrets at Confidential level.
- Circular No. 01/2021/TT-BTP dated 3 February 2021 of Ministry of Justice, providing guidelines for Law on Notarization.

### Investment

- Resolution No. 20/NQ-CP dated 18 February 2021 of the Government, approving the fourth Protocol amending ASEAN Comprehensive Investment Agreement.
- Resolution No. 15/NQ-CP dated 4 February 2021 of the Government, on approving the Philippines' amended reservation list under the ASEAN Comprehensive Investment Agreement.

### Miscellaneous

- Decision No. 255/QD-TTg dated 25 February 2021 of the Prime Minister, approving the Plan of restructuring agricultural sector for the period of 2021-2025.
- Decision No. 155/QD-KTNN dated 18 February 2021 of the State Audit, on the examination and reconciliation at agencies, organizations and individuals related to audit activities of the State Audit.
- Decision No. 176/QD-TTg dated 5 February 2021 of the Prime Minister, on Program to support labour market development until 2030.
- Circular No. 01/2021/TT-BVHTTDL dated 3 February 2021 of Ministry of Culture, Sports and Tourism, providing for measures to perform the functions of the State management on physical training and sports for the national sports association.

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