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# Legal News

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## Investment Law

### Notable contents of Law on Public Private Partnership

*On 18 June 2020, at the 9<sup>th</sup> session, the National Assembly officially passed the Law on Investments in the form of Public Private Partnership ("PPP Law"). This Law includes 11 chapters and 101 articles; is a unified law governing investment activities, attracting the private sector to invest in a number of important and essential infrastructure sectors under the public-private partnership mode; and will take effect on 1 January 2021. This is a stable and solid legal framework for public-private partnership investment activities, which are large-scale and long-term investments having great impacts on the society and economy of the country.*

Investment under the public-private partnership method is explained in Article 3.10 of the PPP Law as follows: "Investment in the form of Public Private Partnership (hereinafter referred to as the 'PPP form') means the investment form to be performed on the basis of a definite term co-operation between the State and an investor via signing and implementation of a PPP project contract for the purpose of attracting private investors to participate in the PPP project". Thus, in the investment relationship under the public-private partnership mode, there are always 2 subjects: the State and private investor(s). The basis for cooperation between these two entities is the PPP project contract. PPP project contract means a written agreement between a contracting agency with an investor or a PPP project enterprise on the State's concession to the investor or the PPP project enterprise to implement PPP projects. PPP project contracts include: Build - Operate - Transfer (BOT) contract; Build - Transfer - Operate (BTO) contract; Build - Own - Operate (BOO) contract; Operate - Manage (O&M) contract; Build - Transfer - Lease (BTL) contract; Build - Lease - Transfer (BLT) contract; and Mixed contract.

Currently, the investment under the public-private partnership method is regulated by Law on Investment 2014 ("**Investment Law**") and Decree No. 63/2018/ND-CP, dated 4 May 2018 of the Government, on investment in the form of public-private partnership form ("**Decree 63**"). Compared with the current regulations, the PPP Law has many new points which businesses need to bear in mind.

#### **1. Investment sectors eligible for investment activities in PPP form**

The Investment Law and Decree 63 provide a wide range of investment such as: Headquarters of the State agencies; Official residence; Social housing; Resettlement houses; Science and technology, hydrometeorology; Information technology applications; Agriculture and rural development; services to develop linking production with processing and sale of agricultural products;

Commercial infrastructures; infrastructures of urban areas, economic zones, industrial zones, industrial clusters, concentrated information technology parks; high-tech technical infrastructure; incubators, technical facilities, co-working areas to support small and medium-sized enterprises; etc.

Compared with Decree 63 (which is the current legal document on PPP), according to the PPP Law, the investment fields under PPP method have been narrowed, now there are only 5 remaining fields compared to the previous 9 sectors, including: (1) Transport, (2) Power grid, power plant (except for hydroelectric plants and cases where the State has the monopoly under Law on Electricity); (3) Irrigation, clean water supply, drainage, treatment of wastewater and wastes; (4) Health, education - training; (5) Information technology infrastructure.

Thus, compared with the Investment Law and Decree 63, the PPP Law has narrowed the fields of investment. Many fields will no longer be invested under PPP method such as: culture; sports; tourism; sciences and technologies, hydrometeorology; Agriculture and rural development; services to develop linking production with processing and sale of agricultural products; headquarters of the State agencies; official residence; social housing; resettlement houses; etc. The narrowing of the investment sectors shows a focus on fields that need to attract investments such as transport, health, education, clean water, treatment of wastes, power plants, information technology infrastructures; thereby avoiding rampant investment causing wasteful loss of the State budget and assets causing risks at the national level.

2. **Investment scale:** The PPP Law aims to have certain project of large enough scale. The minimum total capital for investment under PPP method is VND200 billion. For projects in the health, education and training sectors, or in areas with difficult or extremely difficult socio-economic conditions under the investment laws, this value is VND 100 billion.
3. **Classification of PPP projects and authority to make a decision of investment policy:** This is a very new point compared to the current regulations on PPP. Since the PPP Law is in the organic relationship of public investment and private investment, there are similarities with the Public Investment Law and the Private Investment Law, which is the Law regulating the classification of projects in association with the authority to make decisions of investment policy, including the National Assembly; Prime Minister; Ministers, Heads of central agencies or other agencies; and provincial-level People's Councils. The authority to make an investment policy decision also is the one to make a decision of amendment of investment policy.

Compared with the Law on Investment and Decree 63, the provisions of the PPP Law on the authority to make a decision of investment policy for PPP projects have removed the authority of the provincial-level People's Committees. Specifically, the following entities have the authority to make decisions of investment policy for PPP projects:

- (a) The National Assembly makes decisions of investment policy for PPP projects within the following criteria:
  - (i) Using public investment capital from VND10,000 billion;
  - (ii) With a large impact on the environment or the potential for such large impact, comprising a nuclear power plant; use of land requiring conversion of the land use purpose of specialized use forest land; upstream protective forest or border protective forest of fifty (50) hectares or more; protective forest as windbreak, sand barrier or breakwater and protective forest for breakwater or for land reclamation from the sea with an area of five hundred (500) hectares or more; or a forest for production with an area of 1,000 hectares or more;
  - (iii) Use of land with the demand for conversion of the land use purpose for wet rice cultivation of two (2) harvests in an area of five hundred (500) hectares or more;
  - (iv) Relocation and resettlement of 20,000 people or more in mountainous areas, or 50,000 people or more in other areas;
  - (v) Projects which need application of a special mechanism or special policy requiring a decision by the National Assembly.
  
- (b) Except for projects falling under the authority of the National Assembly, the Prime Minister shall decide on investment policy for PPP projects within one of the following criteria:
  - (i) Relocation and resettlement of 10,000 persons or more in a mountainous area or of 20,000 persons or more in other regions;
  - (ii) Projects funded by the central State budget managed by a ministry or central agency and with total investment capital equivalent to a Group A project as stipulated in the law on public investment, and projects using ODA loan capital and/or preferential loan capital of foreign donors;
  - (iii) Investment in construction of a new airport or aerodrome; of runways of an airport or aerodrome; of an international airport passenger terminal; of an airport or aerodrome cargo terminal with an output of 1 million tonnes per year or more;
  - (iv) Investment in construction of a new seaport or port area under a special seaport; or a seaport or port area under a special seaport

of Class 1 with total investment capital equivalent to a Group A project pursuant to the law on public investment.

- (c) Ministers, and Heads of central agencies or other agencies: Except for projects falling under the authority of the National Assembly and the Prime Minister, the Minister, and Heads of central agencies or other agencies shall make decisions of investment policy for PPP projects under their management.
- (d) Provincial-level People's Councils: Except for projects that fall under the authority of the National Assembly and the Prime Minister, provincial-level People's Councils make decisions of investment policy for PPP projects managed by their localities.

Thus, this is an important change in the authority make decisions of investment policy, especially in the localities where there is no longer a distinction between the authority of the People's Council and the authority of the People's Committee but all investment projects implemented under PPP form in the localities must go through the provincial-level People's Councils. This provision facilitates unified and transparent implementation of PPP projects in the area of a province or centrally-run city.

4. **PPP Project Evaluation Council:** This is a mechanism to ensure the inter-branch coordination as expected by enterprises. This mechanism is reflected in 3 levels of the Basic Evaluation Council for PPP projects, including: (1) the State Evaluation Council, (2) Inter-branch Evaluation Council, (3) Grassroot-level Evaluation Council.
5. **The State capital in PPP projects:** The new Law specifies the using purpose of the method of the State capital management in PPP projects. In which, with the State capital to support the construction of building works, infrastructure systems and site clearance, the State capital funding a PPP project is limited to 50% of the total investment capital and is managed and used in two ways: (1) Being divided into sub-projects in PPP projects, (2) Being arranged into specific items according to the rate and value, progress and conditions specified in the Contract. In Article 69 of PPP Law, the extent of the State capital funding the project is more clearly defined than by the current Decree 63, but still maintains support in 2 groups of contracts, namely BOT, BTO and BOO projects, and BTL and BLT projects. The new point here is the proportion of the State capital funding a PPP project must not exceed 50% of the total investment capital of the project.
6. **Disclosure of project information on the National bidding network:**

In order to ensure publicly availability and transparency in investment under PPP form, Article 9 of the new Law requires that some information must be disclosed on the National bidding network. Specifically:

- (a) Information on decision of investment policy; decision on approval of PPP project;
- (b) Information on investor selection, including: Notice of invitation for prequalification, notice of invitation to bid, short list, result of investor selection;
- (c) Information on the selected investor, the PPP project enterprise;
- (d) The main contents of the PPP project contract, including: Total investment capital; capital structure in the project; type of contract; project implementation period (if any); prices and charges for products and services; form and location of price and fee collection (if any); and other necessary information;
- (e) Finalized value of public investment capital in a PPP project, if applicable;
- (f) Legal documents on investment under PPP method;
- (g) Investor database;
- (h) Information on handling proposals and dealing with violations of the laws on investment in PPP form.

In addition, this information is encouraged to be posted on other mass media.

**7. Twelve prohibited conducts during investment in PPP form:**

These conducts are specified in Article 10 of the PPP Law. Specifically:

- (a) Deciding upon an investment policy which is incompatible with the strategy, master planning or plans, or which fails to identify the sources of the State capital in the PPP project if there is a demand for the State capital funding; or contrary to the authority and sequence and procedures as prescribed;
- (b) Approving the PPP project prior to investment policy made, or contrary to such investment policy, or contrary to the authority, sequence and procedures as prescribed;
- (c) Collusion by the authorized agency and/or agency entering into the contract with consultants or the investor resulting in a decision of investment policy or approval of the PPP project causing a loss to the State capital and assets and national resources, causing loss and damage to or infringing the interests of the citizens and of the community;
- (d) Failing to ensure fairness and transparency during selection of an investor;

- (e) Disclosing or receiving the following documents and information regarding the process of selection of investor;
- (f) Collusion;
- (g) Assigning shareholding, capital contribution portion or rights and obligations incorrectly in accordance with the provisions of this Law and the PPP project contract;
- (h) Stopping supply of products and public services outside the scope of the provisions of the PPP project contract;
- (i) Giving, receiving or broking bribes;
- (j) Abusing position and powers to conduct an act of appropriation, self-interest or corruption during management and use of the State capital in a PPP project; illegally interfering with the implementation process of a PPP project;
- (k) Fraud, forging, falsifying information, records, documents; deliberately providing untruthful or non-objective information;
- (l) Hindering the detection of or dealing with acts in breach of the law on investment in the PPP form.

**8. Investor's valid status:**

Not all investors, but investors who meet the following conditions, can participate in investment in PPP form:

- (a) Having registered establishment and operation with the competent authority of the country in which the investor is operating;
- (b) Independent financial accounting; ensuring competition in investor selection;
- (c) Not being in the process of dissolution; not falling in the case of insolvency as prescribed by law;
- (d) Not being banned from participating in investment activities in PPP form;
- (e) Enterprises of which 100% charter capital is held by the State must form a partnership with an investor of the private sector to participate in the bid;
- (f) An investor established under foreign laws must satisfy market access conditions when participating in a bid for a project in an industry or sector where market access is conditional under the laws on investment.

**9. Investor selection process unified under the Investment Law:** This is the first time that regulations on bidding and selection of investors are integrated into a separate legal document on PPP, ensuring the consistency, integrity and continuity of the implementation process of a PPP project; and at the same

time, narrowing the cases of appointing investors compared to the current regulations in the Law on Tendering 2013.

If the Law on Investment and Decree 63 only refer to the selection of investors in accordance with the provisions of the law on bidding, the PPP Law clearly details the selection of investors.

Specifically, the investor selection methods applied in investments in PPP form are as follows:

(a) *Open bidding*

- (i) is a form of investor selection in which there is no limit to the number of participating investors.
- (ii) is applied to all PPP projects, except where competitive negotiations, appointment of an investor or selection of an investor are applicable in special cases.

(b) *Competitive negotiation*

- (i) is an investor selection method in which no more than 03 investors meeting the requirements for implementing the project are invited to participate.
- (ii) is applied in case where a hi-tech application project is included in the list of high technologies prioritized for investment and development under the provisions of the laws on high technology or new technology application project as prescribed by law on transfer of technology.

(c) *Appointment of investor*

shall be applied in one of the following cases:

- (i) Projects that need ensure the national defense, security, and the State secrets;
- (ii) The project should immediately select an alternative investor to ensure continuity in the process of implementing the project on construction of building works, infrastructure system, and provision of public products and services.

(d) *Selection of investors in special cases*

In case where a PPP project has specific and separate conditions that render the investor selection methods specified in open bidding,

competitive negotiation or appointment of investors inapplicable, the competent agency shall submit to the Prime Minister for consideration and decision on investor selection plan.

As a result, the issue of investor selection has been clearly regulated in the PPP Law. This is always a complicated issue, often with mistakes potentially made. Therefore, if the provisions of the law are not clear, it will lead to a discretionary and negative implementation. The relatively complete provisions of the new Law will contribute to ensuring the transparency of the investor selection process, thereby ensuring that private investors will be equal and involved on the same level in investment activities in PPP form.

**10. The PPP project enterprise established in the form of a company:**

According to Article 44 of the PPP Law, after a decision approving the results of investor selection, the investor is only allowed to establish a PPP project enterprise under the model of a limited liability company or a joint stock company (which must not be a public company) and has the sole purpose of executing and implementing a PPP project contract.

**11. Mechanism to share revenue increase and decrease:** The new Law stipulates that the sharing mechanism is applicable to all PPP projects with a fixed rate of 50%-50% for both parties and on a basis of annual revenue control. The sharing of the revenue decrease when the actual revenue only reaches 75% of the revenue in the financial plan is only applied when all measures to adjust the prices and fees of products, public services or contract term have been taken and the revenue decrease must be audited by the State Audit.

Compared with the previously submitted draft, Article 84 of this Law has finalized the mechanism to share the revenue increase and decrease as follows:

- (a) When the actual revenue is more than 125% of the revenue in the financial plan under a PPP project contract, the Investor, the PPP project enterprise will share with the State 50% of the revenue increase between the actual revenue and the revenue achieved at 125% of revenue in the financial plan.
- (b) The State shares with the investor, the PPP project enterprise 50% of the revenue decrease between the actual revenue and the committed revenue under the contract for a PPP project that meets certain conditions.

This is considered as a new mechanism, especially important in the process of implementing PPP projects. According to the above-mentioned provisions, the increase or decrease of revenue is divided into 2 cases: the case where the actual revenue is more than 125% of the revenue in the financial plan stated in the PPP project contract and the actual revenue reached is lower than 75% of the revenue in the financial plan stated in the PPP project contract. This rule represents the share between the State and the private investor in case of an increase or decrease in revenue. In case of an increase in revenue to a certain extent, private investors are obliged to contribute to the State budget in order to ensure social justice. In case of a decrease in revenue to a certain percentage, investors will receive support from the State. However, the conditions for receiving the State share in the case of revenue decrease are quite strict such as: the project applies the type of BOT contract, BTO contract, BOO contract; changes in relevant planning, policies and laws cause a decrease of revenue; Measures have been implemented to adjust prices and fees of products and public services, adjust the project contract term but have not ensured the minimum revenue of 75%, etc. And at the same time, the sharing of revenue decrease must be determined in the decision of investment policy. These regulations aim to ensure peace of mind for private investors implementing PPP projects but concurrently set strict standards to avoid negative cases or avoid the situation where the State has to compensate or make up for weak businesses.

12. **Capital mobilization of PPP project enterprises:** Besides the traditional capital mobilization channel which sources from credits financed by banks, the PPP Law allows PPP project enterprises to issue corporate bonds to promote mobilization of funds from professional investors for implementing PPP projects.

Specifically, PPP project enterprises are allowed to issue and repurchase separate bonds they have issued, securities to mobilize capital to implement PPP projects; not to issue separate convertible bonds and separate bonds with warrants.

The issuance of bonds must satisfy all 3 conditions:

- (a) The amount of capital raised through the issue of bonds does not exceed the value of the loan amount determined in the PPP project contract;
- (b) Funds raised through the issuance of bonds are not used for any purpose other than project implementation under PPP project contracts or for restructuring of corporate debts;

- (c) The PPP project enterprise must open an escrow account to receive monies from purchases of bonds and disbursements in accordance with the regulations.

- 13. **The State's post-inspection activities**: including examination, inspection and audit activities; and besides those are monitoring activities.

Regarding *the State audits of PPP projects*, the new Law specifies the scope and contents of the State audits of PPP projects, including management and use of public finance and public assets in the PPP project.

- 14. **Types of PPP project contracts**: In Article 45, which inherits the old PPP regulations, the new Law outlines two groups of contracts: business of BTO, BOT, BOT, and BOO projects' building works; and BLT and BTL projects.

Article 101 of the PPP Law provides that projects applying build-transfer (BT) type contracts are no longer recognized as PPP projects. The PPP Law codifies the stop of implementation of BT projects in the coming time. Accordingly, from the effective date of this Law, Vietnam will stop implementing new projects applying BT contracts and the transition provisions for on-going projects are specified in such Law. Especially, from 15 August 2020, implementation of BT projects which do not yet obtain approval for investment policy must be stopped.

The PPP Law is expected to facilitate investors as well as stakeholders in the implementation of projects. However, the urgent issuance of guiding Decrees and Circulars is essential for the purpose of accelerating investment activities in PPP form.

The Government plans to issue 3 Decrees, which provide guidelines for implementation of the new Law, specifically including: a Decree detailing and providing guidelines for implementation of a number of articles of the PPP Law (the Ministry of Planning and Investment (“MPI”) is in charge); a Decree detailing and providing guidelines for implementation of a number of articles of the PPP Law on selection of investors (the MPI presides over drafting, and at present, the Procurement Department of this Ministry is completing the final steps to take the public opinion); and a Decree regulating the financial mechanism for investment under the public-private partnership mode (the Ministry of Finance presides over drafting), which shall replace the current Circular 88, in order to create a better mechanism for investors.

## Law on Intellectual Property

### The Intellectual Property Office of Vietnam tightening requirements on authorized representatives to sign documents on behalf of applicants/owners

*On 23 November 2020, the Intellectual Property Office of Vietnam (“IP Vietnam”) issued Notification No. 13822/TB-SHTT giving their interpretation of the current regulations on representatives of applicants/owners before the IP Vietnam during the establishment of industrial property rights and related procedures.*

Heretofore, the IP Vietnam has accepted the POAs (and other required documents) signed by any representatives internally authorized by applicants/owners without the evidence of authorization required. However, under the new Notification, the IP Vietnam requires all documents to be signed by a legal representative of applicants/owners, such as Chairman of Board of Members, Chairman of Board of Management, President, Director, General Director. If the documents are signed by the signatories by any other titles, the evidence of authorization granted to such signatories is required. If such evidence is not available, the document must be legalized.

This new practice regarding signatories in POAs is demanding strictly that directly affected both Vietnamese and foreign applicants/owners, especially during the time of COVID-19 when many are working from home, which appears to be quite sudden and harsh and it is not yet clear how this regulation is applied in fact.

The existing POAs previously submitted for pending cases which do not meet the new requirements that now might face the risks of getting rejected by the Intellectual Property Office of Vietnam. We expect this new practice might cause difficulties and inconveniences for IP applicants/owners in the upcoming time.

The key contents of the Notification are summarized of the following:

#### **1. Individual applicants/owners**

The representatives of applicants/owners are legal representatives (in accordance with Article 136 of the Civil Code) or through Power of Attorney (“POA”) signed by authorized representatives (including individuals, organizations or IP representative). In this particular case, the POA must be signed by the individuals themselves, and the authorization must comply with Rules 3 and 4 of Circular 01/2007/TT-BKHCN.

#### **2. Organizational applicants/owner**

2.1. *In the event the signatory is the legal representative of the applicants/owners*

If the signatory is the Chairperson of Board of Members, Chairperson of Board of Management, President, Director, General Director of corporate applicants/owners, the signatory only needs to sign and imprint the applications and/or required documents with the company's seal (as obligatory by law, if any).

Otherwise, for all signatories bear other titles, such as the vice of the abovementioned titles such as Vice Chairman, Vice President, Deputy Director, or heads of departments, or other titles such as attorney in fact, authorized signatory, proxy, officer, the applicants/owners must submit evidence of authorization granted to such signatories to sign in the POA. The signed documents must be sealed (as required by law, if any).

2.2. *In the event the signatory is a staff member of organizations authorized by the applicants'/owners' legal representatives*

Along with complying with the regulations on legal representatives as stated in Section 2.1, the applicants/owners must submit evidence of authorization granted to such signatories to sign in the POA.

2.3. *In the event the signatory is an IP representative*

In case a law firm that is authorized to represent the applicants/ owners, proof of authorization is also required.

**3. Other problem**

Additionally, on the same note, if the signatories of a foreign applicant/owner unable to prove their authorization, the POAs must be legalized up to consulate.

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

- Decision No. 1923/QD-TTg dated 25 November 2020 of the Prime Minister, on the list of the State secrets in the fields of finance and budget.
- Decision No. 1736/QD-BTC dated 4 November 2020 of the Minister of Finance, on amendments to Decision No. 1799/QD-BTC regulating the functions, tasks, powers and organizational structure of the Insurance Supervisory and Management Department and Decision No. 98/QD-BTC, on amendments to Decision No. 1799/QD-BTC defining the functions, tasks, powers and organizational structure of the Insurance Management and Supervision Department and Decision No. 565/QD-BTC promulgating the regulation on organization and operations of the Centre for Insurance Research and Training directly under the Insurance Supervisory and Management Department.

**Banking**

- Circular No. 15/2020/TT-NHNN dated 20 November 2020 of the State Bank of Vietnam, amending Circular No. 26/2013/TT-NHNN on tariff for payment services via the State Bank of Vietnam.
- Circular No. 14/2020/TT-NHNN dated 16 November 2020 of the State Bank of Vietnam, providing for judicial forensic examination in the monetary and banking sector.
- Circular No. 13/2020/TT-NHNN dated 13 November 2020 of the State Bank of Vietnam, on amendments to Circular No. 22/2018/TT-NHNN, providing guidelines for procedures and dossiers for approval of the expected list the personnel of commercial banks, non-bank credit institutions and foreign banks' branches.
- Circular No. 11/2020/TT-NHNN dated 2 November 2020 of the State Bank of Vietnam, amending Circular No. 24/2017/TT-NHNN on the order of and procedures for revocation of licenses and liquidation of assets of credit institutions and foreign banks' branches; order of and procedures for revocation of representative office licenses of foreign credit institutions and other foreign institutions engaged in banking activities.
- Circular No. 10/2020/TT-NHNN dated 2 November 2020 of the State Bank of

Vietnam, amending Circular No. 28/2015/TT-NHNN on the management and use of digital signatures, digital certificates, and digital signature authentication service of the State Bank.

**Trade**

- Decree No. 137/2020/ND-CP dated 27 November 2020, on management and use of firecrackers.
- Circular No. 09/2020/TT-BKHDT dated 27 November 2020 of the Ministry of Planning and Investment, providing guidelines for preparation of bidding documents for goods procurement bidding packages subject to the scope of the Comprehensive and Progressive Trans-Pacific Partnership Agreement.
- Circular No. 100/2020/TT-BTC dated 19 November 2020 of the Ministry of Finance, cancelling legal documents individually or jointly issued by the Minister of Finance in the fields of customs; import tax and export tax; fees, charges and guidance on financial regimes and customs procedures applicable in economic, commercial and industrial areas within border-gate economic zones.
- Circular No. 90/2020/TT-BTC dated 11 November 2020 of the Ministry of Finance, providing the forms used for sanctioning administrative violations in the field of customs.

**Labour**

- Decree No. 135/2020/ND-CP dated 18 November 2020, regulating retirement ages.
- Decision No. 34/2020/QD-TTg dated 26 November 2020 of the Prime Minister, on Vietnam's List of occupations.
- Decision No. 1729/QD-TTg dated 4 November 2020 of the Prime Minister, amending Decision No. 655/QD-TTg on approving the Project on "Investment in establishing trade union institutions in industrial zones and export processing zones".
- Decision No. 4958/QD-UBND dated 4 November 2020 of the People's Committee of Hanoi, publishing a List of cancelled administrative procedures in the field of Occupational safety and hygiene (Compulsory occupational accidents and diseases insurance) under the authority of the Department of Labour, War Invalids and Social Affairs of Hanoi.

**Health**

- Decree No. 131/2020/ND-CP dated 2 November 2020, providing for the organization and operation of clinical pharmacy at medical examination and treatment establishments.
- Decision No. 4976/QD-BYT dated 30 November 2020 of the Ministry of Health, on Software “Development of a nutritionally-balanced menu for pregnant women, nursing mothers and children from 7 months to 60 months old”.
- Decision No. 4946/QD-BYT dated 26 November 2020 of the Ministry of Health, on the document "Guidelines for screening and intervention to reduce harm to people at risk of health due to alcohol drinking at initial health care facilities and in the community”.
- Decision No. 4942/QD-BYT dated 25 November 2020 of the Ministry of Health, publishing new administrative procedures in the field of emulation and commendation within the scope of management functions of the Ministry of Health.
- Decision No. 4838/QD-BYT dated 23 November 2020 of the Minister of Health, on Checklist of results of implementing functions and tasks of Centres for Disease Control in provinces and centrally-run cities.
- Decision No. 3822/QD-BGDDT dated 23 November 2020 of the Minister of Education and Training, on approving communication materials on COVID-19 disease prevention and control and health care in schools.
- Decision No. 4815/QD-BYT dated 20 November 2020 of the Ministry of Health, on the professional document "Guidelines for diagnosis and treatment of community-acquired pneumonia in adults”.
- Decision No. 4782/QD-BYT dated 18 November 2020 of the Ministry of Health, on the set of criteria for risk assessment framework of epidemic.
- Decision No. 4862/QD-BYT dated 10 November 2020 of the Minister of Health, on the list of equipment used in traditional medicine and pharmacy establishments.
- Decision No. 4627/QD-BYT dated 6 November 2020 of the Minister of Health, on Program of fostering clinical teaching-learning methods for practice trainers in training in health sector.
- Circular No. 21/2020/TT-BYT dated 30 November 2020 of the Minister of Health, providing guidelines for practice for certificates of medical examination and

treatment practice to medical doctors.

- Circular No. 20/2020/TT-BYT dated 26 November 2020 of the Minister of Health, amending Circular No. 30/2018/TT-BYT, on the List of, and payment rates and conditions for, chemical pharmaceutical medicines, biological products, radioactive drugs, and markers within the coverage of health insurance.
- Circular No. 18/2020/TT-BYT dated 12 November 2020 of the Ministry of Health, regulating nutritional activities in hospitals.
- Circular No. 17/2020/TT-BYT dated 12 November 2020 of the Minister of Health, regulating the maximum prices and costs for determining the price of a unit of whole blood and blood products.

### **Education**

- Decision No. 3390/QD-BGDDT dated 3 November 2020 of the Minister of Education and Training, on assignment of the tasks of training, assessing and issuing Vietnamese language certificates to foreigners.
- Circular No. 44/2020/TT-BGDDT dated 3 November 2020 of the Ministry of Education and Training, on the list of minimum teaching equipment for Class 6.
- Circular No. 43/2020/TT-BGDDT dated 3 November 2020 of the Ministry of Education and Training, on the list of minimum teaching equipment for Class 2.
- Circular No. 42/2020/TT-BGDDT dated 3 November 2020 of the Ministry of Education and Training, cancelling legal documents jointly issued by the Minister of Education and Training in the field of education.
- Circular No. 41/2020/TT-BGDDT dated 3 November 2020 of the Ministry of Education and Training, on cancelling legal documents issued by the Minister of Education and Training in the field of education.

### **Transport**

- Decision No. 2166/QD-BGTVT dated 18 November 2020 of the Ministry of Transport, on inspection of training, testing, and issuing licenses for road motor vehicles' drivers and business of transport by vehicles; and operation of coach stations.
- Decision No. 2149/QD-BGTVT dated 17 November 2020 of the Ministry of Transport, on notification of expired documents relating to management of construction investment projects and selection of contractors.

- Decision No. 2097/QD-BGTVT dated 6 November 2020 of the Ministry of Transport, on E-Government Architecture of Ministry of Transport (Version 2.0).
- Decision No. 2094/QD-BGTVT dated 6 November 2020 of the Minister of Transport, on Overall plan and 5-year plan to implement Resolution No.36-NQ/TW on Strategy for sustainable development of Vietnam's marine economy up to 2030, with an orientation to 2045.
- Circular No. 30/2020/TT-BGTVT dated 18 November 2020 of the Ministry of Transport, on amendments to Circular No. 17/2016/TT-BGTVT, providing guidelines for management and operation of aero ports and airports.
- Consolidated Document No. 09/VBHN-BGTVT dated 5 November 2020 of the Ministry of Transport, combining Circulars providing for technical safety quality inspection and environmental protection applicable to special-use motorbikes issued by the Minister of Transport.

### **Construction**

- Decree No. 136/2020/ND-CP dated 24 November 2020, providing guidelines for Law on Fire Prevention and Fighting and Law amending the Law on Fire Prevention and Fighting.
- Resolution No. 164/NQ-CP dated 5 November 2020 of the Government, on solving difficulties in implementation of projects on investment in constructing urban areas in accordance with Decree No. 11/2013/ND-CP on Management of urban development investment.

### **Natural Resource - Environment**

- Decision No. 2523/QD-BTNMT dated 9 November 2020 of the Minister of Natural Resources and Environment, amending Clause 2 Article 3 of Decision No.3499/QD-BTNMT, on functions, duties, powers and organizational structure of the Natural Resources and Environment Communication Centre.
- Decision No. 3285/QD-BVHTTDL dated 9 November 2020 of the Minister of Culture, Sports and Tourism, on approving the environmental task of “Organizing the campaign for environmental protection in tourism activities”.
- Circular No. 14/2020/TT-BTNMT dated 27 November 2020 of the Minister of Natural Resources and Environment, on the Process of and economic-technical norms for building, maintaining and operating the information system in the

natural resources and environment sector.

### **Science - Technology**

- Decision No. 1881/QD-TTg dated 20 November 2020 of the Prime Minister, approving the National Industrial Promotion Program for the period of 2021-2025.
- Decision No. 3115/QD-BKHCH dated 13 November 2020 of the Ministry of Science and Technology, on amendments to Decision No. 3810/QD-BKHCH, publishing Group 2 products and goods under the management responsibility of the Ministry of Science and Technology.
- Circular No. 38/2020/TT-BCT dated 30 November 2020 of the Minister of Industry and Trade, promulgating the National technical regulation on safety for emergency backup generators used in pit mines.
- Circular No. 36/2020/TT-BCT dated 30 November 2020 of the Minister of Industry and Trade, promulgating the National technical regulation on safety emulsion explosives for use in underground contained explosive gas.
- Circular No. 34/2020/TT-BCT dated 30 November 2020 of the Minister of Industry and Trade, promulgating the National Technical Regulation on emulsion explosives for open-cast use.
- Circular No. 33/2020/TT-BCT dated 30 November 2020 of the Minister of Industry and Trade, promulgating the National technical regulation on high energy emulsion explosives for use in open-cast.

### **Information - Communications**

- Decision No. 2046/QD-BTTTT dated 24 November 2020 of the Ministry of Information and Communications, publishing amended administrative procedures in the field of Telecommunications and Internet under the management functions of the Ministry of Information and Communications.
- Decision No. 1907/QD-TTg dated 23 November 2020 of the Prime Minister, approving the Scheme on "Propagating, raising awareness and disseminating knowledge about information security in the period of 2021-2025".
- Decision No. 1864/QD-BTTTT dated 3 November 2020 of the Minister of Information and Communications, on recognition of foreign organizations' information technology certificates used in Vietnam to meet the standards of skills using basic information technology.

- Circular No. 39/2020/TT-BTTTT dated 24 November 2020 of the Ministry of Information and Communications, regulating management of communal radio stations applying information technology - telecommunications.
- Circular No. 38/2020/TT-BTTTT dated 16 November 2020 of the Ministry of Information and Communications, on “National technical regulation on Low Power Wide Area Networks (LPWAN) operating in the 920 MHz to 923 MHz frequency band”.
- Circular No. 37/2020/TT-BTTTT dated 13 November 2020 of the Ministry of Information and Communications, on Planning for use of frequency channels for terrestrial digital television operating in the 470-694 MHz band.
- Circular No. 36/2020/TT-BTTTT dated 13 November 2020 of the Ministry of Information and Communications, amending Circular No. 40/2016/TT-BTTTT on training, issuance, renewal, re-issuance, and revocation of the marine radio operators’ certificates.
- Circular No. 35/2020/TT-BTTTT dated 6 November 2020 of the Ministry of Information and Communications, promulgating "National technical regulation on wideband data transmission equipment operating in the 2.4 GHz band".
- Circular No. 34/2020/TT-BTTTT dated 6 November 2020 of the Ministry of Information and Communications, promulgating "National technical regulation on short-range device (SRD) to be used in the 1 GHz to 40 GHz frequency range".
- Circular No. 33/2020/TT-BTTTT dated 4 November 2020 of the Minister of Information and Communication, amending Circular No. 08/2013/TT-BTTTT on management of telecommunications services’ quality.
- Circular No. 32/2020/TT-BTTTT dated 4 November 2020 of the Minister of Information and Communications, on the List of telecommunications services subject to quality management.

### **Administration - Judiciary**

- Resolution No. 172/NQ-CP dated 19 November 2020 of the Government, on the policy on development of notary profession.
- Decree No. 138/2020/ND-CP dated 27 November 2020, providing for recruitment, use and management of public officials.
- Decree No. 133/2020/ND-CP dated 9 November 2020, providing guidelines for Law on Enforcement of Criminal Judgments.

- Decision No. 1957/QD-TTg dated 30 November 2020 of the Prime Minister, approving the Plan of organizing the implementation of the ASEAN Convention Against Human Trafficking in Persons, Especially Women and Children.
- Decision No. 1722/QD-TTg dated 3 November 2020 of the Prime Minister, on the list of the State secrets of the Vietnam Communist Party.
- Decision No. 2237/QD-BTP dated 3 November 2020 of the Ministry of Justice, publishing the list of administrative procedures for receipt on the Public service portal and “single-window” electronic information system of the Ministry of Justice.
- Circular No. 5/2020/TT-BNV dated 9 November 2020 of the Minister of Home Affairs, cancelling Clause 7, Article 2 of Circular No. 12/2019/TT-BNV, providing guidelines for Decree No. 91/2017/ND-CP guiding the Law on Emulation and Commendation.
- Circular No. 117/2020/TT-BCA dated 5 November 2020 of the Minister of Public Security, on amendments to Circular No 13/2016/TT-BCA regulating implementation of the task of protecting the trials by the people’s public security forces.

### **Agriculture - Forestry - Fishery**

- Decision No. 4832/QD-BNN-TCLN dated 27 November 2020 of the Ministry of Agriculture and Rural Development, publishing the List of types of wood imported into Vietnam and the List of geographical regions actively exporting timber to Vietnam.
- Decision No. 4431/QD-BNN-TCTS dated 5 November 2020 of the Minister of Agriculture and Rural Development, approving the Scheme on development of lobster farming and export up to 2025.
- Decision No. 4354/QD-BNN-TCTS dated 2 November 2020 of the Ministry of Agriculture and Rural Development, approving the Project on development of blue-legged prawn production and export.
- Joint Circular No. 14/2020/TTLT-BNNPTNT-BTP-BCA-VKSNDTC-TANDTC dated 26 November 2020 of the Ministry of Agriculture and Rural Development, Ministry of Justice, Ministry of Public Security, Supreme People's Procuracy, and Supreme People's Court, cancelling Joint Circular No. 19/2007/TTLT-BNN-BTP-BCA-VKSNDTC-TANDTC, providing guidelines for

application of a number of articles of the Criminal Code on crimes in the fields of forest management, forest protection, and management of forest products.

- Circular No. 13/2020/TT-BNNPTNT dated 9 November 2020 of the Minister of Agriculture and Rural Development, on amendments to Circular No.21/2018/TT-BNNPTNT, providing for reporting, submitting fishing reports and daily diaries; publishing a designated fishing port to certify the origin of aquatic products from fishing; a list of illegal fishing vessels; certification of raw materials, certification of the origin of the caught aquatic products.
- Circular No. 12/2020/TT-BNNPTNT dated 9 November 2020 of the Ministry of Agriculture and Rural Development, regulating the management of veterinary medicines containing narcotics and precursors; veterinary prescriptions and veterinary prescription forms; and amending Circular No.18/2018/TT-BNNPTNT.

### **Enterprises**

- Decision No. 1804/QĐ-TTg dated 13 November 2020 of the Prime Minister, approving the Program to support the development of collective economy and cooperatives in the period of 2021-2025.
- Circular No. 08/2020/TT-BKHDT dated 13 November 2020 of the Ministry of Planning and Investment, providing guidelines for the receipt of sponsorship, contributions, and trust by the Small and Medium-Sized Enterprise Development Fund.

### **Miscellaneous**

- Decree No. 134/2020/ND-CP dated 15 November 2020, amending Decree No.84/2016/ND-CP on standards and conditions for practicing auditors and auditing organizations approved for auditing entities with the public interest.
- Decree No. 132/2020/ND-CP dated 5 November 2020, providing for tax administration applicable to enterprises involved in associated transactions.
- Decision No. 1832/QĐ-TTg dated 18 November 2020 of the Prime Minister, on the Action Framework for reforming mechanisms and policies on the Mekong delta.
- Decision No. 1326/QĐ-LĐTBXH dated 4 November 2020 of the Ministry of Labour, War Invalids and Social Affairs, publishing amended administrative procedures within the scope of the State management functions of the Ministry

Labour, War Invalids and Social Affairs on implementing policies to support people facing difficulties caused by the Covid-19 pandemic.

- Circular No. 89/2020/TT-BTC dated 11 November 2020 of the Minister of Finance, on amendments to Circular No. 50/2017/TT-BTC dated 5 May 2017 of the Ministry of Finance, providing guidelines for implementation of Decree No.73/2016/ND-CP dated 1 July 2016, providing guidelines on the Law on Insurance Business and the Law amending Law on Insurance Business, Circular No. 105/2016/TT-BTC dated 29 June 2016 of the Ministry of Finance, providing guidelines for outbound portfolio investment activities of securities trading organizations and securities investment funds, securities investment companies and insurance businesses, Circular No. 195/2014/TT-BTC dated 17 December 2014 of the Ministry of Finance, providing guidelines for evaluation and classification of insurers, Circular No. 115/2014/TT-BTC dated 20 August 2014 of the Ministry of Finance, providing guidelines for implementation of insurance policies as prescribed in Decree No. 67/2014/ND-CP dated 7 July 2014, on some fisheries development policies; and cancelling Circular No. 116/2014/TT-BTC, providing guidelines for financial issues for insurers implementing insurance as prescribed in Decree No. 67/2014/ND-CP dated 7 July 2014, on some fisheries development policies and Circular No. 43/2016/TT-BTC dated 3 March 2016 of the Ministry of Finance, amending Article 5 of Circular No. 116/2014/TT-BTC dated 20 August 2014 of the Ministry of Finance, providing guidelines for some financial issues for insurers implementing insurance in accordance with Decree No.67/2014/ND-CP dated 7 July 2014, on some fisheries development policies.
- Decision No. 2825/QD-BCT dated 3 November 2020 of the Minister of Industry and Trade, correcting Circular No. 21/2020/TT-BCT on the order of and procedures for licensing electricity activities.

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