



GLOBAL VIETNAM
LAWYERS

LEGAL NEWSLETTER

Issue No. 04 | April 2020











**GLOBAL VIETNAM
LAWYERS**

Legal Newsletter
April 2020



MAIN CONTENTS

-  **REMARKABLE REGULATIONS**
-  **PROVISIONS RELATED TO THE
COVID-19 PANDEMIC**
-  **ARTICLE**
-  **READING FOR YOU**
-  **ANSWERS TO QUERIES**
-  **LIST OF LEGAL DOCUMENTS ISSUED
IN THE MONTH**

www.gvlawyers.com.vn





REMARKABLE REGULATIONS

- ⇒ Guidelines on the 2018 Law on Competition
- ⇒ Conditions for granting a guest worker provision service license



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

- ⇒ Regulations on measures to prevent and control the Covid-19 pandemic
- ⇒ Support policy for businesses affected by Covid-19
- ⇒ Resolving the benefit regimes for employees during work suspension due to Covid-19 pandemic
- ⇒ Criminal handling related to the prevention and control of Covid-19 pandemic



REMARKABLE REGULATIONS

Guidelines on the 2018 Law on Competition

On 24 March 2020, the Government issued Decree 35/2020/ND-CP detailing a number of articles of the Law on Competition by the National Assembly on 12 June 2018. Accordingly, Decree 35/2020/ND-CP will take effect on 15 May 2020 and feature some remarkable contents as follows:

a). Determination of relevant market

Relevant market is determined based on the relevant product market and the relevant geographical market

➤ Determination of relevant product market

- Relevant product market means a market of goods and services which are interchangeable in terms of characteristics, use purpose and price.
- Goods and services are deemed to be interchangeable in terms of characteristics if such goods or services have one or more of the following factors which are similar: (i) Characteristics of the goods or services; (ii) Composition of the goods or services; (iii) Physical or chemical properties of the goods; (iv) Technical features of the goods or services; (v) Side effects of the goods or services on users; (vi) Absorption capacity of users; (vii) Other distinct properties of the goods or services.
- Goods or services are deemed to be interchangeable in terms of their use purpose if such goods or services have the same main use purpose.
- Goods or services are deemed to be interchangeable in terms of their price when their price differs by no more than 5% in similar transaction conditions.
- If the said factors are not sufficient to determine the relevant product market, one or more factors may be considered, such as the time of use of the goods or services; consumer habits, etc.

➤ Determination of relevant geographical market

- Relevant geographical market means a specific geographical area in which interchangeable goods or services are supplied on similar competitive conditions and which is significantly different from neighbouring geographical areas.
- The boundary of a geographical area is determined based on the following factors:
 - (i) The business establishments of enterprises participating in distribution of the relevant goods or services are located within the geographical area.
 - (ii) The business establishments of other enterprises located in neighbouring geographical areas are close enough to the geographical area prescribed in sub-clause (a) above to compete with relevant goods or services in such geographical area.
 - (iii) Costs of transporting the goods or of providing the services.
 - (iv) Time for transporting the goods or providing the services.
 - (v) Barriers to market entry or market expansion.
 - (vi) Consumer habits.
 - (vii) Costs and time for customers to purchase the goods or services.
- A geographical area is deemed to have similar competitive conditions and to significantly differ from neighbouring geographical areas if it satisfies either or both of the following criteria:
 - (i) The transportation costs and transportation time cause the price of the goods or services to increase by no more than 10%.
 - (ii) One of the barriers to market entry and market expansion prescribed in Article 8 is present.



REMARKABLE REGULATIONS

Guidelines on the 2018 Law on Competition

b) Determining market share

- The market share of an enterprise in the relevant market is determined by one of the methods prescribed in article 10 of the Law on Competition.
- The sales turnover, input purchase turnover, number of units sold, and input purchased for any one type of goods and services of a group of affiliated enterprises are determined as follows:
 - (i) Sales turnover, input purchase turnover, number of units sold, and input purchased for any one type of goods and services in order to determine the market share of a group of affiliated enterprises is calculated as equal to the total sales turnovers, input purchase turnovers, numbers of units sold, and input purchased for such type of goods and services of all of the enterprises in such group.
 - (ii) Sales turnovers, input purchase turnovers, numbers of units sold, and input purchased for any one type of goods and services of a group of affiliated enterprises does not include the sales turnover, input purchase turnover, or number of units sold and input purchased from the sale of goods and supply of services among the enterprises in such group of affiliated enterprises.

- The market share of an enterprise belonging to a group of affiliated enterprises is the market share of such group.

c) Determining significant market power

The significant market power of an enterprise or group of enterprises is determined based on one or more of the following factors:

- Correlation of market shares among enterprises in the relevant market.
- The financial strength and scale of the enterprise or group of enterprises.
- Barriers preventing other enterprises entering or expanding the market.
- Ability to hold, access and control the market for distribution and/or sale of goods or services, or supply sources of goods and services.
- Advantages of technology and technical infrastructure of the enterprise or group of enterprises.
- Ownership and the right to hold and access infrastructure.
- Ownership and the right to use objects of intellectual property rights.
- Ability to switch to sources of supply and demand of other relevant goods or services.
- Special factors in the industry or sector in which the enterprise or group of enterprises is currently conducting business



REMARKABLE REGULATIONS

Guidelines on the 2018 Law on Competition

d) Safety threshold for an agreement on restricting competition and economic concentration

- An agreement on restricting competition is deemed not to have a significant competition-restricting impact in either of the following cases:
 - (i) Applicable to an agreement among enterprises in the same relevant market, when the combined market share of the participating enterprises is below 5%. (*Horizontal competition restriction agreement*)
 - (ii) Applicable to an agreement among enterprises conducting business at different stages in the same production, distribution and supply chain for a specified type of goods or services, when the market share of each participating enterprise is below 15%. (*Vertical competition restriction agreement*)
- Economic concentration is considered safe when:
 - (i) The combined market share of the enterprises intending to participate in the economic concentration is less than 20% in the relevant market; or the combined market share of the enterprises intending to participate in the economic concentration is 20% or more in the relevant market and the total market share squares of the enterprises after such economic concentration in the relevant market will be less than 1,800 (*calculated according to the formula prescribed in Article 2.4 of Decree 35/2020/ND-CP*); the combined market share of the enterprises participating in the economic concentration is 20% or more in the relevant market, and the total market share squares of the enterprises after such economic concentration in the relevant market will be above 1,800 and the increase in the total market share squares of the enterprises in the relevant market both before and after the economic concentration is less than 100. (*Horizontal economic concentration*).
 - (ii) The enterprises participating in the economic concentration have relationship with one another in the chain of production, distribution and supply of a certain type of goods or services, or their business lines provide mutual inputs or provide ancillary support to one another is less than 20% in each relevant market. (*Vertical economic concentration*).



e) Economic concentration notification threshold

- Enterprises intending to participate in an economic concentration must notify the National Competition Council prior to carrying out the economic concentration in any of the following cases:
 - (i) Total assets in the market of Vietnam of the enterprise or group of affiliated enterprises of which such enterprise is a member are VND 3,000 billion or more in the financial year immediately preceding the year of proposed implementation of economic concentration.
 - (ii) Total sales turnover or input purchase turnover in the market of Vietnam of the enterprise or group of affiliated enterprises of which the enterprise is a member is VND 3,000 billion or more in the financial year immediately preceding the year of proposed implementation of economic concentration.
 - (iii) The transaction value of the economic concentration is VND 1,000 billion or more.
 - (iv) The combined market share of the enterprises intending to participate in the economic concentration is 20% or more in the relevant market in the financial year immediately preceding the year of proposed implementation of economic concentration.
- Within 30 days after receipt of a complete and valid file notifying an economic concentration, the National Competition Council will issue a notice of the results of its preliminary appraisal of the economic concentration

In addition, Decree 35/2020/ND-CP stipulates the evidence in competition legal proceedings such as rights and obligations regarding evidence; circumstances and facts not required to be proven; submitting evidence; arranging for or requesting an expert evaluation; arranging for an evaluation if evidence is alleged to be false; entrusting others to collate data and evidence; preserving evidence; evaluation of evidence; announcement and use of evidence. Sequence and procedures for taking preventive measures and ensuring resolution of administrative breaches during an investigation and resolution of competitive cases



REMARKABLE REGULATIONS

Guidelines on the 2018 Law on Competition

On 03 April 2020, the Government issued Decree 38/2020/ND-CP on detailing and guiding the implementation of a number of Articles of the Law on Vietnamese Guest Workers under Contract by the National Assembly on 29 November 2006. Accordingly, Decree 38/2020/ND-CP specifies conditions for granting a guest worker service provision license as follows:

- ❖ **Conditions on enterprise type and charter capital:** enterprises providing guest worker service (hereinafter referred to as the service enterprises) must be limited liability companies, joint stock companies and partnerships that are established and operates in accordance with the Law on Enterprises and meet the conditions on (i) charter capital not less than VND five (5) billion, and having an owner, all members and shareholders as domestic investors in accordance with the 2014 Law on Investment.
- ❖ **Scheme of sending workers abroad:** the content of the scheme on sending workers to work abroad must comply with the Vietnamese law and the countries receiving the workers, be made according to Form No. 02, Appendix II attached to this Decree.
- ❖ **The specialized section to provide necessary knowledge for workers:**
 - Enterprises must have a specialized section to provide necessary knowledge for workers before sending them working abroad and to provide guest worker services.
 - The facilities for organizing necessary refresher courses for workers owned by the service enterprise or being hired stably by the service enterprise under a contract in accordance with the law and must at least meet the following conditions: (i) having sufficient studying and living rooms for 100 workers at the same time; (ii) the average area of a study room is 1.4 m²/student and the average area of a living room is 3.5 m²/student. Such a room must have the basic equipment for the studying and boarding activities.
 - A service enterprise that is granted the guest worker provision service license for the first time must make a plan on the organization of the specialized section in charge of providing the necessary knowledge for workers and activities of sending them abroad within 90 days of granting the license.

❖ **Conditions on the professional staff and the executive leader**

The professional staff must meet the following conditions:

- (i) Signing labour contracts with a definite or indefinite-term with the service enterprises.
- (ii) Beyond the time of being examined for penal liability, executing a criminal sentence of a court and beyond a period of ban from holding a post, practicing a profession or a job.
- (iii) Qualification from college or higher.
- (iv) The professional staff exploiting the foreign market, recruiting and managing guest workers and provision of necessary knowledge must graduate in one of the following majors such as law, economic/business administration, foreign language and spend at least 01 year working in the field of sending guest workers abroad.
- (v) The executive leader is the legal representative of the enterprise and meets conditions as prescribed in Article 9.3 of the Law on Vietnamese Guest Workers under Contract and beyond the time of being examined for penal liability, executing a criminal sentence of a court and beyond a period of ban from holding a post, practicing a profession or a job.

- ❖ **Deposits:** an enterprise will make a deposit of VND one (01) billion at a commercial bank that is permitted to operate in Vietnam. The service enterprise's deposit will be used in accordance with Articles 22.1 and 22.2 of the Law on Vietnamese Guest Workers under Contract.

In addition, Decree 38/2020/ND-CP also stipulates the conditions for operating the service of sending guest workers into the territory of Taiwan; the conditions for operating the service of sending workers on skill internship to Japan; the conditions for operating the service of sending guest workers abroad as domestic workers in Middle East countries.

Decree 38/2020/ND-CP takes effect on 20 May 2020, replacing Decree 126/2007/ND-CP dated 01 August 2007 and annulling Decision 19/2007/QĐ-BLĐTBXH dated 18 July 2007.



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

1. Regulations on measures to prevent and control the Covid-19 pandemic

The COVID-19 pandemic broke out globally, affecting 2,406,905 people, killing 165,058 people in 210 countries (Source: <https://www.worldometers.info/coronavirus/> dated 20 April 2020) and territories and showing no sign of ending. In Vietnam, the number of infected cases increases rapidly day by day at a high risk of infection in the community. It is predicted that the pandemic will spread on a large scale, seriously threatening human life and health and the country's socio-economic scenarios. In furtherance of the call of the General Secretary and President - Nguyen Phu Trong and in the spirit of attaching great importance to human health and life in order to continue to proactively prevent and control the pandemic, the Prime Minister issued documents instructing ministries, ministerial-level agencies, governmental agencies and the People's Committees of centralized provinces and cities to focus on implementing the pandemic prevention and control measures, complying with the instructions of the National Steering Committee for COVID-19 pandemic prevention and control, and effectively implementing the following urgent measures:



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

1. Regulations on measures to prevent and control the Covid-19 pandemic

Date	Measures to prevent and control the COVID-19 pandemic	Direct document
31/01/2020	<p>The Prime Minister's instructions are as follows:</p> <ul style="list-style-type: none">▪ To treat the epidemic prevention and control as "against the enemy", protect citizen's lives, health and minimize life losses.▪ To suspend the flights from Vietnam to China's epidemic sites and vice versa. To stop people from exiting and entering by laissez-passers for travel purpose, to ban people from crossing Vietnam - China border through trails and open way.▪ To suspend upcoming festivals, to decrease the scale of those festivals which have been opened; to require people to wear face mask at public places, and to restrict them from spring trips and joining festivals.▪ To strongly prohibit any action of hoarding in massive number and raising prices of face masks, medical equipment and supplies used in preventing and fighting against the epidemic.▪ To closely supervise suspicious cases in 14 days; to isolate, supervise and promptly treat suspicious cases; to fumigate suspected epidemic sites in accordance with the provisions.▪ To strictly prevent pupils and students who show signs of infection from going to school; apply preventing and fighting measures against the epidemic such as to wear face masks, to wash hand with soap and sterilizing substances.▪ In-charge hospitals will be ready to admit and carry out treatment for any patient.	Directive No. 06/CT-TTg
25/02/2020	<p>The Prime Minister instructs:</p> <ul style="list-style-type: none">▪ The Ministry of Foreign Affairs will immediately report to Korea and other countries, territories which are infected by the Covid-19 epidemic about temporary suspension of entry into Vietnam with respect to people coming from or traveling to the epidemic sites.▪ For those who enter Vietnam for special official duties will have to carry out health declaration and be put under concentrated isolation for 14 days in accordance with the current regulations.	Directive No. 10/CT-TTg
11/3/2020	<p>The Prime Minister requests:</p> <ul style="list-style-type: none">▪ To temporarily halt unilateral visa exemption and validity of visa exemption certificates granted to Vietnamese expatriates and foreigners as their spouses and children in Denmark, Norway, Finland, Sweden, England, France, Germany and Spain.▪ To deploy compulsory health declaration with all passengers entering Vietnam and isolate cases coming from or traveling to epidemic sites▪ To minimize flights from Vietnam to epidemic areas and vice versa (including foreign airlines), strictly manage tourist activities, ensure safety.▪ To postpone oversea duty tours (special cases must be approved by the Prime Minister) and warn people against going aboard, especially to the epidemic sites.	Directive No. 13/CT-TTg



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

1. Regulations on measures to prevent and control the Covid-19 pandemic

Date	Measures to prevent and control the COVID-19 pandemic	Direct document
21/3/2020	<p>The Prime Minister instructs:</p> <ul style="list-style-type: none">To suspend entry for all foreigners entering Vietnam and declare effect from 00:00 on 22 March 2020.To continue promptly minimizing and separating flights carrying passengers from abroad into Vietnam, including foreign airlines, to create favorable conditions for foreign passenger flights to leave Vietnam.	Notification No. 118/TB-VPCP
27/3/2020	<p>The Prime Minister requests that the provincial People's Committees will direct and apply the following measures to restrict crowded gatherings from 00:00 on 28 March to the end of 15 April 2020:</p> <ul style="list-style-type: none">To suspend all meetings, events of over 20 people in one room; not to gather over 10 people outside of offices, schools, and hospitals; to keep a distance of at least 2 meters away from other people at public places.To stop all spiritual events and activities of over 20 people at religious, belief and worship establishments; to suspend all cultural, sport and entertainment events in public areas.To postpone operations of service and trading facilities in local areas, except for those selling essential goods and services.To restrict the commuting of citizens, especially those from pandemic provinces and cities to other localities. The Ministry of Transport must instruct to limit flights and passenger transportation activities from Ha Noi City and Ho Chi Minh City to other areas of the country. To postpone or reorganize public transport to restrict commuting and social gatherings, excluding cargo vehicles.	Directive No. 15/CT-TTg
31/3/2020	<p>The Prime Minister requests:</p> <ul style="list-style-type: none">To carry out nationwide social distancing for 15 days from 0:00 on April 01, 2020 in the principle that the one family isolates itself from the other, the one village from the other, the one commune from the other commune, the one district from the other district, the one province from the other province; workshops and factories must maintain safe distances, perform disinfection, and their employees must wear face masks, disinfect and sterilize in accordance with regulations.People are required to stay at home, only leave home in case of necessity, including buying food, foodstuffs and medicine, emergency, working in factories, manufacturing facilities, factories and businesses providing essential goods and services that are not closed and other emergency cases.To strictly observe the minimum distance of 2m when communicating.Not to gather over 2 people outside of public offices, schools, and hospitals and public places.To temporarily close main and auxiliary border gates for people traveling from 00:00 on April 01, 2020 on the border with Laos and Cambodia.	Directive No. 16/CT-TTg



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

2. Support policy for businesses affected by Covid-19

The Covid-19 pandemic has remained complicated, unpredictable, spreading and breaking out in many countries and regions around the world, greatly affecting the global economy, countries and major partners of our country. Domestically, Covid-19 pandemic has been affecting many aspects of the economy and society; the life of residents is filled with difficulties; many businesses, business households and cooperatives have to suspend their operations, narrow their production scale or produce in moderation, and the situation may become more complicated if the pandemic is prolonged. In order to share difficulties with businesses and contribute to social stability, the Government implements a number of measures to support businesses facing difficulties due to Covid-19 pandemic:



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

2. Support policy for businesses affected by Covid-19

Policy	Date	Supportive measures	Written guideline
1. Loan support	04/3/2020	The Government assigns the State Bank of Vietnam to direct credit institutions to balance, fully and promptly meet capital needs for production and business, accelerate administrative procedure reform, shorten the time to review loan applications, improve access to loans by customers; promptly apply supportive measures such as rescheduling, considering interest rate exemptions, keeping the debt group, reducing fees ... for customers who are in dire straits due to the effects of the Covid-19 epidemic. (Firstly, the credit support package is about VND 250 trillion).	Directive No. 11 / CT-TTg
	31/3/2020	The State Bank provides refinancing loans to credit institutions to implement programs under the direction of the Government and the Prime Minister, supporting the restructuring of credit institutions and dealing with bad debts under the form of refinancing on the basis of special bonds of VAMC, on-lending under credit documents, loans secured by pledge of valuable papers and other forms of refinancing as prescribed.	Directive No. 02 / CT-NHNN
	09/4/2020	The Government allows employers who have financial difficulties and have prepaid a minimum of 50% of the suspension salary from April to June 2020 to borrow without collaterals up to 50% of area minimum wages for each employee based on actual pay period but not more than 03 months at 0% interest rate, with maximum loan term of 12 months at Social Policy Bank to pay the remaining salary and direct disbursement monthly to suspended employees.	Resolution No. 42/ NQ-CP
2. Tax support	03/3/2020	<p>The General Department of Taxation guides the extension of tax payment, exemption of late payment interest due to the Covid-19 epidemic as follows:</p> <ul style="list-style-type: none"> In case of extension of tax payment time when "material damage directly affects production and business due to natural disasters, fires or unexpected accidents". Dossiers and procedures for requesting tax payment extension comply with Article 31.3 of Circular 156/2013/TT-BTC. In case of exemption from late payment interest, "taxpayers who have to pay late payment interest as prescribed in Article 34 of this Circular have the right to request exemption of late payment interest in case of natural disasters, fires, unexpected accidents, epidemics, dangerous diseases or other force majeure circumstances ". The application for exemption of late payment interest is made according to Article 35.3 of Circular 156/2013 / TT-BTC. 	Official Letter No. 897 / TCT-QLN
	08/4/2020	The Government officially issued Decree 41/2020/ND-CP on extending the deadline for paying taxes and land rents. Importantly, this Decree takes effect immediately. Accordingly, from April 8, 2020, businesses and business households are allowed to extend the time limit for paying corporate income tax, personal income tax, value added tax and land rent. For details at https://gvlawyers.com.vn/thong-bao-phap-luat/?lang=en	Decree No. 41/2020 / ND-CP



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

2. Support policy for businesses affected by Covid-19

Policy	Date	Supportive measures	Written guideline
3. Suspension of payment of social insurance premiums into pension and survivorship fund	17/3/2020	<p>The Vietnam Social Insurance guides the suspension of payment to the retirement and survivorship fund in favour of those affected by the Covid-19 epidemic until the end of June 2020 or December 2020 and excludes late payment interest. Accordingly, businesses in the industries of passenger transport, tourism, accommodation, restaurants and other special industries are facing difficulties caused by the epidemic and resulting in no jobs for employees, in which the number of employees participating in social insurance (SI) must suspend jobs and account for 50% or more of the total number of present employees before suspending production, business or more, or suffer damages more than 50% of the total value of assets caused by the epidemic (excluding the value of assets being land) in accordance with Article 88.1 of the Law on Social Insurance 2014; Articles 16.1, 16.2, 16.3 and 16.4 of Decree 115/2015/ND-CP of November 11, 2015 and Article 28 of Circular 59/2015/TT-BLĐTBXH of December 29, 2015.</p> <p>In addition, Social Insurance neither carries out specialized inspection of SI payment nor inspects compliance with the laws on SI, health insurance and unemployment insurance by enterprises affected by the Covid-19 epidemic if enterprises show no signs of violation during the suspension of contribution to the retirement and survivorship fund.</p>	Official Letter No. 860 / BHXH-BT
4. Back to the time of union dues	18/3/2020	The Vietnam General Confederation of Labor allows business and production enterprises affected by Covid-19 epidemic (enterprises with employees participating in social insurance and suspending jobs from 50% or more of the total employees who participate in compulsory social insurance) are allowed to postpone the payment of trade union funds for the first 6 months of 2020 until June 30, 2020. If after this time, the Covid-19 epidemic has not been relieved and enterprises continue to face difficulties, the payment time will be delayed until December 31, 2020.	Official Letter No. 245 / TLD
5. Exemption and reduction of interests and fees according to internal regulations of the credit institution	13/3/2020	The State Bank of Vietnam promulgates Circular No. 01/2020 / TT-NHNN requiring credit institutions and branches of foreign banks to restructure the repayment, exemption and reduction of interest and fee rates, and maintain the debt group affected by Covid-19 epidemic. Accordingly, credit institutions and branches of foreign banks will decide the exemption and reduction of interests and fees according to internal regulations for the outstanding debts arising from credit activities (except for activities of purchasing, investing corporate bonds) with regard to customers whose (i) the obligation to repay the principal and/or due interest within the period from January 23, 2020 to the next day after 03 months of the date the Prime Minister announces the end of the Covid-19 epidemic and (ii) customers are unable to pay the debt on time, both principal and / or interest according to the signed contracts or agreements due to the decrease in revenue and income impacted by the Covid- 19 epidemic.	Circular No. 01/2020 / TT-NHNN



PROVISIONS RELATED TO THE COVID-19 PANDEMIC

3. Resolving the benefit regimes for employees during work suspension due to Covid-19 pandemic

In order to implement the regime of paying employees salaries and other benefits during their work suspension due to Covid-19 pandemic in accordance with the labour law, the Ministry of Labour, War Invalids and Social Affairs issued Official Letter 1064/LDTBXH-QHLDL on 25 March 2020 for the Departments of Labour, War Invalids and Social Affairs to guide enterprises in their local provinces to implement:

- Suspension pay must be based on Article 98 of the Labour Code to consider the causes of work suspension (due to the employer's or employee's fault or an objective reason).
- For employees who are suspended due to direct impacts of Covid-19 pandemic such as foreign employees who are not yet allowed to return to work, employees who are suspended from work during quarantine, etc., the suspension pay will be provided in accordance with Article 98.3 of the Labour Code (the pay will be agreed upon by both parties but must not be smaller than the area minimum wages).
- Where enterprises cannot provide adequate employment due to supply shortage or market stagnation, employers may temporarily reassign employees differently from their employment contracts in accordance with Article 31 of the Labour Code; in case any prolonged work suspension impacts on the payment by enterprises, employers and employees may reach an agreement on suspension of the employment contracts in accordance with Article 32 of the Labour Code; enterprises that narrow down their production and downsize staff positions must comply with Article 38 or Article 44 of the Labour Code.
- For other arising cases, the Department of Labour, War Invalids and Social Affairs will deal with in accordance with laws depending on the facts and specific situations.

On 09 April 2020, according to Resolution 42/NQ-CP of the Government on measures to support residents affected by the COVID-19 pandemic, an employee will be supported for a period of less than 03 months from 01 April 2020. Specifically as follows:

- Employees working under the labour contract must agree to suspend its performance, take unpaid leave for 01 month or more due to difficulties caused to enterprises by the pandemic while enterprises neither gain turnover nor seek financial source to pay the subsidy of VND 1.8 million /capita/month
- An employee who terminates his/her labour/employment contract, but is not eligible for unemployment benefit; has no labour contract will be entitled to a subsidy of VND 1,000,000/month.
- Employees will be entitled to send an application for enjoying unemployment benefits by post, notify their monthly employment in indirect forms such as e-mail, fax, etc. from 01 April 2020 until the date of epidemic termination announcement without certification of the town/ward/commune-level People's Committee on the epidemic outbreak.

PROVISIONS RELATED TO THE COVID-19 PANDEMIC

4. Criminal handling related to the prevention and control of Covid-19 pandemic

In order to contribute to preventing the increasingly complicated developments of Covid-19 pandemic, the Council of Justices of the Supreme People's Court issued Official Letter 45/TANDTC-PC on 30 March 2020 on hearing offences against the regulations on prevention and control of Covid-19 pandemic.

- Accordingly, the guidelines for determining a number of offences according to the Criminal Code are as follows:
 - (i) When a person who has been informed that he/she is a confirmed case of Covid-19 infection; a person is suspected of Covid-19 infection or returns from a Covid-19 epidemic site and is requested to conduct quarantine commits one of the following actions: breaking out of the quarantine area; failure to comply with quarantine regulations; refusing or avoiding quarantine or enforcement of quarantine; failure to make health declaration or making dishonest or insufficient health declaration and subsequently transmits Covid-19 virus to another person, he/she will face a charge of *"spreading dangerous infectious diseases to other humans"* according to Article 240.1.c. of the Criminal Code.
 - (ii) When a person who is not a confirmed case of Covid-19 infection and lives in an area that has been put into quarantine or lockdown under an official decision commits one of the following actions: breaking out of the area being put under quarantine or lockdown; failure to comply with quarantine regulations; refusing or avoiding quarantine or enforcement of quarantine; failure to make health declaration or making dishonest or insufficient health declaration and subsequently causes a loss of VND 100,000,000 or more in terms of epidemic control and prevention expenses, he/she will face a charge of *"violation against the law on safety in crowded areas"* according to Article 295 of the Criminal Code.
 - (iii) The owner/manager of a service establishment (bar, dance club, karaoke club, massage parlor, beauty salon, etc.) who continues its operation after a competent authority or person has issued a decision on business suspension for the prevention and control of Covid-19 epidemic and causes a loss of 100.000.000 or more in terms of epidemic control and prevention expenses will face a charge of *"violation against the law on safety in crowded areas"* according to Article 295 of the Criminal Code.

(iv) A person who posts false/untrue/distorted information about Covid-19 epidemic situation on a computer network or telecommunications network and causes negative reactions will face a charge of *"illegal provision or use of information on computer networks or telecommunications networks"* according to Article 288 of the Criminal Code.

(v) A person who is not allowed to publish personal information, private secrets, resulting in gravely humiliating the honour and dignity of any health worker, participant in the prevention and control of Covid-19 epidemic, confirmed case, suspected case of Covid-19 infection will face a charge of *"insulting another person"* according to Article 155 of the Criminal Code.

(vi) A person who takes advantage of Covid-19 pandemic to provide false information about the effects of a drug or medical device related to the prevention and control of epidemic to appropriate another person's property will face a charge of *"appropriating property by fraud"* in Article 174 of the Criminal Code.

(vii) A person who is caught moving or is found to have moved drugs and medical supplies serving the prevention and control of Covid-19 epidemic out of Vietnam's border for an improper gain will face a charge of *"smuggling"* according to Article 188 of the Criminal Code.

(viii) A person who takes advantage of the scarcity or fakes scarcity during Covid-19 pandemic to buy in large quantities the goods subject to a price stabilization program as announced by the competent state authority or the goods priced by the State in order to resell for illegal profits will face a charge of *"hoarding"* according to Article 196 of the Criminal Code.

(ix) A person who uses violence or threat of violence or otherwise obstruct a law enforcement officer performing his/her Covid-19 epidemic controlling tasks will face a charge of *"resisting a law enforcement officer during performance of his/her official duties"* according to Article 330 of the Criminal Code.

(x) A person who takes responsibility for Covid-19 epidemic prevention and control but fails to implement or implement epidemic prevention and control measures in an insufficient and untimely fashion and causes serious consequence will face a charge for *"negligence resulting in serious consequences"* according to Article 360 of the Criminal Code.

PROVISIONS RELATED TO THE COVID-19 PANDEMIC

4. Criminal handling related to the prevention and control of Covid-19 pandemic

Those who commit one of the said acts, depending on the seriousness of their violations, will be strictly punished in form of fines, community sentence or suspended imprisonment sentence. Besides the primary punishments, the court will consider imposing additional punishments and judicial measures as prescribed in the Criminal Code.

Later, on 03 April 2020, the Supreme People's Procuracy issued Directive 03/CT-VKSTC on strengthening the exercise of the right to prosecute, control judicial activities in handling crimes related to the prevention and control of Covid-19 epidemic. Accordingly, the Head of the Supreme People's Procuracy requests the Heads of the units affiliated to the Supreme People's Procuracy to coordinate with the investigating bodies and courts of the same level to detect and promptly handle and strictly punish the offenses related to the prevention and control of Covid-19 epidemic such as failing to strictly abide by the regulations on epidemic prevention and control, which spread the epidemic to the community; violating regulations in crowded places, causing any damage of VND 100,000,000 or more in terms of the cost of prevention and control of Covid-19 epidemic; making false or untrue information about epidemics causing confusion, anxiety in society or acting for the purpose of opposing the State; taking advantage of the epidemic situation to commit illegal acts for self-seeking purposes, etc. These crimes should be quickly handled and conducted according to simplified procedures (if possible).





Dispute Resolution Under EVIPA

ARTICLE

GV Lawyers would like to introduce the article of Mr. Luong Van Ly and Lawyer Hoang Phuoc under the title of "Dispute Resolution According to EVIPA" published on Saigon Economic Times on March 19, 2020, No. 12.2020 (1,527).

With 66 investment protection agreements and 10 bilateral and multilateral free trade agreements that Vietnam is negotiating to sign and implement, the issue of dispute resolution between foreign traders/investors and the Government increasingly draws attention. The EU Vietnam investment protection agreement (EVIPA) that has been recently approved by the European Parliament contains some noteworthy points that need to be appropriately addressed. Accordingly, Vietnam as one of the pioneering countries in implementing the new mechanism may face many opportunities and challenges.





Dispute Resolution Under EVIPA

With 66 investment protection agreements and 10 bilateral and multilateral free trade agreements that Vietnam is negotiating to sign and implement, the issue of dispute resolution between foreign traders / investors and the Government increasingly draw attention. The EU Vietnam investment protection agreement (EVIPA) that has been recently approved by the European Parliament contains some noteworthy points that need to be appropriately addressed.

DISPUTE RESOLUTION AT AN INVESTMENT COURT

The method of ad hoc arbitration, over a long period of application, increasingly reveals multiple limitations, affecting the objectivity and accuracy of the ruling as well as the risk of impairing the national management competence of the State agencies. Investment dispute resolution by the Investment Court is a new way of resolving disputes currently supported by many countries to replace the case-based arbitration which is often stipulated in the previous protection agreements. The EVIPA marks the first milestone where Vietnam has specified this method of dispute resolution in an investment protection agreement of Vietnam.

The Investment Court System under the EVIPA includes a first instance court and an appellate court. The first instance court has nine members whose three are EU nationals, three are Vietnamese citizens and three are citizens of other third countries. The appellate court has six members, including two members as EU citizens, two members as Vietnamese citizens and two members as citizens of other third countries. Members of both tribunals will be appointed by the committee (established under EVIPA, composed of representatives of the EU and Vietnam to manage the implementation of EVIPA) for a four-year term and possibly reappointed once.

Each investment dispute brought to the Investment Court will be resolved by a trial panel of the first instance court and in case of an appeal, the appeal will be resolved by a trial panel of the appellate court. Each trial panel (at both levels) will consist of three members and be formed from the members of the respective court level, of which one member is a citizen of EU member states, one member is a Vietnamese citizen and one member belongs to citizens of the third country. Members as nationals of third countries will chair the panel. For the first instance level, an exception is that the disputing parties may agree to settle by a panel consisting of only one member who is a third country citizen. Presidents of the respective courts are those who have the authority to appoint members of the trial panels. Appointments are made on a random, unpredictable basis and ensure equal opportunity for participation in court hearings.



ORDER OF CLAIMS

In order to start the lawsuit process at the Investment Court, the EVIPA stipulates that investors must first send a request for consultation to the other party. The request for consultation must be sent within three years from the date when the investor knows or must know about the breach or damage that has occurred; or within two years from the date when the investor ceases to sue in panels/courts under national law but not more than seven years from the date when the investor knows or must know about the breach or damage that has occurred.

If the dispute is not resolved within 90 days of the date of sending the request for consultation, the investor has the right to send notice of lawsuit intent to the other party. Only if the dispute remains unresolved within six months of submission of the request for consultation and at least three months have elapsed since the date of sending the notice of intent to initiate a lawsuit, the investor has the right to file a lawsuit at the first instance court. If the investor does not do the same within 18 months of the request for consultation, the investor will be deemed to have withdrawn the lawsuit and free from right to file a lawsuit under this mechanism.

Within 90 days of filing the case, the president of the first instance court will appoint a trial panel to resolve the case. The first instance trial panel will issue an interim decision within 18 months of filing the lawsuit and the disputing parties have the right to appeal the decision within 90 days of the date of issuance. If not appealed within the allotted time, the temporary ruling will become final and officially effective.

Dispute Resolution Under EVIPA

JUDGEMENT OF THE INVESTMENT COURT

One note in the judgement of the Investment Court is that the measures that the Investment Court may declare are somewhat limited. Specifically, under the EVIPA, the Investment Court can only issue a judgement that compels the violating country to do the following: compensation for damages and interest payment; returning assets to investors or legal entities that the investors own or control. The Investment Court is not authorized to repeal relevant national measures. This is to ensure the principle of balance between the protection of investment and respect for the national management authority of the State agencies, a principle the EVIPA values and embodies throughout all the EVIPA's regulations on dispute resolution.

Although somewhat limited in terms of measures the Investment Court may declare, the EVIPA marks an important milestone providing for the ability to immediately enforce judgements in member states without the need to pass procedures for recognition and enforcement in the country. Under the EVIPA, the final judgement of the Investment Court will be enforced by each party of the agreement as if it were the final court judgment of that party and will not be appealed, reviewed, canceled, etc. Currently, Vietnam reserves the right to apply this provision to the final ruling of which Vietnam is the defendant within five years of entry into force of the agreement. Therefore, within this five-year period, the recognition and enforcement of the final judgments of the Investment Court of which Vietnam is the defendant will apply under the 1958 New York Convention.

METHOD OF SETTLEMENT THROUGH ARBITRATION

The EVIPA does not have separate provisions on arbitration rules that apply to disputes between investors and the government despite having arbitration rules that apply to disputes between the governments signing the EVIPA and procedures for mediation that apply to disputes between investors and the government.

With respect to arbitration applicable to investor-government disputes, the EVIPA only has provisions on the code of ethics for arbitrators in Annex 8. Regarding proceedings, as aforesaid, the EVIPA only stipulates that: upon request of the Investment Court to resolve by arbitration, the plaintiff has the right to request settlement under the ICSID Auxiliary Rules (ICSID: *International Centre for Settlement of Investment Disputes*) or UNCITRAL Arbitration Rules (UNCITRAL: *United Nations Commission on International Trade Law*).

It is necessary to hereby reiterate that Vietnam has neither acceded to the ICSID Convention or the ICSID Auxiliary Rules nor recognized the UNCITRAL Arbitration Rules. With the application and implementation of the EVIPA, if approved by the National Assembly, Vietnam will accept the application and implementation of the auxiliary rules ICSID and arbitration rules UNCITRAL on an uncommon basis and only with regard to disputes with the EU, EU member states and investors with EU nationalities.

METHOD OF SETTLEMENT THROUGH MEDIATION

In addition to the method of resolving disputes at the Investment Court, the method of settlement through conciliation is also prescribed. A party to a dispute may request settlement by means of mediation at any time during the dispute resolution process, in writing, to the other party. Accordingly, the requesting party may refer to an existing mediation agreement between the two parties or, if there is no mediation agreement, request the other party to conduct mediation. The recipient must respond within 45 days of receiving the request. The mediator may be chosen by the parties to the dispute within 15 days of the receiving party agreeing to mediate. The mediator may choose from among the members of the Investment Court. The parties or, in the event that the parties do not agree to select a mediator, any party may request the President of the Investment Court to appoint a conciliator among the members of the Investment Court who are not citizens of Vietnam or of EU member states.

The mediation process begins once the mediator is selected. The parties will endeavor to complete the mediation process within 60 days of the mediator being selected/nominated. Mediation ends when the parties reach on successful mediation; or when the mediator announces it is impossible or unnecessary to continue the mediation process; or when either party requests termination.

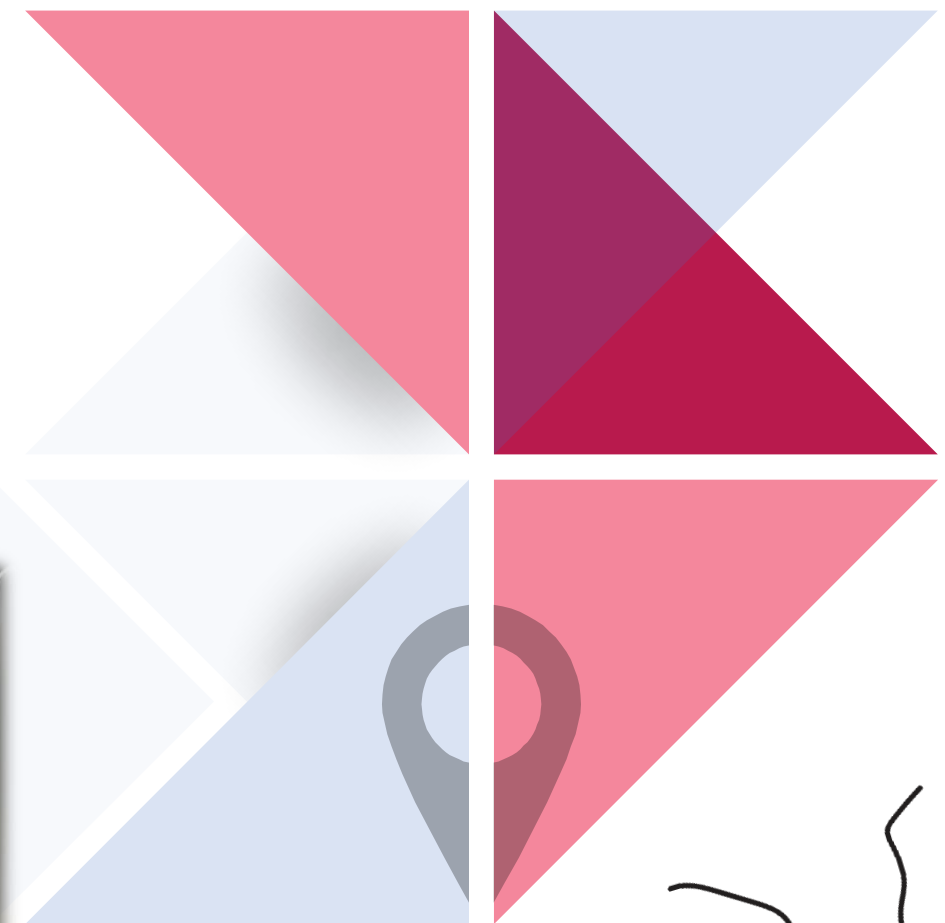
The proceedings in the Investment Court will be suspended when the parties to the dispute have agreed to mediate until the mediation process has ended.

In the section dealing with disputes, whether disputes between governments or disputes between investors and the government, for Vietnam, there are a number of issues that need to be appropriately addressed: (i) enforcing the judgements of the Investment Court: for the time being, we have five years of grace but in order to prepare, five years is not a long time; (ii) becoming a member of the Investment Court, with the training and experience criteria set forth in the EVIPA and training Vietnamese legislators and attorneys to protect Vietnamese citizens' legitimate rights and interests while trading and investing in EU member countries; (iii) disseminating and promoting, even training Vietnamese traders and investors operating in the EU on the provisions and requirements of the EVIPA and the Vietnam-EU Agreement on free trade; and (iv) acceding to the ICSID Convention and recognize the UNCITRAL Arbitration Rules.



READING FOR YOU

1. Why is the VND 285,000 billion support package hard to go to businesses?
2. Ho Chi Minh City Makes A Petition To The Government For Self-Decision On Projects Mixed With Public Land





READING FOR YOU

Why is the VND 285,000 billion support package hard to go to businesses?

Without security along with difficulty proving losses and cash flow to pay debts, businesses complained about the impossibility of accessing the credit package of VND 285,000 billion to maintain operations.

The VND 285,000 billion credit package is one of the earliest support policies for businesses announced by the Government amid Covid-19 complicated developments. More than ten banks have participated in the said credit package with commitment to lending at a ratio of 0.5-2.5% lower than the normal level. However, in fact, many business owners said it is difficult to access this supportive capital flow because the bank now assesses the creditworthiness of each case according to common standards instead of disease situations. Banks still require collaterals if businesses want loans to maintain operations.

Several other entities in the F&B sector encountered similar situations when banks demanded any proof of belonging to Covid-19 affected group as well as the ability to repay debts. According to the explanation of some business owners, the premises are mostly rented to do business in this sector, cash flow has problems due to closure of many branches, so it is not easy to meet the requirements of the banks. The owner of a fashion business in Hanoi is also tired of meeting so many accompanying conditions. Businesses have to rent premises so they do not have any security of great value, shops are closed, so there is no revenue.

Therefore, it is difficult for enterprises to prove their sources of repayment. "Support packages are offered by the bank with many incentives but how many difficult businesses can access them?", such owner asked. The same situation happens to businesses in the industrial sector. A recent report of the Ministry of Industry and Trade has revealed it is hard for enterprises in this field to access support credit packages.

The reason is that the State Bank devotes a lot of autonomy to commercial banks while banks themselves operate under the mechanism of a business, they are under pressure on profit targets as representatives for shareholders. "Therefore, banks are limited in supporting businesses hurt by the pandemic for fear of affecting profits and business results," the report of the Ministry of Industry and Trade wrote.

Mr. Nguyen Quoc Hung, Director of the State Bank's Credit Department, said that although banks provide support credit packages, they must evaluate and assess the ability to recover debts. "The bank cannot unconditionally lend businesses because it is the capital from commercial banks. The bank itself is also a business and they must ensure the ability to recover debts," he said.

A deputy director of risk management for a state-owned bank assessed that banks offered support packages but were also under control. "The bank may lend new loans to temporarily difficult businesses but if pumping more money to businesses with poor resilience, it is the bank that bears the entire risk," he said.

Many business owners said they understood the banking situation very well, but this support capital flow is very important for businesses to maintain operations. For example, with service business units, the most necessary need is to pay for minimum fixed expenses such as premises and labour force. For manufacturing enterprises, the capital needs to pay the financial obligations and prepare the input materials available for production recovery.

"If considering the affected businesses as victims of a pandemic, the bank capital flows as ventilators. The more affected, the more important this capital flow for businesses is," said a F&B chain owner.

To address this asymmetric situation, in a petition to the Prime Minister, the Ministry of Industry and Trade proposed to use the refinancing tool with appropriate discount rate to directly direct commercial banks to reduce loan interest rates. In addition, the Ministry also suggested that the bank should simplify the documents proving affected status, repayment sources and debt restructuring conditions.

Source Minh Trang - Quynh Son, according to vnexpress.net



Ho Chi Minh City Makes A Petition To The Government For Self-Decision On Projects Mixed With Public Land

Vice Chairman of Ho Chi Minh City People's Committee Vo Van Hoan has just signed Document 1225/UBND-DT sent to the Prime Minister to propose solutions to difficulties and problems with investment procedures for construction of housing projects in the city.

Accordingly, Ho Chi Minh City People's Committee proposes the empowerment to handle housing projects with the land part that is directly managed by the State (public land), lying mixed among land plots, canals, ditches, etc. That is, allowing Ho Chi Minh City to assign investors to change land use purposes and implement projects according to the planning for public land fund with a total area of less than 1,000 m². With a larger land fund than such area, the city proposes to be allowed to swap with the investor the land fund of the same area, located right at the project for the investor to hand over to the State for management and use.

In addition, the Ho Chi Minh City People's Committee proposes the Prime Minister to assign the Ministry of Construction to early review Decree 11/2013 to keep the legal normative documents in uniformity, guide in detail the implementation of investment procedures, construction of housing projects to ensure the requirements of state management in accordance with the law.

The city also proposes that the Prime Minister assign the Ministry of Planning and Investment and the Ministry of Natural Resources and Environment to guide and unify whether the implementation of approval for environmental impact assessment is viewed as the main item of the dossier for requesting the decision/policy on a project.

Source: Duy Phuong, according to VOV-TPHC



We hope that you will find GV Lawyers' legal news and articles useful and timely, enabling you to capture important and necessary information for your reference. Should you be further interested in or need legal advice related to these current legal regulations, please contact us at info@gvlawyers.com.vn or by phone at 028 3622 355, we will assist and advise you on these matters as quickly as practicable.



ANSWERS TO QUERIES

01

Some notes about the imports and their packaging affixed with Vietnamese codes and barcodes

02

Family circumstance-based reduction policy for dependents

03

Tax policy when transferring real estate

04

Tax policy related to the operation of apartment building management board



ANSWERS TO QUERIES

01

Some notes about the imports and their packaging affixed with Vietnamese codes and barcodes

- According to the Governmental Decree No. 43/2017/ND-CP dated 14 April 2017 on goods labels, codes and bar codes are not compulsory to be displayed on goods labels.
- The imports or their packaging bearing Vietnamese codes or barcodes (893) is accepted if there is a written authorization for the joint venture or processing partner to use the code, barcode according to Article 19b of Decree No. 74/2018/ND-CP dated 15 May 2018 of the Government (amending and supplementing a number of articles of Decree No. 132/2008/ND-CP of 31 December 2018 detailing the implementation of a number of articles of the Law on product and goods quality).
- The imports bearing Vietnamese codes or barcodes are not grounds for concluding that such imports are fake in terms of Vietnamese origin.
- For Vietnamese exports which are affixed with foreign codes and barcodes as agreed by traders, they must comply with the Vietnamese law.

(Guidelines are provided in Official Letter 1722/TCHQ-GSQL dated 18 March 2020 of the General Department of Customs).

02

Family circumstance-based reduction policy for dependents



In case employees working at the Company apply for family circumstance-based reductions in connection with paternal grandfather, grandmother, maternal grandfather, maternal grandmother, paternal aunt, maternal aunt, elder paternal uncle, younger paternal uncle, maternal uncle, nephew/niece, younger sibling as individuals without any helper to rely on and such taxpaying employees directly nurturing them must meet the conditions prescribed in Article 9.1.d and have sufficient documents proving their dependents under Article 9.1.g.4 of Circular No. 111/2013/TT-BTC of the Ministry of Finance. If the said dependents of such taxpayers are not helpless, they are not eligible for family circumstance-based reduction when calculating personal income tax.

(Guidelines are provided in Official Letter 10898/CT-TTHT dated 12 March 2020 of the Hanoi City Tax Department)



ANSWERS TO QUERIES

03

Tax policy when transferring real estate

➤ For VAT:

- In case the bank sells loan securities (sold loan securities are assets belonging to security transactions which have been registered with the competent agencies according to the law on security transaction) are not subject to VAT.
- In case the Bank receives securities to replace the debt repayment, the Bank will account the increase in asset value in service of production and business as prescribed. When the Bank sells assets in service of business activities, the Bank must declare and pay VAT in accordance with regulations if such assets are subject to VAT.

➤ Regarding corporate income tax: The determination of corporate income tax liability for any income from real estate transfer is made according to the guidelines in Articles 16 and 17 of Circular No. 78/2014/TT-BTC and other relevant legal documents.

(Guidelines are provided in Official Letter 10380/CT-TTHT dated 10 March 2020 of the Ha Noi City Tax Department)

04

Tax policy related to the operation of apartment building management board

In case the Management Board of the apartment building (hereinafter referred to as the Management Board) is established in accordance with law, giving rise to revenues and expenditures related to condominium management activities, including management services, condominium operation of owners and occupants, collection of management fees, advertising revenue, leasing of mobile wave-stimulating locations, renting of automatic water dispenser vehicles, etc. directly collected by the Management Board that has signed the contracted and provided services in accordance with law:

- If the management board is a non-enterprise entity but generates service provision, it must declare and pay VAT and CIT according to regulations.
- In case the Management Board fails to fully comply with the accounting regime, it is required to declare and pay VAT by the direct method, pay CIT according to the percentage of turnover according to Article 13.2 of Circular No. 219/2013/TT-BTC and Article 3.5 of Circular No. 78/2014/TT-BTC.
- In case the Management Board regularly provides service, needs to issue invoices to customers, tax authorities will sell invoices printed by the Department of Taxation according to Article 12 of Circular No. 39/2014 /TT -BTC. In case the Management Board provides services (other than business activities) and needs to issue invoices to customers, tax authorities will issue single invoices as prescribed in Article 13 of Circular No. 39/2014/TT- BTC.
- For the collection, payment on behalf of the Management Board unrelated to the provision of services of the Management Board, the Management Board is not required to declare, calculate and pay VAT, and does not need to issue a VAT invoice as prescribed in Article 5.7 of Circular No. 219/2013/TT-BTC

(Guidelines are provided in Official Letter 10429/CT-TTHT dated 10 March/2020 of the Ha Noi City Tax Department)



LIST OF LEGAL DOCUMENTS
ISSUED IN THE MONTH



LIST OF LEGAL DOCUMENTS ISSUED IN THE MONTH

No.	Document title	Issuance date	Effective date
GOVERNMENT			
1	Decree 37/2020/ND-CP on supplementing the List of Sectors And Trades eligible for investment incentives issued together with Decree 118/2015/ND-CP dated 12 November 2015 of the Government detailing and guiding the implementation a number of articles of the Law on Investment.	30/3/2020	15/5/2020
2	Resolution 37/NQ-CP on some specific regimes in the prevention and control of the COVID-19 pandemic	29/3/2020	29/3/2020
3	Decree 36/2020/ND-CP prescribing administrative fines for violations in the water and mineral resource industry	24/3/2020	10/5/2020
4	Decree 35/2020/ND-CP detailing a number of articles of the Competition Law	24/3/2020	15/5/2020
5	Decree 34/2020/ND-CP on amending and supplementing Article 3 of Decree No. 02/2018/ND-CP dated 04 January 2018 of the Government defining the functions, tasks, powers and organizational structure of Vietnam Television Station	18/3/2020	10/5/2020
6	Decree No. 33/2020/ND-CP on amending and supplementing a number of articles of Decree No. 62/2015/ND-CP dated 18 July 2015 of the Government detailing and guiding the implementation of a number of articles of the Law on Enforcement of Civil Judgments	17/3/2020	01/5/2020
7	Decree 32/2020/ND-CP on amending and supplementing a number of articles of Decree 59/2012/ND-CP dated 23 July 2012 of the Government on monitoring the law enforcement	05/3/2020	15/5/2020
8	Decree 30/2020/ND-CP on clerical work	05/3/2020	05/3/2020
9	Decree 29/2020/ND-CP on amending Article 3 of Decree No. 26/2017/ND-CP dated 14 March 2017 of the Government on defining functions, tasks, power and organizational structure of the Ministry of Foreign Affairs	03/3/2020	03/3/2020
10	Decree 28/2020/ND-CP providing penalties for administrative violations in the fields of labour, social insurance, and overseas manpower supply under contract	01/3/2020	15/4/2020
11	Decree 27/2020/ND-CP on amending and supplementing a number of articles of Decree No. 40/2014/ND-CP dated 12 May 2014 of the Government employing and honoring scientists and technologists and the Governmental Decree 87/2014/ND-CP dated 22 September 2014 on attraction of scientists and technologists who are overseas Vietnamese and foreign experts to participate in scientific and technological activities in Vietnam	01/3/2020	15/4/2020

No.	Document title	Issuance date	Effective date
THE PRIME MINISTER			
1	Directive 16/CT-TTg on implementing urgent measures to prevent and control the COVID-19 pandemic	31/3/2020	31/3/2020
2	Directive 15/CT-TTg on drastically implementing the peak prevention and control of the COVID-19 pandemic		
3	Directive 13/CT-TTg on continuing to promote the prevention and control of the COVID-19 pandemic in the new situation	11/3/2020	11/3/2020
4	Directive 11/CT-TTg on urgent tasks and solutions to remove difficulties in production and business, ensure social security in response to the Covid-19 pandemic	04/3/2020	04/3/2020
COUNCIL OF JUSTICES SUPREME PEOPLE'S COURT			
1	Official letter 45/TANDTC-PC on hearing criminal offences against the regulations on prevention and control of Covid-19 pandemic	30/3/2020	30/3/2020
2	Resolution 01/2020/NQ-HDTP on guiding the application of a number of legal provisions on settling disputes over common properties of the lineages	05/3/2020	10/4/2020
MINISTRY OF FINANCE			
1	Official letter 3685/BTC-TCNH on suspending lottery business, betting, prized electronic games and casino games	30/3/2020	30/3/2020
2	Circular 15/2020/TT-BTC instructing the printing, issuance, management and use of stamps for liquor produced for domestic consumption and for imported liquor	23/3/2020	07/5/2020
3	Circular 14/2020/TT-BTC on amending and supplementing a number of articles of the Circular No. 127/2018/TT-BTC dated 27 December 2018 of the Minister of Finance prescribing prices of services in the field of securities applicable to the Stock Exchanges and Vietnam Securities Depository to support relevant organizations and individuals affected by the Covid-19 pandemic	18/3/2020	19/3/2020
4	Circular 13/2020/TT-BTC on amending and supplementing a number of articles of Circular No. 13/2015/TT-BTC dated 30 January 2015 defining inspection, supervision, temporarily suspension of customs procedures for exports and imports subject to intellectual property right; control of counterfeit goods and goods infringing intellectual property rights	06/3/2020	20/4/2020



LIST OF LEGAL DOCUMENTS ISSUED IN THE MONTH

No.	Document title	Issuance date	Effective date
STATE BANK OF VIETNAM			
1	Directive 02/CT-NHNN on urgent solutions applied by the banking sector to enhance the prevention and control of Covid-19 epidemic and overcome difficulties caused by the epidemic	31/3/2020	31/3/2020
2	Circular 02/2020/TT-NHNN on providing guidance on the payment and money transfer activities related to the goods transshipment business	30/3/2020	15/5/2020
3	Circular 01/2020/TT- providing regulations on the credit institutions' and foreign bank branches' debt rescheduling, exemption and reduction of interest rates and fees, maintaining the debt group in order to support customers affected by the Covid-19 pandemic	13/3/2020	13/3/2020
MINISTRY OF EDUCATION AND TRAINING			
1	Circular 04/2020/TT-BGDĐT on detailing a number of articles of Decree No. 86/2018/ND-CP dated 06 June 2018 of the Government on foreign cooperation and investment in education	18/3/2020	05/5/2020

No.	Document title	Issuance date	Effective date
MINISTRY OF JUSTICE			
1	Circular 01/2020/TT-BTP on detailing and guiding the implementation of a number of article of Decree No. 23/2015/ND-CP dated 16 February 2015 of the Government on grant of duplicates from master registers, certification of copies from originals, certification of signatures and certification of contracts and transactions	03/3/2020	20/4/2020
MINISTRY OF LABOR, WAR INVALIDS AND SOCIAL AFFAIRS			
1	Official letter 1064/LDTBXH-QHLDTL instructing suspension salary payment and settlement of the regimes for employees during work suspension related to Covid-19 pandemic	25/3/2020	25/3/2020
2	Official letter 797/LDTBXH-BHXH on providing instructions about temporary suspension of contributions to the pension and death benefit fund with regard to enterprises in difficult situations due to COVID-19	09/3/2020	09/3/2020
GENERAL DEPARTMENT OF TAXATION			
1	Official letter 897/TCT-QLN on tax deferral, exemption of late payment interest for taxpayers affected by Covid-19 pandemic	03/3/2020	03/3/2020
2	Official letter 1307/TCT-CS regarding the Decree extending tax payment and land rent	27/3/2020	27/3/2020



CONTACT US

info@gvlawyers.com.vn



HCMC - Head Office

8/F, Centec Tower

72 – 74 Nguyen Thi Minh Khai

Ward 6, District 3

Ho Chi Minh City, Vietnam

Tel: +84 (28) 3622 3555

Ha Noi - Branch

10A/F, CDC Building

25 Le Dai Hanh

Hai Ba Trung District

Ha Noi, Vietnam

Tel: +84 (24) 3208 3555

Da Nang - Branch

3/F, Indochina Riverside Tower

74 Bach Dang

Hai Chau District

Da Nang City, Vietnam

Tel: +84 (28) 3622 3555

The contents of the newsletter do not constitute legal advice and do not necessarily reflect the opinions of our firm or any of our attorneys or consultants. The newsletter provides general information, which may or may not be correct, complete or current at the time of reading. The content is not intended to be used as a substitute for specific legal advice or opinions. Please seek appropriate legal advice or other professional counselling for any specific issues you may have. We, GV Lawyers, expressly disclaim all liability relating to actions taken or not taken based on any or all contents of the newsletter.