

A Business Approach to Legal Service

VIETNAM LEGAL NEWSLETTER

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PART 1 – LEGAL ARTICLES

ARTICLE 1: EVIPA RATIFICATION: VIETNAMESE ENTERPRISES HAPPY OR NOT?

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On 8 May 2020, the National Assembly of Vietnam approved the EU-Vietnam Investment Protection Agreement (“EVIPA” or “Agreement”) with the ratio of 95.65% (460/461 delegates) in favour of it. The EVIPA will officially enter into force for Vietnam after (expected) 30 days from the date Vietnam informing The Secretary-General of the Council of Europe (Article 4.13.2 of the EVIPA).

The main content of EVIPA

In terms of content, the biggest difference between EVIPA and conventional free trade international agreements such as the CPTPP² or the EU-Vietnam Free Trade Agreement³ (EVFTA) is that the EVIPA

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² This agreement was signed between Vietnam and Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru and Singapore on March 8, 2018 and entered into force on December 30, 2018.

³ This agreement was signed between Vietnam and the European Union, including 27 member countries, on June 30, 2019 and approved by the European Parliament on February 12, 2020 and the National Assembly of Vietnam on dated June 8, 2020.

does not cover tax reduction and market access policies for trading in goods and services. Rather, the EVIPA establishes an investment dispute settlement mechanism for EU and Vietnamese investors. Upon entry into force, the EVIPA shall be a commonagreement to both encourage and protect investment for all members of the European Union (EU) and shall replace 21 (out of 67) bilateral investment treaties (BITs) that Vietnam has individually signed with EU members from the 1990s as of present.⁴

The EVIPA inherits the dispute settlement mechanism of consultation and mediation from 21 bilateral investment treaties (BITs) with EU members. Particularly, when an investment dispute arises due to the EU member countries, as a host country, violates the obligation of investment protection under Chapter 2 of EVIPA, EU investors who are investing in Vietnam and Vietnamese investors who are investing in the EU shall be eligible for consulting and/or mediating with each other. Nevertheless, if the dispute cannot be settled, the investor may submit a claim to the permanent, specialised tribunal as they receive the regular salary. (Article 3.38 of EVIPA). Meanwhile, the Tribunal consists of 3 members (Article 3.38.6 of EVIPA) designated in the list of 9 members appointed by Vietnam and the European Union in earlier stages. (Article 3.38.2 of EVIPA). In the event that the disputing parties disagree with the decision for the first instance of the tribunal, the parties can appeal to the appeal tribunal. This appeal tribunal is also established in the manner of permanent mechanisms, consisting of 3 out of 6 members (Article 3.39 EVIPA Agreement).



Which benefits do enterprises facilitate when the EVIPA Agreement comes into effect?

The dispute settlement mechanism of the EVIPA shall be of benefit for Vietnamese enterprises who are investing in European Union as the Agreement allows Vietnamese enterprises seeking to bring lawsuits against the European Union to appoint 01 of the 03 Vietnamese members to act as a member of the first-instance tribunal and, if having an appeal tribunal, to appoint 01 of 02 Vietnamese members to act as member at the appellate stage. In other words, if the tribunal is established in any stage, either first instance or appellate stage, there is always at least one Vietnamese member among the 03 members of the corresponding tribunal (Article 3.38.6 and Article 3.39.8 of the EVIPA). This will obviously encourage Vietnamese enterprises that they shall be protected when investing in the European Union rather than the case that all of the three arbitrators are foreigners.

Another benefit for Vietnamese enterprises is: Vietnam has previously acknowledged the investment jurisdiction of the court of the host country and/or investment arbitration of 01 tier level of which the awards are final. Therefore, when a dispute arises during the operation of overseas investment, Vietnamese enterprises will have been very reluctant to initiate a lawsuit due to the fear that the foreign courts will solve the dispute unobjectively. Moreover, the traditional investment arbitration of BITs is too costly and risky as the financial capacity of investing enterprises is more limited than the national

⁴ <https://investmentpolicy.unctad.org/international-investment-agreements/countries/229/viet-nam?type=bits>, updated dated June 12, 2020.

budget of the host country to the pursuit of international investment lawsuits. Moreover, the arbitral awards is final and unable to be amended, except for minor errors such as spelling errors. Then, it can be said that when Vietnamese enterprises investing abroad and seeking to initiate the international investment lawsuits to the traditional arbitration mechanism is almost like “throwing a straw against the wind”.

Likewise, from the perspectives of the dispute settlement bodies, the EVIPA also brings many benefits to the enterprises as, according to the previous BITs, the arbitrators shall be obliged to hear independently and not be subject to any government influence. However, in some actual cases, the arbitrator has been rejected by the disputing parties due to a conflict of interest including but not limiting to the arbitrator has taken on many roles such as the lawyer, the expert or the arbitrator in previous disputes involving the disputing parties. For example, in many investment disputes between foreign investors against Argentina or Venezuela, many appointed arbitrators have been rejected as they have been involved in previous disputes as either consultants or lawyers for either party. With the EVIPA, the parties are aware that the burden for proof that the arbitrators are in fact in the conflict of interest with the disputing parties has been very challenges like finding a needle in a haystack. Therefore, instead of requiring the arbitrators of the one-level arbitral tribunal of the previous BITs to be obliged to “self-disclose” information of conflicts of interest, the EVIPA has required the arbitrators to choose the adjudicator for international investment disputes as a full-time job and as a salary man for a certain period of time so as to be more specialised, more objective and, consequently, minimise the conflict of interest situations. Up till now, only Vietnam as a developing country has ratified the latest arbitral mechanism to resolve investment disputes by the two-level mechanisms of the EVIPA. This first precedent of Vietnam demonstrates the high determination of the Vietnamese Government in creating the maximum objective legal corridor for Vietnamese enterprises to be more confident and feel safer when investing in the European Union market.



It should be added that the benefits of using this two-level settlement mechanism are not only for Vietnamese enterprises investing in the EU, but also for enterprises of the European Union investing in Vietnam. Hence, European Union enterprises will also have more motivation to participate in mergers and acquisitions with Vietnamese enterprises, especially participating in mergers and acquisitions with a value of 50% of Vietnamese enterprise shares (Article 1.2 (c)(i) of the EVIPA) as when investment disputes arise, European Union enterprises will have the right to sue the Vietnamese government to this two-level settlement mechanism.

Representative offices shall not be allowed to sue at the two-level settlement mechanism of the EVIPA Agreement: the knot still exists?

In order to limit the number of petitions against the governments of the host countries, the EVIPA also affirmed that the representative offices of European Union enterprises in Vietnam or the representative offices of Vietnamese enterprises in the European Union are not considered as “investors” (Article 1.2(ii)

of the EVIPA). Therefore, for representative offices of Vietnamese enterprises in the member of the European Union or representative offices of European Union enterprises in Vietnam, if there is a dispute with the host countries, they cannot bring the case to this two-level settlement mechanism. In Recofi case which sued to Vietnam (2013), the arbitral tribunal and the Swiss court had refused to accept Recofi's petition because the arbitral tribunal said that Recofi only set up a representative office in Vietnam without making any investment activities excepting the administrative cost of operating the representative office in Vietnam⁵.

From a legal perspective, according to Article 45 of the 2014 Enterprise Law, a representative office is a dependent unit of enterprise, which has the duty to act as an authorised representative to protect the interests of the enterprise. In addition, the Law on Enterprises 2014 also allows enterprises to set up representative offices abroad. Although, according to Article 52 of the Law on Investment 2014, overseas investment activities of Vietnamese enterprises do not include the operation of representative offices abroad. However, taking into account the economic aspects, it is easy to see that Vietnamese enterprises always require a certain amount of finance to buy or sign an office leasing contract, recruit and pay salaries and insurance for the representative office staff and even some other key operating costs. If so, what is this cost if it is not considered as an investment? It is undeniable that opening a representative office is the first step for Vietnamese enterprises to find markets and promote trade to gradually invest in foreign markets. When it is the first step that is costly and Vietnamese enterprises have to bear the risks for this initial finance of representative offices, what will Vietnamese enterprises do? Do Vietnamese enterprises have any other effective and objective dispute settlement mechanism to protect their rights and benefit?



Prevention is better than a cure

The removal of representative offices from the scope of investors under the EVIPA in practice partly limits the opportunity to protect the investments of representative offices of Vietnamese enterprises in the European Union market. However, considering the interests of the Vietnamese government, this provision will clearly contribute to the limitation of the number of international investment lawsuits filed by representative offices of European Union enterprises against Vietnam. Especially in the context that Vietnam is already the second-largest trading partner in the Southeast Asia of the European Union behind Singapore and Malaysia⁶ and is expected to have a wave of small and medium enterprise investors of the European Union investing in Vietnam⁷, agreeing to remove representative offices of European Union



⁵ <https://www.italaw.com/sites/default/files/case-documents/italaw7631.pdf>, updated on dated August 6, 2020

⁶ Guide to the EU-Vietnam trade & Investment Agreements, Delegation of the European Union to Vietnam,

⁷ <https://dautunuocngoai.gov.vn/tinbai/4479/Se-co-lan-songcac-doanh-nghiep-nho-va-vua-cua-EU-dau-tu-vao-VietNam>, updated on dated June 12, 2020.

enterprises from the list of investors entitled to settle disputes with the Vietnamese government has a more positive meaning.

Generally speaking, the EVIPA is expected to alleviate the worries of “lock the barn door after the horse is gone” of Vietnamese enterprises when investing in member countries of the European Union when these countries make major changes in investment policies on tariff, environment or other policies for the community benefit. In addition, the EVIPA also minimises the risk for the Vietnamese government in facing petition by European Union's enterprises, especially European Union enterprises merging and acquisition with the value less than 50% of Vietnamese enterprise's shares and the representative offices of European Union enterprises in Vietnam. This is a sustainable solution for enterprises and the State of Vietnam to share risks and find a win-win solution in international economic integration.

ARTICLE 2: EVIPA AGREEMENT: EASING THE BURDEN OF ENTERPRISES WHEN RECOGNISING INVESTMENT ARBITRAL AWARDS

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With the aim of overcoming the weaknesses of international investment dispute resolution by traditional national courts and international investment arbitral tribunals of 01 level of adjudication, EVIPA Agreement (fully called Agreement on promotion and protection of investment [EU – Vietnam Investment Protection Agreement, ratified by Vietnam's National Assembly] on 8/5/2020) have eased the burden on enterprises⁹ when establishing a permanent and specialised tribunal system, held both at first instance and appellate levels. However, how to ease that burden in practice is a relatively complicated story. In theory, the two-tier arbitration mechanism could create a “good paper” arbitral award but if enterprises have to “lose lock, stock and barrel” because there is no mechanism in which businesses request countries to compensate for damages caused by measures violating their own investment obligations, does the “good award” mean anything?

In order to contribute to the protection of businesses of the European Union, the EVIPA Agreement has established 01 new precedent for Vietnam by allowing the recognition and enforcement of two-tier arbitral awards against Vietnam under the New York Convention 1958 on recognition and enforcement of foreign arbitral awards (hereafter referred to as New York Convention) and ICSID Convention 1965 on the settlement of investment disputes between states and nationals of other states (hereafter referred to as ICSID Convention).

“Coordination mechanism between New York Convention and ICSID Convention with the transition period of 5 years” in recognition and enforcement of investment arbitral awards

In accordance with 21 bilateral investment treaties regarding investment promotion and protection (BITs) between Vietnam and member countries of the European Union, if a dispute arises between Vietnamese

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⁹ EVIPA Agreement: Businesses will be less burdened, The Sai Gon times, dated June 18, 2020

enterprises against member countries of the European Union or vice versa with respect to nationalisation without compensation and if the investor wishes to settle investment dispute by tribunal, the disputing parties have right to appoint only 01 arbitrator or 03 arbitrators to resolve investment disputes through a 1-tier mechanism¹⁰. This award is final¹¹. And this arbitral award will be only recognised and enforced under the New York Convention as Vietnam has joined the New York Convention since 1995¹² (like all member nations of the European Union)¹³ but has not acceded to the ICSID Convention (although all European Union members have already become parties of this convention)¹⁴.

Therefore, during the period of EVIPA Agreement which currently has not yet come in effect, if any



European Union enterprise makes a claim against the Vietnamese government to 01-tier investment arbitration which is established under the BITs and when the arbitral tribunal concludes that Vietnam has to compensate, the European Union enterprise has obligation to submit a request for recognition and enforcement of this arbitral award to the Ministry of Justice of Vietnam. Within 05 working days from the day receiving the dossier, the Ministry of Justice has to forward it to the competent court

of Vietnam so that Vietnamese court recognises and enforces or refuses to recognise and enforce 01-tier arbitral award on the ground of New York Convention (Article V), Civil Procedure Code 2015 (Chapter XXXVI) and Law on Arbitration 2010 (Chapter V).

In the process of negotiating the EVIPA Agreement, both the European Union and Vietnam understand that the mechanism of recognition and enforcement of foreign arbitral award, including 01-tier investment arbitration under BITs between member states of European Union and Vietnam as well as New York Convention has more or less created opportunities for the national courts to abuse of their own law to refuse the recognition and enforcement of the arbitral awards¹⁵. Therefore, to protect businesses from the adverse effects of “losing lock, stock and barrel” when being both damaged by measures from the host country and pursuing costly investment lawsuits but being unable to enforce the award to receive damages from the host country and, accordingly, with the aim of protecting Vietnam from the prospect of “wearing a loose shirt” since the international legal commitments are too differential with their development level, the EVIPA Agreement has partially invalidated the recognition and enforcement mechanism of arbitral award under the New York Convention. Instead, the recognition and enforcement of the 02-tier arbitration award under EVIPA Agreement will be implemented in compliance with both the New York Convention and the ICSID Convention depending on the time when the enterprise requests for the recognition and enforcement of 02-tier arbitral award.

¹⁰ Article 9.3 BIT between Finland and Vietnam; Article 10.3 BIT between Germany and Vietnam

¹¹ Article 9.6 BIT between Finland and Vietnam; Article 10.5 BIT between Germany and Vietnam

¹² <https://thongtinphapluatdansu.edu.vn/2018/10/15/cong-nhan-va-cho-thi-hanh-phan-quyet-cua-trong-tai-ngoai-tai-viet-nam/>, updated on June 20, 2020

¹³ <http://www.newyorkconvention.org/countries>, updated on June 20, 2020

¹⁴ <https://icsid.worldbank.org/en/Pages/icsiddocs>List-of-Member-States.aspx>, updated June 20, 2020

¹⁵ <https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1108&context=gjcl>, updated on June 20, 2020

In particular, if claims against Vietnam brought by the European Union enterprises are submitted to 02-tier tribunal of EVIPA Agreement and these arbitral tribunals conclude that Vietnam has to pay compensation to businesses, these enterprises will request Vietnamese court to recognise and enforce international investment arbitral awards under the mechanism of the New York Convention within 5 years from the date of entry into force of the EVIPA Agreement (Article 3.57 Clause 3 and 4). After the expiry of the 5-year period from the date the EVIPA Agreement comes into effect, 02-tier tribunal award of the EVIPA Agreement shall be recognised and enforced under Article 52 of ICSID Convention (Article 3.57 of the EVIPA Agreement).

Shifting the recognition and enforcement from “conditional mechanism” of the New York Convention to “automatic mechanism” of the ICSID Convention – businesses ease the burden

Under the New York Convention, in order to recognise and enforce the foreign arbitral awards, including international investment arbitration, enterprises are obliged to submit their request of recognising and enforcing the arbitral award to the national court of country to which the foreign arbitral award shall be

recognised and enforced. The national court is obliged to apply the New York Convention (Article V) and its domestic laws to refuse or recognise and enforce foreign arbitral awards. In theory, this court shall only be allowed to refuse to recognise in certain circumstances. For example, *the arbitration agreement is not valid; or, the party against whom the award is invoked was not given*

proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or, the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties; or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or, the award has not yet become binding on the parties, or has been set aside or suspended by a competent authority in the country where recognition and enforcement is sought under Article V(1) of the New York Convention. Additionally, the court may refuse to recognise and enforce if it finds that *the arbitral award has the subject matter being not capable of settlement by arbitration under the law of the country where recognition and enforcement is sought; or the recognition or enforcement of the award would be contrary to the public policy of that country* under Article V(2) of New York Convention¹⁶. However, after more than 60 years of implementing the New York Convention, this convention has revealed many shortcomings since the countries where the recognition and enforcement is sought always finds ways to refuse recognition and enforcement of arbitral awards. Regarding the investment dispute between foreign investors and sovereign states, the possibility of refusal to recognise and enforce foreign arbitral award is higher and higher as the states always assume that they have the legitimate right concerning the protection of environment and public health. For example, *in Gazprom v. Lithuania’s case*, the appeal court of Lithuania refused to recognise the arbitral award on the grounds that it is contrary to Lithuania public policy as it is violating national sovereignty of Lithuania.¹⁷

¹⁶ Gabriel Bottini, Special Focus issue: Present and Future of ICSID Annulment: The Path to an Appellate Body? ICSID Review, Volume 31, Issue 3 (2016), page 712.

¹⁷ Recent case law on the New York Convention: 2012 Lithuanian decision on public policy defence, http://newyorkconvention1958.org/index.php?lvl=cmsspage&pageid=7&id_news=969&opac_view=-1 updated on June 20, 2020.

Meanwhile, under the ICSID Convention, the arbitral award will be now binding on the disputing parties "automatically" and be enforced as if it were a final judgment of a national court of the country of the recognition and enforcement is sought (Article 53 of the ICSID Convention and, as specialised in Article

3.57 of the EVIPA Agreement). In particular, "automaticity" means the courts of the European Union and the courts of Vietnam are not allowed to interfere in the process of recognition and enforcement of the arbitral awards and, therefore, have no authority to set aside the 02-tier arbitral awards of EVIPA Agreement. A two-tier arbitration award shall not be enforced only if it is set aside by

the internal committee in charge of annulment requested by the parties in each specific case. Specifically, the criteria for the annulment of the arbitral award is limited, only relating to the breaches of procedural proceeding such as *the tribunal was not properly constituted; the tribunal has manifestly exceeded its powers; there was corruption on the part of a member of the tribunal; there has been a serious departure from a fundamental rule of procedure; or the award has failed to state the reasons on which it is based* (Article 52 of the ICSID Convention). *This is confirmed by the case of the MCI Power Group L.C. and New Turbine, Inc v. Ecuador*, where the annulment committee concludes that the annulment committee is only established on a case-by-case basis and has no authority to consider the correctness of the arbitral awards which is not subject to the review of the substance of arbitral award. Instead, the annulment committee has the authority to annul the award in an especially special and exceptional cases.¹⁸

It should be noted that many countries around the world (such as Bolivia, Ecuador, Venezuela, Argentina, etc.) are especially concerned that the "**automaticity**" recognition and enforcement mechanism of international investment arbitration awards under the ICSID Convention will have damaged their reputation and properties as the ICSID Convention overprotects foreign enterprises and international multinational corporations, and restricts the legitimate rights of sovereign states. Therefore, these countries have withdrawn from the ICSID Convention so that the enforcement of international investment arbitral awards shall be only consistent with the requirements as set forth under New York Convention.

In my point of view, the period of "**5-year transition**" for Vietnam to shift the recognition and enforcement mechanism of international investment arbitral award by 01-tier arbitration from the manner of "*with condition*" to the "*automatic*" recognition mechanism is necessary as, in a short term, it is impossible to impose an obligation to recognise and enforce 2-tier arbitration award of ICSID Convention on developing countries like Vietnam immediately, right after the EVIPA Agreement comes into force.

Enterprises "Never say die"

To ensure the best interests of enterprises, the EVIPA Agreement has established a 02-tier permanent arbitration mechanism (Article 3.5 of the EVIPA Agreement) and used "*coordination between the New*

¹⁸ MCI Power Group v. Ecuador, ICSID Case No. ARB/03/6, Decision on Annulment on October 19, 2009.

York Convention and the ICSID Convention over a transitional period of 5 years" to recognise and enforce this 02-tier arbitral award. However, given that both the New York Convention and the ICSID Convention stipulate that arbitral awards recognised and enforced are one-tier arbitration awards, the countries which have already signed and ratified these two conventions have not yet explained whether the arbitral award can be expanded to two-tier arbitration awards; in fact, no country has applied these two conventions to recognise and enforce 02-tier arbitration awards. Therefore, it is ambiguous in helping enterprises ease the burden.

In Vietnam, international arbitral awards established under the EVIPA Agreement were clearly not covered by the Law on Commercial Arbitration 2010 and the Code of Civil Procedure 2015. In order to implement the EVIPA Agreement in the Draft of Resolution specifying the recognition and enforcement mechanism of arbitral awards, Vietnam stipulates that it shall wait for the detailed guidance of the Supreme People's Court (Article 3 of Draft Resolution). Therefore, in order to indeed ease the burden of businesses, Vietnam first should have guidance for the process of recognition and enforcement of the two-tier arbitral awards according to the EVIPA Agreement in the amendments of the Law on Commercial Arbitration (2010), Code of Civil Procedure (2015) and detailed Resolution in which the "*automatic*" mechanism of the ICSID Convention is only exception, will only apply to the two-tier arbitral awards established under the EVIPA Agreement initiated by European Union enterprises against Vietnam, not to extend to the hundreds of countries which are currently the members of the ICSID Convention. For enterprises, we believe that businesses need to be patient, "*never say die*".



PART 2 – NEW PROMULGATED LEGAL DOCUMENTS

NO.	NAME OF DOCUMENTS	PROMULGATED DATE	VALID DATE
GOVERNMENT			
1	Decree No. 75/2020/NĐ-CP sets out the regulations on a number of articles of the Law Amending and Supplementing a number of articles of Law on Entry, Exit, Transit, Residence of Foreigners in Vietnam.	01/07/2020	01/07/2020
2	Decree No. 76/2020/NĐ-CP sets out the regulations on subjects, order, procedures, and competence for granting, revoking and canceling value of use of laissez-passers.	01/07/2020	01/07/2020
3	Decree No. 70/2020/NĐ-CP sets out the regulations on the registration fee rate, for domestically manufactured and assembled cars until the end of December 31, 2020.	28/06/2020	28/06/2020
4	Decree No. 69/2020/NĐ-CP amending, supplementing a number of articles of the Government's Decree No. 08/2016/NĐ-CP of January 25, 2016, defining the number of Vice Presidents of the People's Committee and the process, procedures for election, resignation, dismiss, dismiss, transfer and dismiss members of the People's Committee.	24/06/2020	01/07/2020
5	Decree No. 68/2020/NĐ-CP amending, supplementing Clause 3 Article 8 of the Government's Decree No. 20/2017/NĐ-CP dated February 24, 2017 on tax administration for associated transactions.	24/06/2020	24/06/2020
6	Decree No. 65/2020/NĐ-CP sets out the regulations on management organization and regimes towards people staying at the accommodation establishments pending their exit.	10/06/2020	15/06/2020
7	Decree No. 64/2020/NĐ-CP guides the implementation of the temporary detention mechanism under the Istanbul Convention.	10/06/2020	30/07/2020

8	Decree No. 61/2020/NĐ-CP amending, supplementing the government's Decree No. 28/2015/NĐ-CP of March 12, 2015 of the government detailing the implementation of articles in the Law On Employment about unemployment insurance.	29/05/2020	15/07/2020
9	Decree No. 58/2020/NĐ-CP regulates on the rates of compulsory insurance contributions to the Occupational Accident and Disease Benefit Fund.	27/05/2020	15/07/2020
10	Decree No. 56/2020/NĐ-CP gives guidance on management and use of the Official Development Assistance (ODA) and concessional loans of foreign donors.	25/05/2020	25/05/2020
11	Decree No. 57/2020/NĐ-CP on amendments, supplements to several Articles of the Decree No. 122/2016/NĐ-CP dated September 01, 2016 on export and preferential import tariff schedules, lists of products, absolute, mixed and out-of-quota import duty rates, and to the Decree No. 125/2017/NĐ-CP dated November 16, 2017 amending, supplementing several Articles of the Decree No. 122/2016/NĐ-CP.	25/05/2020	10/07/2020
12	Decree No. 55/2020/NĐ-CP sets out the guidelines for the Law on Enforcement of Criminal Judgments concerning enforcement of judgments against corporate entities.	22/05/2020	15/07/2020
13	Decree No. 53/2020/NĐ-CP set out the regulations on environmental protection charges for wastewater.	05/05/2020	01/07/2020
14	Decree No. 46/2020/NĐ-CP regulates on the customs procedures, customs inspection and supervision of goods in transit through the ASEAN Customs Transit System to implement Protocol 7 on the System transit.	09/04/2020	01/06/2020
15	Decree No. 41/2020/NĐ-CP on extending the deadline for paying taxes and land rents.	08/04/2020	08/04/2020
16	Decree No. 38/2020/NĐ-CP sets out the regulations on the implementation of several articles for the Law on Vietnamese laborers going to work overseas under contracts.	03/04/2020	20/05/2020

MINISTRY OF JUSTICE

1	Circular No. 04/2020/TT-BTP detailing the implementation of a number of articles on the Law on Civil Status and Decree. No. 123/2015/NĐ-CP dated November 15, 2015 of the government detailing a number of articles and measures of implementing the Law on Civil Status.	28/05/2020	16/07/2020

MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

1	Circular No. 08/2020/TT-BNNPTNT amending, supplementing Article 2 of Circular No. 04/2020/TT-BNNPTNT dated March 09, 2020 of the Minister of Agriculture and Rural Development issued a national technical regulation on animal feed and raw materials for aquatic feed production.	30/06/2020	01/07/2020
2	Circular No. 06/2020/TT-BNNPTNT amending, supplementing Article 2 of Circular No. 10/2019/TT-BNNPTNT dated September 09, 2019 on the List of plant protection drugs permitted to be used and banned for use in Vietnam promulgated by the Ministry of Agriculture and Rural Development.	24/04/2020	09/06/2020

MINISTRY OF FINANCE

1	Circular No. 61/2020/TT-BTC sets out the regulations on the rates of collection and payment of charges for expertise of fire prevention and fighting means; appraisal fee for approving fire safety design and citizen identification fee.	22/06/2020	22/06/2020
2	Circular No. 60/2020/TT-BTC, the circular abolished a number of legal documents issued by the Minister of Finance in the field of enterprise finance.	19/06/2020	03/08/2020
3	Circular No. 58/2020/TT-BTC sets out the regulations on rates, collection, remittance, management and use of fees for handling of competition cases.	12/06/2020	27/07/2020
4	Circular No. 54/2020/TT-BTC regulates on the rate of collection and payment of fees for verification of papers and documents at the request of domestic organizations and individuals and fees for granting operation licenses to send	12/06/2020	12/06/2020

	workers to work abroad for a definite time.		
5	Circular No. 49/2020/TT-BTC sets out the regulations on the fee collection and remittance level in the field of security transaction registration.	01/06/2020	01/06/2020
6	Circular No. 50/2020/TT-BTC sets out the regulations on the rates of collection and payment of fees for evaluation of business conditions in labor safety technical inspection activities; training in occupational safety and sanitation.	01/06/2020	01/06/2020
7	Circular No. 47/2020/TT-BTC sets out the regulations on the time of submission of certificates of origin and the form of certificates of origin for imported goods apply during the acute respiratory infection caused by Corona virus (COVID-19).	27/05/2020	23/01/2020
8	Circular No. 46/2020/TT-BTC sets out the regulations on the rates and collection of charges and fees in the aviation field.	27/05/2020	27/05/2020
9	Circular No. 44/2020/TT-BTC sets out the regulations on the rates of collection and payment of evaluation fees for trading goods and services subject to business restriction; goods and services subject to conditional business in the field of trade and the licensing fee for the establishment of the Goods Exchange Office.	26/05/2020	26/05/2020
10	Circular No. 45/2020/TT-BTC sets out the regulations on the rate of collection and payment of registration fee (confirmation) using foreign barcode and industrial property fee.	26/05/2020	26/05/2020
11	Circular No. 42/2020/TT-BTC sets out the regulations on information criteria and voucher forms for carrying out transit procedures in accordance with the Government's Decree No. 46/2020/ND-CP of April 9, 2020 stipulating customs procedures, customs inspection and supervision of goods in transit through the ASEAN customs transit system to implement Protocol 7 on the customs transit system.	22/05/2020	06/07/2020
12	Circular No. 39/2020/TT-BTC amending, supplementing the reporting regime in a number of Circulars in the field of accounting and independent auditing.	15/05/2020	01/07/2020

13	Circular No. 40/2020/TT-BTC sets out the regulations on the regime of reporting in accounting, independent audit in decree no. 174/2016/NĐ-CP of December 30, 2016 of the government detailing a number of articles of the Law On Accounting and the Decree No. 17/2012/NĐ-CP dated March 13, 2012 of the government detailing and guiding the implementation of a number of articles of the Law on Independent Auditing.	15/05/2020	01/07/2020
14	Circular No. 37/2020/TT-BTC regulates on stipulating the level of collection and remittance of fees and charges in the field of securities.	07/05/2020	07/05/2020
15	Circular No. 33/2020/TT-BTC regulates on the rates of collection, payment of fees for the granting of establishment and operation licenses of banks and non-bank credit institutions.	05/05/2020	05/05/2020
16	Circular No. 35/2020/TT-BTC sets out the regulations on the collection, remittance of fees for evaluation and issuance of international travel service business licenses, domestic travel service business licenses; Fees for assessment and issuance of tour guide cards.	05/05/2020	05/05/2020
17	Circular No. 34/2020/TT-BTC regulates on the rates, charges, and fees in the field of construction.	05/05/2020	05/05/2020
18	Circular No. 31/2020/TT-BTC amending, supplementing several Articles of Circular No. 263/2016/TT-BTC dated 14 November 2016 of the Minister of Finance regulations on the rates, collection, remittance, management and use of industrial property charges and fees.	04/05/2020	01/07/2020
19	Circular No. 25/2020/TT-BTC amending, supplementing several Articles of Circular No. 291/2016/TT-BTC dated 15 November 2016 regulations on the rates, collection, payment, management and use of charges for evaluation of postal operation conditions.	14/04/2020	01/06/2020
20	Circular No. 24/2020/TT-BTC amending, supplementing several Articles of Circular No. 20/2016/TT-BTC dated February 03, 2016 of the Minister of Finance the guiding the implementation of financial management mechanisms on social insurance, health insurance, unemployment insurance and costs management of social insurance, health insurance	13/04/2020	30/05/2020

	and unemployment insurance.		
21	Circular No. 01/2020/TT-BXD sets out the regulations on National Technical Regulation on Fire safety for houses and constructions.	06/04/2020	01/07/2020
22	Circular No. 20/2020/TT-BTC amending, supplementing several Articles of Circular No. 312/2016/TT-BTC of the Minister of Finance regulating the financial regime for Vietnam Deposit Insurance.	01/04/2020	20/05/2020
23	Circular No. 86/2019/TT-BTC guidance on determination of starting prices for auction of leasing, definite-term transfer of right to operate road infrastructure assets invested and managed by the State.	03/12/2019	20/01/2020

STATE BANK

1	Circular No. 06/2020/TT-NHNN regulates on internal control, internal audit of the State Bank in Vietnam.	30/06/2020	15/08/2020
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MINISTRY OF TRANSPORT

1	Circular No. 12/2020/TT-BGTVT regulates on the organization and management of transport activities by cars and road transport support services.	29/05/2020	15/07/2020
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MINISTRY OF PLANNING AND INVESTMENT

1	Circular No. 05/2020/TT-BKHDT amending, supplementing a number of articles of Circular No. 04/2017/TT-BKHDT of November 15, 2017 of the Ministry of Planning and Investment detailing on selection of contractors through national bidding network system.	30/06/2020	01/09/2020
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MINISTRY OF HEALTH

1	Circular No. 12/2020/TT-BYT amending, supplementing a number of articles of Circular No. 02/2018/TT-BYT dated January 22, 2018 of the Minister of Health providing regulations on good practice of drug retail establishments.	22/06/2020	06/08/2020
2	Circular No. 13/2020/TT-BYT amending, supplementing a number of articles of the Circular No. 35/2016/TT-BYT dated September 28, 2016 of the Minister of Health issuing a list and ratios payment conditions for medical technical services covered by the insured.	22/06/2020	10/08/2020
3	Circular No. 09/2020/TT-BYT amending, supplementing a number of articles of Circular No. 03/2018/TT-BYT dated February 09, 2018 of the Ministry of Health providing regulations on good practice in distribution of drugs and drug materials.	10/06/2020	25/07/2020
4	Circular No. 8/2020/TT-BYT amending, supplementing a number of articles of Circular No. 04/2018/TT-BYT dated February 09, 2018 of the Ministry of Health regulations on good laboratory practice.	27/05/2020	11/07/2020

MINISTRY OF INDUSTRY AND TRADE

1	Circular No. 12/2020/TT-BCT amending, supplementing a number of articles of the Circular No. 09/2017/TT-BCT dated July 13, 2017 of Ministry of Industry and Trade regulates on the labor safety technical inspection activities under the management of the Ministry of Industry and Trade and a number of inspection processes issued together with the Circular No. 10/2017/TT-BCT of July 26, 2017 of the Minister of Industry and Trade issues a process of technical inspection of occupational safety for machines, equipment and materials subject to strict labor safety requirements under the management of the Ministry of Industry and Trade.	18/06/2020	02/08/2020
2	Circular No. 11/2020/TT-BCT states rules of origin in EU-Vietnam Free Trade Agreement.	15/06/2020	01/08/2020
	Circular No. 41/2020/TT-BTC amending, supplementing a number of articles of Circular No. 219/2016/TT-BTC of November 10, 2016, defining the rates, collection, payment,	18/05/2020	01/08/2020

	management and use of fees and charges in the fields of exit, entry, transit and residence in Vietnam.		
3	Circular No. 09/2020/TT-BCT regulates on roadmap for application of border checkpoints for import and export in case of goods for temporary import for re-export, transit or storage in bonded warehouses.	14/05/2020	30/06/2020

SUPREME PEOPLE'S COURT

1	Circular No. 01/2020/TT-TANDTC regulates on the settlement of complaints and denunciations in the People's Courts.	18/06/2020	10/08/2020
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MINISTRY OF EDUCATION AND TRAINING

1	Circular No. 12/2020/TT-BGDĐT guides the functions, tasks and powers of the Department of Education and Training of the People's Committee of the province or city directly under the Central Government, the Division of Education and Training under the Commission People's Committees of rural districts, urban districts, towns, provincial cities and centrally run cities.	22/05/2020	07/07/2020
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MINISTRY OF INFORMATION AND COMMUNICATION

1	Circular No. 10/2020/TT-BTTTT amendments to Circular No. 30/2011/TT-BTTTT dated October 31, 2011 of Ministry of Information and Communication regulates on certification and submission of declarations of conformity of information technology and communications commodities.	07/05/2020	01/07/2020
2	Circular No. 11/2020/TT-BTTTT provides for the list of potentially unsafe commodities under the management of the Ministry of Information and Communications.	14/05/2020	01/07/2020





A Business Approach to Legal Service

Note: The contents of this newsletter do not constitute legal advice and do not necessarily reflect the opinion of our firm or any of our legal experts or consultants. The aim of this newsletter is to provide general information, which may or may not be correct, complete or current at the time of your reading. The content hereof is not intended to be used as a substitute for specific legal advice or opinion. Please seek appropriate legal advice or other professional advice for any specific legal issues you may have. We, Phuoc & Partners, expressly disclaim all liabilities relating to the actions taken or not taken by readers based on any or all contents of this newsletter.

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