**LEGAL UPDATES
VOL 16, SEPTEMBER 2021**

**Dear Valued Clients and Partners,**

ADK & Co Vietnam Lawyers would like to introduce to you the Legal Updates, Vol 16 of September 2021 with new legal provisions with notable contents as follows:

1. **Develop an economic recovery plan for HCMC after September 15, 2021**

The newly established Steering Committee for the Development of a Plan for COVID-19 Prevention and Control and Economic Recovery (hereinafter referred to as the Steering Committee) headed by the Chairman of the People's Committee of Ho Chi Minh City has officially issued a draft recovery plan for the city. economic recovery of the City after September 15.

The draft economic recovery plan of Ho Chi Minh City has the following notable contents:

1. Draft proposal for implementation progress of the economic recovery plan in 02 phases
* Stage 1 (From the time the plan was issued to December 31, 2021): Deploy the solutions that need to be prioritized to be solved, both implemented and adjusted to overcome mistakes and shortcomings.
* Stage 2 (From January 1, 2022, onward): Evaluate the contents implemented in stage 1, learn from experience, and set out the next tasks.
1. Expected to allow production and business activities when ensuring anti-epidemic conditions

According to the draft, all production and business activities will be allowed to operate when ensuring safe conditions for epidemic prevention and control. However, business lines such as on-site catering, karaoke, discotheques, etc. will limit their business scale or may continue to suspend operations. Open the doorstep by step although "slowly but surely".

1. Expected issuance of electronic vaccine passport

According to the draft, Ho Chi Minh City will issue electronic "vaccine passports" to qualified people to control people moving, working, participating in activities in public places instead of other forms of management. Other reasons such as travel papers, declaration of population movement, negative test results...

People will be granted a Covid-19 vaccine passport when they meet one of the following conditions:

* Two weeks after the second dose of vaccine;
* Have been infected with SARS-COV-2 and received a vaccine after two weeks.
1. Various medical proposals:

The draft makes many health recommendations as follows:

* Develop a fee schedule and process to allow private hospitals to receive and treat COVID-19 for a fee.
* Proposing a plan to complete the 1st dose vaccination as soon as the City is allocated the required amount of vaccine; give priority to the 2nd injection for shippers, workers in transport, logistics, important service - trade industries...
* Allows businesses to actively source and prioritize vaccination.
1. It is expected that the City will no longer require businesses to carry out 3 on-site operations to be able to operate

According to the draft, the People's Committee assigned the Department of Industry and Trade to issue operational standards for industries (priority should be given to industries that maintain a seamless supply chain, raw materials, import and export goods, etc.) to minimize time, costs for businesses), giving autonomy to the production unit. business deploys appropriate operating model specific to the unit (does not require enterprises to deploy models of 3 on-site, 1 route, and 2 locations) and is responsible for safety requirements for epidemic prevention and control.

1. The expected phase of the restart roadmap:

The roadmap is expected to include 3 phases

* Stage 1: Restart in stages. Applies to businesses that meet the conditions for reopening and will be approved and reopened, must ensure the corresponding proportion of employees who have received the 2nd injection for two weeks or have received the 1st injection for four weeks and tested periodically. At the same time, limit the number of workers (e.g. 30% of normal) and last at least 5 days to stabilize operations, ready to move to stage 2.
* Stage 2: Increase capacity to 50%. Businesses may continue to stage 1 or are not ready to move to stage 2.
* Stage 3: Increase capacity up to 70% until 100% capacity is allowed to operate again. For businesses that are not ready or not yet qualified, they can continue to stage 1 or stage 2.
1. Recommendations for online learning:

Organize online teaching at home in the direction of reducing program load for students, avoiding affecting students' health and parents' time.

There is a solution to the economic burden in equipping more machines and equipment to meet the requirements of online learning, especially for students with difficult circumstances.

1. **Changing COD policy makes investors struggle**

On July 21, 2021, the Power Trading Company (Electricity of Vietnam - EVN) sent a document to the wind power investors requesting a commercial supplement "The written approval of the Ministry of Industry and Trade or the Department of Industry and Trade. provinces on the results of inspection and acceptance of completed works to put them into use" and this is one of the conditions to recognize the commercial operation date of a part/whole wind power plant.

This requirement of EVN, although strictly ensuring in construction investment and putting the works into use under the law, but adding more procedures makes it difficult for investors to accumulate when many localities are separated. society.

1. **Proposing a draft resolution to support businesses in the context of the COVID-19 pandemic**

On August 16, 2021, the Ministry of Planning and Investment has just submitted to the Government Official Letter No. 5347/TTr-BKHĐT on the Draft Resolution of the Government to support businesses in the background of the COVID-19 pandemic through supporting credit, extension, exemption, reduction of taxes and fees for businesses.

The goal of the resolution is to remove difficulties and obstacles hindering the production and business activities of enterprises, reduce the number of enterprises temporarily suspending operations, dissolving, going bankrupt, and restoring production and business.

The Draft Resolution to support businesses in the context of the COVID-19 pandemic also offers four groups of tasks and solutions.

1. First is to apply flexible and effective epidemic prevention and control measures, creating conditions for enterprises to maintain production and business activities.
2. Second, ensure stable production, smooth and efficient circulation of goods, and overcome supply chain disruptions.
3. Third, support to cut costs and remove cash flow difficulties for businesses.
4. Fourth, regarding labor and experts, the Government requires ministries to flexibly apply and relax the conditions for granting and extending work permits for foreign experts working in Vietnam under the new background.

We hope you found this brief legal update informative.

Kind regards.

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