**LEGAL UPDATES
VOL 18, SEPTEMBER 2021**

**Dear Valued Clients and Partners,**

ADK & Co Vietnam Lawyers would like to introduce to you the Legal Updates, Vol 18 of September 2021 with new legal provisions with notable contents as follows:

1. **Employees can apply for the unemployment allowance procedure online**

The Government has recently issued Resolution No. 107/NQ-CP on Government permanent session in August 2021. In which, the settlement of unemployment allowance for employees on the National Public Service Portal is one of the Government ‘s requirements stated in this Resolution.

Accordingly, Government assigns Ministry of Labor, War invalids and Social Affairs to coordinate with Office of the Government, Social Insurance Vietnam and related agencies, localities to build, complete professional procedure, provide, receive, handle public service to settle unemployment allowance for employees on the National Public Service Portal on **October 2021.**

Thus, the employees can apply for the unemployment allowance procedure online in the near future if they follow the steps set out by the Government.

1. **Imposition of provisional anti-dumping duties on certain polyester yarn products**

On August 31, 2021, Ministry of Industry and Trade issued Decision No. 2080/QD-BCT on imposition of provisional anti-dumping duties on certain polyester yarn products imported from People’s Republic of China, Republic of India, Republic of Indonesia and Malaysia. **The Decision officially takes effect on September 03, 2021.**

Accordingly, certain polyester yarn products bearing the following HS codes: 5402.33.00, 5402.46.00 and 5402.47.00 originating from People’s Republic of China, Republic of India, Republic of Indonesia and Malaysia will be imposed the provisional anti-dumping duty from 3.36% to 54.90%, etc. Specifically, the provisional anti-dumping duty is applied to India organizations, individuals producing and exporting is 54.90%; Indonesia is 21.94%; Malaysia is 21,23%; China is between 3.36%-17.45%.

The validity period for the provisional anti-dumping duty: 120 days from September 03, 2021 (unless it is extended, changed or invalidated as prescribed by law).

Retroactive application of anti-dumping duty:

1. The investigating authority indicates that there is material damage or a threat of damage to domestic production;
2. Imports during the period of 90 days prior to the date of imposition of the provisional anti-dumping duty if such imports are determined to be dumped; or
3. The volume or quantity of dumped imports to Vietnam increases sharply during the period between the initiation of the investigation and the imposition of the provisional anti-dumping duty and thus causes damage to domestic production which would be difficult to recover.

Procedures and dossiers for inspection and application of provisional anti-dumping duty are specified in the Notice attached to this Decision.

1. **Proposal to amend the Decree on penalties for administrative violations pertaining to education**

Ministry of Education and Training is drafting Decree amending Decree No. 04/2021/ND-CP on penalties for administrative violations pertaining to education. **This Decree is proposed to take effect from January 01, 2022.**

Accordingly, propose for the maximum fine applied to individuals in the field of education is VND 75,000,000, the maximum fine applied to organizations is VND 150,000,000. Thus, according to this proposal, the maximum fine in the field of education will increases more sharply than the current regulations. The proposal to increase the above fine level is to ensure consistency with the provisions of the Amended Law on Handling of Administrative Violations 2020.

Besides, the proposed fine level shall imposed for act of organizing education activities or providing to education services without being allowed to operate, not yet granted the operation registration certificate or not yet recognized for operation is from VND110,000,000 to VND150,000,000 for the university; academies, institutes authorized to train doctoral level.

In addition, the Decree also proposes to supplement the provision that an administrative violation can only be sanctioned once. Accordingly, when many organizations or individuals commit an administrative violation, each violating organization or individual will be sanctioned for that administrative violation. An organization or individual that commits many administrative violations or commits administrative violations many times shall be sanctioned for each violation.

We hope you found this brief legal update informative.

Kind regards.

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