**LEGAL UPDATES**

VOL 21, October 2021

**Dear Valued Clients and Partners,**

ADK Vietnam Lawyers Law Firm would like to introduce to you the Legal Updates, Vol 21 October 2021 with new legal provisions, which have notable contents as follows:

1. **Guidance for acceptance of fire prevention and fighting for wind power projects to apply COD**

On October 7, 2021, the Department of Electricity and Renewable Energy, Ministry of Industry and Trade issued Official Letter No. 1892/DL-NLTT, noting investors of wind power projects a number of issues related to the acceptance of works for approval. recognition of commercial operation date (COD) before the deadline of November 1, 2021.

According to Decree No. 06/2021/ND-CP dated January 26, 2021 of the Government on quality management, construction and maintenance of construction works, to put into operation and use, works, grades items that need to be tested and accepted according to regulations; be inspected by a competent state agency and issue written approval of the investor's acceptance test results. This Decree also stipulates that a specialized construction agency shall inspect according to the prescribed contents and issue written approval of the investor's acceptance test results according to regulations.

One of the grounds for approving the completion of work items and construction works is the "document of acceptance of fire prevention and fighting." Accordingly, the acceptance of fire prevention and fighting includes partial acceptance and acceptance of each part, each stage, each item, each system and handover, and acceptance and must be checked by the Fire Prevention and Fighting Police agency and issued a written approval of the test and acceptance results before putting that part of the project into use.

1. **The Government will support 50% of the value of technology transfer consulting contracts for small and medium-sized enterprises**

On August 26, 2021, the Government issued Decree 80/2021/ND-CP detailing and guiding the implementation of some articles of the Law on Supporting Small and Medium-Sized Enterprises. This Decree takes effect from October 15, 2021.

Decree 80/2021/ND-CP has new notable contents in Decree 80/2021/ND-CP of the Government as follows: Small and medium-sized enterprises will be supported by the Government up to 50% of the value of the technology transfer consulting contract suitable for the enterprise but not exceeding 100 million VND/contract/year/enterprise; Support up to 50% of the contract value of consulting digital transformation solutions for businesses on business processes, administration, production, technology, and business model transformation, but not more than 50 million VND/contract /year/enterprise for small-sized enterprises and 100 million VND/contract/year/enterprise for medium-sized enterprises; etc.

At the same time, support 100% of the total cost of a training course on starting a business and up to 70% of the total cost of a business administration course for small and medium-sized enterprises; free access to and participation in online lectures available on the online training system of the Ministry of Planning and Investment and the Provincial People's Committee; etc.

In addition, innovative start-up small and medium-sized enterprises and small and medium-sized enterprises participating in industrial clusters and value chains receive interest rate support from the State budget when borrowing medium and long-term loans at credit institutions to implement production and business plans and projects. The difference in interest rates provided by the State Bank for loans of small and medium-sized creative enterprises, small and medium-sized enterprises participating in industrial clusters, and value chains through credit institutions is 2 years.

1. **Contractors must observe the works under construction for abnormal signs**

On August 25, 2021, the Minister of Construction issued Circular 10/2021/TT-BXD guiding some articles and measures to implement Decree 06/2021/ND-CP and Decree 44/2016. /ND-CP of the Government. Circular 10/2021/TT-BXD takes effect from October 15, 2021

Accordingly, the monitoring of works during the construction process shall be organized by the construction contractor in the following cases: According to the provisions of the approved technical instructions, construction design and approved construction method design; When the work shows abnormal behavior such as the work collapses, slips, subsides, tilts, cracks, etc., it is necessary to observe to evaluate and determine the cause to take measures to handle or prevent the work incident during the construction process. construction process.

In addition, civil works, materials production works, construction products, light industrial works; Technical infrastructure works that must be monitored during the process of exploitation and use include houses, house-shaped structures; multi-storey buildings with floors; works with large-span structures in the form of a special grade frame; works with the column, pillar or tower structure of grade I or higher; stadiums, sports arenas withstands; Gymnasium (sports) level I or higher.

The monitoring of works during exploitation and use are specified in the maintenance process, including two main contents: monitoring objects (main load-bearing structures of the work); and monitoring parameters and limit values ​​of these parameters; monitoring time; measurement cycle, and other necessary contents.

We hope this Legal Updates has a lot of useful information.

Best Regards.

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