**LEGAL UPDATES
VOL 22, OCTOBER 2021**

**Dear Valued Clients and Partners,**

ADK & Co Vietnam Lawyers would like to introduce to you the Legal Updates, Vol 22 of October 2021 with new legal provisions with notable contents as follows:

1. **The Ministry of Industry and Trade officially submitted the drafted Power Planning Project VIII to the Prime Minister**

On October 08, 2021, Ministry of Industry and Trade has completed and submitted to the Prime Ministry of Vietnam for approval the Power Planning Project VIII for the 2021-2030 period, with a vision to 2045. This project aims to raise the electricity rate produced from the renewable energy sources will reach about 11.9%-13.4% in 2030 and about 26.5-28.4% in 2045.

Specifically, according to the assessment of Power Planning Project VIII, by the end of 2020, the total installed capacity of power sources nationwide will reach 69,342 MW, of which 25,121 MW in the North, 12,232 MW in the Central region and 31,898 MW in the South.

In the proposal of the report 6277/TTr-BCT on October 8, 2021, according to the Ministry of Industry and Trade, the results of the national and regional load forecast after the review have not changed compared to the results reported to the Prime Minister in the report 1682/TTr-BCT dated March 26, 2021.

This Power Planning Project VIII is developed to ensure adequate supply of electricity demands in the country, satisfying the purposes of developing economy – society of the country with the average GDP growth rate of about 6.6%/year in the period 2021-2030 and about 5.7%/ year in the period 2031-2045.

1. **Patent protection is supported 30 - 60 million VND per 01 application**

Recently, the Ministry of Finance has issued Circular No. 75/2021/TT-BTC dated in September 09, 2021 prescribing financial management for implementation of intellectual property asset development program by 2030. **This Circular will take effect from October 25, 2021.**

Accordingly, this Circular guides clearly about subsidy amount of the State budget support in registration of protection of inventions, industrial designs and trademarks; registration of protection and certification of new plant varieties

With regard to application for domestic protection:

1. Applications for patent protection, and applications for protection and certification of new plant varieties: VND 30 million/ application;
2. Applications for protection of industrial designs and trademarks: VND 15 million/patent grant.

With regard to applications for protection of the above subjects specified, the subsidy amount is VND 60 million/application accepted as valid or another document of equivalent validity as prescribed by the international organization or country that receives the application.

 With regard to the tasks managed by Ministries or central government authorities, the funding derived from state budget for covering costs of performing such tasks shall not exceed the subsidy amounts specified above. Units undertaking the Program’s tasks shall themselves cover other costs (if any) incurred from performing such tasks

With regard to the tasks managed by provincial governments, based on relevant works and specific conditions of each province, provincial People's Committees shall request the Provincial People’s Councils to decide specific subsidy amounts which must be suitable for the balancing capacity of provincial-government budget.

1. **COD recognition of wind power projects in accordance with the signed power purchase agreement**

On October 14, 2021, the Electricity of Vietnam has just issued a document No. 6302/EVN-TTD, dated October 14, 2021 to the National Load Dispatch Center (EVNNLDC) and the Electricity Power Trading Company (EVNEPTC) on recognition of Commercial Operation Day (COD) and operation of wind power plant projects. **This document replaces the document No. 5375/EVN-TTD dated September 1, 2021 of EVN on supplementing the dossier of recognition of the commercial operation date of the wind power plant**.

According, EVN requires EVNEPTC to perform COD recognition of wind power plant projects in accordance with the conditions stipulated in the signed Power Purchase Agreement (PPA)

In respect of the projects not having “a written approval from the Ministry of Industry and Trade, or the provincial Departments of Industry and Trade about the result of the inspection and acceptance of completed works to put them into use", EVN authorized the Director of EVNEPTC to negotiate the contract to amend and supplement according to regulations, which adds the commitments of the electricity seller as follows:

1. The electricity seller commits to comply with the provision of the law on investment for constructions (including the inspection of the acceptance of construction works by competent state agencies). In case, the competent state agency has opinions on the fact that the electricity seller has not complied with the provisions of the law on investment for constructions, the electricity buyer has the right to refuse to recognize or cancel the contract. receive COD, stop buying electricity and request the electricity seller to refund the entire electricity bill that the buyer has paid to the electricity seller since the COD date, including interest (if any).
2. The electricity seller commits to comply with the opinion of the competent State bodies and refund to the electricity buyer all the electricity bills paid by the electricity buyer from the date of COD, including the interest (if any).
3. The electricity seller commits to comply, without any complaints or lawsuits if the above cases occur.

As for the amended and supplemented contracts, only adding the commitments of the electricity sellers as mentioned above, EVN assigns EVNEPTC to negotiate, sign and implement.

We hope you found this brief legal update informative.

Kind regards.

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