LEGAL NEWSLETTER

March/ 2022

# Dear Valued Clients and Partners,

ADK Vietnam Lawyers would like to introduce to you the March 2022 Legal Newsletter with the following main contents:

# Legal Spotlight

* 1. **Guideline on Covid-19 prevention and control associated with entrants**

Mr. Nguyen Truong Son - Deputy Minister of Health recently signed and promulgated Official Letter No. 1265/BYT-DP on the prevention of COVID-19 epidemic for entrants.

Accordingly, this Official Letter guides a number of outstanding contents as follows:

1. Testing requirements for entrants:
* Entrants entering Vietnam by air must have negative test results for SARS-CoV-2 (except for children aged under 2) with RT-PCR /RT-LAMP within 72 hours before exit or with antigen rapid test within 24 hours before exit, and the test results must be certified by competent authorities of the country in which the test is done;
* Entrants entering Vietnam by land, by sea or by rail must have test results as prescribed above. In case an entrant does not have negative test results for SARS-CoV-2 as specified at point (a) above-mentioned, he/she must do a test for SARS-CoV-2 within the first 24 hours (with RT-PCR/RT-LAMP or antigen rapid test) since entry. If the test result is negative, he/she is allowed to leave his/her accommodation and implement anti-COVID measures as prescribed. If the test result is positive, immediately notify local health authorities for guidance;
* Children aged under 2 are not required to be tested for SARS-CoV-2 and those who have not been vaccinated against COVID-19 or who have never been infected with SARS-CoV-2 are allowed to enter Vietnam and participate in activities outside of their accommodation with their parents and relatives.
1. Health declaration and quarantine at the checkpoints:
* Entrants must carry out health declaration before entry and use PC-COVID application throughout their stay in Vietnam as prescribed;
* At the border checkpoints, anyone who have symptoms of SARS-CoV-2 infection (fever; cough; sore throat; runny nose, stuffy nose; body pain, fatigue, chills; decrease or loss of taste; decrease or loss of smell; headache; diarrhea; shortness of breath; respiratory tract inflammation, etc., must notify health authorities at the checkpoints for implementation of health measures as prescribed.

**Official Letter No. 1265/BYT-DP took effect from 15 March 2022.**

* 1. **Visa waiver for citizens of 13 countries**

The Government recently issued Resolution No. 32/NQ-CP dated 15 March 2022 on visa waiver for nationals of The Federal Republic of Germany, The French Republic, Italian Republic, Kingdom of Spain, The United Kingdom of Great Britain and Northern Ireland, Russian Federation, Japan Republic of Korea, Kingdom of Denmark, Kingdom of Sweden, Kingdom of Norway, Republic of Finland, and The Republic of Belarus.

Accordingly, the visa waiver will be applicable to nationals of the Federal Republic of Germany, The French Republic, Italian Republic, Kingdom of Spain, The United Kingdom of Great Britain and Northern Ireland, Russian Federation, Japan, Republic of Korea, Kingdom of Denmark, Kingdom of Sweden, Kingdom of Norway, Republic of Finland, and the Republic of Belarus, who stay in Vietnam for 15 days from the date of entry, no matter what visa types they currently hold or their purposes of entry, with adequate eligibility criteria in accordance with Vietnamese laws.

In addition, the visa waiver for the nationals as specified above will last for three years from March 15, 2022 to March 14, 2025 inclusive and an extension could be tabled in line with Vietnamese laws.

**This Resolution took effect from 15 March 2022** and supersedes Resolutions No. 21/NQ-CP dated February 28, 2020, No. 23/NQ-CP dated March 2, 2020 and No. 29/NQ-CP dated March 11, 2020 and No. 33/NQ-CP dated March 19, 2020 of the Government on suspension of unilateral visa exemption policy with the countries.

* 1. **A contractor shall purchase compulsory insurance for civil liability for third parties**

On 10 March 2022, the Government issued Decree No. 20/2022/ND-CP amending and supplementing several provisions of Decree No. 119/2015/ND-CP dated 13 November 2015 providing for compulsory insurance for construction investment activities.

Accordingly, this Decree amending and supplementing a number of notable contents as follows:

1. Amending regulation of compulsory insurance purchasing for civil liability for third parties to Article 4.3 of Decree No. 119/2015/ND-CP, specifically, the contractor must purchase compulsory insurance for workers on the construction site and compulsory insurance for civil liability for third parties.
2. Amending several contents of compulsory insurance for civil liability for third parties, specifically:
* With respect to compulsory insurance for civil liability for third parties: Insurance premiums shall be included in production and business costs;
* The validity period of construction insurance during the construction progress means the specific time period from the opening date to the closing date of construction activities with reference to the construction contract and agreed upon in an insurance contract;
* With respect to compulsory insurance for civil liability for third parties: An insurance enterprise shall be liable to pay a construction contractor sums as an insurance cover which such contractor has its duty to provide damages for these third parties for non-contractual damages to health, life, property directly incurred during the construction process and relevant legal costs (if any) within the scope of insurance liability under the agreement in the insurance contract.

**Decree No. 20/2022/ND-CP will take effect from 01 July 2022.**

# Featured Articles of ADK Lawyer in March

# The article “*A number of new notable contents of Decree No. 02/2022/ND-CP on elaboration of certain articles of the law on real estate trading*”. The article analyzes the new points of regulations related to the Law on Real Estate Business compared to Decree 76/2015/ND-CP.

# The article “*Procedures for operation registration of rooftop solar power system*”. The article provides legal basis, procedures for registration of operation of rooftop solar power systems.

# The article “*Compliance checklist for a newly established representative office*”. The article analyzes regulations relating to the establishment and operation of representative offices, taxes and fees for employees, and necessary permits during the operation of representative offices.

To read the above articles in more detail, please visit our website at: <https://adk-lawyers.com/en/legal-articles>

# Some prominent legal documents take effect from April 2022

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| **No** | **Text name** | **Date issued** | **Date of Effective** |
| **RESOLUTION** |
| 1.
 | Resolution No. 18/2022/UBTVQH15 on environmental protection tax rates for gasoline, oil and grease | 23/3/2022 | 01/4/2022 |
|  | Resolution No. 17/2022/UBTVQH15 on the number of employees working overtime in a year and a month in the context of COVID-19 epidemic prevention and control and socio-economic recovery and development | 23/3/2022 | 01/4/2022 |
| **DECREE** |
|  | Decree No. 148/2021/ND-CP on management and use of revenues from conversion of ownership of enterprises, public non-business units, revenues from the transfer of state capital and the difference in equity greater than capital charter at the enterprise | 31/12/2021 | 01/4/2022 |
|  | Decree No. 18/2022/ND-CP on foreign rituals | 18/02/2022 | 10/4/2022 |
| **CIRCULAR** |
| 1.
 | Circular No. 24/2021/TT-NHNN amending Circular 39/2011/TT-NHNN providing for independent audit of credit institutions, foreign bank branches | 31/12/2021 | 01/4/2022 |
|  | Circular No. 09/2022/TT-BTC amending and supplementing a number of articles of the regulation on consideration, verification and approval of foreign loans by the method of self-borrowing and self-payment of state-owned enterprises over 50% of charter capital issued together with Circular No. 153/2014/TT-BTC dated October 20, 2014 of the Minister of Finance | 31/12/2021 | 01/4/2022 |
|  | Circular No. 10/2022/TT-BTC stipulating the general report of financial information according to convention | 14/02/2022 | 01/4/2022 |
|  | Circular No. 05/2022/TT-BCT stipulating the Rules of Origin of goods in the Regional Comprehensive Economic Partnership Agreement | 18/02/2022 | 04/4/2021 |
|  | Circular No. 02/2022/TT-BKHCN guiding the implementation of a number of articles of the Government's Decree No. 142/2020/ND-CP dated December 9, 2020 stipulating the conduct of radiation work and translation activities atomic energy application support service | 25/02/2022 | 15/4/2021 |
|  | Circular 01/20 Circular 06/2022/TT-BCT stipulating the import of rice and dried tobacco leaves originating from the Kingdom of Cambodia under tariff quotas in 2021 and 2022 | 28/02/2022 | 15/04/2022 |
|  | Circular 18/2022/TT-BTC amending and supplementing a number of articles of Circular No. 36/2019/TT-BTC dated June 17, 2019 of the Ministry of Finance guiding business activities of self-selecting lottery numbers maths | 15/3/2022 | 28/4/2022 |

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

Best Regards.

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