

## LEGAL UPDATES (February 22<sup>nd</sup>, 2021)

In these legal updates, we would like to send clients the legal updates on some following issues:

- The Government issued Decree No. 152/2020/ND-CP on December 30<sup>th</sup>, 2020 about cases of work permit exemption for foreign employees in Vietnam.
- The Prime Minister has issued Official Dispatch No. 185/TTg-CN on February 09<sup>th</sup>, 2021 about inspecting and reviewing issues related to the development of solar energy.
- 03 new regulations pertaining to the Certificate of Land Use Rights are prescribed in Decree No. 148/2020/ND-CP issued by the Government taking effect as of February 8<sup>th</sup>, 2021.

### **1. The Government issued Decree No. 152/2020/ND-CP on December 30<sup>th</sup>, 2020 about cases of work permit exemption for foreign employees in Vietnam**

On December 30<sup>th</sup>, 2020 the Government issued Decree No. 152/2020/ND-CP on foreign workers working in Vietnam and recruitment, management of Vietnamese workers working for foreign organizations and individuals in Vietnam. Accordingly, from February 15<sup>th</sup>, 2021 onwards, one of notable points of this Decree is regulations on cases of work permit exemption for foreign employees in Vietnam, specifically as follows:

In addition to cases prescribed in Articles 154.3, 154.4, 154.5, 154.6 and 154.8 of Labor Code 2019, Article 7 of Decree No.152/2020/ND-CP provides 14 additional cases of work permit exemption for foreign employees in Vietnam, typical cases are as follows:

- Being the owner or capital contributor of a limited liability in which his or her capital contribution is at least 3 billion dongs.
- Being the Chairman or member of the Board of Management of a joint-stock company in which his or her capital contribution is at least 3 billion dongs.
- Entering into Vietnam to work as the position of a manager, executive, expert or technical worker in the course of work of fewer than 30 days and no more than 03 times per year.
- Being certified by the Ministry of Education and Training as a foreign employee entering into Vietnam for teaching and researching purposes; etc.

### **2. The Prime Minister has issued Official Dispatch No. 185/TTg-CN on February 09<sup>th</sup>, 2021 about reviewing issues related to the development of solar energy**

On February 9<sup>th</sup>, 2021 the Prime Minister issued Official Dispatch No. 185/TTg-CN to implement the Development Strategy for renewable energy in Vietnam in 2030 with a vision of 2050 under the Decision No. 13/2020/QĐ-TTg issued by the Prime Minister on April 6<sup>th</sup>, 2020. Specifically, the Prime Minister requested the Ministry of Industry and Trade to be responsible for leading and organizing, to cooperate with the province-level People's Committees, Vietnam Electricity Corporation, and other relevant authorities to urgently implement the following contents:

- To overall review the execution of existing ground mount and rooftop solar energy projects; to instruct related-parties to implement in accordance with principles and regulations under Official Dispatch No. 414/TTg-CN and other relevant documents;
- To scrutinize, inspect, correct, and strictly discipline recent infringements of developing rooftop solar energy at localities and electricity companies in accordance with the laws;
- To research and propose effective management measures for renewable energy sources; direct instruct and implement measures to minimize economic losses of investors and waste of the country's renewable energy sources;
- To be responsible for overall reviewing and inspecting currently working electric sources, to update and balance the supply and demand in the forthcoming period in order to strengthen the best planning management; simultaneously to urgently perfect procedures of VIII Electricity Planning Projects and submit to the Prime Minister on schedule.

### 3. **03 new regulations pertaining to the Certificate of Land Use Rights have been prescribed in Decree No. 148/2020/ND-CP issued by the Government taking effect as of February 8<sup>th</sup>, 2021**

On December 18<sup>th</sup>, 2020 the Government issued Decree No. 148/2020/ND-CP amending and supplementing to several Decrees providing detailed regulations on implementation of the Law on Land. From February 08<sup>th</sup>, 2021 onwards, many amendments and supplements pertaining to the Certificate of Land Use Rights ("LURCs") have been of full force and effect, specifically:

- a. Branches of land registration offices are lawfully permitted to receive dossiers granting LURCs:

Article 1.19 of Decree No. 148/2020/ND-CP amending Article 60 of Decree No. 43/2014/ND-CP provides that competent authorities receiving dossier and rendering results of procedures for registration of land and other land-attached property; of granting, renewing or reissuing the LURCs are as follows:

- Land Registration Offices;
- Branches of Land Registration Offices (new regulations).

- b. Citizens are entitled to carry out the procedures for granting LURCs at home as negotiation:

Citizens are legally permitted to negotiate with the authorities to conduct the procedures for granting LURCs at home, provided that the timeline limit set by the province-level People's Committees is satisfied.

- c. The consolidation and swap of land parcels are no longer granted new LURCs

Article 1.24 of Decree No. 148/2020/ND-CP provides that one of the cases of the re-issuance of LURCs as well as homeownership certificates and certificates of ownership of construction works is "because of the resurvey of areas and dimensional sizes of land plots".

Whereas, in the previous, Article 76.1.c of Decree No. 43/2014/ND-CP provided the above case also occurred due to the "consolidation and swap of land parcels".

We hope this short Letter of legal updates would bring you useful information.

Best regards.

**Contributor(s):****Mr. LE TIEN DAT****Senior Partner****M** (+84) 939 107 387 | **E** [dat.le@apolatlegal.com](mailto:dat.le@apolatlegal.com)**Mr. TRAN CHAU HOAI HAN****Associate****M** (+84) 988 787 285 | **E** [han.tran@apolatlegal.com](mailto:han.tran@apolatlegal.com)**Mr. DANG NGUYEN NGUYEN THANH****Paralegal****M** (+84) 905 161 450 | **E** [thanh.dang@apolatlegal.com](mailto:thanh.dang@apolatlegal.com)

**Disclaimer:** All materials have been prepared for general information purposes only. The information is not intended as, and should not be taken as, legal advice. Do not act or refrain from acting based upon information provided herein without first consulting our lawyers about your particular factual and legal circumstances. Apolat Legal can accept no responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this publication. On any specific matter, reference should be made to the appropriate adviser.

**ABOUT US,**

Apolat Legal is a professional law firm with its offices in Ho Chi Minh city and Ha Noi city. The firm's lawyer team specializes in almost all legal practice areas in Vietnam including Enterprise and Investment; Labor and Employment; Intellectual Property; Dispute Resolution; Real Estate and Construction; Information and Communication; Natural Resources and Environment; Transport; Industry and Trade; Education and Training; Finance and Banking; Agriculture; Legal Document Translation; Legal Training.

Our reputation and the quality of its services are reflected by our clients. We are serving nearly 1,000 clients both local and multi-national companies.

We are also honored to receive numerous recognitions and/or articles posted by world-leading and local organizations and publications including: The Law Association for Asia and the Pacific (LawAsia, 1966), The Legal500, IP Link, IP Coster, Lexology, Global Trade Review (GTR), The Saigon Times, etc.

**Contacts:****HO CHI MINH CITY (Head office)**

5<sup>th</sup> Floor, IMM Building  
99-101 Nguyen Dinh Chieu, District 3  
Ho Chi Minh City, Vietnam

Tel: +84-28-3899 8683

Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)Website: [www.apolatlegal.com](http://www.apolatlegal.com)**SINGAPORE (Affiliated office)**

#26-10, SBF Center,  
160 Robinson Road  
Singapore 068914

Tel: +84-93-2014 986

Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)Website: [www.apolatlegal.com](http://www.apolatlegal.com)**Scan here:**