

LEGAL UPDATES (April 26th, 2020)

In this issue, we would like to bring to your attention a brief overview of the recent legal amendments concerning the following:

- *Updating the new Directive 19/CT-TTg of the Prime Minister to keep implementing the disease prevention measures in the new situation.*
- *Guidelines of Ministry of Industry and Trade on the implementation of the incentive mechanism for solar power development in Vietnam.*
- *Notification on National Office of Intellectual Property (“NOIP”) restores directly receiving the registration application of industry property at headquarter of NOIP and representative offices in Da Nang City and Ho Chi Minh City.*

1. Updating the new Directive 19/CT-TTg of the Prime Minister to keep implementing the disease prevention measures in the new situation

On April 24th, 2020, Prime Minister Nguyen Xuan Phuc issued Directive 19 to guide the implementation of epidemic prevention and control measures after three weeks of implementing social isolation under the previous Directive No. 16. In the new Directive, The Prime Minister requested ministries, related agencies, People's Committees of provinces and cities directly under the Central Government to continue to direct the implementation of epidemic prevention and control measures, including the following typical contents:

- (1) Request people to often wash their hands with soap or disinfectant solution; wear masks when going out; keep a safe distance when contacting, do not gather crowded people in public places, outside the scope of offices, schools, hospitals;
- (2) Continue suspending festive activities, religious ceremonies, sports tournaments, crowded events in public places, stadiums and other unnecessary significant events.
- (3) Temporarily suspending operations of non-essential service businesses (amusement parks, entertainment centres, beauty facilities, karaoke, massage parlours, bars, dancing halls, etc.) and other businesses under the decision or direction of the Chairman of the Provincial People's Committee.**
- (4) Commercial and service establishments (wholesale, retail, lottery, hotels, accommodation establishments, restaurants, bars), except the establishments mentioned in section (3) above, training areas to exercise sports, relics and scenic places... are allowed to resume operation but must apply measures to ensure safety against epidemics such as: providing protective equipment for staff, measuring the body temperature of incoming guests; arrange adequate hand-washing means and supplies, and ensure distance upon contact.**

- (5) The public provincial and inter-provincial passenger transportation is allowed to resume. Still, measures to ensure safety against epidemics must be implemented under the guidance of the Ministry of Transport, namely: passengers and drivers must wear masks, fully equipped disinfectant hand-washing equipment, soap for passengers.

Particularly for air transporting passengers, applied measures must be appropriate to the aviation industry, ensuring safety for passengers and preventing the spread of epidemics.

- (6) *Reduce and distance students in the classroom, re-arrange of class time, lunch, group activities to ensure not crowding people; disinfect classroom; combine online learning, implement preventive measures for students.*

- (7) Factories and production facilities continue to operate and must apply epidemic prevention measures for workers and employees.**

2. Guidelines of Ministry of Industry and Trade on the implementation of the incentive mechanism for solar power development in Vietnam

On April 20th, 2020 the Ministry of Industry and Trade promulgated Dispatch No. 2794/BCT-TL to guide the implementation of the incentive mechanism for solar power development in Vietnam (hereinafter referred to as the “**Dispatch 2794**”), which specifies the contents of the Decision No. 13/2020/QĐ-TTg on mechanisms to encourage development of solar power in Vietnam which takes effect on May 22th, 2020 (hereinafter referred to as “**Decision 13**”), accordingly:

- Ministry of Industry and Trade requests the Provincial People’s Committees and Vietnam Electricity Group (EVN) to direct, urge and coordinate with investors of solar power projects, rooftop solar power systems, which satisfies the conditions specified in Article 5 and Article 8 of Decision 13, to implement necessary agreements (including specific agreements in electricity factor and regional agreements) to deploy construction and put into operation by January 1st, 2021.
- For solar power investment projects in Ninh Thuan province, the Ministry of Industry and Trade requests the Provincial People’s Committees and EVN to check, monitor and regularly update the progress of construction works, put into operation in order to identify the cumulative total capacity of 2,000 MW by which the electronic selling price is applied, and report to the Ministry of Industry and Trade to consider.
- The circular regulating project development and model electricity trading contract is being developed by the Ministry of Industry and Trade. During this period, Vietnam Electricity Group will carry out construction with the following main contents:
 - + For projects have not been put into commercial operation after July 1st, 2019 that it will temporarily sign contracts or adjust electricity purchase contracts signed under Circular 16/2017/TT-BTC of July 12th, 2019 at a purchase price consistent with Decision 13.
 - + For a solar power project in Ninh Thuan province will sign a contract or adjust the contract with the purchase price of electricity according to Clause 3, Article 5 of Decision 13 with the price is 2,086 VND/kWh (exclusive of value-added tax,

equivalent to 9.35 cents/kWh) for the capacity part of the total cumulative capacity of 2,000 MW and the remaining capacity (if any) meeting the criteria specified in Clause 1, Article 5 of Decision 13.

- + For projects have been put into commercial operation after June 30th, 2019 that the electricity sale price of solar power of plants and rooftop solar power systems shall be paid with the appropriate electricity price according to Decision 13.

3. Notification on National Office of Intellectual Property (“NOIP”) restores directly receiving the registration application of industry property at headquarter of NOIP and representative offices in Da Nang City and Ho Chi Minh City

As mentioned in our previous legal updates, NOIP had issued the Notification No. 5287/TB-SHTT on April 03rd, 2020 and Notification No. 5294/TB-SHTT on April 13th, 2020 on suspending direct receiving registration applications of industrial property and guiding on filling applications online and by courier to NOIP’s headquarter and representative offices in Da Nang City and Ho Chi Minh City.

In the light of the situation that Vietnam has well-controlled the disease and in order to guarantee the operation and advantage of individuals and organizations filling registration applications of industrial property, on April 24th, 2020, NOIP has issued the Notification No. 5869/TB-SHTT on restoring the direct receipt of registration applications of industry property at headquarter of NOIP and representative offices in Da Nang City and Ho Chi Minh City, along with other forms - filling online and by courier.

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

Best regards.

Contributor(s):**Mr. LE TIEN DAT****Managing Partner****M** (+84) 939 107 387 | **E** dat.le@apolatlegal.com**Ms. THIEU THI KIEU THU****Associate****M** (+84) 37 8513 939 | **E** thu.thieu@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)**

5th Floor, GIC Buidling
36A Nguyen Gia Tri, Binh Thanh District
Ho Chi Minh City, Vietnam
Tel/*SĐT*: +84-28-3899 8683
info@apolatlegal.com
www.apolatlegal.com

SINGAPORE (Affiliated office)

#26-10, SBF Center,
160 Robinson Road
Singapore 068914
Tel: +84-93-2014 986
info@apolatlegal.com
www.apolatlegal.com