



LEGAL UPDATES

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1. Decree No. 69/2021/ND-CP on renovation and reconstruction of apartment buildings (“Decree 69/2021/ND-CP”), takes effect as of 01st September 2021

Types of apartment building must be demolished for reconstruction or new constructions

According to Decree 69/2021/ND-CP, apartment buildings that must be demolished for reconstruction or construction of other works includes:

- a) apartment buildings that must be urgently demolished due to incidents, natural disasters, or fire pursuant to the law;
- b) apartment buildings’ use term has expired or not yet expired pursuant to the law but there is an inspection conclusion by the provincial housing management authority in one of the following cases:
 - (i) having primary load-bearing structures facing overall danger, risk of collapse, failure to meet use conditions, and/or requiring immediate relocation of apartment owners and inhabitants;
 - (ii) suffering from severe damage, having primary load-bearing structures facing local damage, and having any of the following factors: firefighting infrastructures; water supply and drainage infrastructures; waste water processing infrastructures; power supply infrastructures; or internal traffic infrastructures fail to satisfy applicable technical standards and regulations or face risk of causing unsafe situations during operation, and requiring deconstruction in order to ensure safety for inhabitants and meet requirements for urban renovation and improvement.
- c) apartment building has one of its primary structural components, including foundation, pillars, walls, beams damaged and not satisfactory to normal use conditions but not required to be deconstructed according to above clause yet, but is situated where apartment buildings are eligible for deconstruction according to Article 110.2 of Law on Housing.

Compensation, financing, relocation solutions for houses and constructions Not owned by the State



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If apartment owners request for onsite-relocation: based on specific conditions of projects in each region, the Provincial People's Committees shall decide on compensation ranging from one to two times usable area of original flats specified in the land use right certificate issued from time to time or area eligible for issuance of the certificate.

If apartment owners request for off-site relocation and project developers have houses and land area in other locations for off-site relocation where the owners wish to relocate, the owners shall be relocated off-site.

If apartment owners do not want to be relocated: They shall receive compensation in form of money based on the value of compensation flats after being converted by coefficient k specified under the above-mentioned point.

Compensation, financing, relocation solutions for houses and constructions owned by the State

When state-owned apartment buildings are demolished, tenants shall be relocated as follows:

- a) in case of demolition for reconstruction of the apartment building, tenants shall be designated to rent flats with approved design area which is no lower than usable area of original flats, except for cases where the tenants do not wish to rent; or
- b) in case the apartment building is no longer built in original location according to approved planning, tenants shall be designated to other locations.

2. Circular No. 14/2021/TT-NHNN amending Circular No. 01/2020/TT-NHNN dated 13th March 2020 of the State Bank of Vietnam providing instructions for credit institutions and foreign-licensed branch banks (FBB) on debt rescheduling, exemptions or reduction of interest and fees, retention of debt category to assist borrowers affected by COVID-19 pandemic ("Circular 14/2021/TT-NHNN"), takes effect as of 07th September 2021



Expanding subjects that are able to reschedule debts and extend the time of debt rescheduling

Previously, Circular No.03/2021/TT-NHNN amending Circular No. 01/2020/TT-NHNN dated 13th March 2020 of the Governor of the State Bank of Vietnam providing instructions for credit institutions and foreign-licensed branch banks (FBB) on debt rescheduling, exemption or reduction of interest and fees, retention of debt category to assist borrowers affected by COVID-19 pandemic (**“Circular No.03/2021/TT-NHNN”**) permitted credit institutions and FBB to reschedule the debts (including principal and/or interest) if the debts:

- a) arise before 10th June 2020 from lending or financial leasing activities; or
- b) lead to obligations to pay loan principal and/or interest from 23th January 2020 to 31st December 2021.

Currently, Circular 14/2021/TT-BTC amends debt rescheduling. Accordingly, credit institutions and FBB may reschedule the debts that:

- a) arise before 10th June 2020 from lending or financial leasing activities;
- b) lead to obligations to pay loan principal and/or interest from 23th January 2020 to 30th June 2022.

Thus, it can be seen that Circular 14/2021/TT-NHNN broadens the subjects of debt rescheduling, which involves the debts arising before 01st August 2021; and extended the time of debt rescheduling until 30th June 2022.

Extending the time of exemption or reduction of interest and/or fees

Circular 14/2020/TT-NHNN stipulates that the exemption or reduction of interest and/or fees for borrowers affected by the COVID-19 pandemic shall be extended until 30th June 2022 (Circular 03/2021/TT-NHNN regulates that the exemption or reduction of interest and/or fees shall be extended until 31st December 2021)



3. Decree No. 70/2021/ND-CP amending Decree No. 181/2013/ND-CP dated 14th November 2013 of the Government detailing some articles of the Law on Advertising (“Decree 70/2021/ND-CP”), takes effect as of 15th September 2021

Clarifying the definition of “activities providing cross-border advertising services in Vietnam”

Previously, Decree No. 181/2013/ND-CP detailing the implementation of a number of articles of the Law on Advertising (“**Decree No. 181/2013/ND-CP**”) fails to define “*activities providing cross-border advertising services in Vietnam*”.

Currently, Decree No. 70/2021/ND-CP clarifies the concept of “*activities providing cross-border advertising services in Vietnam*” as the use of websites to provide advertising services for users in Vietnam from service providing equipment systems located outside of Vietnamese territory and earn revenues in Vietnam by foreign organizations and individuals.

Unifying an organization to manage cross-border advertising activities

Decree 181/2013/ND-CP stipulate that the Ministry of Information and Communications managed online advertising; the Ministry of Culture, Sports and Tourism would manage both domestic and foreign organizations, individuals participating in cross-border advertising activities.

Now, under Decree 70/2021/ND-CP, foreign organizations and individuals providing cross-border advertising services in Vietnam must notify their contact information to the Ministry of Information and Communications in 15 days before providing their services in Vietnam. Thus, according to the current regulations, the Ministry of Information and Communications is the agency that manages cross-border advertising activities.

In addition, the Ministry of Information and Communications is also the agency that receives notifications on illegal cross-border advertising from ministries, branches and localities and is an organization that contacts and sends requests for handling illegal



advertisements to foreign organizations and individuals providing cross-border advertising services.

Controlling and removing infringing contents

Decree No. 70/2021/ND-CP stipulates that advertising issuers and advertisers when concluding contracts with advertising service providers (including domestic and foreign organizations, individuals providing cross-border advertising services) must:

- a) request advertising service providers not to advertise illegal contents as set out in Article 8.1 of the Law on Cyber Security and Article 28 of the Law on Intellectual Property;
- b) request advertising service providers to ensure technical solutions, so that advertisement issuers and advertisers in Vietnam can control and remove advertisements violating Vietnamese law.

Process of handling cross-border advertisements violating Vietnamese law

Step 1: Check and send a request to handle cross-border advertising that violates Vietnamese law

After receiving evidence of infringing cross-border advertisements, within 5 days, the Ministry of Information and Communications is responsible for reviewing and examining the infringing content and sending a request for handling in writing or via electronic means to foreign organizations and individuals providing cross-border advertising services. Information about infringing advertisements that have been sent to the foreign organizations and individuals providing cross-border advertising services for processing will be publicly announced on the portal of the Ministry of Information and Communications.

Step 2: Handle infringing advertisements as requested

After the above-mentioned time limit, if foreign organizations and individuals fail to handle infringing advertisements as requested without a plausible reason, the Ministry



of Information and Communications will take measures to prevent the illegal advertisements.

In case of detecting infringing cross-border advertisements affecting Vietnam's national security, competent Vietnam authorities shall immediately take measures to prevent such illegal advertisements.

Step 3: Remove preventive measure (if any)

Preventive measures can only be removed after the infringing advertisements have been handled by foreign organizations and individuals at the request of the Ministry of Information and Communications.



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DOCUMENTS ISSUED IN SEPTEMBER 2021

DATE OF ISSUED	NO.	NAME OF DOCUMENT	ISSUED BY	MAIN CONTENT
07/9/2021	09/2021/TT-BL□TBXH	Circular	Ministry of Labor, War Invalids and Social Affairs	Providing amendments to Circular No. 08/2020/TT-BLDTBXH dated 15 th October 2020 on guidelines for protection of employment status of whistleblowers working under employment contracts
07/9/2021	14/2021/TT-NHNN	Circular	State Bank of Vietnam	Amendments to Circular No. 01/2020/TT-NHNN dated 13 th March 2020 on Instructions for credit institutions and foreign branch banks (FBB) on debt rescheduling, exemption or reduction of interest and fees, retention of debt category to assist borrowers affected by COVID-19 pandemic
08/9/2021	14/2021/TT-BXD	Circular	Ministry of Construction	Guidelines for determination of construction maintenance cost
09/9/2021	105/NQ-CP	Resolution	Government	Provision of assistance for enterprises, cooperatives, household businesses amid COVID-19 pandemic
15/9/2021	3328/Q□-BC□	Decision	Steering Committee for	Promulgating The Criteria set for assessing



			COVID-19 Prevention and Control	safe operations in COVID-19 prevention and control at production, business and commercial establishments in Ho Chi Minh City
15/9/2021	114/TANDTC-HTQT	Circular	People' Supreme Court	Verifying the address of litigants in foreign country

