

# LEGAL UPDATES

April 2022

## What's new this month?

—  
Notable changes in regulations in e-commerce sector

—  
New guidance on Covid-19

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Third party liability insurance in construction filed



- Contributed by Benjamin Yap Soon Tat and Dang Thi Tuong Vi -

## Noteworthy Amendments To E-Commerce and Construction Regulations and Guidance on Covid-19

*being effective from April 2022*

This April has notable legal documents coming into effect the highlights of which include Circular No. 01/2022/ND-CP dated 18 January 2022, Decree No. 20/2022/ND-CP dated 10 March 2022, and several new guidance from competent authorities in relation to Covid-19. In brief, those regulations have contributed to reduce certain procedures in various sectors.

## Notable changes in regulations on e-commerce sector

Circular No. 01/2022/TT-BCT (Circular 01) amends certain provisions under Circular No. 47/2014/TT-BCT (Circular 47) and Circular No. 59/2015/TT-BCT (Circular 59) in relation to the Management of E-Commerce via Mobile Phones Applications and the Management of E-Commerce Websites of the Ministry of Industry and Trade (MOIT) came into effect on 08 March 2022 and introduces certain amendments to the current aforesaid Circulars for the purpose of consistencies between laws and regulations governing e-commerce. Below are certain notable amendments.

### Amendments to Circular 47

Circular 01 simplifies the licensing procedures in relation to e-commerce websites. Accordingly, as for e-commerce websites which facilitate both online trading and other e-commerce services, the website owners will carry out only the registration with the MOIT. Previously, the website owners will need to concurrently notify MOIT of the online trading functions and register with MOIT the provision of other e-commerce services.



Picture from: <https://www.elmens.com/business/is-e-commerce-changing-logistics-and-warehousing/>

In addition, Circular 01 also requires Certified eContract Authority (CeCA) to publish on their websites the following terms and conditions and to notify all users of any changes at least five days before application:

- rights and obligations of CeCA and users; limitation of obligations of CeCA
- description of process of certifying e-contracts
- information security
- mechanisms for handling complaints, disputes and violations

### Amendments to Circular 59

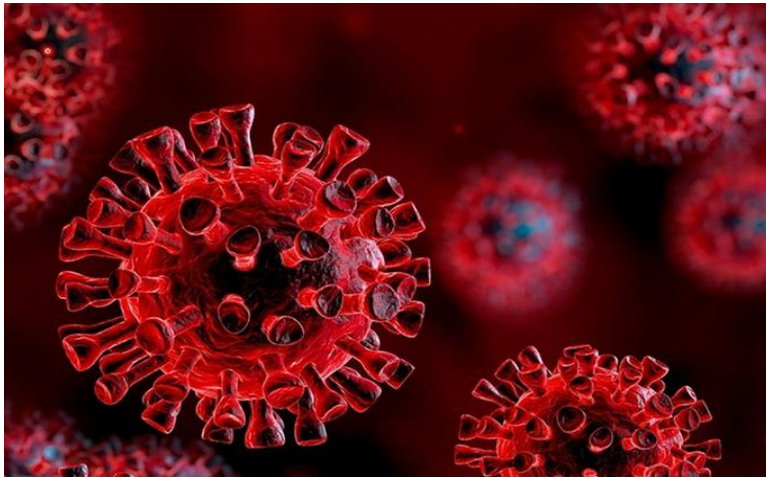
Previously, Circular 59 applied to foreign organizations participating in e-commerce activities via mobile apps within territory of Vietnam when they have presences in Vietnam in the investment forms or in the form of branches / representative offices. Circular 01 has now expanded the governing scope to cover foreign organizations doing e-commerce activities in Vietnam in general, whether they have presences or not.



Picture from: <https://medium.com/unified-infotech-inc/a-digital-revolution-in-the-e-commerce-market-conquer-the-pandemic-market-a5e0489ba247>

Additionally, under Circular 01, owners of apps for selling goods will need to send a notification to MOIT only when their apps facilitate online purchase orders.

## New guidance on Covid-19



Picture from: <https://nld.com.vn/suc-khoe/phat-hien-bat-ngu-tu-nhung-nguoi-kho-bi-lay-covid-19-trien-vong-ve-sieu-vac-xin-20220112113649909.htm>

The Vietnamese authorities recently continue to issue various guidance to cope with COVID-19 pandemic. Those guidance takes into account not only the current pandemic situation, the high COVID-19 vaccination coverage but also plans to create economic recovery and growth after COVID-19 while still helps the government be able to effectively control COVID-19.

- ❖ Official Dispatch No. 762/BYT-DP of the Ministry of Health (MOH) dated 21 February 2022 on quarantine/ isolation for COVID-19 cases and their close contacts (Dispatch 762);
- ❖ Official Dispatch No. 882/UBND-VX of Ho Chi Minh City People’s Committee dated 24 March 2022 guiding medical measures to be taken by close contacts (F1 cases) who attend to work or school (Dispatch 882);
- ❖ Official Dispatch No. 1606/VPCP-QHQT of the Government Office dated 15 March 2022 on resumption of immigration policies of Vietnam (Dispatch 1606); and
- ❖ Official Dispatch No. 1265/BYT-DP of the Ministry of Health dated 15 March 2022 on epidemic prevention and control for immigration people (Dispatch 1265).

The below key takeaway covers crucial requirements which may be subject to changes from time to time.

### Quarantine/ isolation applied to close contacts (F1)

Under Dispatch 762 of the MOH, as for F1, who (a) had their two doses and (b) there has been at least 14 days since the second dose or who have been cured for Covid-19 within 3-months

from the date being identified as F1, the following measures will be applied: (i) quarantine at home or other qualified locations **for at least 5 days; and;** (ii) proper Covid-19 affection test (via rapid antigen test or RT-PCR/RT-LAMP methods) on the 5<sup>th</sup> day of quarantine; and subject to the test result, self-monitoring health at home for the next 5 days if being negative to Covid-19, or otherwise, notifying the local health authorities for further actions.

Otherwise, F1 will be subject to: (i) quarantine at home or other qualified locations **for at least 7 days;** and (ii) proper Covid-19 affection test (via rapid antigen test or RT-PCR/RT-LAMP methods) on the 7<sup>th</sup> day of quarantine; and subject to the test result, self-monitoring health at home for the next 3 days if being negative to Covid-19, or otherwise, notifying the local health authorities for further actions.

**HOW TO SAFELY COEXIST WITH COVID-19**

**5K RULES (in Vietnamese)**

- KHAI BAO Y TE (health declarations)**
- KHONG TU TAP (no gatherings)**
- KHONG CACH (distancing)**
- KHU KHUAN (disinfection)**
- KHU KHUAN (disinfection)**
- KHONG KHUON (no face masks)**
- KHONG KHUON (no face masks)**
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Wear fabric face masks in public and crowded places.

Wash hands regularly with soap, hand sanitiser.

Disinfect surfaces/items frequently touched.

Keep house clean and airy.

Wear medical face masks at health facilities, quarantine camps.

Keep distance when making contact with others.

No gathering in crowds.

When experiencing symptoms of FEVER, COUGHING, SHORTNESS OF BREATH, dial Ministry of Health's hotline **19009095**.

Make health declaration on NCOVI application or local health authorities for further instructions on safe health examination.

Install Bluezone application via website <https://www.bluezone.gov.vn> for being updated with risks of COVID-19 infection.

Keep you and us safe amid COVID-19 pandemic

#BYT\_mCoV #ICT\_amb\_mCoV

TTXVN Vietnam News Agency

<https://infographics.vn>

Picture from: <http://bvck27thang2.com/tin-tuc/bo-y-te-lan-toa-thong-diep-5k-bang-nhieu-thu-tieng-de-phong-dich-covid-19>



Picture from: <https://www.unicef.org/vietnam/vi/nh%E1%BB%AFng-c%C3%A2u-chuy%E1%BB%87n/vi%E1%BB%87c-quay-tr%E1%BB%9F-l%E1%BA%A1i-tr%C6%B0%E1%BB%9Dng-h%E1%BB%8Dc-trong-b%E1%BB%91i-c%E1%BA%A3nh-covid-19-s%E1%BA%BD-di%E1%BB%85n-ra-nh%C6%B0-th%E1%BA%BF-n%C3%A0o>

Under Dispatch 882 of the People's Committee of Ho Chi Minh City, there may be certain relaxation of quarantine measures locally applied in the City. Accordingly, as for F1 who (a) had their two doses or (b) who have been cured for Covid-19 within 3-months, they may continue to go to work or to go to school. However, the below measures may be applied: (i) self-monitoring health for at least 10 days; (ii) having proper Covid-19 affection test (via rapid antigen test or RT-PCR/RT-LAMP methods) on the 5<sup>th</sup> day of quarantine; and (iii) strictly complying with other medical measures such as wearing masks, using hand sanitizer, carrying out medical declaration, using individual means of transportation, etc.

### **Immigration**



Picture from: <https://cutewallpaper.org/24/immigration-cliparts/view-page-24.html>

From 15 March 2022, Vietnam may lift all entry barriers applied due to Covid-19 pandemic subject further to relevant laws and regulations as well as guidance on Covid-19 pandemic pursuant to Dispatch 1606.

Under Dispatch 1265 of the MOH, the following measures may generally apply to inbound passengers entering Vietnam by air, sea, train and road: proper COVID-19 test with negative results within 24 - 72 hours before departure (subject to test methods); medical declaration and medical scanning at border gates; and self-monitoring health within the first 10 days upon arrival.

### Third-party Liability Insurance in construction field

The Government has issued Decree No. 20/2022/ND-CP (Decree 20) amending certain provisions under Decree No. 119/2015/ND-CP regarding compulsory insurance in the construction activities. This is for the purpose of detailing certain amendments introduced under Law No. 62/2020/QH14 amending Law No. 50/2014/QH13 on Construction. Decree 20 will become effective in this 1 July. It is expected that the competent authorities will further guide organizations and individuals on the implementation in more details. Outstanding takeaway are as below:



Picture from: <https://www.pbctoday.co.uk/news/building-control-news/insurance-construction-engineering-projects/48843/>

- ❖ A construction contractor will not only procure compulsory insurance for employees working on site but also the compulsory third-party liability insurance.
- ❖ The compulsory third-party liability insurance will cover compensation for non-contractual damage to health, life and property arising directly during constructing and other legal expenses subject to the insurance contract.
- ❖ The insured period shall be equal to the construction period stated in the construction agreement.
- ❖ The minimum insured amount will be as follows and without limitation on the number of losses:
  - As for health and life losses: at least VND100 million for a person per event.
  - As for property loss and legal expenses:
    - 10% of value of the construction work for the entire insured period if value of the construction work is under VND1 trillion; or
    - VND100 billion for the entire insured period if value of the construction work is from VND1 trillion.
- ❖ Cost for insurance may be deducted as a business expense.

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