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LEGAL UPDATES
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CIRCULAR NO. 02/2023/TT-BXD PROVIDES NEW GUIDELINES ON CONSTRUCTION-RELATED CONTRACTS



Source: <https://unsplash.com/photos/Vol2jd75M6Q>

On 3 March 2023, the Ministry of Construction has issued Circular No. 02/2023/TT-BXD (“**Circular 02-BXD**”) detailing certain provisions under Decree No. 37/2015/ND-CP (as amended by Decree No. 50/2021/ND-CP) (“**Decree 37**”) about construction-related contracts. Circular 02-BXD takes effect from 20 April 2023.

Governing scope: Circular 02-BXD applies to public and State related sectors. Other organizations and individuals are encouraged to refer to Circular 02-BXD when preparing and entering into construction contracts. As for construction contracts in projects using ODA funds or incentive loans pursuant to international treaties which Vietnam is a member, in case of any differences between those treaties and Circular 02-BXD, those treaties will prevail.

Attached to Circular 02-BXD are various construction contract templates, including (a) construction consultancy contract template; (b) construction contract template; and (c) EPC contract template, which mainly govern the relationship between the developer and the contractor. Parties may however adapt those templates to their projects and specific roles therein. Circular 02-BXD respects parties’ agreements on contract value, volume of work, execution progress and payment progress but also requires parties to comply with principles under laws.

As for construction contracts which were signed and have been on-going before the effective date of Circular 02-BXD, the parties will follow terms and conditions of those construction contracts. However, parties are required to revise terms and conditions of draft contracts which are not consistent with Circular 02-BXD for compliance purposes.

COVID-19 IS RECOGNIZED AS OCCUPATIONAL DISEASE

Source: [1https://graydon.law/covid-19-the-next-occupational-disease/](https://graydon.law/covid-19-the-next-occupational-disease/)

In order to protect workers' health and to encourage workplace safety, the Ministry of Health has issued, and from time to time amended, guidance on occupational diseases. Recently, on 9 February 2023, the Ministry of Health has promulgated Circular No. 02/2023/TT-BYT to *recognize the impact of COVID-19 on workers and other jobs that carry a risk of contracting COVID-19*. Circular No. 02/2023/TT-BYT takes effect from 1 April 2023.

In general, workers who are subject to such occupational diseases may be entitled to social insurance benefits upon satisfaction of conditions under laws, including but not limited to, such diseases being transmitted during the course of working; type of jobs such as workers working at medical units/laboratories or workers whose jobs are to prevent COVID-19 pandemic, or assist SARS-CoV-2 patients and diagnostic tests.

Contributors



Benjamin Yap (Mr.)

Senior Partner
Ho Chi Minh City Office
Tel. (+84) 28 3820 6448
benjamin.yap@rhtlaw.com.vn



Dang Thi Tuong Vi (Ms.)

Partner
Ho Chi Minh City Office
Tel. (+84) 28 3820 6448
vi.dang@rhtlaw.com.vn

Our offices



RHTLaw Vietnam

Suite 1101, 11th Floor, Sofitel Central Plaza 17
Le Duan Boulevard, District 1, Ho Chi Minh City,
Vietnam
Tel: +84 28 38206 448



RHTLaw Vietnam - Hanoi Branch

Unit 1501B, 15th Floor, Charmvit Tower 117
Tran Duy Hung Street, Cau Giay District, Hanoi,
Vietnam
Tel: + 84 24 3974 8881

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