



NEWSLETTER MAY 2021

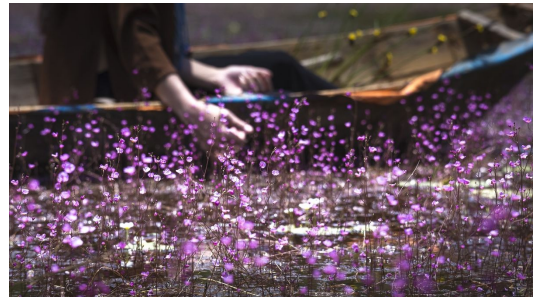
In this new edition, you can read an update on the pros and cons of investing in data centres in Vietnam, a sector to potentially attract a lot of FDI, and on Decree 38 on violations involving cultural and advertising activities. We provide you also with some other news and regulations which we thought might be of interest. Last but not least we would like to draw your attention to the initiative of Newborns Vietnam.

LEGAL INSIGHTS



DATA CENTRES – KEY ISSUES IN VIETNAM

The data centre market in Vietnam is a sector which is attractive for foreign investments. However, it is important to take into consideration certain points, such as data protection, required licences, build vs lease. In case of an M&A there are issues that might have to be considered depending on the type of deal.



ADMINISTRATIVE VIOLATIONS INVOLVING CULTURAL AND ADVERTISING ACTIVITIES

Decree 38 provides a better scope defining to which entities it is applies. It also introduces several more severe penalties for violations related to advertising for certain products, in particular drugs, cosmetics, medical equipment, fertiliser, or healthcare services. Additional penalties, such as revocation of a licence, are introduced as well.

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LAWS & REGULATIONS

Decree No. 21/2021/NĐ-CP

This Decree elaborates on the provisions in the Civil Code regarding security for fulfilment of obligations. Decree 21 implements a more detailed regulations on security for fulfilment of obligation including collateral asset, type of asset to be deemed as security, establishment and performance of obligation, realisation of collateral asset. Decree 21 entered into force on 15 May 2021.

Decree No. 38/2021/ND-CP

This Decree sets out administrative violation penalties in culture and advertisement sector. Notable violations subjected to penalties are public culture and event organization businesses, online gaming businesses, and advertisement activities in news articles, mass media, internet. It is worth considered that the penalties rate for organisation shall be twice as much as for individual. Decree 38 will enter into force on 1 June 2021.

Decree No. 53/2021/NĐ-CP

This Decree sets out Vietnam's preferential export tariff schedule and special preferential import tariff schedule for implementation of the free trade agreement between Vietnam and the United Kingdom of Great Britain and Northern Ireland (the UKVFTA) in the 2021 - 2022 period. Decree 53 clearly states the detailed tariff schedules in compliance with the UKVFTA, as well as provides conditions and instructions for applying such tariff schedules. Decree 53 entered into force on 21 May 2021.

Decree No. 55/2021/ND-CP

This Decree supplements and amends Decree 155/2016/NĐ-CP on penalties for administrative violations on environment protection sectors. Decree 55 expands the scope of entities to be imposed for penalties, and strengthen the government's supervision by increasing the penalties rates and supplementing many additional sanctions. Decree 55 will enter into force on 10 July 2021.

OTHER NEWS



IFC provides funding for two wind power projects in Vietnam

The International Finance Corporation (IFC), a member of the World Bank Group, is funding the development and construction of two wind power projects in Central Vietnam, contributing to the development of renewable energy in the country. ([SaigonTimes](#))



Vietnam May trade deficit seen at \$2 billion; CPI up 2.9%

Vietnam estimated a trade deficit of \$2 billion for May, while consumer prices in the month rose 2.9% from a year earlier, government data showed on Saturday. ([TuoiTre](#))



PM calls for ongoing support from UK in low-carbon economy

Prime Minister Pham Minh Chinh suggested the UK Government continue its support to Vietnam in finance, technology, and experience in transitioning towards a low-carbon economy, while receiving Alok Sharma, British Cabinet Minister and President of the 26th United Nations Climate Change Conference (COP 26), in Hanoi on May 28. ([VIR](#))



E-commerce changing the domestic retail property market

The shift toward e-commerce due to the COVID-19 pandemic has brought challenges to Việt Nam's retail property market, according to Savills Việt Nam. ([VN News](#))



Businesses work with gov't to speed up vaccination drive

The business community is willing to work with the Government to speed up the mass vaccination programme providing there is a policy to support them, speakers said at an online meeting on Friday in HCM City. ([VN News](#))



Debt burden risks budget stability

Vietnam has had outstanding economic development in recent decades, even through the pandemic so far. However, public debt remains a concern among government officials who soon must cope with the maturity of the previous five years of debts, which may affect the state budget for the 2021-2025 period. ([VIR](#))

CSR



In Vietnam 70% of infant deaths are newborns, and most are preventable

Currently babies can only transfer to specialist hospitals in ordinary ambulances without incubators, controlled oxygen or staff specially trained in resuscitation. Without dedicated neonatal ambulances babies travelling long distances can be irreversibly damaged or worse.

The Vietnam Ministry of Health has recognised this need and has agreed to support Newborns Vietnam to set up a pilot network system.

As part of ACSV Legal's CSR initiative we support Newborns Vietnam.

For further information, please visit this [link](#), or email marketing@acsvlegal.com or info@newbornsvietnam.org.

CONTACT US



If you have questions, please get in touch with us at marketing@acsvlegal.com or your usual ACSV Legal contact.

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L E G A L



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