NEWSLETTER

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PREFACE

2020 is probably a very peculiar and memorable year with multifold events that immensely affect the economy and society. Sharing the difficulties and challenges faced by businesses, NHQuang&Associates still maintains stable operations with our philosophy from the early days of establishment, "providing professional legal services to meet the requirements of domestic and foreign clients", constantly doing researches and studies to continue our contribution to the development of law and society, expanding our teams and improving professional quality, enhancing our participation in programs towards disseminating legal knowledge to people. Over the past year, NHQuang&Associates has conducted:

- **21** Legal workshops and seminars with speeches and comments
- **36** Legal analyses and commentaries
- **11** Legal writings on national newspapers & journals
- **14** Interviews & discussions on legal channels
- **08** Legal researches
- **02** Published publications
- **12** Monthly Legal newsletters
- **07** Academic training sessions with law student groups
- **14** Lectures in E-Learning program in collaboration between VTV and the Ministry of Justice

RESEARCH ACTIVITIES

1. After initial success of piloting the Systemic Investment Response Mechanism (SIRM) in 2019, Mr. Nguyen Hung Quang, as an expert of the International Finance Corporation (IFC) - World Bank Group has advocated to make the mechanism of prevention of disputes between investors and the Government become official regulations in Law on Investment 2020. Thus, according to the piloted SIRM model in 2019, the Ministry of Planning and Investment will be the agency in charge of development to submit for promulgation of the grievance solving mechanism for investors, which prevents disputes between the Government and investors.

2. In 2020, the lawyers of NHQuang&Associates again are selected to become the experts for developing the "*Administrative Procedures Compliance Cost Index Report 2020*" (APCI Report 2020). The assignment has been given to NHQuang for 3 consecutive years. In this project, the experts are engaged in researching and surveying the businesses that have performed administrative procedures in the last 6 months of 2019, thereby identifying outstanding issues in this process and making practical assessments of businesses' implementation of administrative procedures; accordingly, give recommendations to Ministries in reforming administrative procedures. This report is considered an indicator for the central agencies to continue implementing plans to monitor administrative procedures and reduce the compliance cost burden for enterprises.

3. As a Legal advisor to the British Council in the Project on Cultural and Creative Hubs Viet Nam co-sponsored by British Council and the European Union (British Councils cooperates with Viet Nam National Institute of Arts and Culture Studies), NHQuang&Associates developed the Manual on "*Guide to setting up a social enterprise – A version for Cultural and Creative Hubs*". In this manual, the social enterprise is introduced as a model that works closely with the creative cultural hubs and help these hubs have more opportunities to receive sponsorship as well as showcase their social objectives. The manual also compares the differences between social enterprises and non – governmental organizations, instructs creative cultural hubs to register for operation as a social enterprise, and instructs the registration for establishment of and transformation to social enterprises under the applicable laws.

4. In order to introduce some important reforms of Viet Nam's Government in supporting businesses in financial difficulties affected by COVID-19 pandemic, NHQuang's lawyers have contributed to the publication *"Global Guide: Measures adopted to support distressed businesses through the COVID-19 crisis"*. This publication is published by the International Association of Insolvency administrators (INSOL International), an international association in the field of business recovery and bankruptcy under the World Bank Group with the participation of experts from 38 countries around the world.

5. With the aim to assist the Central Committee for Internal Affairs in continuing the implementation of Resolution 49/NQ/TW dated 02/06/2005 of the Politburo on

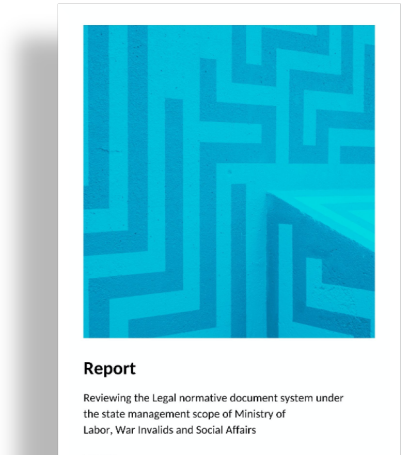
issuance of Judicial Reform Strategy and Conclusion 84-KL/TW of the Politburo on conclusion of 15 years implementing Resolution 49-NQ/TW, with the support of the United Nations Development Program (UNDP) in Viet Nam and the Central Committee for Internal Affairs, Mr. Nguyen Hung Quang and associates have developed the Report on "*Orientation of improving Codes of ethics and conduct for professionals in the justice system to meet requirements of judicial reform in Viet Nam*". Through the assessment of policies and legal frameworks, study over the difficulties and challenges arising from relevant regulations and the implementation of codes of ethics and conduct for professionals in judicial activities, the Report identifies the causes of and proposes solutions to overcome the aforementioned difficulties and challenges, thereafter gives recommendations for the development, completion, and effective implementation of the Code to meet judicial reform requirements in Viet Nam.

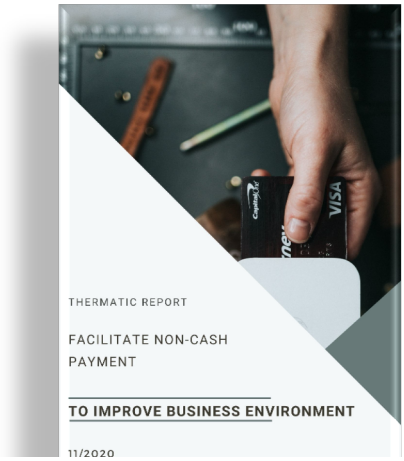
6. Also, in this year, the Report on *"Comparing and analyzing mechanisms for ensuring judicial integrity to promote business environment in some countries and lessons for Viet Nam*" has been completed by Mr. Nguyen Hung Quang, lawyer and his associates. The Report aims to assess the mechanisms for ensuring judicial integrity to promote business activities in Viet Nam in relation to international standards and international good practices, addressing the basic advantages and disadvantages in implementing judicial integrity to promote business activities in Viet Nam.

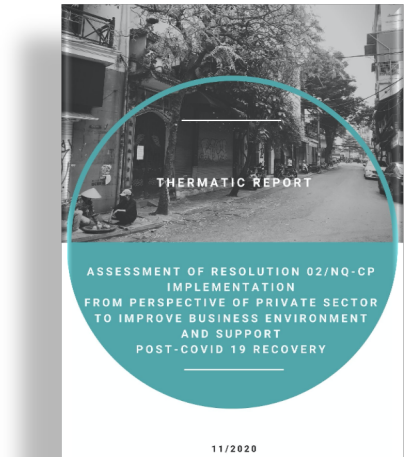
7. In 2020, NHQuang's lawyers engage in the Project on *"Reviewing the Legal normative document system under the state management scope of Ministry of Labor, War Invalids and Social Affairs*". The project is funded by the Ministry of Labor – War Invalids and Social Affairs in collaboration with the German Agency for International Cooperation (GIZ). NHQuang has reviewed 709 legal documents under the management of the Ministry of Labor – War Invalids and Social Affairs, thereby identifying problems and overlaps in these regulations in 2 areas (i) Labor and employment, (ii) Social merit people; and making recommendations on resolving the problems and overlaps.

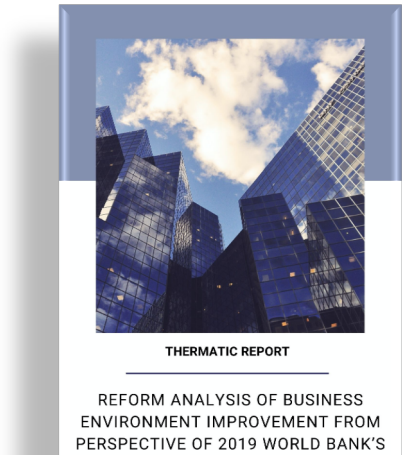
8. In the same year, lawyers of NHQuang also involve themselves in the Activity of *"Supporting the Central Institute for Economic Management in drafting the Draft of Resolution 02/NQ-CP annually and assessing the implementation of Resolution 02/NQ-CP"* funded by the United States Agency for International Development (USAID). The objective of the Activity is to analyze and assess the Government's activities in improving the business environment and national competitiveness. 3 thematic reports that NHQuang has made within this Activity include: (i) Reform analysis of business environment improvement from perspective of 2019 World Bank's Doing Business Report; (ii) Assessment of Resolution 02/NQ-CP implementation from perspective of the private sector to improve business environment and support post-COVID-19 recovery; (iii) Facilitate Non-cash payment to support the increase of Doing Business Index and business environment improvement.

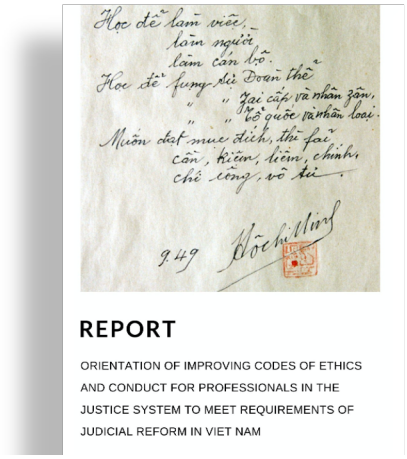
Some remarkable research of NHQuang&Associates in 2020











ACADEMIC COLLOQUIUMS AND ACTIVITIES

In 2020, the lawyers of NHQuang&Associates proactively delivered their presentations of legal research results, speeches and legal comments in various professional workshops and seminars in many provinces, among them are some typical ones given by months as follows:

1

January: Making speech for the discussion session on "*Commercial Mediation*" at the Conference of "*Alternative dispute resolution methods*" within the framework of the program ALSA Legal Camp 2020 organized by the Asian Law Students' Association Viet Nam.

5

May: Commenting the Draft Law on Court-annexed Mediation and Dialogue at Court at EU JULE Workshop co-organized by the Supreme People's Court, UNDP Viet Nam and EU.

6

June: Presenting at the Webinar "*Introduction of the model of Social Enterprises to the creative hubs, individuals and organizations working in arts, culture and creativity sector in Viet Nam*" funded by EU and the British Council.

Commenting the draft documents providing details for implementation of the Law on Court-annexed Mediation and Dialogue at the Court at the Workshop "*Some guidelines for implementation of the Law on Court-annexed Mediation and Dialogue at Court*" organized by the Supreme People's Court.

Presenting on "*Outline of related issues to be studied and guided for implementation*" at the Seminar "*Providing details for the Law on Environmental Protection on compensation for damage caused by environmental pollution*" organized by Environmental Science Institute, GreenID and Viet-Pro Consultant Company Limited.

Presenting on "*Opportunities and challenges for commercial mediation in Viet Nam in the context where the Law on Court-annexed Mediation and Dialogue at the Court comes into effect*" at the Seminar "*Commercial mediation: An effective alternative for dispute resolution*" organized by VICMC and VMC.

Presenting on "*Mediation of commercial disputes in the context of cultural diversity*" at the Webinar "*Inter-cultural business and mediation*" organized by VICMC.

7

July: Presenting on the role of social organizations in the procedure of policy formulation and legal document drafting at the *Training workshop for a number of legal professions with the topic "Policy impact assessment and criticism, impact assessment of the policies on society and gender"* co-organized by Ministry of Justice (MOJ), MOLISA and the Macroeconomic Reforms/Green Growth Program, GIZ.

Presenting on the mechanism for prevention of State – Investor dispute at the Workshop "*Enhancing the effectiveness of Investor – State dispute settlement in Viet Nam*" organized by MOJ in collaboration with UNDP and UK Government, Fair Builz.

Presenting the Research on "*Good practices in court procedures to improve court integrity*" at the Workshop "*Consultation on the Draft Report on Good Practices in Court Procedures to Improve Court Integrity*" co-organized by UNDP Viet Nam in coordination

with the Supreme People's Court, the British Embassy in Ha Noi and the Project of fair business environment promotion in ASEAN.

9

September: Presenting at the Workshop "*Consulting the Draft Report on review of the legal normative documents on labor, employment and social security*" organized by MOLISA and GIZ.

Presenting on "*VLA's Guidelines for grass-roots mediation model*" at the Consultative Workshop organized by VLA and UNDP Viet Nam under EU JULE. NHQuang&Associates' lawyers compiled the guidelines in collaboration with VICMC's mediators.

10

October: Presenting on "*Improving the efficiency of indicators on contract enforcement and bankruptcy settlement in Viet Nam*" at the Seminar "*Solutions to improve the efficiency of contract dispute resolution and corporate bankruptcy resolution"* organized by VICMC in coordination with MOJ and VBLC.

Implementing the program "*Fostering legal knowledge of contract dispute settlement in business*" held by the Program of Interdisciplinary legal support for enterprises in 2015-2020 period - MOJ, Hung Yen Department of Justice.

Training commercial mediation for the Program of "*Lawyer serving integration*" at the Judicial Academy of Ho Chi Minh City.

11

November: Commenting at the Seminar "*Collection of businesses' comments on the Draft Decree providing details and guidelines for implementation of a number of articles of the Law on Investment*" organized by VCCI in coordination with MPI.

Presenting on "*Some suggestions and recommendations in formulation of the National Action Plan for responsible business practicing in Viet Nam"* at the Workshop *"Development of a roadmap to promote responsible business behaviors in Viet Nam"* co-organized by MOJ, Embassy of Sweden and UNDP.

12

December: Presenting at the Scientific Workshop "*Necessary and sufficient conditions to apply foreign laws in civil adjudication in Vietnamese courts*" organized by the Legal Science Institute, MOJ.

Presenting the Report on "*Orientation to develop ethical code and professional standards in judicial activities to meet judicial reform requirements in Viet Nam*" at the Workshop "*Consultation on the Report Orientation to develop ethical code and professional standards in judicial activities to meet judicial reform requirements in Viet Nam*" organized by UNDP Viet Nam in coordination with the Central Committee of Internal Affairs within the framework of EU JULE Project.

Presenting the Report "*Comparing and analyzing the mechanism for judicial integrity assurance to promote business in some countries and lessons for Viet Nam*" at the Workshop "*Comparison of judicial integrity assurance mechanisms to promote business in some countries and lessons for Viet Nam*" organized by UNDP Viet Nam in coordination with the Central Committee of Internal Affairs, the British Embassy in Ha Noi, and the Project on fair business environment promotion in ASEAN.

CORPORATE & SOCIAL IMPROVEMENT

1. Individual development

- As a law practicing organization that always sets learning and development as one of the first priorities, NHQuang&Associates have our lawyers not only continuously improve their legal knowledge and expertise, but also always strive to expand their knowledge in relevant fields to provide more comprehensive advice to clients. In October 2020, our Senior Associate, Ms. Nguyen Thuy Dung started her Certified Management Accountant course with the content focusing on essential knowledge and skills in management accounting and financial management, which supports legal consultancy on corporate finance.

2. In-house training

- In maintenance of the firm's conventional in-house training, sessions for academic exchange are regularly held at NHQuang&Associates on Saturday mornings. Initiated in 2019, the series of presentations on contract was extended in 2020 with such contents including Void Contract Cases, Remedy Liability for Non-contractual Damages, etc.
- Besides in-house training, trainings for newcomers and interns have also been strongly addressed within the year with various topics and activities hosted by the firm's Managing Partner and other Partners.

3. Support for students and graduates

- In 2020, NHQuang&Associates' lawyers remained devoting their enthusiasm to young people through their participation in relevant seminars for these stakeholders and talks with students, typical examples include the presentation on "Commercial Mediation" of Mr. Nguyen Hung Quang, Managing Partner, in ALSA Legal Camp 2020 of Asian Law Students' Association in early 2020, the session sharing on integrity and laws also by Nguyen Hung Quang with learners of the Vietnam Integrity School (VIS) in October 2020 and so on…
- For many years, NHQuang&Associates has always accompanied with the Globalized Era Scholarship (GES) for final year students of law training schools. This year is the eleventh year that the firm maintains the role as GES sponsor with constant support in terms of hosting and participating as guest speaker in GES seminars and discussions.
- Another activity for the young generation of legal industry that NHQuang&Associates always attaches importance to is the internship program of the firm. In 2020, 11 interns were received to NHQuang&Associates, where they were facilitated to get

acquainted with the professional working environment and the opportunities to apply the knowledge, theories learned at schools as well as orientation for their future path.

- NHQuang&Associates' lawyers were also invited to guide the training program on commercial dispute settlement by mediation for POHE (Professional Oriented Higher Education) of Business Law K59 of the National Economics University.

4. Volunteer work & social responsibilities

- NHQuang&Associates is one of the first law firms in Viet Nam to provide free guidance for businesses and citizens on legal risks during the COVID-19 pandemic. 22 articles of analysis and guidance have been published in the specialized column *"Reducing legal risks from pandemic"* on VnLawFind, the legal information blog (www.VnLawFind.com.vn) of the firm.

- Sharing the community's difficulties resulted from the COVID-19 pandemic, at the end of March 2020, all members of NHQuang&Associates proactively acted in response to the call from many official agencies within their donation schemes for COVID-19 pandemic prevention and fight, inter alia, the donation to the Central Committee of the Viet Nam Fatherland Front in the movement "The entire people participate in the support for COVID-19 pandemic prevention", or sharing with the Viet Nam Business Lawyers Club (VBLC) to send necessities to the National Hospital for Tropical Diseases III and other frontline institutions in COVID-19 prevention donation campaigns.

- Accompanying the nation in sharing the difficulties with the people in Central Viet Nam during the historic flood in October 2020, all members of NHQuang&Associates joined their hands to contribute part of their salary to buy one big motorboat for the flood-impacted people in Phu Tho Village, An Thuy Commune, Le Thuy District, Quang Binh Province. Only 2 days after the first call, on October 23 of 2020, the motorboat was officially and directly handed to the people of Phu Tho Village, enabling them to travel faster to timely receive relief supplies as well as deal with the consequences resulted from the natural disaster.

PUBLICATIONS AND LEGAL RESEARCH:

In 2020, 12 Legal newsletters of NHQuang&Associates upheld to focus on the depth of the articles and improvement of the layout. Thanks to the editorial team's efforts, the Newsletters are collecting better appreciations due to high quality and usefulness of the legal information and analyses. Such success is attributed to the engagement and enthusiasm of young lawyers like Le Mai Phuong, Nguyen Nhu Khanh Quynh, Pham Ha, and many others.

Especially, during the COVID-19 pandemic outbreak, which strongly affected the businesses' activities, in March and April 2020, NHQuang&Associates first launched the column *"Reducing legal risks caused by the pandemic*" on VnLawFind legal blog. So far, this column has provided 22 analysis writings and instructions prepared by NHQuang&Associates lawyers on such issues as contract performance of enterprises, labor, dispute resolution, incentives/supports of State agencies for enterprises during the COVID-19 pandemic.

During the last year, lawyers of NHQuang&Associates published a great number articles about the legal issues that have attracted a lot of attention and debate as well as participated in collaborating with several legal programs on television channels and radio such as Business and Law Column on VTV2, the E-learning Program held in collaboration of the Ministry of Justice and VTV, VOV5 channel – Public Relations Department of Voice of Viet Nam. Besides writings by familiar experienced lawyers, young writers of NHQuang&Associates have also proactively provided their legal analyses by publications in various academic journals, including some notable articles such as:

- Looking back to the 20-year period from first promulgation of the Law on Enterprises, Mr. Nguyen Hung Quang provides his comments on the reforms in terms of establishment procedures and operations of enterprises in various versions of the law, and, at the same time, made recommendations to amend and supplement the Draft Law on Enterprises to be more effective upon practical implementation in the article *"[20 years of the Law on Enterprise]: "The revolution" of enterprise establishment procedures"* in Enterprise Forum journal.
- Aiming to support females starting their own career, Mr. Nguyen Hung Quang and 2 young lawyers namely Tran Thi My Hiep and Nguyen Nhu Khanh Quynh wrote the guidelines for "*Skills for contract negotiation and conclusion"* in the *"Handbook for start-ups women of the Capital"* by Ha Noi Women's Union.
- In order to introduce and analyze some prominent new points of the draft Law on Investment (amended), Mr. Nguyen Hung Quang and Le Gia Khanh co-made the article "Amended investment law to relieve funding burdens" on Vietnam Investment Review magazine.
- Analyzing new points of the Draft Law on Investment (amended) related to expanding the definition of "investment capital" and the application of "negative list" method to

foreign investors, also to assess the expected impact of these regulations on investors in the future, Mr. Nguyen Hung Quang and Pham Thi Ha Van published an article of "*Positive scope ahead in amendment of the Law on Investment*" in Vietnam Investment Review.

- Analyzing and commenting the calls for charity and organization of charity activities, Mr. Nguyen Tien Lap, senior partner, shared some thoughts in the article *"From Thuy Tien's collection of more than 100 billion VND: Calling for charity is a legitimate right of any person"* in the VietTimes electronic journal.
- The article *"Returning the true nature of PPP contract"* by Mr. Nguyen Tien Lap in the Business Forum journal provided his analysis of the Draft Law on Public-private partnership (PPP) related to PPP contracts and PPP forms, at the same time presented some recommendations for effective implementation of these regulations in practice.
- Providing analyses and guidance for businesses in contract performance during the COVID-19 pandemic, Mr. Phung Quang Cuong, NHQuang&Associates' partner, wrote the article *"What should corporates do to amend or terminate commercial and labor contracts during the COVID-19 pandemic?*", which was posted on VOV5's website.
- Commenting the new provisions of Law on Investment 2020 related to procedures for merger and acquisition (M&A) as well as proposing recommendations for the procedures and formalities for more convenience in M&A implementation for businesses and investors, Ms. Tran Thi Thanh Huyen, NHQuang&Associates' partner, shared her thoughts in the article *"Without specific guidance, M&A will be difficult to deploy"* published on Investment e-newspaper.
- Analyzing and commenting the applicable legal framework related to the purchase and sale of personal data, Mr. Nguyen Hung Quang and Ms. Le Mai Phuong co-authored the article "*Discussing the acquisition, exploitation, and use of personal data in the current context in Viet Nam*" published in the Reference Information Publications of the Library of Congress. The article also raised some recommendations for improvement of the applicable legal system in this field.
- The article *"What to expect from the revised Public Investment Law"* by Le Gia Khanh was published in the Enterprise Forum journal. The article focused on analyzing some new points of Law on Public Investment 2019 and the expected impacts on enterprises' operations.