



Vietnam: Regulatory Update in Response to COVID-19 (as of 22 September 2020)

Kazuhide Ohya, Nguyen Thi Thanh Huong, Hoang Duy Khang, Nguyen Thi Thanh Tram, Tomomi Murata

**This article is based on information available as of September 22, 2020.*

Vietnam has again demonstrated proactive management in the second wave of COVID-19. As of 22 September 2020, Vietnam has recorded 1,068 cases of COVID-19, in which there have been 35 deaths and 947 recoveries. In the 20 days immediately preceding the date of this update, no locally transmitted infections have been recorded.¹

Many areas in Vietnam have been released from isolation and social distancing measures, including Da Nang, the center of the second wave of COVID-19. Since 7 September 2020, all transportation services to and from Da Nang (planes, buses, and trains),² and from 18 September, 2020 most other services, have resumed operation. Non-essential services, such as karaoke establishments, bars, massage parlours, and discotheques, remain closed.³

Meanwhile, in Ho Chi Minh City, Hanoi, and some other provinces, bars and discotheques that were forced to close due to the second wave of COVID-19 have been allowed to reopen.⁴ However, people are still requested to wear masks in public areas and follow other medical instructions and measures to avoid the transmission of the virus.

The Vietnamese government is aiming to control the pandemic while maintaining normal business operation and economic development by loosening certain restrictive measures designed to control the pandemic, including the introduction of exceptions to

¹ Information obtained from the website of the Ministry of Health as of 18:30 p.m., 22 September 2020:

<https://ncov.moh.gov.vn/vi/web/guest/trang-chu>.

² Mai Que, Da Nang Resumes Certain Transportation Services, Da Nang Online, September 7, 2020, at:

<https://www.baodanang.vn/channel/5404/202009/da-nang-khoi-phuc-hoat-dong-van-tai-hanh-khach-doi-voi-mot-so-loai-hinh-3703993/>.

³ Tam An, Da Nang Continues Closing Bars, Discotheques and Karaoke Establishments, Dan Tri Newspaper, September 18, 2020, at: <https://dantri.com.vn/xa-hoi/da-nang-tiep-tuc-dong-cua-quan-bar-vu-truong-karaoke-20200917190813548.htm>.

⁴ Nguyen Kim, Bars and Discotheques Are Allowed to Reopen, Ho Chi Minh City Portal, September 7, 2020, at: <http://tphcm.chinhphu.vn/quan-bar-vu-truong-mo-cua-tro-lai>; Trong Phu, Hanoi Allows Bars and Discotheques to Reopen, Phap Luat Newspaper, September 15, 2020, at: <https://plo.vn/dich-covid-19/ha-noi-cho-phep-quan-bar-karaoke-vu-truong-hoat-dong-tro-lai-938531.html>.

This newsletter was written by its authors and does not reflect the views or opinion of Nishimura & Asahi. In addition, this newsletter is not intended to create an attorney-client relationship or to be legal advice and should not be considered to be a substitute for legal advice. Individual legal and factual circumstances should be taken into consideration in consultation with professional local counsel prior to taking any action related to the subject matter of this newsletter.

compulsory quarantine and the re-opening of certain international flight routes, as discussed below.⁵

Exceptions to compulsory quarantine for foreign expatriates entering Vietnam for a period of less than 14 days

On 31 August 2020, the Ministry of Health (“**MOH**”) issued Official Letter 4674/BYT-MT (“**OL4674**”) providing medical guidance on preventing and combating COVID-19 in respect of foreigners entering and staying in Vietnam for less than 14 days (“**Short-term Expatriates**”). According to OL 4674, the following Short-term Expatriates are not subject to the 14-day quarantine:

- (i) investors, technical experts, highly skilled workers, enterprise managers and their relatives, and other subjects as agreed with each country; and
- (ii) guests who enter Vietnam for diplomatic or official governmental duties;

provided that, in each case, all other existing conditions for entry of expatriates (as discussed below and in a previous update) have been satisfied. In particular, Short-term Expatriates must undergo a PCR test for SARS-CoV-2 at a competent medical agency within three to five days before entering Vietnam and test negative therefor. The organizations inviting such Short-term Expatriates must also bear all costs for isolation, private transportation, and conducting COVID-19 testing during the period such individuals are staying in Vietnam. In addition, certain steps and requirements must be followed to ensure that there is no transmission of the virus to the public, including the following:

- (i) Short-term Expatriates must arrive in Vietnam at least one day prior to their scheduled working time;
- (ii) At the point of entry, Short-term Expatriates will be processed separately from other entrants;
- (iii) Short-term Expatriates must complete certain documents and carry out a health check (which includes completing a medical declaration, undergoing a body temperature check, installing (if possible) Bluezone (a specialized contact-tracing smartphone app), and submitting their PCR result at the point of entry);
- (iv) After finishing all necessary procedures for immigration and health control purposes, Short-term Expatriates will be transported by private transportation (at their or their employer’s expense) (a) from the point of entry to their registered accommodation in Vietnam, which may be either an isolation facility or a specially designated isolation hotel, and (b) from such registered accommodation to the workplace or meeting place during their business trip in Vietnam;
- (v) At their place of isolated accommodation, Short-term Expatriates must undergo a PCR test, and during their stay in Vietnam such test will be administered every two days, the last of which will be conducted one day before departing Vietnam;
- (vi) Short-term Expatriates must comply with strict procedures and requirements with respect to their activities in Vietnam, which will be limited to activities at official meetings, their place of work, and relevant onsite locations; and
- (vii) Short-term Expatriates and those working with them during their business trip to Vietnam must comply with medical requirements relating to social distancing, such as wearing masks, washing hands frequently, keeping a distance of one meter between each other, sterilizing meeting rooms and workplaces, and listing all persons attending the meetings and having contact

⁵ Announcement 313/TB-VPCP of the Government Office dated 29 August 2020.

with the Short-term Expatriates during their business trip to Vietnam.

The Vietnamese partners with whom the Short-term Expatriates will work are required to ensure that adequate controls to prevent the spread of SARS-CoV-2 are in place where the Short-term Expatriates will visit in accordance with detailed guidance under the OL 4674.

After 14 days in Vietnam, a Short-term Expatriate, who during such period has continually tested negative for SARS-COV-2 and who needs to stay in Vietnam to work for a longer period, will be permitted to continue his or her work without being subject to compulsory quarantine or other restrictions related to COVID-19.

Re-opening of international commercial flights with Korea, Japan, China, Taiwan, Laos, Cambodia and Thailand

On 15 September 2020, the Government Office issued Notification No.330/TB-VPCP regarding the approval of the re-opening of international flight routes as proposed by the Ministry of Transport (“**Notification 330**”). In particular, four international flight routes, specifically those between Vietnam and China (Guangzhou), Japan (Tokyo), Korea (Seoul), and Taiwan (Taipei), were opened on 15 September 2020, and two more international routes, those between Vietnam and Laos (Vientiane) and Cambodia (Phnom Penh), were opened on 22 September 2020.

There will be maximum of two flights per week from each departure point to Vietnam and two return flights per week to each such point from Vietnam. The frequency of the flights will be gradually increased in consideration of the status of the pandemic. The total number of passengers on each flight, fee collection, and entry conditions will be based on the rules of reciprocity among the countries.

Under Notification 330, the people entering into Vietnam on such international commercial flights will only include those who have a diplomatic passport and their relatives, Short-term Expatriates and other foreign technical experts, investors, highly skilled workers, enterprise managers and their relatives, as well as Vietnamese citizens, international students/pupils, and foreign relatives of Vietnamese citizens. In order to enter Vietnam, these individual must each:

- (i) have proof of a negative PCR test issued by a competent medical agency in the host country within three days prior to boarding the plane;
- (ii) undergo a PCR test promptly upon entering Vietnam at the isolation locations; and
- (iii) remain isolated at their hotel or accommodation as prescribed under the regulations on the prevention and combatting of COVID-19 or at other specially designated places (e.g., the public service house of the diplomatic agency for those who carry a diplomatic passport and their relatives, the factory or headquarters of the enterprise for which the entrant works and his or her relatives).

Short-term Expatriates must comply with the regulations of the Ministry of Health as discussed in the first Section above. Aside from Short-term Expatriates, who are exempt from the 14-day quarantine, those who have negative results after two consecutive real time RT-PCR tests may be permitted to leave quarantine in five days.

Anyone transiting from a third country before entering Vietnam on a permitted commercial flight must undergo a PCR test promptly after entering Vietnam at their isolation location and will be subject to a 14-day quarantine in accordance with the regulations, except

for special cases under the direction of the competent authorities.

On 21 September 2020, the Government Office issued Notification No. 337/TB-VPCP under which the Prime Minister approved the re-opening of an international flight route to Thailand and tasked the Ministry of Transport to provide guidance on the increase in the frequency of the flights. However, neither detailed information nor guidance related to the re-opened international flight to Thailand has been specified as of the date of this update.

Contacts:

For any legal questions related to this newsletter, please contact Nishimura Asahi's Vietnam practice team at

na_vnnl@eml.jurists.co.jp



[Kazuhide Ohya](#)

Partner, HCMC Office Representative

Mr. Ohya provides legal assistance in a broad range of areas in relation to foreign investment into Vietnam, including real estate, M&A, corporate, commercial, finance as well as labor matters. He is admitted to practice law in Japan (2004) and is registered as a foreign attorney in Vietnam (2013). Mr. Ohya also has experience in the public sector (serving as Deputy Director for the Financial Services Agency of Japan from 2011 to 2013). He graduated from Kyoto University (LL.B., 2003) and Duke University School of Law (LL.M., 2010).



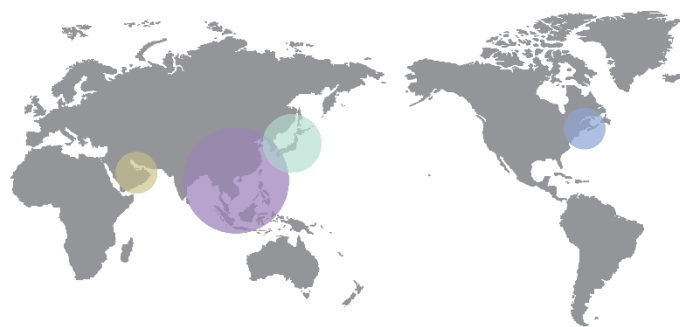
[Nguyen Thi Thanh Huong](#) Vietnam Counsel, Hanoi Office

With more than ten years of experience as counsel advising local and foreign clients in Vietnam, Nguyen Thi Thanh Huong is an expert in M&A, labor, foreign investment, and commercial matters. Ms. Huong is a graduate of Vietnam National University, Hanoi (LL.B., 2003) and the University of Melbourne (LL.M., 2009), and has worked with both local and regional leading law firms (including YKVN, VB Law, and Tilleke & Gibbins).

[Hoang Duy Khang](#) Foreign Attorney, Ho Chi Minh City Office

[Nguyen Thi Thanh Tram](#) Foreign Attorney, Ho Chi Minh City Office

[Tomomi Murata](#) Attorney-at-Law, Singapore Office



Nishimura & Asahi has 16 offices throughout Japan and in the markets that matter, with Asia as the starting point.

Tokyo

Otemon Tower, 1-1-2 Otemachi, Chiyoda-ku, Tokyo
100-8124 Japan
Tel +81-3-6250-6200
+81-3-6250-7210
(Nishimura & Asahi LPC Principal Office)

Osaka

Tel +81-6-6366-3013
LPC Partners Hiromune Usuki
Taisuke Igaki
Yuichiro Hirota
Masanori Ban

Nagoya

Tel +81-52-533-2590
LPC Partner Hiroki Fujii

Fukuoka

Tel +81-92-717-7300
LPC Partners Tsuneyasu Ozaki
Kengo Takaki
Yasuko Maita

New York

Nishimura & Asahi NY LLP
Tel +1-212-830-1600
E-mail info_ny@jurists.co.jp
Managing Partner Katsuyuki Yamaguchi
Vice Managing Partner Megumi Shimizu

Dubai

Tel +971-4-386-3456
E-mail info_dubai@jurists.jp
Masao Morishita

Bangkok

Tel +66-2-168-8228
E-mail info_bangkok@jurists.jp
Partner for Hideshi Obara
Thailand Partners* Chavalit Uttasart
(SCL Nishimura)
Jirapong Sriwat

Jakarta*¹

Walalangi & Partners
Tel +62-21-5080-8600
E-mail info@wplaws.com
Representative Luky Walalangi
Rosetini & Partners Law Firm
Tel +62-21-2933-3617
E-mail info_jakarta@jurists.jp
Counsel Noriaki Machida

Yangon

Tel +95-1-8382632
E-mail info_yangon@jurists.jp
Representative Yusuke Yukawa
Vice Representative Isamu Imaizumi

Beijing

Tel +86-10-8588-8600
E-mail info_beijing@jurists.jp
Chief Representative Azusa Nakashima
Representative Masashi Shiga

Shanghai

Tel +86-21-6171-3748
E-mail info_shanghai@jurists.jp
Chief Representative Toshihiro Maeda
Representative Takashi Nomura

Singapore

Tel +65-6922-7670
E-mail info_singapore@jurists.jp
Co-representatives Masato Yamanaka
Shintaro Uno
Partner Masataka Sato

* We also provide legal services relating to Singapore law through Bayfront Law LLC, which operates the Nishimura & Asahi-Bayfront Law Alliance.

Okada Law Firm (Hong Kong)*²

Tel +852-2336-8586
E-mail s_okada@jurists.co.jp
Representative Saori Okada

Hanoi

Tel +84-24-3946-0870
E-mail info_hanoi@jurists.jp
Partner for Hikaru Oguchi
Vietnam offices
Representative Taro Hirose

Ho Chi Minh City

Tel +84-28-3821-4432
E-mail info_hcmc@jurists.jp
Partner for Hikaru Oguchi
Vietnam offices
Representative Kazuhide Ohya
Vietnam Partners* Vu Le Bang
Ha Hoang Loc

Taipei

Nishimura & Asahi Taiwan
Tel +886-2-8729-7900
E-mail info_taipei@jurists.jp
Co-Representatives Ing-Chian Sun
Sheng-Chieh Chang

*¹ Associate office *² Affiliate office
* Please note that we are not engaged in a Gaiokokuho Kyodo Jigyo (the operation of a foreign law joint enterprise).

Public Relations Section, Nishimura & Asahi

Otemon Tower, 1-1-2 Otemachi, Chiyoda-ku, Tokyo 100-8124, JAPAN

Tel: +81-3-6250-6202 Fax: +81-3-6250-7200 E-mail: na_vnnl@eml.jurists.co.jp URL: <https://www.jurists.co.jp/en>

© Nishimura & Asahi 2020