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## LEGAL UPDATE

No. 1 – Dec 2022

(1 Dec 2022 – 15 Dec 2022)



### News in focus

*Process of building and promulgating electricity generation price brackets*



### New legal documents

Remarkable among documents:

*Circular No. 33/2022/TT-BGTVT amending Circular No. 39/2019/TT-BGTVT stipulating the responsibilities of vehicle owners, crew members, vehicle drivers, persons in charge of crew titles and determining minimum safety margins on inland waterway vessels*

## A – News in focus

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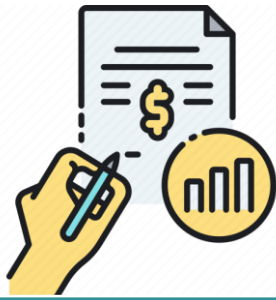


### **Process of building and promulgating electricity generation price brackets**

*(Applied from 28 December 2022)*

Circular No. 31/2022/TT-BCT is officially taking effect from December 28, 2022 amending and supplementing a number of articles of Circular 57/2014/TT-BTC dated December 19, 2014 of the Minister of Industry and Trade providing for methods, the process of building and promulgating the electricity generation price brackets and Circular No. 57/2020/TT-BCT dated December 31, 2020 of the Minister of Industry and Trade stipulating the method of determining electricity generation prices and power purchase and sale contracts (*hereinafter referred to as “Circular No. 31/2022/TT-BCT”*).

In this legal update, we reveal the regulation on the process of building and promulgating electricity generation price brackets according to the instructions in Circular No. 31/2022/TT-BCT.



## PROCESS OF BUILDING AND PROMULGATING ELECTRICITY GENERATION PRICE BRACKETS

Within 15 working days after the construction investment feasibility study report of the power plant is approved. The investor of these power plants is responsible for providing the construction investment feasibility study report to the EVN.

Before November 1 every year, the EVN is responsible for:  
Based on the data in the approved construction investment feasibility study report, the total investment will take effect at the time of calculation of the electricity generation price bracket received by the EVN before the 15th of October of each year or actual data on the negotiation of power purchase and sale contracts (if any).  
b) Proposing the selection of a standard power plant, selection of the parameters used to calculate the electricity generation price for the standard power plant in accordance with the actual performance of power purchase and sale contracts, and making a dossier for calculating the price bracket of power plant generation, submit to Electricity Regulatory Authority for appraisal.  
c) Calculation of the ceiling price of the hydroelectric power plant.

Within 05 working days from the date of receipt of the dossier for calculation of the electricity generation price bracket, the Electricity Regulatory Authority is responsible for checking the validity of the submitted dossier. In case of necessity, the Electricity Regulatory Authority of Vietnam sends a written request to the EVN to amend, supplement or clarify the contents of the dossier. No later than 15 working days after receiving the request for amendment, the EVN is responsible for sending a written report explaining the contents of the dossier upon request.

Within 20 working days from the date of receipt of a valid dossier and a report explaining the contents of the EVN's dossier, the Electricity Regulatory Authority is responsible for selecting a standard power plant and organizing an appraisal of setting the electricity generation price bracket submitted by the EVN.

Within 15 working days from the date of organizing the appraisal of the electricity generation price bracket, the Electricity Regulatory Authority is responsible for completing the dossier and submitting it to the Minister of Industry and Trade for approval of the electricity generation price bracket for the following year and publishing it on the website of the Electricity Regulatory Authority. In case the electricity generation price bracket of the following year has not been announced, it is allowed to temporarily apply the most recent effective electricity generation price bracket.



## B – New legal documents

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### Remarkable new legal documents

*(Enacted from 1 Dec 2022 – 15 Dec 2022)*

No.	Legal documents	
<b>FINANCE - BANKING</b>		
<b>1</b>	Decision No. 2081/QD-NHNN in 2022 on interest rates applied by commercial banks in 2023 for outstanding loans for housing support loans in according to Circular No. 11/2013/TT -NHNN, Circular No. 32/2014/TT-NHNN and Circular No. 25/2016/TT-NHNN	
	Enactment Date: 12 Dec 2022	Effective Date: 01 Jan 2023
<b>2</b>	Circular 16/2022/TT-NHNN regulating the depository and use of valuable papers at the State Bank of Vietnam	
	Enactment Date: 30 Nov 2022	Effective Date: 17 Jan 2023
<b>3</b>	Circular No. 15/2022/TT-NHNN on refinancing on the basis of special bonds of Asset Management Company of Vietnam credit institutions	
	Enactment Date: 30 Nov 2022	Effective Date: 17 Jan 2023

No.	Legal documents	
<b>CONSTRUCTION</b>		
4	Circular No. 06/2022/TT-BXD promulgating National Technical Regulation QCVN 06:2022/BXD on Fire Safety for Houses and Works	
	Enactment Date: 30 Nov 2022	Effective Date: 16 Jan 2023
5	Circular No. 05/2022/TT-BXD promulgating National Technical Regulation QCVN 03:2022/BXD on decentralization of works for construction design	
	Enactment Date: 30 Nov 2022	Effective Date: 01 Jun 2023
<b>COMMERCIAL</b>		
6	Circular No. 30/2022/TT-BCT amending Circular No. 57/2018/TT-BCT guiding Decrees related to tobacco business	
	Enactment Date: 04 Nov 2022	Effective Date: 20 Dec 2022
7	Circular No. 31/2022/TT-BCT amending and supplementing a number of articles of Circular 57/2014/TT-BTC providing for methods, the process of building and promulgating the electricity generation price brackets and Circular No. 57/2020/TT-BCT stipulating the method of determining electricity generation prices and power purchase and sale contracts	
	Enactment Date: 08 Nov 2022	Effective Date: 28 Dec 2022
<b>TRANSPORTATION</b>		
8	Circular No. 33/2022/TT-BGTVT amending Circular No. 39/2019/TT-BGTVT stipulating the responsibilities of vehicle owners, crew members, vehicle drivers, persons in charge of crew titles and determining minimum safety margins on inland waterway vessels	
	Enactment Date: 12 Dec 2022	Effective Date: 01 Feb 2023
9	Circular No. 32/2022/TT-BGTVT stipulating economic - technical norms for the development of social security train operating plans	
	Enactment Date: 09 Dec 2022	Effective Date: 01 Feb 2023
10	Circular No. 31/2022/TT-BGTVT guiding the prices of coastal public non-business services using state budget funds from regular funding sources, implemented by order method	
	Enactment Date: 07 Dec 2022	Effective Date: 15 Feb 2023