

NEW POINTS OF VIETNAM LEGAL FRAMEWORK THE PUSH OR CHALLENGE FOR M&A MARKET?

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POTENTIAL DISPUTES THAT MAY ARISE UNDER THE NEW INVESTMENT-RELATED LAWS AND CURRENT DISPUTE RESOLUTION MECHANISMS

1. Potential Disputes that May Arise under the New Investment-Related Laws
2. Dispute Resolution Mechanisms

CONTENTS



I. SOME POTENTIAL DISPUTES

1. The Investor's Project is Suspended or Terminated:

- New rule: “Any business investment activity of an investor shall be suspended, stopped or terminated if such activity causes harm or threatens to cause harm to national defense and security” (Article 5.3 of the 2020 Investment Law).
- Consequences and solutions?

I. SOME POTENTIAL DISPUTES

2. A Project is Terminated on the Basis of a Nominee Structure

- New rule: A project is terminated in cases when “[t]he investor conducts the investment activities on the basis of sham transactions in accordance with the civil law” (Article 48.2(e) of the 2020 Investment Law).
- Consequences and solutions?

I. SOME POTENTIAL DISPUTES

3. Non-Compliance of the Requirement for Notice in Accordance with the Competition Laws

- New rule: The total assets, total revenue, transaction value or aggregate market share in excess of the amount set forth in Article 13 of Decree No. 35/2020/ND-CP must be notified to the National Competition Commission for its prior approval
- Consequences and solutions?

II. DISPUTE RESOLUTION MECHANISMS



International Arbitration and
Foreign Courts



Dispute Resolution
Mechanisms in Vietnam

International Arbitration and Foreign Courts

Venues in the past:
Select SIAC, HKIAC or
foreign courts.

AT PRESENT:

- (i) Courts
- (ii) Commercial mediation
- (iii) Arbitration
- (iv) The media? Authorities?

Dispute Resolution Mechanisms in Vietnam

Merits and demerits of the
foregoing mechanisms?

THANK YOU

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