



## NGUYEN THU HUYEN

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### RELATED EXPERTISE

- Employment & Labor
- Real Estate & Construction
- Foreign Investment
- IP & Franchise
- Corporate & Commercial
- Mergers & Acquisitions
- Banking & Finance
- Dispute Resolutions

### BIOGRAPHY

Ms. Nguyen Thu Huyen, an associate of BIZCONSULT LAW FIRM with ten years of experience in legal practice. Huyen actively advised on Vietnamese labor laws for a significant number of foreign and local corporate clients. Huyen is also recommended as a lawyer in foreign investment practice, franchise and license activities, foreign loan registration and in establishing and terminating representative offices in Vietnam. Huyen has been involved in several due diligences in a number of companies in Vietnam. Huyen enhanced experience in tax domain by advising tax regulations regarding foreign contractor tax, personal income tax exemption for ODA experts, and tax incentive for FDI companies located in industrial zone. Huyen has represented clients in arbitration and court procedures for debt collection and settlement of disputes arising from commercial contracts.

Remarkable cases in three recent years:

- Employment & Labor Matters
  - Advising Nui Phao Mining Company Limited, a subsidiary of Massan Resources on the internal labor regulations and collective labor agreement.
  - Advising Arup Vietnam Limited on overview of legal system on trade union, steps for establishment of trade union, activities requiring the involvement of trade union.
  - Advising Horiba Instruments (Singapore) Pte Ltd (HIS) on transferring employees from the its

representative office in Hanoi to its newly established subsidiary; advising the subsidiary on standard labor contract and internal labor regulations; representing the subsidiary to register the internal labor regulations with competent authority.

- Advising PETRONAS Chemical Marketing (Vietnam) representative office on the labor terms and conditions.
  - Advising and representing Representative Office of Xylem Water Solutions (Hong Kong) Limited in Hanoi on procedures and documents for recruitment of Vietnamese staff and monthly declaration of social, health and unemployment insurance for its staff;
  - Making appraisal on compliance of labor laws for Thanh Ha Hospital Joint Stock Company; advising on internal labor regulations, labor contract, training contract, etc;
  - Advising Piaggio Vietnam on the requirements of laws in case of unilateral termination by the employee as well as the benefits to be paid to such employee according to the labor contract;
  - Advising AIDS Healthcare Foundation on distinguishing labor contract and service contract with individuals;
  - Advising and representing Winrock International in Vietnam on amendment and registration of its internal labor regulations with the competent authority;
  - Advising on standard labor contract, training agreement, confidential agreement with employees for several clients, such as Redsun ITI Corporation, Sunshine Group, Nguyen Sieu Private School, Goldsun Vietnam JSC.
- Investment Projects:
    - Advising and representing Tokyo Zairyo, Sunward Corporation, Nittan Valve, Aeon Delight, Toyota Tetsusho Corporation, Yotsuba Japan, Horiba Instruments (Singapore) and IGD Ventures Vietnam, LP to obtain Investment Certificate/Investment Registration Certificate and Enterprise Registration Certificate for doing investment in Vietnam.
    - Advising foreign individuals (from Singapore, Hong Kong and China) to invest into Vietnam in form of capital/share acquiring in local companies for doing real estate business, real estate brokerage, investment consultancy and computer services.
  - Intellectual Property & Franchise:
    - Advising Redsun ITI Corporation, one of the Vietnamese leading companies in culinary domain

with over 10 famous brand names of King BBQ, ThaiExpress, Seoul Garden, Capricciosa etc, on franchising its restaurant system to local companies nationwide.

- Advising DUNKIN' DONUTS FRANCHISING LLC and its Franchisee to draft agreements and registration regarding a sub-franchise in Vietnam.
- Advising AsiaInvest Group on registration of trade marks.
- Banking & Finance:
  - Advising Hua Nan Commercial Bank Ltd, Ho Chi Minh branch on credit agreement, disbursement request, mortgage agreement and personal guaranty agreement;
  - Advising SEAF Blue Waters Growth Fund on strategies for enforcement of bond obligations at maturity; advising and representing SEAF and its portfolios in preparing annex of the loan agreement and registering such amendment with the State Bank of Vietnam;
  - Advising Viet Thai International JSC to successfully register its foreign loans with the State Bank of Vietnam, State Bank – Hanoi Branch, State Bank – Vung Tau Branch;
  - Advising and representing Piaggio Vietnam in negotiation with Vietinbank regarding a loan contract.
- Real Estate & Construction:
  - Advising THT, a foreign invested company owned by Daewoo E&C established in Vietnam, on possible structures for the proposed transactions relating to a US\$78 million New City Project, including comparison on merits, conditions and legal procedures of each structure, drafting all relevant contracts to the deal structure approved by client, assisting negotiation with THT's partners.
  - Representing Vietracimex in negotiating with two Singaporean leading providers of serviced accommodation in respect of the management agreement, technical support and license agreement for the Pham Hung Project and Minh Khai Project of Vietracimex.
  - Advising Goldsun Packing and Printing JSC and drafting deal agreements for purchasing the right to sublease the land and assets attached thereto in industrial zones for the remaining sublease term;
  - Advising Bao Viet Life Insurance on deal structure (method of co-operation and project assignment) with its partners with regards to its Financial Tower Project;

- Advising FPT JSC and drafting project assignment contract to purchase a whole project for construction of complex building in Cau Giay; advising FPT City Da Nang on land/house sale and purchase agreements;
  - Advising Housing Development Investment JSC on deal structure and drafting BCC to be signed with the Quang Ninh Construction Company, Lan Be 2 Project Owner;
  - Advising Westlake View Real Estate Co., Ltd on the BCC signed with its partners and method for mobilization of capital.
- Taxation
    - Advising Deltares, a Netherlands consultant of an ODA project in Vietnam, on the tax position of foreign contractor with possible Tax Treaty and the laws of Vietnam, on personal income tax exempted for Deltares' employees as ODA experts and the options for payment of reimbursement and actual costs.
    - Advising Vietnam Japan Chip Vung Ang Corporation (VIJAVA), a 100% foreign invested enterprise located in an industrial zone, on tax incentives regarding extended business.
    - Advising the Representative Office of Horiba Instruments (Singapore) Pte Ltd in Hanoi to finalize tax for closing purpose.
    - Advising the Representative Office of Draeger Safety Asia Pte Ltd in Hanoi to finalize tax for closing purpose.
  - Dispute Resolutions:
    - Acting as lawyer protecting rights and benefits of Hanoi Housing Development and Investment – Consultant Joint Stock Company (“HANDIC”), the defendant in the commercial case “the dispute arising from construction contract” initiated by a contractor with a disputed value of approximate US\$850,000; Vietmindu Energitama. PT, the defendant in the commercial case “the dispute over overburden removal contract” with a local contractor. The dispute value is of US\$1M.
    - Advising and representing Artelia International for debt recovery arising from a project management consulting contract and consortium agreement; ANZ bank for debt recovery; Vien Thanh in the dispute on a construction materials supply contract; TCT Contractor to take legal actions against Hanoi Hilton 5-Star Hotel at the court of Hanoi for claiming approximate US\$1 million under the Fitting-Out Contract; Bafo CC Ltd – Finnish company, a main contractor in a project of which the investor is a state

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L A W F I R M

owned company located in Hung Yen, Province to carry out Hung Yen City Water Supply System Project financed by Finnish ODA.

## AREAS OF EXPERTISE

- Employment & Labor
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- Foreign Investment
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## AWARDS AND RANKINGS

- “Counsel of the Year” by Bizconsult Law Firm, 2016
- “Staff of the Year” by Bizconsult Law Firm, 2013
- “Staff of the Year” by Bizconsult Law Firm, 2011/2012

## ADMISSION

- Ho Chi Minh Bar Association

## EDUCATIONS AND TRAININGS

- Hanoi Law University, Vietnam;
- Ministry of Justice, Judicial Academy, Lawyer’s Skill, Hanoi

## PUBLICATIONS AND WRITINGS

- “International Guide on Mergers & Acquisition – M&A Guide for Vietnam”, published in the “Getting the Deal Through”, annually updated 2014, 2015.
- Frequent contributor to Legal Adviser Column, Talking Law Column of Vietnam News newspaper.
- “New regulations: construction contracts for state-funded projects”, Asian-Counsel, 2010

