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## DECREE

### REGULATIONS ON MANAGEMENT OF INDUSTRIAL PARKS AND ECONOMIC ZONES

*Pursuant to the Law on Government Organization dated June 19, 2015; The Law amending and supplementing a number of articles of the Law on Government Organization and the Law on Organization of Local Government dated November 22, 2019;*

*Pursuant to the Law on Investment dated June 17, 2020;*

*Pursuant to the Law on Enterprises dated June 17, 2020;*

*Pursuant to the Law on Public Investment dated June 13, 2019;*

*Pursuant to the Law on Planning dated November 24, 2017; Law amending and supplementing a number of articles of 37 laws related to planning dated November 20, 2018;*

*Pursuant to the Land Law dated November 29, 2013;*

*Pursuant to the Law on Construction dated June 18, 2014; Law amending and supplementing a number of articles of the Law on Construction dated June 17, 2020;*

*Pursuant to the Law on Real Estate Business dated 25/11/2014;*

*Pursuant to the Law on Environmental Protection dated 17/11/2020;*

*Pursuant to the Law on Residence dated November 13, 2020;*

*Pursuant to the Law on Entry, Exit, Transit and Residence of foreigners in Vietnam dated June 16, 2014; Law amending and supplementing a number of articles of the Law on Entry, Exit, Transit and Residence of foreigners in Vietnam dated 25/11/2019;*

*Pursuant to the Labor Code dated 20/11/2019;*

*Pursuant to the Law on Export Tax and Import Tax dated April 6, 2016;*

*At the request of the Minister of Planning and Investment;*

*The Government promulgates a Decree regulating the management of industrial parks and economic zones.*

#### Chapter I

### GENERAL PROVISIONS

#### Article 1. Scope of regulation and subjects of application

1. This Decree provides for directions for construction and plans for development of the system of industrial parks and economic zones; infrastructure investment, establishment, operation, development policies and state management of industrial parks and economic zones.

2. This Decree applies to competent state agencies, organizations and individuals involved in investment, production and business activities in industrial parks and economic zones.

#### Article 2. Interpretation of wording

In this Decree, the following terms shall be construed as follows:

1. Industrial park means an area with defined geographical boundaries, specializing in the production of industrial goods and the provision of services for industrial production.

2. Export processing zone means an industrial park specializing in the production of export goods, provision of services for the production of export goods and export activities; be separated from the external area in accordance with the provisions applicable to the non-tariff zone specified in the law on export tax and import tax.

3. Supporting industrial park means an industrial park specializing in the production of supporting industrial products and providing services for the production of supporting industrial products; at least 60% of the total

industrial land area of the industrial park is used to attract investment projects to produce supporting industry products in accordance with the law on supporting industry development.

4. Specialized industrial park means an industrial park specializing in the production and provision of services for the production of products belonging to a specific industry or profession; at least 60% of the industrial land area of the industrial park is used to attract investment projects in this industry and profession.

5. Eco-industrial park means an industrial park, in which enterprises in industrial parks engage in cleaner production and efficient use of resources, have links and cooperation in production to carry out industrial symbiosis activities; meet the criteria specified in this Decree.

6. Hi-tech industrial park means an industrial park that attracts hi-tech and information technology investment projects on the list of industries and trades with special investment incentives in accordance with the law on investment, projects with technology transfer on the list of technologies encouraged for transfer in accordance with the law on technology transfer, technology incubators, science and technology business incubators in accordance with the law on high technology, the law on science and technology, innovative start-up investment projects, innovation, research and development, education and training; at least 30% of the industrial land area of the industrial park is used to attract these investment projects.

7. Industrial symbiosis means a cooperative activity between enterprises in an industrial park or in different industrial parks in order to optimize the use or reuse of inputs and outputs such as raw materials, materials, water, energy, waste, scrap and other factors in the production process, business.

8. Eco-enterprise means an enterprise that simultaneously implements solutions for cleaner production, efficient use of resources and industrial symbiosis in an eco-industrial park; meet the criteria specified in this Decree.

9. Expanded industrial park means an industrial park area formed through an increase in the area size of a previously established industrial park, in which the expanded area of an industrial park has adjacent or adjacent boundaries and can be connected, sharing technical infrastructure with established industrial parks.

10. Industrial subdivision means a part of the area of an industrial park, with defined geographical boundaries, specializing in the production and provision of services for industrial production; be determined in the industrial park construction planning approved by a competent state agency.

11. Infrastructure use fee means a fee for paid use of technical infrastructure works and service works, including: roads, electricity supply, water supply, drainage, communications, wastewater treatment, waste and service works, other public utilities.

12. Investment project for construction and business of industrial park infrastructure means an investment project that uses land for synchronous construction of technical infrastructure in an industrial park and leases land to investors or subleases land for the construction of factories, offices, warehouses, service works, public utilities, implementation of investment projects, production and business organization in accordance with the provisions of law.

13. Economic zone means an area with defined geographical boundaries, including many functional zones, established to realize the objectives of investment attraction, socio-economic development and defense and security protection.

14. Coastal economic zone means an economic zone established in a coastal area and adjacent to a coastal area.

15. Border gate economic zone means an economic zone established in the land border area and the area adjacent to the land border area.

16. Specialized economic zone means an economic zone established in a key economic zone, development corridor, development motivation area or area with a similar role defined in a regional planning.

17. Non-tariff zone in an economic zone means a non-tariff zone defined in the general planning for construction of an economic zone.

18. Industrial land area means the land area in an industrial park reserved for investors to lease land or sublease land for the construction of factories, offices, warehouses, implementation of investment projects, production and business organizations; be determined in the industrial park construction planning approved by a competent state agency.

19. Service land area means the land area in an industrial park reserved for investors to lease land or sublease land for the construction of public service works and utilities or the implementation of investment projects; be determined in the industrial park construction planning approved by a competent state agency.

20. Export processing activity means an activity specializing in the production of export goods, provision of services for the production of export goods and export activities.

21. Export processing enterprise means an enterprise carrying out export processing activities in export processing zones, industrial parks and economic zones.

22. Occupancy rate of an industrial park means the ratio of industrial land and service land that has been granted to investors to be approved for investment policies, issuance of investment registration certificates, implementation of land lease projects, sublease of land for the construction of factories and offices, warehousing, service works, public utilities, implementation of investment projects, production and business organizations in accordance with the provisions of law on the total area of industrial land and service land of industrial parks, are calculated as a percentage (%).

23. Public service and utility works for employees working in industrial parks or economic zones are public works classified according to their use in accordance with the law on construction, including: educational, training and research works; medical works; sports, cultural and park buildings; commercial buildings; accommodation facilities; service works and other structural works are built to directly serve employees working in industrial parks and economic zones.

24. The national information system on industrial parks and economic zones as prescribed at Point dd Clause 1, Article 71 of the Law on Investment means a professional information system on industrial parks and economic zones built and operated according to the provisions of this Decree for submission, receive, store, display and perform other operations on data in order to serve the state management of industrial parks and economic zones.

25. Industry cluster in an industrial park means a form of linkage between enterprises in the same industry and related enterprises and organizations operating in an industrial park for cooperation and competition.

### **Article 3. Directions for construction of industrial parks and economic zones**

1. Directions for construction of industrial parks and economic zones are a content of regional plannings as prescribed at Point d, Clause 2, Article 26 of the Law on Planning.

2. Contents of directions for construction of industrial parks and economic zones include:

- a) Objectives, orientations and directions for space allocation, implementation organization and solutions for the development of industrial parks and economic zones of the region during the planning period;
- b) Estimated total area and type of industrial parks and economic zones of each province or centrally-run city of the region; identify economic zones that play an important and motivating role in the socio-economic development of the region.

### **Article 4. Plan for development of industrial park system**

1. The plan for development of the industrial park system is a content of the provincial planning as prescribed at Point d, Clause 2, Article 27 of the Law on Planning.

2. Contents of plans for development of industrial park systems include:

- a) Objectives, orientations, implementation organization and solutions for the development of the industrial park system in the planning period;
- b) List of industrial parks in provinces and centrally-run cities;
- c) Show the plan for development of the industrial park system on the planning map.

3. Contents of the list of industrial parks in provinces and centrally-run cities include:

- a) Name of the industrial park;
- b) The estimated area and location of the industrial park.

4. The establishment of a list of industrial parks in provinces or centrally-run cities must satisfy the following conditions:

- a) Do not develop new industrial parks in the inner cities of special-class urban areas, class I urban areas directly under the central government, class I urban areas directly under the province, except industrial parks invested in the type of hi-tech industrial parks and eco-industrial parks;
- b) Do not use special-use forest land or protective forest land (including: watershed protection forest, water source protection forest of residential communities, border protection forest);
- c) The industrial park must be able to synchronously connect with the system of technical and social infrastructure works and be able to attract human resources and mobilize resources for the development of the industrial park;

d) Have a land fund equal to at least 2% of the total area of industrial parks on the list of industrial parks in the province or centrally-run city for planning the construction of houses, service works and public utilities for employees working in industrial parks;

dd) Meet regulations on ensuring national defense and security, protection of the environment, natural resources, natural disaster prevention and control, protection of, coastal protection corridors, use of reclaimed land, response to climate change and protection of historical-cultural relics and natural heritages;

e) Conform to the direction of construction of the industrial park.

5. The plan for development of the industrial park system is the basis for organizing:

a) Formulate plannings for construction of industrial parks, expanded industrial parks, and plans for adjustment of this planning;

b) Formulate and adjust investment plans for the development of technical and social infrastructure systems for the development of industrial parks and expanded industrial parks.

#### **Article 5. Plan for development of the economic zone system**

1. The plan for development of the economic zone system is a content of the provincial planning as prescribed at Point d, Clause 2, Article 27 of the Law on Planning.

2. Contents of plans for development of the economic zone system include:

a) Objectives, orientations, implementation organization and solutions for the development of the economic zone system in the planning period;

b) List of economic zones in provinces and centrally-run cities;

c) Show the plan for development of the economic zone system on the planning map.

3. Contents of the list of economic zones in provinces and centrally-run cities include:

a/ The name of the economic zone;

b) The size of the area and the expected location of the economic zone.

4. The establishment of a list of economic zones in provinces or centrally-run cities must satisfy the following conditions:

a) The proposed location of the establishment of an economic zone in an area with particularly important potentials and advantages in terms of natural conditions, natural resources, socio-economic compared to other areas in the whole country in order to attract human resources, mobilize resources and develop technical infrastructure, social infrastructure, production and business; associated with international airports or seaports of class I or higher in case of proposed establishment of coastal economic zones; have international border gates in accordance with the law on management of land border gates in case of proposed establishment of border gate economic zones; be able to connect smoothly with regional and international economic corridors, have easy access to international markets, develop into industrial-urban-service centers, large-scale innovations, promote the special potential of the region in case of the planned establishment of specialized economic zones;

b) Have an area of 10,000 ha or more for coastal economic zones and border gate economic zones, 5,000 ha or more for specialized economic zones and meet the requirements for integrated development of economic zones;

c) Be able to attract large-scale investment projects and works, which are particularly important and have great impacts on the socio-economic development of the region;

d/ Not having negative impacts on historical-cultural relics or natural heritages; in accordance with national defense arrangements and ensuring national defense, security, sovereignty and territory; have conditions to meet requirements on environmental protection, natural resources, natural disaster prevention and control, sustainable development and response to climate change;

dd) Conform to the direction of economic zone construction.

5. The plan for development of the economic zone system in the provincial planning is the basis for:

a) Establishment and expansion of economic zones;

b) Organize the formulation of the general planning for construction of economic zones, and adjust this master plan;

c) Formulate and adjust investment plans for the development of technical and social infrastructure systems to serve the development of economic zones.

## Chapter II

# INFRASTRUCTURE INVESTMENT, ESTABLISHMENT OF INDUSTRIAL PARKS AND ECONOMIC ZONES

## Section 1. INFRASTRUCTURE INVESTMENT, ESTABLISHMENT OF INDUSTRIAL PARKS

### Article 6. Infrastructure investment, establishment of industrial parks

1. Industrial parks are invested in different types, including: industrial parks, export processing zones, supporting industrial parks, specialized industrial parks, eco-industrial parks and hi-tech industrial parks (hereinafter collectively referred to as industrial parks).
2. Industrial parks located in economic zones shall be integrated into the general planning for construction of economic zones and submitted for approval in accordance with the law on construction. In case of adjustment of an industrial park located in an economic zone, procedures for adjustment of the general planning for construction of an economic zone shall be carried out in accordance with the law on construction.
3. Conditions, order and procedures for infrastructure investment and establishment of industrial parks shall comply with the provisions of this Decree and other relevant laws.
4. Conditions, order and procedures for infrastructure investment and establishment of expanded industrial parks shall comply with the same regulations as new industrial parks, except for the case specified in Clause 8, Article 9 of this Decree.
5. Each industrial park has one or more infrastructure investors, investors making investment in construction and trading in industrial park infrastructure.
6. Industrial parks are determined to have been established from the date of competent authority:
  - a) Decide on investment policies for industrial park infrastructure projects using public investment capital in accordance with the law on public investment;
  - b) Approval of investment policies and approval of investors, approval of investors or issuance of investment registration certificates for implementation of investment projects on construction and business of industrial park infrastructure in accordance with the law on investment.

### Article 7. Industrial park construction planning

1. Industrial park construction planning includes: general planning for construction of industrial parks, planning for subdivision of industrial park construction and detailed planning for construction of industrial parks (if necessary). Industrial park construction plannings shall be formulated, appraised and approved in accordance with the law on construction and the provisions of this Decree.
2. The approved general planning for construction of an industrial park or a subdivision plan for construction of an industrial park shall be the basis for:
  - a) Organize the formulation of detailed plannings for construction of industrial parks (if necessary);
  - b) Prepare pre-feasibility study reports on industrial park infrastructure projects using public investment capital in accordance with the law on public investment; organize the preparation of dossiers of investment projects for construction and business of industrial park infrastructure in accordance with the law on investment;
  - c) Decide on investment policies for industrial park infrastructure projects using public investment capital in accordance with the law on public investment; approve investment policies for investment projects on construction and business of industrial park infrastructure in accordance with the law on investment.
3. Based on the plan for development of the industrial park system in the provincial planning, the Provincial-level People's Committee shall organize the formulation and approval of tasks and plans for the general planning for construction and subdivision planning for construction of industrial parks in accordance with the law on construction.
4. Cases in which planning tasks are not required:
  - a) In case of formulation of a planning for subdivision for construction of an industrial park in an area where the general planning for construction or the general planning for construction of an economic zone has been approved, there is no need to make planning tasks;
  - b) In case of making a detailed planning for construction of an industrial park in an area where the construction subdivision planning has been approved, there is no need to formulate planning tasks;
  - c) In case there is no need to formulate planning tasks as prescribed in Clause 5 of this Article.

5. Competent state agencies must organize the formulation of general plannings for construction and construction subdivision plannings for the entire planned area in accordance with the law on construction for industrial parks with an area of 500 hectares or more, industrial - urban - service zones, Industrial parks have many infrastructure investors or investors making investment in infrastructure construction and business according to each industrial subdivision.

In case an industrial park, industrial - urban - service zone specified in this Clause is defined in the approved urban master plan or general planning for construction of an economic zone, a planning for subdivision for construction of an industrial park may be made without making planning tasks.

6. Unless an industrial park construction planning is formulated in an area where an approved construction master plan is already in place or an industrial park conforms to the approved general planning for construction of an economic zone, provincial-level People's Committees shall collect written opinions on construction master plans or subdivision planning plans. construction of industrial parks of the following agencies:

a) The Ministry of Planning and Investment and the Ministry of Construction for industrial parks with an area of 200 ha or more;

b) The Ministry of Transport, for industrial parks connected to national highways;

c) The Ministry of Culture, Sports and Tourism, for industrial parks adjacent to historical-cultural relics, natural heritage areas, national-level tourist resorts or higher;

d) The Ministry of Construction, for industrial parks located in class II urban areas;

dd) The Ministry of National Defense and the Ministry of Public Security, for industrial parks in islands and border communes, wards and towns; communes, wards, coastal towns or other areas affecting national defense and security in accordance with the law on national defense and security and the law on investment.

7. Provincial-level People's Committees shall decide to adjust the location or adjust the size of the area for planning for construction of an industrial park if the district-level area is not changed in the following cases:

a) Adjust the location, adjust the area size of the industrial park but not more than 2% and not more than 6 ha compared to the area size of the industrial park identified in the list of industrial parks in the province or centrally-run city;

b) Adjust the location, adjust the area size of the industrial park not in the case specified at Point a of this Clause but not more than 10% and not more than 30 ha compared to the area size of the industrial park identified in the List of industrial parks in the province, centrally-run cities after obtaining written comments from the Ministry of Construction, the Ministry of Natural Resources and Environment, and the Ministry of Planning and Investment.

8. Provincial-level People's Committees shall assign investors who have been selected to implement investment projects on construction and business of industrial park infrastructure to organize the formulation of plannings for industrial park construction subdivisions (if necessary) in areas where there is already a general planning for industrial park construction.

9. Investors who have been selected to implement investment projects on construction and business of industrial park infrastructure shall organize the formulation of detailed plannings for construction of industrial parks (if necessary).

10. Provincial-level People's Committees shall approve detailed planning plans for construction of industrial parks located in two or more district-level administrative units.

11. Provincial-level People's Committees authorize the Management Boards of industrial parks and economic zones to decide on the local adjustment of the planning for subdivisions for construction of industrial parks; detailed planning for construction of industrial parks located in two or more district-level administrative units.

12. Public service and utility works shall be planned for construction in the service land area of the industrial park to serve employees working in the industrial park. The proportion of land area for construction of public service and utility works shall not exceed 10% compared to the total land area of the industrial park.

#### **Article 8. Order and procedures for investment in industrial park infrastructure**

1. The order and procedures for deciding and adjusting investment policies for industrial park infrastructure projects using public investment capital shall comply with the provisions of the law on public investment and the following provisions:

a) The pre-feasibility study report of an industrial park infrastructure project must contain an explanation for meeting the conditions specified in Article 9 of this Decree;

b) Contents of appraisal of pre-feasibility study reports include contents prescribed by the law on public investment and the satisfaction of corresponding conditions specified in Article 9 of this Decree.

2. The order and procedures for investment in investment projects on construction and business of industrial park infrastructure including industrial parks in economic zones other than those specified in Clause 1 of this Article shall comply with the provisions of the law on investment and the following provisions:

a) The investment project proposal or the pre-feasibility study report in the application file for approval of the investment policy must contain explanations for the satisfaction of the conditions specified in Article 9 of this Decree; explain the satisfaction of the conditions specified in Clause 1, Article 10 of this Decree (for the case where the investment policy is approved and the investor is approved);

b) Contents of appraisal for approval of investment policies include contents as prescribed by the law on investment and the satisfaction of corresponding conditions specified in Article 9 and Clause 1, Article 10 of this Decree ( for the case where the investment policy is approved at the same time as the investor).

3. The opinions of the agencies specified in Clause 6, Article 7 of this Decree may continue to be used to appraise the pre-feasibility study report and investment policy under the provisions of Clauses 1 and 2 of this Decree. The opinion-collecting agency shall send a dossier to retrieve their appraisal opinions on the appraisal content if the opinion-collecting agency deems it necessary.

4. Industrial parks in the case of investment divergence as prescribed in Clause 2, Article 9 of this Decree shall carry out the order and procedures for deciding on investment policies, approving investment policies, and granting registration certificates. investment registration for each period.

In case an industrial park using public investment capital or the next phase has the same investor as the previous stage, it may decide on investment policies, approve investment policies, and issue an investment registration certificate later when the previous stage has reached the minimum occupancy rate of 60% or has completed the investment in building the infrastructure system according to the industrial park construction planning approved by the competent authority. In this case, the investor in the previous stage is given priority to choose the implementation of the following stage, except for the case where an auction or bidding is required to select the investor as prescribed by law.

5. Industrial parks are the cases specified in Clause 3, Article 9 of this Decree shall carry out the order and procedures for deciding on investment policies, approving investment policies, and granting investment registration certificates to each stage and the following provisions:

a) The project dossier must contain a commitment on the progress of attracting investment projects to implement the industry cluster specified in Clause 3, Article 9 of this Decree;

b) The decision on investment policies, the decision on approval of the investment policy, the investment registration certificate must specify the commitment content in the project file. The handling of violations of commitments shall comply with the contents of the commitments, the provisions of the law on investment and other relevant laws;

c) In case the industrial park uses public investment capital or the next stage has the same investor as the previous stage, it is entitled to decide on investment policies, approve investment policies, issue an investment registration certificate. After the first phase, investors have been approved for investment policies, granted investment registration certificates, and implemented investment projects to lease or sublease land for implementation of industry clusters in accordance with regulations in Clause 3, Article 9 of this Decree, and at the same time achieve a minimum occupancy rate of 60% or have completed the investment in building the infrastructure system according to the industrial park construction planning approved by the competent authority. In this case, the investor in the previous stage is given priority to choose the implementation of the following stage, except for the case where an auction or bidding is required to select the investor as prescribed by law.

#### **Article 9. Conditions for investment on industrial park infrastructure**

1. In accordance with the planning, the following planning contents:

a) Regional planning, provincial planning;

b) Included in the list of industrial parks in the province or central city or in the general planning on construction of economic zones approved by competent authorities, for industrial parks located within the boundaries of the economic zone;

c) Conform to the industrial park construction planning already approved by the competent authority.

2. An industrial park, except for the case specified in Clause 3 of this Article, must be phased in investment if it is one of the following cases:

a) An industrial park with an area of over 500 hectares must be invested in phases, each phase must not exceed 500 hectares;

b) An industrial park that requires the change of land use purpose for rice cultivation for two or more crops with an area of over 200 hectares of rice land in the Red River Delta and the Mekong River Delta must be diverged to invest in stages, each stage does not change the purpose of land use for rice cultivation for 2 or more crops with an area of rice land exceeding 200 ha;

c) An industrial park that requires change of land use purpose for rice cultivation for two or more crops with an area of over 150 hectares of rice land in the North Central, Central Coast and Southeast regions must be first diverged to invest in stages, each stage does not change the purpose of using land for rice cultivation for 2 or more crops with an area of rice land exceeding 150 ha;

d) An industrial park that requires the change of land use purpose for rice cultivation for two or more crops with an area of over 100 hectares for rice cultivation in the Northern Midlands and Mountainous Areas and the Central Highlands must be diverged in terms of investment in stages, each stage does not change the purpose of using land for rice cultivation for 2 or more crops with an area of rice land exceeding 100 ha

3. Industrial parks attract investment projects to implement industry clusters with the total investment capital of projects in the cluster at least equivalent to USD 2 billion or VND 45,000 billion to be considered for investment. The first stage has an area of no more than 1,000 hectares. The next stages (if any) comply with the provisions of Clause 2 of this Article.

4. Use at least 5 hectares of industrial land or at least 3% of the total industrial land area of the industrial park (including factories, offices, and warehouses) for small and medium-sized enterprises and public enterprises, supporting enterprises, innovative enterprises, beneficiaries of investment incentives as prescribed at Points e and g, Clause 2, Article 15 of the Law on Investment, and other enterprises eligible for priority and support in production and business premises in accordance with the law on land lease and sublease. In case of investment in the form of eco-industrial parks, supporting industrial parks, specialized industrial parks or high-tech industrial parks, the conditions specified in this Clause are not required.

5. Capable of meeting the conditions for change of land use purpose as prescribed by the law on land, the law on forestry and other relevant laws.

6. At the time of submitting the pre-feasibility study report of the industrial park infrastructure project in accordance with the law on public investment or submit a valid application for approval of investment policy for an investment project on construction and business of infrastructure of an industrial park in accordance with the law on investment, the average occupancy rate of already established industrial parks in the province or central city is at least 60%, except for the following cases:

a) Invest in the infrastructure of an industrial park that has been established before but has its operation terminated, its Investment Registration Certificate, Investment Certificate, Investment License or other valid papers revoked or equivalent according to the provisions of the law on investment or there is a decision to cancel the project according to the provisions of the law on public investment;

b) The total land area of industrial parks already established in the province or central city is 1,000 ha or less;

c) The location of the industrial park in a district-level area on the list of areas eligible for investment incentives as prescribed by the law on investment or in an already established economic zone;

d) Investing in industrial park infrastructure in the form of eco-industrial parks, supporting industrial parks, specialized industrial parks, and high-tech industrial parks according to the provisions of this Decree;

d) The case specified in Clause 8 of this Article.

7. Plannings for construction of housing areas and public service and utility works for employees working in industrial parks or clusters of industrial parks shall be approved by competent state agencies in accordance with the law on housing and other relevant laws.

8. The investment in expanded industrial park infrastructure on the basis of an industrial park previously established and with the same investor implementing or using public investment capital must satisfy the following conditions:

a) The previously established industrial park has reached a minimum occupancy rate of 60% and has invested in the construction and commissioning of environmental protection infrastructure in accordance with the law on environmental protection or has completed the investment in the construction of an infrastructure system according to the industrial park construction planning approved by a competent authority. browsing;



b) The expanded industrial park is capable of connecting and sharing technical infrastructure with the previously established industrial park;

c) Having built and put into use housing areas and public service and utility works for employees working in industrial parks or clusters of industrial parks previously established according to the planning approved by competent state agencies specified in Clause 7 of this Article.

#### **Article 10. Conditions for investors to implement investment projects on construction and business of industrial park infrastructure**

1. Investors implementing investment projects on construction and business of industrial park infrastructure must satisfy the following conditions:

a) Conditions for real estate business in accordance with the law on real estate business;

b) Conditions for land allocation, land lease or change of land use purpose by the State for the implementation of investment projects on construction and business of industrial park infrastructure in accordance with the law on land, the law on forestry and other relevant laws.

In case an investor implementing an investment project on construction and business of industrial park infrastructure is an economic organization planned to be established by a foreign investor in accordance with the law on investment and the law on enterprises, the economic organization expected to be established must be able to meet the conditions for being assigned by the State. land, land lease, permission to change land use purposes in accordance with the law on land, the law on forestry and other relevant laws.

2. In case of choosing to apply bidding for investor selection, the evaluation criteria for selecting investors to implement investment projects on construction and business of industrial park infrastructure include:

a) Standards for assessment of the investor's capacity shall be formulated on the basis of the conditions specified in Clause 1 of this Article;

b) Standards for evaluation of the investor's experience shall be developed on the basis of the size of the area, implementation progress, implementation situation of the investment project on construction and business of industrial park infrastructure or other real estate project that the investor has implemented or has contributed equity capital to implement the project; owners, members and founding shareholders are organizations of investors who have implemented or contributed equity capital to implement the project;

c) Technical assessment standards shall be formulated on the basis of the contents of the Decision approving the industrial park construction planning, the Decision approving the investment policy of the investment project on construction and business of the industrial park infrastructure of the competent authority and other relevant laws;

d) Financial-commercial assessment standards shall be formulated on the basis of the competent authority's decision approving the investment policy of an investment project on construction and business of industrial park infrastructure and other provisions of law related to the selection of investors to implement land-use investment projects.

#### **Article 11. Adjustment of investment projects for construction and business of industrial park infrastructure**

1. During the investment process, investors may adjust investment projects on construction and business of industrial park infrastructure.

2. Conditions, order and procedures for adjustment of investment projects on construction and business of industrial park infrastructure shall comply with the provisions of the law on investment and the following provisions:

a) A written request for adjustment of an investment project in accordance with the law on investment must contain an explanation for meeting the provisions of Clause 3 of this Article;

b) Contents of appraisal and adjustment of approval of investment policies include contents prescribed by the law on investment and the satisfaction of conditions specified in Clause 3 of this Article (if any).

3. Investment projects on construction and business of industrial park infrastructure shall be adjusted to reduce the size of the area and not have to adjust the plan for development of the industrial park system in accordance with the law on planning if it falls into one of the following cases:

a) Prolonged compensation and site clearance, affecting the efficiency and investment progress of the industrial park;

- b) Adjust the industrial park construction planning to set aside a part of the land area for housing development, service works and public utilities for employees working in the industrial park as prescribed in Clause 9, Article 77 of the Law on Investment;
- c) Reduce the size of the industrial park to limit the risk of environmental pollution, affecting the living environment of surrounding people;
- d) Due to adjustment of the planning in accordance with the law on planning.

#### **Article 12. Renaming of the industrial park**

Provincial-level People's Committees shall decide on the renaming of industrial parks identified in the list of industrial parks in provinces or centrally-run cities at the request of the Management Board of industrial parks, economic zones or investors implementing investment projects on construction and business of industrial park infrastructure.

#### **Article 13. Converting industrial parks to urban development - services**

1. Conditions for conversion of industrial parks to urban-service development include:

- a) Conform to provincial plannings and urban plannings in provinces or centrally-run cities;
- b) Industrial parks located in the inner city areas of special class urban areas, class I municipalities directly under the central government and class I municipalities directly under the province;
- c) The operation period from the date the industrial park is established to the time of consideration for conversion is at least 15 years or one-second (1/2) of the operation term of the industrial park;
- d) There is the consent of the investor to implement the investment project on construction and business of industrial park infrastructure and more than two-thirds (2/3) of the number of enterprises in the industrial park in the area expected to be converted, except for the following cases: the investment project has expired its operation term in accordance with the law on investment; investment projects that are not eligible for extension of land sublease in accordance with the law on land and civil law; investment projects that cause serious environmental pollution are subject to forced relocation in accordance with the law on environmental protection;
- dd) Have socio-economic and environmental efficiency.

2. A dossier of application for conversion of an industrial park to an urban-service development includes:

- a) The scheme on conversion of an industrial park to an urban-service development includes the following contents: legal basis and the necessity of the conversion of an industrial park to an urban-service development; assess and explain the ability to meet the conditions specified in Clause 1 of this Article (accompanied by relevant documents); plans for relocation, compensation, site clearance and plans for mobilization of capital sources for implementation; propose specific solutions, mechanisms and policies (if any) and organize their implementation;
- b) A submission by the Provincial-level People's Committee proposing to convert an industrial park to an urban-service development;
- c) Dossiers shall be made into 10 sets, including at least 02 sets of original dossiers (01 set of original dossiers submitted to the Prime Minister) and 09 sets of dossiers submitted to the Ministry of Planning and Investment for appraisal as prescribed in Clauses 3 and 4 of this Article.

3. Order and procedures for appraisal of the conversion of industrial parks to urban-service development:

- a) Within 03 working days from the date of receipt of a complete dossier as prescribed in Clause 2 of this Article, the Ministry of Planning and Investment shall send the dossier for appraisal opinions of the Ministry of Natural Resources and Environment, the Ministry of Construction and relevant state agencies;
- b) In case the dossier does not meet the provisions of Clause 2 of this Article, the Ministry of Planning and Investment shall notify in writing the provincial-level People's Committee to supplement or amend the dossier. The time for supplementing or amending dossiers is not included in the appraisal period;
- c) Within 15 days from the date of receipt of the opinion collection dossier as prescribed at Point a of this Clause, the agency to be consulted shall have an appraisal opinion on the contents under its state management and send it to the Ministry of Planning and Investment;
- d) Within 45 days after receiving a completed dossier, the Ministry of Planning and Investment shall organize the appraisal of the dossier and make an appraisal report containing the contents specified in Clause 4 of this Article and submit it to the Prime Minister consider and decide on the transition of industrial parks to urban-service development.

Where necessary, the Ministry of Planning and Investment shall establish an Appraisal Council or hold a meeting with relevant state agencies and the People's Committee of the province to clarify relevant issues.

4. Contents of appraisal of the transition of industrial parks into urban-service development include:

- a) Legal basic and necessity of converting industrial parks to developing urban-service zones;
- b) Assess the satisfaction of the conditions specified in Clause 1 of this Article;
- c) Assess the feasibility of the relocation, compensation and site clearance plan and the plan to mobilize capital sources for implementation;
- d) Evaluate specific solutions, mechanisms and policies (if any) and organize their implementation.

5. The transition of an industrial park to an urban-service development specified in this Article shall be carried out for part or all of the industrial park area.

6. After the Prime Minister decides to convert all or part of the area of an industrial park to urban-service development, the investor of the industrial park infrastructure project and the investor implementing the investment project on construction and trading of industrial park infrastructure shall carry out the order, procedures for adjusting the project in accordance with the law on public investment, the law on investment and other relevant laws. The selection of investors to implement urban-service projects shall comply with the provisions of the law on investment, the law on bidding, the law on land, the law on housing, the law on real estate business and other relevant laws.

## **Section 2. ESTABLISHMENT, EXPANSION AND ADJUSTMENT OF ECONOMIC ZONE BOUNDARIES**

### **Article 14. Establishment of economic zones**

1. Economic zones include: coastal economic zones, border gate economic zones and specialized economic zones (hereinafter collectively referred to as economic zones).

2. An economic zone shall be established if it satisfies the following conditions:

- a) Conform to regional and provincial plannings; included in the list of economic zones in provinces and centrally-run cities;
- b) Be able to mobilize resources to invest in the construction of technical and social infrastructure systems of economic zones and production and business development;
- c) Having socio-economic efficiency;
- d) Satisfy environmental protection conditions in accordance with the law on environmental protection;
- dd) Ensure national defense and security.

3. Dossiers, order and procedures for establishment of economic zones shall comply with the corresponding provisions of Articles 15 and 16 of this Decree.

### **Article 15. Dossier of establishment of an economic zone**

1. The scheme on establishment of economic zones of provincial-level People's Committees includes the following contents:

- a) The legal basis and necessity of the establishment of economic zones;
- b) Assess the current status, factors and conditions of geographical, natural, natural resources, socio-economic location, limitations and comparative advantages of the area where the economic zone is expected to be established compared to other areas in the whole country;
- c) Assess and explain the ability to satisfy the conditions for the establishment of economic zones specified in Clause 2, Article 14 of this Decree (accompanied by relevant documents);
- d) The proposed development direction of the economic zone includes: development objectives, area size, nature and functions of the economic zone; directions for the development of industries and fields; orientations for spatial development and functional areas in economic zones; plans and roadmaps for investment in the construction and development of economic zones;
- dd) Propose solutions and organize their implementation;
- e) Show the plan for establishing an economic zone on a map with a scale of 1:10,000 - 1:25,000.

2. A written submission to the Prime Minister by the Provincial-level People's Committee for proposal for the establishment of an economic zone.

3. Dossiers shall be made into 10 sets, including at least 02 original dossiers (01 original dossier submitted to the Prime Minister) and 09 sets of dossiers submitted to the Ministry of Planning and Investment for appraisal as prescribed in Article 16 of this Decree.

#### **Article 16. Order and procedures for establishment of economic zones**

1. Within 03 working days from the date of receipt of a complete dossier as prescribed in Article 15 of this Decree, the Ministry of Planning and Investment shall send the dossier for appraisal opinions of relevant state agencies.

2. In case the dossier does not meet the provisions of Article 15 of this Decree, the Ministry of Planning and Investment shall notify in writing the provincial-level People's Committee to supplement or amend the dossier. The time for supplementing and amending dossiers is not included in the appraisal period.

3. Within 20 days from the date of receipt of the dossier of appraisal opinion collection as prescribed in Clause 1 of this Article, the agency to be consulted shall have appraisal opinions on the contents under its state management and send it to the Ministry of Planning and Investment.

4. Within 45 days from the date of receipt of a complete dossier, the Ministry of Planning and Investment shall prepare an appraisal report including the contents specified in Clause 5 of this Article and submit it to the Prime Minister for consideration and decision on the establishment of an economic zone.

In case of necessity, the Ministry of Planning and Investment shall establish an appraisal council or hold a meeting with relevant state agencies and provincial-level People's Committees to clarify relevant issues.

5. Contents of appraisal of the establishment of economic zones include:

a) The legal basis and necessity of the establishment of economic zones;

b) Assess the satisfaction of the conditions for the establishment of economic zones specified in Clause 2, Article 14 of this Decree;

c) Assessment of the development direction of the economic zone;

d) Evaluate solutions and organize their implementation.

#### **Article 17. Expansion of economic zones**

1. Expansion of an economic zone means an increase in the size of an established economic zone, in which an economic zone expansion area has adjacent or neighboring boundaries and can connect and share technical infrastructure with previously established economic zones to enhance development potential, pervasiveness of the economic zone.

2. An economic zone may be expanded if the following conditions are satisfied:

a) Conditions specified in Clause 2, Article 14 of this Decree;

b) Have fully invested in the entire economic zone infrastructure system according to the general planning for construction of the economic zone approved by a competent authority;

c) At least 70% of the land area of functional areas in economic zones has been assigned or leased to organizations and individuals for the implementation of investment projects.

3. A dossier of expansion of an economic zone includes:

a) The economic zone expansion scheme includes the following contents: legal basis, necessity and contents of economic zone expansion; assess the current status, factors and conditions in terms of geographical location, nature, natural resources, socio-economy, limitations and comparative advantages of the area expected to expand the economic zone compared to other areas in the whole country; assess and explain the ability to meet the conditions specified in Clause 2 of this Article (accompanied by relevant documents); expected development directions of the economic zone after expansion include: development objectives, area size, nature and functions of the economic zone; directions for the development of industries and fields; orientations for spatial development and functional areas in economic zones; plans and roadmaps for investment in the construction and development of economic zones; propose solutions and organize their implementation; showing the plan to expand the economic zone on the scale map 1:10,000 - 1:25,000;

b) A proposal to the Prime Minister of the provincial level People's Committee for the expansion of the economic zone;

c) The dossier is made into 10 sets, of which at least 02 sets of original dossiers (01 set of original dossiers submitted to the Prime Minister) and 09 sets of dossiers shall be submitted to the Ministry of Planning and Investment for appraisal according to regulations. specified in Clauses 4 and 5 of this Article.

4. Order and procedures for economic zone expansion:

- a) Within 03 working days from the day on which the complete application is received as prescribed in Clause 3 of this Article, the Ministry of Planning and Investment shall send the dossier for appraisal opinions from the relevant state agency;
- b) If the application does not meet the requirements specified in Clause 3 of this Article, the Ministry of Planning and Investment shall notify in writing the People's Committee of the province to supplement or amend the application. Time for supplementing and amending dossiers is not included in the appraisal time;
- c) Within 20 days from the date of receipt of the dossier for collection of appraisal opinions as prescribed at Point a of this Clause, the consulted agency shall give opinions on the contents within the scope of its state management to the Ministry of Planning and Investment;
- d) Within 45 days from the day on which the complete application is received, the Ministry of Planning and Investment shall make an appraisal report containing the contents specified in Clause 5 of this Article and submit it to the Prime Minister for consideration and decision on economic zone expansion.

In case of necessity, the Ministry of Planning and Investment shall establish an Appraisal Council or hold a meeting with relevant state agencies and the provincial level People's Committee to clarify relevant issues.

5. Contents of appraisal of economic zone expansion include:

- a) Legal basis and necessity of economic zone expansion;
- b) Assess the satisfaction of conditions for economic zone expansion as prescribed in Clause 2 of this Article;
- c) Assess the development direction of the economic zone after expansion;
- d) Evaluate solutions and organize implementation.

**Article 18. Adjustment of economic zone boundaries**

1. Adjustment of economic zone boundaries means adjusting the geographical boundaries of an economic zone already established in the same commune-level area or from an area belonging to one commune level to an area belonging to other communes respectively in the same district-level areas, but the total area of the economic zone does not change by more than 10% and does not change the district-level areas.

2. The adjustment of the boundary of an economic zone shall be effected in one of the following cases:

- a) Due to changes in national planning, regional planning, provincial planning or related planning, affecting the development direction of the economic zone;
- b) Reducing the size of the area of the economic zone compared to the area of the already established economic zone;
- c) Increase the size of the area of the economic zone compared to the area of the established economic zone, but not more than 10% to ensure the development space and spillover effects of the priority sectors and fields. development of the economic zone.

**Article 19. Dossier for adjustment of economic zone boundaries**

1. The provincial-level People's Committee's proposal on adjustment of the boundary of an economic zone shall include the following contents:

- a) Legal basis, necessity and content of adjustment of economic zone boundaries;
- b) Assessment of the current status of construction and development of established economic zones;
- c) Evaluation and explanation of the ability to satisfy the conditions specified at Points b, c, d and dd, Clause 2, Article 14 and Article 18 of this Decree (enclosed with relevant documents);
- d) The proposed development direction of the economic zone after the boundary adjustment includes: development objectives, area size, nature and functions of the economic zone; development direction of industries and fields; spatial development orientation, functional zones in economic zones; plans and roadmaps for investment in construction and development of economic zones;
- đ) Proposing solutions and organizing the implementation;
- e) Show the plan to adjust the boundary of the economic zone on the map at scale 1:10,000 - 1:25,000.

2. The proposal to the Prime Minister of the People's Committee of the province requesting adjustment of the boundary of the economic zone.

3. Dossier is made into 10 sets, of which at least 02 sets of original dossiers (01 set of original dossiers submitted to the Prime Minister) and 09 sets of dossiers submitted to the Ministry of Planning and Investment for appraisal according to regulations. specified in Article 20 of this Decree

#### **Article 20. Order and procedures for adjusting economic zone boundaries**

1. Within 03 working days from the date of receipt of complete dossiers of boundary adjustment of economic zones as prescribed in Article 19 of this Decree, the Ministry of Planning and Investment shall send dossiers for appraisal opinions of agencies. relevant government agencies.
2. In case the application does not meet the requirements of Article 19 of this Decree, the Ministry of Planning and Investment shall notify in writing to the People's Committee of the province to supplement or amend the application. Time for supplementing and amending dossiers is not included in the appraisal time.
3. Within 15 days from the date of receipt of the request for opinions, the consulted agency shall give its opinion on the contents under its state management and send it to the Ministry of Planning and Investment.
4. Within 40 days after receiving a complete dossier, the Ministry of Planning and Investment shall make an appraisal report containing the contents specified in Clause 5 of this Article and submit it to the Prime Minister for consideration and decision.

In case of necessity, the Ministry of Planning and Investment shall establish an Appraisal Council or hold a meeting with relevant state agencies and the provincial level People's Committee to clarify relevant issues.

5. Contents of appraisal of border adjustment of economic zones include:

- a) Legal basic and necessity of adjusting the economic zone boundary;
- b) Evaluation of the satisfaction of the conditions specified at Points b, c, d and đ, Clause 2, Article 14 and Article 18 of this Decree;
- c) Evaluate the development direction of the economic zone after adjusting the boundary;
- d) Evaluate solutions and organize implementation.

#### **Article 21. Authority to establish, expand and adjust the boundary of economic zones**

1. The Prime Minister shall decide on the establishment, expansion and adjustment of the boundaries of economic zones.
2. Economic zones are organized into functional zones. The size of area, location and nature of each functional zone are determined in the general planning on construction of economic zones approved by the Prime Minister in accordance with the law on construction.
3. In case the area of an economic zone differs by no more than 1% and not more than 200 hectares compared to the area of the already established economic zone, the Prime Minister shall approve the general planning on construction of the economic zone without having to adjust the boundary of the economic zone. The size of the area, boundaries and location of the economic zone shall comply with the general planning on construction of the economic zone approved by the Prime Minister.

### **Chapter III**

## **POLICIES FOR DEVELOPMENT OF INDUSTRIAL PARKS, ECONOMIC ZONES**

#### **Article 22. Investment incentives for industrial parks and economic zones**

1. An industrial park is an area with investment incentives and investment incentives, applicable to areas with difficult socio-economic conditions in accordance with the law on investment.

Investment incentives for industrial zones specified in the investment law shall apply from the time the industrial park is established.

2. An economic zone is an area eligible for investment incentives, applicable to areas with extremely difficult socio-economic conditions as prescribed by the investment law.

Investment incentives for economic zones specified in the investment law shall apply from the time the economic zone is established.

3. Specific incentives for investment projects on construction and business of infrastructure of industrial parks and functional zones in economic zones and investment projects in industrial parks and economic zones shall be

applied according to the provisions of this Decree. provisions of tax law, land law, credit law, accounting law and other relevant laws.

4. Expenses for investment in construction, operation or purchase, lease-purchase or lease of houses, service works, public utilities for employees working in industrial parks, economic zones, technical infrastructure works Technical connection with industrial parks and functional areas of investors implementing investment projects on construction and business of infrastructure of industrial parks and functional zones in economic zones, investors implementing investment projects Investment in industrial parks and economic zones is a deductible expense when determining taxable income in accordance with the law on corporate income tax.

5. Investment projects on construction of houses, public service facilities and facilities for employees working in industrial parks and economic zones are entitled to incentives in accordance with the law on construction of communal houses. association and other relevant laws.

6. Investors who have investment projects in industrial parks or economic zones are supported by competent state agencies to carry out administrative procedures for investment, enterprises, land, construction and environment, labor, trade under the "one-stop shop, on-site" mechanism, support in labor recruitment and other related issues during project implementation.

### **Article 23. Methods of mobilizing capital sources for investment and investment support in construction of infrastructure of industrial parks and economic zones**

1. Based on the ability to balance the state budget, the urgency of the works, and the conformity with relevant plannings, the People's Committees of the province may decide on investment or investment support and assign to agencies, organizations with experience and capacity to manage as the investor of investment projects on the construction of technical and social infrastructure works inside and outside the fence of industrial parks, construction investment projects construction of technical and social infrastructure works in economic zones to serve the operation of industrial parks and economic zones in accordance with the law on public investment.

The completion of acceptance test and management and use of the works after construction investment shall comply with regulations applicable to projects funded by the state budget in the law on public investment, the law on management, use of public property and other relevant provisions of law.

2. The use of development investment capital from the state budget to synchronously develop the technical and social infrastructure system inside and outside the fence of the industrial park, the technical infrastructure system, social infrastructure in economic zones shall comply with the provisions of the law on public investment, the law on the state budget and other relevant laws.

3. Investment projects on construction of large-scale technical and social infrastructures, which play a key role in the development of economic zones, may mobilize capital to issue local government bonds according to regulations of the Law.

4. Economic zones on the list of key economic zones prioritized for investment from the state budget and other lawful funding sources for investment in the construction of technical and social infrastructure works in the region. economic zones in accordance with the law on public investment, the law on the state budget and other relevant laws.

5. Criteria for determining key economic zones include: position, role and contribution of economic zones to socio-economic development of provinces, central cities and regions; connectivity of the economic zone with domestic and international markets; results of attracting and implementing investment projects and other relevant criteria.

6. Technical and social infrastructure works, service works, public utilities for employees working in industrial parks and economic zones may use official development assistance capital (ODA), concessional credit and other technical assistance as prescribed by law.

7. Attracting investment capital under the mode of public-private partnership in accordance with the law on investment under the mode of public-private partnership and other forms as prescribed by law for investment in the construction of structural works technical and social infrastructure inside and outside the fence of the industrial park, technical and social infrastructure works in the economic zone.

8. Investment projects on development of technical and social infrastructure in general service in economic zones may raise capital from the land development fund in accordance with the provisions of the law on land.

### **Article 24. Financial regulations for industrial parks and economic zones**

1. Domestic and foreign tourists entering a non-tariff zone in an economic zone are entitled to tax incentives when buying imported goods and bringing them home in accordance with the tax law applicable to the economic zone. tariffs in economic zones.

2. Organizations and individuals with achievements in mobilizing ODA, concessional credit and other technical assistance and mobilizing investors to implement investment projects in industrial parks and economic zones shall be commended, reward according to the Regulation promulgated by the People's Committee of the province.

#### **Article 25. Temporary residence or stay in industrial zones**

1. There is no permanent place of residence in the industrial park as prescribed by the law on residence.

2. Experts and workers are allowed to temporarily stay or stay at accommodation establishments in industrial parks to serve production and business activities of enterprises and comply with the following provisions:

a) For Vietnamese experts and employees, temporary residence or stay shall be made in accordance with the provisions of the law on residence;

b) Foreign experts and workers shall temporarily reside in Vietnam according to the provisions of law on entry, exit, transit and residence of foreigners in Vietnam.

3. Accommodation is built in the service land area of the industrial park; ensure a safe distance from the environment according to the provisions of the law on construction and other relevant provisions of law; ensure security and order and do not affect production and business activities of enterprises in industrial parks.

4. In case of force majeure due to direct impacts of natural disasters, environmental disasters, fires, epidemics, wars, demonstrations, riots or other emergencies, experts and employees are entitled to permit to stay in the enterprise, to stay in the enterprise in the industrial park according to the following provisions:

a) For experts, Vietnamese workers are allowed to stay at enterprises in industrial parks according to the provisions of law on residence;

b) For experts, foreign workers are allowed to stay in the enterprise in the industrial park for less than 30 days and must make a declaration of temporary residence in accordance with the law on entry, exit, transit, and residence of foreigners in Vietnam.

#### **Article 26. Specific regulations applicable to export processing zones and export processing enterprises**

1. Dossier, order and procedures for establishing an export processing enterprise:

a) In case an export processing enterprise is established at the same time as carrying out procedures for issuance of an Investment Registration Certificate, the investor shall submit a commitment on its ability to satisfy the conditions for customs inspection and supervision according to regulations, provisions of the law on export tax and import tax together with the application file for the Certificate of investment registration in accordance with the provisions of the law on investment. The investment registration authority that issues the Investment Registration Certificate shall record the objective of establishing an export processing enterprise in the Investment Registration Certificate when issuing the Investment Registration Certificate;

b) In case the establishment of an export processing enterprise is not concurrent with the procedures for issuance of the Investment Registration Certificate, the investor shall submit 01 set of dossiers to the investment registration agency where the export processing enterprise is located, the dossier includes: documents on investment projects in accordance with the law on investment; a written commitment on the ability to meet the conditions for customs inspection and supervision in accordance with the law on export and import duties. The investment registration agency shall issue a Certificate of registration of an export processing enterprise to the investor within 03 working days from the date of receipt of a complete dossier as prescribed at this point for an investment project not subject to the issuance of an Investment Registration Certificate in accordance with the law on investment;

c) In case the investor's investment project is subject to approval of investment policies in accordance with the law on investment, the investor shall submit a written commitment on the ability to meet the conditions for customs inspection and supervision in accordance with the law on export tax, import tax together with a dossier of application for approval of investment policies of investment projects in accordance with the law on investment.

The investment registration agency shall issue the Certificate of registration of an export processing enterprise to the investor within 03 working days from the date of receipt of the written approval of the investment policy in case the investment project is not subject to the issuance of the Investment Registration Certificate or records the goal of establishing an export processing enterprise in the Certificate of registration sign investment when issuing the Investment Registration Certificate in accordance with the law on investment.



2. In industrial parks, there may be industrial subdivisions for export processing enterprises. Export processing zones, export processing enterprises and industrial zones for export processing enterprises shall be separated from the external territory by a system of fences, gates and doors, ensuring conditions for inspection, supervision and control of customs authorities and relevant authorities in accordance with regulations applicable to non-tariff zones. specified in the law on export taxes and import duties.

3. Export processing enterprises are entitled to investment incentives and tax policies for non-tariff zones from the time the investment objectives establish export processing enterprises stated in the Investment Registration Certificate, the Adjusted Investment Registration Certificate or the Certificate of Registration of export processing enterprises of the competent investment registration agency. After completing the construction process, the export processing enterprise must be certified by the competent customs authority to meet the conditions for customs inspection and supervision in accordance with the law on export tax and import tax before officially coming into operation. In case an export processing enterprise is not confirmed to meet the conditions for customs inspection and supervision, it is not entitled to the tax policy applicable to the non-tariff zone. The inspection, certification and completion of customs inspection and supervision conditions of export processing enterprises shall comply with the provisions of the law on export taxes and import duties.

4. Goods exchange relations between export processing enterprises and other areas in the Vietnamese territory, other than non-tariff zones, are export and import relations except for the cases specified at Point c of this Clause and cases where customs procedures are not required in accordance with the provisions of customs law as follows:

a) Customs procedures, customs inspection and supervision, export duties and import duties on exported and imported goods at export processing enterprises shall comply with regulations applicable to separate customs areas and non-tariff zones except for separate regulations applicable to non-tariff zones belonging to economic zones;

b) Construction materials, stationery, food, food and consumer goods from within Vietnam for the construction of works, serving the operation of the office apparatus and living activities of employees working at export processing enterprises are not required to comply with regulations on customs procedures, customs inspection and supervision, export duties and import duties applicable to imported and exported goods in accordance with the provisions of law. Export processing enterprises and sellers may choose to carry out or not have to carry out export and import procedures for construction materials, stationery, food, food and consumer goods from within Vietnam;

c) Export processing enterprises may sell or liquidate into the domestic market used assets and goods in accordance with the law on investment and other relevant laws. At the time of sale or liquidation into the domestic market, the management policy of imported and exported goods shall not be applied, except for cases where goods under management according to conditions, standards and specialized inspections have not been carried out when imported; goods managed by license must be agreed in writing by the import licensing agency.

5. Employees working at export processing enterprises do not have to declare customs when bringing foreign exchange from within Vietnam into this enterprise and vice versa.

6. Export processing enterprises may carry out other business activities in accordance with the law on investment, the law on enterprises and other relevant laws and must satisfy the following conditions:

a) The arrangement of goods storage areas for export processing activities must be separated from goods storage areas for other production and business activities;

b) Separate accounting of revenues and expenses related to export processing and other business activities;

c) Not to use assets, machinery and equipment entitled to tax incentives applicable to export processing enterprises to serve other production and business activities. In case of using assets and machinery and equipment entitled to tax incentives applicable to export processing enterprises to carry out other business activities, tax incentives that have been exempted or reduced must be refunded in accordance with the provisions of tax law.

7. Export processing enterprises may establish branches in accordance with the law on investment and the law on enterprises to carry out export processing activities. Branches of export processing enterprises may apply mechanisms to export processing enterprises specified in this Article if they carry out export processing activities in export processing zones, industrial parks or economic zones and satisfy the conditions in Clause 2 of this Article.

8. In industrial parks or economic zones, there are export processing enterprises and mechanisms may be applied to export processing enterprises if they satisfy the conditions specified in Clause 2 of this Article.

9. In export processing zones, there are enterprises specializing in manufacturing and providing services for industrial production.

10. In case there is insufficient space to arrange warehouses to store goods for export processing activities of export processing enterprises in export processing zones, industrial parks, economic zones, export processing enterprises may lease premises outside industrial parks or economic zones to store goods if they satisfy the conditions in Clause 2 of this Article. Warehouses storing goods outside industrial parks and economic zones shall be put into use from the date of certification by competent customs agencies to meet the conditions for customs inspection and supervision in accordance with the law on taxation and the law on customs.

After 05 working days from the date of permission from the competent customs authority to put into use, the export processing enterprise must notify the investment registration agency of the arrangement of warehouses outside export processing zones, industrial parks and economic zones to store goods and make adjustments to investment projects (if any) in accordance with the law on investment private.

11. Export processing enterprises may sell goods to the domestic market. Goods imported from export processing enterprises and export processing zones into the domestic market are subject to tax in accordance with the law on export tax and import tax.

12. Only investors and employees working in export processing enterprises and those who have working relations with export processing enterprises can enter and exit export processing enterprises.

**Article 27. Rights and obligations of investors implementing investment projects in industrial parks and economic zones and investors implementing investment projects on construction and business of infrastructure of industrial parks and functional zones in economic zones**

1. Investors implementing investment projects in industrial parks and economic zones and investors implementing investment projects on construction and trading of infrastructure of industrial parks and functional zones in foreign economic zones, general rights and obligations of investors and enterprises in accordance with the law on investment, the law on enterprises, this Decree and other relevant laws also have the following rights and obligations:

a) Comply with regulations on security, order, assurance of occupational safety and hygiene, work quality, environmental protection and fire and explosion prevention;

b) Cooperate with police forces and competent state agencies in formulating plans on fire prevention and fighting, ensuring security, order and social safety in the region;

c) Report to the investment registration agency and state management agency for statistics in the locality on the implementation of investment projects in accordance with the law on investment.

2. In addition to the provisions of Clause 1 of this Article, investors implementing investment projects on construction and business of infrastructure of industrial parks and functional zones in economic zones have the following rights and obligations:

a) Rent, negotiate and cooperate with other investors to invest in the construction, maintenance, maintenance and operation of infrastructure works in industrial parks and functional zones in economic zones or share infrastructure facilities in industrial zones and functional zones in economic zones, infrastructure works inside and outside the fence of industrial parks and functional zones in economic zones according to the provisions of the civil law and other relevant laws;

b) Register and re-register industries and trades attracting investment in each type of supporting industrial parks, specialized industrial parks, high-tech industrial parks, ecological industrial parks (if any) at the Board of Directors, management of industrial parks and economic zones;

c) For the industrial land area of the industrial park for the cases specified in Clause 4, Article 9 of this Decree, the land rental price or sub-lease price for land with technical infrastructure has been built and fees for using infrastructure up to 70% of the actual price and fees for using infrastructure at the time of lease or sublease.

3. Investment in construction, maintenance, maintenance and operation of infrastructure works in industrial parks and functional zones in economic zones must satisfy the following requirements:

a) Conform to the construction planning, construction design already approved by the competent authority;

b) Ensure the uniformity of infrastructure works of industrial parks and functional zones in economic zones;

c) Ensure the operation of enterprises in industrial parks, functional zones in economic zones.

4. In case the price bracket and fees for using infrastructure increase by more than 10% compared to the price bracket and fees for using infrastructure registered with the Management Board of industrial parks and economic zones shall be taken with the following prices:

a) Based on the assessment of the impact on the investment and business environment in the locality, the Management Board of industrial parks and economic zones proposes investors to implement investment projects on construction and business of structures; infrastructure of industrial parks and functional zones in economic zones to re-register price brackets and fees for using infrastructure ahead of time and explain the change of price brackets and fees for using infrastructure;

b) In case of necessity, the Management Board of the industrial park and economic zone shall organize the appraisal of the price bracket and fees for using infrastructure by the investor in the construction investment and infrastructure business project, industrial parks, functional zones in registered economic zones.

5. The lease or sub-lease of factories, offices, warehouses and other works built to serve production and business by investors implementing investment projects in industrial parks or the economic zones must ensure compliance with the provisions of the law on land, the law on real estate business and other relevant laws.

#### **Article 28. Management, use and handling of public property formed from the state budget in industrial parks, functional zones in economic zones**

1. For property formed from the state budget in industrial parks or economic zones, which is determined to be public property, the management, use and handling shall comply with the provisions of law, management and use of public property.

2. Investors implementing investment projects on construction and infrastructure business of industrial parks and functional zones in economic zones are supported by the state budget to invest in infrastructure works or other items in industrial parks, functional zones in economic zones shall maintain and operate that infrastructure work or work item to serve the investment, production and business activities of the investors, organizations and individuals in industrial parks and functional zones in economic zones.

In this case, the investor is not allowed to include the value of public assets in the total investment capital of the investment project on construction and business of infrastructure of the industrial park, functional areas in the economic zone and the cost to calculate land rental prices, land sub-lease prices, infrastructure use fees for investment projects in industrial parks and functional zones in economic zones.

3. The investor is entitled to calculate the cost of refund to the state budget into the total investment capital of the investment project on construction and business of infrastructure of industrial parks and functional zones in economic zones and the rental price, land, land sublease price, fees for using infrastructure for investment projects in industrial parks and functional zones in economic zones in case the State recovers the capital amount already paid by the State budget, investment support for industrial parks and functional zones in economic zones.

4. In case of equitization of state-owned enterprises, the handling of assets formed from the state budget that has supported investment in industrial parks and functional zones in economic zones shall comply with regulations of the law on management and use of state capital invested in production and business in enterprises and equitization.

5. In case of transfer of an investment project or other forms of investor change, the plan for handling public property (if any) must be approved by a competent authority before carrying out the procedures for investor change in accordance with the provisions of the law.

#### **Article 29. Development of housing, service facilities and public utilities for employees working in industrial parks and economic zones**

1. The State encourages organizations and individuals to invest in the construction of houses for rent, purchase or hire-purchase by employees working in industrial parks or economic zones; housing, service works, public facilities for employees working in industrial parks and economic zones invested and built must meet construction standards and regulations, standards on area and quality, construction quality, aesthetics, safety and environment as prescribed by law.

2. People's Committees at all levels are responsible for creating favorable conditions for employees working in industrial parks and economic zones to use medical, educational, social, cultural and sports services on the Internet. Locality. Provincial-level People's Committees are responsible for formulating plans for development of housing, service facilities and public utilities for employees working in industrial parks and economic zones associated with the system development plan. industrial parks, economic zones in the provincial planning and ensure the land fund to implement the plan.

3. Investors are encouraged to implement investment projects on construction and business of infrastructure of industrial parks and functional zones in economic zones, and investors to implement investment projects in industrial parks and business zones. buy, rent, lease-purchase housing for employees working in industrial parks and economic zones to use, rent, buy back, and sub-lease.

4. The assurance of land fund for construction of houses, service works and public utilities for employees working in industrial parks and economic zones shall comply with the provisions of the law on social housing and social housing provided for in this Decree.

5. In case the land area for development of houses, public services and facilities for employees working in the industrial park is located adjacent to the industrial park, the provincial level People's Committee shall approve the construction planning, industrial parks associated with the planning of construction of housing areas, service works and public utilities for employees working in industrial parks.

#### **Article 30. Operation of non-tariff zones in economic zones**

A non-tariff zone in an economic zone conducts trade, investment, production, business and service activities such as temporary import for re-export or temporary export, re-import, transit, border-gate transshipment, transshipment of goods, chemical; providing services related to export and import activities; trading in tax-free goods, tax-free goods and discounts; services of logistics; manufacturing, processing, recycling, assembling, classifying and packing export and import goods and providing related services and other goods and service business activities as prescribed by law.

### **Chapter IV**

## **SOME TYPES OF INDUSTRIAL PARKS AND INDUSTRIAL PARKS - URBAN - SERVICES**

### **Section 1. GENERAL PROVISIONS**

#### **Article 31. Development of supporting industrial parks, specialized industrial parks, ecological industrial parks, high-tech industrial parks**

1. The State encourages and takes measures to support organizations and individuals to invest in new or transform all or part of an already established industrial park into operation in the form of a supporting industrial park or industrial park, specialized industry, eco-industrial park, high-tech industrial park as prescribed in this Decree.

2. Investment projects on infrastructure construction and business and investment projects in supporting industrial parks, specialized industrial parks, eco-industrial parks, and high-tech industrial parks are entitled to incentives applications according to geographical areas and sectors and trades and incentives applicable to investment projects in industrial parks according to the provisions of the investment law and other relevant laws and approved by competent state agencies, the right to assist in administrative procedures, provide technical advice, promote investment, and provide information on investment cooperation as prescribed in this Decree.

### **Section 2. SUPPORT INDUSTRIAL PARKS, SPECIALIZED INDUSTRIAL PARKS, AND HI-TECH INDUSTRIAL PARKS**

#### **Article 32. Policies to encourage the development of supporting industrial parks, specialized industrial parks, and high-tech industrial parks**

1. For investment projects on construction and infrastructure business of supporting industrial parks, specialized industrial parks, and high-tech industrial parks, including supporting industry subdivisions and specialized industrial zones hi-tech industry sectors and subdivisions:

- a) To be exempted or reduced from land rent in accordance with the law on land;
- b) To be given priority to borrow investment credit capital from the State, to apply lawful forms of capital mobilization in accordance with the law on enterprises, the law on credit and other relevant laws. ;
- c) Be included in the list of projects attracting investment.

2. For investment projects on production of supporting industry products, investment projects eligible for investment incentives under the provisions of the law on investment in supporting industrial parks and specialized industrial parks, high-tech industrial park:

a) Enjoy incentives on corporate income tax, export tax, import tax and other supports in accordance with the tax law, the law on development of supporting industries, the law on technology; and other provisions of relevant laws;

b) In case of manufacturing products on the list of supporting industry products prioritized for development according to the provisions of the law on development of supporting industries, they are assisted by a competent state agency to carry out procedures for identification of such products. receive incentives for a maximum period of 30 days;

c) To be given priority to participate in training programs, human resource development, start-up support, support for small and medium-sized enterprises and other programs implemented by competent state agencies.

3. Investment projects on construction and business of infrastructure of industrial parks specified in Clause 1 of this Article must satisfy the following conditions:

a) Investors implementing investment projects on construction and trading of infrastructure of industrial parks shall register industries and trades attracting investment in each type of supporting industrial parks, specialized industrial parks, and industrial parks. high-tech industry;

b) The ratio of industrial land area for investment projects in industries or trades attracting investment in industrial parks determined according to the provisions of Point a of this Clause must satisfy regulations corresponding to each type of industrial park in Clauses 3, 4 and 6, Article 2 of this Decree;

c) The contents specified at Points a and b of this Clause and each type of supporting industrial park, specialized industrial park or high-tech industrial park are specifically committed by the investor in the investment project dossier investment in construction and business infrastructure of industrial parks.

4. Competent authorities shall prescribe each type of supporting industrial park, specialized industrial park, and high-tech industrial park in the Decision on investment policies and the Certificate of investment registration in accordance with the provisions of law on investment as a basis for inspection, inspection and supervision.

### **Section 3. INDUSTRIAL - URBAN - SERVICE ZONES**

#### **Article 33. Development of industrial - urban - service zones**

1. Industrial - urban - service zones include industrial, urban and service functional zones. In which, the industrial park has the main function, the urban - service area has the function of supporting, providing services, public and social utilities for the industrial park.

2. Urban areas - services include: houses, educational, training and research works; medical works; sports, cultural and park works; commercial buildings; service works and other structural works.

3. Industrial - urban - service parks shall be invested in synchronous construction of technical and social infrastructure to ensure effective and sustainable economic, social and environmental development.

4. Investment incentives for industrial - urban - service parks shall comply with the following principles:

a) Investors implementing investment projects on construction and business of infrastructure of industrial - urban - service parks must independently account for production and business activities of functional areas;

b) Functional areas are entitled to investment incentives in terms of corporate income tax, export tax, import tax, land rent exemption and reduction and other investment incentives as prescribed in accordance with the types of functional areas in the law on taxation, land law and other relevant laws;

c) Investors producing and doing business in industrial parks of industrial - urban - service parks are entitled to investment incentives for industrial parks as prescribed in this Decree and other relevant laws. Investors producing and doing business in other functional areas of industrial - urban - service zones are entitled to investment incentives in accordance with the provisions of law corresponding to the types of functional zones.

#### **Article 34. Investment conditions for industrial - urban - service parks**

1. To satisfy the conditions for consideration and approval of investment policies for investment projects on construction and business of industrial park infrastructure corresponding to those specified in Articles 9 and 10 of this Decree.

2. Areas planned for investment in the construction of urban-service areas satisfy the following conditions:

a) Conform to provincial plannings and urban plannings in provinces or centrally-run cities;

b) The area size is suitable to the needs of providing public services and utilities of the industrial park and must not exceed one-third (1/3) of the area size of the industrial park.

3. Investment projects that are expected to attract investment in industrial parks other than Level I and Level II of the list of types of production, business and services that pose a risk of environmental pollution in accordance with the law on environmental protection.

#### **Article 35. Order and procedures for investment in industrial - urban - service parks**

1. The order and procedures for investment in investment projects on construction and business of infrastructure of industrial parks - urban areas - services shall comply with the provisions of the law on investment and other relevant laws.

2. In case an investment project on construction and business of infrastructure of an industrial - urban - service park is implemented according to each project separately for each functional area, the investor of the functional area shall carry out the corresponding investment order and procedures applicable to the project in accordance with the law on investment and other provisions of law. relevant laws.

3. Investors implementing investment projects on construction and business of industrial park infrastructure in industrial - urban - service parks have been approved by competent authorities for investment policies, decisions on investment policies, issuance of investment registration certificates, Investment certificates, investment licenses or papers with equivalent legal validity in accordance with the law on investment shall be prioritized for selection as investors implementing investment projects in urban areas - services in case they are assessed to meet the requirements for capacity, experience in the process of evaluating investor selection.

4. After completing investment procedures in accordance with the law on investment and the provisions of this Decree, the construction and management of functional subdivisions in industrial - urban - service zones shall comply with the provisions of law corresponding to functional subdivisions.

#### **Section 4. ECO-INDUSTRIAL PARK**

##### **Article 36. Policies to support and cooperate in the development of eco-industrial parks**

1. Provincial People's Committees shall promulgate policies:

a) Support investment in new construction, upgrading, renovation and repair of technical and social infrastructure works inside and outside the fence of existing industrial parks to connect and support enterprises in industrial parks to perform industrial symbiosis and convert into eco-industrial parks;

b) Support investment in new construction and attract investment in eco-industrial parks;

c) Provide scientific and technical support and technology transfer for enterprises in industrial parks to improve management and operation processes, innovate production technologies to reduce sources of pollution, reuse raw materials, materials, water, energy, waste, scrap, and efficiently use resources.

2. Cooperation in building eco-industrial parks

a) Enterprises in the industrial park shall cooperate with each other to jointly use technical infrastructure works, social infrastructure, services, raw materials, materials and inputs for production; reuse raw materials, materials, water, excess energy, waste, scrap of themselves and of other enterprises in the industrial park to reduce costs, improve operational efficiency and competitiveness;

b) Enterprises in industrial parks may cooperate with third parties to implement industrial symbiosis. Third parties include investors implementing investment projects on construction and trading of industrial park infrastructure and other enterprises through the provision of infrastructure works or the provision of services to support the construction and implementation of industrial symbiosis;

c) The parties themselves agree on the form of cooperation and share benefits and costs in accordance with the provisions of civil law.

3. The management board of an industrial park and economic zone shall assign a public non-business unit under the management board or an appropriate unit to perform the function of building, providing information and databases on efficient use of resources and cleaner production; proposing solutions and connecting enterprises to implement industrial symbiosis; provide services to support the transformation or new investment of eco-industrial parks.

4. Agencies, organizations and investors are encouraged to build and provide information and databases on efficient use of resources and cleaner production in industrial parks to support and connect enterprises to carry out industrial symbiosis activities.

5. Management boards of industrial parks and economic zones shall assume the prime responsibility for, and coordinate with concerned agencies in building, providing information and databases on efficient use of resources and cleaner production in their localities in order to certify, monitor, supervise and evaluate the effectiveness of

the implementation of eco-industrial parks, eco-enterprises; fully, promptly and accurately update relevant information into the information system on industrial parks and economic zones in the area and the national information system on industrial parks and economic zones.

**Article 37. Criteria for determining an eco-industrial park**

1. Investors implementing investment projects on construction and business of industrial park infrastructure meet the following criteria:

- a) Comply with the provisions of the law on investment, the law on enterprises, the law on construction, the law on land, the law on environmental protection and the law on labor within 03 years before the time of registration for eco-industrial park certification;
- b) Ensure all basic services in the industrial park as prescribed by law, including: essential infrastructure services (electricity, water, information, fire prevention, fighting, wastewater treatment, other essential infrastructure services) and related services, supporting enterprises in the industrial park to perform industrial symbiosis;
- c) Develop and implement a mechanism to coordinate input and output supervision on the use of raw materials, materials, water, energy, chemicals, waste and scrap in the industrial park; make annual reports on results achieved in efficient use of resources, cleaner production and emission monitoring of industrial parks, report to Management Boards of industrial parks and economic zones;
- d) Annually, publish a report on environmental protection and social responsibility towards the surrounding community, send it to the Management Board of industrial parks and economic zones and post it on the enterprise's website.

2. Enterprises in industrial parks that satisfy the following criteria:

- a) Comply with the provisions of the law on investment, the law on enterprises, the law on construction, the law on land, the law on environmental protection and the law on labor within 3 years prior to the date of registration; registration point for certification of eco-industrial park;
- b) Implement at least 01 industrial symbiosis and enterprises participating in industrial symbiosis in the industrial park apply the production and environmental management system according to the standards of the International Organization for Standardization (ISO)
- c) At least 20% of enterprises in industrial parks apply solutions for efficient use of resources and cleaner production, resulting in savings in raw materials, materials, water, energy, chemicals, and waste. waste and reduce emissions to the environment.

3. The industrial park meets the following criteria:

- a) The minimum ratio of the total area of green trees, traffic, technical zones and shared social infrastructure in industrial parks is 25% in the industrial park construction planning approved by competent state agencies. approved according to national technical regulations on construction planning;
- b) Having solutions to ensure housing, service works and public utilities for employees working in industrial parks.

**Article 38. New construction of eco-industrial parks**

1. The Government encourages new investment in eco-industrial parks through construction planning, rational design of functional subdivisions and orientations to attract investment projects with similar industries and trades to support the real industrial symbiosis.

2. Investment projects on construction and business of infrastructure of eco-industrial parks must satisfy the following conditions:

- a) Investors implementing investment projects on construction and trading of infrastructure of eco-industrial parks register industries and trades attracting investment in the industrial park; estimated emission levels for each industry or profession; the proposed industrial symbiosis plan in the industrial park, the plan for the construction and implementation of a mechanism to monitor the inputs and outputs of the industrial park on the use of raw materials, materials, water, energy, chemicals, wastes, scraps and plans for implementing social responsibility towards the surrounding community in the project dossiers on investment in construction and business of infrastructure of industrial parks; commit to meet the criteria for determining the eco-industrial park specified in Article 37 of this Decree within 08 years from the time the industrial park is established and clearly define the implementation roadmap;
- b) The type of eco-industrial park shall be specified by a competent authority in the decision on investment policies and the investment registration certificate in accordance with the law on investment as a basis for inspection and inspection. monitoring.

### **Article 39. Incentives for eco-industrial parks and eco-enterprises**

1. Investment projects on construction and business of infrastructure of eco-industrial parks are entitled to the preferential policies specified in Clause 1, Article 32 of this Decree.
2. Investors implementing investment projects on construction and trading of infrastructure of eco-industrial parks and eco-enterprises are given priority to get preferential loans from the Vietnam Environment Protection Fund and the Vietnam Development Bank, the Small and Medium Enterprise Development Fund and domestic and international funds and donors; be granted green credit at credit institutions, foreign bank branches in Vietnam in accordance with the law on environmental protection and other relevant laws; issue green bonds in accordance with the law on bond issuance, the law on environmental protection to build the technical infrastructure of the eco-industrial park, implement cleaner production measures, effectively use resource efficiency and industrial symbiosis.
3. Investors implementing investment projects on construction and trading of infrastructure of eco-industrial parks and eco-enterprises are given priority to participate in technical assistance programs and investment promotion programs organized by the Government. organized and managed by state agencies.
4. Enterprises in eco-industrial parks are given priority to provide relevant information about the technology market, cooperation ability to implement industrial symbiosis in the field of production and business activities of enterprises. .
5. Eco-industrial parks and eco-enterprises are entitled to the incentives specified in Clauses 1, 2, 3, and 4 of this Article and other relevant laws from the time they are approved by the competent authority. The country has the authority to certify that it is an eco-industrial park or eco-enterprise.

### **Article 40. Certification of eco-industrial parks and eco-enterprises**

1. An industrial park that meets the criteria specified in Article 37 of this Decree shall be granted an eco-industrial park certificate by the Provincial People's Committee.
2. Enterprises in eco-industrial parks that participate in activities and meet the criteria specified in Clause 2, Article 37 of this Decree shall be granted a certificate of biological enterprise by the management board of the industrial park and economic zone.
3. The Ministry of Planning and Investment shall guide the forms of documents specified in Clause 2, Article 41, Clause 2, Article 42, Clauses 1 and 2, Article 43, the form of Certificate of Eco-Industrial Park and Certificate of Eco-Enterprise.

### **Article 41. Order, procedures and dossiers of registration for certification of eco-industrial parks**

1. Investors implementing investment projects on construction and business of infrastructure of industrial zones shall make 06 sets of dossiers of registration for certification of eco-industrial zones and send them to the Management Board of industrial parks or economic zones.
  2. A dossier of registration for certification of an eco-industrial park includes:
    - a) Written registration for certification of eco-industrial park;
    - b) Report on the operation and investment attraction of the industrial park;
    - c) Evaluation and explanation of the ability to meet the criteria for determining the eco-industrial park as prescribed in Article 37 of this Decree (enclosed with relevant documents);
    - d) Other documents related to the industrial park (if any).
  3. Within 03 working days from the day on which the complete application is received, the Management Board of the industrial park and economic zone shall send the dossier for consultation with the Ministry of Planning and Investment, the Ministry of Natural Resources and Environment, and the Ministry of Science. Science and Technology, Ministry of Industry and Trade and Ministry of Construction.
  4. Within 15 days after receiving a complete dossier, the agency to be consulted shall give opinions on meeting the criteria for identification of an eco-industrial park as prescribed in Article 37 of this Decree.
  5. Within 40 days from the date of receipt of a completed dossier, the Management Board of the industrial park and economic zone shall organize the evaluation of the dossier and make a report on assessment of the satisfaction of the criteria for identification of the eco-industrial park according to the provisions of Article 37 of this Decree.
- During the assessment process, management boards of industrial parks or economic zones consult with organizations or units that have functions and tasks, and satisfy the conditions for providing consultancy,



assessment and certification services on effective use of resources and cleaner production in accordance with the law

6. In case the assessment results are satisfactory, the management board of the industrial park and economic zone shall report to the Provincial level People's Committee to issue the Certificate of eco-industrial park to the investor implementing the construction investment project, construction and business of industrial park infrastructure.

7. In case the evaluation results are unsatisfactory, within 03 working days from the date of the evaluation results, the Management Board of the industrial park and economic zone shall notify the enterprise in writing and clearly state the reasons for not meeting the requirements.

#### **Article 42. Order, procedures and dossiers of registration for certification of eco-enterprises**

1. Enterprises in eco-industrial parks shall make 05 sets of dossiers of registration for certification of eco-enterprises and send them to the Management Boards of industrial parks or economic zones.

2. An application file for registration of an eco-enterprise certificate includes:

a) Registration document for certification of eco-enterprises;

b) Report on the operation of the enterprise in the eco-industrial park;

c) Assess and explain the ability to meet the criteria for determining eco-enterprises as prescribed in Clause 2, Article 37 of this Decree (enclosed with relevant documents);

d) Other documents related to the implementation of environmental and social responsibilities of the enterprise (if any).

3. Within 03 working days from the day on which the completed application is received, the Management Board of the industrial park and economic zone shall send the dossier to the Departments of Natural Resources and Environment, Science and Technology, Industry and Trade, Construction for the opinions.

4. Within 07 working days from the date of receipt of a complete dossier, the agency to be consulted shall give opinions on meeting the criteria for identification of eco-enterprises as prescribed in Clause 2, Article 37 of the Decree. this.

5. Within 20 days from the date of receipt of a complete dossier, the management board of the industrial park and economic zone shall organize the evaluation of the dossier and make a report on assessment of the satisfaction of the criteria for identification of an eco-enterprise according specified in Clause 2, Article 37 of this Decree.

6. If the assessment results are satisfactory, the management board of the industrial park and economic zone shall grant the certificate of ecological enterprise to the enterprise.

7. In case the evaluation results are unsatisfactory, within 03 working days from the date of the evaluation results, the management board of the industrial park and economic zone shall notify the enterprise in writing, clearly state the reasons for not meeting the requirements.

6. If the assessment results are satisfactory, the management board of the industrial park and economic zone shall grant the certificate of eco-enterprise to the enterprise.

7. In case the evaluation results are unsatisfactory, within 03 working days from the date of the evaluation results, the management board of the industrial park and economic zone shall notify the enterprise in writing, clearly state the reasons for not meeting the requirements.

#### **Article 43. Monitoring, supervision and assessment of the effectiveness of the implementation of eco-industrial parks and eco-enterprises**

1. Annually, investors implementing investment projects on construction and trading of infrastructure of eco-industrial parks shall make reports on the implementation of eco-industrial parks and send them to the Management Board of industrial park and economic zones to monitor and supervise the following contents:

a) The situation of implementing and maintaining efficient use of resources and cleaner production of enterprises in the industrial park and the efficiency;

b) The situation of industrial symbiosis implementation, the results obtained and new enterprises participating in the symbiosis (if any);

c) Results of saving raw materials, materials, water, energy, chemicals and reducing emissions to the environment of the industrial park.

2. Annually, eco-enterprises shall report on the implementation and maintenance of efficient use of resources and cleaner production; the situation of implementing industrial symbiosis; results of saving raw materials, materials, water, energy, chemicals and reducing emissions into the environment, sent to investors implementing investment projects on construction and business of infrastructure of industrial parks and the Management Board of industrial parks and economic zones for monitoring and supervision.

3. The results of monitoring, supervision and evaluation of the effectiveness of the implementation of eco-industrial parks and eco-enterprises are the basis for Provincial-level People's Committees and management boards of industrial parks and economic zones to consider re-issue, revoke or terminate the validity of the Certificate of Eco-Industrial Park, Certificate of Eco-Enterprise.

4. The evaluation of the achieved economic, social and environmental effectiveness of eco-industrial parks and eco-enterprises is carried out through information and databases of the national information system on industrial zones and economic zones specified in Clause 3, Article 47 of this Decree.

#### **Article 44. Termination and revocation of the Certificate of Eco-Industrial Park, Certificate of Eco-Enterprise**

1. The certificate of eco-industrial park or certificate of eco-enterprise shall be terminated and revoked in one of the following cases:

a) The eco-industrial park or eco-enterprise violates the provisions of the law on investment, the law on construction, the law on land, the law on the environment and other relevant laws; for industrial parks and enterprises in industrial parks;

b) Eco-industrial parks or eco-enterprises fail to meet the criteria for identification of eco-industrial parks or eco-enterprises specified in Article 37 of this Decree on the basis of the monitoring and supervision of the Management Board of industrial parks and economic zones;

c) At the written request of the investor implementing the investment project on construction and trading of infrastructure of the eco-industrial park or eco-enterprise on the termination of the validity of the certificate of the eco-industrial park, certificate of eco-enterprise.

2. State agencies competent to grant certificates of eco-industrial parks or certificates of eco-enterprises shall notify in writing to investors implementing investment projects on construction and infrastructure business in industrial parks, certified enterprises and relevant agencies on the invalidation and revocation of the Certificate of Eco-Industrial Park, Certificate of Eco-Enterprise for the cases specified in Clause 1 of this Article. Clause 1 of this Article.

#### **Article 45. Re-certification of eco-industrial parks and eco-enterprises**

1. The certificate of eco-industrial park, the certificate of eco-enterprise shall be re-issued after 05 years in case the industrial park and the enterprise continue to meet the criteria for identification of the eco-industrial park or eco-enterprise as prescribed in Article 37 of this Decree.

2. Applications for re-certification of eco-industrial parks or eco-enterprises must comply with the respective provisions in Clause 2, Article 41 and Clause 2, Article 42 of this Decree.

3. Provincial People's Committees shall re-certify eco-industrial parks on the basis of dossiers of registration for re-certification of eco-industrial parks and reports on supervision and assessment of the implementation of eco-industrial parks annually and meeting the criteria for identification of an eco-industrial park at the time of re-certification without consulting relevant agencies specified in Clause 3, Article 41 of this Decree.

Procedures for re-certification of the eco-industrial park shall comply with the provisions of Clauses 5 and 6, Article 41 of this Decree.

4. Management boards of industrial parks and economic zones shall re-certify eco-enterprises on the basis of dossiers of registration for re-certification of eco-enterprises, annual reports on monitoring and evaluation of eco-enterprises and meeting the criteria for identification of eco-enterprises at the time of re-certification without consulting relevant agencies specified in Clause 3, Article 41 of this Decree.

Procedures for re-certification of the eco-industrial park shall comply with the provisions of Clauses 5 and 6, Article 42 of this Decree.

### **Chapter V**

## **NATIONAL INFORMATION SYSTEM ON INDUSTRIAL ZONES AND ECONOMIC ZONES**

#### **Article 46. Requirements for the national information system on industrial parks and economic zones**

Collecting, updating, processing, sending, receiving, storing, preserving, managing, exploiting, using and disclosing information, the database of the national information system on industrial parks, economic zones must satisfy the following requirements:

1. Accurate, complete, timely, scientific, objective and inherited.
2. Synchronous, capable of connecting and exchanging data with other related systems.
3. Regular updates; long-term storage.
4. Information technology application; organize systematic management, convenient in exploitation and use; promptly serve the direction, administration and state management of the Government and competent state agencies and the information needs of agencies, organizations and individuals about industrial parks and economic zones.
5. To publicly announce and ensure the rights of agencies, organizations and individuals to access and use information for the right purposes as prescribed by law.
6. Comply with the law on protection of state secrets and intellectual property.

#### **Article 47. Development of a national information system on industrial parks and economic zones**

1. The national information system on industrial parks and economic zones shall be built in a centralized and unified manner in accordance with the regulations of the Ministry of Planning and Investment, ensuring the connection between relevant agencies and organizations on the internet network to serve the state management and provide information about industrial parks and economic zones.
2. Information and databases of the national information system on industrial parks and economic zones are information and databases that are digitized and connected to the national information system on investment.
3. Information and databases of the national information system on industrial parks and economic zones include:
  - a) The group of economic indicators includes criteria for evaluating the efficiency of investment attraction and land use efficiency of industrial parks and economic zones; contributions of industrial parks and economic zones to socio-economic development, state budget revenues and other contents;
  - b) The group of social indicators includes the evaluation criteria of job creation, housing, service works, public utilities for employees working in industrial parks and economic zones;
  - c) The group of environmental criteria includes assessment criteria for environmental treatment and protection; efficient use of resources, cleaner production, industrial symbiosis;
  - d) Other groups of indicators related to industrial parks and economic zones.

#### **Article 48. Expenses for the national information system on industrial parks and economic zones**

Expenses for building, upgrading, maintaining, managing and operating the national information system on industrial parks and economic zones may use recurrent expenditures, development investment expenditures, and ODA capital sources, concessional loans from foreign donors, capital mobilized from socialization and other lawful capital sources in accordance with the law on state budget, the law on public investment and other regulations of relevant legislation.

2. Expenses for management, operation, information collection, database and updating of information and databases into the national information system on industrial parks and economic zones in the network environment to be used. used from recurrent expenditures in accordance with the law on state budget and other legal capital sources.
3. Annually, relevant state management agencies shall make estimates of state budget expenditures for activities specified in Clauses 1 and 2 of this Article and send them to finance agencies of the same level for summarization and arrangement of state budget expenditures according to regulations on decentralization of the state budget.

#### **Article 49. Responsibilities of the Ministry of Planning and Investment**

To promulgate regulations on information content and database of the national information system on industrial parks and economic zones; guide the collection, update, processing, sending, receiving, storing, preserving,

managing, exploiting, using, disclosing information and the database of the national information system on industrial parks, industrial zones and economic zones as prescribed in Clause 3, Article 47 of this Decree.

#### **Article 50. Responsibilities of the Provincial People's Committee**

1. To organize regular updates, archives and long-term preservation of information contents and databases of the national information system on industrial parks and economic zones under its management; connect, share and provide information and databases under their management into the national information system on industrial parks and economic zones as prescribed.
2. Ensure the accuracy of information content and database of the national information system on industrial parks and economic zones under the responsibility of providing, updating and managing.
3. Ensure the security of the management account of the national information system on industrial parks and economic zones granted.
4. Cooperate with the Ministry of Planning and Investment in ensuring safety, connecting, sharing and extracting information and databases of the national information system on industrial parks and economic zones.
5. To direct the Management Board of industrial parks and economic zones to assume the prime responsibility for, and coordinate with concerned agencies and organizations in, performing the following tasks:
  - a) Collect, update, process, send, receive, store, preserve, manage, exploit, use and publish information and databases on industrial parks and economic zones in the locality through the national information system on industrial parks and economic zones to meet the requirements specified in Article 46 of this Decree and under the guidance of the Ministry of Planning and Investment specified in Article 49 of this Decree;
  - b) Request investors implementing investment projects on construction and business of infrastructure of industrial parks and functional zones in economic zones and investors implementing investment projects in industrial parks and economic zones to implement the regime of periodic reporting on the implementation of investment projects in accordance with the law on investment, laws on enterprises and other relevant laws;
  - c) Collect and update information on industrial parks and economic zones in the locality under the guidance of the Ministry of Planning and Investment in the process of building the national information system on industrial parks and economic zones.

#### **Chapter VI**

### **STATE MANAGEMENT OF INDUSTRIAL PARKS AND ECONOMIC ZONES**

#### **Article 51. Contents of state management of industrial parks and economic zones**

1. Formulate and direct the implementation of policies and directions for the construction of industrial parks and economic zones in regional plannings and plans for development of industrial parks and economic zones in provincial plannings.
2. Promulgating, guiding, disseminating and organizing the implementation of policies, laws and standards and technical regulations related to the establishment, investment, planning for construction, construction, land, environmental protection, fire prevention and fighting, development and management of industrial parks' activities, economic zones; building and managing the national information system on industrial parks and economic zones; organize investment promotion activities in industrial parks and economic zones.
3. Issuance, adjustment and revocation of investment registration certificates, investment policy decisions, enterprise registration certificates, licenses, certificates and certificates; organize the implementation of state administrative procedures and support services related to investment and production and business activities of investors, organizations and individuals in industrial parks and economic zones.
4. Organizing the apparatus, training and professional retraining for state management agencies in charge of industrial parks and economic zones.
5. International cooperation for the development of industrial parks and economic zones; guide, support and evaluate investment efficiency, inspect, supervise, settle complaints, denunciations, reward, handle violations and solve problems arising during the development of industrial parks and economic zones.

#### **Article 52. Powers and responsibilities for state management of industrial parks and economic zones**

1. The Government shall perform the unified state management of industrial parks and economic zones nationwide on the basis of assigning specific tasks and powers of each ministry, ministerial-level agency, provincial-level People's Committees and management boards of industrial parks and economic zones as prescribed in this Decree; direct the formulation and implementation of directions for the construction of industrial

parks and economic zones in regional planning and plans for the development of the system of industrial parks and economic zones in provincial planning and promulgate policies and legal documents on industrial parks and economic zones.

2. The Prime Minister has the following powers and responsibilities:

- a) Direct ministries, ministerial-level agencies, provincial-level People's Committees and management boards of industrial parks and economic zones to implement policies and laws on industrial parks and economic zones;
- b) Approval of investment policies for investment projects under its competence; decide on the establishment, expansion and adjustment of economic zone boundaries; approving and adjusting the general planning for construction of economic zones;
- c) Direct the handling and settlement of problems in the process of investment, establishment and management of activities of industrial parks and economic zones beyond the competence of ministries, ministerial-level agencies, provincial-level People's Committees and management boards of industrial parks and economic zones.

3. Ministries, ministerial-level agencies and provincial-level People's Committees shall, within the ambit of their assigned functions, tasks and powers:

- a) Perform the function of state management of sectors, domains and territorial administration of industrial parks and economic zones;
- b) Guide, prescribe and implement the decentralization and authorization for the Management Boards of industrial parks and economic zones to perform a number of state management tasks under their competence and those of specialized state management agencies by sectors, fields of investment, enterprises, construction, labor, industry, trade, natural resources and environment, science and technology, tourism and other sectors and fields specified in this Decree and other relevant laws.

The provisions of this Clause shall be implemented on the basis of work requirements, implementation ability and conditions and situation of development of industrial parks and economic zones in provinces and centrally-run cities;

- c) Inspect, inspect, supervise and handle violations according to the state management competence for: Management Boards of industrial parks and economic zones in the performance of tasks and powers decentralized and authorized specified in this Decree and other relevant laws; investors implementing investment projects in industrial parks and economic zones and investors implementing investment projects on construction and trading of infrastructure of industrial parks and functional zones in economic zones in observing the provisions of this Decree and other relevant laws.

#### **Article 53. Powers and responsibilities for state management of the Ministry of Planning and Investment**

1. To assume the prime responsibility for assisting the Government in unifying the state management of industrial parks and economic zones.

2. To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, provincial-level People's Committees, management boards of industrial parks, economic zones and related organizations:

- a) Formulate legal documents and policies on management and development of industrial parks and economic zones and submit them to competent authorities for promulgation or promulgate according to their competence;
- b) Guide the construction of eco-industrial parks, supporting industrial parks, specialized industrial parks, hi-tech industrial parks, industrial-urban-service parks;
- c) Organize the appraisal of dossiers of application for approval of investment policies for investment projects under the competence of the National Assembly and the Prime Minister to approve investment policies in accordance with the law on investment; industrial park infrastructure projects using public investment capital under the prime minister's authority to decide on investment policies in accordance with the law on public investment;
- d) Formulate and organize the implementation of plans and programs on promotion of national investment in industrial parks and economic zones;
- dd) Develop and operate the national information system on industrial parks and economic zones; issue a periodic report form; provide information on industrial parks and economic zones to relevant government agencies; guide the formulation of indicators for evaluating socio-economic results and efficiency of industrial parks and economic zones;

e) Develop a list of key economic zones and submit them to the Prime Minister for approval in each period;

g) Guide, train and foster relevant professional skills for the Management Board of industrial parks and economic zones;

h) Summary of assessment of socio-economic results and efficiency of industrial parks and economic zones.

3. To assume the prime responsibility for, and coordinate with the Ministry of Finance and concerned ministries and ministerial-level agencies in, formulating mechanisms for mobilizing capital sources for investment in infrastructure development of industrial parks and economic zones; propose the use of capital from the State budget for development investment and other lawful capital sources to invest in the construction of infrastructure of industrial parks and functional zones in economic zones with specificity and importance for the development of industries, fields, technical infrastructure works and social infrastructure in key economic zones according to regulations. of the law on public investment, the law on the state budget and other relevant laws.

4. To coordinate with the Ministry of Construction, the Ministry of Natural Resources and Environment, the Ministry of National Defense, the Ministry of Industry and Trade, the Ministry of Interior, the Ministry of Labor, War Invalids and Social Affairs and relevant ministries and ministerial-level agencies in guiding the decentralization and authorization of the Management Boards of industrial parks and economic zones.

5. To assume the prime responsibility for, and coordinate with the Ministry of Interior in, guiding the performance of functions, tasks and organizational structure of the Management Board of industrial parks and economic zones.

#### **Article 54. Powers and responsibilities for state management of the Ministry of Interior**

Appraise the scheme on establishment and reorganization of the Management Board of industrial parks and economic zones and submit them to the Prime Minister for consideration and decision.

#### **Article 55. Powers and responsibilities for state management of the Ministry of Finance**

Guide the implementation specified in Clause 4, Article 22 of this Decree.

#### **Article 56. Powers and responsibilities for state management of the Ministry of Construction**

1. To promulgate regulations guiding the Management Boards of industrial parks and economic zones to perform the state management of plannings for construction of industrial parks, economic zones and construction works for technical infrastructure works and construction works in industrial parks and economic zones; building and developing houses, service works and public utilities for employees working in industrial parks and economic zones; urban management and development in industrial - urban - service zones and economic zones.

2. To appraise tasks and general planning plans for construction of economic zones and submit them to the Prime Minister for approval in accordance with the law on construction.

#### **Article 57. Powers and responsibilities for state management of the Ministry of Industry and Trade**

1. To perform the state management of industry, import and export activities and commercial activities in industrial parks and economic zones; direct and orient the development of industries in industrial parks and economic zones according to the approved regional and territorial industrial development strategies.

2. To authorize the Management Board of an industrial park and economic zone to grant a Certificate of Origin of manufactured goods in an industrial park or economic zone when satisfying the conditions for authorization.

3. Guiding the granting of licenses and papers of equivalent validity for the trading of goods subject to the specialized management of the Ministry of Industry and Trade.

4. Guiding the implementation of goods purchase and sale activities and activities directly related to the purchase and sale of goods for economic organizations with foreign owned capital and foreign investors located in industrial parks, economic sector.

#### **Article 58. State management powers and responsibilities of the Ministry of Natural Resources and Environment**

Formulate and submit to competent authorities for promulgation or promulgate according to their competence legal documents, technical regulations, technical instructions and technical regulations on environment related to environmental protection, industrial parks and economic zones in accordance with the law on environmental protection.

2. Guide the treatment, recycling and reuse of waste and scrap in the eco-industrial park in accordance with the law on environmental protection.

3. To guide and implement the decentralization and authorization to perform the tasks specified at Point d, Clause 3, Article 68 of this Decree on the basis of considering the proposal of the People's Committee of the province

and assessing the capacity of the competent authority. each management board of industrial zones and economic zones.

**Article 59. State management powers and responsibilities of the Ministry of Science and Technology**

To guide the Management Boards of industrial parks and economic zones in performing the state management of science and technology in industrial parks and economic zones.

**Article 60. State management powers and responsibilities of the Ministry of Labor, War Invalids and Social Affairs**

1. Guiding the decentralization and authorization of management boards of industrial parks and economic zones to perform the task of state management of labor specified at Point c, Clause 3, Article 68 of this Decree and other regulations of this Decree. relevant laws.

2. To guide the Management Board of industrial parks and economic zones in performing the tasks specified at Point dd, Clause 2, Article 68 of this Decree.

**Article 61. State management powers and responsibilities of the Ministry of Public Security**

1. To perform the function of state management of security, order, fire prevention and fighting in industrial parks and economic zones; on entry, exit, transit and residence of foreigners in industrial parks and economic zones.

2. Cooperate with ministries, ministerial-level agencies and Provincial People's Committees in performing the state management function of combining security with socio-economic development.

**Article 62. Powers and responsibilities of the Ministry of National Defense**

1. To coordinate with ministries, ministerial-level agencies and Provincial People's Committees in performing the state management function of combining national defense with socio-economic development.

2. Cooperate with the Ministry of Public Security, relevant agencies and the Provincia People's Committee in guiding and organizing the implementation of the law on entry, exit, transit and residence of foreigners in industrial zones and economic zones.

3. Direct agencies and units under the Ministry of National Defense in implementing the control and inspection of entry, exit, transit, residence, certification of temporary residence and handling of violations against people, means of entry, exit and operation at border-gate economic zones and seaport border-gates in economic zones according to the provisions of law.

**Article 63. State management powers and responsibilities of the Ministry of Culture, Sports and Tourism**

1. To guide the Management Board of industrial parks and economic zones in performing the state management of tourism activities in economic zones.

2. Guide the Management Board of industrial parks and economic zones in granting, re-granting, amending, supplementing and extending permits for establishment of representative offices and branches in economic zones for foreign tourism enterprises.

**Article 64. State management powers and responsibilities of the Government Inspector**

To assume the prime responsibility for, and coordinate with relevant ministries and ministerial-level agencies in, guiding the inspection, settlement of complaints and denunciations and anti-corruption in industrial parks and economic zones in accordance with law.

**Article 65. State management powers and responsibilities of ministries and ministerial-level agencies**

Ministries and ministerial-level agencies, outside the scope of tasks and powers mentioned in Article 53, Article 54, Article 55, Article 56, Article 57, Article 58, Article 59, Article 60, Article 61, Article 62, Article 63 and Article 64 of this Decree also has the following powers and responsibilities for state management of industries and fields for industrial parks and economic zones:

1. To give written opinions on investment projects within the competence of the National Assembly or the Prime Minister to approve investment policies and projects in the field of conditional investment and other projects implemented in the field of conditional investment in industrial parks, economic zones according to the provisions of the law on investment and other relevant laws.

2. To guide the reuse of waste, scrap, excess water and energy in eco-industrial parks under the authority and responsibility for state management of their respective agencies.

**Article 66. State management powers and responsibilities of Provincial People's Committees**

1. To assume the prime responsibility for formulating and directing the implementation of plans on development of the system of industrial parks and economic zones in the provinces and centrally-run cities.
2. Organize the formulation and adjustment of tasks and general planning projects on construction of economic zones; organize the elaboration and approval of tasks and general construction planning projects, construction subdivision plannings, tasks and overall adjustment planning projects of these plannings for industrial parks and economic functional areas; decide to use state budget capital to invest or support investment in technical infrastructure systems inside and outside the fences of industrial parks and economic zones.
3. Direct the implementation of investment procedures for investment projects on construction and business of infrastructure of industrial parks and functional zones in economic zones while the Management Board of industrial parks and zones has not yet been established in accordance with the law on investment.
4. To promulgate specific preferential and incentive policies in accordance with the provisions of law for the priority of recruitment and use of on-the-spot laborers, highly qualified and skilled workers; support vocational training for laborers working in industrial parks and economic zones; promulgate conditions and criteria for enterprises and investors to be given priority to lease or sub-lease land specified in Clause 4, Article 9 of this Decree.
5. Planning on land for construction of resettlement areas, residential areas, service works and public utilities for employees working in industrial parks and economic zones; invest in or support the construction of houses, resettlement areas, technical and social infrastructure works in accordance with law; support investment promotion, trade and tourism; support compensation and site clearance to speed up the process of investment and development of industrial parks and economic zones.
6. Directing the recovery of land and water surface areas, compensation, site clearance and resettlement, resettlement and implementation of procedures for leasing or allocating land in industrial parks and economic zones according to the provisions of the law on land and other relevant laws.
7. Direct relevant organizations to make investment plans and organize the construction of a system of technical and social infrastructure outside the fences of industrial parks and functional zones in economic zones such as roads: roads, traffic, power supply, water supply and drainage systems, communications, technical connection points with infrastructure works in the fences of industrial parks, functional zones in economic zones; housing, cultural and sports facilities, medical examination and treatment establishments, vocational training institutions, schools and other public works to meet the development needs of industrial parks and economic zones.
8. Presiding over the formulation of plans and balancing capital for investment or supporting investment in technical infrastructure systems within the fences of industrial parks, technical and social infrastructure systems of the zone economy in accordance with the law on public investment, the law on the state budget and this Decree
9. To promulgate and supervise the implementation of the Regulation on coordination between the Management Board of industrial zones and economic zones and agencies of the Provincial People's Committees; guide and prescribe the decentralization and authorization of management boards of industrial parks and economic zones to perform a number of state management tasks in the fields specified in this Decree.
10. Direct the implementation of regulations on construction, labor, environmental protection, fire and explosion prevention, food safety, security and order in industrial parks and economic zones.
11. Organize and coordinate the organization of vocational training institutions in the locality to meet the labor demand for industrial parks and economic zones.
12. To assume the prime responsibility for, and coordinate with competent state agencies in performing the task of inspecting, inspecting and supervising the settlement of problems arising in the process of developing industrial parks and economic zones according to regulation, provisions of law; for matters beyond their competence, they shall coordinate with ministries and ministerial-level agencies in settling them or submitting them to the Prime Minister for consideration and decision.
13. To elaborate a scheme on the establishment and reorganization of management boards of industrial parks and economic zones to ensure the principle that each province or central city has one management board for industrial parks and economic zones, unless otherwise specified; decide on the appointment of personnel to hold the positions of head and deputy head of the management board of industrial parks and economic zones.
14. To ensure financial conditions, human resources and other necessary conditions for the Management Board of industrial parks and economic zones suitable to the development of industrial parks and economic zones; provide funding for administrative, non-business activities and development investment capital to the Management Board of industrial parks and economic zones in accordance with the law on public investment and



the law on the state budget; approve plans, provide funding and organize investment, trade and tourism promotion campaigns for the development of industrial parks and economic zones.

15. Direct the local specialized agencies in charge of commerce, finance, customs, banks, police and other relevant agencies to arrange competent representatives to handle the work. relevant in each industrial park, economic zone when necessary.

16. To perform other state management tasks and powers over industrial parks and economic zones in accordance with this Decree and the provisions of law.

#### **Chapter VII**

### **FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF THE MANAGEMENT BOARD OF INDUSTRIAL PARK, EXPORT PROCESSING ZONE, ECONOMIC ZONE**

#### **Article 67. Functions of management boards of industrial parks, export processing zones and economic zones**

1. The Management Board of industrial parks, export processing zones and economic zones is an agency directly under the Provincial level People's Committee performing the function of direct state management of industrial parks and economic zones in the province or central cities as prescribed in this Decree and other relevant laws; manage and organize the performance of the function of providing public administrative services and other supporting services related to investment, production and business activities for enterprises in industrial parks and economic zones.

In this Decree, collectively referred to as the Management Board of Industrial Parks and Economic Zones, unless there are separate regulations for the Management Board of Economic Zones.

2. The management board of industrial parks and economic zones shall be established by decision of the Prime Minister; submit to the direction and management of the organization, staffing, work program, plan and operating budget of the Provincial People's Committee; subject to the professional direction, guidance and examination of the ministries and ministerial-level agencies in charge of the relevant branches; be responsible for closely coordinating with specialized agencies under the People's Committee of the province in the management of industrial parks and economic zones; perform the tasks of specialized agencies of the provincial level People's Committee when decentralized or authorized; perform the tasks and exercise the powers of specialized agencies of the Provincial People's Committees according to the provisions of this Decree and other relevant laws.

3. Management boards of industrial parks and economic zones have legal status; account and seal bearing the national emblem; funding for state administrative management, non-business activities and development investment capital shall be allocated by the state budget according to annual plans and other funding sources as prescribed by competent state agencies.

4. Management boards of industrial parks and economic zones shall perform tasks and exercise powers according to the decentralization and authorization of competent state agencies specified in this Decree and other relevant laws.

#### **Article 68. Duties and powers of management boards of industrial parks and economic zones**

1. To give opinions, formulate and submit to ministries, ministerial-level agencies and provincial-level People's Committees for approval and organize the implementation of the following tasks:

a) To consult with ministries, ministerial-level agencies and Provincial People's Committees in formulating legal documents, policies and plans for system development related to industrial parks, economic sector;

b) Assume the prime responsibility for, and coordinate with relevant agencies in formulating a Regulation on cooperation with specialized agencies under the Provincial level People's Committee or relevant agencies to perform the tasks and powers of the Provincial level People's Committee in accordant with the one-stop-shop and one-stop-shop mechanism, and submit them to the Provincial People's Committees for approval;

c) Assume the prime responsibility for, and coordinate with relevant agencies and organizations in formulating tasks and general construction planning projects, industrial park construction subdivision planning, and general adjustment planning tasks and projects, these plannings shall be submitted to the Provincial People's Committees for approval;

d) Formulate programs and plans on investment promotion and development of industrial parks and economic zones and submit them to the Provincial level People's Committee for approval;

d) Summarize and assess the demand for laborers working in industrial parks and economic zones, and coordinate with competent state agencies in supplying labor for enterprises in industrial parks and economic zones.

e) The annual budget estimate, non-business operation budget and development investment capital and other funding sources (if any) of the Management Board of the industrial park or economic zone to submit to the competent state agency for approval in accordance with the law on state budget, the law on public investment and other relevant laws;

g) Coordinating with relevant agencies in appraising technology of investment projects, assessing technology level and capacity of enterprises; inspect and control technology and transfer technology in investment projects, research and development activities and technology application of enterprises

2. Management boards of industrial parks and economic zones shall perform the following tasks:

a) Manage, disseminate, guide, inspect and supervise the implementation of regulations, system development plans, construction plans and plans related to industrial parks and economic zones already approved by competent state agencies;

b) Perform the tasks of the investment registration agency, the management board of industrial parks, export processing zones, hi-tech parks and economic zones in accordance with the law on investment for investment projects in industrial parks and economic zones under the competence of the industrial park management board, economic zones; supervise and evaluate the attraction of investment in each type of supporting industrial park, specialized industrial park, hi-tech industrial park, eco-industrial park according to the registered investment attraction industries and trades specified at Point a, Clause 3, Article 32 and Point a, Clause 2, Article 38 of this Decree; supervise and evaluate the implementation specified in Clause 5, Article 8, Clause 3, Article 9 and Point c, Clause 2, Article 27 of this Decree;

c) Appraisal of projects and design and construction estimates for projects and construction works in industrial parks and economic zones; inspect types of construction works in the area under the responsibility of management and perform other tasks of specialized construction agencies in accordance with the law on construction for projects and construction works in industrial parks and economic zones;

d) Grant, reissue, adjust, extend and revoke the license to establish a representative office and terminate the operation of the representative office of foreign organizations and traders located in industrial parks and economic zones in accordance with the law on trade;

dd) Grant, reissue, extend and revoke work permits and certify that foreign workers are not eligible for work permits for foreigners working in industrial parks or economic zones.

Perform a number of tasks and powers of specialized labor agencies under provincial-level People's Committees for employees working in industrial parks and economic zones, including: organizing the registration of labor regulations; report on the situation of labor use; receive reports on the employment of foreign workers, reports on labor changes through the National Public Service Portal; receiving and processing dossiers of registration for the performance of contracts for receiving trainee labor of enterprises, activities of sending employees to practice abroad for less than 90 days for enterprises in industrial parks and economic zones; receive annual reports on labor outsourcing, results of training and retraining to improve vocational skills; announce the organization of overtime work from more than 200 hours to 300 hours in a year of enterprises in industrial parks and economic zones;

e) Perform environmental protection responsibilities of the Management Board of industrial parks, export processing zones and hi-tech parks in accordance with the law on environmental protection;

g) Receiving registration of price brackets and fees for using infrastructure of investors implementing investment projects on construction and trading of infrastructure of industrial parks and functional zones in economic zones;

h) Inspect, supervise and evaluate the implementation of investment objectives specified in the Decision approving investment policies, investment registration certificate, progress of capital contribution and implementation of investment projects; the implementation of commitment provisions for projects entitled to investment incentives and the observance of the law on construction, labor, wages and social insurance for employees, protection of the legitimate interests of employees and employers, ensure occupational safety and hygiene, fire prevention, security, order and environmental protection for projects in industrial parks and economic zones;

i) Coordinate with police units and other competent agencies and units in inspecting the maintenance of security, order, fire prevention, environmental protection, construction and proposing measures to ensure security and order, organization of protection forces, fire prevention and fighting forces in industrial parks and economic zones;

- k) Solve difficulties and problems of investors in industrial parks and economic zones and propose to the Prime Minister, relevant ministries, ministerial-level agencies and provincial-level People's Committees to solve problems beyond their competence;
- l) Receive statistical reports and financial statements of enterprises in industrial parks and economic zones; assessment of socio-economic efficiency of industrial parks and economic zones; directly manage and operate information systems on industrial parks and economic zones;
- m) Coordinate with the Ministry of Planning and Investment in building and managing the national information system on industrial parks and economic zones under its management;
- n) Report quarterly and annually to the Ministry of Planning and Investment and provincial-level People's Committees on the situation of: construction and development of industrial parks and economic zones; receiving, granting, adjusting and revoking the Investment Registration Certificate, the Decision approving the investment policy; operation of investment projects; fulfill obligations to the State; implement the provisions of the law on labor and environmental protection measures in industrial parks and economic zones;
- o) Support and provide information for enterprises in industrial parks and economic zones to link and cooperate with each other to implement industrial symbiosis, cleaner production measures, and convert them into eco-industrial parks;
- p) Organize emulation and reward movements for enterprises in industrial parks and economic zones;
- q) Inspect and settle complaints and denunciations, prevent and combat corruption, waste and negativity and handle according to their competence or propose competent authorities to handle administrative violations in industrial parks and economic zones in areas under the direct state management function of the Industrial Park Management Board, economic zones; coordinate with competent state agencies in performing inspection and inspection tasks in accordance with law;
- r) Perform tasks as prescribed by law and regulations of provincial-level People's Committees on management of assigned finance, assets and budgets; collect and manage the use of fees and charges; scientific research and application of scientific and technological advances; cooperate with domestic and foreign organizations and individuals in fields related to investment in construction and development of industrial parks and economic zones; manage the organization of the apparatus, payroll, civil servants and public employees and provide professional training and retraining for civil servants and employees of the Management Board of industrial parks and economic zones;
- s) Perform the task of advising provincial-level People's Committees in formulating plans, managing and supporting the transformation and development of new types of industrial parks and economic zones;
- t) Perform other tasks and exercise other powers as prescribed in this Decree and other relevant laws and assigned by provincial-level People's Committees.

3. Ministries, ministerial-level agencies, provincial-level People's Committees and competent state agencies shall decentralize and authorize management boards of industrial parks and economic zones to perform the following tasks:

- a) Issuance of certificates of origin for goods produced in industrial parks and economic zones and other licenses, certificates and certificates in industrial parks and economic zones;
- b) Local adjustment of the approved planning for construction of industrial parks and functional zones in economic zones; approving tasks and detailed planning plans for construction of investment projects in industrial parks and functional zones in economic zones subject to detailed construction planning in accordance with the law on construction; granting, adjusting, extending, reissuing, revoking or canceling construction permits for construction projects and works subject to construction permits in accordance with the law on construction; perform the quality management of works for projects and construction works in industrial parks and economic zones;
- c) Receive reports on the dismissal of many employees; receive explanatory reports of enterprises in industrial parks and economic zones on the demand for using foreigners for each job position that Vietnamese people have not met;
- d) Organize, appraise and approve the results of appraisal of environmental impact assessment reports; granting, exchanging, adjusting, reissuing and revoking environmental permits for investment projects in industrial parks and economic zones.

4. The management board of industrial parks and economic zones is the focal point for managing investment activities in industrial parks and economic zones in the locality. Ministries, ministerial-level agencies and state management agencies in localities, when implementing professional tasks in industrial parks and economic

zones, shall coordinate and collect opinions of the Management Boards of industrial parks and economic zones, ensuring state management of industrial parks, unified economic zones, avoid overlap and create favorable conditions for enterprises to operate in accordance with the provisions of law.

#### **Article 69. Duties and powers of management board of economic zone**

In addition to the duties and powers of the Management Board of industrial parks and economic zones specified in Article 68 of this Decree, the Management Board of economic zones also has the following duties and powers:

1. Organize and report to the Provincial level People's Committee submit to competent authorities for approval:

a) The scheme on expansion and adjustment of the economic zone's boundary;

b) Formulating and adjusting tasks and general planning project on construction of economic zones;

c) The scheme for the issuance of local government bonds; a plan to mobilize other capital sources for investment in the development of important technical and social infrastructure systems in the economic zone.

2. Formulate and submit to ministries, ministerial-level agencies and Provincial People's Committees for approval and organize the implementation:

a) Cooperate with relevant agencies and organizations in formulating and adjusting master plans and plans on land use in economic zones;

b) Formulating tasks and planning project of zoning construction of functional zones in economic zones, tasks and master plan adjustment of this master plan in accordance with the approved general planning on construction of economic zones. approve and submit to the Provincial level People's Committee for approval;

c) Annual and 5-year plans on development of economic zones submitted to the Provincial People's Committees and competent state agencies for approval;

d) List of investment projects and annual and 5-year development investment capital plans submitted to competent state agencies for approval or self-approval according to their competence;

đ) Formulate price brackets and rates of charges and fees applicable in economic zones and submit them to competent state agencies for promulgation in accordance with law.

3. The economic zone management board directs or organizes the performance of the following tasks:

a) Issuing, re-issuing, amending, supplementing and extending the license for establishment of a representative office or branch in an economic zone for foreign tourism enterprises in accordance with law and as instructed or authorized by law; powers of ministries, ministerial-level agencies and provincial-level People's Committees;

b) Hiring national and international consultants to provide investment promotion consulting services, consulting on investment strategies for construction and development of economic zones;

c) To decide on investment in projects of groups B and C using public investment capital in industrial parks and economic zones as authorized by chairpersons of provincial-level People's Committees; manage ODA and foreign concessional loans in industrial parks and economic zones assigned by the provincial-level People's Committee;

d) Propose a list of projects, organize the selection of investors, sign contracts with investors according to the provisions of law and authorization of the provincial-level People's Committee;

đ) Manage and use investment capital sources for development of economic zones within its competence; manage investment, construction and bidding for investment projects with development investment capital from the state budget in economic zones under its authority; manage and carry out the collection and expenditure of administrative and non-business activities, target programs and other capital sources as prescribed by law;

e) Assume the prime responsibility for, and coordinate with relevant agencies in maintenance and repair of the system of invested technical and social infrastructure works, service works and public utilities from the state budget in the economic zone;

g) Carry out the environmental protection responsibilities of the economic zone management board in accordance with the law on environmental protection;

h) Effectively manage and use the allocated specialized land and water surface fund after completing the work of compensation and site clearance in accordance with the intended use and in accordance with the general planning on construction of economic, zoning planning for construction of functional zones, master plans and plans on land use already approved by competent authorities;

i) Determination of land use levy, land rent and water surface rent for investors who are allocated or leased land by the State to implement investment projects in economic zones; determine the compensation for ground clearance to be deducted from the land use levy and land rent in the economic zone in accordance with the law on collection of land use levy, land rent and water surface rent in the economic zone;

k) Cooperate with organizations in charge of compensation and ground clearance to carry out the compensation, support and resettlement; re-allocate land with collection of land use levy, re-allocate land without collection of land use levy, lease land to persons wishing to use land in functional zones of economic zones and perform other management tasks land in economic zones in accordance with the law on land;

l) Coordinate with local authorities and relevant agencies to ensure that operations in economic zones are consistent with construction plannings and economic zone development plans already approved by competent state agencies, and relevant regulations.

**Article 70. Organizational structure and staffing of the Management Board of industrial parks and economic zones**

1. The management board of industrial parks and economic zones consists of a head, no more than 03 deputy heads; assisting apparatus. The head of the committee shall be appointed and dismissed by the Chairman of the provincial People's Committee. The Deputy Head of the Committee shall be appointed and dismissed by the Chairman of the Provincial People's Committee at the proposal of the Head of the Committee.

2. The head of the committee is responsible for administering all activities of the Management Board of the industrial park or economic zone, responsible to the Provincial People's Committee, the Chairman of the Provincial People's Committee and law for the operation of the Board of Directors of industrial zones and economic zones

3. The organizational structure of the Management Board of the industrial park or economic zone includes the assisting apparatus (office, professional departments and representatives of the Management Board in the industrial park or economic zone); affiliated non-business units performing public and public utility tasks, providing investment and business support services for enterprises in industrial parks, economic zones and other organizations suitable to the development of the industrial parks and economic zones, the tasks and powers of each type of management boards of industrial parks and economic zones in accordance with the guidance of competent state agencies and the provisions of law.

4. The establishment of the assisting apparatus must satisfy the following conditions and criteria:

a) Organize a multi-disciplinary and multi-field management department; the branches and fields of work under the management of the division must have clear management processes or management subjects, consistent with the tasks and powers of the Management Board of industrial parks and economic zones;

b) Work volume required to arrange at least 07 civil servant payrolls for departments under the Management Boards of Industrial Parks and Economic Zones of Hanoi and Ho Chi Minh City; at least 06 civil servant payrolls for the division under the Management Board of industrial parks and economic zones of the provincial level I; at least 05 civil servant payrolls for departments under the Management Boards of industrial parks and economic zones of the provincial level II and III;

c) To be assigned 01 Deputy Head of Department for departments under the Management Board of industrial parks and economic zones of Hanoi and Ho Chi Minh City with less than 10 civil servants, departments of the Management Board of industrial parks and economic zones of class I provinces with less than 09 civil servants and departments of the Industrial Park Management Board, economic zones of class II and class III provinces with less than 08 civil servants;

d) To be allocated no more than 02 Deputy Heads of Departments for departments under the Management Boards of industrial parks and economic zones of Hanoi and Ho Chi Minh City with from 10 to 14 civil servants, departments under the Management Board of industrial parks and economic zones of class I provinces with from 09 to 14 civil servants and departments of the Zone Management Board industry, economic zones of class II and class III provinces with from 08 to 14 civil servants;

dd) The number of deputies of the Office of the Management Board of the industrial park, economic zone or representative office in the industrial park shall be the same as for specialized and professional departments.

5. The establishment and organization of the apparatus of public non-business units under the Management Board of industrial parks and economic zones shall comply with the provisions of law on establishment, reorganization and dissolution of public non-business units. The payroll of civil servants and the number of people

working in public non-business units of the Management Board of industrial parks and economic zones are assigned on the basis of job position, associated with functions, tasks, scope of activities and are in the total number of civil servants' payroll, the number of people working in public agencies, organizations and non-business units of provinces or centrally-run cities assigned or approved by competent state agencies.

## Chapter VIII

### ENFORCEMENT PROVISIONS

**Article 71. Supplementing the Government's Decree No. 31/2021/ND-CP dated March 26, 2021 detailing and guiding the implementation of a number of articles of the Law on Investment as follows:**

Clause 1a is added after Clause 1, Article 131 as follows:

"1a. Annex II and Annex III of this Decree take effect from January 1, 2021".

**Article 72. Supplementing the Government's Decree No. 152/2020/ND-CP dated December 30, 2020 regulating foreign workers working in Vietnam and recruiting and managing Vietnamese workers working for foreign organizations and individuals in Vietnam as follows:**

Clause 6a is added after Clause 6, Article 30 as follows:

"6a. For employees working in industrial parks or economic zones, the Management Board of industrial parks and economic zones shall perform the following responsibilities:

- a) Grant, reissue, extend and revoke work permits and certify that foreign workers are not eligible for work permits for foreigners working in industrial parks or economic zones;
- b) Organize the registration of internal working regulations;
- c) To receive annual reports on the results of vocational skills improvement and retraining;
- d) Receive notices of organization of overtime work from more than 200 hours to 300 hours in a year of the enterprise".

**Article 73. Amending and supplementing the Government's Decree No. 145/2020/ND-CP dated December 14, 2020 detailing and guiding the implementation of a number of articles of the Labor Code on labor conditions and industrial relations as follows:**

1. Clause 2, Article 4 is amended and supplemented as follows:

"Every 06 months (before June 5) and annually (before December 5), the employer must report the labor change situation to the Department of Labor, War Invalids and Social Affairs through the National Public Service Portal according to Form No. 01/PLI Appendix I promulgated together with this Decree and notify the district social insurance agency where the head office, branch, representative office is located. In case the employer is unable to report the labor change situation through the National Public Service Portal, send the report in paper copies according to Form No. 01/PLI Appendix I promulgated together with this Decree to the Department of Labor, War Invalids and Social Affairs and notify the district-level social insurance agency where the head office is located, branches, representative offices. For employees working in industrial parks or economic zones, the employer must report the labor change situation to the Department of Labor, War Invalids and Social Affairs, the district-level social insurance agency where the head office, branches, representative offices and the Management Board of the industrial park and economic zones are located to follow.

The Department of Labor, War Invalids and Social Affairs is responsible for summarizing the changing labor situation in case the employer sends a paper report to fully update information according to Form No. 02/PLI Appendix I promulgated together with this Decree".

2. To amend and supplement Clause 2, Article 31 as follows:

"Every 06 months and annually, report on the situation of labor outsourcing activities according to Form No. 09/PLIII Appendix III promulgated together with this Decree, to the Chairman of the Provincial People's Committee, the Department of Labor, War Invalids and Social Affairs and the Management Board of the industrial park, economic zones where enterprises are headquartered; At the same time, report to the Department of Labor, War Invalids and Social Affairs and the Management Board of industrial parks and economic zones where enterprises come to labor outsourcing activities on the situation of labor outsourcing activities in that area in case the enterprise sub-leases to another provincial-level area operates. 6-month report submitted by June 20 and year report submitted by December 20."

**Article 74. Transitional provisions**

1. Industrial parks and economic zones that have completed the procedures for investment, establishment and conversion in accordance with relevant laws before the effective date of this Decree shall not have to carry out additional corresponding procedures as prescribed by this Decree.

2. The contents specified in this Decree have been guided by ministries and ministerial-level agencies or specified in other legal documents on investment, enterprise, construction, labor, industry, trade, natural resources and environment, science and technology, tourism, Relevant taxes are not required to issue documents to guide the implementation of this Decree, unless the contents of the guiding documents are not in accordance with the provisions of this Decree.

3. In case the regional or provincial planning has not been decided or approved according to the provisions of the Law on Planning, the following shall be done:

a) The adjustment and supplementation of the planning for development of industrial parks and economic zones continues to be applied according to the provisions of Resolution No. 751/2019/UBTVQH14 dated August 16, 8 of the National Assembly Standing Committee on the interpretation of a number of articles of the Law on Planning and Clause 11, Article 2, Article 3, Clause 1, Article 4, Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Clause 1 and Clause 2, Article 11, Article 14, Clause 1, Article 15, Article 16, Article 17, Article 18 of the Government's Decree No. [82/2018/ND-CP](#) dated May 22, 2018 regulating the management of industrial parks and economic zones;

b) The assessment of the conformity of investment projects on construction and business of infrastructure of industrial parks and expanded industrial parks with regional and provincial plannings shall comply with the provisions of the Government's Decree detailing and guiding the implementation of a number of articles of the Law on Investment.

4. Investment projects for construction and business of industrial park infrastructure whose valid dossiers have been received before the effective date of this Decree but have not yet been decided on investment policies, approved investment policies, and issued investment registration certificates (for projects subject to investment registration certificates) shall be real currently as follows:

a) Competent state agencies continue to comply with the provisions of the Government's Decree No. [82/2018/ND-CP](#) dated May 22, 5, 2018 on the management of industrial parks and economic zones for appraisal, decision on investment policies, approval of investment policies, issuance of investment registration certificates, unless the investor proposes to comply with the provisions of this Decree;

b) Competent state agencies may continue to use previously appraised opinions and contents to prepare appraisal reports, decide on investment policies, approve investment policies, grant investment registration certificates;

c) Industrial parks with an area of over 500 hectares shall comply with the provisions of Points a and b of this Clause and the provisions of Clause 4, Clause 5, Article 8, Point a, Clause 2, Clause 3, Article 9 of this Decree.

5. Industrial parks that have been approved by competent authorities for investment policies, investment policy decisions, issuance of investment registration certificates, investment certificates, investment licenses or papers of equivalent legal validity in accordance with the law on investment before the effective date of this Decree shall be determined to be established according to relevant laws from the time of approval of investment policies, decisions on investment policies, issuance of investment registration certificates, investment certificates, investment licenses or papers of equivalent legal validity.

Industrial parks must carry out establishment procedures as prescribed in the Government's Decree No. [82/2018/ND-CP](#) dated May 22, 5 stipulating the management of industrial parks and economic zones but have not completed the establishment procedures, they are not required to carry out the establishment procedures as prescribed by Decree No. [82/2018/ND-CP](#).

#### **Article 75. Enforceability**

1. This Decree takes effect from 15/7/2022.

2. The Government's Decree No. [82/2018/ND-CP](#) dated May 22, 2018 regulating the management of industrial parks and economic zones expires from the effective date of this Decree, except for the case specified at Points a, Clause 3 and Clause 4, Article 74 of this Decree.

#### **Article 76. Implementation organization**

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial-level people's committees and centrally-run cities, heads of management boards of industrial parks, export processing zones, economic zones and related organizations and individuals shall be responsible for the implementation of this Decree.

***Recipients:***

- Secretariat of the Party Central Committee;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, Government-attached agencies;
- People's Councils, Provincial People's Committees and central cities;
- Central Office and Party Committees;
- Office of the General Secretary;
- Office of the President;
- Ethnic Council and Committees of the National Assembly;
- Office of the National Assembly;
- Supreme People's Court;
- Supreme People's Procuracy;
- State audit;
- National Financial Supervisory Commission;
- Bank for Social Policy;
- Vietnam Development Bank;
- Central Committee of the Vietnam Fatherland Front;
- Central bodies of unions;
- VPCP: Organizing Committee, Pcn, Assistant General Manager, General Director of E-commerce Portal, Departments, Departments, subordinate units, Official Gazette;
- Saves: VT, CN (2b).

**GOVERNMENT OF VIETNAM  
ON BEHALF OF PRIME  
MINISTER**

**DEPUTY PRIME  
MINISTER**

**Le Van Thanh**