

**MINISTRY OF PLANNING AND INVESTMENT  
DEPARTMENT OF ECONOMIC ZONE MANAGEMENT**

**DECREE No. 35/2022/ND-CP**

Hanoi, September 2022

# I. OVERVIEW

*Decree No. 82/2018/ND-CP  
(07 Chapters and 68 Articles)*

Chapter I. General provisions

Chapter II. Planning, investment,  
establishment of industrial parks and  
economic zones

Chapter III. Policies on industrial  
parks and economic zones

Chapter IV. Some types of industrial  
parks

Chapter V. State management

Chapter VI. Functions, tasks, power,  
and organizational structure of the  
Management Board

Chapter VII. Implementation  
provisions

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*Decree No. 35/2022/ND-CP  
(08 Chapters and 76 Articles)*

Chapter I. General provisions

**Chapter II. Infrastructure investment,  
establishment of industrial parks and  
economic zones**

Chapter III. Policies on industrial  
parks and economic zones

Chapter IV. Some types of industrial  
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**Chapter V. Information system on  
industrial parks and economic zones**

Chapter VI. State management

Chapter VII. Functions, tasks, power,  
and organizational structure of the  
Management Board

Chapter VIII. Implementation  
provisions

## II. SOME NEW CONTENTS



Planning process, infrastructure investment, and establishment of industrial parks, economic zones, and related conditions

Regulations to ensure the balance among localities and encourage new types of industrial parks and economic zones

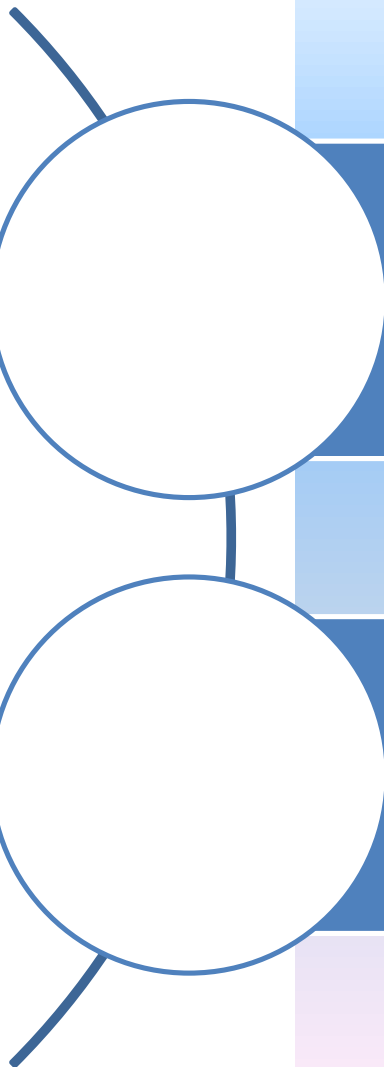
Regulations to ensure sustainable development, efficient use of land resources, and effective investment attraction

Housing, service and utility works for workers working in the industrial park

Regulations aiming at improving the effectiveness and efficiency of state management

### III. PLANNING, INFRASTRUCTURE INVESTMENT, AND ESTABLISHMENT OF INDUSTRIAL PARKS, ECONOMIC ZONES, AND RELATED CONDITIONS

#### 1. PLANNING



Supplement the concept and content of the construction direction and development plan for the system of industrial parks and economic zones. These contents are also included in regional and provincial planning as prescribed in the Law on Planning.

Supplement conditions for making a portfolio of industrial parks and economic zones in the provincial planning.



## **Planning for development of industrial parks and economic zones**

Construction  
direction of  
industrial parks  
and economic  
zones

- Inclusion in regional planning

Plan for developing  
system of  
industrial parks  
and economic  
zones

- Inclusion in provincial planning





# Planning for development of industrial parks and economic zones

Contents of construction directions for industrial parks and economic zones in regional planning



## **Planning for development of industrial parks and economic zones**

Contents of the plans for developing system of industrial parks and economic zones in provincial planning





## **Planning for development of industrial parks and economic zones**

### **CONDITIONS FOR MAKING A PORTFOLIO OF IPs**

Do not develop IPs in special inner-city urban areas (class 1, central-run) except for high-tech IPs and eco-industrial parks.

Do not use land of special-use forests and protection forests

Connect technical and social infrastructure synchronously, improve ability to attract human resources, development resources

Save a land fund equivalent to 2% of the land fund for IPs to build workers' houses

Ensure national defense, security, environmental protection, conserve historical relics, adapt to climate change, etc.





## **Planning for development of industrial parks and economic zones**

### **CONDITIONS FOR MAKING A PORTFOLIO OF EZS**

Have a potential location, development advantages compared to other areas

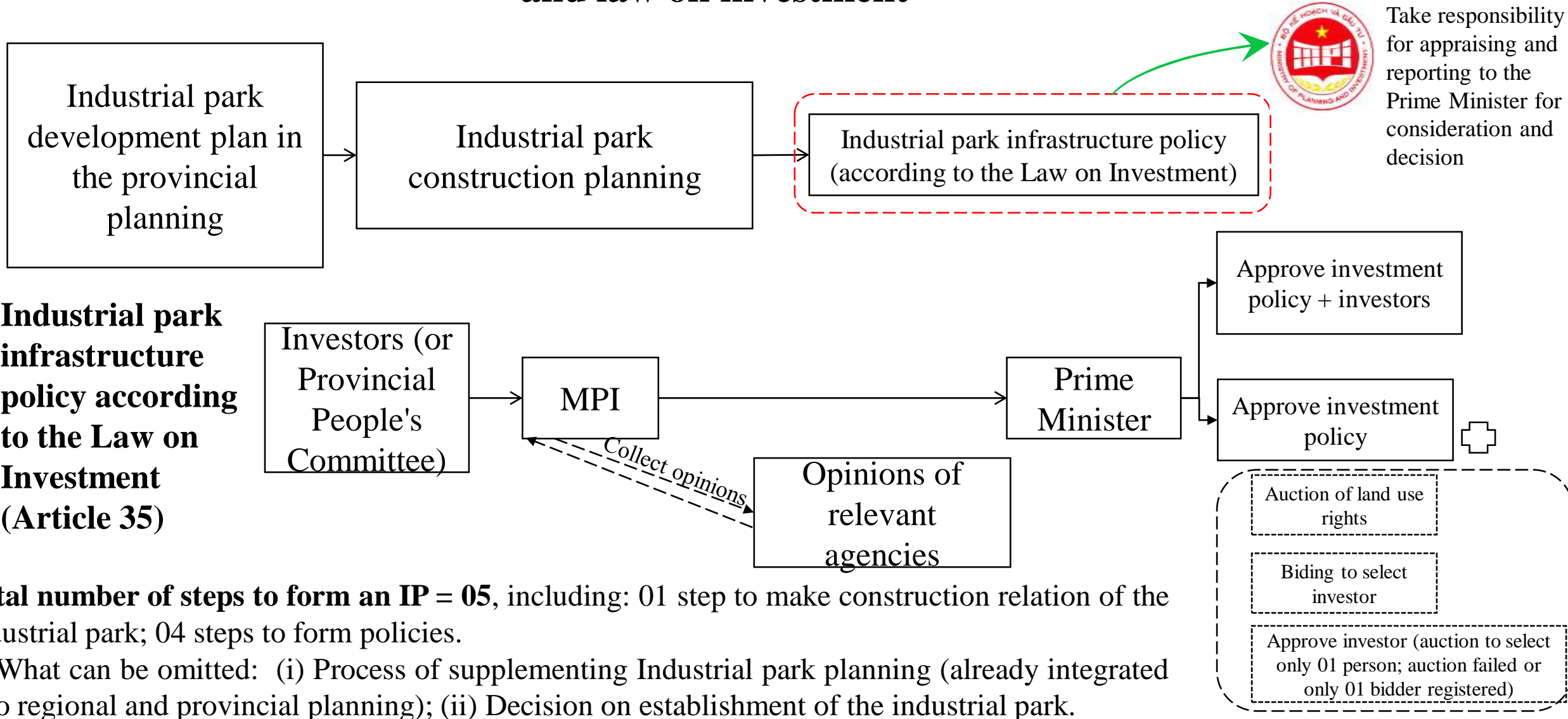
Be associated to class 1 airports or seaports; capable of connecting regional and international economic corridors

Have an area of over 10,000 ha for coastal EZs and over 5,000 ha for specialized EZs

Be capable of attracting large investment projects, especially the crucial ones having great impacts on the regional socio-economic development.

Do not impact on historical, cultural and natural heritage sites; ensure national defense, security, environmental protection, etc.

# IP investment process complies with the provisions of Decree No. 35/2022/ND-CP. and law on investment



**Total number of steps to form an IP = 05**, including: 01 step to make construction relation of the industrial park; 04 steps to form policies.

➔ What can be omitted: (i) Process of supplementing Industrial park planning (already integrated into regional and provincial planning); (ii) Decision on establishment of the industrial park.

### Investment procedures:

- Projects financed by public investment capital comply with the regulations on public investment;
- Projects not financed by public investment capital comply with the regulations on investment;

### Abolish the IP establishing procedure.

The identification of IP establishment based on:

- Investment decision according to the legal regulations on public investment;
- Decision on approval of investment policy, investment registration certificate in accordance with regulations of law on investment

### Complete conditions for investment in IP infrastructure

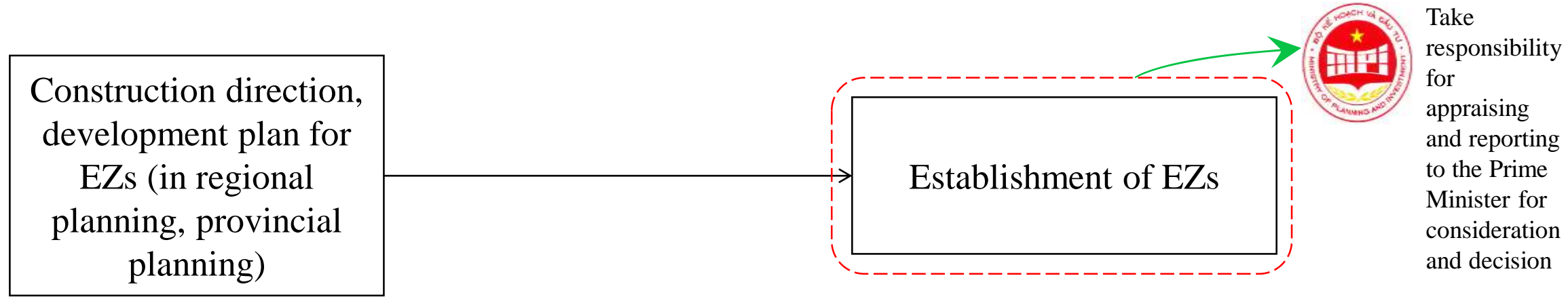
- Occupancy rate
- Scale
- Paddy land repurposing
- Capacity of project owners
- Other conditions

Complete regulations on order, procedures, and documents for:

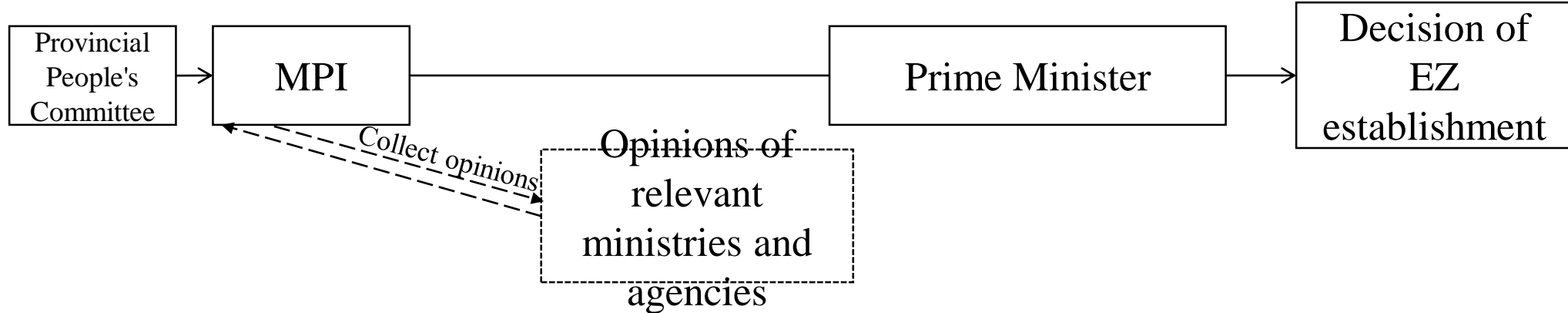
- Establishment
- Expansion
- Adjustment of EZ boundary

Provisions to ensure compliance with legal regulations on planning, land, construction, and investment and development of economic zones

# The general process of EZ establishment complies with the provisions of Decree No. 35/2022/ND-CP.



Establishment of EZs (according to Article 14 of the Decree)



**Total number of steps to form an EZ = 05**, including 05 steps to establish an EZ

➔ What can be omitted: Process of supplementing economic zone planning (already integrated into regional and provincial planning)

# IV. REGULATIONS TO ENSURE BALANCE AMONG LOCALITIES AND ENCOURAGE NEW TYPES OF IPs AND EZs; SUPPORT FOR SMALL AND MEDIUM-SIZED ENTERPRISES

## IV.1. NEW TYPES OF IZs AND EZs

Supplement the types of specialized industrial parks and high-tech industrial parks

Supplement regulations to clarify policies on support and development cooperation, criteria for identification, incentives, certification, order and procedures for registration of eco-industrial park certification

Supplement the type of specialized economic zone

Supplement the type of free trade zones in EZ

**- Industry park:**

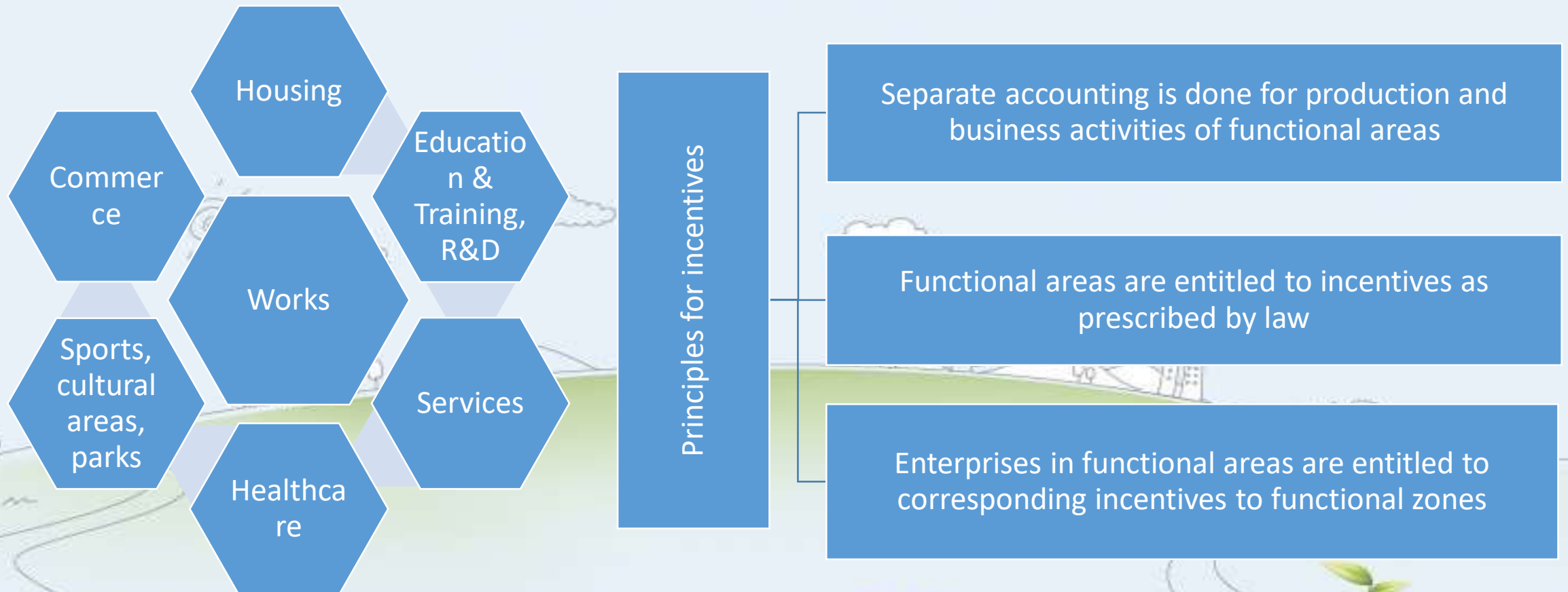
*is an area with a determined geographical boundary, specializing in the production of industrial goods and the provision of services for industrial production.*

**Export-processing zone**

*is an industrial park specializing in producing export goods, providing services for export production and export activities; which is separated from the outside area according to the regulations on free-trade zones.*

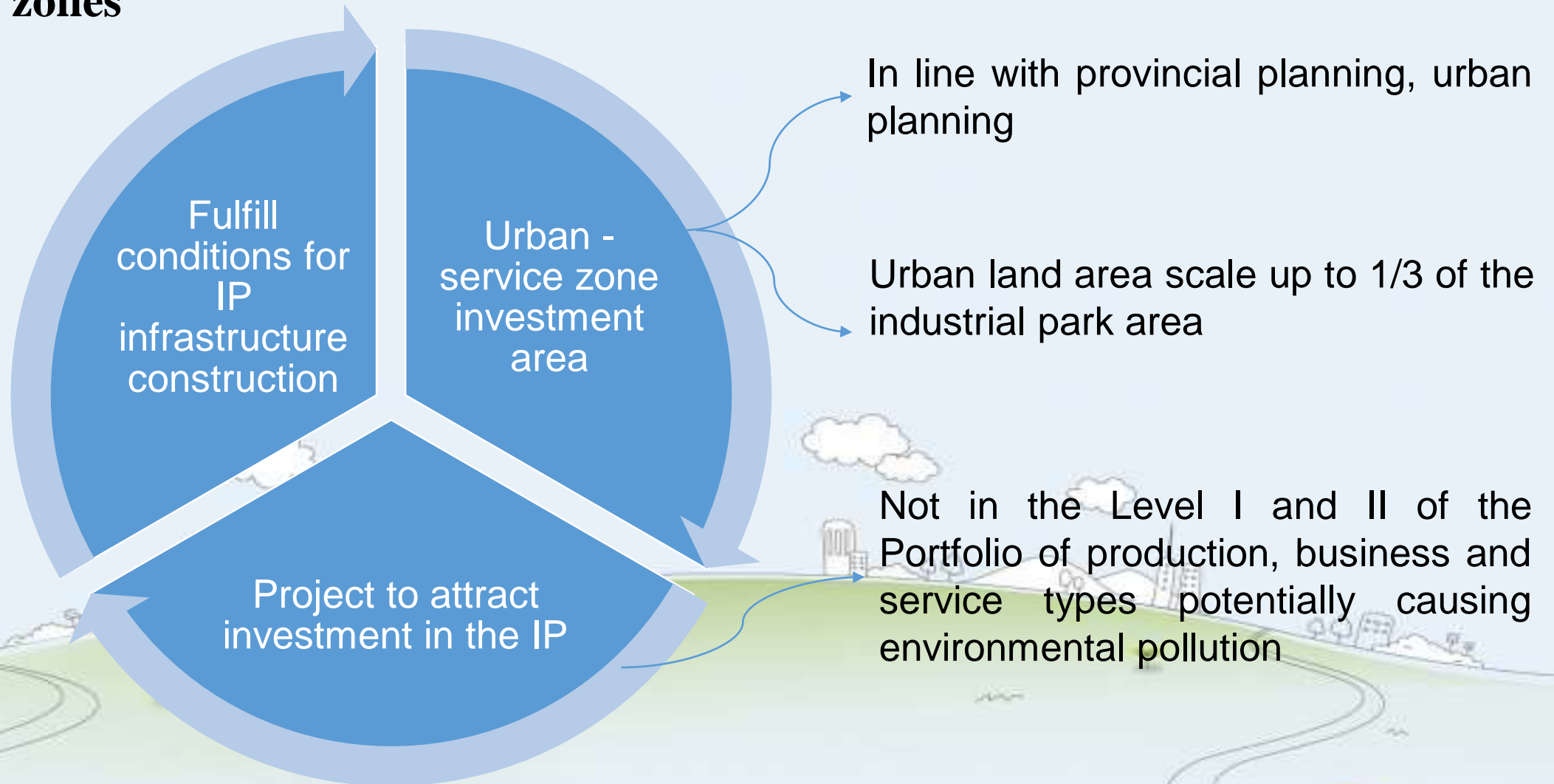


**Industrial - urban - service** zone includes industrial, urban and service functional zones, in which the industrial park takes the main function, the urban - service area has the supporting function to provide services, public and social utilities for the industrial park.

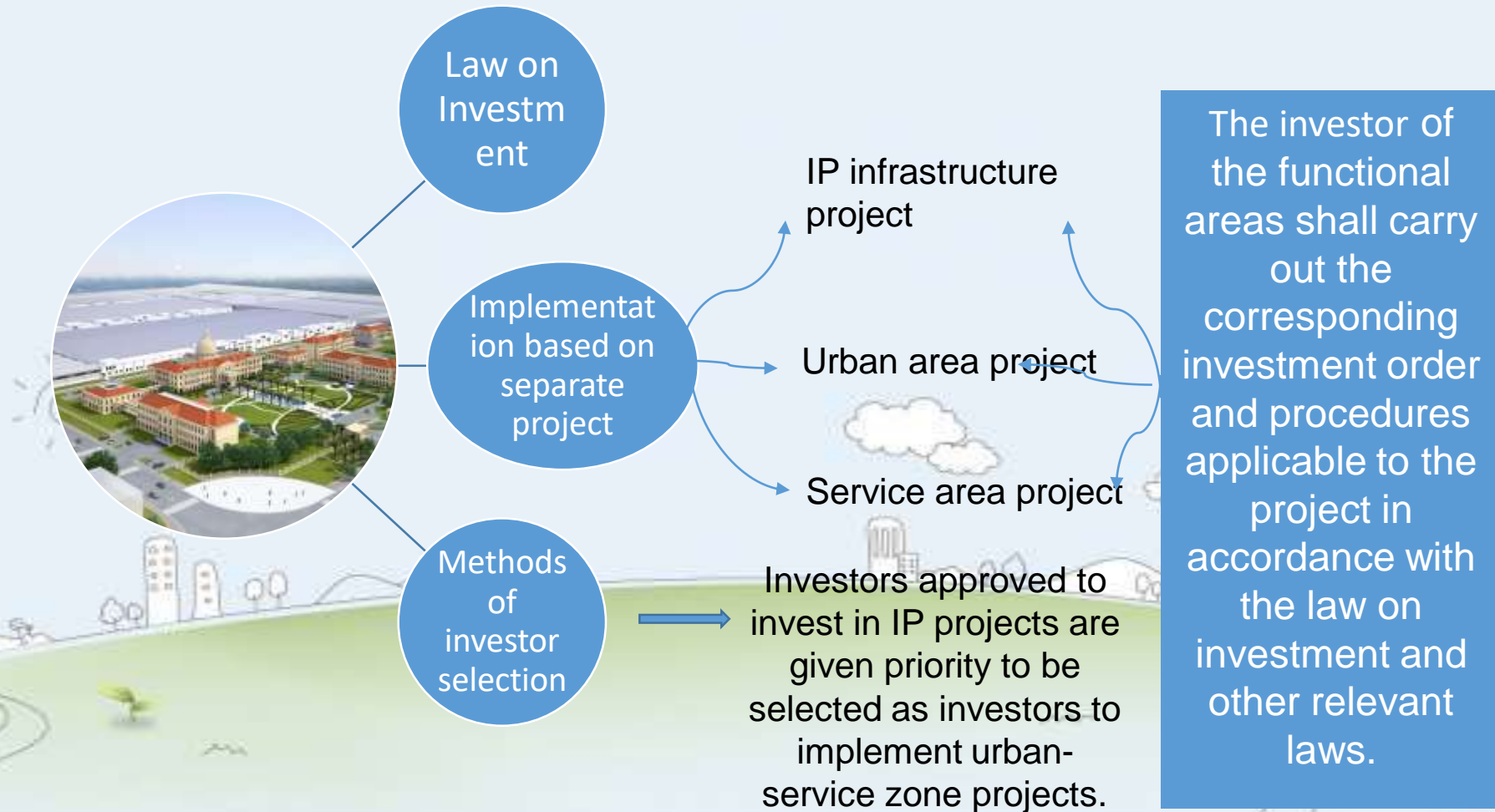




## Conditions for investment in industrial - urban - service zones



## Order and procedures for investment in industrial - urban - service zones





### **Supporting industrial park**

*The industrial park specialized in manufacturing supporting industrial products and providing services for the production of supporting industry products; having at least 60% of the total industrial land area in the IZ to attract supporting industry projects.*

### **Specialized industrial park**

*The industrial park specialized in manufacturing and providing services for the production of products in a specific industry or trade; having at least 60% of the industrial land area in the IP to attract projects in this industry.*

### **Hi-tech industrial park**

*The industrial park attracting investment projects using high technology, information technology, projects with technology transfer, technology incubators, science and technology entrepreneur incubators, innovation, start-up, research and development, education and training projects; having at least 30% of the industrial land area in the IP to attract these investment projects.*



## Policy on development of supporting, specialized, and high-tech industrial parks

The State encourages and supports

New investment

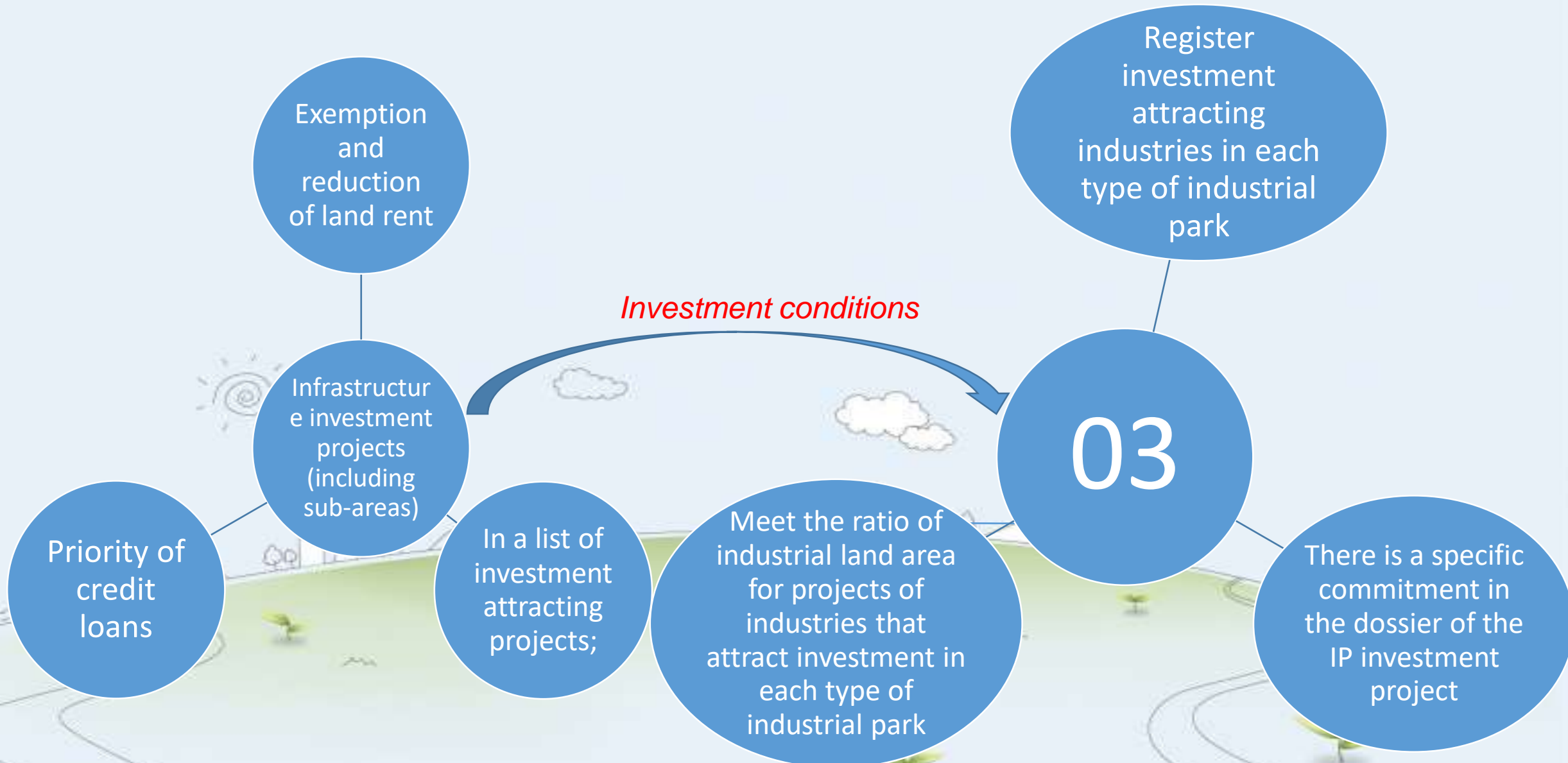
Fully or partially convert the established zones to a new type

Infrastructure investment projects and secondary projects

Enjoy incentives by locality, industry and other incentives

Support in administrative procedures, technical advice, investment promotion

Do not apply the occupancy rate of 60%





Competent authorities prescribe each type of industrial park



## **Economic zones**

*An area with determined geographical boundaries, including many functional zones, established to fulfill the objectives of attracting investment, socio-economic development, and national defense and security.*





## **Coastal economic zone (over 10,000 hectares)**

*Coastal economic zone is an economic zone established in the coastal area and in the vicinity of the coastal area.*

## **Border-gate economic zone (over 10,000 hectares)**

*Border-gate economic zone is an economic zone established in the land border area and in the vicinity of the land border area.*

## **Specialized economic zone (over 5,000 hectares)**

*A specialized economic zone is an economic zone established in a key economic zone, development corridor, dynamic development area or an area with a similar role as defined in the regional planning.*





## **Free trade zone**

*Free trade zone in economic zones is free trade zone defined in the general planning on construction of economic zones.*

### **Activities of the free trade zone:**

*Temporary import, re-export or temporary export, re-import, transit, border-gate transfer, transshipment of goods;*

*Provision of services related to export and import activities;*

*Trading in tax-free goods, tax-free and discounted goods; Services of Logistics;*

*Production, processing, recycling, assembling, sorting, packing of export and import goods and provision of related services*

*Other goods and service business activities as prescribed by law*

## IV.2. SUPPORT MECHANISM FOR SMALL AND MEDIUM-SIZED ENTERPRISES

The industrial park must save at least 5 hectares of industrial land or at least 3% of the total industrial land area in the industrial park for small and medium-sized enterprises, supporting industry enterprises, innovation enterprises, and beneficiaries of investment incentives as prescribed at Points e and g of the Article 15.2 of the Law on Investment, other enterprises eligible for priority and support in terms of production and business premises in accordance with the law on land lease or sublease

For the industrial land area for prioritized subjects to land lease, sub-lease, the lease price, sub-lease price for land on which technical infrastructure has been built and infrastructure use fees shall not exceed 70% of the actual price and infrastructure use fees at the time of lease or sublease.

## V. REGULATIONS TO ENSURE SUSTAINABLE DEVELOPMENT, EFFICIENT USE OF LAND RESOURCES, AND EFFECTIVE INVESTMENT ATTRACTION

### V.1. CONDITIONS FOR REVIEW AND APPROVAL OF POLICY ON INVESTMENT IN IZ INFRASTRUCTURE PROJECT

#### The area of industrial park

- Industrial parks with a planned area of more than 500 hectares must be invested in phases, each phase must not exceed, except for the case of attracting investment projects to implement industrial clusters with the total investment capital of projects in the industrial cluster of at least USD 2 billion, the first phase must not exceed 1,000 hectares

#### Land use repurpose

- Industrial parks that require land use repurpose for paddy land cultivated 2 or more crops with an area above the quota must be invested in phases.

#### The occupancy rate does not apply in the following cases:

- Total natural land area of industrial parks in locality is less than 1,000 ha;
- Industrial parks located in areas eligible for investment incentives or in already established economic zones;
- Ecological industrial parks, supporting industrial parks, specialized industrial parks, and high-tech industrial parks

Investors must meet the following conditions:

- Operate Real estate business
- Allocate, lease land, allowed to repurpose land use according to the law on land, forestry, etc.

These conditions are basis for:

- Considering approval of the investment policy along with the investor selection according to the law on investment
- developing evaluation criteria on investor's capacity in case of investor selection bidding

### Planning

- Ensure that the land fund for planning the construction of houses, service works and public utilities for workers working in industrial parks in the locality is at least 2% of the total area of industrial parks.

### CONDITIONS FOR CONSIDERATION AND APPROVAL OF INVESTMENT POLICIES

- Adapt planning on construction of residential areas, public service and utility works for workers working in industrial parks approved by competent authorities.
- In case of expanding the IZ, residential areas, public services, and utility facilities must be built and put into use for workers working in IZ or IZ clusters.

**Area of service land in IZ for construction of service works, public utilities, accommodation facilities for workers working in IZ**

- The residence at accommodation establishments or enterprises in IZs for a definite period shall comply with the law on residence;
- Only implement in the form of sub-lease, not for sale, do not form residential units, do not allow long-term house owning.

**The regulations aiming to encourage the development of housing, service facilities, and public utilities for workers working in IPs and EZs.**

### Law on Investment

- The national information system on IPs and EZs is part of the national information system on investment
- Information on investment projects stored in the national investment information system is legally valid as original information on investment projects.

### Decree

- Request; construction and operating costs
- Responsibilities of MPI, Provincial People's Committees, and Management Boards of IZs and EZs in developing and operating information systems
- Prescribe groups of economic, social, environmental indicators and other relevant indicators of IPs and EZs under the information and database of the national information system to be collected, processed, managed, used and disclosed

## VII.2. FUNCTIONS, TASKS, POWER, AND ORGANIZATIONAL STRUCTURE OF THE MANAGEMENT BOARD OF IZs AND EZs

Supplement some contents related to functions, tasks, powers and organizational structure of the Management Board of IZs and EZs in the terms of investment, construction, environment, and employment according to the new provisions of the Law on Investment, the Law amending and supplementing some articles of the Law on Construction, the Law on Environmental Protection, and the Labor Code

The Management Board of IZs and EZs shall perform the tasks of a specialized agency under the provincial People's Committee when decentralized or authorized; perform the tasks and powers of a specialized agency under the provincial People's Committee in accordance with the provisions of this Decree and other relevant laws.