GOVERNMENT OF VIETNAM	**SOCIALIST REPUBLIC OF VIETNAM**
-------	**Independence - Freedom - Happiness**

No. 35/2022/ND-CP	*Hanoi, May 28, 2022*

DECREE

MANAGEMENT OF INDUSTRIAL PARKS AND ECONOMIC ZONES IN VIETNAM

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on Amendments and Supplements to certain Articles of the Law on Government Organization and the Law on Local Government Organization 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; the Law on Amendments and Supplements to several Articles of 37 Laws related to planning dated November 20, 2018;

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

Pursuant to the Law on Construction dated June 18, 2014; the Law on Amendments and Supplements to several the Law on Construction dated June 17, 2020;

Pursuant to the Law on Real Property Business dated November 25, 2014;

Pursuant to the Law on Environmental Protection dated November 17, 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; the Law on Amendments and Supplements to a number of Articles of the Law on Entry, Exit, Transit and Residence of foreigners in Vietnam dated November 25, 2019;

Pursuant to the Labor Code dated November 20, 2019;

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

Upon the request of the Minister of Planning and Investment;

The Government hereby issues the Decree on management of industrial parks and economic zones.

Chapter I

GENERAL PROVISIONS

Article 1. Scope and subjects of application

1. This Decree prescribes the scheme and plan for construction and development of industrial parks and economic zones; investment in infrastructure, establishment, operation, development policies and state management of industrial parks and economic zones.

2. This Decree is applied to competent regulatory bodies, organizations and individuals involved in investment, production and business activities at industrial parks and economic zones.

Article 2. Interpretation

For the purposes of this Decree, terms used herein shall be construed as follows:

1. *Industrial park* refers to an area that is enclosed by definite boundaries, specializes in production of industrial goods and provision of services satisfying the industrial production needs.

2. *Export processing zone* refers to an industrial park specially intended for manufacturing of exported goods, rendering of services meeting the needs of production of exported goods and exporting purposes; which is fenced in under the regulatory provisions applied to the free zones stipulated in law on customs duties.

3. *Supporting industrial park* refers to an industrial park which specializes in manufacturing supporting industrial products and renders services satisfying the needs of manufacturing of these products; has at least 60% of its industrial land which is used for attracting investment projects on manufacturing of supporting industrial products under law on development of the supporting industry.

4. *Specialized industrial park* refers to an industrial park which specializes in and supplying services needed for manufacturing of products in a specified industry or sector; has at least 60% of its industrial land intended to attract investment projects in such industry or sector.

5. *Eco-industrial park* refers to an industrial park in which enterprises located inside its perimeter get involved in cleaner production, make effective use of natural resources and

enter into production linkage and cooperation for industrial symbiosis; which meet the criteria stipulated herein.

6. *Hi-tech industrial park* refers to an industrial park that attracts hi-tech and IT investment projects on the classification list of industries and sectors with special investment incentives under the provisions of law on investment; projects with technology transfers on the classification list of technologies eligible for technology transfer incentives as provided in law on technology transfer; technology incubators; science and technology business incubators subject to law on high technology and legislation on science and technology; investment projects on creative entrepreneurship, innovation, research and development, education and training; that has at least 30% of its industrial land used to attract these investment projects.

7. *Industrial symbiosis* refers to cooperation between enterprises within an industrial park or with enterprises within various ones in order to optimize the use or reuse of input and output factors, such as raw materials, water, energy, waste, scrap, by-products, etc., during the manufacturing and business process.

8. *Eco-business* refers to a business that simultaneously applies solutions for cleaner production, efficient use of resources and industrial symbiosis in an eco-industrial park; meets the criteria specified in this Decree.

9. *Expanded industrial park* refers to an industrial park area formed through an increase in the land size of the preexisting industrial park in which the expanded area of that industrial park is near or adjacent and possibly connected or has access to infrastructure facilities of the preexisting industrial park.

10. *Industrial park subdivision* refers to a dimensional part of an industrial park which is enclosed with definite boundaries, specializes in manufacturing of goods and provision of services that meet the needs of industrial production; determined in the planning scheme for construction of the industrial park approved by the competent state agency.

11. *Infrastructure user fee* refers to a type of charge for use of the paid services of technical utility and service infrastructure, including road, electricity supply, water supply, water drainage, communication, wastewater, waste and other public service and utility works.

12. *Project on construction and business of infrastructure facilities of an industrial park* refers to an investment project using land for constructing synchronous technical infrastructure at the industrial park and leasing or sub-leasing land to investors for construction of premises, office, storage yards and facilities, public service and utility facilities; implementation of investment projects; organization of production and business activities under law.

13. *Economic zone* refers to an area which is enclosed with specified geographical boundaries, including functional zones and is established to meet the objectives of calling

for investments, promoting socio-economic development and maintaining national defence and security.

14. *Coastal economic zone* refers to an economic zone established at and near the coast.

15. *Border-gate economic zone* refers to an economic zone established at and near the land border.

16. *Specialized economic zone* refers to an economic zone established at a key economic region, dynamic development corridor, or a region having similar functions that is specified in the regional planning scheme.

17. *Free trade zone in an economic zone* refers to a free zone specified in the master plan for construction of an economic zone.

18. *Agricultural land area* refers to an area of land in an industrial park which is leased or sub-leased to an investor to build its premises, office, storage yards, facilities, carry out its investment projects, organize production and business activities; specified in the planning scheme for construction of the industrial park approved by the competent state authority.

19. *Service land area* refers to an area of land in an industrial park which is leased or sub-leased to an investor to build public service, utility facilities and carry out its investment projects; specified in the planning scheme for construction of the industrial park approved by the competent regulatory authority.

20. *Export processing* refers to a specialized act of manufacturing of exported commodities and provision of services for production of exported products and exportation.

21. *Export processing enterprise* refers to an enterprise performing the export processing function in an export processing zone, industrial park and economic zone.

22. *Occupancy rate of an industrial park* refers to the proportion in percent (%) of industrial and service land that has been leased or sub-leased to the investor obtaining the investment policy, investment registration certificate to build project premises, office, storage yards, facilities, public service and utility facilities, execute an investment project, organize production and business activities under law to total area of industrial and service land of the industrial park.

23. *Public service and utility facility for workers in an industrial park or economic zone* refers to a public work classified according to its function or usability as per legislation on construction, including educational, training and research institutions; healthcare establishments; sports and culture centers and parks; shopping malls; accommodation facilities; service and other infrastructure facilities built to directly serve personnel working in that industrial park or economic zone.

24. *National industrial park or economic zone information system stated in point dd of clause 1 of Article 71 in the Law on Investment* refers to the specialized industrial park and economic zone information system which is developed and operated under the provisions hereof to send, receive, store, display and perform other operations with respect to data intended for the state management of industrial parks and economic zones.

25. *Industrial cluster in an industrial park* refers to both cooperative and competitive form of association between enterprises in the same industry and interested enterprises or organizations operating at that industrial park.

Article 3. Scheme for construction of an industrial park or economic zone

1. A scheme for construction of an industrial park or economic zone constitutes part of the regional planning scheme prescribed in point d of clause 2 of Article 26 in the Law on Planning.

2. A scheme for construction of an industrial park or economic zone shall contain the following information:

a) Objectives, orientations and guidelines for spatial distribution, implementary organization and solutions for development of industrial parks or economic zones of a region in the planning period;

b) Estimated total area of land proposed types of industrial parks or economic zones in specific provinces or centrally-affiliated cities in a region; determination of economic zones playing important and dynamic roles in the regional socio-economic development.

Article 4. Plans for development of industrial park network

1. A plan for development of an industrial park network constitutes part of the provincial planning scheme under the regulatory provisions of point d of clause 2 of Article 27 in the Law on Planning.

2. Each plan for development of the industrial park network must include the following information:

a) Objectives, orientations, implementary organization and solutions for development of the network of industrial parks in the planning period;

b) List of industrial parks in a province or centrally-affiliated city;

c) Representation of the plan for development of the network of industrial parks on the planning map.

3. List of industrial parks located in a province or centrally-affiliated city must contain the following information:

a) Names of listed industrial parks;

b) Proposed project sizes and locations of listed industrial parks.

4. In order to compile a list of industrial parks in a province or centrally-affiliated city, the following requirements must be satisfied:

a) Developing new industrial parks in urban areas of special-category cities, centrally-affiliated category-I cities or provincially-affiliated cities, except for industrial parks developed into hi-tech industrial parks or eco-industrial parks, is not allowed;

b) Using special-use forest land or protection forest land (including watershed protection forests, forests intended for protection of water sources of residential communities, border protection forests) for development of industrial parks is not allowed;

c) Industrial parks on the list must be synchronously connected to technical utility, social infrastructure and can attract human resources and serve as a hub to mobilize resources needed for development of industrial parks;

d) Each industrial park must reserve the space accounting for 2% of total area of land of all industrial parks on the list of industrial parks located in a province or centrally-affiliated city for development of accommodation, public service and utility facilities for its workers and employees;

dd) Each industrial park must meet regulations on national defence and security; environmental and natural resource protection; disaster management; dyke and coastal embankment protection; use of reclaimed sea land; response to climate change; and conservation of historical, cultural remnants and natural heritage;

e) The list must be in line with the scheme for construction of the network of industrial parks.

5. The plan for development of industrial park network serves as the prelude to:

a) Formulation of the planning scheme for expansion of industrial parks and the revised or updated version thereof;

b) Formulation and modification of the investment plan for development of technical utilities and social infrastructure needed for development of industrial parks or expanded industrial parks.

Article 5. Plans for development of economic zone network

1. A plan for development of the network of economic zones constitutes part of the provincial planning scheme under the regulatory provisions of point d of clause 2 of Article 27 in the Law on Planning.

2. Each plan for development of the economic zone network must include the following information:

a) Objectives, orientations, implementary organization and solutions for development of the network of economic zones in the planning period;

b) List of economic zones in a province or centrally-affiliated city;

c) Representation of the plan for development of the network of economic zones on the planning map.

3. List of economic zones located in a province or centrally-affiliated city must contain the following information:

a) Names of economic zones on the list;

b) Proposed project sizes and locations of economic zones on the list.

4. In order to compile a list of economic zones in a province or centrally-affiliated city, the following requirements must be satisfied:

a) Economic zones on the list must be located in areas full of crucial potentials and advantages in terms of natural, resource and socio-economic conditions compared to the others nationwide in order to attract human resources, mobilize resources and develop technical utilities, social, production and business infrastructure; must be connected to international airports or class-I or higher-class seaports in the event that establishment of a coastal economic zone is proposed; must have international border gates in place as provided in law on management of land border checkpoints in the event that development of a border gate economic zone is planned; must be capable of providing easy connection to regional and international economic corridors, easy access to international markets, and being developed into large-scale industrial – urban – service and innovation centers promoting regional special potentials in the event that establishment of a specialized economic zone is proposed;

b) Each coastal economic zone or bordergate economic zone must be located on the land covering an area of at least 10,000 ha; each specialized economic zone must be located on the land covering an area of at least 5,000 ha. All of these economic zones must meet general development requirements of economic zones;

c) Each economic zone can attract investment projects or items of work that are large in scale, critically important and affect the socio-economic development of the whole region;

d) Economic zones on the list do not have adverse impact on historical - cultural relics, natural heritage; are in line with national defence arrangements and objectives of national defense, security, sovereignty and territory protection; enable conformance to

requirements concerning environmental and natural resource protection, natural disaster prevention and control, sustainable development and response to climate change;

dd) Economic zones on the list are in line with the scheme for construction of the network of economic zones.

5. Plans for development of the network of economic zones in provincial planning schemes must be precondition for:

a) Establishment or expansion of economic zones;

b) Supervision of formulation of the master plan for construction of economic zones and the revised or updated version thereof;

c) Supervision of formulation and revision of the investment plan for development of technical utilities and social infrastructure needed for development of economic zones.

Chapter II

INVESMENT IN INFRASTRUCTURE AND ESTABLISHMENT OF INDUSTRIAL PARKS OR ECONOMIC ZONES

Section 1. Investment in infrastructure and establishment of industrial parks

Article 6. Investment in infrastructure and establishment of industrial parks

1. Industrial parks may take one of the following forms: industrial parks, export processing zones, supporting industrial parks, specialized industrial parks, eco-industrial parks and hi-tech industrial parks (hereinafter referred to as industrial parks).

2. Industrial parks located within the boundaries of an economic zone shall be incorporated into the master plan for construction of that economic zone to be submitted to seek approval under the regulatory provisions of law on construction. When an industrial park located within an economic zone is adjusted, procedures for adjustment to the master plan for construction of economic zones that are prescribed in legislation on construction shall be carried out.

3. Conditions, processes and procedures for investment in infrastructure and establishment of an industrial park shall be subject to the regulatory provisions of this Decree and other relevant legislation.

4. Conditions, processes and procedures for investment in infrastructure and establishment of an expanded industrial park shall be subject to regulations on conditions, processes and procedures for investment in infrastructure and establishment of a new one, except when it falls in the case prescribed in clause 8 of Article 9 herein.

5. Each industrial park may have one or more owners of infrastructure investment projects, investors in construction and business of infrastructure of that industrial park.

6. An industrial park is defined as already established since the competent authority:

a) issues the decision on investment policy for infrastructure facilities of the industrial park funded by public investment funds as per law on public investment;

b) approves the investment policy and accepts investors; accepts investors or issues the investment registration certificate for implementation of investment projects on construction and business of infrastructure facilities of an industrial park as per law on investment.

Article 7. Industrial park construction planning

1. The planning scheme for construction of an industrial park must be composed of information about the master plan for construction of industrial parks, the zoning scheme for construction of the industrial park and the detailed planning scheme for construction of the industrial park (if required). The planning scheme for construction of an industrial park must be developed, evaluated and approved under law on construction and regulations laid down herein.

2. The master plan for construction of an industrial park or the zoning scheme for construction of an industrial park which is approved shall serve as the prelude to:

a) Conduct of the process of formulation of the detailed planning scheme for construction of an industrial park (if necessary);

b) Conduct of the process of formulation of the pre-feasibility study report for the project on construction of infrastructure facilities of the industrial park funded by public investment funds as per law on public investment; conduct of the process of formulation of the dossier on the investment project on construction and business of infrastructure facilities of the industrial park in accordance with law on investment;

c) Issuance of the decision on the investment policy for construction of infrastructure facilities of the industrial park funded by public investment funds; grant of approval of the policy for the investment project on construction and business of infrastructure facilities of the industrial park in accordance with law on investment.

3. Based on the plans for development of the network of industrial parks in the provincial planning schemes, People's Committees of provinces shall be in charge of creating and approving tasks and proposals involved in the master plan for construction or the scheme for zoning of the industrial park in accordance with legislation on construction.

4. Exemption from the requirement concerning assignment of tasks involved in a planning scheme shall be granted in the following cases:

a) Any industrial park has its zoning scheme in use at the area with the master construction plan or the master plan for construction of the economic zone that has already been approved;

b) Any industrial park has its detailed construction plan in use at the area with the approved zoning scheme;

c) Those are defined in clause 5 of this Article.

5. Competent regulatory authorities must take charge of formulating the master plan or the zoning scheme for the entire area that is planned according to law on construction with respect to any industrial park built on the land covering an area of at least 500 ha; any industrial - urban - service area; any industrial park with multiple owners of infrastructure facilities or investors performing the function of construction and business of infrastructure facilities according to specific industrial subdivisions.

Where the industrial park, industrial – urban – service area referred to in this clause is identified in the master urban plan or the master planning scheme for construction of the economic zone that has already been approved, it can determine proposals involved in the planning scheme of zoning of the industrial park without needing to assign tasks involved in the planning scheme.

6. Except in case of formulation of the planning scheme for construction of the industrial park in the area already obtaining the approved master construction plan or the industrial park conformable to the master planning scheme for construction of the economic zone that has already been approved, People's Committees of provinces shall be responsible for collecting written opinions on proposals involved in the master construction plan or the planning scheme of zoning of the industrial park from the following agencies:

a) Ministry of Planning and Investment, and Ministry of Construction, with respect to industrial parks, each of which covers an area of at least 200 ha;

b) Ministry of Transport with respect to industrial parks connected to national highways;

c) Ministry of Culture, Sports and Tourism with respect to industrial parks adjacent to historical – cultural relics, natural heritage or tourism areas at the national or higher level;

d) Ministry of Construction with respect to industrial parks located within category-II cities;

dd) Ministry of National Defense, Ministry of Public Security with respect to industrial parks located on islands or at border communes, wards, towns; coastal communes, wards, towns or other areas affecting national defence and security under law on national defence, security and investment.

7. The People's Committee of a province shall decide to adjust location and size of land included in the planning schemes for construction of the industrial park without any change of its district in the following cases:

a) An industrial park to be developed can be adjusted in terms of location and size of land of the project on construction of the industrial park provided that the dimensional scale of that project is not differed by no more than 2% and 6 ha from that of the industrial park already on the list of industrial parks in a province or centrally-affiliated city;

b) The change of location and size of the project on development of the industrial park that does not fall into the case specified in point a of this clause shall be accepted provided that the dimensional scale of that project is not differed by no more than 10% and 30 ha from that of the industrial park already on the list of industrial parks in a province or centrally-affiliated city after receipt of the written consent from the Ministry of Construction; the Ministry of Natural Resources and Environment; and/or the Ministry of Planning and Investment.

8. The People’s Committee of a province shall assign the investor nominated to execute the investment project on construction and business of infrastructure facilities of an industrial park to develop the scheme for zoning of that industrial park (where necessary) in the area where the master plan for construction of industrial parks is available.

9. The investor nominated to execute the investment project on construction and business of infrastructure facilities of an industrial park shall take charge of formulating the detailed planning scheme for construction of the industrial park (where needed).

10. The People’s Committee of a province shall grant approval of the proposal involved in the detailed planning scheme for construction of the industrial parks located in two or more districts under its authority.

11. The People’s Committee of a province shall authorize the Industrial Park and Economic Zone Authority to make its decision on local changes in the scheme for zoning of industrial parks; the detailed planning scheme for construction of industrial parks located in two or more districts under its authority.

12. Public service and utility facilities planned to be developed within the area of service land of an industrial park shall be intended for its workers and employees. The rate of area of land intended for construction of public service and utility facilities shall not be greater than total area of land available for use in that industrial park.

Article 8. Processes and procedures for investment in industrial park infrastructure

1. Processes and procedures for deciding and changing the investment policy for development of infrastructure facilities of a publicly-funded industrial park shall be subject to law on public investment and the following regulatory provisions:

a) The pre-feasibility study report for construction of infrastructure facilities of the industrial park must contain explanations about conformance to the requirements set out in Article 9 herein;

b) Items of the pre-feasibility study report to be reviewed shall include those stipulated in legislation on public investment and conformance to the equivalent conditions specified in Article 9 herein.

2. Processes and procedures for investment in the project on construction and business of infrastructure facilities of an industrial park, even including the industrial park within the economic zone that does not fall in the case specified in clause 1 of this Article, shall be subject to law on investment and the following regulatory provisions:

a) The proposal for the investment project or the pre-feasibility study report in the application for approval of the investment policy must contain explanations about conformance to the conditions specified in Article 9 herein; explanations about conformance to the conditions specified in clause 1 of Article 10 herein (in case where approval of both the investment policy and the investor is granted);

b) Items of the approval of the investment policy to be reviewed shall include those stipulated in legislation on public investment and conformance to the respective conditions specified in Article 9 herein and clause 1 of Article 10 herein (in case where approval of both the investment policy and the investor is granted).

3. Opinions of the agencies referred to in clause 6 of Article 7 herein shall be further used for the review of the pre-feasibility study report or the review of the investment policy as provided in clause 1 and 2 of this Article. The agency collecting these opinions shall submit the dossier on re-survey on opinions from these agencies on the reviewed items where necessary.

4. The industrial park subject to the investment phasing requirements set out in clause 2 of Article 9 herein shall follow the processes and procedures for deciding the investment policy and approving the investment policy and granting the investment registration certificate over specific phases.

With respect to a publicly-funded industrial park or the following phase in which the investor is the same as the one in the preceding phase, the decision on the investment policy, the approval of the investment policy and the certificate of investment registration may be granted after the minimum occupancy rate is 60% in the preceding phase, or when construction of infrastructure facilities is completed according to the approved planning scheme for construction of industrial parks. In such case, the investor in the preceding phase is preferred to proceed to make investment in the following phase, except where the tendering or bidding process is needed for selection of the qualified investor in accordance with law.

5. Investment in construction of infrastructure facilities of the industrial park falling in the case stated in clause 3 of Article 9 herein shall follow the processes and procedures for deciding the investment policy, accepting the investment policy and granting the investment registration certificate over specific phases and comply with the following regulations:

a) Project documentation must include commitments regarding the progress in attracting investment projects for development of the industrial cluster prescribed in clause 3 of Article 9 herein;

b) The decision on the investment policy, the decision on approval of the investment policy and the investment registration certificate must stipulate commitments included in the project documentation. Imposing sanctions upon any breach of commitments shall be subject to those stated in these commitments, regulatory regulations on investment and others of relevant law;

c) With respect to a publicly-funded industrial park or the following phase in which the investor is the same as the one in the preceding phase, the decision on the investment policy, the approval of the investment policy and the certificate of investment registration may be granted after, in the preceding phase, the investor obtaining approval of the investment policy, the investment registration and investment project execution certificate acquires land leased or sub-leased for development of the industrial cluster as per clause 3 of Article 9 herein; and the minimum occupancy rate is 60%, or construction of infrastructure facilities is completed according to the planning scheme for construction of industrial parks approved by the competent authority. In such case, the investor in the preceding phase is preferred to proceed to make investment in the following phase, except where the tendering or bidding process is needed for selection of the qualified investor in accordance with law.

Article 9. Preconditions for investment in infrastructure facilities of industrial park projects

1. An industrial park project must satisfy planning requirements, and conform to the planning items and schemes as follows:

a) It is in line with regional or provincial planning schemes;

b) It appears on the list of industrial parks in provinces or centrally-affiliated cities, or is mentioned in the master plan for development of economic zones that has obtained approval from a competent authority if it is located within the boundaries of an economic zone;

c) It conforms to the planning scheme for construction of an industrial park that has been approved by a competent authority.

2. The industrial park project other than the one referred to in clause 3 of this Article must be subject to the investment phasing requirements if it falls into one of the following circumstances:

a) For any industrial park covering an area of more than 500 ha, it is developed in multiple phases in each of which no more than 500 ha land is used;

b) For any industrial park subject to the requirement of repurposing of the piece of paddy land covering an area of more than 200 ha which is intended for at least two cropping seasons in the Red River and Mekong River Delta regions, it is developed in multiple phases in each of which no more than 200 ha of such land is repurposed;

c) For any industrial park subject to the requirement of repurposing of the piece of paddy land covering an area of more than 150 ha which is intended for at least two cropping seasons in the North Central Coast, Central Coast and Southeast regions, it is developed in multiple phases in each of which no more than 200 ha of such land is repurposed;

d) For any industrial park subject to the requirement of repurposing of the piece of paddy land covering an area of more than 100 ha which is intended for at least two cropping seasons in the Northern Midland and Mountainous and Central Highland regions, it is developed in multiple phases in each of which no more than 100 ha of such land is repurposed.

3. For the industrial park attracting investment projects that help to create the industrial cluster, if total investment in these projects approximately equals at least USD 02 billion or VND 45,000 billion, no more than 1,000 ha of the land may be accepted for use to develop that industrial park in the first investment phase. In the subsequent investment phases (if any), regulations laid down in clause 2 herein shall apply.

4. At least 5 ha of industrial land or at least 3% of total industrial land of the industrial park (including land intended for industrial premises, office, storage yards or facilities) must be reserved for small and medium-sized enterprises; supporting industrial enterprises; innovative enterprises; beneficiaries of investment incentives stated in point e and g of clause 2 of Article 15 in the Law on Investment; other enterprises eligible for preferential treatment and aid concerning production and business premises under law on land lease and sublease. As an eco-industrial park, supporting industrial park, specialized industrial park or hi-tech industrial park, it shall not be subject to the investment requirements set out in this clause.

5. The industrial park must satisfy land repurposing requirements set out in law on land, legislation on forestry and other relevant regulatory provisions.

6. As reported on the date of submission of the pre-feasibility study report for the project on development of infrastructure facilities of an industrial park required by law on public investment, or the valid application for approval of the investment policy for the project on construction and business of infrastructure facilities of an industrial park required by

law on investment, the average occupancy rate of industrial parks already established in the province or centrally-run city where the industrial park to be developed is located must be at least 60%, except in the following cases:

a) The investment in infrastructure facilities of the preexisting industrial park may be accepted if its operation is terminated; its Investment Registration Certificate, Investment Certificate, Investment Permit or others having equivalent validity under law on investment; or it is subject to the project cancellation decision issued in accordance with legislation on public investment;

b) The maximum total area of land intended for industrial parks built within that province or centrally-affiliated city must be 1,000 ha;

c) The project site of the industrial park must be located at the district on the list of local jurisdictions having access to investment incentives prescribed in law on investment or within the existing economic zone;

d) Investment in infrastructure facilities of the industrial park must be the same as the investment in an eco-industrial park, supporting industrial park, specialized industrial park or hi-tech industrial park that is prescribed herein;

dd) The industrial park project falls into the case specified in clause 8 of this Article.

7. The industrial park project must zone spaces for development of accommodation buildings, public service and utility facilities available for use by staff and workers of the single industrial park or the complex of industrial parks by the competent state agency's consent according to law on housing and other relevant regulatory provisions.

8. Regarding investment in infrastructure facilities for an industrial park expanded from the preexisting industrial park, if such investment is made by the same investor or funded by public investment capital, the following requirements must be satisfied:

a) The preexisting industrial park reaches 60% in the occupancy rate, and has its environmental protection infrastructure that has already been developed and brought into operation under legislation on environmental protection; or has its infrastructure system that has been completely built according to the planning scheme for development of industrial parks already approved by the competent authority;

b) The expanded industrial park must be capable of being connected and having access to the preexisting industrial park;

c) Accommodation buildings, public service and utility facilities intended for staff and workers of the preexisting industrial park or complex of industrial parks have been completely built and put to use according to the planning scheme approved by the competent state agency as per clause 7 of this Article.

Article 10. Eligibility requirements of investors in projects on development and business of infrastructure facilities of industrial parks

1. An investor in an investment project on construction and business of infrastructure facilities of an industrial park must satisfy the following requirements:

a) Real estate business requirements set out in law on real property business;

b) Requirements for conformance to regulatory regulations on access to land allocated, leased or repurposed by the State for execution of investment projects on construction and business of infrastructure facilities of industrial parks under the regulatory provisions of law on land, legislation on forestry and other relevant ones.

If the investor in the investment project on construction and business of infrastructure facilities of the industrial park is an economic organization that a foreign investor intends to set up under law on investment and corporate law, that economic organization-to-be must be capable of satisfying the aforesaid requirements.

2. When there is the need for the bidding process to be carried out for investor selection, evaluation standards for selection of the investor qualified for implementation of an investment project on construction and business of infrastructure facilities of an industrial park shall comprise:

a) Competence evaluation standards which are set based on those requirements referred to in clause 1 of this Article;

b) Qualification and past performance evaluation standards which are set according to the investment size, progress and process of completion of investment projects on construction and business of infrastructure facilities of industrial parks and other real property projects which the candidate investor executed or made its equity participation in; of which any project owner, founding member and shareholder is an institutional entity of the candidate investor that executed or made their equity contribution in these projects;

c) Technical evaluation standards which are set according to the Decisions on approval of the planning schemes for construction of industrial parks, the Decisions on approval of investment policies for implementation of investment projects on construction and business of infrastructure facilities of industrial parks of competent authorities and other relevant regulatory provisions;

d) Finance - business evaluation standards which are set according to the Decisions on approval of investment policies for implementation of investment projects on construction and business of infrastructure facilities of industrial parks of competent authorities and other regulatory provisions related to selection of investors qualified for implementation of investment projects using land.

Article 11. Adjustment to investment projects on construction and business of infrastructure facilities of industrial parks

1. In the investment process, the investor may make adjustments to the investment project on construction and business of infrastructure facilities of an industrial park.

2. Conditions, processes and procedures for adjustment to the investment project on construction and business of infrastructure facilities of an industrial park shall be subject to legislation on investment and the following regulatory provisions:

a) Written application for adjustment to the investment project made in accordance with law on investment must contain explanations about conformance to the regulatory provisions of clause 3 of this Article;

b) Items of the adjustment to the investment policy to be reviewed shall include those stipulated in legislation on investment and conformance to the respective conditions specified in clause 3 of this Article (if any).

3. Investment projects on construction and business of infrastructure facilities of industrial parks may decrease in their dimensional scale and shall not be required to make any adjustment to the plan for development of the network of industrial parks according to law on planning if they fall into the following circumstances:

a) Compensation and site clearance lasts longer than expected, affects investment performance and progress;

b) The planning scheme for construction of an industrial park is adjusted to reserve the space for development of accommodation, public service and utility facilities for its workers and employees in accordance with clause 9 of Article 77 in the Law on Investment;

c) The dimensional size of an industrial park may be decreased in order to lower the risk of environmental pollution causing adverse impact on the life of people living near the industrial park;

d) This circumstance occurs due to the adjustment to the planning scheme under law on planning.

Article 12. Renaming of an industrial park

People's Committees of provinces shall be accorded authority to decide to change the names of industrial parks on the list of industrial parks located in provinces or centrally-affiliated cities upon the request of the Industrial Park and Economic Zone Authorities or the investors executing investment projects on construction and business of infrastructure facilities of industrial parks.

Article 13. Transformation from industrial parks into urban – service zones

1. Conditions for transformation from an industrial park into an urban – service zone, including:

a) Conform to the provincial or urban development planning scheme of the centrally-affiliated city and province where such transformation occurs;

b) The industrial park to be transformed is the one located within the urban area of a special-category city, central category-I city and provincial category-I city;

c) The minimum period from its establishment date to the date of consideration of transformation must be 15 years or half (1/2) of the permissible life of the industrial park to be transformed;

d) Such transformation is agreed upon by the investor executing the investment project on construction and business of infrastructure facilities of the industrial park to be transformed and more than two-thirds (2/3) of businesses of the industrial park to be transformed, except in the following cases: The investment project's life prescribed in law on investment expires; the investment project does not meet statutory requirements for extension of the land sub-lease under the regulatory provisions of law on land and civil legislation; the investment project causes serious environmental pollution to the extent that its relocation is needed as per law on environmental protection;

dd) Such transformation proves socio-economic and environmental effectiveness.

2. Request documentation requirements for transformation from an industrial park into an urban – service zone, including:

a) The full text of the proposal to transform the industrial park into the urban - service zone that contains the following information: Legal basis and necessity of transformation from the industrial park into the urban – service zone; assessment and interpretation of possibilities of conformance to the conditions specified in clause 1 of this Article (enclosing relevant documents); relocation, compensation, site clearance and fund mobilization plans; recommendations about dedicated solutions, regulatory mechanisms and policies (if any) and implementation thereof;

b) Transmittal form of the provincial People’s Committee that requests the transformation from the industrial park into an urban – service zone;

c) Application documents made into 10 sets, including at least 02 original sets thereof (01 original set submitted to the Prime Minister) and 09 sets submitted to the Ministry of Planning and Investment for the purpose of review prescribed in clause 3 and 4 of this Article.

3. Processes and procedures for review of transformation from an industrial park into an urban – service zone:

a) Within the maximum duration of 03 working days of receipt of all required request documents prescribed in clause 2 of this Article, the Ministry of Planning and Investment sends consultation request documentation to the Ministry of Natural Resources and Environment, the Ministry of Construction and other relevant state authorities;

b) Where request documentation for transformation fails to meet the regulations laid down in Article 2 hereof, the Ministry of Planning and Investment advises the provincial People's Committee of such failure in writing in order to request it to revise the submitted documents. The document revision period shall not be included in the review time;

c) Within 15 days of receipt of consultation request documents prescribed in point a of this clause, the consulted agency gives its comments on items falling within its remit and sends them to the Ministry of Planning and Investment;

d) Within 45 days of receipt of all required application documents, the Ministry of Planning and Investment conducts the review of the request documentation for transformation and prepares the review report including the information specified in clause 4 of this Article for submission to the Prime Minister to seek his decision on approval of the transformation from the industrial park into the urban – service zone.

Where necessary, the Ministry of Planning and Investment can set up the Review Council or organize a meeting with other relevant state authorities and the People's Committee of the province where the project is located to clarify concerned issues.

4. The items subject to the review of transformation from the industrial park into the urban - service zone shall include:

a) Legal basis and necessity of transformation from the industrial park into the urban – service zone;

b) Assessment of conformance to the conditions specified in clause 1 of this Article;

c) Assessment of feasibility of the relocation, compensation, site clearance and fund mobilization plan;

d) Assessment of particular solutions, regulatory mechanisms or policies (if any) and implementation thereof.

5. Transformation from the industrial park into the urban – service zone that is stipulated in this Article may affect a part or the whole of the industrial park.

6. After receipt of the Prime Minister's decision on transformation of the whole or part of the area of the industrial park into the urban – service zone, the investor in the industrial

park infrastructure project, the investor executing the investment project on construction and business of infrastructure facilities of the industrial park shall follow the processes and procedures for adjustment to the project under law on public investment, law on investment and other regulatory provisions of relevant legislation. Nominating the investor qualified for implementing the project on development of the urban - service zone shall be subject to the regulations of law on investment, bidding, land, housing, real property business and other regulatory provisions of relevant legislation.

Section 2. ESTABLISHMENT, EXPANSION AND CHANGE OF BOUNDARIES OF ECONOMIC ZONES

Article 14. Establishment of an economic zone

1. An economic zone is classified into a coastal economic zone, bordergate economic zone and specialized economic zone (hereinafter referred to as economic zone).

2. An economic zone can be established if the following conditions are satisfied:

a) The economic zone-to-be must conform to the provincial or regional development plan; must be on the list of economic zones in a province and centrally-affiliated city;

b) The economic zone-to-be has capabilities of mobilizing resources intended for investment in construction of technical utility and social infrastructure facilities of the economic zone and development of the production and business sector;

c) The economic zone-to-be must prove its socio-economic efficiency;

d) The economic zone-to-be must ensure conformance to environmental protection conditions specified in law on environmental protection;

dd) The economic zone-to-be must ensure conformity with national defence and security requirements.

3. Documentation requirements, processes and procedures for establishment of an economic zone shall be subject to the corresponding regulations laid down in Article 15 and 16 herein.

Article 15. Documentation requirements for establishment of an economic zone

1. The project on establishment of an economic zone under the control of the provincial People’s Committee must contain the followings:

a) Legal basis for and necessity of establishment of that economic zone;

b) Evaluation of the current state, geographical, natural, resource and socio-economic factors and conditions, comparative advantages and disadvantages of the area to be developed into an economic zone in comparison to others nationwide;

c) Assessment and interpretation of capabilities of satisfying the conditions for establishment of the economic zone that are prescribed in clause 2 of Article 14 herein (enclosing relevant documents);

d) The proposed plan for development of an economic zone shall contain the followings: developmental objectives, dimensional scale, features and functions of the economic zone; developmental orientations of sectors and industries; plan for spatial development and development of functional sections inside the economic zone; investment, construction and development plan and schedule of the economic zone;

dd) Recommended solutions and implementation thereof;

e) Representation of the plan for establishment of the economic zone on the map at scale 1:10.000 - 1:25.000.

2. Transmittal form submitted to the Prime Minister by the provincial People's Committee for proposal for establishment of the economic zone.

3. Such documentation shall be made into 10 sets, comprising at least 02 original ones (01 original set submitted to the Prime Minister) and 09 sets submitted to the Ministry of Planning and Investment for evaluation purposes as prescribed in Article 16 hereof.

Article 16. Processes and procedures for establishment of an economic zone

1. Within 03 working days of receipt of all required application documents prescribed in Article 15 hereof, the Ministry of Planning and Investment sends documents on consultation with relevant state authorities.

2. Where such consultation documentation fails to meet the regulations laid down in Article 15 hereof, the Ministry of Planning and Investment advises the provincial People's Committee of such failure in writing in order to request it to revise such submitted documents. Period of such supplementation or revision shall not be included in the review time.

3. Within the maximum duration of 20 working days of receipt of consultation documentation prescribed in clause 1 of this Article, the consulted agency gives its comments about items falling within its remit and sends them to the Ministry of Planning and Investment.

4. Within 45 days of receipt of all required application documents, the Ministry of Planning and Investment prepares the review report including the information specified

in clause 5 of this Article for submission to the Prime Minister to seek his decision on approval of establishment of the economic zone.

Where necessary, the Ministry of Planning and Investment can set up the Review Council or organize a meeting with other relevant state authorities and the People's Committee of the province where the project is located to clarify concerned issues.

5. The items subject to the pre-approval review of establishment of an economic zone shall include:

a) Legal basis for and necessity of establishment of that economic zone;

b) Assessment of conformance to the establishment conditions specified in clause 2 of Article 14 herein;

c) Assessment of the orientation for development of the economic zone;

d) Assessment of solutions and implementation thereof.

Article 17. Expansion of an economic zone

1. Economic zone expansion refers to an increase in the dimensional scale of the preexisting economic zone with the expanded area of which boundaries are adjacent or near and can be connected or have access to infrastructure facilities of the preexisting economic zone in order to promote the growth potentiality and pervasive influence of the economic zone to be expanded.

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

a) The conditions prescribed in clause 2 of Article 14 herein must be satisfied;

b) All infrastructure facilities of the economic zone to be expanded have been completely built according to the master plan for construction of the economic zone that is approved by the competent authority;

c) At least 70% of area of land in the economic zone to be expanded have been allocated or leased out to organizations or individuals for project execution purposes.

3. Documentation requirements for expansion of an economic zone, including:

a) The full text of the project on expansion of the economic zone, including the following information: legal basis, necessity of expansion and expanded sections; evaluation of the current state, geographical, natural, resource and socio-economic conditions, comparative advantages and disadvantages of the area to be expanded in comparison to others nationwide; assessment and interpretation of conformance to the conditions specified in clause 2 of this Article (enclosing relevant written documents); proposed plan for

development of the expanded economic zone, including: developmental objectives, dimensional scale, features and functions of the economic zone; orientation for development of sectors and industries; plan for spatial development and development of functional sections within the economic zone; investment, construction and development plan and schedule of the economic zone; recommended solutions and implementation thereof; representation of the plan for expansion of the economic zone on the map at 1:10,000 - 1:25,000 scale;

b) Transmittal form submitted to the Prime Minister by the provincial People's Committee for request for expansion of the economic zone;

c) Application documents for expansion made into 10 sets, including at least 02 original sets thereof (01 original set submitted to the Government) and 09 sets thereof submitted to the Ministry of Planning and Investment for the purpose of review prescribed in clause 4 and 5 of this Article.

4. Processes and procedures for expansion of an economic zone:

a) Within 03 working days of receipt of all required application documents prescribed in clause 3 of this Article, the Ministry of Planning and Investment sends documents on consultation with relevant state authorities;

b) Where request documentation for expansion fails to meet the regulations laid down in Article 3 hereof, the Ministry of Planning and Investment advises the provincial People's Committee of such failure in writing in order to request it to revise the submitted documents. The document revision period shall not be included in the review time;

c) Within 20 days of receipt of consultation request documents prescribed in point a of this clause, the consulted agency gives its comments on items falling within its remit and sends them to the Ministry of Planning and Investment;

d) Within 45 days of receipt of all required application documents, the Ministry of Planning and Investment prepares the review report including the information specified in clause 5 of this Article for submission to the Prime Minister to seek his decision on approval of expansion of the economic zone.

Where necessary, the Ministry of Planning and Investment can set up the Review Council or organize a meeting with other relevant state authorities and the People's Committee of the province where the project is located to clarify concerned issues.

5. The items subject to the pre-approval review of expansion of an economic zone shall include:

a) Legal basis for and necessity of expansion of the economic zone;

b) Assessment of conformance to the conditions for expansion of the economic zone specified in clause 2 of this Article;

c) Assessment of the orientation for development of the economic zone;

d) Assessment of solutions and implementation thereof.

Article 18. Resizing of boundaries of an economic zone

1. Resizing of an economic zone is any change in size of geographical boundaries of the preexisting economic zone that takes place within a commune or from this commune to the other in the same district if total area of land of the economic zone does not vary by more than 10% and the district where the project site of the resized economic zone is located does not change.

2. The resizing of boundaries of the economic zone may be allowed in the following cases:

a) The resizing occurs due to any change in the national, regional, provincial or other relevant planning schemes that has effects on the developmental orientation of the economic zone;

b) The resizing is required if the dimensional size of the economic is decreased in comparison to that of the preexisting economic zone;

c) The resizing is needed if the dimensional size of the economic zone is increased in comparison to that of the preexisting one by no more than 10% in order to reserve more space for the immense development and pervasive influence of prioritized sectors and industries of the economic zone.

Article 19. Application documents for resizing of boundaries of an economic zone

1. The project on resizing of an economic zone under the control of the provincial People's Committee must contain the followings:

a) Legal basis for and necessity of and affected sections of the economic zone to be resized;

b) Evaluation of the current construction and development condition of the preexisting economic zone;

c) Assessment and interpretation of capabilities of satisfying the conditions for resizing of the economic zone that are prescribed in point b, c, d and dd of clause 2 of Article 14 and 18 herein (enclosing relevant documents);

d) Proposed plan for development of the resized economic zone shall contain the followings: developmental objectives, dimensional scale, features and functions of the economic zone; developmental orientations of sectors and industries; plan for spatial development and development of functional sections inside the economic zone; investment, construction and development plan and schedule of the economic zone;

dd) Recommended solutions and implementation thereof;

e) Representation of the plan for resizing of the economic zone on the map at scale 1:10,000 - 1:25,000.

2. Transmittal form submitted to the Prime Minister by the provincial People's Committee for request for resizing of boundaries of the economic zone.

3. Such documentation shall be made into 10 sets, comprising at least 02 original ones (01 original set submitted to the Prime Minister) and 09 sets submitted to the Ministry of Planning and Investment for evaluation purposes as prescribed in Article 20 hereof.

Article 20. Processes and procedures for resizing of boundaries of an economic zone

1. Within 03 working days of receipt of all required application documents prescribed in Article 19 hereof, the Ministry of Planning and Investment sends documents on consultation with relevant state authorities.

2. Where such consultation documentation fails to meet the regulations laid down in Article 19 hereof, the Ministry of Planning and Investment advises the provincial People's Committee of such failure in writing in order to request it to revise such submitted documents. Period of such supplementation or revision shall not be included in the review time.

3. Within 15 days of receipt of consultation documentation, the consulted agency gives its comments about items falling within its remit and sends them to the Ministry of Planning and Investment.

4. Within 40 days of receipt of all required application documents, the Ministry of Planning and Investment prepares the review report including the information specified in clause 5 of this Article for submission to the Prime Minister to seek his decision on approval of such resizing.

Where necessary, the Ministry of Planning and Investment can set up the Review Council or organize a meeting with other relevant state authorities and the People's Committee of the province where the project is located to clarify concerned issues.

5. The items subject to the pre-approval review of resizing of an economic zone shall include:

a) Legal basis for and necessity of the resizing of the economic zone;

b) Assessment of conformance to the conditions for resizing of the economic zone that are prescribed in point b, c, d and dd of clause 2 of Article 14 and 18 herein;

c) Assessment of the proposed plan for development of the resized economic zone;

d) Assessment of solutions and implementation thereof.

Article 21. Authority to establish, expand and resize the boundaries of an economic zone

1. The Prime Minister shall issue the decision on establishment, expansion and resizing of the economic zone.

2. The economic zone is divided into functional sites. The dimensional size, location and features of each functional site shall be defined in the master planning scheme for construction of the economic zone which is subject to the Prime Minister's approval decision issued in accordance with law on construction.

3. Where the economic zone after being resized varies by no more than 1% and 200 ha in comparison to the dimensional size of the preexisting economic zone, the Prime Minister may approve the master planning scheme for construction of economic zones without requiring the economic zone to be resized to change its boundaries. The dimensional size, boundaries and location of the economic zone shall be subject to the master planning scheme for construction of economic zones approved by the Prime Minister.

Chapter III

REGULATORY POLICIES FOR DEVELOPMENT OF INDUSTRIAL PARKS AND ECONOMIC ZONES

Article 22. Investment incentives intended for industrial parks and economic zones

1. An industrial park may be an investment incentive area or an area facing socio-economic disadvantages that is offered investment incentives as provided in regulatory provisions on investment.

Investment incentives for the industrial park area subject to legislation on investment shall be applied from the establishment date of the industrial park.

2. An economic zone may be an investment incentive area or an area facing extreme socio-economic disadvantages that is offered investment incentives as provided in regulatory provisions on investment.

Investment incentives for the area of economic zone subject to legislation on investment shall be applied from the establishment date of the economic zone.

3. Specific incentives granted to investment projects on construction and business of infrastructure facilities of industrial parks, functional sections inside economic zones and investment projects inside industrial parks or economic zones shall be applied under the provisions of law on taxes, land, credit, accounting and other relevant legislation.

4. Costs and expenses of construction, operation, purchase, hire-purchase or rental of residential houses, public service or utility facilities for workers and staff members of industrial parks, economic zones; technical infrastructure connected to industrial parks, functional sites of investors executing investment projects on construction and business of infrastructure facilities of industrial parks or functional sites of economic zones; investors executing investment projects within industrial parks or economic zones, are categorized as deductibles for calculation of taxable income in accordance with law on corporate income tax.

5. Investment projects on construction of residential houses, public service and utility facilities intended for workers and employees of industrial parks or economic zones shall enjoy incentives according to regulatory provisions on building of social housing and other relevant legislation.

6. Investors having investment projects within industrial parks or economic zones shall be assisted by competent authorities in carrying out administrative procedures regarding investment, enterprises, land, construction, environment, labor and trade under the "one-stop shop and on-site" mechanism, and recruiting employees and dealing with other related issues during the project execution process.

Article 23. Methods of mobilizing funds and grants for investment in construction of infrastructure facilities of industrial parks and economic zones

1. Based on the state budget appropriation available for use, the urgency of each project, and the conformity with the relevant planning scheme, People's Committees of provinces may issue decisions on funding or offering of grants for investment, and designate agencies and bodies having managerial expertise and qualifications as investors in investment projects on construction of technical and social infrastructure facilities inside or outside the perimeter of industrial parks, or investment projects on construction of technical and social infrastructure facilities in economic zones, to serve the operations of industrial parks or economic zones in accordance with law on public investment.

Acceptance testing, management and utilization of completed projects shall be subject to regulations applied to projects funded by the state budget in law on public investment, management and utilization of public property and other regulatory provisions.

2. Spending capital investment funds of the state budget on development of synchronous technical and social infrastructure inside or outside the perimeter of industrial parks;

technical and social infrastructure facilities inside the perimeter of economic zones shall be subject to law on public investment, law on state budget and other relevant regulatory provisions.

3. Investment projects on construction of technical and social infrastructure that are large in scale and play the key role in development of economic zones may mobilize funds by issuing local government's municipal bonds as per law.

4. Economic zones on the list of key economic zones shall be preferred to receive the state budget's investment incentives and other legitimate funds for construction of technical and social infrastructure facilities inside the perimeter of economic zones under the provisions of law on public investment, state budget and other regulatory provisions.

5. Criteria for eligibility to become a key economic zone shall comprise location, role of the nominated economic zone and its contribution towards the socio-economic development of the province, centrally-affiliated city and region where the nominated economic zone is located; possibilities of access of the nominated economic zone to domestic and international market; implications of attraction and deployment of investment projects and other relevant criteria.

6. Technical and social infrastructure facilities; public service or utility facilities serving the needs of workers, employees and staff members in industrial parks and economic zones may have access to official development assistance (ODA), soft loans and other technical support as prescribed by law.

7. Investment funds shall be raised according to the public-private partnership approach specified in law on investment made in the public-private partnership and other mode stipulated in law in order to invest in construction of technical and social infrastructure inside and outside the parameter of industrial parks or economic zones.

8. Investment projects on development of technical and social infrastructures serving the common needs of economic zones may be financed by the land development funds under the provisions of law on land.

Article 24. Financial regulations applied to industrial parks, economic zones

1. Domestic and foreign visitors entering free trade zones inside the perimeter of economic zones shall enjoy tax incentives when buying imported goods brought back into Vietnam in accordance with tax legislation applicable to free trade zones located within economic zones.

2. Organizations and individuals succeeding in mobilizing ODA, soft loans and other technical assistance and encouraging the investor to execute the investment project inside the perimeter of industrial parks or economic zones shall be praised and rewarded under the Regulations adopted by provincial People's Committees.

Article 25. Registered or unregistered short stay within industrial parks

1. Registered or unregistered short stay shall be accepted at industrial parks without permanent residences as per law on residence.

2. Professionals and employees may be granted permission for registered or unregistered short stay at industrial parks to work for enterprises according to the following regulations:

a) Vietnamese professionals and employees may be granted permission for their registered and unregistered short stay according to law on residence;

b) Foreign professionals and employees may be granted permission for their registered short stay under law on entry, exit, transit and residence of foreign nationals in Vietnam.

3. Accommodation establishments must be built on the area of land intended for services of industrial parks; must ensure conformance to environmentally safe distance requirements set out in law on construction and other relevant regulatory provisions; must ensure conformance to social security and peace requirements and none of adverse impacts on production and business activities of enterprises inside the perimeter of industrial parks.

4. In case of force majeure events taking place due to direct impacts caused by natural disaster, environmental calamity, fire, disease, war, strike, riot or other emergencies, professionals and workers or employees may register their short stay or stay at enterprises inside the perimeter of industrial parks according to the following regulations:

a) Vietnamese professionals and employees may be permitted for unregistered short stay at enterprises inside the perimeter of industrial parks as per law on residence;

b) Foreign professionals and employees may be granted permission to stay at enterprises inside the perimeter of industrial parks during the period of less than 30 days and must register their short stay under law on entry, exit, transit and residence of foreign nationals in Vietnam.

Article 26. Particular regulations applied to export processing zones, export processing enterprises

1. Documentation requirements, application processes and procedures for establishment of export processing enterprises:

a) Where the process for establishment of an export processing enterprise coincides with the process for grant of the investment registration certificate, the investor shall be required to submit the full text of commitment regarding its competence in conformance to customs inspection and supervision conditions under law on customs duties, together with application documents for grant of the investment registration certificate under law

on investment. Investment registration agencies issuing investment registration certificates shall inscribe the objectives of establishment of an export processing enterprise on the investment registration certificate when issuing that investment registration certificate;

b) Where the process for establishment of the export processing enterprise does not coincide with the process for grant of the investment registration certificate, the investor must submit a set of application documents to the investment registration agency where the export processing enterprise is located. The set of application documents shall include the followings: documents on the investment project required by law on investment; the full text of the commitment regarding its competence in conformance to customs inspection and supervision conditions under law on customs duties. The investment registration agency shall grant the certificate of registration of the export processing enterprise to the investor within 03 working days of receipt of all required documents prescribed herein with respect to the investment projects that are not classified into the group of investment projects not subject to the requirements for grant of the investment registration certificate under law on investment;

c) With respect to the investment project of the investor of which the consent to the investment policy is required under law on investment, that investor must submit the commitment regarding its competence in conformance to customs inspection and supervision conditions under law on customs duties, together with the request documentation for consent to the investment policy for the investment project under law on investment.

The investment registration agency shall grant the certificate of registration of the export processing enterprise to the investor within 03 working days of receipt of the written consent to the investment policy if the investment project is not classified into the group of investment projects subject to the requirement concerning application for the investment registration certificate, or entry of objectives of establishment of the export processing enterprise in the investment registration certificate when granting the investment registration certificate under law on investment.

2. In an industrial park, there may be industrial sections intended for export processing enterprises. Export processing zones, export processing enterprises or industrial sections reserved for export processing enterprises shall be separated from the outside by fences, have welcome, entrance and exit gates, satisfying the requirements concerning supervision and control by customs authorities and relevant functional agencies according to the regulations applicable to free trade zones specified in law on customs duties.

3. Export processing enterprises shall be entitled to investment incentives and tax policies applied to free trade zones from the date of entry of the objectives of establishment of export processing enterprises in the investment registration certificate, the revised or updated investment registration certificate or the export processing enterprise certificate of the competent investment registration agencies. After construction of an export processing enterprise is completed, its conformance to the customs inspection and

supervision conditions prescribed in law on customs duties must be certified before its official entry into operation. Where an export processing enterprise does not obtain certification of conformance to the customs inspection and supervision conditions, it shall not be entitled to tax policies applied to free trade zones. The process for inspecting, certifying an export processing enterprise's conformance and improvements in conformance to the customs inspection and supervision conditions shall be subject to law on customs duties.

4. Any trade in goods between export processing enterprises and other areas within the territory of Vietnam, except free trade zones, shall be defined as an export and import relation, unless otherwise stipulated in point c of this clause, and except in the cases where completion of customs procedures prescribed in law on customs is not required, as follows:

a) Customs procedures; customs inspection and supervision; customs duties for exported and imported goods of export processing enterprises shall be subject to regulations as applicable to special customs areas and free trade zones, except special regulations applied to free trade zones inside the perimeter of economic zones;

b) Building materials, stationery, food, foodstuffs, consumer goods from inland Vietnam to build facilities, serving the paperwork, office or administrative purposes and daily needs of employees and staff members of export processing enterprises, shall not be subject to regulations on customs procedures, customs inspection and supervision and customs duties applicable to exported and imported goods in accordance with law. Export processing enterprises and vendors can decide whether they implement procedures for export or import of building materials, stationery, food, foodstuffs and consumer goods from inland areas of Vietnam;

c) Export processing enterprises may sell or liquidate used property and goods into the domestic market under the provisions of law on investment and other regulations of relevant legislation. At the time of selling or liquidating them into the domestic market, if export or import management policies do not apply, except to the extent that they are put under the control under regulatory requirements or standards, and the specialized inspection that have not yet been carried out upon arrival; the goods are subject to the permit-based management requirements, import thereof must depend on the written consent from the licensing agency.

5. Workers and employees of export processing enterprises shall not be obliged to make customs declaration when bringing foreign currency from inland areas of Vietnam to these enterprises and vice versa.

6. Export processing enterprises may perform other business transactions under law on investment, law on businesses and relevant regulatory provisions, and ensure conformance to the following requirements:

a) Areas intended for storage of goods needed for export processing activities must be separated from the others;

b) Revenues and expenses related to export processing and other business activities must be recorded separately;

c) Using property, equipment and machinery obtaining tax incentives applied to export processing enterprises for other production and business activities must be prohibited. In case of using property, equipment and machinery obtaining tax incentives applied to export processing enterprises for other production and business activities, tax incentives granted in the form of tax reduction or exemption according to law on taxes must be reimbursed.

7. Export processing enterprises may set up branches in accordance with law on investment and law on businesses so that these branches can perform export processing activities. Branches of export processing enterprises may be entitled to incentive policies the same as those applied to export processing enterprises specified in this Article if they carry out export processing activities inside the perimeter of export processing zones, industrial parks, economic zones, and meet the conditions set out in clause 2 of this Article.

8. Industrial parks or economic zones with export processing enterprises entitled to incentive policies intended for export processing enterprises may apply these particular regulations if they meet the conditions set out in clause 2 of this Article.

9. These particular regulations shall apply to the export processing zones with enterprises specialized in producing and supplying services for industrial production.

10. Through lack of spaces reserved for warehouses or facilities used for storing goods for export processing activities of export processing enterprises inside the perimeter of export processing zones, industrial parks or economic zones, export processing enterprises can outsource spaces outside the perimeter of industrial parks or economic zones to store goods if the conditions specified in clause 2 of this Article are satisfied. Warehouses and facilities for storage of goods that are located outside the perimeter of industrial parks or economic zones may be put to use from the date of the competent customs authority's certification of the customs inspection and supervision conditions under law on taxes and law on customs.

05 working days after obtaining permission to bring these warehouses and storage facilities into operation from the competent customs authorities, export processing enterprises must notify investment registration agencies of such permission and make any adjustment to the investment project (if any) under law on investment.

11. Export processing enterprises may sell goods into the domestic market. Goods imported from export processing enterprises or export processing zones into the domestic market shall be subject to taxes in accordance with law on customs duties.

12. Only investors, workers and employees working for export processing enterprises and persons who do business with export processing enterprises may enter or exit export processing enterprises.

Article 27. Rights and obligations of investors executing investment projects inside the perimeter of industrial parks, economic zones and investors executing investment projects on construction and business of infrastructure facilities of industrial parks and functional sections inside the perimeter of economic zones

1. In addition to having rights and obligations of investors and enterprises specified in law on investment or law on enterprises, this Decree and other regulations of relevant legislation, investors executing investment projects inside the perimeter of industrial parks, economic zones, and investors executing investment projects on construction and business of infrastructure facilities of industrial parks and functional sections inside the perimeter of economic zones, shall have the following rights and obligations:

a) Comply with the regulations on public security, order, occupational safety and hygiene, construction quality, environmental protection, fire and explosion prevention;

b) Cooperate with police forces and authorities having competence in formulating plans for fire safety, control, public security, social order and safety within local jurisdictions where investors are operating;

c) Prepare local statistic reports regarding implementation of investment projects prescribed in law on investment for submission to investment registration agencies and regulatory authorities.

2. In addition to the regulations laid down in clause 1 of this Article, investors executing investment projects on construction and business of infrastructure facilities of industrial parks and functional sites inside the perimeter of economic zones shall have the following rights and obligations:

a) Hire, negotiate and cooperate with other investors to invest in construction, servicing, maintenance and operation of infrastructure facilities of industrial parks or functional sections in the perimeter of economic zones, or share infrastructure inside and outside the perimeter of industrial parks and functional sections in economic zones under the provisions of civil law and other relevant legislation;

b) Register or re-register sectors and industries eligible for investments in specific types of supporting industrial parks, specialized industrial parks, hi-tech industrial parks, eco-industrial parks (if any) with the Industrial Park and Economic Zone Authority;

c) For the industrial land of an industrial park reserved for use as specified in clause 4 of Article 9 in this Decree, the rental of leased or sub-leased land on which technical infrastructure facilities are already built and fees for use of infrastructure must account

for 70% of the actual infrastructure cost and fee at maximum at the time of lease or sub-lease.

3. Investment in construction, servicing, maintenance and operation of infrastructure facilities of an industrial park and functional section inside the perimeter of an economic zone must satisfy the following requirements:

a) Conform to the planning scheme for construction of infrastructure and the construction design approved by the competent authority;

b) Ensure the consistency of infrastructure facilities of an industrial park or functional section inside the perimeter of an economic zone;

c) Ensure the normal operation of enterprises inside the perimeter of the industrial park or functional section within the economic zone.

4. Where the price range and fees for use of infrastructure are increased by more than 10% compared to those registered with the Industrial Park and Economic Zone Authority, the cost-related measures shall be taken:

a) Based on the assessment of levels of impact on investment and business environment within the local jurisdiction where they are in use, the Industrial Park and Economic Zone Authority requests the investor executing investment projects on construction and business of infrastructure facilities of the industrial park or functional section of the economic zone to re-register their price range and fees for use of infrastructure before their validity period expires, and give explanations about any change in such price range and fees for use of infrastructure;

b) Where necessary, the Industrial Park and Economic Zone Authority conducts the review of these price range and fees registered by the investor executing investment projects on construction and business of infrastructure facilities of the industrial park or functional section of the economic zone.

5. Lease or sub-lease of premises, office, storage yards, warehouses or other facilities that are already built for production and business activities of the investor executing investment projects in the industrial park or economic zone must be subject to law on land, law on real property business and other provisions of relevant law.

Article 28. Operation and management of public property formed by using the state budget inside the perimeter of industrial parks or functional sections within economic zones

1. For property formed by using the state budget funds in an industrial park or economic zone, it such property is classified as property under public ownership, management, operation and disposal of such property shall be subject to law on management and utilization of public property.

2. If any investor executing the investment project on construction and business of infrastructure facilities of an industrial park or functional section within the economic zone is entitled to financial support from the state budget for investment in development of infrastructure or other item of work of the industrial park and functional section within the economic zone, they shall be responsible for maintaining, servicing and operating such infrastructure or item of work intended for investment, production and business activities of investors, entities and persons inside the perimeter of the industrial park and functional section within the economic zone.

Where necessary, the investor shall not be allowed to include the value of public property in total investment of the investment project on construction and business of infrastructure facilities of the industrial park or functional section within the economic zone, the costs used for calculation of the rental of leased or sub-leased land, fees for use of infrastructure with respect to investment projects located inside the perimeter of industrial parks and functional sections within economic zones.

3. The investor may include the refunds to the state budget in total investment in the investment project on construction and business of infrastructure facilities of the industrial park or functional section within the economic zone, the rental charged on leased or sub-leased land, fees for use of infrastructure if the State wishes to recover the state budget's financial support for investment in the industrial park and functional section within the economic zone.

4. In case of equitization of a state enterprise, disposal and management of property formed by the state budget's financial support for industrial parks or functional sections within economic zones shall be subject to law on management and utilization of state investments in production and business activities of enterprises and equitization.

5. In case of transfer of ownership of an investment project or other forms of investor substitution, the plan for management and disposal of public property (if any) must seek the competent authority's approval before implementation of the investor substitution process under law.

Article 29. Development of housing, public service and utility facilities intended for workers and employees working in industrial parks or economic zones

1. The State incentives shall be given to entities and persons investing in construction of residential buildings providing accommodations for rent, purchase or hire-purchase for workers, employees or staff members. Residential buildings providing accommodations, public service and utility facilities intended for workers and employees working in industrial parks and economic zones to be developed must meet construction standards and regulations; dimensional, quality, aesthetic, safety and environmental requirements in construction under law.

2. People's Committees at all levels shall be responsible for enabling workers and employees of industrial parks or economic zones to have easy access to healthcare,

educational, social, cultural and sports services within their remit. People's Committees of provinces shall be responsible for developing plans for development of residential housing, public service and utility facilities intended for workers and employees of industrial parks or economic zones in line with plans for development of the network of industrial parks and economic zones included in the provincial planning schemes, and ensuring that land is available for implementation of plans.

3. Investors executing investment projects on construction and business of infrastructure facilities of industrial parks or functional sections inside the perimeter of economic zones; investors executing investment projects inside the perimeter of industrial parks or economic zones shall be given incentives to purchase, hire or hire-purchase residential housing in order for workers and employees working in industrial parks or economic zones to afford residing, rental, sub-purchase or sub-renting opportunities.

4. Land reserved for construction of housing, public service and utility facilities intended for workers and employees working inside the perimeter of industrial parks or economic zones shall be subject to law on social housing and regulatory provisions of this Decree.

5. If land used for development of housing, public service and utility facilities intended for workers and employees working inside the perimeter of an industrial park is contiguous to that industrial park, the provincial People's Committee shall approve the planning scheme for construction of the industrial park associated with the planning scheme for construction of housing blocks, public service and utility facilities for workers and employees in that industrial park.

Article 30. Operation of free trade zones inside the perimeter of economic zones

A free trade zone inside an economic zone shall perform commercial, investment, production, business and service functions, such as temporary import for re-export; temporary export for re-import; transit; merchanting trade; transshipment of goods; providing services related to export and import trade; trading duty-free products, duty-free products at the sales; logistics; manufacturing, processing, recycling, assembling, sorting and packing imported, exported products, and providing related services and other commercial activities, as prescribed by law.

Chapter IV

SEVERAL TYPES OF INDUSTRIAL PARKS AND INDUSTRIAL – URBAN – SERVICE ZONES

Section 1. GENERAL PROVISIONS

Article 31. Development of supporting industrial parks, specialized industrial parks, eco-industrial parks, hi-tech industrial parks

1. Entities and persons may be entitled to the State incentives and support measures to invest in establishment of new industrial parks, transformation from the whole or part of existing industrial parks into supporting industrial parks, specialized industrial parks, eco-industrial parks or hi-tech industrial parks under the regulatory provisions of this Decree.

2. Investment projects on construction and business of infrastructure facilities and investment projects located inside of a supporting industrial park, specialized industrial park, eco-industrial park or hi-tech industrial park may enjoy incentives specific to localities, trades or industries, or incentives intended for projects on investment in industrial parks under law on investment and other regulatory provisions of relevant legislation, and may be given support in the form of facilitation of completion of administrative procedures, engineering consultancy, investment promotion and provision of investment cooperation information in accordance with this Decree.

Section 2. SUPPORTING INDUSTRIAL PARKS, SPECIALIZED INDUSTRIAL PARKS AND HI-TECH INDUSTRIAL PARKS

Article 32. Incentive policies for development of supporting industrial parks, specialized industrial parks and hi-tech industrial parks

1. Incentive policies granted to investment projects on construction and business of infrastructure facilities of supporting industrial parks, specialized industrial parks and hi-tech industrial parks, even including sections thereof, shall comprise the followings:

a) Land rent exemption or reduction granted in accordance with legislation on land;

b) Priority to have access to the State-offered investment loans and receive other funds mobilized in other forms under the provisions of law on enterprises, credit and other relevant legislation;

c) Eligibility for being entered or registered on the list of investment-attracting projects.

2. Incentive policies applicable to investment projects on manufacturing of products of the supporting industry; investment projects eligible for investment incentives referred to in law on investment inside the perimeter of supporting industrial parks, specialized industrial parks and hi-tech industrial parks shall comprise the followings:

a) Incentives related to corporate income tax, customs duties, and other preference, as prescribed in law on taxes, development of the supporting industry, high technology and other relevant legislation;

b) In cases where products on the list of supporting industrial products entitled to preference as prescribed in legislation on development of the supporting industry, they shall be given facilitation of implementation of procedures for validation of preference within the maximum duration of 30 days;

c) Priority to participate in personnel training and development, startup assistance, small and medium-sized enterprise support and other programs implemented by state regulatory authorities.

3. Investment projects on construction and business of infrastructure facilities of industrial parks must satisfy the following conditions:

a) Investors executing investment projects on construction and business of infrastructure facilities of industrial parks must register the scope of business involving attraction of investment in respective types of industrial park, including supporting industrial parks, specialized industrial parks or hi-tech industrial parks;

b) Percentage of industrial land intended for investment projects on industrial parks falling within the field of investment attraction activities which is calculated according to regulations laid down in point a of this clause must meet the regulations corresponding to specific types of industrial parks prescribed in clause 3, 4 and 6 of Article 2 herein;

c) Those referred to in point a and b of this clause and specific types of industrial parks, including supporting industrial parks, specialized industrial parks and hi-tech industrial parks, need to be stated in investors' specific commitments in dossiers on investment projects on construction and business of infrastructure facilities of industrial parks.

4. Competent authorities shall define categories of industrial park, including supporting industrial parks, specialized industrial parks and hi-tech industrial parks, in investment policy decisions and investment registration certificates under the regulatory provisions of law on investment before taking inspection and supervision actions.

Section 3. INDUSTRIAL – URBAN - SERVICE ZONES

Article 33. Development of industrial – urban – service zones

1. An industrial – urban – service zone encompasses functional sections intended for development of industrial parks, urban and service zones. Amongst these sections, industrial parks play the key role; urban and service zones play the supporting role, providing services, public or social utilities or amenities for normal operation of industrial parks.

2. An urban and service zone enclose housing, educational, training and research institutions; healthcare facilities; sports and culture centers and parks; commercial buildings; service centers and other structures.

3. An industrial – urban – service zone shall have the synchronous system of technical and social infrastructure facilities in order to ensure the effective and sustainable socio-economic development and environmental protection.

4. Investment incentives intended for industrial – urban – service zones shall stick to the following principles:

a) Investors in investment projects on construction and business of infrastructure facilities of industrial – urban – service zones must keep independent accounts of expenses and revenues arising from production and business activities of functional zones thereof;

b) Functional zones may be given investment incentives regarding corporate income tax, customs duties, land rent exemption and relief, and other investment incentives as prescribed in relevant regulations on types of functional zones laid down in law on taxes, land and other relevant legislation;

c) Manufacturers and businesses in an industrial park of an industrial – urban – service zone shall be entitled to investment incentives intended for industrial parks under the provisions of this Decree and other regulatory provisions of relevant law. Manufacturers and businesses in other functional sections of an industrial – urban – service zone shall be entitled to investment incentives prescribed in law applied according to types of functional sections.

Article 34. Preconditions for investment in industrial – urban – service zones

1. Satisfy the respective preconditions for consideration of acceptance of the investment policy for investment projects on construction and business of infrastructure facilities of industrial parks that are referred to in Article 9 and 10 herein.

2. The area intended for construction of an urban and service zone must conform to the following conditions:

a) Conform to the provincial or urban development planning scheme of the centrally-affiliated city and province where it will be located;

b) The dimensional measurement of that area can accommodate the needs concerning provision of public services and utilities of the industrial park and must not exceed one-third (1/3) of the dimensional size of that industrial park.

3. Investment projects attracted to the industrial park are not classified as Grade-I and Grade-II ones on the list of production, business and service sectors posing potential risk of environmental pollution under legislation on environmental protection.

Article 35. Processes and procedures for investment in industrial – urban – service zones

1. Processes and procedures for investment in a project on construction and business of infrastructure facilities of an industrial – urban – service zone shall be subject to legislation on investment and other regulatory provisions of relevant law.

2. In order to carry out separate investment projects on construction and business of infrastructure facilities of specific functional sections of an industrial – urban – service zone, the investor in each functional section must follow the processes and procedures the same as those for implementation of projects under law on investment and other regulatory provisions of relevant legislation.

3. The investor executing an investment projects on construction and business of infrastructure facilities of an industrial park of the industrial – urban – service zone already obtaining consent to the investment policy, the investment policy decision, the investment registration certificate, the investment certificate, the investment license or other equivalent under law on investment must be preferred as the investor designated to execute the investment project on development of the urban - service zone if they are rated as the one satisfying expertise and qualification requirements after completion of the pre-selection assessment of the investor.

4. After completing the investment procedures stated in the investment law and this Decree, construction and management of functional sections of an industrial – urban – service zone shall be subject to respective regulatory provisions related to specific functional sections.

Section 4. ECO-INDUSTRIAL PARKS

Article 36. Support policies for and cooperation on development of eco-industrial parks

1. Provincial People's Committees shall issue the following policies:

a) Support for construction of new technical and social infrastructure facilities inside and outside the perimeter of the existing industrial park; renovation, upgradation, reconstruction and repair thereof, in order to build connection to enterprises inside the industrial park and assist them in development of the industrial symbiosis and transformation into the eco-industrial park;

b) Support for investment in construction of the new eco-industrial park and attraction of investments in the eco-industrial park;

c) Scientific, engineering, technology transfer assistance aimed at helping enterprises of the industrial park improve procedures for management and operation of their system, renovation of new manufacturing technologies in the expectation of reducing sources of pollution, recycling raw materials, input materials, water, energy, waste, scrap and effectively using resources.

2. Cooperation on construction of an eco-industrial park

a) Enterprises of the industrial park may cooperate with one another on the common use of technical, social infrastructure facilities, services, raw materials, input materials or

other input factors for production purposes; reuse of raw materials, input materials, water, excess energy, waste and by-products of their own and other enterprises inside the industrial park with a view to reducing costs and improving performance and competitiveness;

b) Enterprises of the industrial park may cooperate with third parties to develop the industrial symbiosis. The third party may be an investor executing an investment project on construction and business of infrastructure facilities of the industrial park or any other enterprise that provides infrastructure facilities or services needed for development and implementation of the industrial symbiosis;

c) Participating parties shall arbitrarily agree on the form of cooperation and share interests and expenses under civil law.

3. The industrial park and economic zone authority can authorize a public service unit under its control or another appropriate unit to perform the functions of developing and providing resource efficiency and cleaner production information or data; can propose solutions and connections with enterprises to carry out the industrial symbiosis; can provide services assisting in transformation into an eco-industrial park or construction of the new one.

4. Agencies, organizations and investors may be encouraged to develop and provide resource efficiency and cleaner production information or data accessible to industrial parks in order to support enterprises of industrial parks and establish connections with them to carry out the industrial symbiosis.

5. Industrial park and economic zone authority shall lead and cooperate with relevant agencies in developing and providing resource efficiency and cleaner production information and data at localities in order to certify, monitor, supervise and measure performance of eco-industrial parks and eco-businesses; input fully-updated, timely and accurate relevant information into local systems for information about local industrial parks and economic zones, and the national system for information about industrial parks and economic zones.

Article 37. Criteria for identification of eco-industrial parks

1. An investor executing an investment project on construction and business of infrastructure facilities of an industrial park must satisfy the following criteria:

a) Comply with regulatory provisions of law on investment, law on enterprises, law on construction, law on land, law on environmental protection and law on labor within 03 years before the date of registration for certification of the eco-industrial park;

b) Provide all basic services needed to be in place at industrial parks under law, including essential basic amenities (e.g., electricity, water, information, fire prevention and control,

wastewater treatment, others), relevant services and services intended to support enterprises inside industrial parks in carrying out the industrial symbiosis;

c) Formulate and carry out the mechanism for cooperation on input and output supervision related to use of ingredients, materials, water, energy, chemicals, waste and by-products at the industrial park; prepare the annual review report on results achieved during the process of efficient consumption of resources, cleaner production and supervision of emissions of the industrial park for submission to the industrial park and economic zone authority;

d) Every year, submit the report on conformance to regulations on environmental protection and social corporate responsibility to surrounding communities for submission to the industrial park and economic zone authority and publish it on websites of enterprises at the industrial park.

2. Enterprises operating at an industrial park must meet the following criteria:

a) Comply with regulatory provisions of law on investment, law on enterprises, law on construction, law on land, law on environmental protection and law on labor within 03 years before the date of registration for certification of the eco-industrial park;

b) Perform at least one industrial symbiosis in which participating enterprises at the industrial park must apply production and environment management system according to corresponding ISO (International Organization for Standardization) standards;

c) At least 20% of enterprises at the industrial park that apply resource efficiency and cleaner production solutions show their achievements in the efficient use of ingredients, materials, water, energy, chemicals, waste or by-products and reduction of environmental emissions.

3. The industrial park must meet the following criteria:

a) Total area of land intended for tree planting, traffic and development of public technical utilities and social infrastructure must account for at least 25% of that as expected according to the planning scheme for construction of industrial parks approved by the competent regulatory authority according to the national technical regulations for construction planning;

b) Solutions to providing dwellings, public services and utilities for employees working in the industrial parks must be available in use.

Article 38. Construction of new eco-industrial parks

1. The Government of Vietnam shall encourage investments in construction of new eco-industrial parks by taking such actions as formulating proper construction planning schemes and zoning plans, and shall plan to attract investment projects in the

corresponding sectors and industries as a way to support the implementation of the industrial symbiosis.

2. An investment project on construction and business of infrastructure facilities of an eco-industrial park must satisfy the following requirements:

a) The investor executing an investment project on construction and business of infrastructure facilities of an eco-industrial park must register sectors and industries in which investments in the industrial park are permitted; must estimate emission levels specific to sectors and industries; must propose the industrial symbiosis plan, the plan for formulation and implementation of the mechanism for input and output supervision in the industrial park concerning the use of ingredients, materials, water, energy, chemicals, waste, by-products, and the social corporate responsibility plan towards the surrounding community in the dossier on that investment project; must make its commitment to meeting the criteria for identification of eco-industrial parks specified in Article 37 of this Decree within 08 years from the date on which the industrial park is established and the commitment schedule is clearly arranged;

b) It must be registered as an eco-industrial park in the competent authority's investment policy decision or investment registration certificate under the regulatory provisions of law on investment. This will help in case of any examination, inspection or audit that may occur.

Article 39. Incentives granted to eco-industrial parks and eco-businesses

1. Investment projects on construction and business of infrastructure facilities of industrial parks may be entitled to incentive policies specified in clause 1 of Article 32 herein.

2. Investors executing investment projects on construction and business of infrastructure facilities of eco-industrial parks and eco-businesses may be preferred to take out loans from Viet Nam Environment Protection Fund, Vietnam Development Bank, Small and Medium Enterprise Development Fund and other domestic and international funds and donators; to be granted green credit at credit institutions, foreign bank branches in Vietnam under law on environmental protection and other regulatory provisions of relevant legislation; to receive permission to issue green bonds under law on issuance of bonds, law on environmental protection to serve the purpose of building technical infrastructure facilities of eco-industrial parks, implementing cleaner production approaches, effectively using resources and industrial symbiosis.

3. Investors executing investment projects on construction and business of infrastructure facilities of eco-industrial parks and eco-businesses shall be given preference in participation in technical assistance and investment promotion programs hosted by state regulatory authorities.

4. Enterprises operating at eco-industrial parks shall be given preference in providing information related to the technology market and possibility of cooperating in effecting industrial symbioses within their scope of business.

5. Eco-industrial parks or eco-businesses shall be given incentives as provided in clause 1, 2, 3 and 4 of this Article and other regulatory provisions of relevant law from the date on which they are certified by the competent state authorities as eco-industrial parks or eco-businesses.

Article 40. Certification as eco-industrial parks or eco-businesses

1. Industrial parks that meet the criteria specified in Article 37 herein may be granted the Certificate of eco-industrial park by provincial People's Committees.

2. Eco-businesses at eco-industrial parks that participate in activities and meet the criteria specified in clause 2 of Article 37 herein may be granted the eco-business certificate by the Industrial Park and Economic Zone Authority.

3. Ministry of Planning and Investment shall provide instructions about the documents specified in clause 2 of Article 41, clause 2 of Article 42, clause 1 and 2 of Article 43 and the Certificate of eco-industrial park and the Certificate of eco-business.

Article 41. Application processes, procedures and documentation requirements for certification for eco-industrial parks

1. Investors executing investment projects on construction and business of infrastructure facilities of industrial parks shall prepare 06 application packages for certification for eco-industrial parks for submission to industrial park and economic zone authorities.

2. Each application package shall consist of the followings:

a) Registration form for certification for an eco-industrial park;

b) Report on performance and investment attraction results of an industrial park;

c) Assessment and interpretation of capabilities of satisfying the criteria for identification of an eco-industrial park specified in Article 37 herein (enclosing relevant documents);

d) Other documents related to the industrial park (if any).

3. Within 03 working days of receipt of the sufficient application package, the industrial park and economic zone authority submits written documents on consultation with the Ministry of Planning and Investment, the Ministry of Natural Resources and Environment, the Ministry of Industry and Trade and the Ministry of Construction.

4. Within 15 working days of full receipt of the aforesaid consultation request documents, the consulted agency makes their comments on conformance to the criteria for identification of eco-industrial parks stated in Article 37 herein.

5. Within 40 working days of full receipt of the submitted documents, the industrial park and economic zone authority conducts the review of these submitted documents and makes their evaluation report on conformance to the criteria for identification of eco-industrial parks stated in Article 37 herein.

During the review process, the industrial park and economic zone authority can consult with authorized, assigned bodies or units or those meeting the conditions for provision of consultancy, assessment and certification services with respect to the efficient use of resources and cleaner production under law.

6. When obtaining satisfactory assessment results, the industrial park and economic zone authority reports to the provincial People's Committee to grant the Certificate of eco-industrial park to the investor executing the investment project on construction and business of infrastructure facilities of industrial parks.

7. Upon receipt of unsatisfactory assessment results, within 03 working days after such receipt, the industrial park or economic zone authority shall be responsible for notifying these results in writing to the applicant enterprise and giving clear explanations for such results.

Article 42. Application processes, procedures and documentation requirements for certification for eco-businesses

1. Each enterprise located at an eco-industrial park prepares 05 application packages for certification for the eco-business to the industrial park and economic zone authority.

2. Each application package shall consist of the followings:

a) Registration form for certification for an eco-business;

b) Report on performance of an enterprise entering in the eco-industrial park;

c) Assessment and interpretation of capabilities of satisfying the criteria for identification of an eco-business specified in clause 2 of Article 37 herein (enclosing relevant documents);

d) Other documents related to corporate environmental and social responsibility (if any).

3. Within 03 working days of receipt of the sufficient application package, the industrial park and economic zone authority files written consultation request documents to the Department of Natural Resources and Environment, the Department of Science and

Technology, the Department of Industry and Trade, and the Department of Construction of the province where the applicant enterprise is operating.

4. Within 07 working days of full receipt of the submitted documents, the consulted agency makes their comments on conformance to the criteria for identification of eco-industrial parks stated in clause 2 of Article 37 herein.

5. Within 20 working days of full receipt of the submitted documents, the industrial park and economic zone authority conducts the review of these submitted documents and makes their assessment report on conformance to the criteria for identification of eco-businesses stated in clause 2 of Article 37 herein.

6. Upon receipt of the satisfactory assessment results, the industrial park and economic zone authority grants the Certificate of eco-business to the applicant enterprise.

7. Upon receipt of the unsatisfactory assessment results, within 03 working days after such receipt, the industrial park or economic zone authority shall be responsible for notifying these results in writing to the applicant enterprise and giving clear explanations for such results.

Article 43. Monitoring, supervision and evaluation of effectiveness in development of eco-industrial parks or eco-businesses

1. Every year, investors executing investment projects on construction and business of infrastructure facilities of eco-industrial parks prepare evaluation reports on their performance towards development of eco-industrial parks for submission to industrial park and economic zone authorities for their monitoring and supervision of the followings:

a) Progress, performance and maintenance of the efficient consumption of resources and cleaner production of enterprises entering industrial parks and achievements;

b) Progress and performance of industrial symbiosis, achievements and enterprises newly participating in the industrial symbiosis (if any);

c) Performance toward the efficient consumption of ingredients, materials, water, energy, chemicals and reduction in emissions of the industrial park.

2. Every year, eco-businesses shall prepare reports on progress, performance and maintenance of the efficient consumption of resources and cleaner production; progress and performance toward the industrial symbiosis; achievements from the efficient use of ingredients, materials, water, energy, chemicals and reduction in emissions for submission to investors executing investment projects on construction and business of infrastructure facilities of industrial parks, and industrial park and economic zone authorities, for their monitoring and supervision purposes.

3. Results of the monitoring, supervision and evaluation of effectiveness in development of eco-industrial parks and eco-businesses serve as the precondition for provincial People's Committees, and industrial park and economic zone authorities, to consider re-issuing, revoking or invalidating the Certificate of eco-industrial park or the Certificate of eco-business.

4. Measuring the economic, social and environmental effectiveness of eco-industrial parks and eco-businesses shall be based on data and information obtained from the national system of information about industrial parks and economic zones as per clause 3 of Article 47 herein.

Article 44. Annulment and withdrawal of Certificates of eco-industrial parks or eco-businesses

1. The Certificate of eco-industrial park or the Certificate of eco-business shall be annulled and withdrawn in one of the following cases:

a) The eco-industrial park or eco-business holding such Certificate violates regulatory provisions on investment, construction, land, environment and relevant legislation on industrial parks and enterprises at industrial parks;

b) Based on monitoring or supervisory opinions of the industrial park and economic zone authority, it is concluded that the eco-industrial park or the eco-business fails to meet the criteria for identification of eco-industrial parks or eco-businesses referred to in Article 37 herein;

c) The annulment of the Certificate of eco-industrial park or the Certificate of eco-business may occur as requested in writing by the investor executing the investment project on construction and business of infrastructure facilities of eco-industrial parks or eco-businesses.

2. Competent state authorities issuing the Certificate of eco-industrial park or the Certificate of eco-business shall send the written notification of the annulment and withdrawal of the Certificate of eco-industrial park or the Certificate of eco-business falling into the cases specified in clause 1 of this Article to the investor executing the investment project on construction and business of infrastructure facilities of the industrial park or enterprise that has already been certified and relevant agencies.

Article 45. Renewal of certification of eco-industrial parks or eco-businesses

1. The Certificate of eco-industrial park or the Certificate of eco-business may be renewed after five years if the industrial park and enterprise applying for such renewal continues to meet the criteria for identification of eco-industrial parks and eco-businesses specified in Article 37 herein.

2. Application package for renewal of the certificate of eco-industrial park or eco-business shall be subject to clause 2 of Article 41 and clause 2 of Article 42 herein, respectively.

3. Provincial People's Committees shall grant the renewed certificate of eco-industrial park according to application package for renewal of the eco-industrial park; the annual supervisory and assessment report of progress in development of the eco-industrial park and conformance to the criteria for identification of the eco-industrial park at the time of approval of grant of the renewed certificate without needing to conduct any survey on opinions from other relevant agencies specified in clause 3 of Article 41 herein.

Renewal procedures shall be subject to regulatory provisions of clause 5 and 6 of Article 41 herein.

4. The industrial park and economic zone authority may grant the renewal of the eco-industrial park according to the application package for renewal of the eco-industrial park, the annual supervisory and assessment report on performance of the eco-business and compliance of the eco-business with the criteria for identification of eco-businesses at the time of grant of the renewed certificate without needing to consult with the relevant agencies referred to in clause 3 of Article 41 herein.

Renewal procedures shall be subject to regulatory provisions of clause 5 and 6 of Article 42 herein.

Chapter V

NATIONAL INDUSTRIAL PARK AND ECONOMIC ZONE INFORMATION SYSTEM

Article 46. Requirements concerning the national industrial park and economic zone information system (hereinafter referred to as national system)

When collecting, updating, processing, sending, receiving, storing, preserving, controlling, managing, utilizing and publishing information and data of the national system, the following requirements must be satisfied:

1. Accuracy, adequacy, opportuneness, rationality and succession.

2. Consistency, capability of connecting and exchanging data with other relevant systems.

3. Regular update; long-term storage and management.

4. Application of information technology; systematic management, enhanced accessibility; timely availability of data for direction, instruction and state management of the Government, competent state authority and on-time satisfaction of needs of agencies,

organizations and individuals for information regarding industrial parks and economic zones.

5. Public announcement and protection for rights of agencies, organizations and individuals to have access to information for the prescribed purposes.

6. Compliance with law on protection of state secrets and intellectual property.

Article 47. Building of the national system

1. The national system must be built to ensure the centralized and consistent one under the regulations of the Ministry of Planning and Investment that helps online connection between relevant agencies and organizations in order to serve the purposes of state management and provision of information about industrial parks and economic zones.

2. Information and data available on the national system serve as those made available in the digital form and connected to the national investment information system.

3. Information and data available on the national system are classified into:

a) Economic data and information helping to measure the effectiveness in attraction of investments and land use of industrial parks and economic zones; contribution of industrial parks and economic zones to the socio-economic development, state budget and other equivalents;

b) Social data and information helping assess the handling of issues related to employment, housing, public utilities and amenities for workers at industrial parks and economic zones;

c) Environmental data and information helping assess the environmental treatment and protection; efficient use of resources, cleaner production and industrial symbiosis;

d) Other documents related to industrial parks and economic zones.

Article 48. Expenses incurred from the national system

1. Expenses incurred from building, upgrading, maintaining, managing and operating the national system shall be covered by recurrent expenditures; capital investment expenditures; ODA funding; foreign donors' soft loans; private-sector capital contributions and other legitimate funds prescribed in law on state budget, law on public investment and other regulatory provisions of relevant law.

2. Costs and expenses incurred from administering and collecting data and information, inputting updated online data and information into the national system shall be covered by recurrent expenditures under law on state budget and other legitimate funds.

3. On an annual basis, relevant state regulatory authorities shall make the estimate of the state budget expenditures on activities specified in clause 1 and 2 of this Article for submission to same-level financial authorities in order for them to finalize the budget plan under the regulatory provisions regarding state budget.

Article 49. Responsibilities of the Ministry of Planning and Investment

Issue regulations on requirements concerning data and information to be input into the national system; provide instructions on how to collect, update, process, send, receive, store, control, manage, utilize and publish data and information available on the national system under the regulatory provisions of clause 3 of Article 47 herein.

Article 50. Responsibilities of provincial People's Committees

1. Regularly update, permanently store and manage data and information available on the national system under their authority; connect, share and provide data and information falling within their remit in order to ensure that they are available on the national system in accordance with regulations.

2. Ensure accuracy in terms of contents of data and information available on the national system under their authority to provide, update and manage them.

3. Ensure safety and cybersecurity for the authorized admin account of the national system.

4. Cooperate with the Ministry of Planning and Investment in ensuring safety, connecting, sharing and exporting data and information available on the national system.

5. Direct the industrial park and economic zone authority to take charge of and cooperate with relevant agencies and organizations in performing the following tasks:

a) Take charge of collecting, updating, processing, sending, receiving, storing, controlling, managing, utilizing and publishing data and information about local industrial parks and economic zones through the national system in order to ensure conformance to the requirements set out in Article 46 herein and the instructions of the Ministry of Planning and Investment under Article 49 herein.

b) Require the investors executing the investment projects on construction and business of infrastructure facilities of industrial parks and functional sections of economic zones and the investors executing the investment projects at industrial parks and economic zones to carry out the periodic reports on their performance towards completion of investment projects in accordance with law on investment, law on enterprises and other regulatory provisions of relevant legislation;

c) Take charge of collecting and updating information about local industrial parks and economic zones according to the instructions of the Ministry of Planning and Investment when setting up the national system.

Chapter VI

STATE MANAGEMENT OF INDUSTRIAL PARKS AND ECONOMIC ZONES

Article 51. State management duties toward industrial parks and economic zones

1. Formulate and direct the implementation of policies and guidelines for construction of industrial parks and economic zones included in regional planning schemes and plans for development of the network of industrial parks and economic zones included in provincial planning schemes.

2. Promulgate, guide, disseminate and implement policies, law, technical regulations and standards related to establishment, investment, construction planning, construction, land, environmental protection, fire prevention and control, development and management of industrial parks and economic zones; build and administer the national system; promote investments in industrial parks and economic zones.

3. Issue, adjust and revoke the investment registration certificate, the decision on investment policy, the enterprise registration certificate, licenses, permits and the like; implement regulatory formalities and supporting services related to investment, production and business activities of investors, organizations and individuals at industrial parks and economic zones.

4. Organize the apparatus, professional training and mentoring courses for State management agencies in charge of industrial parks and economic zones.

5. Ensure international cooperation on development of industrial parks and economic zones; provide instructions, support for and conduct assessment of effectiveness in investment; examine, inspect, supervise and handle complaints and denunciations; grant rewards; handle violations and address issues arising from development of industrial parks and economic zones.

Article 52. Authority and responsibilities for industrial parks and economic zones

1. The Government shall exercise the unified State management of industrial parks and economic zones nationwide by assigning specific tasks and delegating powers to specific ministries, miniterial-level central authorities, provincial People's Committees and industrial park or economic zone authorities under the regulatory provisions of this Decree; direct the formulation and implementation of proposals for development of industrial parks and economic zones in regional planning schemes, and plans for development of industrial parks and economic zones in provincial planning schemes; and

promulgating regulatory policies and legal normative documents regarding industrial parks and economic zones.

2. The Prime Minister shall have the following powers and responsibilities:

a) Direct ministries, central authorities, provincial People's Committees and industrial park and economic zone authorities to implement regulatory provisions and policies regarding industrial parks and economic zones;

b) Approve investment policies for investment projects under his authority; decide establishment, expansion and resizing of boundaries of economic zones; approve and adjust master plans for construction of economic zones;

c) Direct the handling and settlement of issues and problems arising in the process of investing in, establishing, operating and managing industrial parks and economic zones which fall beyond the jurisdiction of ministries and central authorities, provincial People's Committees and industrial parks and economic zone authorities.

3. Ministries, central authorities, provincial People’s Committees shall, within their respective jurisdiction, have the following responsibilities:

a) Practice the sectoral and administrative management of industrial parks and economic zones;

b) Provide instructions and regulations on and take charge of management hierarchy and decentralization of authority so that, when being assigned or authorized, industrial park and economic zone authorities can perform several tasks under their authority and authority delegated to specific state agencies in charge of business lines, enterprises, construction, labor, industry, commerce, natural resources and environment, science and technology, tourism or other sectors or industries specified herein and other regulatory provisions of relevant legislation.

This regulation shall be applied, depending on working requirements, competence, conditions and developments of industrial parks and economic zones in provinces and centrally-affiliated cities;

c) They shall, under their respective authority, examine, inspect, supervise performance and handle violations of industrial park and economic zone authorities carrying out assigned duties and delegated powers specified in this Decree and other regulatory provisions of relevant law; examine, inspect, supervise and handle violations arising from compliance with regulatory provisions of this Decree and other regulations of relevant law of investors executing investment projects at industrial parks and economic zones, and investors executing investment projects on construction and business of infrastructure facilities of industrial parks and functional sections of economic zones.

Article 53. State management authority and responsibilities of the Ministry of Planning and Investment

1. Take charge of assisting the Government in performing the uniform State management of industrial parks and economic zones.

2. Take charge of and cooperate with Ministries; central authorities; provincial People's Committees; industrial park and economic zone authorities; and other relevant agencies on:

a) Formulating legislative normative documents and regulatory policies on management and development of industrial parks and economic zones for submission to competent regulatory authorities to seek their approval decisions to promulgate them, or promulgate them under their delegated authority;

b) Providing instructions about construction of eco-industrial parks, supporting industrial parks, specialized industrial parks, hi-tech industrial parks and industrial - urban - service zones;

c) Conducting the review of application packages for approval of investment policies for investment projects under the authority to approve investment policies of the National Assembly or the Prime Minister in accordance with law on investment; investment projects on infrastructure facilities of publicly-funded industrial parks under the authority to decide investment policies of the Prime Minister as per regulatory provisions on public investment;

d) Formulating and implementing national plans and programs for promotion of investments in industrial parks and economic zones;

dd) Setting up and managing the national industrial park and economic zone information system; issue periodical report forms or charts; provide information on industrial parks and economic zones for relevant Governmental agencies; providing instructions on designing data and information used for assessment of socio-economic efficiency and effectiveness of industrial parks and economic zones;

e) Compiling the list of key economic zones for submission to the Prime Minister for his approval over periods of time;

g) Providing relevant instructions and professional training or mentoring courses for industrial park and economic zone authorities;

h) Making review reports on socio-economic efficiency and effectiveness of industrial parks and economic zones.

3. Take charge of and cooperate with the Ministry of Finance, relevant Ministries and central authorities on developing the mechanism for mobilization of funds for investment

in development of infrastructure facilities of industrial parks and economic zones; proposing state budget expenditures on capital development and other legitimate funds to be spent on investment in construction of infrastructure of industrial parks or functional sections of economic zones having particular attributes and playing significant roles in developing economic sectors, industries, technical and social utilities and amenities at key economic zones under law on public investment, law on state budget and other regulatory provisions of relevant law.

4. Cooperate 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 Home Affairs; the Ministry of Labor, War Invalids and Social Affairs; and other relevant ministries and central authorities on providing instructions for management hierarchy and decentralization of authority for industrial park and economic zone authorities.

5. Preside over and cooperate with the Ministry of Home Affairs in providing guidance on implementation of assigned duties, for industrial park and economic zone authorities.

Article 54. Authority and responsibilities of the Ministry of Home Affairs

Assess the proposal for establishment or reorganization of industrial park or economic zone authorities, and submit it to the Prime Minister for his consideration and decision.

Article 55. Authority and responsibilities of the Ministry of Finance

Provide guidance on implementation of regulatory provisions laid down in clause 4 of Article 22 herein.

Article 56. Authority and responsibilities of the Ministry of Construction

1. Promulgate regulations guiding industrial park and economic zone authorities to perform the State management of planning for construction of industrial parks, economic zones, and construction of technical infrastructure facilities, and construction works at industrial parks and economic zones; build and develop housing, public services and utilities for workers at industrial parks and economic zones; perform tasks of urban management and development at industrial – urban – service zones and economic zones.

2. Conduct the review of tasks and general planning schemes for construction of economic zones before submission to the Prime Minister to seek his approval under law on construction.

Article 57. Authority and responsibilities of the Ministry of Industry and Trade

1. Perform the State management over industry, import and export activities and commercial activities taking place at industrial parks and economic zones; direct and

orient the development of industries at industrial parks and economic zones according to approved orientations and strategies for regional and national industrial development.

2. Authorize industrial park and economic zone authorities to grant the certificate of origin of goods produced at industrial parks or economic zones when they fully satisfy authorization conditions.

3. Provide guidance on grant of permits and papers of equivalent value to trading of goods under the specialized management of the Ministry of Industry and Trade.

4. Provide instructions for purchase and sale of goods, and activities directly related to the purchase and sale of goods for foreign-invested economic organizations and foreign investors located at industrial parks and economic zones.

Article 58. Authority and responsibilities of the Ministry of Natural Resources and Environment

1. Formulate legal normative documents, technical regulations, engineering instructions, technical regulations on environment related to environmental protection at industrial parks and economic zones as per regulatory provisions on environmental protection.

2. Provide instructions about treatment, recycling and reuse of waste, scrap and by-products at eco-industrial parks under law on environmental protection.

3. Provide instructions for and carry out the management hierarchy and decentralization of authority as specified in point d of clause 3 of Article 68 herein on the basis of considering the requests of provincial People's Committees and assess the competence of each industrial park and economic zone authority.

Article 59. Authority and responsibilities of the Ministry of Science and Technology

Guide industrial park and economic zone authorities to perform the State management over science and technology affairs at industrial parks and economic zones.

Article 60. Authority and responsibilities of the Ministry of Labor, War Invalids and Social Affairs

1. Provide guidance on management hierarchy and decentralization of authority over labor-related issues for industrial park and economic zone authorities according to point c of clause 3 of Article 68 in this Decree and other regulatory provisions of relevant law.

2. Provide industrial park and economic zone authorities with instructions on performance of tasks specified in point dd of clause 2 of Article 68 herein.

Article 61. Authority and responsibilities of the Ministry of Public Security

1. Exercise the state management over public security, order, fire prevention and control at industrial parks and economic zones; entry, exit, transit and stay of foreigners inside industrial parks and economic zones.

2. Cooperate with ministries, central authorities and provincial People's Committees in exercising the state management over the combined practice of security and socio-economic development.

Article 62. Authority and responsibilities of the Ministry of National Defence

1. Cooperate with ministries, central authorities and provincial People's Committees in exercising the state management over the combined practice of national defence and socio-economic development.

2. Collaborate with the Ministry of Public Security, relevant agencies and provincial People's Committees in providing instructions for implementation of and implementing regulatory provisions on entry, exit, transit and stay of foreigners inside industrial parks and economic zones.

3. Command agencies and units under the Ministry of National Defence to control and inspect entry, exit, transit, stay, certification of temporary stay and handling of violations of persons and transport equipment entering, exiting ad operating at bordergate economic zones and sea border checkpoints of economic zones under law.

Article 63. Authority and responsibilities of the Ministry of Culture, Sports and Tourism

1. Guide industrial park and economic zone authorities to perform the tasks of state management of tourism activities at economic zones.

2. Guide industrial park and economic zone authorities to grant, re-grant, revise, supplement and renew licenses for establishment of representative offices or branches at economic zones with regard to foreign tourist agencies.

Article 64. Authority and responsibilities of the Government Inspectorate

Take charge of and cooperate with concerned ministries and central authorities on providing instructions about inspection and settlement of complaints, denunciations, prevention and control of corruption arising in industrial parks and economic zones under the regulatory provisions of law.

Article 65. Authority and responsibilities of other ministries and central authorities

In addition to duties and authority specified in Article 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 herein, ministries and central authorities shall have authority and

responsibilities towards sectors and industries of industrial parks and economic zones as follows:

1. Give written comments on investment projects falling under the authority to grant the decision on investment policy of the National Assembly, the Prime Minister and those in the investment sectors subject to regulatory conditions, and other investment projects implemented at industrial parks or economic zones in accordance with law on investment and other regulatory provisions of relevant law.

2. Provide instructions about reuse of waste, scrap, water abundant energy available at eco-industrial parks under their respective regulatory authority.

Article 66. Authority and responsibilities of provincial People's Committees

1. Preside over formulation and direct implementation of plans for development of the network of industrial parks and economic zones located at provinces and centrally-affiliated cities.

2. Take charge of formulating and revising master planning requirements and proposals for development of economic zones; formulating and approving master planning requirements and proposals for construction and zoning of construction sites; planning requirements and proposals for front-end adjustments to these planning proposals with respect to industrial parks and functional sections of economic zones; deciding to use state budget funds as investment funds or grants for investment in technical infrastructure inside and outside the perimeter of industrial parks and economic zones.

3. Direct the implementation of investment procedures for investment projects on construction and business of infrastructure facilities of industrial parks and functional sections of economic zones when industrial park and economic zone authorities have not yet been established under law on investment.

4. Promulgate legally-accepted specific preferential and incentive policies applied to recruitment and hiring of local, well qualified and skilled workers; provide vocational training support for workers working at industrial parks and economic zones; impose regulatory conditions and criteria upon enterprises and investors given land lease or sub-lease priority according to the regulatory provisions laid down in clause 4 of Article 9 herein.

5. Ensure that each planning scheme must include land reserved for construction of resettlement, housing areas, public service and utility facilities for workers in industrial parks and economic zones; invest in offer grants for investment in the construction of housing, resettlement quarters, socio-technical infrastructure facilities in accordance with the provisions of law; offer investment, trade and tourism promotion support; offer grants spent on compensation and ground clearance in order to speed up the process of investment and development of industrial parks and economic zones.

6. Direct the appropriation of land and water surface, payment of compensation, site clearance and resettlement, and implement procedures for leasing or assigning land in industrial parks or economic zones under law on land and other relevant regulatory provisions.

7. Direct relevant organizations to prepare investment plans and organize the construction of technical and social infrastructure facilities outside the perimeter of industrial parks or functional sections of economic zones, such as roads, power supply systems, water supply and drainage systems, communications systems and technical connectors connected with infrastructure facilities inside the perimeter of industrial parks, economic zones inside economic zones; dwelling houses, cultural, sports facilities, medical facilities, educational establishments and other public works to meet the needs for development of industrial parks and economic zones.

8. Assume the prime responsibility for preparing plans and providing funds for investment or support for investment in technical infrastructure systems inside the perimeter of industrial parks, and socio-technical infrastructure systems of economic zones according to the regulatory provisions of law on public investment, state budget and regulatory provisions of this Decree.

9. Issue and supervise implementation of the Regulations on cooperation between industrial park and economic zone authorities and agencies under provincial People's Committees; provide instructions and regulations on decentralizing and delegating authority to industrial park and economic zone authorities to perform several duties relevant to the sectors specified herein.

10. Direct the implementation of the planning and regulations on construction, labor, environmental protection, fire and explosion prevention and control, public security and order in industrial parks and economic zones.

11. Set up and cooperate in setting up local vocational training institutions to meet the labor demands of industrial parks and economic zones.

12. Take charge of and cooperate with competent state authorities in performing the tasks of examining, inspecting and supervising the settlement of issues or problems arising in the course of development of industrial parks and economic zones in accordance with law; as for issues and matters beyond their competence, cooperate with ministries and central authorities in settling them or submitting them to the Prime Minister for his consideration and decision.

13. Formulate proposals for establishment or reorganization of industrial park and economic zone authorities so as to ensure that each province or centrally-affiliated city has an industrial park or economic zone authority, except otherwise prescribed in particular regulations; grant decisions on appointment of personnel holding the posts of the Head and Deputy Head(s) of the industrial park and economic zone authority.

14. Ensure financial, personnel and other necessary preconditions for industrial park and economic zone authorities in line with the progress towards development of industrial parks and economic zones; provide funding for administrative and public non-business activities and capital investment funds to industrial park and economic zone authorities according to the regulatory provisions of law on state budget; approve plans and allocate funds and organize investment, trade and tourism promotion activities for development of industrial parks and economic zones.

15. Direct local specialized or functional agencies in charge of trade, finance, customs, banking, police and other relevant authorities to appoint representatives having full competence in settling related matters at each industrial park and economic zone where necessary.

16. Implement other duties and powers regarding industrial parks and economic zones under the provisions of this Decree and other regulatory provisions.

Chapter VII

FUNCTIONS, DUTIES, POWERS AND ORGANIZATION STRUCTURE OF INDUSTRIAL PARK, EXPORT PROCESSING ZONE AND ECONOMIC ZONE AUTHORITIES

Article 67. Functions of an industrial park, export processing zone and economic zone authority

1. Industrial park, export processing zone and economic zone authorities are agencies affiliated to the provincial People's Committees, which performs the functions of direct State management over industrial parks and economic zones located in provinces or centrally-affiliated cities in accordance with this Decree and other relevant legislation; which manages and organizes the provision of public administrative services and other supporting services related to investment, production and business activities for enterprises at industrial parks and economic zones.

In this Decree, they are collectively referred to as industrial park and economic zone authorities, unless otherwise prescribed by particular regulations applied to economic zone authorities.

2. Industrial park and economic zone authorities shall be incorporated under the Prime Minister’s establishment decision and subject to the direction and management of the provincial People's Committees over organization, personnel, working plans, schedules and operating costs and expenses; shall be commanded, instructed and supervised in professional aspects by ministries and central authorities with respect to related sectors and industries; shall assume responsibility for closely cooperating with specialized agencies controlled by the provincial People's Committees in managing industrial parks and economic zones; shall act as functional agencies under the provincial People’s Committees when being assigned or authorized; shall implement the tasks and powers as

specialized agencies under the provincial People's Committees in accordance with the regulatory provisions of this Decree and other relevant law.

3. Each industrial park and economic zone authority has legal personality, its own account and stamp on which the national emblem is inscribed; shall be operated by using annual public non-business budgets and capital investment funds of the state budget and other funding sources under regulations adopted by competent state agencies.

4. Industrial park and economic zone authorities shall perform duties and authority assigned by the state regulatory authorities specified herein and other regulatory provisions of relevant law.

Article 68. Duties and powers of industrial park and economic zone authorities

1. Comment on, propose and seek consent of ministries, central authorities and provincial People's Committee to and implement the followings:

a) Discuss with ministries, central authorities and provincial People's Committees on drafting legal normative documents, policies and plans for development of systems related to industrial parks and economic zones;

b) Assume the prime responsibility for, and cooperate with the concerned agencies in, formulating the Regulations on cooperation with specialized agencies under the provincial People's Committees or concerned agencies in carrying out their assigned tasks and powers according to the intracorporate or intercorporate one-stop shop mechanism, and submit them to the provincial People's Committees to seek their approval;

c) Preside over and cooperate with relevant agencies and organizations in formulating master construction planning requirements and proposals; zoning schemes for construction of industrial parks; planning requirements and proposals serving as front-end adjustments to these planning proposals and submit them to the provincial People's Committees;

d) Formulate programs and plans for promotion of investment in development of industrial parks and economic zones, and submit them to the provincial People's Committees to seek their approval;

dd) Assemble and measure demands for employees working in industrial parks and economic zones, and cooperate with competent state agencies in supplying personnel to enterprises of industrial parks and economic zones;

e) Prepare annual estimates of budgets, non-business expenditures, capital investment capital and other funding sources (if any) of industrial park or economic zone authorities for submission to competent state agencies to seek their approval in accordance with law on state budget, law on public investment and other relevant legislation;

g) Cooperate with relevant agencies on appraising technologies to be applied in investment projects, assessing technological knowledge and qualification; examining and controlling technologies and technology transfers in investment projects, researches on development and application of technologies of enterprises.

2. Each industrial park and economic zone authority shall perform the following tasks:

a) Manage, propagate, provide instructions on, inspect and supervise the implementation of regulations and plans for development of systems, construction planning schemes and plans related to industrial parks and economic zones that have already been approved by competent state agencies;

b) Perform the tasks of investment registration agencies and authorities for industrial parks, export processing zones, hi-tech industrial parks and economic zones under the regulatory provisions on investment with respect to investment projects inside industrial parks and economic zones under the control of industrial park and economic zone authorities; supervise and assess attraction of investments in specific types of supporting industrial parks, specialized industrial parks, hi-tech industrial parks and eco-industrial parks according to sectors and industries permitted for receipt of investments that are registered as per point a of clause 3 of Article 32 and point a of clause 2 of Article 38 herein; supervise and evaluate implementation of the regulations laid down in clause 5 of Article 8, clause 3 of Article 9 and point c of clause 2 of Article 27 herein;

c) Conduct the project evaluation, design and prepare estimates of costs of projects and construction works inside the perimeter of industrial parks and economic zones; examine types of construction works falling within their remit and perform other duties of construction authorities in accordance with law on construction with respect to the projects and construction works located within industrial parks and economic zones;

d) Grant, re-grant, revise, renew and revoke representative office establishment licenses and close representative offices of foreign organizations and traders whose offices are located at industrial parks or economic zones in accordance with law on trade;

dd) Issue, reissue, renew and revoke work permits of foreign workers and confirm that foreign workers are not eligible to receive work permits to work at industrial parks and economic zones.

Perform several tasks and powers of labor agencies under the provincial People's Committees with regard to workers at industrial parks and economic zones, including taking steps in registering labor regulations; reporting on labor use; receiving reports on hiring of foreign workers, reports on labor changes via the national public service portal; receiving and handling application dossiers for effecting contracts for placement of apprentices working at enterprises, sending of employees abroad in less than 90 days for enterprises within industrial parks and economic zones; receiving reports on employee sublease, vocational skill training and mentoring results; issuing notification of cases of

overtime work from more than 300 hours to 300 hours each year of enterprises at industrial parks and economic zones;

e) Assume responsibilities for environmental protection assigned to industrial park, export-processing zone and hi-tech park authorities as prescribed in law on environmental protection;

g) Handle registration for price and fee brackets for use of infrastructure of investors executing investment projects on construction and business of infrastructure facilities of industrial parks or functional sections of economic zones;

h) Inspect, supervise and assess fulfillment of the investment objectives stated in decisions on approval of investment policies, investment registration certificates, the progress of capital contribution and implementation of investment projects; implementation of commitments with respect to projects given investment incentives and compliance with law on construction, labor, wages and social insurance for employees, protection of legal rights and interests of employees and employers, assurance of occupational safety and hygiene, fire prevention and control, maintenance of public security and order, and environmental protection, with respect to investment projects at industrial parks and economic zones;

i) Cooperate with police units, other competent agencies in inspecting maintenance of public security and order, fire and explosion prevention and control, environmental protection, formulating and proposing measures to maintain public security, order, and organizing security and fire emergency response forces in industrial parks and economic zones;

k) Settle issues, problems and difficulties of investors in industrial parks or economic zones, and recommend the Prime Minister, concerned ministries, central authorities and provincial People's Committees to deal with issues beyond their competence;

l) Receive statistical reports and financial statements of enterprises operating within industrial parks and economic zones; evaluate socio-economic efficiency of investments in industrial parks and economic zones; directly manage and operate industrial park and economic zone information systems;

m) Cooperate with the Ministry of Planning and Investment in establishing and managing the national system of information about industrial parks and economic zones under their jurisdiction;

n) Submit quarterly and annual reports to the Ministry of Planning and Investment and provincial People's Committees on the development and progress of construction and development of industrial parks and economic zones; handling of applications for, issuance, adjustment and revocation of investment registration certificates, decisions on approval of investment policies; operation of investment projects; fulfillment of

obligations to the state; implementation of the regulatory provisions of labor legislation and measures to protect the environment at industrial parks and economic zones;

o) Provide support and information in order for enterprises at industrial parks and economic zones to affiliate and cooperate with each other to effect industrial symbiosis, measures for cleaner production and transformation into eco-industrial parks;

p) Hold contests for enterprises at industrial parks and economic zones and gives them awards;

q) Examine and settle complaints and denunciations; prevent and combat acts of corruption, extravagance and misconduct; sanction such acts within their competence or petition competent authorities to sanction administrative violations arising in industrial parks and industrial parks under jurisdiction of industrial park and economic zone authorities; cooperate with competent state agencies in performing inspection and examination tasks in accordance with law;

r) Perform tasks under the provisions of law and regulations of the provincial People's Committee on management of assigned finances, assets and budget allocations; collect and manage use of fees and charges; conduct scientific researches, apply scientific and technological advances; cooperate with domestic and foreign organizations and individuals in the fields related to investment in construction and development of industrial parks and economic zones; steer the organizational apparatus, personnel structure, manage public officials, staff members, and provide staff of industrial park and economic zone authorities with professional training and coaching courses;

s) Play their role as agencies in charge of offering provincial People’s Committees counsels to help them formulate plans, manage and assist in transformation and development of new models of industrial parks and economic zones;

t) Implement other duties and authority under the regulatory provisions of this Decree, other relevant legislation, and those assigned by provincial People’s Committees.

3. Ministries, central authorities, provincial People’s Committees and competent state authorities shall assign duties and delegate authority to industrial park and economic zone authorities to perform the following tasks:

a) Issue certificates of origin for goods produced at industrial parks or economic zones, and other licenses, permits or certificates;

b) Make partial adjustments to the approved planning schemes for construction of industrial parks and functional sections of economic zones; approve detailed planning requirements and proposals for development of investment projects at industrial parks or functional sectors of economic zones subject to the requirement for formulation of detailed planning schemes for construction under law on construction; issue, revise, renew, re-issue, withdrawal and revoke construction permits of construction projects or

works subject to the requirement for holding construction permits according to the regulatory provisions of law on construction; perform the task of management of quality of investment projects and works located at industrial parks and economic zones;

c) Receive reports on forced resignation en bloc of staff; explanatory reports of enterprises located within industrial parks and economic zones on the demands for foreign workers holding specific positions that Vietnamese workers cannot take up;

d) Conduct the review and approve results of review of environmental impact assessment reports; issue, replace, adjust, re-issue and withdraw environmental licenses and permits of investment projects at industrial parks and economic zones.

4. Industrial park and economic zone authorities shall act as agencies in charge of managing investments in local industrial parks and economic zones. When performing professional tasks at industrial parks or economic zones, Ministries, central authorities and local authorities shall cooperate on and conduct surveys on opinions from industrial park and economic zone authorities with the intention of ensuring the uniform state management of industrial parks and economic zones, avoidance of overlapping situation and facilitation for enterprises' operations as per law.

Article 69. Duties and powers of economic zone authorities

In addition to the tasks and powers of industrial park and economic zone authorities prescribed in Article 68 of this Decree, economic zone authorities shall have the following duties and powers:

1. Prepare reports and deliver these reports to provincial People's Committees for submission to competent authorities to seek their approval of:

a) Proposals for expansion and resizing of boundaries of economic zones;

b) Formulation and modification of master planning requirements and proposals for construction of economic zones;

c) Schemes for issuance of local government bonds; approaches for mobilization of other funds for investment in development of important technical and social infrastructure systems within economic zones.

2. Formulate and submit the followings to ministries, central authorities and provincial People's Committees for their approval and carry out:

a) Working with relevant agencies and organizations in formulating and adjusting planning schemes and plans for use of land at economic zones;

b) Formulating zoning requirements and proposals for functional sections of economic zones, planning requirements and proposals for front-end adjustments of these planning

proposals to the approved master planning proposals for construction of economic zones and submitting them to seek consent from provincial People's Committees;

c) Annual and five-year plans for development of economic zones which are submitted to the provincial People's Committees and competent state agencies for their approval;

d) List of investment projects, annual and five-year developmental budget plans submitted to competent state agencies for their approval or grant of discretionary approval within their jurisdiction;

dd) Formulating brackets of prices, fees and charges applied in economic zones for submission to competent authorities for their approval as per law.

3. Economic zone authorities shall direct or implement the following duties:

a) Grant, re-grant, revise, supplement and renew the license for establishment of representative offices or branches in economic zones with respect to foreign tourist agencies in accordance with law and instructions provided or authority delegated by ministries, central authorities and provincial People's Committees;

b) Hire domestic and foreign consultants rendering investment promotion and investment strategy consultancy services for construction and development of economic zones;

c) Make decisions on investment in publicly-funded group-B and group-C projects at industrial parks and economic zones under authority delegated by the Presidents of provincial People's Committees; manage ODA funds and foreign soft loans at industrial parks and economic zones under authority delegated by provincial People's Committees;

d) Propose the list of projects, undertake selection of investors, sign contracts with investors under law and authority delegated by provincial People's Committees;

dd) Manage and use sources of investment capital for development of economic zones under their delegated authority; manage investment, construction and bidding for investment projects funded by the State budget's capital investment funds at economic zones under their delegated authority; manage and undertake collection and spending of administrative and non-business revenues and expenditures, target programs and other capital sources authorized under the regulatory provisions of law;

e) Assume the prime responsibility for, and cooperate with concerned agencies in, repair and maintenance of technical and social infrastructure systems, public utility and service facilities funded by the state budget at economic zones;

g) Perform environmental protection duties of economic zone authorities under law on environmental protection;

h) Effectively manage and use specialized land and water surfaces that they have been assigned after completion of compensation and site clearance according to right purposes and master planning schemes for construction of economic zones, zoning schemes for construction of functional sections, land-use planning schemes and plans already approved by competent authorities;

i) Determine land use levies, rents and water surface rents applied to investors who are assigned or leased land by the State to implement investment projects inside economic zones; determine compensation for site clearance to be deducted from land use levies and land rents in accordance with law on collection of land use levies, land rents and water surface rents at economic zones;

k) Cooperate with organizations in charge of compensation and site clearance on dealing with issues related to compensation, support and resettlement; re-allocate land with or without land use levies, lease land to tenants wishing to use land in functional sections of economic zones and perform other tasks of management of land at economic zones in accordance with law on land;

l) Cooperate with local authorities and concerned agencies in ensuring operation of economic zones conforms to construction planning schemes and plans for development of economic zones already approved by competent state agencies, and other relevant regulations.

Article 70. Organizational apparatus and personnel structures of industrial park and economic zone authorities

1. Each industrial park and economic zone authority must be composed of the Head and no more than 03 Vice Heads; and its assistant staff.

The Head is appointed or dismissed by President of provincial People's Committee. Vice Heads are appointed or dismissed by President of provincial People's Committee upon the Head’s request.

2. The Head shall be responsible for administering all activities of the industrial park and economic zone authority, and shall be held responsible to the provincial People's Committee, President of provincial People’s Committee and before law for performance of the industrial park or economic zone.

3. Organization structure of the industrial park and economic zone authority shall be composed of: assistant staff (i.e., administrative, professional divisions and representatives of the industrial park and economic zone authority); affiliated non-business units performing public and social tasks, investment or business support services for enterprises of the industrial park or economic zone and other organizations suitable to the developmental context of the industrial park and economic zone; the tasks and powers of specific types of the industrial park or economic zone authority shall be

subject to regulations on instructions of competent regulatory authorities and regulations of relevant legislation.

4. Setting out the assistant staff must conform to the following conditions and criteria:

a) Multi-disciplinary or multi-sectoral management divisions must be established; there must be clear processes for management of activities assigned to these divisions, and managed objects that are clearly identified and fall within the remit of the industrial park and economic zone authority;

b) Depending on workload, there is the requirement that each division of the industrial park and economic zone authority in Hanoi and Ho Chi Minh city must be staffed by at least 07 persons; each division of the industrial park and economic zone authority in the grade-I province must be staffed by at least 06 persons; each division of the industrial park and economic zone authority in the grade-II or grade-III province must be staffed by at least 05 persons;

c) Each division of the industrial park and economic zone authority in Hanoi and Ho Chi Minh city staffed by fewer than 10 persons; the industrial park and economic zone authority in the grade-I province staffed by fewer than 09 persons; the industrial park and economic zone authority in the grade-II or grade-III province staff by fewer than 08 persons must have one Vice Head;

d) Each division of the industrial park and economic zone authority in Hanoi and Ho Chi Minh city staffed by 10 – 14 persons; the industrial park and economic zone authority in the grade-I province staffed by 09 – 14 persons; the industrial park and economic zone authority in the grade-II or grade-III province staff by 08 – 14 persons must have no more than 02 Vice Heads;

dd) The number of vice heads of the Office of the industrial park and economic zone authority, and the Representative Office at an industrial park, shall be the same as that of a professional and specialized division.

5. The establishment of departments, divisions and other constituent organizations that are not public service units (hereinafter referred to as departments) under the control of the employment service center shall conform to the Government's regulations on establishment, reorganization and dissolution of public service units. The number of public servants and employees working for public non-business units who are members of an industrial park and economic zone authority shall be determined according to working positions associated with their functions, tasks and range of activity, and shall be equal or less than the number of public servants and employees working for administrative agencies, organizations and non-business units of provinces and centrally-affiliated cities and which is assigned or approved by competent authorities.

Chapter VIII

IMLEMENTARY PROVISIONS

Article 71. Supplements to the Government's Decree No. 31/2021/ND-CP dated March 26, 2021, elaborating and providing guidance on implementation of a number of Articles of the Law on Investment as follows:

Adding clause 1a underneath clause 1 to Article 131 as follows:

"1a. Appendix II and III hereto shall take effect as from January 1, 2021".

Article 72. Supplements to the Government's Decree No. 152/2020/ND-CP dated December 30, 2020, regarding foreign employees working in Vietnam, recruitment and management of Vietnamese employees working for foreign entities and persons in Vietnam as follows:

Adding clause 6a underneath clause 6 to Article 30 as follows:

"6a. For employees working at industrial parks and economic zones, industrial park and economic zone authorities shall perform the following duties:

a) Issue, reissue, renew and revoke work permits of foreign workers at industrial parks and economic zones, and confirm that they are not eligible to receive work permits;

b) Complete procedures for registration for internal labor rules and regulations;

c) Receive annual reports on performance of training and coaching courses aimed at improving occupational skills and qualifications;

d) Receive notification of overtime work for more than 200 - 300 hours each year from enterprises".

Article 73. Amendments and supplements to the Government's Decree No. 145/2020/ND-CP dated December 14, 2020, elaborating and providing guidance on implementation of the Labor Code in terms of labor conditions and relations:

1. Amending and supplementing clause 2 of Article 4 as follows:

"Periodically, on a six-month (by June 5) and annual (by December 12) basis, employers shall update the Department of Labor, War Invalids and Social Affairs on employee changes via the National Service Portal according to the Form No. 01/PLI of Appendix I hereto and notify these changes to the social insurance agency of the district where their main offices, branches or representative offices are located. Where any employer cannot give updates on employee changes via the National Service Portal, a paper report must be sent by using the Form No. 01/PLI of Appendix I hereto to the Department of Labor, War Invalids and Social Affairs and such changes must be informed to the social insurance agency of the district where its main office, branch or representative office is located. If

there are any changes in employees working at industrial parks and economic zones, employers shall be required to report on such changes to Departments of Labor, War Invalids and Social Affairs, social insurance agencies of the districts where their main offices or branches are located, and industrial park and economic zone authorities, for monitoring purposes.

Departments of Labor, War Invalids and Social Affairs shall be responsible for consolidating employee changes if employers send paper reports aimed at providing fully updated information by using the Form No. 02/PLI of Appendix I hereto".

2. Amending and supplementing clause 2 of Article 31 as follows:

"Periodically, on a six-year and annual basis, preparing performance reports on employee sublease by using the Form No. 09/PLIII to Appendix III hereto, sending them to Presidents of provincial People's Committees, Departments of Labor, War Invalids and Social Affairs, and industrial park and economic zone authorities of the places where employers' main offices are located; report to Departments of Labor, War Invalids and Social Affairs, and industrial park and economic zone authorities of the places where enterprises render their employee sublease services on performance of employee sublease at these places in cases where subleasing enterprises move to other provinces. 6-month reports must be sent by June 20 while annual reports must be sent by December 20".

Article 74. Grandfather clause

1. Industrial parks and economic zones which have already completed investment, establishment and transformation procedures required by relevant law before the effective date of this Decree shall not be required to further implement any other procedures as prescribed herein.

2. If matters prescribed herein have already been subject to the instructions given by ministries and central authorities or the regulations of other relevant legal normative documents on investment, enterprises, construction, labor, industry, commerce, natural resources and environment, science and technology, tourism and taxes, issuance of written documents providing instructions about implementation of this Decree shall not be required, except in case of the instructions given in written instructional documents that are not conformable to regulations laid down in this Decree.

3. Where regional and provincial planning schemes have not yet been decided or approved under the Law on Planning, the following actions shall be taken:

a) Revision and supplementation of the planning schemes for development of industrial parks and economic zones shall be continued under the regulatory provisions of the Resolution No. 751/2019/UBTVQH14 dated August 16, 2019 of the National Assembly's Standing Committee on explanations about several Articles of the Law on Planning, and clause 11 of Article 2; Article 3; clause 1 of Article 4; Article 5; Article 6; Article 7; Article 8; Article 9; Article 10; clause 1 and 2 of Article 11; Article 14; clause 1 of

Article 15; Article 16; Article 17; Article 18 of the Government's Decree No. 82/2018/ND-CP dated May 22, 2018, regulating management of industrial parks and economic zones;

b) Assessment of conformity of investment projects on construction and business of infrastructure of industrial parks and expanded industrial parks with the regional and provincial planning schemes shall be subject to the Government's Decree, elaborating and providing guidance on implementation of a number of Articles of the Law on Investment.

4. If investment projects on construction and business of infrastructure of industrial parks of which valid dossiers are received by the effective date of this Decree have not yet obtained decisions on investment policies, approval of investment policies and investment registration certificates (for those eligible for investment registration certificates), the following actions shall be taken:

a) Competent regulatory authorities shall continue to comply with the regulations of the Government's Decree No. 82/2018/ND-CP dated May 22, 2018, prescribing management of industrial parks and economic zones, in order to consider and decide investment policies, approval of investment policies or investment registration certificates, except the cases where investors make requests for implementation as per this Decree;

b) Competent regulatory authorities may continue to use previously reviewed opinions and matters for preparation of evaluation reports, grant of investment policies, approval of investment policies and investment registration certificates;

c) Any industrial park covering an area of more than 500 ha shall comply with the regulations laid down in point a and b of this clause and the regulations laid down in clause 4 and 5 of Article 8; point a of clause 2 and 3 of Article 9 herein.

5. Industrial parks that obtain approval of investment policies, decisions on investment policies, investment registration certificates, investment certificates, investment permits or other equivalents from competent authorities in accordance with law on investment by the effective date of this Decree are recognized as established under relevant law from the date of grant of approval of investment policies, decisions on investment policies, investment registration certificates, investment certificates, investment permits or other equivalents.

If industrial parks subject to the requirement for completion of the establishment procedures under the Government's Decree No. 82/2018/ND-CP dated May 22, 2018, prescribing management of industrial parks and economic zones have not completed these establishment procedures, they shall be exempted from such requirement.

Article 75. Effect

1. This Decree shall enter into force as of July 15, 2022.

2. The Government's Decree No. 82/2018/ND-CP dated May 22, 2018, prescribing the management of industrial parks and economic zones, shall be abolished from the effective date of this Decree, except for the cases specified in point a of clause 3 and clause 4 of Article 74 herein.

Article 76. Implementation

Ministers, Heads of Ministry-level agencies, Heads of Governmental bodies, Presidents of People's Committees of centrally-affiliated cities and provinces, Heads of industrial park, export processing zone and economic zone authority, and organizations and individuals concerned, shall be responsible for implementing this Decree./.

FOR GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER

Le Van Thanh

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