

THE GOVERNMENT

No. 239/2025/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, September 03, 2025

DECREE

**AMENDMENTS TO SOME ARTICLES OF THE GOVERNMENT’S DECREE NO.
31/2021/ND-CP DATED MARCH 26, 2021 ON ELABORATION OF SOME
ARTICLES OF THE LAW ON INVESTMENT**

Pursuant to the Law on Government Organization No. 63/2025/QH15;

Pursuant to the Law on Promulgation of Legislative Documents No. 64/2025/QH15;

Pursuant to the Law on Investment No. 61/2020/QH14; Law No. 90/2025/QH15 on amendments to Law on Bidding, Law on Public-Private Partnership Investment, Law on Customs, Law on Value-Added Tax, Law on Export and Import Duties, Law on Investment, Law on Public Investment, and Law on Management and Use of Public Property;

Pursuant to the Resolution No. 76/2025/UBTVQH15 of the Standing Committee of National Assembly on the arrangement of provinces and central-affiliated cities and arrangement of communes, wards and commune-level towns in 2025;

At the request of the Minister of Finance;

The Government hereby promulgates a Decree on amendments to some articles of the Government’s Decree No. 31/2021/ND-CP dated March 26, 2021 on elaboration of some articles of the Law on Investment.

**Article 1. Amendments to some Articles of the Government’s Decree No.
31/2021/ND-CP dated March 26, 2021 on elaboration of some articles of the Law on
Investment**

1. Clause 7 of Article 2 is amended as follows:

“7. “investment documents” are documents prepared by an investor or a competent authority, including electronic copies thereof as specified in point 1a Article 6 of this Decree, for implementation of procedures for issuance, revision of a decision on approval for investment guidelines, Certificate of Investment Registration, Certificate of Registration of Outward Investment and relevant procedures for conduct of investment activities prescribed by the Law on Investment and this Decree.”.

2. Clause 1a and clause 1b are added after clause 1 of Article 6 as follows:

“1a. Upon implementing administrative procedures as prescribed by the Law on Investment and this Decree, an investor shall submit electronic copies of documents in accordance with regulations below:

- a) Electronic copies of documents must bear digital signatures as per the law on electronic transactions and have the same legal value as physical documents already submitted to the Ministry of Finance and investment registration authority;
- b) The investor shall assume responsibility for the accuracy, consistency and adequacy of the physical and electronic documents already submitted to the Ministry of Finance and the investment registration authority. In the event of any discrepancy between the physical documents and the electronic documents, the physical documents shall prevail;
- c) The Ministry of Finance and investment registration authority shall publish address and methods of receiving electronic copies of the investor on the National Investment Portal, web portal of the Ministry of Finance and web portal of the local investment authority.

1b. The investor shall submit documents for handling of administrative procedure in person or online or via public postal services, whichever is considered conformable with the prescribed method of receipt of documents for such type of administrative procedure.”.

3. Clause 8 of Article 20 is amended as follows:

“8. If an industrial park, export-processing zone or concentrated digital technology zone has been established under the Government's regulations and its removal from the planning or repurposing is approved by a competent authority or the project on investment in construction and commercial operation of infrastructure of the industrial park, export-processing zone or concentrated digital technology zone is terminated in accordance with regulations of law on investment, the investment projects executed in such industrial park, export-processing zone or concentrated digital technology zone shall continue to be entitled to the investment incentives in accordance with the regulations set forth in the investment license, business license, investment incentive certificate, investment certificate, investment registration certificate, decision on investment guidelines, decision on approval for investment guidelines or another document issued by the competent authority providing for investment guidelines or in accordance with regulations of law in effect at the time of investment in the industrial park, export-processing zone or concentrated digital technology zone.”.

4. Article 21 is amended as follows:

“Article 21. Determination of areas eligible for investment incentives

The determination of a commune-level area eligible for investment incentives after the arrangement of administrative divisions and the organization of two-level local governments shall be carried out as follows:

1. The commune-level area which was located in an extremely disadvantaged district before the arrangement of administrative divisions and the organization of two-level local governments shall be considered as an extremely disadvantaged area.

2. The commune-level area which was located in a disadvantaged district before the arrangement of administrative divisions and the organization of two-level local governments shall be considered as a disadvantaged area.

3. Regarding a new commune-level administrative division which is established after the consolidation of commune-level administrative divisions in areas with different socio-economic conditions before the arrangement of administrative divisions and the organization of two-level local governments, follow the instructions below:

a) The newly established commune-level administrative division shall be considered as an area eligible for investment incentives enjoyed by the majority of commune-level administrative divisions;

b) If the number of commune-level administrative divisions in a disadvantaged area equals that in an extremely disadvantaged area, the newly established commune-level administrative division shall be considered as an extremely disadvantaged area;

c) If the number of commune-level administrative divisions in a disadvantaged area equals that in an area not affiliated to the area eligible for investment incentives, the newly established administrative division shall be considered as a disadvantaged area;

d) If the number of commune-level administrative divisions in an extremely disadvantaged area equals that in an area not affiliated to the area eligible for investment incentives, the newly established administrative division shall be considered as an extremely disadvantaged area.

4. Regarding a commune-level administrative division newly established under the Resolution of the Standing Committee of National Assembly on the basis of full division, partial division or upgradation of the old administrative division which is eligible for investment incentives or due to the arrangement or adjustment of boundaries of commune-level administrative divisions in areas with different socio-economic conditions, the determination of area eligible for investment incentives shall comply with the regulations set out under clause 3 of this Article.

5. Each provincial People's Committee shall determine and announce areas eligible for investment incentives and areas eligible for special investment incentives at commune level as specified in clauses 1, 2, 3 and 4 of this Circular and send information thereon to the Ministry of Finance for monitoring and consolidation.”.

5. Some points and clauses of Article 27 are amended as follows:

a) Clause 1 is amended as follows:

“1. The duration of an investment project specified in clauses 1 and 2 Article 44 of the Law on Investment begins from the date on which the investor is issued with the decision on investor approval, decision on approval for both investment guidelines and investor or investment registration certificate for the first time. For the investment project which uses land allocated or leased out by the State or is permitted by the State to repurpose land, its duration begins from the date on which the investor is issued with the decision on land allocation, decision on land lease or decision on land repurposing. If the investor has obtained the decision on land allocation, decision on land lease or decision on land repurposing but the transfer of land is delayed, the investment project duration and the project execution schedule begin from the date on which land is transferred on site.”.

b) Clause 1a and clause 1b are added after clause 1 as follows:

“1. In case the transfer of land is delayed as prescribed in clause 1 of this Article, the investor is not required to follow procedures for adjusting the issued decision on approval for investment guidelines, decision on approval for both investment guidelines and investor or investment registration certificate. The time written on the decision on land allocation, decision on land lease or decision on land repurposing or document on land transfer issued by the competent authority to the investor shall serve as the basis for determining the investment project duration and execution schedule.

1b. In case the investor wishes to adjust the decision on approval for investment guidelines, decision on approval for both investment guidelines and investor or investment registration certificate to update information on the duration and execution schedule of the investment project falling into the case specified in clause 1a of this Article, the investor shall follow procedures for project adjustment as follows:

a) For the investment project whose investment guidelines have been approved, procedures for adjustment thereof are specified in clause 3 Article 45 and clause 5 Article 46 of this Decree;

b) For the investment project that has been issued with the investment registration certificate and not subject to approval for its investment guidelines, procedures for adjustment thereof are specified in clause 1 Article 47 of this Decree”.

c) Clause 6 is amended as follows:

“6. If the investment project satisfies the condition prescribed in point b clause 4 of this Article but fails to satisfy the condition prescribed in point a clause 4 of this Article, the authority that has the power to approve investment guidelines and the investment registration authority shall consider extending its duration on a year-by-year basis until the commune’s annual land use plan is available in accordance with regulations of law on

land. The investor shall only follow procedures for extending the duration for the first year of extension.”.

d) The introductory paragraph and several points of clause 10 are amended as follows:

d.1) The introductory paragraph is amended as follows:

“Investment projects using obsolete, environment threatening or resource-intensive which do not have their duration extended as prescribed in point a clause 4 Article 44 of the Law on Investment include:”;

d.2) Point b is amended as follows:

“b) Projects using machinery and equipment not assembled into a production line with HS codes in Chapters 84 and 85 of Vietnam’s Nomenclature of exports and imports which, upon its operation, fails to meet the provisions of the National technical regulation on safety, energy saving and environmental protection; or the capacity or performance of the machinery and equipment is less than 85% of the design capacity or performance; or the amount of raw materials, materials or energy consumed exceeds 15% of its design consumption level. In case of unavailability of a National Technical Regulation on safety, energy saving and environmental protection related to the projects’ machinery and equipment, only technical indicators of Vietnam’s Standards or National Standards of one of the G7 countries or Korea with regard to safety, energy saving, and environmental protection shall be applied.”.

d.3) Point c is added after point b as follows:

“c) Projects using technologies on the list of technologies prohibited from transfer from foreign countries to Vietnam and within the territory of Vietnam as per the law on technology transfer.”.

6. Some clauses and points of Article 29 are amended as follows:

a) Point c of clause 5 is amended as follows:

“c) The investor executes the investment project in an industrial park, hi-tech zone or concentrated digital technology zone;”.

b) Point dd of clause 5 is amended as follows:

“dd) Other cases not subject to land use right auction or bidding for investor selection in accordance with law on land, law on bidding, law on public-private partnership investment and relevant laws.”

c) The introductory paragraph, points a and b of clause 7 are amended as follows:

“7. If two investors or more in the investment project specified in point c, d or dd clause 5 of this Article submit a valid application for project execution at one location within 10 days (for the project subject to approval for its investment guidelines by the Prime Minister) or 07 days (for the project subject to approval for investment guidelines by the provincial People's Committee) from the receipt of the valid application of the first investor, the Ministry of Finance and investment registration authority shall follow the procedures below:

a) Notify the investors in writing of implementation of the procedures for investment guidelines approval and investor selection according to this clause within 12 days (for the project subject to approval for its investment guidelines by the Prime Minister) or 10 days (for the project subject to approval for investment guidelines by the provincial People's Committee) from the receipt of the valid application of the first investor. The Ministry of Finance and investment registration authority shall not consider and shall return other investors' applications (if any) submitted after the 10-day period (for the project subject to approval for its investment guidelines by the Prime Minister) or 07-day period (for the project subject to approval for investment guidelines by the provincial People's Committee) from the receipt of the valid application of the first investor;

b) Implement the procedures for investment guideline approval as prescribed in Article 32 or Article 33 hereof on the basis of the investment project proposal of the first investor. If the first investor's investment project proposal fails to satisfy the conditions mentioned in clause 7 Article 31 of the Law on Investment, implement the procedures for investment guideline approval on the principle that the investment project proposal of each next investor is considered;”.

7. Article 30 is amended as follows:

“Article 30. Procedures for investor approval

1. The investors specified in points a and b clause 3 Article 29 of this Decree may be considered to be approved following the procedures below:

a) The investor shall submit 01 physical set of application for investor approval and a file containing electronic copies of application documents to the investment registration authority, including an application form for investor approval and the documents specified in points b, c, e, g and h clause 1 Article 31 of this Law;

b) Within 02 days from the receipt of the valid application, the investment registration authority shall send the application as prescribed in point a of this clause; report the result of invitation for Expression of Interest (for the investor specified in point b clause 3 Article 29 of this Decree) to seek relevant local regulatory bodies' opinions about the satisfaction of the requirements specified in points b, c and d clause 8 Article 31 of this Decree. For a foreign investor's and foreign-invested business organization's project that is executed on an island or in a border or coastal commune, ward or commune-level town (hereinafter referred to as “border or coastal commune”); in other areas that affect

defense and security, the investment registration authority shall seek opinions of the provincial Military Command and provincial Police about the satisfaction of the requirements for assurance of national defense and security;

c) Within 07 days from the receipt of the request of the investment registration authority for opinions, the consulted authorities shall give their opinions about the contents under their state management to the investment registration authority;

d) Within 14 days from the receipt of the valid applications specified in point a of this clause, the investment registration authority shall prepare an appraisal report on the contents specified in points b, c and d clause 8 Article 31 of this Decree and submit it to the provincial People's Committee;

dd) Within 03 days from the receipt of the application and appraisal report, the provincial People's Committee shall grant investor approval and send the decision on investor approval to the Ministry of Finance (for the project subject to approval for its investment guidelines by the National Assembly or the Prime Minister); authority holding the auction (in the case of holding an auction); investment registration authority and investor.

2. If a Ministry, ministerial agency or Governmental agency conducts bidding, such agency shall prepare a report on result of invitation for Expression of Interest and approve the investor if the investor satisfies the requirements specified in points b, c and d clause 8 Article 31 of this Decree. The decision on investor approval shall be sent to the Ministry of Finance (for the project whose investment guidelines have been approved by the National Assembly or the Prime Minister), investment registration authority and investor.

3. Procedures for approving an investor in an investment project to be executed in an economic zone as specified in clause 2 Article 32 of the Law on Investment are as follows:

a) The investor shall submit 01 physical set of application for investor approval and a file containing electronic copies of application documents to the economic zone management board, including an application form for investor approval; the documents specified in points b, c, e, g and h clause 1 Article 31 of this Decree;

b) Within 02 days from the receipt of the valid application, the economic zone management board shall send it to relevant local regulatory agencies to seek their opinions according to point b clause 1 of this Article; For a foreign investor's and foreign-invested business organization's project that is executed on an island or in a border or coastal commune, ward or commune-level town; in other areas that affect defense and security, the investment registration authority shall seek opinions of the provincial Military Command and provincial Police about the satisfaction of the requirements for assurance of national defense and security;

c) Within 07 days from the receipt of the request of the economic zone management board for opinions, the consulted agencies shall give their opinions about the contents under their state management to the economic zone management board;

d) The economic zone management board shall approve the investor within 17 days from the receipt of a valid application specified in point a of this clause.”.

8. Article 31 is amended as follows:

“Article 31. Applications and procedures for making and appraising requests for investment guideline approval

1. An application for approval for investment guidelines of an investment project proposed by an investor shall comprise:

a) An application form for execution of the investment project, including a commitment to incur all costs and risks if the project is not approved;

b) A document about the investor’s legal status;

c) Document(s) proving the financial capacity of the investor including at least one of the following documents: the investor’s financial statements for the last 02 years; commitment of the parent company to provide financial support; commitment of a financial institution to provide financial support; guarantee for the investor’s financial capacity; other document proving the investor’s financial capacity;

d) An investment project proposal mainly includes: the investor or investor selection methods, investment objectives, investment scale, investment capital and capital raising plan, location, duration and schedule of the investment project, information about current use of land in the project location and proposal for demand for land use (if any), labor demand, proposal for enjoyment of investment incentives, impacts and socio-economic efficiency of the project, preliminary assessment of environmental impact (if any) in accordance with regulations of law on environmental protection; special mechanisms and policies (if any).

If the law on construction requires formulation of a pre-feasibility study report, the investor is entitled to submit the pre-feasibility study report instead of the investment project proposal;

dd) If the investment project does not require the State to allocate or lease out land or to permit land repurposing, a copy of the document regarding the land use rights or other document identifying the right to use the location for execution of the investment project is required to be submitted;

e) Contents of the explanation for the technology to be used in the investment project if the project requires appraisal and collection of opinions on the technology in accordance with regulations of law on technology transfer;

g) The business cooperation contract if the investment project is executed under a business cooperation contract;

h) Other documents relating to the investment project, and requirements on the eligibility and capacity of the investor in accordance with regulations of law (if any).

2. An application for approval for investment guidelines of an investment project prepared by a competent authority shall comprise:

a) An application for approval for investment guidelines;

b) Proposal for the investment project including the following main contents: investment objectives, investment scale, investment capital, location, duration and schedule of the investment project, impacts and socio-economic efficiency of the project; information about the current use of land in the location of the project, determination of cases of land expropriation for the project subject to land expropriation (if any), expected demand for land use (if any); preliminary assessment of environmental impact (if any) in accordance with the law on protection of the environment protection; expected method of investor selection and conditions applicable to the investor (if any); special mechanisms and policies (if any).

If the law on construction requires formulation of a pre-feasibility study report, the competent authority is entitled to use the pre-feasibility study report instead of the investment project proposal.

3. Explanatory documents for the proposal for method of investor selection specified in clauses 1 and 2 of this Article include:

a) Documents proving that land has been cleared (if any), other explanatory documents (if any) in the case of proposal for investor selection through land use right auction in accordance with regulations of law on land;

b) Documents proving that land has not been cleared (if any), other explanatory documents (if any) in the case of proposal for investor selection through bidding for land-using project. In this case, the investment proposal shall specify the total estimated cost of project execution that is determined according to the total investment of the project in accordance with regulations of law on construction, exclusive of the costs of compensation, assistance and resettlement.

c) A valid copy of the decision on land allocation or decision on land lease or the land use right lease contract or certificate of land use rights, certificate of ownership of houses and land use rights, certificate of land use rights, ownership of houses and other property on

land in the case of proposal for approval for both investment guidelines and investor regarding the investor that has the land use rights as specified in point a clause 4 Article 29 of the Law on Investment;

d) A valid copy of the competent People's Committee's written approval for receipt of the land use rights, receipt of the land use rights as contributed capital or lease of the land use rights for project execution and valid copies of other documents containing agreement on use of location for project execution in the case of proposal for approval for both investment guidelines and investor with regard to the investor receiving the agricultural land use rights, receiving the agricultural land use rights as contributed capital or leasing the agricultural land use rights for execution of the non-agricultural production or business investment project as prescribed in point b cause 4 Article 29 of the Law on Investment.

4. Regarding a construction investment project, the project investment proposal includes:

a) The contents specified in point d clause 1 or point b clause 2 of this Article; description of fulfillment of objectives and orientations for urban development, residential housing development program or plan; expected division of component projects (if any); preliminary plan for phasing of investment with a view to synchronism assurance; preliminary structure of residential housing products and provision of land for social housing development.

For an urban area project, if the law on construction requires formulation of a pre-feasibility study report, the investor or competent authority is entitled to submit or use the pre-feasibility study report instead of the investment project proposal, including a proposal for preliminary part of the urban infrastructure retained by the investor for business operation and part of the urban infrastructure to be transferred or proposed by the investor to the local government;

b) The contents specified in point d clause 1 or point b clause 2 of this Article, expected division of component projects (if any) with respect to the construction investment project other than that specified in point a of this clause.

5. The competent authorities that prepare applications for approval for investment guidelines of the investment projects in clauses 1 and 2 of this Article consist of:

a) Ministries, ministerial agencies and provincial People's Committees, which prepare applications for approval for investment guidelines of projects subject to approval for their investment guidelines by the National Assembly and the Prime Minister;

b) Specialized agencies of provincial People's Committees; commune-level People's Committees; industrial park, export processing zone, hi-tech zone or economic zone management boards, which prepare applications for approval for investment guidelines of projects subject to approval for their investment guidelines by provincial People's Committees.

6. Authorities receiving applications for approval for investment guidelines consist of:

a) The Ministry of Finance, which receives applications for approval for investment guidelines of investment projects subject to approval for their investment guidelines by the National Assembly and the Prime Minister;

b) Departments of Finance, which receive applications for approval for investment guidelines of investment projects subject to approval for their investment guidelines by provincial People's Committees outside industrial parks, export-processing zones, concentrated digital technology zones, hi-tech zones and economic zones; investment projects executed both inside and outside industrial parks, export-processing zones, concentrated digital technology zones, hi-tech zones and economic zones; investment projects within industrial parks, export-processing zones, concentrated digital technology zones, hi-tech zones and economic zones and projects on investment in construction and commercial operation of infrastructure of industrial parks or export-processing zones in areas where management boards of the industrial parks, export-processing zones, hi-tech zones and economic zones have yet to be established or not under the management of the management boards of industrial parks, export-processing zones, hi-tech zones and economic zones;

c) Management boards of industrial parks, export-processing zones, hi-tech zones and economic zones, which receive applications for approval for investment guidelines of investment projects subject to approval for their investment guidelines by provincial People's Committees executed inside the industrial parks, export-processing zones, concentrated digital technology zones, hi-tech zones and economic zones.

7. Contents of appraisal of the request for approval for investment guidelines include:

a) Assessment of the conformity of the investment project with relevant national planning, regional planning, provincial planning, urban planning and special economic - administrative unit planning (if any) in relation to the operating objectives and contents of the investment project proposal;

Upon assessment of the conformity of the investment project with relevant national planning, regional planning, provincial planning, urban planning, carry out assessment of the conformity of the project with objectives and orientations for development, arrangement and distribution of spaces for socio-economic activities according to the contents and/or requirements of the planning.

For urban planning, the appraisal must cover the assessment of the investment project with the zoning planning; in case the proposed project is located in an area for which a zoning planning is not required as prescribed by the law on urban planning or the zoning planning needs adjustments and is yet to be approved by a competent authority, assessment of the conformity of the project with the approved general planning shall be carried out;

- b) Assessment of the demand for land use which shall be appropriate to the operating objectives, scale, location and requirements of the project;
- c) Preliminary assessment of the socio-economic efficiency of the investment project; preliminary assessment of environmental impact (if any) in accordance with regulations of law on environmental protection;
- d) Assessment of investment incentives and conditions for enjoying investment incentives (if any);
- dd) Assessment of the technology to be used in the investment project if the project requires appraisal or collection of opinions on the technology in accordance with regulations of law on technology transfer;
- e) Assessment of conformity of the investment project with the objectives and orientation for urban development, and residential housing development programs and plans; preliminary plan for phasing of investment with a view to synchronism assurance; preliminary structure of residential housing products and provision of land for social residential housing development;
- g) Assessment of the suitability of the investment project with the requirements of protecting and promoting the value of cultural heritage and the conditions prescribed by the law on cultural heritage;
- h) Legal bases and conditions for application of the investor selection methods specified in clause 1 Article 29 of the Law on Investment and Article 29 of this Decree.

8. Contents of appraisal of the request for both investment guideline approval and investor approval:

- a) The contents specified in points a, b, c, d, dd, e and g clause 7 of this Article;
- b) The ability to satisfy the conditions for land allocation or land lease in the case of land allocation or land lease without auction of the land use right or bidding for investor selection; the ability to satisfy the conditions for land repurposing if the project requires land repurposing;
- c) Assessment of satisfaction of market access conditions applied to foreign investors (if any);
- d) Other conditions applicable to the investor in accordance with relevant regulations of law;
- dd) Legal bases and conditions for investor approval as specified in clause 1 Article 29 of the Law on Investment and Article 29 of this Decree;

e) Assessment of the satisfaction of conditions prescribed by the laws on construction, housing, urban development and real estate business (for housing and urban construction and real estate business investment projects).

9. The obtainment of and response to opinions during the appraisal shall be carried out on according to the principle specified in clause 2 Article 6 of this Decree. If the law on construction, housing, urban development or real estate business provides for consulted authorities and contents about which appraisal opinions are obtained, regulations laid down in such law shall apply.”.

9. Some points and clauses of Article 32 are amended as follows:

a) Clause 1a is added after clause 1 as follows:

“1a. The application for approval for investment guidelines by the Prime Minister shall comply with Article 31 of this Decree.”.

b) Clause 2 is amended as follows:

“2. The investor or competent authority specified in point a clause 4 Article 31 hereof shall submit 01 physical set of application for approval for investment guidelines as prescribed in clause 1 or clause 2 Article 31 of this Decree and a file containing electronic copies of application documents to the Ministry of Finance.”.

c) The introductory paragraph of clause 3 is amended as follows:

“Within 03 days from the receipt of the valid application mentioned in clause 2 of this Article, the Ministry of Finance shall send it to relevant Ministries, authorities and People's Committees of provinces where the project is executed to seek their appraisal opinions on the project’s contents under their state management as prescribed in clause 6 or clause 8 Article 31 hereof.

d) Clause 4 is amended as follows:

“Within 10 days from the receipt of the request of the Ministry of Finance for opinions, the consulted authorities shall give their opinions about the contents under their state management to the Ministry of Finance.

In case the project is subject to preliminary environmental impact assessment as per the law on environmental protection, the Ministry of Agriculture and Environment shall fulfill the responsibility specified in this clause for the contents of preliminary environmental impact assessment.”.

dd) Clause 5 is amended as follows:

“Within 20 days from the receipt of the valid application specified in clause 2 of this Article, the Ministry of Finance shall appraise it and prepare an appraisal report containing the contents specified in clause 7 or clause 8 Article 31 of this Decree and submit it to the Prime Minister for investment guideline approval.”.

e) Clause 6 is amended as follows:

“Within 05 days from the receipt of the appraisal report of the Ministry of Finance, the Prime Minister shall grant approval for investment guidelines.”.

g) Point b of clause 7 is amended as follows:

“b) Project’s name; objectives; scale (preliminary structure of residential housing products and provision of land for social housing development; investment capital of the project (total estimated cost of executing the project, if any), duration of the project;”.

10. Some clauses of Article 33 are amended as follows:

a) Clause 3a is added after clause 3 as follows:

“3a. The application for approval for investment guidelines by the provincial People’s Committee shall comply with Article 31 of this Decree.”.

b) Clause 4 is amended as follows:

“4. Procedures for investment guideline approval by a provincial People’s Committee are as follows:

a) The investor or competent authority shall submit 01 physical set of application for approval for investment guidelines as prescribed in clause 1 or clause 2 Article 31 of this Decree and a file containing electronic copies of application documents to the investment registration authority.

For a project on investment in construction and commercial operation of an industrial park, export-processing zone or concentrated digital technology zone, the investor or competent authority shall submit the application to the industrial park, export-processing zone, hi-tech zone or economic zone management board or to the Department of Finance in case an industrial park, export-processing zone, hi-tech zone or economic zone management board is yet to be established;

b) Within 02 days from the receipt of the valid application mentioned in point a of this clause, the investment registration authority shall send it to Departments and People's Committees of the communes where the project is expected to be executed and local agencies concerned to seek their appraisal opinions on the contents under their state management as prescribed in clause 7 or clause 8 Article 31 of this Decree. For a foreign investor’s and foreign-invested business organization’s project that is executed on an

island or in a border or coastal commune, ward or commune-level town; in other areas that affect defense and security, the investment registration authority shall seek opinions of the provincial Military Command and provincial Police about the satisfaction of the requirements for assurance of national defense and security;

c) Within 07 days from the receipt of the request of the investment registration authority for opinions, the consulted authorities shall give their opinions about the contents under their state management to the investment registration authority.

In case the project is subject to preliminary environmental impact assessment as per the law on environmental protection, the provincial specialized environmental protection authority shall fulfill the responsibility specified in this clause for the contents of preliminary environmental impact assessment;

d) Within 14 days from the receipt of the valid application specified in point a of this clause, the investment registration authority shall prepare an appraisal report on the contents specified in clause 7 or clause 8 Article 31 of this Decree and submit it to the provincial People's Committee.”.

c) Clause 5 is amended as follows:

“5. Within 03 days from the receipt of the application and appraisal report, the provincial People’s Committee shall consider approving investment guidelines of projects according to clause 7 Article 32 of this Decree.”.

d) Clause 7 is amended as follows:

“7. Regarding an investment project executed in an industrial park, export-processing zone, concentrated digital technology zone or economic zone as specified in clause 2 Article 32 of the Law on Investment, the industrial park, export-processing zone, hi-tech zone or economic zone management board shall follow procedures for investment guideline approval as follows:

a) The investor or competent authority specified in point b clause 5 Article 31 of this Decree shall submit 01 physical set of application for approval for investment guidelines as prescribed in clause 1 or clause 2 Article 31 of this Decree and a file containing electronic copies of application documents to the industrial park, export-processing zone, hi-tech zone or economic zone management board;

b) Within 02 days from the receipt of the valid application mentioned in point a of this clause, the industrial park, export-processing zone, hi-tech zone or economic zone management board shall send it to local agencies concerned to seek their appraisal opinions on the contents under their state management as prescribed in clause 7 or clause 8 Article 31 of this Decree. For a foreign investor’s and foreign-invested business organization’s project that is executed on an island or in a border or coastal commune, ward or commune-level town; in other areas that affect defense and security, the

investment registration authority shall seek opinions of the provincial Military Command and provincial Police about the satisfaction of the requirements for assurance of national defense and security;

c) Within 07 days from the receipt of the request of the industrial park, export-processing zone, hi-tech zone or economic zone management board for opinions, the consulted agencies shall give their opinions about the contents under their state management to the industrial park, export-processing zone, hi-tech zone or economic zone management board;

d) Within 17 days from the receipt of the valid applications specified in point a of this clause, the industrial park, export-processing zone, hi-tech zone or economic zone management board shall prepare an appraisal report on the contents specified in clause 7 or clause 8 Article 31 hereof and decision on approval for investment guidelines containing the contents specified in clause 7 Article 32 hereof.”.

dd) Clause 9 is added after clause 8 as follows:

“9. For a project which at the same time fall within the power of at least 02 provincial People's Committees to grant approval for investment guidelines, follow the instructions below:

a) The investor shall choose to follow the procedures for investment guideline approval in the locality where the majority of the land area is proposed to be used or the area where the main work of the project is constructed or where most of the activities of the investment project are carried out in that locality, unless otherwise provided by law;

b) The People's Committee of the province to which the investor submits the application for approval for investment guidelines shall solicit opinions of relevant provincial People's Committees of and consider approving the investment guidelines for the entire project upon obtaining written consents from all People's Committees of the provinces where the project is executed;

c) For the project in which investors are proposed to be selected by land use rights auction or bidding, the People's Committee of the province where the investor proposes to execute the project shall be the agency which presides over and cooperates with relevant agencies and localities to organize the land use rights auction or bidding to select investors in accordance with the provisions of the land law and the bidding law;

d) The written approval for investment guidelines shall serve the basis for localities where the project is executed to allocate land, lease land or repurpose land for the land area for project execution in that locality and to execute the project.”.

11. Some points and clauses of Article 34 are amended as follows:

a) Point a of clause 3 is amended as follows:

“a) Projects on investment in construction and commercial operation of infrastructure of industrial parks, export-processing zones, concentrated digital technology zones, hi-tech zones and functional sub-zones in economic zones;”.

b) Clause 3a is added after clause 3 of Article 34 as follows:

“3a. In case of changing the location of an investment project, the Department of Finance or industrial park, export-processing zone, hi-tech zone or economic zone management board in the area to which the project is relocated has the power to issue, adjust and revoke the investment registration certificate.”.

12. Clause 1 and the introductory paragraph of clause 3 of Article 20 are amended as follows:

a) Clause 1 is amended as follows:

“1. The investor shall submit 01 physical set of application for issuance of the investment registration certificate containing the contents in clause 1 Article 31 of this Decree to the investment registration authority. If the investment project is executed in 02 provincial-level administrative divisions or more, the investor shall submit the application to the Department of Finance of a province or central-affiliated city where the investment project is executed or where the operating office is located or expected to be located for execution of the investment project to apply for issuance of the investment registration certificate to the project.”.

b) The introductory paragraph of clause 3 is amended as follows:

“The investment registration authority shall issue the investment registration certificate to the investor within 10 days from the receipt of the valid application if the conditions below are satisfied:”.

13. Some points and clauses of Article 44 are amended as follows:

a) Clause 1 is amended as follows:

“1. The investor shall submit 01 physical set of application and a file containing electronic copies of application documents to the Ministry of Finance. The application includes:

a) An application form for adjustment of the investment project;

b) A report on investment project’s progress by the time of adjustment;

c) The investor’s decision on investment project adjustment if the investor is an organization;

d) Explanation for or documents relating to the adjustment of the contents specified in points b, c, d, dd, e, g and h clause 1 Article 31 of this Decree (if any).”.

b) Clause 2 is amended as follows:

“2. Procedures for adjusting the investment project:

a) Within 03 days from the receipt of the valid application, the Ministry of Finance shall send it to competent authorities as prescribed in clause 3 Article 32 of this Decree to seek their opinions about the adjustments to the investment project;

b) Within 10 days from the receipt of the valid applications, the consulted authorities shall give their opinions about the adjustments under their state management;

c) Within 20 days from the receipt of the valid application, the Ministry of Finance shall prepare an appraisal report on the adjustments for submission to the Prime Minister;

d) Within 05 days from the receipt of the appraisal report of the Ministry of Finance, the Prime Minister shall decide to approve adjustments to the investment guidelines. The decision on approval for adjustments to the investment guidelines shall be sent to the Ministry of Finance, investment registration authority, investor, other Ministries and agencies related to execution of the investment project, and the investor approving authority (if any).”.

14. Some points and clauses of Article 45 are amended as follows:

a) Clause 1 is amended as follows:

“1. The investor shall submit 01 physical set of application specified in clause 1 Article 44 hereof and a file containing electronic copies of application documents to the investment registration authority.

For a project on investment in construction and commercial operation of an industrial park, export-processing zone or concentrated digital technology zone, the investor shall submit the application to the industrial park, export-processing zone, hi-tech zone or economic zone management board or to the Department of Finance in case an industrial park, export-processing zone, hi-tech zone or economic zone management board is yet to be established.”.

b) Clause 2 is amended as follows:

“a) Within 02 days from the receipt of the valid application, the investment registration authority shall send it to competent authorities as prescribed in point b clause 4 Article 33 of this Decree to seek their opinions about the adjustments to the investment project;

b) Within 07 days from the receipt of the application, the consulted authorities shall give their opinions about the adjustments under their state management;

c) Within 14 days from the receipt of the valid application, the investment registration authority shall prepare an appraisal report on the adjustments for submission to the provincial People's Committee;

d) Within 03 days from the receipt of the application and appraisal report of the investment registration authority, the provincial People's Committee shall decide to approve adjustments to the investment guidelines. The decision on approval for adjustments to the investment guidelines shall be sent to the investment registration authority and investor, the investor approving authority in the case of investor approval as prescribed in clause 3 Article 29 of the Law on Investment, Departments and agencies related to execution of the investment project.”.

c) Clause 3 is added after clause 2 as follows:

“3. In case of adjusting the execution schedule or duration of the investment project as prescribed in clause 1b Article 27 of this Decree or the investor wishes to update information about the location of the investment project on the basis of arrangement of administrative divisions and organization of two-level local governments, the investor shall follow procedures as follows:

a) The investor shall submit 01 set of application to the investment registration authority.

The application consists of an application form of the investor; decision on land allocation, decision on land lease or decision on land repurposing or document on land transfer issued by the competent authority (in the case specified in clause 1b Article 27 of this Decree).

b) Within 02 working days from the receipt of the valid application, the investment registration authority shall report it to the provincial People's Committee for its consideration and decision to approve adjustments to the investment guidelines without having to follow the procedures specified in clause 2 of this Article.

c) Within 03 working days from the receipt of the application and report of the investment registration authority, the provincial People's Committee shall decide to approve adjustments to the investment guidelines. The decision on approval for adjustments to the investment guidelines shall be sent to the investment registration authority and investor, the investor approving authority in the case of investor approval as prescribed in clause 3 Article 29 of the Law on Investment, Departments and agencies related to execution of the investment project.”.

15. Some clauses of Article 46 are amended as follows:

a) Clause 1 is amended as follows:

“1. The investor shall submit 01 set of application prescribed in Article 44 hereof and a file containing electronic copies of application documents to the industrial park, export-processing zone, hi-tech zone or economic zone management board;”.

b) Clause 2 is amended as follows:

“2. Within 02 days from the receipt of the valid application, the industrial park, export-processing zone, hi-tech zone or economic zone management board shall send it to competent authorities as prescribed in point b clause 7 Article 33 of this Decree to seek their opinions about the adjustments to the investment project;”.

c) Clause 3 is amended as follows:

“3. Within 07 days from the receipt of the application, the consulted authorities shall give their opinions about the adjustments under their state management;”.

d) Clause 4 is amended as follows:

“4. Within 17 days from the receipt of the valid application, the industrial park, export-processing zone, hi-tech zone or economic zone management board shall decide to approve adjustments to the investment guidelines. The decision on approval for adjustments to the investment guidelines shall be sent to the investor and agencies related to execution of the investment project.”.

dd) Clause 5 is added after clause 4 as follows:

“5. In case of adjusting the execution schedule or duration of the investment project as prescribed in clause 1b Article 27 of this Decree or the investor wishes to update information about the location of the investment project on the basis of arrangement of administrative divisions and organization of two-level local governments, the investor shall follow procedures as follows:

a) The investor shall submit 01 set of application to the industrial park, export-processing zone, hi-tech zone or economic zone management board.

The application consists of an application form of the investor; decision on land allocation, decision on land lease or decision on land repurposing or document on land transfer issued by the competent authority (in the case specified in clause 1b Article 27 of this Decree).

b) Within 05 working days from the receipt of the valid application, the industrial park, export-processing zone, hi-tech zone or economic zone management board shall decide to approve adjustments to the investment guidelines. The decision on approval for adjustments to the investment guidelines shall be sent to the investor and agencies related to execution of the investment project.”.

16. Article 47 is amended as follows:

“Article 47. Procedures for adjusting investment projects issued with investment registration certificates and not subject to approval for their investment guidelines

1. “5. In the cases where the adjustment of the investment project is related to the change of the investment project name or investor name on the investment registration certificate or where the execution schedule or duration of the investment project is adjusted as prescribed in clause 1b Article 27 of this Decree or the investor wishes to update information about the location of the investment project on the basis of arrangement of administrative divisions and organization of two-level local governments, the investor shall submit an application form for adjustment of the investment project to the investment registration authority enclosed with the documents concerning the change of the investment project name or investor name (in case of change of the investment project name or investor name); decision on land allocation, decision on land lease, decision or land repurposing or document on land transfer issued by the competent authority (in the case specified in clause 1b Article 27 of this Decree).

Within 03 working days from the receipt of the application form for adjustment of the investment registration certificate and relevant documents (if any), the investment registration authority shall adjust the investment registration certificate for the investor.

2. If the adjustment of an investment project is not made in the case specified in clause 1 of this Article, the investor shall submit 01 set of application specified in clause 1 Article 44 hereof to the investment registration authority. Within 07 working days from the receipt of the valid application, the investment registration authority shall adjust the investment registration certificate for the investor.”.

17. Some points and clauses of Article 48 are amended as follows:

a) Point a of clause 6 is amended as follows:

“a) The transferor shall submit 01 physical set of the application prescribed in clause 5 of this Article and a file containing electronic copies of application documents to the Ministry of Finance or 01 physical set of the application prescribed in clause 5 of this Article and a file containing electronic copies of application documents to the investment registration authority corresponding to the power to approve investment guidelines of the project;”.

b) Clause 8 is amended as follows:

“8. Where an investment project has had its investment guidelines approved and the transfer thereof does not change any content of approval for the investment guidelines in one of the cases mentioned in points a, b, c, d, dd and e clause 3 Article 41 of the Law on Investment, the transferor shall follow the procedures for adjusting the decision on

investor approval instead of the procedures for approving adjustments to the investment guidelines. To be specific:

- a) The transferor shall submit to the investment registration authority 01 physical set of the application prescribed in clause 5 of this Article and a file containing electronic copies of application documents in which the application form for investment project adjustment is replaced with the application form for approval for change of investor;
- b) Within 02 days from the receipt of the valid application, the investment registration authority shall send it to concerned competent authorities at the same level about the compliance with regulations set out in points b, c and d clause 8 Article 31 of this Decree;
- c) Within 07 days from the receipt of the application, the consulted authorities shall give their opinions about the contents under their state management to the investment registration authority;
- d) Within 14 days from the receipt of the valid application, the investment registration authority shall prepare an appraisal report on the contents specified in points b, c and d clause 8 Article 31 of this Decree and submit it to the provincial People's Committee;
- dd) Within 03 days from the receipt of the application and appraisal report, the provincial People's Committee shall decide to approve the change of investor;
- e) The decision on approval for change of investor shall record the transferor, transferee and part of the project transferred (if any), and be sent to the investment registration authority, related regulatory bodies, transferor and transferee.”.

18. Point a clause 3 of Article 50 is amended as follows:

“a) For the investment project whose investment guidelines have been approved, the investor shall submit 01 physical set of the application and a file containing electronic copies of application documents to the Ministry of Finance or 01 physical set of the application and a file containing electronic copies of application documents to the investment registration authority corresponding to the power to approve investment guidelines of the project.

The application includes: An application form for project adjustment; report on the project's progress by the time of full division, partial division or merger; investor's decision on full division, partial division or merger of the project or another equivalent document; document about the investor's legal status; a copy of the investment registration certificate or decision on approval for investment guidelines (if any); a copy of the decision on investor approval (if any); explanation for or documents relating to the adjustment of the contents specified in points b, c, d, dd, e, g and h clause 1 Article 31 of this Decree (if any);”.

19. Some points and clauses of Article 51 are amended as follows:

a) Point d of clause 2 is amended as follows:

“d) Explanation for or documents relating to the adjustment of the contents specified in points b, c, d, dd, e, g and h clause 1 Article 31 of this Decree (if any);”.

b) Clause 3 is amended as follows:

“3. Where an investment project has had its investment guidelines approved and the adjustment thereof upon the re-organization changes any content of approval for investment guidelines in one of the cases in clause 3 Article 41 of the Law on Investment, the investor shall submit 01 physical set of the application specified in clause 2 of this Article and a file containing electronic copies of application documents to the Ministry of Finance or 01 physical set of the application specified in clause 2 of this Article and a file containing electronic copies of application documents to the investment registration authority corresponding to the power to approve investment guidelines to adjust the investment project in accordance with the corresponding regulations laid down in Articles 44, 45 and 46 hereof. The decision on approval for adjustment of the investment guidelines shall be sent to the investor and investment registration authority.”.

20. Clause 5 of Article 52 is amended as follows:

“5. Where an investment project has had its investment guidelines approved and the capital contribution changes any content of the decision on approval for investment guidelines in one of the cases in clause 3 Article 41 of the Law on Investment, the investor contributing capital shall submit 01 physical set of the application specified in clause 3 of this Article and a file containing electronic copies of application documents to the Ministry of Finance or 01 physical set of the application specified in clause 3 of this Article and a file containing electronic copies of application documents to the investment registration authority to follow the procedures for project adjustment in accordance with the corresponding regulations laid down in Articles 44, 45 and 46 hereof.

If part of the rights to use land and property on land is contributed not in one of the cases specified in clause 3 Article 41 of the Law on Investment, the investor contributing the capital is not required to follow the procedures for approving adjustments to the investment guidelines.”.

21. Point a clause 4 of Article 53 is amended as follows:

“a) Where the business cooperation changes any content of the investment registration certificate or decision on investor approval or any content of the decision on approval for investment guidelines in one of the cases in clause 3 Article 41 of the Law on Investment, the investor shall 01 physical set of the application specified in clause 3 of this Article and a file containing electronic copies of application documents to the Ministry of Finance or 01 physical set of the application specified in clause 3 of this Article and a file containing electronic copies of application documents to the investment registration

authority to follow the procedures for project adjustment in accordance with the corresponding regulations laid down in Articles 44, 45, 46 and 47 hereof;”.

22. Clause 2 of Article 55 is amended as follows:

“2. Procedures for extending duration of the investment project according to clause 4 Article 27 hereof are as follows:

a) For the investment project whose investment guidelines have been approved, the investor shall submit 01 physical set of the application and a file containing electronic copies of application documents to the Ministry of Finance or the investment registration authority corresponding to the power to approve investment guidelines of the project.

The application includes: an application form for extension of the project’s duration; report on project's progress by the time of submission; decision on approval for investment guidelines; investment registration certificate; decision on investor approval or equivalent document; certificate of land use rights or equivalent document; document(s) proving the financial capacity of the investor including at least one of the following documents: the investor’s financial statements for the last two years; commitment of the parent company to provide financial support; commitment of a financial institution to provide financial support; guarantee for the investor’s financial capacity; other document proving the investor’s financial capacity;

b) Within 02 days from the receipt of the valid application specified in point a of this Clause, the Ministry of Finance or the investment registration authority shall send the application to the land authority and relevant authorities to seek their opinions about fulfillment of the conditions specified in clause 4 Article 44 of the Law on Investment and clause 4 and clause 10 Article 27 hereof;

c) Within 07 days from the receipt of the application, the consulted authorities shall give their opinions about fulfillment of the conditions specified in clause 4 Article 44 of the Law on Investment and clause 4 Article 27 hereof;

d) Within 14 days from the receipt of the valid application, the Ministry of Finance and investment registration authority shall consider the conditions for extending the project’s duration prescribed in clause 4 Article 44 of the Law on Investment, clause 4 and clause 10 Article 27 hereof to prepare an appraisal report and submit it to the investment guideline approving authority;

dd) Within 03 days from the receipt of the report of the Ministry of Finance, the investment registration authority and investment guideline approving authority shall decide to extend the project’s duration;

e) For an investment project that has been issued with the investment registration certificate and not subject to approval for its investment guidelines, the investor shall submit 01 physical set of the application specified in point a of this clause and a file

containing electronic copies of application documents to the investment registration authority. The investment registration authority shall follow the corresponding procedures in points b, c, d and dd of this clause to extend the project's duration.”.

23. Article 61 is amended as follows:

“Article 61. Investment in construction and commercial operation of infrastructure of industrial parks, export-processing zones, hi-tech zones, concentrated digital technology zones and economic zones

1. The investment in construction and commercial operation of infrastructure of industrial parks, export-processing zones and concentrated digital technology zones must be conformable to the industrial park, export-processing zone construction and concentrated digital technology zone planning approved by a competent authority.

2. For disadvantaged areas, the provincial People's Committees shall, according to specific local conditions, request the Prime Minister to decide to establish or assign revenue-generating public service providers act as investors in the project on construction and commercial operation of infrastructure of industrial parks, export-processing zones and concentrated digital technology zones.

3. Every investor executing a project on investment in construction and commercial operation of infrastructure of an industrial park, export-processing zone, hi-tech zone, concentrated digital technology zone or functional sub-zone of an economic zone is entitled to carry out the following activities:

a) Constructing buildings, offices, warehouses and depots for sale or for lease;

b) Fixing the prices for leasing out and subleasing out land on which technical infrastructure has been constructed; charges for using infrastructure; rental and selling prices for buildings, offices, warehouses and depots, and other services charges as prescribed by law and as registered with the industrial park, export-processing zone, hi-tech zone, concentrated digital technology zone or economic zone management board. Price brackets and charges for use of infrastructure shall be registered every 06 months or when there is any adjustment to the registered price brackets and charges for use of infrastructure;

c) Collecting charges for use of infrastructure;

d) Transferring the land use rights, leasing out and subleasing out land on which technical infrastructure has been constructed in the industrial park, export-processing zone, hi-tech zone, concentrated digital technology zone or functional sub-zone in the economic zone to other investors in accordance with regulations of law on land and real estate business;

dd) Carrying out other activities specified in the Law on Investment, this Decree, Government's regulations on industrial parks, export-processing zones, hi-tech zones,

concentrated digital technology zones and economic zones, and relevant regulations of law.

24. Title, introductory paragraph and clause 5 of clause 62 are amended as follows:

a) Title is amended as follows:

“Article 62. Execution of investment projects in industrial parks, export-processing zones, hi-tech zones, concentrated digital technology zones and economic zones”

b) The introductory paragraph is amended as follows:

For the investment project executed in an industrial park, export-processing zone, hi-tech zone, concentrated digital technology zone or economic zone, the investor is entitled to carry out the following activities:”.

c) Clause 5 is amended as follows:

“5. Carrying out other activities specified in the Law on Investment, this Decree , Government’s regulations on industrial parks, export-processing zones, hi-tech zones, concentrated digital technology zones, economic zones, and relevant regulations of law.”.

25. Clause 1a is added after clause 1 of Article 63 as follows:

“1a. The business organization established by a foreign investor to execute a project as prescribed in point d clause 1 Article 22 of the Law on Investment must register its business lines in accordance with the operating fields prescribed in point d clause 1 Article 22 of the Law on Investment and may only adjust the contents of business registration to add other business lines after being granted an investment registration certificate as prescribed in this Decree.”.

26. Clause 4 of Article 66 is amended as follows:

“4. If the business organization to which foreign investors contribute capital or whose shares/stakes are purchased by foreign investors has the certificate of rights to use land on an island or in a border or coastal commune; in another area that affects national defense and security, the investment registration authority shall follow the procedures below:

a) Within 02 days from the receipt of the valid application specified in clause 2 of this Article, the investment registration authority shall seek opinions of the provincial Military Command and provincial Police about the satisfaction of the conditions specified in point b clause 4 Article 65 of this Decree;

b) Within 05 days from the receipt of the investment registration authority’s request, the provincial Military Command or provincial Police shall give their opinions about the satisfaction of the conditions for national defense and security assurance by the business

organization to which foreign investors contribute capital or whose shares/stakes are purchased by foreign investors; in case of failure to give any opinion by the aforementioned deadline, it is considered that it concurs with the satisfaction of the conditions for national defense and security assurance by the business organization to which foreign investors contribute capital or whose shares/stakes are purchased by foreign investors;

c) Within 10 days from the receipt of the valid application, the investment registration authority shall consider the satisfaction of the conditions for capital contribution or purchase of shares or stakes specified in clause 2 Article 24 of the Law on Investment and clause 4 Article 65 of this Decree, and notify investors according to the opinions given by the provincial Military Command or provincial Police. The notification shall be sent to foreign investors and business organization to which foreign investors contribute capital or whose shares/stakes are purchased by foreign investors.”.

27. Article 105a is added after Article 105 as follows:

“Article 105a. Overall investment inspection, investment project inspection

Overall investment inspection and investment project inspection shall comply with the Government’s regulations on investment inspection, supervision and assessment.”.

28. Article 114a is added after Article 114 as follows:

“Article 114a. Processing of received valid applications

For any valid application for approval or adjustment of investment guidelines which are received before the effective date of this Decree, the Ministry of Finance and the investment registration authority may continue to use the previous application submitted by investors and previous appraisal opinions of the competent authority to prepare an appraisal report, approve or adjust investment guidelines in accordance with the provisions of the Law on Investment and this Decree.

The Ministry of Finance and the investment registration authority shall decide to request the investor to adjust and supplement their application and seek appraisal opinions from competent authorities on the adjustments and supplements to the investment project where necessary.”.

29. Article 117a is added after Article 117 as follows:

“Article 117a. Transfer of secondary construction investment projects in urban areas according to clause 3a Article 77 of the Law on Investment

1. An application for transfer of investment project shall comprise the documents specified in points a, b, c, d, e and g clause 5 Article 48 of the Decree No. 31/2021/ND-CP, a copy of the certificate of land use rights and documents on the investment project.

2. If the investor wishes to continue executing the project according to clause 3a Article 77 of the Law on Investment, the investor shall follow the procedures below:

a) The transferor shall submit 01 physical set of the application prescribed in clause 1 of this Article and a file containing electronic copies of application documents to the Department of Finance;

b) The Department of Finance shall consider conditions for transferring investment projects as prescribed in clause 3a Article 77 of the Law on Investment to send a report thereon to the provincial People's Committee for its approval of both investment guidelines and investor for the transferee within 14 days from the date of receipt of the valid application or consider granting the investment registration certificate within 10 days from the date of receipt of the valid application;

Within 03 days from the receipt of the report of the Department of Finance, the provincial People's Committee shall consider and approve both investment guidelines and investor.”.

30. The ordinal numbers 11 and 18 are removed from Section A in the Appendix I - Negative list for market access.

31. The ordinal numbers 60 and 61 are added after the ordinal number 59 of Section B in the Appendix I - Negative list for market access as follows:

“60. Manufacture of and trade in weapons, explosive materials and support instruments;

61. Manufacture of military materials or equipment; trade in military equipment and supplies for the armed forces, military weapons, equipment, techniques, ammunitions, specialized equipment and vehicles exclusively for used by the military and the police, components, spare parts, supplies and special equipment, and specialized technologies for manufacturing thereof.”.

32. The ordinal numbers 9, 10, 11, 12, 13, 14 and 15 are added after the ordinal number 8 of Section A.I in the Appendix II - List of business lines eligible for investment incentives as follows:

“9. Manufacture of key digital technology products, provision of key digital technology services.

10. Establishment of artificial intelligence data centers; development of artificial intelligence systems; research and development, design, production, packaging, testing of semiconductor chip products.

11. Projects on investment in construction and commercial operation of infrastructure of concentrated digital technology zones.

12. Projects on investment in the field of digital technology in concentrated digital technology zones;

13. Projects on entrepreneurship in digital technology industry.

14. Investment in construction of digital technology infrastructure.

15. Manufacture of raw materials, materials, equipment, machinery and tools for the semiconductor industry on the List of raw materials, materials, equipment, machinery and tools for the semiconductor industry the investment in research and production of which is encouraged.”.

33. The ordinal number 3 of Section A.III in the Appendix II - List of business lines eligible for investment incentives is amended as follows:

“3. Investment in development of water plants, power plants, water supply and drainage systems; bridges, roads; investment in development, operation and management of railway infrastructure facilities, rail transport business, railway industry and training of railway human resources; airports, seaports, inland ports; aerodromes, terminals and other especially important infrastructural works decided by the Prime Minister.”.

34. The ordinal number 8 of Section A.IV in the Appendix II - List of business lines eligible for investment incentives is amended as follows:

“8. Investment in construction and commercial operation of medical treatment - education - social labor centers; smoking cessation centers; HIV/AIDS treatment centers; public drug rehabilitation centers; private drug rehabilitation centers; commune-level community-based drug addiction treatment consulting centers.”.

35. The ordinal numbers 21 and 22 are added after the ordinal number 20 of Section B.I in the Appendix II - List of business lines eligible for investment incentives as follows:

“21. Manufacture of digital technology products.

22. Provision of digital technology services.”.

36. Several contents of Section B.IV in the Appendix II - List of business lines eligible for investment incentives are amended as follows:

a) The ordinal numbers 1 is amended as follows:

“1. Investment in construction and commercial operation of education and training institutions, vocational education and training institutions; investment in development of non-public education and training institutions, vocational education and training institutions at levels: early childhood education, general education, vocational and training education, higher education.

b) The ordinal numbers 8 is amended as follows:

“8. Investment in construction and commercial operation of commune-level libraries, specialized libraries, university libraries, libraries of educational institutions, public libraries, private libraries serving communities and development of reading culture serving lifelong learning.”.

c) The ordinal number 10 is added after the ordinal number 9 as follows:

“10. Training of human resources in the fields of science, technology, innovation and national digital transformation.”.

37. The ordinal number 55 on the List of areas eligible for investment incentives specified under Appendix III is amended as follows:

No.	Province	Extremely disadvantaged areas	Disadvantaged areas
55		Economic zones, hi-tech zones, concentrated digital technology zones	Industrial parks, export-processing zones, industrial clusters established according to the Government’s regulations

Article 2. Replacing some phrases of the Government’s Decree No. 31/2021/ND-CP dated March 26, 2021 on elaboration of some articles of the Law on Investment

1. The phrase “Bộ Kế hoạch và Đầu tư” (“Ministry of Planning and Investment”) in this Decree is replaced with the phrase “Bộ Tài chính” (“Ministry of Finance”).
2. The phrase “Bộ Nông nghiệp và Phát triển nông thôn” (“Ministry of Agriculture and Rural Development”) in this Decree is replaced with the phrase “Bộ Nông nghiệp và Môi trường” (“Ministry of Agriculture and Environment”).
3. The phrase “Sở Kế hoạch và Đầu tư” (“Department of Planning and Investment”) in this Decree is replaced with the phrase “Sở Tài chính” (“Department of Finance”).

Article 3. Implementation clause

1. This Decree comes into force from the date on which it is signed.
2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People’s Committees of provinces and central-affiliated cities shall, within the bounds of their functions and tasks, provide guidance on and implement this Decree.

**FOR THE GOVERNMENT
PP. THE PRIME MINISTER
THE DEPUTY PRIME MINISTER**

Ho Duc Phoc

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