

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 114/2015/ND-CP

Hanoi, November 9, 2015

DECREE

Amending and supplementing Article 21 of the Government's Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export processing zones and economic zones^(*)

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the November 26, 2014 Law on Investment;

Pursuant to the November 26, 2014 Law on Enterprises;

At the proposal of the Minister of Finance,

The Government promulgates the Decree amending and supplementing Article 21 of the Government's Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export processing zones and economic zones, which was amended and supplemented in Decree No. 164/2013/ND-CP of November 12, 2013.

Article 1. To amend and supplement Article 21 of the Government's Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export processing zones and economic zones, which was amended and supplemented in Decree No. 164/2013/ND-CP of November 12, 2013:

“1. Export processing zones and enterprises may apply legal provisions applicable to non-tariff areas, except specific incentives applicable to non-tariff areas in border-gate economic zones. The law-prescribed status of export processing enterprises is stated in their investment registration certificates or documents of competent investment registration agencies in case the procedures for grant of investment registration certificates are exempted.

2. Export processing zones or enterprises are separated from outside territories with fence and wall systems which have entry and exit gates and doors to ensure conditions for the examination, supervision and control by the customs and relevant functional agencies.

3. Export processing enterprises may purchase building materials, office equipment and stationery, food, foodstuffs and consumer goods from inland Vietnam to build works and serve the administration of their office apparatus and daily-life activities of their staff members and workers.

Export processing enterprises and sellers of export processing enterprises may choose to or not to carry out import, export and customs procedures for building materials, office equipment

^(*) *Công Báo Nos 1141-1142 (23/11/2015)*

and stationery, food, foodstuffs and consumer goods from inland Vietnam.

4. Customs procedures for, and customs inspection and supervision of, exported and imported goods of export processing zones and enterprises must comply with the customs law.

5. Relations of goods exchange between export processing zones and enterprises and areas in the Vietnamese territory other than non-tariff areas, are regarded as import and export relations, except for the cases provided in Clause 3 of this Article and cases not subject to customs procedures regulated by the Ministry of Finance.

Export processing enterprises may sell their liquidated assets and goods in the inland market in accordance with the law on investment and commerce. Exports and imports management policies shall not be applied at the time of sale or liquidation in the inland market, except for goods managed under specialized conditions, criteria and inspection that have not yet been made upon importation; goods managed under licenses must obtain written approval of import licensing agencies.

6. When carrying foreign currencies from inland Vietnam into export processing zones and enterprises and vice versa, staff members of these export processing zones and enterprises are exempt from customs declaration.

7. Export processing enterprises which have been granted business licenses for goods trading and activities directly related to goods trading in Vietnam shall open separate account books for revenues from and expenses for goods trading activities in Vietnam, and set up goods storage areas separately from areas storing goods serving their production activities or establish separate branches outside export processing zones and enterprises to implement these activities.

The Ministry of Finance shall specifically guide this Article.”

Article 2. Effect

1. This Decree takes effect on December 25, 2015.

2. To annul Clause 9, Article 1 of the Government’s Decree No. 164/2013/ND-CP of November 12, 2013, amending and supplementing a number of articles of the Government’s Decree No. 29/2008/ND-CP of March 14, 2008, on industrial parks, export processing zones and economic zones.

Article 3. Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People’s Committees, heads of management boards of industrial parks, export processing zones and economic zones, and related organizations and individuals shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG