

**RIGHT CERTIFICATES, RECOVERY OF LAND, EXERCISE OF LAND USE RIGHTS, ORDER AND PROCEDURES FOR COMPENSATION, SUPPORT AND RESETTLEMENT WHEN LAND IS RECOVERED BY THE STATE, AND SETTLEMENT OF LAND-RELATED COMPLAINTS**

*Pursuant to the November 26, 2003 Land Law;*

*Pursuant to the Government's Decree No. 84/2007/ND-CP of May 25, 2007, providing additional guidance on the grant of land use right certificates, land recovery, exercise of land use rights, order and procedures for compensation, support and resettlement when land is recovered by the State, and settlement of land-related complaints;*

*Pursuant to the Government's Decree No. 91/2002/ND-CP of November 11, 2002, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;*

*The Ministry of Natural Resources and Environment guides the implementation of a number of articles of the Government's Decree No. 84/2007/ND-CP of May 25, 2007, additionally stipulating the grant of land use right certificates, recovery of land, exercise of land use rights, order and procedures for compensation, support and resettlement when land is recovered by the State, and settlement of land-related complaints (referred to as Decree No. 84/2007/ND-CP) as follows:*

**THE MINISTRY OF NATURAL RESOURCES  
AND ENVIRONMENT**

**CIRCULAR No. 06/2007/TT-BTNMT OF JULY 2, 2007, GUIDING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE No. 84/2007/ND-CP OF MAY 25, 2007, ADDITIONALLY STIPULATING THE GRANT OF LAND USE**

**I. DETERMINATION OF THE STARTING TIME OF LAND USE IN A START.F MANNER DEFINED IN CLAUSE 4 OF ARTICLE 3**

If none of papers listed in Clause 2, Article 3, of Decree No. 84/2007/ND-CP is available, the commune-level People's Committee shall determine

the starting time of land use in a stable manner as follows:

1. In the process of considering the grant of land use right certificates (referred to as certificates, when carrying out the verification and certification of the origin and starting time of land use, the status of disputes over the land plot and the consistency with the approved land use planning as prescribed in Clause 2, Article 135, and Clause 2, Article 136, of Decree No. 181/2004/ND-CP of October 29, 2004, on the implementation of the Land Law (referred to as Decree No. 181/2004/ND-CP), the commune-level People's Committee shall collect opinions of inhabitants who have been living in the residential area since the time the land plot starts to be used for the current purposes. Opinions of these inhabitants must be recorded in writing according to a set form (not printed herein) and publicized together with a list of cases eligible and ineligible for the grant of certificates.

2. After finishing the publicization according to regulations, the commune-level People's Committee shall consider opinions on the origin and starting time of land use for the current purposes and make certification in the application for a certificate, and send the application to the land use registration office together with the written opinions of inhabitants in the residential area and other papers as prescribed in Articles 135 and 136 of Decree No. 181/2004/ND-CP.

## II. GRANT OF CERTIFICATES DEFINED IN CLAUSE 2 OF ARTICLE 8

1. In localities where the swap and consolidation of agricultural land plots has not yet been carried out or completed, if it is requested by households or individuals using these land plots in the application for a certificate, the district-level People's Committee shall grant a common certificate for all or several land plots under the use rights of one household or individual.

2. A common certificate for several agricultural land plots of one household or individual is granted as follows:

2.1. The concerned household or individual shall submit to the commune-level People's Committee or the land use right registration office under the Natural Resources and Environment Section of the locality where the land plot exists as prescribed in Clause 1, Article 135, or Clause 3, Article 122, of Decree No. 181/2004/ND-CP one dossier set as defined in Clause 1, Article 135, or Clause 1, Article 136, of Decree No. 184/2004/ND-CP; the certificate application must clearly state the land plots for which a common certificate is applied for.

2.2. The order and procedures for the grant of a common certificate for several agricultural land plots of one household or individual comply with the provisions of Clauses 2 and 3, Article 135, or Clause 2, Article 136, of Decree No. 181/2004/ND-CP.

2.3. The certificate will be filled in with the following details:

a/ Section II (Land plots under the use rights) of the certificate:

- Point 1 (Land plot No.): Write "Having ... (the total number of agricultural land plots of one land user) land plots";

- Point 2 (Map No.), Point 3 (Address of the land plot), Point 7 (Land use duration) and Point 8 (Land use origin): Leave this Point blank;

- Point 4 (Area): Write the total area of all land plots stated in the certificate;

- Point 5 (Land use form): Write the total area of all land plots defined in the certificate on Part "Separate use";

- Point 6 (Land use purposes): Write "Agricultural production land";

b/ Section IV (Notes): Write "Detailed information on each land plot is shown in the list of agricultural production land plots enclosed with this

certificate.”

c/ To make a list of agricultural production land plots for which a common certificate is granted according to form No. 02 issued together with this Circular (not printed herein).

d/ Section V (Land plot map): It is unnecessary to show the land plot map.

### III. MODIFICATION OF GRANTED CERTIFICATES OR GRANT OF NEW ONES AS PRESCRIBED AT POINT C, CLAUSE 2 OF ARTICLE 11

1. In case the right transferor can submit the granted certificate:

1.1. The land use right registration office or the natural resources and environment agency (referred to as the land use right registration office), for localities where a land use right registration office has not yet been set up, shall modify the certificate and hand over the modified certificate to the right transferee if the contract or paper on land use right transfer states the transfer of land use rights of the whole land plot;

1.2. The land use right registration office shall base on the contract or paper on land use right transfer to divide the land plot before carrying out procedures for the grant of new certificates to the transferee and the transferor, in case of transfer of land use rights of part of the land plot.

2. In case the right transferor cannot submit the granted certificate:

2.1. The natural resources and environment agency shall submit to the People's Committee competent to grant certificates a decision annulling the certificate already granted to the transferor. That decision will be sent to the transferor, the transferee, the natural resources and environment agency, the land use right registration office of the same level and the People's Committee of the commune where the land plot exists;

2.2. The land use right registration office shall carry out procedures for the grant of a new certificate to the transferee if the contract or paper on land use right transfer states the transfer of land use rights of the whole land plot;

2.3. The land use right registration office shall base on the contract or paper on the land use right transfer to divide the land plot before carrying out procedures for the grant of a new certificate to the transferee, in case of transfer of land use rights of part of the land plot; at the same time, record the changes in the cadastral dossier of the transferor. The transferor shall carry out procedures for the grant of a certificate for the remaining land area.

### IV. GRANT OF CERTIFICATES DEFINED IN ARTICLE 17

1. For currently used land plots which were formed before the effective date of the decision on the minimum area allowed for division, issued by the provincial-level People's Committee, a certificate may be granted if all conditions specified by the land law are met.

2. For land plots which are divided from the currently used land plot by land users after the effective date of the decision on the minimum area allowed for division, issued by the provincial-level People's Committee, but are smaller than the minimum area allowed for division, no certificate shall be granted and procedures for the exercise of the rights to transfer, donate or lease land use rights or mortgage, guarantee or make capital contribution with land use rights may not be carried out.

3. In case the land user applies for permission to divide a land plot into two or more land pieces smaller than the minimum land area concurrently with consolidating one of these land pieces with an adjacent land plot into a new land plot equal to or larger than the minimum area allowed for division, he/she may be allowed to divide the land plot concurrently with the consolidation and a new

certificate shall be granted for the new land plot.

**V. DETERMINATION OF LAND AREAS  
USED FOR PUBLIC PURPOSES DEFINED  
IN ARTICLE 20**

1. Land areas used for public purposes defined at Point a, Clause 1, Article 20, of Decree No. 84/2007/ND-CP include:

1.1. Land for construction of roads which are linked to public traffic systems and not separated by barriers of any forms in order to restrict travel within the boundary of the investment work or project;

1.2. Land used for construction of parks, recreation centers, education and training establishments, medical establishments, cultural establishments or physical training and sports establishments which, however, are non-profit public facilities in service of inhabitants living inside and outside the urban center or rural residential area;

1.3. Land inside fences or barriers of areas reserved for apartment buildings, villas, separate houses built adjacent to each other, trade centers and tourist sites shall not be regarded as being used for public purposes defined at Point a, Clause 1, Article 20, of Decree No. 84/2007/ND-CP.

**VI. WITHDRAWAL OF GRANTED  
CERTIFICATES SPECIFIED  
IN ARTICLE 21**

1. After considering the grant of a certificate upon written conclusions of an investigative or inspection agency as specified in Clause 1, Article 21 of Decree No. 84/2007/ND-CP, if the agency that has granted the certificate obtains grounds to believe that the certificate was lawfully granted, it shall issue a written reply to the agency that has made the conclusions.

2. The results of verification of the grant of a

certificate carried out by an inspection agency specified in Clauses 2 and 3, Article 21 of Decree No. 84/2007/ND-CP shall be sent to the People's Committee and the natural resources and environment agency of the same level, the organization or citizen that has detected the illegally granted certificate and the person who has been granted the certificate. If opinions remain divergent on the verification results, the People's Committee shall direct the investigation of the case before issuing a decision to withdraw the granted certificate or making a written response to the organization or citizen that has detected the case, in case no withdrawal decision is issued.

3. Upon detection of an illegally signed certificate which has not yet been handed over to the land user or which the land user refuses to receive, the state agency competent to grant that certificate shall issue a decision to annul the signed certificate; that decision shall be sent to the natural resources and environment agency and the land use right registration office of the same level. At the same time, a written notice shall be sent to the applicant, clearly stating the reason for the annulment of the certificate.

**VII. SALE OF DWELLING HOUSES BUILT  
ON LAND LEASED BY THE STATE  
DEFINED IN ARTICLE 27**

1. Investors being domestic economic organizations or overseas Vietnamese that have been leased land by the State in the form of land lease with annual land rent payment for the execution of projects on building houses for lease but now wish to sell dwelling houses built on these leased land areas shall shift to the form of land allocation by the State with collection of land use levy; the prices of residential land are determined under the provisions of Clause 1, Article 5, of Decree No. 17/2006/ND-CP amending and supplementing a number of articles of decrees guiding the implementation of

the Land Law and Decree No. 187/2004/ND-CP on transformation of state companies into joint-stock companies (referred to as Decree No. 17/2006/ND-CP); the land use duration is determined as for the case defined in Clause 2, Article 32, of Decree No. 84/2007/ND-CP.

2. Investors being overseas Vietnamese, foreign organizations or individuals that have been leased land by the State with one-off land rent payment for the whole lease duration for the execution of projects on building dwelling houses for lease before the effective date of Decree No. 84/2007/ND-CP but now wish to sell dwelling houses built on leased land areas shall pay the difference between the land use levy determined according to land prices specified in Clause 1, Article 5, of Decree No. 17/2006/ND-CP and land rent already paid for the whole lease duration; the land use duration is determined as for the case defined in Clause 2, Article 32, of Decree No. 84/2007/ND-CP.

3. Investors being foreign organizations or individuals that have been leased land by the State with annual land rent payment for the execution of projects on building dwelling houses for lease but now wish to sell dwelling houses built on leased land areas shall shift to the form of land lease with one-off land rent payment as specified in Article 32 of Decree No. 84/2007/ND-CP.

#### **VIII. MORTGAGE REGISTRATION DEFINED AT POINT B, CLAUSE 2, ARTICLE 31**

1. The district-level People's Committee shall make a list of communes and townships (referred to as communes) far away from the district capital for which the director of the district-level land use right registration office (or the head of the natural resources and environment section for localities where no land use right registration office exists) authorizes commune-level cadastral officers to carry out mortgage registration, mortgage registration for

capital borrowing by a third party (guarantee), registration of modification of mortgage contents, registration of supplementation of mortgage contents and cancellation of mortgage registration (collectively referred to as mortgage registration) of households and individuals in case certificates have been granted.

For communes near the district capital where mortgage registration of households and individuals may be carried out conveniently at the district-level land use right registration office, mortgage registration is not required to be authorized to commune-level cadastral officers.

Households and individuals in communes where cadastral officers are authorized to carry out mortgage registration may carry out registration mortgage in the communes or at the district-level land use right registration office.

2. Mortgage registration order and procedures for commune-level cadastral officers authorized to carry out mortgage registration:

2.1. After the contract on the mortgage with land use rights or assets attached to land, mortgage with land use rights or assets attached to land for capital borrowing by a third party, modification of mortgage contents or supplementation of mortgage contents between a land-using household or individual and the mortgagee has been signed and notarized or authenticated as specified in Joint Circular No. 04/2006/TTLT-BTP-BTNMT of June 13, 2006, of the Ministry of Justice and the Ministry of Natural Resources and Environment, guiding the notarization and authentication of contracts and documents on the exercise of land users' rights, or after the capital borrower has fulfilled his/her/its/debt-payment obligation, with written certification of the mortgagee on the mortgage contract or a written certification of the fulfillment of the debt-payment obligations, the mortgage registration applicant shall submit a mortgage registration dossier to the People's Committee of the commune where

the land exists according to Joint Circular No. 05/2005/TTLT-BTP-BTNMT of June 16, 2005, of the Ministry of Justice and the Ministry of Natural Resources and Environment guiding the registration of mortgage and guaranty with land use rights, and Joint Circular No. 03/2005/TTLT-BTP-BTNMT of June 13, 2006, amending and supplementing a number of provisions of Joint Circular No. 05/2005/TTLT-BTP-BTNMT.

Applications for registration of mortgage with land use rights or assets attached to land, modification of mortgage contents already registered, cancellation of registration of mortgage with land use rights or assets attached to land, and correction of errors shall be made according to forms No. 03, 04, 05 and 06 issued together with this Circular, respectively.

2.2. Upon receiving a mortgage registration dossier, commune-level cadastral officers shall:

a/ Check the completeness and validity of the dossier and only receive complete and valid dossiers falling under his/her authorized competence;

b/ Write in the mortgage registration application the time of receipt of the dossier (hour, minute, date, month, year), sign and write his/her full name in the section for mortgage registration certification in the application and affix the seal of the commune-level People's Committee;

c/ Make an entry in the mortgage registration dossier register according to a set form (not printed herein);

d/ Collect mortgage registration fees according to Joint Circular No. 03/2007/TTLT/BTC-BTP of January 10, 2007, of the Ministry of Finance and the Ministry of Justice guiding the collection, payment, management and use of registration fees and charges for supply of information on security transactions; and issue fee receipts;

e/ Make and hand over to the dossier submitter a dossier receipt and a slip of appointment, if the mortgage registration procedures are to be carried

out on the subsequent working day.

2.3. In the following cases, commune-level cadastral officers may refuse to receive dossiers and, at the same time, clearly explain the reason for refusal to the dossier submitters:

a/ The applicant is ineligible for mortgage registration at the commune-level People's Committee;

b/ The dossier of mortgage registration or registration for mortgage registration cancellation is incomplete or invalid;

c/ A forged paper is detected in the mortgage registration dossier;

d/ Inconsistency between information in the mortgage registration dossier and the cadastral dossier is detected;

e/ The applicant for mortgage registration fails to pay a registration fee as required.

2.4. For a valid dossier already received, right on the date of receipt of the dossier or no later than the subsequent working day, commune-level cadastral officers shall:

a/ Make modification on the additional page of the certificate according to contents specified at Point b, Clause 9, Article 3 of the Regulation promulgated together with Decision No. 08/2006/QĐ-BTNMT, at the column "Modification contents and their legal basis" as follows:

- In case of mortgage with land use rights (or assets attached to land): Write "Mortgage with land use rights (or assets attached to land) with the bank (or Mr., Ms., or another economic organization)... (write the name of the mortgagee) under contract No. .../dated...;"

- In case of mortgage with land use rights (or assets attached to land) for capital borrowing by a third party (guarantee): Write "Mortgage with land use rights (or assets attached to land) for Mr. (or Ms., household, organization)... (write the name of the borrower) with the bank (or Mr., Ms., another

economic organization)... (write the name of the mortgagee) under contract No. .../dated...;”

- In case of registration for modification or supplementation of registered mortgage contents: Write “The mortgage contents registered on the date.... regarding... (write the type of mortgaged assets) are modified or supplemented into ... (write the modified or supplemented contents);”

- In case of cancellation of mortgage registration or mortgage for capital borrowing by a third party (guarantee) with land use rights or assets attached to land: Write “Having cancelled mortgage registration (or mortgage for capital borrowing by others) according to the certification of the mortgagee made on ...” and cross out in red ink the line with the words on mortgage or mortgage for capital borrowing by others with land use rights (or assets attached to land);

b/ Record the contents of mortgage registration in the cadastral register currently managed at the commune;

c/ Make an entry in the list of mortgage registration cases according to a set form (not printed herein);

d/ Sign, write his/her full name and affix the seal of the commune-level People’s Committee at the column “Certification of competent agency.”

d/ Return to the mortgage registration applicant: the application for mortgage registration (with the certification of the commune-level cadastral officer), a receipt of registration fee and the certificate with the certification of mortgage registration contents.

3. On the 1<sup>st</sup> and the 15<sup>th</sup> every month, commune-level cadastral officers shall transfer to the district-level land use right registration office the following papers:

3.1. The list of mortgage registration cases, defined at Item c, Point 2.4, Clause 2 of this Section;

3.2. Mortgage registration applications and mortgage contracts;

3.3. Registration fee receipts and collected registration fees.

4. District-level land use right registration offices shall:

4.1. Adjust cadastral dossiers according to mortgage contracts transferred by commune-level cadastral officers and notify such to the provincial-level land use right registration office for adjustment of cadastral dossiers according to regulations;

4.2. Receive and manage collected mortgage registration fees according to regulations.

5. District-level natural resources and environment sections or land use right registration offices shall provide commune-level cadastral officers with professional guidance on mortgage registration according to this Circular.

#### **IX. LAND RENT AND AUCTION OF LAND USE RIGHTS DEFINED IN ARTICLE 32**

1. Overseas Vietnamese, foreign organizations and foreign individuals (collectively referred to as foreign investors) that have been leased land and paid land rent in a lump sum for the whole lease duration for the execution of projects on building dwelling houses for commercial purposes under the provision of Point a, Clause 2, Article 35, of the Land Law before the effective date of Decree No. 84/2007/ND-CP and now shift to the form of land lease specified in Article 32 of Decree No. 84/2007/ND-CP shall pay the difference between the residential land use levy determined according to the land prices specified in Clause 1, Article 5 of Decree No. 17/2006/ND-CP and the land rent they have paid in lump sum for the whole lease duration.

2. For foreign investors that have been leased by land and paid the land rent in lump sum for the whole lease duration for the execution of projects on building dwelling houses for commercial purposes under the provisions of Point a, Clause 2, Article 35

of the Land Law before the effective date of Decree No. 84/2007/ND-CP but do not shift to land lease as specified in Article 32 of Decree No. 84/2007/ND-CP, when selling dwelling houses in association with residential land use rights, they shall pay to the State the difference between the residential land use levy determined according to the land prices specified in Clause 1, Article 5, of Decree No. 17/2006/ND-CP and the land rent they have paid once for the whole lease duration.

For villas and separate houses constructed adjacent to each other, the difference shall be paid at the time of house sale; for condominiums, the difference shall be paid no later than the time of completion of projects on building condominiums.

3. The order and procedures in case foreign investors shift to land lease with payment of land rent for the whole lease duration for project execution under Article 32 of Decree No. 84/2007/ND-CP are as follows:

3.1. Foreign investors shall submit one dossier set to the land use right registration office of the province where the land exists; such a dossier set comprises an application for the execution of the project in the form of land lease specified in Article 32 of Decree No. 84/2007/ND-CP and the land use right certificate;

The provincial-level land use right office shall check dossiers, receive complete and valid dossiers and guide investors to complete invalid and incomplete dossiers.

3.2. Within two working days after receiving complete and valid dossiers, the provincial-level land use right registration office shall make and send cadastral map extracts and cadastral dossier extracts to provincial-level Finance Service for the latter to carry out procedures for submission to the provincial-level People's Committee for determination of residential land prices according to Clause 1, Article 5, of Decree No. 17/2006/ND-CP; and send all dossiers to the provincial-level

Natural Resources and Environment Service;

3.3. Within two working days after receiving tax offices' notice on the investors' fulfillment of financial obligations, the provincial-level Natural Resources and Environment Service shall record land use changes on the additional page of the granted certificate and direct the land use right registration office to record land use changes on the cadastral dossier and return the modified certificate to the investor. The land use changes are recorded on the additional page of the certificate as follows:

a/ At the column "Date of adjustment": Write the time of adjustment for land use right changes;

b/ At the column "Adjustment contents and legal grounds": Write "Investor (write the name of the economic organization of the project investor) has shifted from land lease with payment of land rent for the whole lease term to payment of land rent equal to the amount of land use levy specified in Document No. ...dated...;"

4. The order and procedures for land use right auction specified in Clause 1, Article 32 of Decree No. 84/2007/ND-CP comply with those applicable to domestic investors under the Prime Minister's Decision No. 216/2005/QĐ-TTg of August 31, 2005, promulgating the Regulation on land use right auction for land allocation with the collection of land use levy or land lease.

5. The order and procedures for land lease specified in Clause 2, Article 32, of Decree No. 84/2007/ND-CP comply with those applicable to domestic investors that are allocated land by the State with the collection of land use levy specified in Article 125 or Article 126 of Decree No. 181/2004/ND-CP.

6. The grant of certificates to foreign investors that acquire land use rights at auction or are leased by land the State as specified in Article 32 of Decree No. 84/2007/ND-CP complies with the order and procedures specified in Article 139 of Decree No. 181/2004/ND-CP, in which:

6.1. At the column "Use duration": Write "70 years as from date.../.../...(write the effective date of the decision recognizing the results of land use right auction or the decision on land lease with one-off payment of land rent equal to the amount of residential land use levy) and this duration may be extended for several times, if the land user so wishes:

6.2. At the column "Use origin": Write "Land leased by the State with one-off payment of land rent equal to the amount of land use levy."

#### **X. LAND RECOVERY SPECIFIED IN ARTICLE 34**

1. Important economic development projects specified in Clause 1, Article 34 of Decree No. 84/2007/ND-CP include:

1.1. Important national economic projects in which investment is decided by the National Assembly in its resolutions;

1.2. Important economic projects in which investment is decided by the Prime Minister under Article 37 of Decree No. 108/2006/ND-CP of September 22, 2006, detailing and guiding the implementation of a number of articles of the *Investment Law*.

2. Projects on construction of residential areas, trade centers or high-class hotels defined in Clause 2, Article 34 of Decree No. 84/2007/ND-CP include:

2.1. Economic development projects in existing urban centers, including projects on building dwelling houses for sale or lease under housing and real estate business laws, projects on building social houses, projects on building dwelling houses for resettlement, projects on building public houses, projects on building trade centers, trade fairs and exhibition centers; and projects on building hotels of 3-star or higher grades.

Economic development projects stated at this

Point must be included in the land use planning or detailed urban construction planning already approved by competent state agencies and have their investment undertakings approved by the president of the provincial-level People's Committee on a case-by-case basis.

2.2. Economic development projects in expanded areas of existing urban centers or new urban centers, including all economic projects (regardless of their scope and forms) included in the land use planning, general urban construction planning or detailed urban construction planning already approved by competent state agencies.

The allocation or lease of land for the execution of economic development projects stated at this Point shall be conducted only after the State has recovered part or the whole of land areas planned for expansion of the existing urban centers or the construction of new urban centers.

2.3. Economic development projects in existing rural residential areas, expanded rural residential areas or newly built rural residential areas, including all projects included in the land use planning or planning on the construction of rural residential points already approved by competent state agencies.

The allocation or lease of land for the execution of economic development projects in expanded areas of existing rural residential quarters or newly built rural residential quarters stated at this Point shall only be carried out after the State has recovered part or the whole of land areas planned for the expansion of the existing rural residential areas or the construction of new rural residential areas.

3. The order and procedures for land recovery, support and settlement comply with Decree No. 197/2004/ND-CP of December 3, 2004, on compensation, support and resettlement upon land recovery by the State, Decrees No. 17/2006/ND-CP and No. 84/2007/ND-CP.

**XI. MAKING OF LAND USE RIGHT  
TRANSACTIONS DEFINED  
IN ARTICLE 66**

1. Provincial/municipal People's Committees shall:

1.1. Direct and urge concerned services, branches and district-level People's Committees to guide land-using organizations, households and individuals that have not yet been granted certificates to submit dossiers of application for certificates;

1.2. Further speed up the grant of certificates, simplify procedures so as to immediately grant certificates to land users that have one of land use right papers defined in Clauses 1, 2 and 5, Article 50 of the Land Law; and immediately apply provisions of Decree No. 84/2007/ND-CP to the grant of certificates to land users that do not have land use right papers defined in Clauses 1, 2 and 5, Article 50 of the Land Law.

2. If land users that submit dossiers of application for certificates before November 1, 2007, according to the provisions of law and but have not yet been granted certificates and land users that have one of land use right papers defined in Clauses 1, 2 and 5 of the Land Law wish to exercise the rights to convert, transfer, lease, sub-lease or donate land use rights, mortgage with, or contribute capital in the form of, land use rights, land use right registration offices shall base on the dossiers of application for certificates already submitted to carry out procedures of registration for land use right transactions.

For cases eligible for the grant of certificates, land use right registration offices shall carry out procedures for the grant of certificates together with the procedures for registration of land use right transactions.

3. For complete and valid dossiers of application for certificates submitted after November 1, 2007, if no certificate is granted within the time limit prescribed by law, causing obstacles to the exercise

of land users' rights, the dossier submitters may lodge complaints to the heads of agencies of the cadres or civil servants who delay the grant of certificate. The heads of agencies having cadres or civil servants about whom complaints are lodged shall consider and handle the cases under the provisions of Articles 175, 176 and 177 of Decree No. 181/2004/ND-CP.

**XII. ORGANIZATION OF  
IMPLEMENTATION**

1. This Circular takes effect 15 days after its publication in "CONG BAO."

2. Provincial/municipal People's Committees shall direct the implementation of this Circular. Difficulties arising in the course of implementation should be reported to the Ministry of Natural Resources and Environment for settlement.

*Minister of Natural Resources and  
Environment*  
**MAI AI TRUC**