

No. 1130/QD-UBND

Lam Dong May, 31, 2016

DECISION

**INSTRUCTIONS ON SEQUENCE, PROCEDURES AND MANAGEMENT OF
NON-STATE INVESTMENT PROJECTS IN THE ADMINISTRATIVE DIVISION
OF LAM DONG PROVINCE**

PEOPLE'S COMMITTEE OF LAM DONG PROVINCE

Pursuant to the Law on Organization of Local Authorities dated June 19, 2016;

Pursuant to the Law on Forest Protection and Development No. 29/2004/QH11 dated December 3, 2004 and guiding documents;

Pursuant to the Law on Land No.29/2004/QH11 dated November 29, 2013 and guiding documents;

Pursuant to the Law on Construction No.50/2014/QH13 dated June 18, 2014 and guiding documents;

Pursuant to the Law on Investment No. 67/2014/QH13 dated November 26, 2014 and guiding documents;

Pursuant to the Law on Forest Protection No. 55/2014/QH13 dated June 23, 2014 and guiding documents;

At the request of director of Services of Planning and Investment;

HEREBY DECIDE:

Article 1. Enclosed with this Decision is the instructions on sequence, procedures and management of non-state investment projects in the administrative division of Lam Dong Province as follows:

1. Sequence of investment (Section I): Steps of implementation and the issue of construction license.

2. Registration of investment (Section II): Instructions on procedures for investment policy decision, issue of the Investment registration certificate (herein 'the certificate'), amendments to the investment policy decision and the certificate; performance security;

3. Preparation of investment (Section III): Instructions on procedures for formulation, approval and implementation of plans for compensation, support, and relocation (except projects without compensation, support, and relocation); inventory and appraisal of forest resources for projects situated in forest lands; formulation of land, forest lease or allocation dossier (except projects for which the investor has land use

rights); formulation of construction planning for appraisal; formulation of land, forest use purpose conversion dossier for appraisal and approval; formulation environment dossier for approval; formulation of procedures for the issue of construction license.

4. Transfer, separation, amalgamation, merger and termination of operation of an investment project; separation, amalgamation, merger and transformation of economic organizations (Section IV): Instructions on procedures for transfer, separation, amalgamation, merger and termination of operation of the project; making amendments to the investment policy decision, the certificate in case of separation, amalgamation, merger and transformation of types of economic organizations.

5. Investment incentives: Section V.

6. Other issues: Section VI.

Article 2. Based on functions, tasks, powers assigned, the departments, sectors and people's committees of rural districts of Da Lat, Bao Loc Cities shall provide instructions to the investor on investment as prescribed hereof.

Article 3. This Decision takes effect since the signing date. The People's Committee of Lam Dong Province's previous sequence, procedures and management of non-state investment projects in the administrative division of Lam Dong Province in opposition to this Decision shall become invalid.

Upon receipt of state regulations on changes of procedures for non-state investment, relevant functional agencies shall make a written request to the People's Committee of the province, Services of Planning and Investment for supplements, amendments; the Service of Planning and Investment shall make compilation and submission to the People's Committee of the province for amendments, supplements and instructions on sequence, procedures and management of non-state investment in the administrative division of Lam Dong Province as appropriate.

Article 4. Chief officers of the People's Committee of the province, heads of provincial-affiliated departments, sectors, unions, presidents of the people's committees of rural districts of Da Lat, Bao Loc cities, heads of relevant agencies, units, organizations and individuals shall be responsible for executing this Decision./.

**PP THE PEOPLE'S
COMMITTEE OF PROVINCE
PRESIDENT
(Signed)
Doan Van Viet**

INSTRUCTIONS

SEQUENCE, PROCEDURES AND MANAGEMENT OF NON-STATE INVESTMENT PROJECTS IN THE ADMINISTRATIVE DIVISION OF LAM DONG PROVINCE

(Enclosed with the People's Committee's Decision No. 1130/QĐ-UBND dated May 31, 2016)

This Document shall detail the Government's regulations on management of non-state investment and construction projects as follows:

I. SEQUENCE OF INVESTMENT

The investor shall perform investment procedures as follows:

1. Registration of investment: Investment policy decision (domestic investors); investment policy decision and issue of the certificate (foreign investors); amendments to the investment policy decision and the certificate; performance security.

2. Preparation of investment: Preparation of investment starts after the issue of investment policy decision or the certificate and ends with the issue of the construction license (in case of construction-related projects) including following tasks:

a) Formulate plans for compensation, support, and relocation, get approval and implementation (except projects without compensation, support and relocation);

b) Carry out inventory and appraisal of forest resources for projects situated in forest land;

c) Formulate land, forest lease dossier (except projects for which the investor has land use rights);

d) Formulate construction planning for appraisal;

dd) Formulate land, forest use purpose conversion dossier for appraisal and approval;

e) Formulate environment dossier for approval;

g) Formulate procedures for issue of construction license.

3. The investor may perform simultaneously several administrative procedures as prescribed in Clause 2 of this Article if meeting following conditions:

a) Administrative procedures decided by one single competent agency;

b) The law does not provide that one or several procedures should be completed before another.

II. REGISTRATION OF INVESTMENT

1. Procedures for investment policy decision

1.1. Projects within competence to decide investment policies (hereinafter referred to as 'within competence of') of the National Assembly (as prescribed in Article 30 of the Law on Investment) are instructed in Article 35 of the Law on Investment.

1.2. Projects within competence of the Prime Minister (as prescribed in Article 31 of the Law on Investment) are instructed in Article 34 of the Law on Investment with following details: - Place of submission: The Service of Planning and Investment (Province's administrative center – 36 Tran Phu, Ward 4, Da Lat City).

- Components of applications: The investor shall submit eight sets of applications as prescribed in Clause 1, Article 34 of the Law on Investment. The application includes:

- + Application as prescribed in Clause 1, Article 33 of the Law on Investment;
 - + Plans for site clearance, relocation (if any)
 - + Preliminary assessment of environment impacts, environmental protection measures;
 - + Investment project's socio-economic impact and efficiency assessments.
- Handling time: 47 working days

Particularly for projects with at least VND 5,000 billion in capital in conformity with competent agency-approved planning, the procedures for policy decision are instructed in Clause 3, Article 32 of the Government's Decree No. 118/2015/ND-CP.

1.3. Projects within competence of the People's Committee of the province.

a) Projects within competence of the People's Committee of the province are instructed in Article 32 of the Law on Investment.

- Place of submission: "Application receiving and handling" department belonging to the Service of Planning and Investment (Province's administrative center – 36 Tran Phu, Ward 4, Da Lat City):

- Components of applications: The investor shall submit four sets of applications as prescribed in Clause 1, Article 34 of the Law on Investment. The application includes:

+ A written request (according to Form in the Ministry of Planning and Investment's Circular No. 16/2015/TT-BKHDT dated November 18, 2015);

+ Copy of ID cards or passports (for investors as individuals); copy of Enterprise establishment certificate or other equivalent documents confirming legal capacity of the investor (for investors as organizations);

+ Proposals include: Investors, investment objective, investment scale, investment capital, capital mobilization plans, location, implementation period, progress, labor demands, investment incentives, socio-economic impact, efficiency assessments (According to forms in the Circular No. 16/2015/TT-BKHDT);

+ Copy of one of following documents: Financial statement for two closest years; commitments to financial support from parent companies; commitments to financial support from financial institutions; the investor's guaranteed financial resources accompanied by written explanations of the investor's financial capacity;

+ Demand for land use; if the project does not require lands from the state (in the form of allocation, lease, land use purpose conversion...), submit copy of the agreement for land lease or other documents confirming the investor's rights to enjoyment of the project location (According to Form in the Circular No. 16/2015/TT-BKHDT);

+ Written explanations of application of technology to projects as prescribed in Point b, Clause 1, Article 32 of the Law on Investment as follows: Name, origin of technology, diagram of technology line; main technical specifications, current conditions of machinery and equipment and main technology lines;

+ BBC contracts for BBC-based projects.

- Handling time: 32 working days

b) Projects using technology belonging to the list of technologies subject to transfer limitations according to laws on transfer of technology into industrial parks.

- Place of submission: "Application receiving and handling" department belonging to the Service of Planning and Investment (Province's administrative center – 36 Tran Phu, Ward 4, Da Lat City).

- Components of applications: The investor shall submit four sets of applications as prescribed in Clause 1, Article 34 of the Law on Investment.

- Handling time: 32 working days

1.4. Projects in industrial parks with investment policies decided by industrial park management authorities (herein 'industrial park authorities').

- Place of submission: "Application receiving and handling" department belonging to the provincial industrial park authorities;

- Components of applications: The investor shall submit four sets of applications as prescribed in Clause 1, Article 34 of the Law on Investment.

- Handling time: 25 working days

2. Procedures for amendments to investment policy decision

2.1. Projects within competence of the Prime Minister. For amendments to investment objective, location, main technologies, increase or decrease over 10% of total investment capital resulting in change of objective, scale and capacity of the project; amendments to implementation period or requirements for the investor (if any), the investor shall perform procedures for amendments to the investment policy decision.

- Place of submission: "Application receiving and handling" department belonging to the Service of Planning and Investment;

- Components of applications: The investor shall submit eight sets of applications as prescribed in Clause 2, Article 33 of the Decree No. 118/2015/ND-CP. The application includes:

+ A written request (According to Form in the Circular No. 16/2015/TT-BKHDT);

- + Reports on development of the investment project to the time of adjustment (According to Form in the Circular No. 16/2015/TT-BKHDT);

- + Decisions made by the investor on amendments to the project (for amendments as prescribed in Clauses 4, 5, 6, 7, 8 and 10, Article 39 of the Law on Investment) + + Provide written explanations or documents concerning amendments to the application (if any);

- Handling time: 42 working days

2.2. Projects within competence of the People's Committee of the province.

a) For amendments to investment objective, location, main technologies, increase or decrease of over 10% of total investment capital resulting in change of objective, scale and capacity of the project; amendments to implementation period or requirements for the investor (if any), the investor shall perform procedures for amendments to the investment policy decision.

- Place of submission: "Application receiving and handling" department belonging to the Service of Planning and Investment;

- Components of applications: The investor shall submit four sets of applications as prescribed in Clause 2, Article 33 of the Decree No. 118/2015/ND-CP. The application includes:

- + A written request (According to Form in the Circular No. 16/2015/TT-BKHDT);

- + Reports on development of the investment project to the time of adjustment (According to Form in the Circular No. 16/2015/TT-BKHDT);

- + Decisions made by the investor on amendments to the project (for amendments as prescribed in Clauses 4, 5, 6, 7, 8 and 10, Article 39 of the Law on Investment) + + Provide written explanations or documents concerning amendments to the application (if any);

- Handling time: 23 working days

b) Projects using technology belonging to the list of technologies subject to transfer limitations according to laws on transfer of technologies to industrial parks: for amendments to investment objective, location, main technologies; increase or decrease of over 10% of total investment capital resulting in changes of investment objective, scale and capacity of the investment project; amendments to implementation period or requirements for the investor (if any), the investor shall perform procedures for amendments to investment policy decision.

- Place of submission: "Application receiving and handling" department belonging to the provincial industrial park authorities;

- Components of applications: The investor shall submit four sets of applications as prescribed in Clause 2, Article 33 of the Decree No. 118/2015/ND-CP.

- Handling time: 23 working days

2.3. Projects in industrial parks with investment policies decided by provincial industrial park authorities.

- Place of submission: “Application receiving and handling” department belonging to the provincial industrial park authorities;

- Components of applications: The investor shall submit four sets of applications as prescribed in Clause 2, Article 33 of the Decree No. 118/2015/ND-CP.

- Handling time: 10 working days

3. Procedures for issue of the certificate (Investment registration certificate)

3.1. Cases requiring performance of procedures for the issue of the certificate (as prescribed in Clause 1 of the Law on Investment):

- Investment projects of foreign investors;

- Investment projects of economic organizations as prescribed in Clause 1, Article 23 of the Law on Investment.

3.2. Cases not requiring performance of procedures for the issue of the certificate (as prescribed in Clause 2, Article 36 of the Law on Investment):

- Investment projects of Vietnamese (domestic) investors;

- Investment projects of economic organizations as prescribed in Clause 2, Article 23 of the Law on Investment;

- c) Investment is made in the form of capital contribution, purchase of shares, capital holding of economic organizations.

3.3. Procedures for issue of the certificate:

a) For projects requiring investment policy decision, the Service of Planning and Investment shall issue the certificate to the investor within five working days since receipt of the written approval for investment policy;

b) For projects not requiring investment policy decision, the investor shall perform procedures for the issue of the certificate as prescribed.

- Place of submission: “Application receiving and handling” department belonging to the Service of Planning and Investment;

- Components of applications: The investor shall submit one set of applications as prescribed in Clause 1, Article 33 of the Law on Investment. The application includes:

+ A written request (According to Form in the Circular No. 16/2015/TT-BKHDT);

+ Copy of ID cards or passports (for investors as individuals); copy of Enterprise establishment certificate or other equivalent documents confirming legal capacity of the investor (for investors as organizations);

+ Proposals for the investment project include: Investors, investment objective, investment scale, investment capital, capital mobilization plans, location, implementation period, progress, labor demands, investment incentives, socio-economic

impact, efficiency assessments (According to forms in the Circular No. 16/2015/TT-BKHDT);

- + Copy of one of following documents: Financial statement of two closest years; commitments to financial support from parent companies; commitments to financial support from financial institutions; the investor's guaranteed financial resources accompanied by written explanations of the investor's financial capacity;

- + Demand for land use; if the project does not require lands from the state (in the form of allocation, lease, land use purpose conversion...), submit copy of the agreement for land lease or other documents confirming the investor's rights to enjoyment of the project location;

- + Written explanations of use of technology to projects as prescribed in Point b, Clause 1, Article 32 of the Law on Investment as follows: Name, origin of technology, diagram of technology line; main technical specifications, current conditions of machinery and equipment and main technology lines;

- + BBC contracts for BBC-based projects.

For projects that have been developed, the investor should submit the application as prescribed in Clause 1, Article 33 of the Law on Investment in which the proposals for the investment project are replaced with reports on the development of the investment project from the time of commencement to the time of requesting the issue of the certificate (According to Form in the Circular No. 16/2015/TT-BKHDT);

- Handling time: 15 working days since receipt of the application as prescribed in Clause 1, Article 33 of the Law on Investment if following requirements are met:

- + Investment objective outside areas, industries prohibited from investment and business;

- + Investment projects meeting requirements (for foreign investors) as prescribed in Clause 1, Article 10 of the Decree No. 118/2015/ND-CP (if any).

c) Projects in industrial parks: The provincial industrial park authorities shall issue the certificate to the investor within five working days since receipt of the written approval for investment policy.

4. Procedures for amendments to the certificate:

4.1. Procedures for amendments to the certificate for projects not requiring investment guideline decision are instructed in Article 33 of the Decision No. 118/2015/ND-CP as follows:

- a) Cases of changing name of the project, address or name of the investor;

- The application should be submitted to the "Application receiving and handling" department belonging to the Service of Planning and Investment;

- Handling time: 3 working days;

b) Cases of making amendments to location, usable land area, objective, scale, capital, capital mobilization progress; project's operating period; project implementation progress; investment incentives (if any) and requirements for the investor (if any);

- The application should be submitted to the "Application receiving and handling" department belonging to the Service of Planning and Investment including:

+ A written request;

+ Reports on development of the investment project to the time of adjustment;

+ Decisions made by the investor on amendments to the project (for amendments as prescribed in Clauses 4, 5, 6, 7, 8 and 10, Article 39 of the Law on Investment);

+ Provide written explanations or documents concerning amendments to the application (if any).

- Handling time: 10 working days;

4.1. Projects within competence of the Prime Minister (as prescribed in Article 35 of the Decree No. 118/2015/ND-CP) as follows:

- For amendments to investment objective, location, main technologies, increase or decrease of over 10% of total investment capital resulting in change of objective, scale and capacity of the project; amendments to implementation period or requirements for the investor (if any), within three working days since receipt of the written approval for amendments to investment policy, the Service of Planning and Investment shall make amendments to the certificate for the investor.

- In case of changing name of the project, address or name of the investor, the investor should submit the written request for amendments to the investment registration agency accompanied by relevant documents. The Service of Planning and Investment shall make amendments to the certificate for the investor within three working days since receipt of the written request from the investor.

4.3. Projects within competence of the People's Committee of the province (as prescribed in Article 34 of the Decree No. 118/2015/ND-CP) as follows:

- For amendments to investment objective, location, main technologies, increase or decrease of over 10% of total investment capital resulting in change of objective, scale and capacity of the project; amendments to implementation period or requirements for the investor (if any), within three working days since receipt of the written approval for amendments to investment policy, the Service of Planning and Investment shall make amendments to the certificate for the investor.

- Projects using technology belonging to the list of technologies subject to transfer limitations: for amendments to investment objective, location, main technologies, increase or decrease of over 10% of total investment capital resulting in change of objective, scale and capacity of the project; amendments to implementation period or requirements for the investor (if any), within three working days since receipt of the

written approval for amendments to investment policy, the provincial industrial park authorities shall make amendments to the certificate for the investor.

- In case of changing name of the project, address or name of the investor, the investor should submit the written request for amendments to the investment registration agency accompanied by relevant documents. The Services of Planning and Construction shall make amendments to the certificate for the investor within three working days since receipt of the written request from the investor.

4.4. For projects that have been granted the investment license, investment incentive certificate, investment project agreement, investment certificate before the effective date of the Law on Investment in 2014, amendments thereto are instructed as follows:

a) For amendments to investment objective, location, technologies, increase or decrease by 10% of total investment capital resulting in change of objective, scale and capacity of the project; amendments to implementation period or requirements for the investor (if any), the investor shall perform procedures for amendments to the project.

- Place of submission: “Application receiving and handling’ department belonging to the Service of Planning and Investment;

- Components of applications: The investor shall submit four sets of applications as prescribed in Clause 2, Article 33 of the Decree No. 118/2015/ND-CP. The application includes:

+ A written request (According to Form in the Circular No. 16/2015/TT-BKHDT);

+ Reports on development of the investment project to the time of adjustment (According to Form in the Circular No. 16/2015/TT-BKHDT);

+ Decisions made by the investor on amendments to the project (for amendments as prescribed in Clauses 4, 5, 6, 7, 8 and 10, Article 39 of the Law on Investment);

+ Provide written explanations or documents concerning amendments to the application (if any).

- Handling time: 26 working days;

In case of changing name of the project, address or name of the investor, the investor should submit the written request for amendments to the investment registration agency accompanied by relevant documents. The Services of Planning and Construction shall make amendments to the certificate for the investor within three working days since receipt of the written request from the investor.

4.5. Projects in industrial parks with investment policy decided by provincial industrial park authorities

- For amendments to investment objectives, locations, main technologies, increase or decrease of over 10% of total investment capital resulting in changes of objectives, scale and capacity of the project; amendments to implementation period or requirements

for the investor (if any), within three working days since receipt of the written approval for amendments to investment policy, the provincial industrial park authorities shall make amendments to the certificate for the investor.

- In case of changing name of the project, address or name of the investor, the investor should submit the written request for amendments to the investment registration agency accompanied by relevant documents. The provincial industrial park authorities shall make amendments to the certificate for the investor within three working days since receipt of the written request from the investor.

5. Performance security (as prescribed in Article 27 of the Decree No. 118/2015/ND-CP)

5.1. The investor should place deposits for using the land allocated, leased out or with land use purpose conversion approved by the state except following cases:

a) The investor has won the land use right auction with land levies (in case of allocation of land) or land rents (in case of lease) being paid one at a time to the state for the entire lease period;

b) The investor has won the bid for the investment projects with land included according to the Law on Bidding;

c) The investor receives land allocated, leased out by the state on the basis of transfer of investment projects for which deposits have been placed or capital contribution or capital mobilization completed according to the progress as stated in the certificate, written approval for investment policy;

d) The investor receives land allocated, leased out by the state on the basis of transfer of land, land-linked property use rights from other land users;

đ) The investor is a for-profit public service unit, hi-tech development company established under decisions of competent state agencies and receiving land allocated, leased out by the state for developing infrastructure of industrial parks, export processing zones, hi-tech zones, functional areas in the economic zone.

Placement of deposits as prescribed in Clause 5.1 of this Article shall be done on the basis of a written agreement between the Service of Planning and Investment and the investor after the investment policy is approved but before the time when the land is allocated, leased out, or transferred in use purpose; for projects not requiring investment policy decision, the placement of deposits shall be done at the time when the land is allocated, leased out, or transferred in use purpose.

5.3. Deposit level shall be based on percentage of the project' investment capital as prescribed in the written approval for investment policy or the certificate as follows:

a) 3% for a capital of VND 300 billion;

b) 2% for a capital over VND 300 – 1,000 billion;

c) 1% for a capital over VND 1,000 billion;

5.4. The investment capital as prescribed in Clause 5.3 of this Article is not inclusive of land levies, land rents paid to the state and construction costs for public works belonging to the project. For projects using land allocated, leased out by the state in each stage, deposit level shall be based on the project's investment capital of each corresponding stage.

5.5. Deposits shall be paid via a deposit account opened at a commercial bank in Lam Dong Province of the investor's choice. The investor shall be responsible for expenses for the opening and maintenance of the deposit account as well as relevant transactions.

5.6. The investor shall receive some discount on the deposits in following cases:

a) 25% discount for projects on areas, industries receiving investment incentives; projects in administrative divisions facing socio-economic difficulties; projects carried out in industrial parks, export processing zones including projects on construction of infrastructure thereof;

b) 50% discount for projects on areas, industries receiving special investment incentives; projects in administrative divisions facing special socio-economic difficulties; projects on areas, industries carried out in administrative divisions facing socio-economic difficulties; projects carried out in hi-tech zones, economic zones including projects on construction of infrastructure thereof.

5.7. Any investor who has already advanced money for site clearance, relocation shall be exempted from placement of deposits corresponding to the amount of money advanced.

5.8. The investor shall get a deposit disbursement only if agreed in writing by the Services of Planning and Construction as follows:

a) 50% of the deposit when the investor completes procedures for land allocation, lease, use purpose conversion and is granted licenses, other approvals as prescribed to carry out constructions (if any) no later than the progress as stated in the certificate or the written approval for investment policy;

b) The remaining 50% together with interests (if any) when the investor completes acceptance testing for the construction and installation of machinery and equipment to put the project into operation no later than the progress as stated in the certificate and written approval for investment policy;

c) In case the investment capital is reduced, the investor shall be refunded an amount of deposit corresponding to the amount of capital as stated in the certificate (amended) or the written approval for amendments to investment policy;

d) In case the project cannot be carried out due to force majeure events or faults of competent state agencies during the performance of administrative procedures, the investor shall be refunded all the deposit after confirmed by the Service of Planning and Investment.

5.9. The investor's deposit account shall be isolated and the deposit shall be transferred to the state budget if the investor fails to meet the project progress as stated in the investment policy decision or the certificate except for cases as prescribed in Clause 5.8 of this Article.

5.10. In case amendments to the project result in change of requirements for placement of deposits, the Service of Planning and Investment shall negotiate with the investor on deposits to be placed as prescribed in this Article.

III. INVESTMENT PREPARATION

1. Formulate plans for compensation, support, and relocation, get approval and implementation (except projects without compensation, support, and relocation)

1.1. Based on the investment policy decision, the certificate, land expropriation notice, the investor shall make contact with the land fund development centers at provincial, rural district, and city levels (hereinafter referred to as 'the Land Fund Development Center') to sign a contract for formulation of plans for compensation, support, and relocation, performance of appraisal and implementation of the plan as prescribed in Article 69 of the Law on Land in 2013;

1.2. In case the investor has advanced money for compensations, site clearance (under competent authorities' policies), the investor shall be discounted on the amounts paid to the state budget as prescribed. The amount of money for compensations, site clearance from the investor shall be paid to the Service of Finance's account opened at Lam Dong's commercial bank branch. The advance amount for compensations, site clearance that remains unused due to delayed progress of compensations, site clearance shall be reviewed for interests for the investor's benefit by the Service of Finance and commercial bank as prescribed.

- People's committees of rural districts, cities shall make an estimation of expenditures to be advanced by the investor for compensations, site clearance and report to the Service of Finance.

- The Service of Finance shall make notifications to the investor of procedures for advance payment, account number, interest rates, interest calculation methods.

- After the payment for compensations, site clearance is completed, the Service of Finance shall carry out procedures for returning any remaining amount of the advance to the investor (including interests as prescribed).

- Deductions of the amount for compensations, site clearance from the payables to the state budget as instructed by the Service of Finance shall be returned to the investor.

2. Inventory, appraisal of forest resources for projects carried out in forest lands (applicable to projects within competence of National Assembly, the Prime Minister, People's Committees of province)

2.1. Formulate a dossier on inventory of current conditions of forest resources after the investment policy is decided by competent state agencies: The investor shall

hire a consultancy to formulate a dossier on the inventory of current conditions, make submission of the dossier for appraisal and approval.

2.2. Appraisal of the dossier:

- Place of submission of the dossier: The Service of Agriculture and Rural Development (Province's administrative center – 36 Tran Phu, Ward 4, Da Lat City).

- Quantity: 10 sets;

- Dossier components: A written request for appraisal of the dossier including written explanations, forms and VN-2000 maps:

 - + Investment scale below 10 ha: use scale 1/2,000 map;

 - + Investment scale between 10 and 50 ha: use scale 1/5,000 map;

 - + Investment scale over 50 ha: use scale 1/10,000 map;

- Appraise the dossier:

 - + Chief appraiser: The Service of Agriculture and Rural Development;

 - + Participants involved in the appraisal: The Service of Natural Resources and Environment, People's Committees of rural districts where the project is situated, forest owners, the investor and the consultancy;

 - + Conditions for conducting the appraisal: the number of participants should be ensured. Compulsory participation: the investor, the consultancy, forest owner, the Service of Natural Resources and Environment.

 - + Appraising period: 12 working days since receipt of the dossier.

3. Formulate land, forest lease or allocation dossier (except projects for which the investor has land use rights)

3.1. Generally applicable to projects within competence of National Assembly, the Prime Minister, People's Committee of the province.

- Place of submission: The Service of Natural Resources and Environment – 36 Tran Phu, Ward 4, Da Lat City.

- Dossier components:

 - + A written request for allocation of land, forests, or for lease of land, forests;

(According to Forms 02/GDGR, 03/GDGR enclosed with the Joint Circular No. 07/2011/TTLT-BNNPTNT-BTNMT dated January 29, 2011 issued by the Ministry of Agriculture and Rural development and the Ministry of Natural Resources and Environment)).

 - + Copy of cadastral map (or cadastral measurements) of the land parcel; For places where the cadastral map is available, the provincial land registration office shall be responsible to provide copy of the cadastral map, collect fees, charges as prescribed; for places where the cadastral map is not available, the land user shall hire an organization specializing in cadastral measurement to carry out cadastral measurement of the land or make request to the provincial land registration office according to laws.

+ Copy of the investment policy decision or the certificate accompanied by written explanations of project feasibility study.

+ For projects using land for mineral activities, licenses for mineral extraction issued by competent state agencies should be obtained according to laws.

+ In case of forest land, the dossier on inventory of forest resources accompanied by the Service of Agriculture and Rural Development's appraisal notice should be provided.

- Quantity of the dossier: 02 sets;

- Handling time:

+ 20 working days since receipt of the dossier (excluding time for site clearance and performance of financial obligations by the land user).

+ After receipt of the dossier, the Service of Natural Resources and Environment shall transfer one set of dossier to the Service of Agriculture and Rural Development for appraisal of conditions for allocation, lease of forest as prescribed in the Joint Circular No. 07/2011/TTLT-BNNPTNT-BTNMT. Within 10 working days, the Service of Agriculture and Rural Development shall issue its suggestions on conditions for allocation, lease of forest to the Service of Natural Resources and Environment for handling.

+ At the Service of Natural Resources and Environment: 17 days

+ At People's Committee of the province: 03 days

3.2. Projects in industrial parks:

- Place of submission: "Application receiving and handling" department belonging to the provincial industrial park authorities;

- Dossier components: The investor shall submit one set of dossier to the provincial industrial park authorities. Within two working days, the authorities shall issue a written notice about granting approval for the investment policy. The investor shall then submit the written approval for investment policy to the industrial park infrastructure development company where it makes the investment. Based on the investor's specific needs, the industrial park infrastructure development company shall choose position and area of land as appropriate for the investor to lease.

4. Procedures for appraisal and approval for objectives and plans of a construction planning (applicable to projects within competence of National Assembly, the Prime Minister and People's Committee of province)

4.1. Group A projects or projects using forest land from 500 ha (protective forests), 1,000 ha (production forests) not including area of afforestation zones, sub-zones, forest protection and management areas, water surface of irrigation lakes, landscape lakes having no impact on construction of work items: General planning, zoning planning and detailed planning should be formulated as foundations for the issue of construction license.

4.1.1. General planning serves as foundation for zoning.

a) Authority to appraise and approve objectives and plans of the planning:

- Case 1: General construction planning for economic, hi-tech zones; tourist resorts, ecozones, preservation zones, historical, cultural, revolutionary remains areas, research and training zones, sporting zones and other areas of special functions at national level.

+ Approving agency: The Prime Minister;

+ Appraising agency: The Ministry of Construction;

+ Dossier receiving agency: The Ministry of Construction;

- Case 2: General construction planning for the remaining projects.

+ Approving agency: People's Committee of the province;

+ Appraising agency: The Service of Construction;

+ Dossier receiving agency: "Dossier receiving and handling" department belonging to the Service of Construction.

b) Dossier components (applicable to both cases in Point a, Clause 1.1 above):

- Objectives of the planning: A written request for appraisal and approval for objectives of the construction planning from the investor; written explanations of the objectives including miniature color drawings (made into an A4-size book), sub-cover page bearing signatures, stamps of heads of the planning agency and consultancy; draft decision on approval for the objectives; relevant documents; written explanations of suggestions from agencies, organizations and residential communities on the objectives (if any in the planning area); legal capacity and qualification documentation of the planning consultancy.

- Plans of the planning: A written request for appraisal and approval for plans of the construction planning from the investor; general explanations including miniature color drawings (made into an A4-size book), sub-cover page bearing signatures, stamps of heads of the planning agency and consultancy; regulations on management according to approved planning; draft decision on approval for the plans; topography survey documents; color scale 1/5,000 or 1/10,000 drawings; relevant documents; written explanations of suggestions from agencies, organizations and residential communities on the plans (if any in the planning area); legal capacity and qualification documentation of the planning consultancy; a CD containing all information of the dossier.

c) Time for appraisal and approval (applicable to both cases in Point a, Clause 1.1 mentioned above):

- Objectives of the planning: no more than 35 working days since receipt of the dossier (in which, time for appraisal not exceeding 20 days, time for approval not exceeding 15 days)

- Plans of the planning: no more than 40 working days since receipt of the dossier (in which, time for appraisal not exceeding 25 days, time for approval not exceeding 15 days)

4.1.2. Zoning planning serves as foundation for detailed planning.

a) Authority to appraise and approve objectives and plans of the planning:

- Approving agency: People's Committee of the province;
- Appraising agency: The Service of Construction;
- Dossier receiving agency: "Dossier receiving and handling" department belonging to the Service of Construction.

b) Dossier components:

- Objectives: A written request for appraisal and approval for objectives of the construction planning from the investor; written explanations of the objectives including miniature color drawings (made into an A4-size book), sub-cover page bearing signatures, stamps of heads of the planning agency and consultancy; draft decision on approval for the objectives; relevant documents; written explanations of suggestions from agencies, organizations and residential communities on the objectives (if any); legal capacity and qualification documentation of the planning consultancy.

- Plans of the planning: A written request for appraisal and approval for plans of the construction planning from the investor; general explanations including miniature color drawings (made into an A4-size book), sub-cover page bearing signatures, stamps of heads of the planning agency and consultancy; regulations on management according to approved planning; draft decision on approval for the plans; topography survey documents; color scale 1/5,000 or 1/10,000 drawings; relevant documents; written explanations of suggestions from agencies, organizations and residential communities on the plans (if any in the planning area); legal and qualification documentation of the planning consultancy; a CD containing all information of the dossier.

c) Time for appraisal and approval (applicable to both cases in Point a, Clause 1.2 mentioned above):

- Objectives of the planning: no more than 25 working days since receipt of the dossier (in which, time for appraisal not exceeding 15 days, time for approval not exceeding 10 days)

- Plans of the planning: no more than 40 working days since receipt of the dossier (in which, time for appraisal not exceeding 25 days, time for approval not exceeding 15 days)

4.1.3. Detailed planning

a) Authority to appraise and approve objectives and plans of the planning:

- Case 1: Detailed planning for construction of zones of special functions, architectural preservation zones in the area of the province; detailed planning in urban

areas relating to administrative boundaries from at least localities and areas in new urban.

- + Approving agency: People's Committee of the province;

- + Appraising agency: The Service of Construction;

- + Dossier receiving agency: "Dossier receiving and handling" department belonging to the Service of Construction.

- Case 2: Detailed planning for the remaining cases.

- + Approving agency: People's committees of rural districts, cities;

- + Appraising agency: Urban Management Office of Da Lat, Bao Loc cities and Economic & Infrastructure Office of rural districts;

- + Dossier receiving agency: "Dossier receiving and handling" department belonging to the People's committees of rural districts, cities.

b) Dossier components:

- Objectives: A written request for appraisal and approval for objectives of the construction planning from the investor; written explanations of the objectives including miniature color drawings (made into an A4-size book), sub-cover page bearing signatures, stamps of heads of the planning agency and consultancy; draft decision on approval for the objectives; relevant documents; written explanations of suggestions from agencies, organizations and residential communities on the objectives (if any); legal capacity and qualification documentation of the planning consultancy.

- Plans of the planning: A written request for appraisal and approval for plans of the construction planning from the investor; general explanations including miniature color drawings (made into an A4-size book), sub-cover page bearing signatures, stamps of heads of the planning agency and consultancy; regulations on management according to approved planning; draft decision on approval for the plans; topography survey documents; color scale 1/5,000 drawings; relevant documents; written explanations of suggestions from agencies, organizations and residential communities on the plans (if any in the planning area); legal capacity and qualification documentation of the planning consultancy; a CD containing all information of the dossier.

c) Time for appraisal and approval

- Objectives of the planning: no more than 25 working days since receipt of the dossier (in which, time for appraisal not exceeding 15 days, time for approval not exceeding 10 days)

- Plans of the planning: no more than 40 working days since receipt of the dossier (in which, time for appraisal not exceeding 25 days, time for approval not exceeding 15 days)

4.2. Group B, C projects or projects using forest land below 500 ha (protective forests), 1,000 ha (production forests) not including afforestation zones, sub-zones, forest protection management, water surface of irrigation lakes, landscape lakes having

no impact on construction of work items: the investor shall rely on zoning planning, scale 1/2,000 planning to develop scale 1/500 planning; in case the zoning planning is not available, the investor shall propose a preliminary planning to the Service of Construction for consideration and issue of the planning permit as foundations for the investor to formulate objectives of scale 1/500 planning for approval; formulate and submit plans of the planning to competent agencies for approval.

Particularly for projects using land below 5 ha (less than 2 ha for apartment housing projects) carried out by one single investor, formulation of the planning is not required.

4.2.1. Issue of planning permit:

- Case 1:

+ Concentrated construction projects in urban areas where zoning, detailed planning is not available; separate construction projects in urban areas where detailed planning or urban designs (except housing) are not available across the area of Da Lat City.

+ Projects in rural districts and cities of Da Lat and Bao Loc where boundaries or urban land using criteria require amendments to carry out concentrated or separate projects in the area with the zoning planning being approved: the Service of Construction shall rely on applicable regulations to carry out appraisal and make submission to the People's Committee of the province for amendments as foundations for issue of the planning permit.

+ Approving agency: The Service of Construction;

+ Dossier receiving agency: The Service of Construction.

- Case 2: People's Committees of rural districts shall issue the planning permit to construction projects outside the cases as prescribed in Point a of this Clause within administrative boundary under management.

+ Approving agency: People's committees of rural districts, cities;

+ Appraising agency: Urban Management Office of Da Lat, Bao Loc cities and Economic & Infrastructure Office of rural districts;

+ Dossier receiving agency: People's committees of rural districts, cities.

4.2.2. Detailed planning: as prescribed in Section 4.1.3.

5. Formulate dossier on land, forest land use purpose conversion for appraisal and approval (applicable to projects within competence of National Assembly, the Prime Minister, People's Committee of the province)

5.1. Application for conversion of land (not forest) use purpose conversion:

- Place of submission: "Dossier receiving and handling" department belonging to the Service of Natural Resources and Environment;

- Dossier components:

- + Application form
- + Land use right certificate or certificate of house, land ownership or house, land-linked property ownership.
- + Results from appraisal of demands for land use, conditions for conversion of land use purpose (for cases appraisal is compulsory) in which any project that use rice paddy land, protective forest land, special-use forest land should be passed by the People's Committee of the province or approved by the Prime Minister;
- + Copy of cadastral map (or cadastral measurements) of the land parcel;

For protective forest land, special-use forest land, the dossier on inventory of current conditions of forest resources appraised by the Service of Agriculture and Rural Development should be provided;

- Quantity of the dossier: 01 set;
- Handling time: 15 working days since receipt of the dossier.

5.2. 5.2. Application for conversion of land and forest use purpose:

- Place of submission: "Dossier receiving and handling" department belonging to the Service of Natural Resources and Environment;

- Dossier components:

- + Application form;
- + Land use right certificate or land, forest allocation decision, or land, forest leasing decision issued by competent state agencies;
- + The project carried out in the converted forest area with approval from competent state agencies;
- + Reports on environmental impact assessment or environmental protection plans (as a result of purpose conversion) approved by competent State agencies;
- + Plans for compensations for site clearance approved by competent state agencies;
- + Plans for reforestation in the converted forest area approved by competent state agencies; or documentary evidence of the payment of charges for reforestation to the state budget.

- Quantity of the dossier: 02 sets;
- Handling time:
- + 20 working days since receipt of the dossier;

+ After receipt of the dossier, the Service of Natural Resources and Environment shall transfer one set to the Service of Agriculture and Rural Development for suggestions on conditions for conversion of forest use purpose. Within 10 working days, the Service of Agriculture and Rural Development shall issue its suggestions on conditions for conversion of forest use purpose to the Service of Natural Resources and Environment for handling.

+ In case the conversion of land, forest use purposes is within competence of National Assembly, the Prime Minister, the Handling time shall be prolonged according to sequence, procedures as prescribed.

6. Formulate environment dossier for approval

After the investment decision is obtained, the investor shall formulate and submit the environment dossier to competent agencies as follows:

6.1. Projects in industrial parks:

a) Apply for confirmation of environmental protection registration (for projects as prescribed in Annex 5.1 of the Ministry of Natural Resources and Environment's Circular No. 27/2015/TT-BTNMT dated May 29, 2015);

- Place of submission: "Dossier receiving and handling" department belonging to the provincial industrial park authorities;

- Dossier components:

+ Three (03) copies of the environmental protection plan with the cover page and contents as instructed according to forms;

+ One (01) feasibility study report or plans for production, business and services;

- Handling time: 10 working days;

b) Apply for appraisal of environmental impact assessment report (for projects as prescribed in Annex II of the Government's Decree No. 18/2015/ND-CP dated February 14, 2015)

- Place of submission: "Dossier receiving and handling" department belonging to the Service of Natural Resources and Environment;

- Dossier components:

+ A written request for appraisal of environmental impact assessment report;

+ Seven copies of environmental impact assessment report;

+ One (01) feasibility study report or other similar documents;

- Handling time: 30 working days;

6.2. Projects within competence of the People's Committee of the province.

a) Apply for conformation of environmental protection registration within competence of People's committees of rural districts (for projects as prescribed in Clause 1, Article 18 of the Decree No. 18/2015/ND-CP except the cases as prescribed in Clause 1, Article 32 of the Circular No. 27/2015/TT-BTNMT)

+ Place of submission: "Dossier receiving and handling" department belonging to People's committees of rural districts;

- Dossier components:

+ Three (03) copies of the environmental protection plan with the cover page and contents as instructed according to forms;

+ One (01) feasibility study report or plan for production, business and services;

- Handling time: 10 working days;

b) Apply for confirmation of environmental protection registration within competence of the Service of Natural Resources and Environment (projects as prescribed in Annex 5.1 of the Circular 27/2015/TT-BTNMT)

- Place of submission: “Dossier receiving and handling” department belonging to the Service of Natural Resources and Environment;

- Dossier components:

+ Three (03) copies of the environmental protection plan with the cover page and contents as instructed according to forms;

+ One (01) feasibility study report or plan for production, business and services;

- Handling time: 10 working days;

c) Apply for appraisal of environmental impact assessment report (for projects as prescribed in Annex II of the Government’s Decree No. 18/2015/ND-CP)

- Place of submission: “Dossier receiving and handling” department belonging to the Service of Natural Resources and Environment;

- Dossier components:

+ A written request for appraisal of environmental impact assessment report;

+ Seven copies of environmental impact assessment report;

+ One (01) feasibility study report or other similar documents;

- Handling time: 30 working days;

6.3. Projects within competence of the Prime Minister (as prescribed in Annex III of the Decree No. 118/2015/ND-CP)

- Place of submission: The Ministry of Natural Resources and Environment

- Dossier components:

+ A written request for appraisal of environmental impact assessment report;

+ Seven copies of environmental impact assessment report;

+ One (01) feasibility study report or other similar documents;

- Handling time: 65 working days;

7. Procedures for issue of construction permit.

7.1. Projects within competence of National Assembly, the Prime Minister.

7.1.1. Works of special class: The Ministry of Construction shall issue the construction permit.

a) Place of submission: The Ministry of Construction;

b) Components of dossier and handling time are instructed in administrative procedures as prescribed by the Ministry of Construction.

7.1.2. Remaining works; The Service of Construction shall issue the construction permit.

a) Place of submission: The Service of Construction;

b) Dossier components:

- A written request for issue of the construction permit;

- An authenticated or certified copy of one of land use right-related papers according to the Law on Land (for non-linear construction works); or written approval for construction sites, linear plans, and decision on land expropriation issued by competent state agencies according to the Law on Land (for linear constructions works);

- Copy of project approval decision, investment decision accompanied by investment policy decision or the certificate issued by competence agencies;

- Decision on approval for environmental impact assessment report or written approval for commitments to environment protection issued by functional agencies;

- The investor's written approval for technical designs or shop drawings accompanied by the appraisal notice and technical designs appraised by state administration agencies for construction or a consultancy who meet qualification requirement as prescribed.

- Fire system evaluation and approval notice issued by functional agencies accompanied by drawings bearing evaluation seal (for projects that require evaluation and approval for fire system according to the Law on Fire Prevention and Fighting);

- Fundamental design appraisal notice issued by functional agencies accompanied by drawings (if any);

- Construction design drawings;

- Declarations of qualifications, experience of designing organizations, individuals as major designers, chief designers accompanied by certified copy of the practice certificate of major, chief designers.

c) Handling time: 20 working days since receipt of the dossier;

7.2. Projects within competence of the People's Committee of the province. The Service of Construction shall issue the construction permit.

7.1.2. Place of submission, components, handling time: provisions set out in Section

7.3. Projects in industrial parks: The provincial industrial park authorities shall issue the construction permit.

a) Place of submission: "Dossier receiving and handling" department belonging to the provincial industrial park authorities;

b) Dossier components:

- A written request for issue of the construction permit;

- Certified copy for the contract for land sub-lease or an appendix of the contract for land lease (if any);

- Two sets (02) of design drawings performed by qualified organizations, individuals and approved by the investor; affixed with the fire system evaluation and approval stamp;
 - Copy of the fire system evaluation and approval notice;
 - Written approval for technical designs by the investor;
 - Reports on appraisal of designs by state administration agencies for construction or qualified consultancy as prescribed;
 - Declarations of qualifications, experience of designing organizations, individuals as major, chief designers (according to forms);
 - Certified copy of practice certificate of major, chief designers;
 - Written approval for environmental impact assessment report or written confirmation of environmental protection registration;
- c) Handling time: 20 working days since receipt of the dossier.

IV. TRANSFER, SEPARATION, AMALGAMATION, MERGER AND TERMINATION OF PROJECTS

1. Procedures for transfer of a project

1.1. Requirements for transfer: The investor may transfer part or whole of its project to other investors as prescribed in Clause 1, Article 45 of the Law on Investment. The investor that transfers the project shall perform tax and charge obligations according to laws.

1.2. Procedures for changing the investor in case of transfer are instructed in Article 37 of the Decree No. 118/2015/ND-CP:

a) Projects within competence of the Prime Minister.

- Place of submission: “Application receiving and handling’ department belonging to the Service of Planning and Investment;

- Dossier components: The investor shall submit eight sets of the dossier as prescribed in Clause 2, Article 37 of the Decree No. 118/2015/ND-CP. The dossier includes:

A written request for amendments to the project; reports on implementation of the project up to the time of transfer; transfer contract or other equivalent papers; copy of ID cards, passports (for transferee investors as individuals); copy of enterprise registration certificate or other equivalent papers (for transferee investors as organizations); copy of the investment registration certificate or investment policy decision (if any); copy of the BBC contract (for BBC projects); copy of one of the following documents from the transferee investor: financial statements for two closest years, financial support commitments of parent companies, financial institutions, the investor’s guaranteed financial resources accompanied by written explanations.

- Handling time: 42 working days;

b) Projects within competence of the People's Committee of the province.

- Place of submission: "Application receiving and handling" department belonging to the Service of Planning and Investment;

- Dossier components: The investor shall submit four sets of the dossier as prescribed in Clause 2, Article 37 of the Decree No. 118/2015/ND-CP.

- Handling time: 25 working days;

c) Projects in industrial parks.

c.1) Changing the investor with respect to projects operating under the certificate or within competence of the Prime Minister;

- Place of submission: "Dossier receiving and handling" department belonging to the provincial industrial park authorities;

- Dossier components: See Clause 2, Article 37 of the Decree No. 118/2015/ND-CP

- Handling time: 42 working days;

c.2) Changing the investor (for projects operating under the certificate or within competence of the People's Committee of the province);

+ Place of submission: "Dossier receiving and handling" department belonging to the provincial industrial park authorities;

+ Dossier components: See Clause 2, Article 37 of the Decree No. 118/2015/ND-CP;

+ Handling time: 25 working days;

- Changing the investor (for projects operating under the certificate or within competence of the provincial industrial park authorities);

+ Place of submission: "Application receiving and handling" department belonging to the provincial industrial park authorities;

+ Dossier components: The investor shall submit four sets of the dossier as prescribed in Clause 2, Article 37 of the Decree No. 118/2015/ND-CP.

+ Handling time: 10 working days;

d) Changing the investor with respect to projects operating under the certificate and not requiring investment policy decision:

- Place of submission: "Application receiving and handling" department belonging to the Service of Planning and Investment;

- Dossier components: The investor shall submit four sets of the dossier as prescribed in Clause 2, Article 37 of the Decree No. 118/2015/ND-CP.

- Handling time: 10 working days;

đ) For projects with investment policy decision approved and put into operation, procedures for amendments to the investment policy decision are not required according to Clauses a, b, c of this Article.

e) In case a foreign investor is the transferee investor and establishes an organization to implement such project, the investor should perform procedures for issue or amendment to the certificate and then perform procedures for the establishment of an economic organization according to laws.

2. Separation, amalgamation, merger of projects:

2.1. For projects not requiring investment policy decision: See Point 4.1, Article 4 below.

2.2. For projects requiring investment policy decision:

- Projects within competence of the Prime Minister: See Point 2.1, Article 2 and Point 4.2 of Article 4 below.

- Projects within competence of the People's Committee of the province: See Point 2.2, Article 2 and Point 4.3 of Article 4 below.

- Projects in industrial parks: See Point 2.3, Article 2 and Point 4.5, Article 4 below.

3. Procedures for amendments to projects in case of separation, amalgamation, merger and conversion of types of economic organizations

3.1. Economic organizations that are established on the basis of separation, amalgamation, merger, conversion of types of economic organizations (hereinafter referred to as 're-organization') shall succeed and continue to perform rights and obligations of the investor of the previous project (original project).

3.2. The investor's decision on re-organization and handling of properties, rights and obligations shall be compliant with the Law on Enterprises and relevant law provisions.

3.3. After completion of procedures as prescribed in Point 3.2, the investor should submit one set of the dossier to the Service of Planning and Investment or provincial industrial park authorities for amendments. The dossier includes;

- A written request;

- Copy of enterprise registration certificate or equivalent papers of the transferee investor;

- Copy of the investor's decision on re-organization including handling of properties, rights and obligations related to the project.

3.4. Within 15 days since receipt of the dossier as prescribed in Point 3.3 of this Article, the Service of Planning and Investment or the provincial industrial park authorities shall make amendments and issue the investment registration certificate to the investor.

3.5. For projects not requiring the investment registration certificate, the investor shall not perform procedures for amendments as prescribed in Articles 3 and 4 below. Transfer of property ownership to the transferee investor after reorganization is instructed in civil laws, laws on enterprises and relevant provisions.

4. Procedures for amendments to projects according to judgments, decisions of the court, arbitrator

4.1. For projects to be amended according to judgments, decisions of the court, arbitrator, the investor shall rely on such judgments, decisions to make adjustments, receive and continue implementation of the project.

4.2. For projects implemented in accordance with the investment registration certificate, the investor should submit one set of the dossier to the investment registration agency where the project is situated. The dossier includes:

- A written request;
- Copy of ID cards or passports (for investors as individuals); copy of enterprise establishment certificate or other equivalent documents confirming legal capacity of the investor (for investors as organizations);
- Judgments, decisions of the court, arbitrator that have taken effect.

4.3. The Service of Planning and Investment or the provincial industrial park authorities shall make amendments to the certificate within 15 days since receipt of the dossier as prescribed in Point 4.2 of this Article.

5. Procedures for re-issue of the certificate or revision to the information thereon

5.1. In case the certificate is lost or damaged, the investor should submit a written request to the Service of Planning and Investment or the provincial industrial park authorities for re-issue of the certificate. Within five working days since receipt of the written request, the Service of Planning and Investment or the provincial industrial park authorities shall review and re-issue the certificate.

5.2. In case the information stated in the certificate is inconsistent with the information in the registration dossier, within three working days since receipt of the investor's request, the Service of Planning and Investment or provincial industrial park authorities shall revise the information in the certificate.

6. Project termination

Project termination is instructed in Articles 41, 42, 43 of the Decree No. 118/2015/ND-CP.

V. INVESTMENT INCENTIVES

1. General investment incentives according to state regulations

1.1. Business lines eligible for investment incentives: Annex I enclosed with the Decree No. 118/2015/ND-CP;

1.2. Areas eligible for investment incentives: Annex II enclosed with the Decree No. 118/2015/ND-CP, as follows:

- Areas facing extremely difficult socio-economic conditions: Lac Duong, Don Duong, Duc Trong, Lam Ha, Dam Rong, Di Linh, Bao Lam, Da Huoi, Da Tech, Ca Tien rural districts.

- Areas facing difficult socio-economic conditions: Bao Loc City.

1.3. Tax incentives, enterprise income tax exemption, reductions:

- Tax exemption: According to Articles 16, 19 of the Government's Decree No. 218/2013/ND-CP dated December 26, 2013 providing instructions on the implementation of the Law on Enterprise income tax; amended, supplemented in Clause 6, Article 1 of the Government's Decree No. 91/2014/ND-CP dated October 01, 2014 and Clause 16, Article 1 of the Government's Decree No. 12/2015/ND-CP dated February 12, 2015; Article 16 of the Decree No. 118/2015/ND-CP;

- Tax reductions: According to Articles 16, 17, 19 of the Decree No. 218/2013/ND-CP; amended, supplemented in Clause 7, Clause 8, Article 1 of the Decree No. 91/2014/ND-CP and Clause 19, Article 1 of the Decree No. 12/2015/ND-CP; Article 16 of the Decree No. 118/2015/ND-CP dated November 12, 2015;

- Preferential tax rate: According to 15 of the Decree No. 218/2013/ND-CP; supplemented, amended in the Decree No. 12/2015/ND-CP;

1.4. Preferential export, import tax: According to Article 103 of the Ministry of Finance's Circular No. 38/2015/TT-BTC dated March 25, 2015.

1.5. Land levy exemption, reductions: According to Articles 11, 12 of the Government's Decree No. 45/2014/ND-CP dated May 15, 2014 on collection of land levies and Articles 5, 6, 7, 8 of the Government's 210/2013/ND-CP dated December 19, 2013 on incentive policies for enterprises investing in agricultural and rural development.

1.6. Land, water surface rent exemption, reductions: According to Articles 18, 19, 20 of the Government's Decree No. 46/2014/ND-CP dated May 15, 2014; Articles 5, 6, 7, 8 of the Decree No. 210/2013/ND-CP; Article 16 of the Decree No. 118/2015/ND-CP;

2. Other incentives for projects invested in the administrative division of the province

Apart from the incentives as prescribed, any project that is invested in the administrative division of Lam Dong Province shall enjoy following incentives:

2.1. Incentives within competence of president of the People's Committee of the province:

a) Real estate investors may transfer their own infrastructural projects (except eco-tourism, resort tourism projects) in the area of Da Lat City to other entities for carrying out housing, architectural constructions according to general planning and the project approved by competent authorities in accordance with the Law on Real Estate, the Law on Land and guiding documents.

b) The People's Committee of the province shall carry out expropriation of land with respect to hi-tech agricultural projects approved by competent authorities according to the Law on Land.

c) Occupational training subsidies: According to the People's Committee of Lam Dong Province's Decision No. 56/2013/QD-UBND dated December 05, 2013 regulating subsidies given to enterprises, cooperatives for occupational training in the area of Lam Dong Province, investors that establish enterprises in the area of Lam Dong Province according to the Law on Enterprises for implementation of investment projects combined with occupational training for employees as local permanent residents shall be eligible for occupational training subsidies; particularly:

- Level of subsidies: VND 400,000/person/month;
- Subsidy duration: from one week and over but not in excess of three months (depending on training programs).

d) Interest subsidies (three percent lower than that of commercial banks):

For projects of following areas:

- Hi-tech agriculture;
- Agroforestry processing;
- Building material production.

According to the Official Dispatch No. 6887/UBND-NN issued by the People's Committee of Lam Dong Province, enterprises shall be eligible for lower medium-term interest rates upon meeting the criteria approved by the People's committee and applicable regulations.

d) Credit guarantees:

Enterprises may be considered for credit guarantees from the credit guarantee fund.

(According to the People's Committee of Lam Dong Province's Decision No. 2153/QD-UBND dated October 06, 2015 on establishment of credit guarantee fund for medium and small businesses).

e) Other subsidies:

- Subsidies for investment and trade promotions;
- Subsidies for market development, brand, trade mark registration;
- Subsidies for supply of information, performance of sequence, procedures and policies for attraction of investment.
- The provincial authorities shall organize dialog meetings to handle difficulties for the investor during the implementation of the project.

2.2. Incentives prescribed by central authorities:

Tax exemptions on importation of materials, equipment for construction of hi-tech green houses for production of vegetables, fruits not available in the country according to the Prime Minister's Decision No. 1528/QD-TTg dated September 03, 2015; Lists of hi-tech green houses, materials, facilities for production of vegetables, fruits not

available in the country shall be instructed in the Ministry of Planning and Investment's Document No. 2196/BKHDT-KTCN dated March 09, 2016.

VI. OTHER ISSUES

1. Level of impact on forestry land for construction of projects:

1.1. For infrastructural infrastructure works on forestry land, the application of area ratio and construction density should meet following requirements:

- Land for construction of architectural works (covered and open):

+ Covered architectural works: Area is calculated on projected area of roof;

+ Open architectural works including main traffic works (area of road surface and slope), technical infrastructure, pools, walkway, tents for temporary residence, parking lots, natural beauty embellishment works, parks;

- Construction of infrastructural architecture works bordering with main road axes as national roads, provincial roads should ensure a recess distance of at least 15 meters from the road and 30 meters for road sections going through Prenn and Mimosa passes)

- Application of area ratio for constructions on forestry land as prescribed in Clause 1.2 below should be accompanied by formulation of land use purpose conversion together with specific designs approved by competent state agencies.

1.2. Area ratio and construction density for eco-tourism and resort projects:

1.2.1. Protective forests:

a) In case agricultural and aqua cultural production is not involved, the area ratio is instructed as follows:

- Covered works, main road axes (area of walkway not taken into account), points of sale, amusement parks, sports area: the ratio shall not exceed 5%.

- Other works constructed on forestry land (land without forests) such as yards, tents for temporary, walkways, parking lots: the ratio shall not exceed 15% and 10% with respect to the area from 50 ha and under and more than 50 ha respectively;

b) In case agricultural and aqua cultural production is involved in combination with tourism, the area ratio for construction of infrastructural works on the area (without forests) should not exceed 20% with respect to upstream protective area, in which:

- Covered works, main road axes (area of walkway not taken into account), points of sale, amusement parks, sports area: the ratio shall not exceed 5%.

- Other works constructed on the areas (without forests) including tents for temporary residence, yards, walkways, parking lots, the ratio shall not exceed 15%.

1.2.2. Production forests:

a) In case agricultural and aqua cultural production is not involved, the ratio shall not exceed 20%, in which:

- Covered works, main road axes (area of walkway not taken into account), points of sale, amusement parks, sports area: the ratio shall not exceed 5%.

- Other works constructed on the areas (without forests) including tents for temporary residence, yards, walkways, parking lots, the ratio shall not exceed 15%.

b) In case agricultural and aqua cultural production is not involved, the ratio shall not exceed 25%, in which:

- Covered works, main road axes (area of walkway not taken into account), points of sale, amusement parks, sports area: the ratio shall not exceed 5%.

- Other works constructed on the areas (without forests) including tents for temporary residence, yards, walkways, parking lots, the ratio shall not exceed 20%.

1.2.3. For projects of Tuyen Lam Lake, Golden Valley, Prenn Lake, Dai Ninh Lake resort tourism, separate regulations apply.

1.2.4. Projects of historical and cultural remains, scenic beauties recognized provincially and nationally,

a) Projects of investment of tourism and services to historical and cultural remains, scenic beauties recognized provincially, the formulation of the construction planning should be approved by the Service of Culture, Sports and Tourism.

b) Projects of investment of tourism and services to historical and cultural remains, scenic beauties recognized nationally, the formulation of the construction planning should be approved by the Service of Culture, Sports and Tourism.

2. Investment in state-owned villas belonging to the plan for appropriate use of villa funds in the area of Lam Dong Province.

Organizations, individuals meeting conditions as prescribed in Article 1 of the Decision No. 16/2013/QD-UBND dated March 15, 2013 of the People's Committee of Lam Dong Province regulating lease of state-owned houses, villas in the area of Lam Dong Province (specifically, must have an approved project or business plan; used for business and tourist service purposes; guaranteed to put the project into operation 12 months at the latest since the signing date of the contract for lease, purchase; compensations if any) shall be eligible for participation in auctions for rights to lease or purchase state-owned villas for development of investment projects.

2.1. Sequence, procedures for purchase or lease of state-owned villas:

a) Based on the list of villas approved for lease or sale by the People's Committee of Lam Dong Province, the Service of Finance shall cooperate with the Service of Construction, the Service of Natural Resources and Environment, the People's Committee of Da Lat City shall calculate the rental, sale prices and make the submission to the People's Committee of the province for the reserve price for the rights to lease, purchase (including land);

b) Organizations, individuals winning the rights to lease, purchase the villa shall be responsible for signing the contract, making the payment for the amount winning the auction within seven days since the date of winning the auction;

d) The People's Committee of Da Lat City shall hand over dossiers, properties, lands to winning organizations, individuals within 30 days since the date of winning the auction;

đ) In case of approval from the People's Committee of the province, apply Points a, c, d of this Clause.

2.2. Sequence, procedures for investment in state-owned villas in Da Lat City according to the Decision No. 49/2011/QĐ-UBND dated August 25, 2011:

a) In case of modification, renovation without changing outer architectural shapes:

- Approving agency: The Service of Construction;

- Place of submission, dossier components: See Clause 7.1.2, Article 7, Part IV: Procedures for issue of construction permit

b) In case of addition of construction works; removal of old works and construction of new ones.

- Approving agency: the People's Committee of Lam Dong Province

+ Appraising agency: The Service of Construction;

+ Dossier receiving agency: "Dossier receiving and handling" department belonging to the Service of Construction;

+ Dossier components: Written request; land-related papers, contract for lease or purchase; plans for construction combining removal of old works and construction of new ones (explanations and drawings).

- Construction permit:

+ Approving agency: The Service of Construction;

+ Place of submission, dossier components: See Clause 7.1.2, Article 7, Part IV: Procedures for issue of construction permit

c) In case of auction for construction, implement the auction plan approved by competent agencies.

3. Updating legislative documents and other relevant documents for investors: The Promotion Center for Investment – Tourism and Trade, the Service of Planning and Investment, the Service of Natural Resources and Environment, other relevant departments and sectors shall be assigned to update legislative documents, relevant documents on its own website as reference sources for organizations, individuals:

The Law on Land dated November 26, 2014;

The Law on Enterprises dated November 26, 2014;

The Law on Land dated November 29, 2013;

The Law on Construction dated June 18, 2014;

The Law on Environment Protection dated June 23, 2014;

The Law on Housing dated November 25, 2014;

The Law on Real Estates dated November 25, 2014;

The Government's Decree No. 118/2015/ND-CP dated November 12, 2015 providing instructions on the implementation of a number of articles of the Law on Investment;

The Government's Decree No. 43/2014/ND-CP dated May 15, 2014 providing instructions on the implementation of a number of articles of the Law on Land;

The Government's Decree No. 218/2013/ND-CP dated December 26, 2013 providing instructions on the implementation of the Law on Enterprise Income Tax;

The Government's Decree No. 12/2015/ND-CP dated February 12, 2015;

The Government's Decree No. 45/2014/ND-CP dated May 15, 2014 on collection of land levies;

The Government's Decree No. 46/2014/ND-CP dated May 15, 2014 on collection of land, water surface rents;

The Government's Decree No. 210/2013/ND-CP dated December 19, 2013;

The Government's Decree No. 05/2015/TT-BKHDT dated September 30, 2014;

The Ministry of Planning and Investment's Circular No. 16/2015/TT-BKHDT dated November 18, 2015.

The Ministry of Finance's Circular No. 38/2015/TT-BTC dated March 25, 2015;

The Prime Minister's Decision No. 1528/QD-TTg dated September 3, 2015;

The Prime Minister's Decision No. 704/QD-TTg dated May 12, 2014.

The People's Committee of Lam Dong Province's Decision No. 09/2016/QD-UBND dated February 05, 2016;

Decisions on promulgation of instructions on sequence, procedures, management of non-state investment projects in the area of Lam Dong Province; decisions issued by competent authorities on implementation of the Prime Minister's Decision No. 1528/QD-TTg dated September 03, 2015.

Latest administrative procedures.

**PP THE PEOPLE'S
COMMITTEE OF PROVINCE
PRESIDENT
(Signed)
Doan Van Viet**