

GOVERNMENT  
No. 29-2008-ND-CP

SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness

Hanoi, 14 March 2008

**Decree**  
**Issuing regulations on industrial zones, export processing zones and economic zones**

**The Government**

*Pursuant to the Law on the Organization of the Government dated 25 December 2001;*  
*Pursuant to the Law on Investment dated 29 November 2005;*  
*Pursuant to the Law on Enterprises dated 29 November 2005;*  
*Pursuant to the Commercial Law dated 14 June 2005;*  
*Having considered the proposal of the Minister of Planning and Investment,*

**Decrees:**

**Chapter I**  
**General Provisions**

**Article 1. Governing scope and applicability**

1. These Regulations stipulate the organization, operation, policies and State administration of industrial zones, export processing zones, economic zones and bordergate economic zones.
2. These Regulations shall apply to State administrative bodies, and to organizations and individuals involved in or related to investment, production and business activities in industrial zones, export processing zones, economic zones and bordergate economic zones.

**Article 2. Interpretation of terms**

In these Regulations, the following terms shall be construed as follows:

1. *Industrial zones* means zones specializing in production of industrial goods and provision of services for industrial production, having fixed geographical boundaries, and being established pursuant to the conditions, order and procedures stipulated in these Regulations.
2. *Export processing zones* means industrial zones specializing in production of export goods and provision of services for production of export goods and export activities, having fixed geographical boundaries, and being established pursuant to the conditions, order and procedures applicable to industrial zones stipulated in these Regulations.

Industrial zones and export processing zones are all referred to as *industrial zones*, unless otherwise specified.

3. *Economic zones* means zones having a separate economic space with an investment and business environment which is specially favourable for investors, and fixed geographical boundaries, and being established pursuant to the conditions, order and procedures stipulated in these Regulations.

Economic zones are organized into functional areas including: non-tariff areas, bonded warehouse areas, export processing zones, industrial zones, entertainment areas, resorts, urban

areas, residential areas, administrative areas and other functional areas consistent with the characteristics of each economic zone.

4. *Bordergate economic zones* means economic zones which are formed in onshore bordergate areas with an international bordergate or main bordergate and which are established pursuant to the conditions, order and procedures stipulated in these Regulations.

Economic zones and bordergate economic zones are all referred to as *economic zones*, unless otherwise specified.

5. *Area of industrial land* means the area of land of an industrial zone in which infrastructure has been built for investors to lease or sub-lease for implementation of investment projects for production or business in the industrial zone.

6. *Export processing enterprises* means enterprises which are established and operate in an export processing zone or enterprises which export all of their products and operate in an industrial zone or economic zone.

7. *Master plan for development of industrial zones and economic zones* throughout the country means the plan which is formulated and approved in accordance with the law on formulation, approval and management of master planning for socio-economic development and the provisions of this Decree.

### **Article 3. Application of specialized laws and international treaties**

1. Where special investment activities in industrial zones or economic zones are stipulated in a specialized law, the provisions of such specialized law shall apply.

2. If international treaties relating to investment of which Vietnam is a member contain provisions which are different from those in this Decree, then the provisions of such international treaties shall apply.

## **Chapter II**

### **Order and Procedures for Establishment of Industrial Zones and Economic Zones**

### **Article 4. Master plan for development of industrial zones or economic zones**

1. The Ministry of Planning and Investment shall, based on the strategy and master plan for socio-economic development and based on the master plan for land use throughout the country and of provinces and cities under central authority, preside over co-ordination with relevant ministries, branches and People's Committees of provinces and cities under central authority (hereinafter referred to as *provincial People's Committees*) to formulate a master plan for development of industrial zones or economic zones and submit it to the Prime Minister for his approval.

2. The approved master plan for development of industrial zones or economic zones shall be used as the basis for consideration of the establishment of any industrial zone or economic zone; and for formulation of master planning or plans for investment in development of technical and social infrastructure systems servicing the development of an industrial zone or economic zone.

### **Article 5. Conditions for establishment or expansion of industrial zones**

1. Conditions for establishment of an industrial zone:

(a) Being consistent with the approved master plan for development of industrial zones;

(b) At least 60% of the total aggregate area of industrial land of industrial zones which have been established in the locality of a province or city under central authority has been leased or sub-leased to projects for which investment registration has been made or which have been issued with an investment certificate.

2. Conditions for expansion of an industrial zone:

(a) Being consistent with the approved master plan for development of industrial zones;

(b) At least 60% of the total area of industrial land of such industrial zone has been leased or sub-leased to projects for which investment registration has been made or which have been issued with an investment certificate;

(c) A concentrated waste water treatment facility has been constructed and brought into use in the industrial zone.

3. With respect to industrial zones which have an area of five hundred (500) hectares or more and in which numerous investors participate in investment in construction and commercial operation of infrastructure in separate areas or industrial zones attached to another urban area or concentrated business area in an overall plan, a master plan must be formulated in accordance with guidelines provided by the Ministry of Construction before formulation of a detailed master plan.

4. The opinions in writing of the Ministry of Construction and relevant branches about a detailed master plan for construction of an industrial zone shall be required before the provincial People's Committee approves such plan in the following cases: Industrial zones which have an area of five hundred (500) hectares or more or are situated in a position next to a national highway or near areas for national defence or preservation of historical relics, famous landscapes or national or regional ecological preservation areas or which are located in Category I, II or special urban areas.

**Article 6. Conditions for adding an industrial zone to the master plan for development of industrial zones**

[The following conditions shall apply in order to add an industrial zone to the master plan for development of industrial zones:]

1. At least sixty per cent (60%) of the total aggregate area of industrial land of industrial zones which have already been established in the locality of the province or city under central authority has been leased or sub-leased to projects for which investment registration has been made or which have been issued with an investment certificate.

2. Being consistent with the master plan for socio-economic development; the master plan for land use of each locality, the master plan for construction of areas and urban areas; the master plan for technical infrastructure; and the master plan for use of minerals and other natural resources.

3. Having favourable conditions or capacity for construction of technical and social infrastructure systems, synchronous implementation and close combination of the master plan for development of industrial zones and the master plan for development of urban areas, and allocation of population, residential housing and social facilities servicing workers working in industrial zones.

4. All of the following conditions for development of industrial zones must be satisfied:

(a) Having a reserve land fund for development and conditions for uniting [separate

industrial zones] into a complex of industrial zones;

(b) Having the ability to attract investment capital from foreign and domestic investors;

(c) Having the ability to supply and satisfy needs for labour.

5. Ensuring consistency with any arrangements for national defence and requirements of national defence and security.

**Article 7. Conditions for establishment or expansion of economic zones**

1. Conditions for establishment of an economic zone:

(a) Being consistent with the approved master plan for development of economic zones;

(b) Being situated in a geographical position favourable for regional economic development (having a deep water seaport or being near an airport) or for connection with a national or international important traffic route; being easy to control and convenient for domestic or overseas exchange; having favourable conditions and resources for investment and development of technical infrastructure;

(c) Having an area of ten thousand (10,000) hectares or more and satisfying requirements for general development of the economic zone;

(d) Having the ability to attract large-scale or important investment projects and project works and affecting the socio-economic development of the whole region;

(dd) Having the ability to mobilize local potentiality and affecting development of surrounding areas;

(e) Not causing any negative impact on natural preservation zones; or any adverse effect on or damage to tangible cultural relics, famous landscapes, or groups of buildings with a historical, aesthetic or scientific value; being consistent with arrangements for national defence and ensuring national defence and security; and facilitating satisfaction of requirements relating to the environment, ecology and sustainable development.

2. Conditions for establishment of a bordergate economic zone:

(a) Being consistent with the approved master plan for development of economic zones;

(b) Having an international bordergate or main bordergate as stipulated in Decree 32-2005-ND-CP of the Government dated 14 March 2005 issuing Regulations on Onshore Bordergates; including adjacent administrative units without separation in terms of space;

(c) Connecting favourably with national important traffic routes; exchanging favourably with neighbouring countries through an onshore bordergate of a foreign country; having favourable conditions and resources for investment in technical infrastructure;

(d) Satisfying requirements for general development of the bordergate economic zone including commercial activities, import and export, temporary import for re-export, transportation of goods in transit, industrial production, tourism and services; having conditions for mobilizing potentiality in the locality and surrounding areas; and having the ability to develop trade and to attract investment;

(dd) Attaching economic development to maintenance of security, politics, social order and safety, and protection of national sovereignty in border areas;

(e) Not causing any negative impact on natural preservation zones; or any adverse effect on or damage to tangible cultural relics, famous landscapes or groups of buildings with a historical, aesthetic or scientific value; and facilitating satisfaction of requirements relating to the environment, ecology and sustainable development.

3. Conditions for expansion of an economic zone:

(a) Investment in all infrastructure systems of the economic zone has been completed in accordance with the master plan for construction of the economic zone;

(b) At least seventy per cent (70%) of the areas of land of functional areas in the economic zone has been allocated or leased to organizations and individuals for implementation of projects.

4. The economic zone shall be organized into functional areas in accordance with article 2.3 of this Decree. The scale, area and position of each functional area shall be determined in the master plan for construction of the economic zone as approved by the Prime Minister.

**Article 8. Procedures for establishment or expansion of an industrial zone**

1. The procedures for issuance of an investment certificate in respect of investment projects for construction and commercial operation of infrastructure in an industrial zone shall be carried out in accordance with the law on investment.

Where the industrial zone or the expansion of an industrial zone is included in the approved master plan for development of industrial zones or in the approved master plan for construction of economic zones, the investment certificate-issuing body shall carry out the investment procedures for an investment project for construction and commercial operation of infrastructure without submitting it to the Prime Minister for his approval or guidance or for his permission for establishment of an industrial zone.

Where the industrial zone or the expansion of an industrial zone is not included in the approved master plan for development of industrial zones, the provincial People's Committee shall carry out procedures for adding [the industrial zone] or the expansion of the industrial zone to the master plan for development of industrial zones in accordance with articles 6 and 12 of this Decree.

2. Decision on establishment or expansion of an industrial zone:

(a) A file for establishment or expansion of an industrial zone shall be prepared in accordance with article 10 of this Decree.

(b) A decision on establishment or expansion of the industrial zone shall be subject to article 15.2 of this Decree.

**Article 9. Procedures for establishment or expansion of economic zones**

1. Where the establishment or expansion of an economic zone is included in the approved master planning for development of economic zones, the Ministry of Planning and Investment shall carry out the procedures for evaluation of the establishment or the expansion of an economic zone in accordance with article 13 of this Decree.

Where the establishment or expansion of an economic zone is not included in the approved master planning for development of economic zones, the procedures for adding [the economic zone] or the expansion of the economic zone to the master planning for development of economic zones must be carried out in accordance with the laws on formulation, approval and management of master planning for socio-economic development.

2. Decision on establishment or expansion of an economic zone:

(a) File for establishment or expansion of an economic zone shall be prepared in accordance with article 11 of this Decree;

(b) A decision on establishment or expansion of an economic zone shall be subject to article 15.1 of this Decree.

**Article 10. File for establishment or expansion of an industrial zone [shall comprise:]**

1. Application for establishment or expansion of an industrial zone prepared by the

investor.

2. Decision of the provincial People's Committee approving the detailed plan for construction of the industrial zone.

3. Investment certificate issued to the investor for implementation of an investment project for development of infrastructure in the industrial zone.

4. The file shall be made in four (4) copies, including one original copy to be submitted to the management committee for industrial zones, export processing zones and economic zones (hereinafter referred to as the *management committee*, unless otherwise specified) or the Department of Planning and Investment (in the case of localities in which a management committee has not been yet established).

5. The management committee or the Department of Planning and Investment (in the case of localities in which a management committee has not been yet established) shall make a submission on the establishment or expansion of the industrial zone to the provincial People's Committee, within a period of five (5) working days from the date of receipt of the valid file. Then within a period of ten (10) working days from the date of receipt of the valid file, the provincial People's Committee shall make a decision on establishment or expansion of the industrial zone in accordance with article 15.2 of this Decree.

**Article 11. Application file for establishment and expansion of an economic zone**

1. A project on establishment and expansion of an economic zone shall comprise the following particulars:

(a) Necessity and legal bases for the construction of the economic zone;

(b) Evaluation of the geographical, natural, resources, socio-economic factors and conditions, and of the advantages and restrictions in the area where the economic zone is proposed to be constructed;

(c) Evaluation and explanation of the capability to satisfy all the conditions stated in article 7 of this Decree;

(d) Proposed developmental direction consisting of the development objectives, nature and functions of the economic zone; developmental direction of industries and sectors; developmental direction of functional zones; and orientation of the land use zoning within the economic zone;

(dd) Proposed total amount of investment capital, methods of raising capital for investment in the infrastructure system in the economic zone; the timing of establishment of the economic zone; and the plan and schedule for investment in construction and development of the economic zone;

(e) Environmental impact evaluation;

(g) Recommendations on solutions for and the organization of implementation;

(h) Proposal on the planning of the economic zone to be displayed on the map of [land use] zoning.

2. A submission from the provincial People's Committee requesting the establishment and expansion of the economic zone shall be sent to the Prime Minister.

3. The application file shall be made into ten (10) sets, of which at least two (2) sets are original

ones and one original set shall be submitted to the Prime Minister and nine (9) sets shall be submitted to the Ministry of Planning and Investment for evaluation in accordance with article 13 of this Decree.

**Article 12. *Application file for addition of an industrial zone to the master plan for development of industrial zones***

1. A proposal on the master plan for development of industrial zones in the territories of the provinces and cities under central authority shall comprise the following particulars:

- (a) Necessity and legal bases of the addition of the industrial zone to the master plan;
- (b) Evaluation of the implementation and proposed socio-economic and industrial developmental direction in the territories of the provinces and cities under central authority;
- (c) Evaluation of the status of the construction and development of the industrial zones which have been established and zoned in the territories of the provinces and cities under central authority;
- (d) Name, location, area of land, status and specific developmental conditions of each industrial zone proposed to be included in the master plan;
- (dd) Evaluation and explanation of the capability to satisfy all the conditions stated in article 6 of this Decree;
- (e) Ability to raise capital from any sources for investment in construction and development of the industrial zone;
- (g) Proposal on the planning of the industrial zone to be displayed on the map of [land use] zoning.

2. A submission of the provincial People's Committee requesting the addition of the industrial zone to the master plan for development of industrial zones shall be sent to the Prime Minister.

3. The application file shall be made into ten (10) sets, of which at least two (2) sets are original ones and one original set shall be submitted to the Prime Minister and nine (9) sets shall be submitted to the Ministry of Planning and Investment for evaluation in accordance with article 13 of this Decree.

**Article 13. *Evaluation of the addition [of an industrial zone or an economic zone] to the master plan for development of industrial zones and establishment of economic zones***

1. The following contents shall be evaluated:

- (a) The legal bases and necessity of the addition [of the industrial zone or economic zone] to the master plan for development of industrial zones or establishment of economic zones;
- (b) The consistency of the addition [of the industrial zone or economic zone] to the master plan for development of industrial zones or establishment of economic zones with the master plan for socio-economic development, the master plan for use of local land, the master plan for regional and urban construction, the master plan for technical infrastructure and the master plan for use of minerals and other natural resources;
- (c) The objectives and targets of the addition [of the industrial zone or economic zone] to the master plan for development of industrial zones or establishment of economic zones and arrangement of human resources;
- (d) The ability to satisfy the respective conditions on the addition [of the industrial zone or economic zone] to the master plan for development of industrial zones or establishment of

economic zones;

(dd) The solutions for implementation and the feasibility of the addition [of the industrial zone or economic zone] to the master plan for development of industrial zones or establishment of economic zones.

2. Order and procedures for evaluation [shall be as follows]:

(a) The Ministry of Planning and Investment shall obtain opinions from the relevant ministries and branches within five (5) working days from the date of receipt of an application file for addition [of the industrial zone or economic zone] to the master plan for development of industrial zones or establishment of economic zones.

In case where the application file fails to satisfy the regulations stated in articles 10 or 11 of this Decree, the Ministry of Planning and Investment shall send to the provincial People's Committee a written request on addition to or amendment of the application file. The period for addition to or amendment of the application shall not be included in the evaluation time-limit period.

(b) Ministries and branches shall send their opinions to the Ministry of Planning and Investment within ten (10) working days in the case of an industrial zone and twenty (20) working days in the case of an economic zone from the date of receipt of a valid application file.

In necessary cases, the Ministry of Planning and Investment, together with the ministries and branches concerned and the provincial People's Committee, shall hold a meeting in order to clarify related issues.

(c) The Ministry of Planning and Investment shall compile and submit [the valid application file] to the Prime Minister for consideration and decision, within thirty (30) working days in the case of an industrial zone and forty five (45) working days in the case of an economic zone from the date of receipt of the valid application file by the Ministry.

**Article 14. *Initial expansion and adjustment of the area of an industrial zone***

1. In a case of initial expansion of an industrial zone of which the expanded area is ten (10) per cent or less of the area in the approved master plan and does not exceed thirty (30) hectares and does not affect any other master plans, on the basis of the opinions of the related ministries and branches, the provincial People's Committee shall make a decision on expansion of such industrial zone without submitting the proposal on addition [of the industrial zone] to the master plan for development of industrial zones to the Prime Minister for approval.

2. In a case where the difference between the actual area of the industrial zone, after the industrial zone is measured, and the area in the approved master plan is ten (10) per cent and does not exceed twenty (20) hectares, the provincial People's Committee shall make a decision on adjustment of the area in the master plan in order to make it consistent with the actual area without submitting same to the Prime Minister.

3. Other cases of expansion and adjustment of the area of an industrial zone shall be required to be submitted to the Prime Minister for consideration and decision.

**Article 15. *Authority to establish or expand an industrial zone or an economic zone***

1. The Prime Minister shall decide the establishment or expansion of an economic zone in compliance with the approved master plan for development of economic zones.

2. The chairman of the provincial People's Committee shall decide the establishment or expansion of an industrial zone available in the master plan for development of industrial zones or in the approved general master plan for construction of economic zones.

*Chapter III*

**Policies Applicable to Industrial Zones, Export Processing Zones and Economic Zones**

**Article 16. *Investment incentives applicable to industrial zones and economic zones***

1. Industrial zones are preferential investment areas and entitled to the incentive policies as applied to the areas included in the list of areas with difficult socio-economic conditions. Any industrial zone which is established in an area included in the list of areas with specially difficult socio-economic conditions shall be entitled to the incentive policies applied to the areas included in the list of areas with specially difficult socio-economic conditions.

2. Investors with investment projects in industrial zones, including investment projects for expansion, shall be entitled to the following incentives:

(a) Investment projects in the industries and sectors included in the list of specially preferential investment sectors shall be entitled to the incentives applicable to the investment projects which fall in industries and sectors included in the list of specially preferential investment sectors and are implemented in areas included in the list of areas with difficult socio-economic conditions or in the list of areas of specially difficult socio-economic conditions.

(b) Investment projects in industries and sectors included in the list of preferential investment sectors and investment projects in production [manufacture] in industrial zones shall be entitled to the incentives applicable to the investment projects which fall in the industries or sectors included in the list of preferential investment sectors and are implemented in the areas included in the list of areas with difficult socio-economic conditions or in the list of areas with specially difficult socio-economic conditions.

(c) Investment projects not stipulated in items (a) and (b) of clause 2 of this article shall be entitled to incentives as provided for in clause 1 of this article.

3. Investors with investment projects in economic zones, including investment projects for expansion, shall be entitled to the incentive policies applicable to the areas included in the list of areas with specially difficult socio-economic conditions and other incentive policies in accordance with this Decree.

4. The following investment projects shall be entitled to the best incentives in accordance with the law on corporate income tax:

(a) Projects in industries and sectors included in the list of specially preferential investment sectors which are carried out in the economic zones or industrial zones established in areas included in the list of areas with specially difficult socio-economic conditions.

(b) Investment projects for construction and operating of infrastructure of non-tariff areas within economic zones.

(c) Investment projects in the high-tech sector in industrial zones and economic zones.

(d) Investment projects with a large scale and important significance for the development of industries and sectors or the local socio-economic development in industrial zones or economic zones upon approval of the Prime Minister.

5. Persons with taxable income, including Vietnamese and foreign employees working in economic zones, shall be entitled to a fifty (50) per cent reduction of income tax.

6. Any expenses for investment in construction, operation or lease of apartments and social infrastructure facilities servicing employees working in industrial zones and economic zones which are reasonable shall be deductible for the purpose of calculation of taxable income of enterprises with investment projects in economic zones or industrial zones.

**Article 17. *Methods of raising capital for investment in development of technical and social infrastructure systems in economic zones***

1. Investment projects in important technical and social infrastructure of economic zones shall be funded from the development investment capital of the local budget and targeted support capital of the central budget. Any conditions, principles and types of projects funded from the central budget shall be implemented in accordance with regulations of the Prime Minister.

2. Investment projects for construction of infrastructure on a large scale with a critical role in the development of economic zones may issue project bonds.

3. Technical and social infrastructure facilities, and necessary public facilities and utilities in economic zones may use capital from official development aid (ODA), preferential credit capital and other technical assistance.

4. Investment capital shall be attracted in the form of Build - Operate - Transfer (BOT) contracts, Build - Transfer (BT) contracts or Build - Transfer - Operate (BTO) contracts or in other forms in accordance with law.

5. Capital for investment projects for construction and operation of infrastructure in functional areas within economic zones may be raised by way of sub-leasing part or the whole area of available land to investors (excluding those stipulated in clause 4(d) of article 3 of the *Law on Investment*) with financial capability and experience in attracting investment capital.

6. Capital for investment projects for development of common technical and social infrastructure in economic zones may be funded from the land resource fund in accordance with the law on land.

**Article 18. *Entry, exit, travel and residence or temporary residence in economic zones***

1. Foreigners and overseas Vietnamese working or engaged in investment or business activities in economic zones and their family members shall be issued with multiple-entry or exit visas for a period appropriate to their working period in the economic zone; and they shall be allowed to reside or temporarily reside in the economic zone and in Vietnam.

2. With respect to bordergate economic zones, the entry, exit and residence shall be subject to the following provisions:

(a) Citizens from districts in neighbouring countries whose borders are opposite bordergate economic zones shall be entitled to enter bordergate economic zones with border identity cards or border travel documents issued by the competent authorities of the neighbouring countries. If they wish to travel to other areas of the province in which the bordergate economic zone is located, the provincial police office may issue a single entry permit which shall be valid for a specified period.

(b) Passport holders who are not visa exempt (being citizens from a neighbouring country or from a third country) shall be exempt from an entry visa and shall be entitled to reside temporarily in a bordergate economic zone for a maximum of fifteen (15) days; if they travel to other areas of Vietnam on a tour organized by Vietnamese international travel enterprises, the competent immigration authority shall consider the issuance of visas at the bordergate economic zone.

(c) Cargo transport vehicles from a neighbouring country or from a third country shall be permitted to enter bordergate economic zones in accordance with economic contracts between foreign parties and Vietnamese enterprises. If any such transport vehicle needs to deliver cargo to a point outside the bordergate economic zone, then it must comply with the current

regulations.

Vehicle operators (ship's crew, vehicle drivers and assistant drivers) shall be permitted to enter bordergate economic zones with their passports, crew register, border identity cards or border travel documents issued by the competent authorities of foreign countries.

(d) It shall be permitted to expand the welcome of guests by picking up tourists from neighbouring countries travelling on their passports or other equivalent cards or documents from bordergate economic zones to travel to other provinces and cities in the country in accordance with paragraph (b) of clause 2 of this article.

(dd) Owners of Vietnamese goods and vehicles who have a business relationship with a foreign party in a neighbouring country shall be permitted to accompany their goods and vehicle to the neighbouring countries for the purpose of delivery of goods, with their identity cards or border travel document issued by the competent Vietnamese authority.

(e) Vietnamese citizens who work or live within districts or towns which have a bordergate economic zone shall be permitted to travel to neighbouring countries with border identity cards or border travel documents in accordance with an international treaty between Vietnam and the relevant foreign country or if so agreed by such foreign country.

**Article 19. Provisions on finance and credit for economic zones**

1. Sales and purchases, payments, transfers and other transactions between organizations and individuals conducting business in bordergate economic zones may be conducted in Vietnamese dong, Chinese yuan, Laos kip, Cambodian riel and freely convertible currencies in accordance with regulations of the State Bank of Vietnam.

2. Credit institutions may be set up and operate in economic zones in accordance with the law on credit institutions.

3. Domestic and foreign visitors entering non-tariff areas in bordergate economic zones may purchase imported goods and bring them back to the country, and shall be exempt from import duty, value added tax and special sales tax (if any) in accordance with regulations of the Prime Minister.

4. Organizations and individuals having achievements in raising official development assistance funds and introducing investment projects in economic zones shall be commended and rewarded in accordance with regulations issued by provincial People's Committees following approval of the Ministry of Finance.

**Article 20. Stay, temporary residence in industrial zones, export processing zones and export processing enterprises**

1. No civilians shall reside in industrial zones and economic zones.

2. Only investors and those working in export processing zones and export processing enterprises and those having business transactions with offices, organizations and enterprises in export processing zones and export processing enterprises may enter export processing zones and export processing enterprises. The above-mentioned persons may not reside in export processing zones or export processing enterprise except when authorized by the Management Committee.

3. Where necessary, foreign experts may reside in an enterprise in an industrial zone or

export processing zone in accordance with regulations of the provincial People's Committee. A stay by a foreign expert must meet the following conditions:

(a) Being required for the business or production activities of the enterprise;

(b) There is no accompanying family or dependants;

(c) Complying with the procedures for registration and declaration of temporary residence in accordance with current regulations on entry, exit and residence of foreigners in Vietnam;

(d) The enterprise must arrange separate accommodation and must undertake that the temporary residence of the foreign expert shall ensure the security and order and not disturb the operations of the industrial zone or export processing zone.

***Article 21. Special provisions applicable to export processing zones and export processing enterprises***

1. Export processing zones and export processing enterprises may apply the regulations on non-tariff areas in accordance with law. The status of being an export processing enterprise shall be stipulated in the investment certificate.

2. Export processing zones and export processing enterprises may be separated from the outside territory by a fence, and have entry and exit gates and doors, and they must enable inspection by customs and relevant agencies.

3. Export processing enterprises may purchase stationery, food, foodstuffs and consumer goods from the domestic Vietnamese territory to serve the operations of the office apparatus and consumption by officials and employees working in the enterprise. Export processing enterprises may elect to carry out or not to carry out export, import and custom procedures for such goods.

4. Customs procedures, customs inspection and supervision for imported and exported goods of export processing zones and export processing enterprises shall be implemented in accordance with the law on customs.

5. Exchanges of goods between export processing zones, export processing enterprises and other areas in the Vietnamese territory, except for non-tariff areas, shall constitute import, export transactions.

6. Officials and employees working in export processing zones and export processing enterprises shall not have to declare with customs when they bring foreign exchange from Vietnamese domestic territory into the export processing zone and export processing enterprise, and vice versa.

#### *Chapter IV*

### **State Administration of Industrial Zones, Export Processing Zones and Economic Zones**

#### **Article 22. Contents of State administration of industrial zones, export processing zones and economic zones:**

1. Preparing and directing implementation of plans and policies for developing industrial zones and economic zones.

2. Issuing, guiding, educating and organizing implementation of policies, law and technical normative standards relating to the formation, investment, construction, development and management of the operation of industrial zones and economic zones; preparing and managing the information system on industrial zones and economic zones; and organizing promotion of investment in industrial zones and economic zones.

3. Issuing, amending, revoking investment certificates, business registration certificates, licences, certificates; and organizing State administrative procedures and relevant support services relating to investment, business and production operations of organizations and individuals in industrial zones and economic zones.

4. Organizing the apparatus, and providing professional training for State administrative bodies in charge of industrial zones and economic zones.

5. Guiding, assisting and evaluating the efficiency of investment; examining, supervising, inspecting, dealing with complaints and denunciations; and rewarding, dealing with breaches, and resolving problems that arise in the formation and development of industrial zones and economic zones.

#### **Article 23. Powers and responsibilities of State administration with respect to industrial zones and economic zones**

1. The Government shall uniformly exercise State administration of industrial zones and economic zones throughout the nation on the basis of delegating specific duties and powers to each ministry, provincial People's Committee and Management Committee in accordance with this Decree; and directing the preparation and implementation of plans for development, issuing policies and legal instruments on industrial zones and economic zones.

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

(a) Directing Ministries, agencies, provincial People's Committees and Management Committees in implementing laws and policies on industrial zones and economic zones;

(b) Approving and revising the general master plan for development of industrial zones and economic zones;

(c) Deciding the investment policy for investment projects within his authority;

(d) Deciding the establishment of economic zones, approving the general master plan for construction of economic zones; authorizing the expansion and reduction of size and area, and change of purpose of land use already approved in industrial zones and in functional areas in economic zones;

(dd) Directing the resolution of problems arising in the establishment, operation and management of industrial zones and economic zones that are beyond the authority of ministries, agencies, provincial People's Committees and Management Committees.

3. Ministries, agencies and provincial People's Committees within their functions, duties

and powers shall be responsible for exercising State administration in respect of the industries, sectors and areas relating to industrial zones and economic zones; and for guiding or authorizing Management Committees to carry out certain duties of State administration under their authority in accordance with this Decree and relevant laws.

**Article 24. Powers and responsibilities of the Ministry of Planning and Investment:**

1. Leading and co-ordinating with the Ministry of Construction, the Ministry of Natural Resources and Environment, the Ministry of Defence, the Ministry of Industry and Trade and relevant ministries, agencies and provincial People's Committees in preparing the general master plan for development of industrial zones and economic zones for submission to the Prime Minister for approval.

2. Leading and co-ordinating with relevant ministries and agencies in drafting legal instruments and policies on developing industrial zones and economic zones for submission to the competent State authority for issuance; reviewing and submitting to the Prime Minister for cancellation provisions in approved operational regulations of economic zones to ensure consistency with the provisions of this Decree.

3. Leading and co-ordinating with relevant ministries and agencies in guiding and providing relevant professional training to Management Committees.

4. Leading and co-ordinating with the Ministry of Finance and relevant ministries and agencies in making proposals for assistance from the central budget for investment projects of constructing and operating infrastructure in industrial zones in areas with difficult and specially difficult socio-economic conditions as decided by the Prime Minister; and proposals for support from the central budget for investment in developing the technical infrastructure of economic zones in accordance with this Decree.

5. Leading and co-ordinating with relevant ministries, agencies and provincial People's Committees and Management Committees in preparing and implementing a national plan and programme for promotion of investment in industrial zones and economic zones.

6. Setting up and managing a nationwide information system on industrial zones and economic zones; issuing the form for periodic reports and provision of information on industrial zones and economic zones to relevant bodies of the Government.

7. Collating the assessment of the social economic results and efficiency of industrial zones and economic zones for reporting to the Prime Minister.

**Article 25. Powers and responsibilities of State administration of the Ministry of Interior:**

1. Issuing regulations on preparing proposals for establishing, classifying, grading and reorganizing Management Committees.

2. Providing regulations on organizational apparatus, personnel and salaries for officials and officers of Management Committees.

3. Evaluating proposals for establishing or reorganizing Management Committees for submission to the Prime Minister for consideration and decision.

**Article 26. Powers and responsibilities of State administration of the Ministry of Finance:**

1. Providing guidelines for the financial regimes and customs procedures applicable in industrial zones, economic zones and export processing enterprises.

2. Providing for the financial structures and policies for Management Committees, and for

professional income receiving economic units being owners of investment projects in constructing and operating infrastructure in industrial zones and special economic organizations related to industrial zones and economic zones in accordance with law.

3. Guiding the implementation of the provisions in clause 6 of article 16 of this Decree.

**Article 27. Powers and responsibilities of State administration of the Ministry of Construction:**

1. Issuing guidelines concerning the preparation, evaluation, approval and revision of the general plan for construction of economic zones, general plan for construction of industrial zones stipulated in clause 3 of Article 5 of this Decree, and detailed plans for construction of industrial zones and functional areas in economic zones.

2. Issuing guidelines for Management Committees to carry out State administration of construction of technical infrastructure and construction works in the industrial zones, economic zones and the urban management and development in economic zones.

**Article 28. Powers and responsibilities of State administration of the Ministry of Industry and Trade:**

1. Exercising State administration of industries, import/export activities and trading activities in industrial zones and economic zones; directing the development of industries in industrial zones and economic zones according to approved strategies and plans for development of industries in areas and territories.

2. Authorizing Management Committees to issue certificates of origin of goods manufactured in industrial zones and economic zones; issuing, re-issuing, amending, adding and extending licences for establishing trade representative offices of foreign organizations and business entities having offices in industrial zones and economic zones.

3. Guiding Management Committees to issue business licences for sale and purchase of goods and operations directly related to sale and purchase of goods for foreign invested enterprises and foreign investors investing for the first time in industrial zones and economic zones.

4. Drafting regulations on the operations of non-tariff areas in economic zones for submission to the Prime Minister for issuance.

**Article 29. Powers and responsibilities of State administration of the Ministry for Natural Resources and Environment:**

1. Issuing Regulations on administration and protection of the environment in industrial zones and economic zones.

2. Providing guidelines on collection of environmental protection fees in industrial zones and economic zones.

3. Providing guidelines for Management Committees to carry out a number of duties of State administration with respect to natural resources and the environment in industrial zones and economic zones in accordance with the law on environmental protection.

**Article 30. Powers and responsibilities of State administration of the Ministry for Science and Technology:**

1. Issuing regulations on the criteria for identifying high-tech investment projects in industrial zones and economic zones.

2. Providing guidelines for Management Committees to carry out a number of duties of State

administration with respect to science and technology for organizations operating in industrial zones and economic zones.

**Article 31. Powers and responsibilities of State administration of the Ministry for Labour, War Invalids and Social Affairs:**

Providing guidelines for Management Committees to carry out a number of duties of State administration with respect to labour in industrial zones and economic zones in accordance with the law on labour.

**Article 32. Powers and responsibilities of State administration of the Ministry of Public Security:**

1. Carrying out the function of State administration with respect to public security and order, fire fighting and prevention in industrial zones and economic zones.

2. Issuing regulations guiding the entry and exist, residence, temporary residence in economic zones and bordergate economic zones.

**Article 33. Powers and responsibilities of State administration of the Ministry for Culture, Sports and Tourism:**

1. Providing guidelines for Management Committees to carry out State administration of tourism activities in economic zones.

2. Authorizing Management Committees to issue, re-issue, amend, add and extend licences for establishment of representative offices and branches in economic zones for foreign tourism businesses.

**Article 34. Powers and responsibilities of State administration of line Ministries:**

Ministries and ministerial equivalent bodies, beside the scope of duties and powers mentioned in articles 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 of this Decree, shall also have powers and responsibilities of State administration with respect to lines of industry and sectors in industrial zones and economic zones, specifically as follows:

1. Evaluating and providing written opinions on the extent to which investment projects meet the necessary criteria in case of investment projects within the approval authority of the Prime Minister and projects in conditional investment sectors in industrial zones and economic zones in accordance with the law on investment.

2. Issuing conditions, procedures and formalities for managing and organizing the provision of public administrative services by Management Committees.

3. Guiding, monitoring, supervising, inspecting and issuing fines for administrative breaches within their powers.

**Article 35. Powers and responsibilities of State administration of provincial People's Committees:**

1. Leading preparation of plans for developing industrial zones and economic zones in their territories; deciding the establishment or extension of industrial zones.

2. Developing a general plan for construction of industrial zones as stipulated in clause 3, article 5 of this Decree and for economic zones.

3. Leading preparation and approval of detailed plans for construction of industrial zones and functional areas in economic zones; directing evaluation of and approving basic designs of infrastructure development investment projects in industrial zones and in functional areas in economic zones; deciding the use of State budget capital for assisting investors investing in

infrastructure systems within the fence of industrial zones.

4. Carrying out investment procedures for infrastructure development investment projects and functional areas in economic zones pending the establishment of Management Committees.

5. Carrying out State administration for investment projects in economic zones in accordance with approved plans; submitting for approval or approving within their authority the list of development investment projects and annual and five year plans for development investment capital in economic zones.

6. Issuing policies for specific incentives and encouragement in accordance with law with respect to priority for recruiting and using local labour, highly skilled and qualified labour, and assisting vocational training for employees working in industrial zones and economic zones.

7. Planning land areas for re-settlement, residential housing for workers and public services and facilities; assisting investment in residential housing for workers, resettlement areas, technical-social infrastructure works in accordance with the *Law on State Budget*; assisting trade, investment and tourism promotion; assisting compensation and clearance of land space in order to expedite the process of investing in and developing industrial zones and economic zones.

8. Directing the recovery of land areas, water surfaces, compensation and clearance of land space and resettlement of residents and crops and carrying out the procedures for leasing or allocating land in industrial zones, economic zones in accordance with the law on land and relevant laws.

9. Directing relevant agencies in preparing investment plans and building the social and technical infrastructure systems outside the fence of industrial zones and economic zones such as roads, power supply systems, water drainage systems, communication, technical connection points with infrastructure works inside the fence of industrial zones and economic zones, vocational training units, residential housing, medical clinics, schools and other public works as required for the development of industrial zones and economic zones.

10. Leading preparation of plans and allocation of capital for assisting investment in technical infrastructure systems inside the fence of industrial zones, technical - social infrastructure systems of economic zones in accordance with the law on investment, State budget and the provisions of this Decree.

11. Issuing Regulations and supervising their implementation on co-ordination between Management Committees with agencies under provincial People's Committees; directing, assigning or authorizing Management Committees to carry out some duties of State administration in areas of construction and environmental protection in accordance with paragraphs (d) and (h), clause 2 of article 37 of this Decree.

12. Directing implementation of plans and regulations on construction, labour, environmental protection, fire and explosion fighting and prevention, security and order in industrial zones and economic zones.

13. Organizing and co-ordinating organization of local vocational training facilities to meet the demand for labour in industrial zones and economic zones.

14. Organizing, monitoring, inspecting and supervising resolution of issues arising in the formation and development of industrial zones and economic zones; and for issues beyond authority, co-ordinating with ministries and ministerial equivalent agencies for resolution or submitting them to the Prime Minister for consideration and resolution.

15. Preparing a plan for the establishment or re-organization of Management Committees on the principle that each province or city under central authority has one Management Committee;

deciding the appointment of personnel for the positions of Chairman and Vice-Chairman of the Management Committee.

16. Dispensing funds for administrative and professional operations and development investment capital to Management Committees in accordance with the *Law on State Budget*; approving plans, providing funds and organizing trade, investment and tourism promotion activities in order to develop industrial zones and economic zones.

17. Directing local professional and line agencies in trade, finance, customs, banking, police and other relevant agencies to arrange competent representatives who can deal with issues arising in each area when necessary.

18. Carrying out other duties and powers of State administration concerning industrial zones and economic zones in accordance with law.

### *Chapter V*

## **Functions, Duties, Powers and Organizational Structure of Management Committees of Industrial Zones, Export Processing Zones and Economic Zones**

### ***Article 36. Functions of Management Committees of Industrial Zones, Export Processing Zones and Economic Zones***

1. The Management Committee is an agency under the provincial People's Committee which directly performs the function of State administration with respect to industrial zones and economic zones within the province or city under central authority in accordance with this Decree and relevant laws; managing and organizing the provision of public administrative services and other support services relevant to the investment and business operations of investors in industrial zones and economic zones.

2. The Management Committee shall be set up pursuant to a decision of the Prime Minister and shall be under the control of the provincial People's Committee with respect to its organization, personnel, working programmes and operational funding (except as otherwise decided by the Prime Minister); shall be directed, guided and inspected on professional issues by ministries and agencies in charge of relevant lines of industry and sectors; and shall be responsible for closely co-ordinating with professional agencies under the provincial People's Committee in the administration of industrial zones and economic zones.

3. The Management Committee shall have legal person status; accounts and a seal bearing the national emblem. Its funds for State administration, professional operations and development investment capital shall be allocated from the State budget in accordance with annual plans.

### ***Article 37. Duties and powers of Management Committees of industrial zones, export processing zones and economic zones:***

1. Contributing opinions, preparing and submitting to ministries, agencies and provincial People's Committees for approval and implementation of the following tasks:

(a) Contributing opinions to Ministries, agencies and provincial People's Committees in the drafting of legal instruments, policies and plans relating to the investment and development of industrial zones and economic zones.

(b) Leading, co-ordinating with relevant agencies in drafting Regulations on co-ordination amongst professional agencies under provincial People's Committees or relevant agencies in order to implement delegated duties and powers under the one door and one adjoining door

regime, and submitting same to provincial People's Committees for approval and implementation;

(c) Preparing programmes and plans for promoting investment in developing industrial zones and economic zones for submission to provincial People's Committees for approval and implementation;

(d) Preparing annual and five year plans for developing human resources, meeting the demands of industrial zones and economic zones for submission to provincial People's Committees for approval and implementation;

(dd) Preparing estimates of budget, funds for annual professional operations and development investment capital of the Management Committees for submission to the competent authority for approval in accordance with the Law on State Budget and relevant laws.

2. The Management Committee shall carry out the following duties in accordance with law or as instructed or authorized by ministries, branches or provincial People's Committees:

(a) Managing, educating, guiding, monitoring, inspecting, supervising and issuing fines for administrative breaches in respect of the implementation of regulations or plans relating to industrial zones and economic zones as approved by competent authorities;

(b) Registering investments; evaluating, issuing, amending and revoking investment certificates for investment projects under its authority;

(c) Issuing, re-issuing, amending, adding and extending Licences for establishment of trade representative offices of foreign organizations or individuals in industrial zones and economic zones; issuing business licences for sale and purchase of goods and activities directly related to sale and purchase of goods of foreign invested enterprises and foreign investors investing for the first time in industrial zones and economic zones after having the written approval of the Ministry of Trade and Industry;

(d) Revising the approved detailed plan for construction of industrial zones, functional areas in the economic zones without changing the use of land and the structure of the plan; evaluating the basic designs for projects in groups B and C or issuing, extending construction permits for works which require construction permits in accordance with the law on management of investment in construction works; issuing certificates of ownership of construction works to relevant organizations in respect of construction works in industrial zones and economic zones;

(dd) Issuing, re-issuing, extending, revoking work permits of foreigners, overseas Vietnamese working in industrial zones and economic zones; issuing labour books to Vietnamese workers working in industrial zones and economic zones; organizing the registration of labour rules, collective labour agreements, internal rules on occupational health, internal rules on work safety, the salary scale tables and systems, work targets, plans for enterprises to send workers overseas for training for less than 90 days; receiving reports on the conclusion, use and termination of labour contracts in enterprises;

(e) Issuing certificates of origin for goods manufactured in industrial zones and economic zones and other licences and certificates in industrial zones and economic zones;

(g) Certifying contracts and documents relating to real estate in industrial zones and economic zones for relevant organizations;

(h) Organizing the evaluation and approval of environmental impact assessment reports for investment projects within the approval authority of provincial People's Committees in industrial zones and economic zones;

(i) Monitoring, inspecting and supervising the implementation of investment objectives

stipulated in the investment certificates, the progress of capital contribution and investment implementation; leading and co-ordinating the inspection of the implementation of undertakings for projects which were granted investment incentives and compliance with the law on construction, labour, salaries, social insurance for workers, protection of the lawful rights of workers and employers, activities of social political organizations, fire and explosion fighting and prevention, security and order, and protection of the ecological environment for projects in industrial zones and economic zones; deciding to issue fines for administrative breaches in accordance with the regulations for breaches in areas within their authority and proposing to the competent State authority to deal with breaches in areas beyond their authority;

(k) Dealing with difficulties and problems of investors in industrial zones and economic zones and recommending to the Prime Minister, ministries and relevant agencies and provincial People's Committees solutions to problems beyond their authority;

(l) Receiving reports of statistics, financial reports of businesses operating in industrial zones and economic zones; evaluating the efficiency of investments in industrial zones and economic zones;

(m) Co-ordinating with the Ministry of Planning and Investment in setting up and managing the information system on industrial zones and economic zones within their authority;

(n) Regularly reporting to the Ministry of Planning and Investment, relevant ministries and agencies and provincial People's Committees on the status of: setting up and developing industrial zones and economic zones; issuing, amending, revoking investment certificates; progress and operation of investment projects; performance of obligations to the State; attraction and employment of workers; compliance with the law on labour and resolution of labour disputes and implementation of solutions to protect the ecological environment in industrial zones and economic zones;

(o) Organizing a movement of competition and rewards for businesses in industrial zones and economic zones;

(p) Organizing and co-ordinating with State administrative bodies in inspecting and examining and dealing with complaints, denunciations, prevention and elimination of corruption, wastefulness and negative issues and dealing with administrative breaches in the zone;

(q) Carrying out tasks in accordance with law and regulations of provincial People's Committees on the management of finance, assets and budget allocated; collecting and managing the use of fees and charges; scientific research, application of scientific and technological progress; cooperation with domestic and foreign organizations and individuals on areas related to investment, construction and development of industrial zones and economic zones; managing the apparatus, personnel, staff, employees and officers and providing professional training to officers, employees of Management Committees; recommending jobs to workers in industrial zones and economic zones;

(r) Carrying out other tasks as delegated by the provincial People's Committees.

### **Article 38. Duties and powers of Management Committees of Economic Zones**

In addition to the duties and powers of Management Committees of industrial zones, export processing zones and economic zones stipulated in article 37 of this Decree, Management Committees of economic zones have the following duties and powers:

1. Preparing and submitting to the provincial People's Committees for submission to the Prime Minister for decision according to their authority:

(a) A general plan for construction of economic zones;

(b) Plans for issuing project bonds; plans for raising other sources of funds for investing in important technical and social infrastructure systems in the economic zone.

2. Preparing and submitting to ministries, agencies and provincial People's Committees for approval and implementation:

(a) Detailed construction plans for functional areas in accordance with the approved general construction plan of the economic zone, and detailed land use plans in the economic zone for submission to the provincial People's Committee for approval;

(b) Annual and five year plans of development of the economic zone for submission to the provincial People's Committees and relevant State agencies for approval;

(c) Annual and five year lists of investment projects and development investment capital for submission to the competent authority for approval or for approval within the Management Committee's own authority;

(d) Establishing price structures and levels of fees and charges applicable in the economic zone for submission to the competent authority for issuance in accordance with law.

3. Management Committees of economic zones shall direct or organize the implementation of the following tasks:

(a) Implementing in accordance with law or as instructed by ministries, agencies or provincial People's Committees: issuing, amending, revoking Business registration certificates in accordance with the *Law on Enterprises* in the case of establishing economic organizations in the economic zones; issuing, re-issuing, amending, adding and extending Licences for establishing representative offices and branches in the economic zone for foreign tourism businesses;

(b) Engaging foreign advisors to provide advice on investment promotion, advice on the strategy for investment, construction and development of economic zones;

(c) Deciding investments for projects in groups B and C using State budget capital for investment in the economic zone as authorized by a provincial People's Committee;

(d) Signing BOT, BTO, BT contracts for projects in groups B and C as authorized by the provincial People's Committee; directly receiving, managing and using ODA capital;

(dd) Managing and using sources of investment capital investment for the economic zone within their authority; managing the investment, construction, bidding for investment projects using development investment capital from the State budget in the economic zone within their authority; managing and implementing the administrative expenses and income, target programmes and other sources of capital allocated in accordance with law;

(e) Leading and co-ordinating with relevant agencies in the maintenance and service of the social and technical infrastructure systems, public utilities and facilities funded by the State budget in the economic zone;

(g) Managing and using efficiently the specialized land and water surface resources allocated for their proper purposes and in accordance with the general construction plan of the economic zone, detailed construction plan of functional areas, the plan for land use approved by the competent authority;

(h) Re-allocating land subject to land use fees, re-allocating land not subject to land use fees, leasing land, water surface and carrying out land administration in the economic zone in accordance with the law on land;

(i) On the basis of the regulations provided by the provincial People's Committee and the

law on investment and land, deciding the use fees, rental and the level of exemption, reduction with respect to specialized land, water surface for each investment project in case of re-allocation of land, leasing land without auctioning or tendering for the land use right.

(k) Co-ordinating with the local authority and relevant agencies to ensure that all activities in the economic zone must comply with the plans, the plans for construction and development of economic zones approved by the competent authority and relevant regulations.

**Article 39. *The organizational apparatus and personnel of a Management Committee***

1. A Management Committee shall consist of the Chairman, a number of Vice-Chairmen and the supporting apparatus;

The Chairman shall be appointed and removed by the Chairman of the provincial People's Committee. Vice-Chairmen shall be appointed and removed by the Chairman of the provincial People's Committee on the proposal of the Chairman of the Management Committee.

2. The Chairman shall be responsible for managing all the operations of the Management Committee, and responsible to the provincial People's Committee and before the law for the operations and efficiency of the operations of the industrial zone or economic zone;

3. The organizational structure of a Management Committee shall include: the support system (office, professional departments and representative of the Management Committee in industrial zones and economic zones); dependent administrative agencies providing public services and utilities, investment and business support services for investors in the zone and other organizations as required by the development of industrial zones and economic zones and the duties and powers of each type of Management Committee in accordance with guidelines provided by the Ministry of Interior and in accordance with law.

Management Committees of economic zones and Management Committees of industrial zones, export processing zones in Class 1 in accordance with guidelines provided by the Ministry of Interior may set up Inspectors.

4. The personnel of a Management Committee shall include administrative personnel and professional personnel and shall be decided by the Chairman of the provincial People's Committee in accordance with the law on delegation of authority for managing administrative and professional personnel and the staff management regulations applicable to State professional bodies.

**Chapter VI**  
**Implementing Provisions**

**Article 40. *Effectiveness of the Decree***

1. This Decree shall take effect 15 days after the date of its publication in the Official Gazette.

2. This Decree shall repeal:

(a) Decision No. 53/2001/QD-TTg dated 19 April 2001 on policies regarding bordergate economic zones and Decision No.273/2005/QD-TTg dated 31 October 2005 on amendments of and additions to a number of articles in Decision No. 53/2001/QD-TTg.

(b) Other regulations on industrial zones, export processing zones and economic zones inconsistent with the terms of this Decree.

**Article 41. *Responsibilities for implementation***

Ministers, heads of ministerial equivalent bodies, heads of bodies of the Government, Chairmen of People's Committees of provinces and cities under central authority, Chairmen of Management Committees of industrial zones, export processing zones and economic zones and relevant organizations and individuals shall be responsible for implementing this Decree.

**On behalf of the Government  
Prime Minister**

**Nguyen Tan Dung**