

SUMMARY OF KEY LEGAL REQUIREMENTS FOR PROJECTS USING SPECIAL LOCATIONS IN VIETNAM

NO	SPECIAL LOCATIONS	RELEVANT LEGAL DOCUMENTS	RELEVANT DEFINITIONS	RELEVANT REQUIREMENTS
1	Projects using land on islands or in a border, coastal communes, wards, or townships	<p>Law on Investment</p> <p>Decree 43/2014/NĐ-CP</p> <p>Decree 34/2014/ND-CP</p>	N/A	<ul style="list-style-type: none"> - M&A Approval for foreign investors regarding capital contribution or purchase of shares in companies having land use right in island, border, coastal commune, or area that affects national defense and security. - Notification on implementation of project to competent authority within 03 working days before the commencement of project (applicable to land border area). - Notification on the list of people, vehicles, duration, and scope of activities to competent authority within 03 working days before the commencement of survey, engineering, construction and implementation of projects or works (applicable to land border area).
2	Projects on coastal area protection corridors	Law on Natural Resources and Environment of Sea and Islands	Coastal area protection corridor is a littoral strip established in the areas in need of protection to maintain service value of the ecosystem and natural landscape in littoral zones, maximize coastal landslides, cope with climate change and rising sea, ensuring people's rights to access to the sea.	<p>Approval issued by Prime Minister for land reclamation and the exploration of minerals, and oil and gas.</p> <hr/> <p>Investment Policy Decision issued by competent authority for new constructions and expansion of construction works.</p>



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3	Projects in sea areas	Decree 11/2021/NĐ-CP	N/A	Decision issued by competent authority on allocation of sea area.
4	Projects within the protected zone of irrigation project	Law on Irrigation Decree 67/2018/NĐ-CP	The protected zone of irrigation project covers main facilities and proximity thereto.	A license for activities carried out within the protected zone of irrigation project issued by the Ministry of Agriculture and Rural Development or Provincial People’s Committee.
5	Projects within the protected zone of dams and reservoirs	Decree 114/2018/NĐ-CP	Protected zone of dams and reservoirs covers main works and vicinity thereof.	License for carrying out activities, such as cutting, sawing dikes for work construction within the protected zone of dams and reservoirs issued by Ministry of Industry and Trade or Provincial People’s Committee.
6	Projects that have dike-related activities	Law on Dykes	The dike protection scope covers dikes, dike embankments, dike culverts, supporting facilities, and dike protection corridors.	Permits for dike-related activities issued by Provincial People’s Committee.
7	Projects using river stretches where there are no construction works	Law on Dykes	River stretches mean land areas stretching from the outer edge of the dike protection corridor to river banks.	<ul style="list-style-type: none"> - Approval for the construction of works under investment projects by the Prime Minister. - Permits for construction activities granted by provincial-level People's Committees.



8	Projects having essential works within land areas reserved for roads	Decree 11/2010/NĐ-CP Circular 50/2015/TT-BGTVT	Essential works include: (i) Every work for national defense and security; (ii) Every work required sophisticated engineering techniques.	<ul style="list-style-type: none"> - Construction permits issued by Ministry of Transport or provincial-level People's Committee; - Approval for construction of essential works issued by the Ministry of Transport, Directorate for Roads of Vietnam, and Road Management Department and Service of Transport.
9	Projects using railway land for the construction of essential works	Circular 25/2018/TT-BGTVT	Essential works include: (i) Works for national defense and security; (ii) Traffic works; (iii) Irrigation works (iv) Energy works; (v) Technical infrastructure works.	Licenses for the construction of essential works within the land reserved for national railways by Viet Nam Railway Authority.
				Licenses for the construction of essential works within the land area reserved for urban railway by competent authority.
10	Projects in national mineral reserve areas	Decree 51/2021/NĐ-CP	National mineral reserves areas include: (i) Areas with minerals that should be reserved for sustainable socio-economic development; (ii) Areas with minerals that cannot be effectively exploited yet for lack of conditions or which can be exploited but remedies for adverse environmental impacts are unavailable.	<ul style="list-style-type: none"> - The dossier for approval of Investment Decision Policy must include assessment of the impact on mineral resources, deposits and quality in national mineral reserves; - The Prefeasibility Study Report or Investment Project Proposal must include solutions for protection of minerals requiring reservation.
11	Projects using paddy land, land for protection forests, land for special-use forests	Land Law	N/A	<ul style="list-style-type: none"> - Written approval for the change of land use purpose of the paddy land by the Prime Minister (with area of 10 ha or more for paddy land, and 20 ha or more for protection forests, special-use forests); or



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				- Resolution of the provincial-level People’s Council for change of land use purpose (with area less than 10 ha for paddy land, and area less than 20 ha for protection forests, special-use forests).
12	Projects that are assigned forest or leased forests; land allocation, leased land for afforestation	Law on Forestry	N/A	Approval for sustainable forest management plan by Ministry of Agriculture and Rural Development.

Please contact us if you are interested in discussing any issues relating to the requirements on using special locations for investment projects in Vietnam.

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