

THE GOVERNMENT

No. 136/2015/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, December 31, 2015

DECREE

GUIDANCE ON IMPLEMENTATION OF CERTAIN ARTICLES OF THE LAW ON PUBLIC INVESTMENT

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

Pursuant to the Law on Public Investment dated June 18, 2014;

Pursuant to the National Assembly's Resolution No. 100/2015/QH13 dated November 12, 2015 on approval of the investment policy for national target programs for the period of 2016-2020;

At the request of the Minister of Planning and Investment,

The Government hereby promulgates the Decree on guidance on implementation of certain articles of the Law on Public Investment.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Decree hereby provides detailed guidance on certain articles of the Law on Public Investment in respect of:

1. Categorization of public investment programs, projects.
2. Establish, assess and decide the investment policy for a Group-A, Group-B and Group-C public investment program or project.
3. Establish, assess and decide investment in a Group-A, Group-B and Group-C public investment program or project.
4. Amendments to public investment programs, projects.
5. Management of a public investment project without construction constituents

Article 2. Applicable entities

Agencies, organizations or individuals regarding public investment activities, management and utilization of public investment capital

Article 3. Definition

1. General investment project refers to large-scale projects, those that contain investment elements relating to different industries, fields or are located in different localities. General investment projects include component projects in different industries, fields or localities.

2. Project constituent refers to a part of the structure of investment projects categorized by industries, fields or purposes of investment.

3. Project managed by a Ministry, the Ministry-level body, Government organ, Supreme People's Court, State Audit, Office of the President, Office of the National Assembly, central agency of the Vietnamese Fatherland Front, a political organization, socio-political organization and state-owned corporations, incorporations and other central agency (hereinafter referred to as Ministry, central industry administration), People's Committees at all levels of local governments, and enterprises using public investment capital, refers to the project in which the decision on investment is granted by the Ministry, central agency), People's Committees at all levels of local governments under the provisions of Article 39 of the Law on Public Investment and the project in which investment is decided by enterprises in accordance with laws and regulations.

4. Emergency project refers to the investment project required to commence immediately to serve the purpose of protecting national sovereignty, assuring national security; preventing any serious harm to human life, health and assets of the community; mitigating or responding to, in a timely manner, or preventing any potential consequences resulting from any acts of God, accidents or responding to extremely serious environmental accidents.

5. Internal inspection refers to the preliminary inspection to be carried out to ensure perfection of documentation and report submitted to a competent authority or the Inspection Council to apply for its inspection of the investment policy, financing source and capability of allocating investment funds which is used as the basis for the competent authority to make a decision on the investment policy. Internal inspection includes inspection of pre-feasibility study report, report on the proposed investment policy; inspection of financing source and capability of allocating investment funds. The authority in charge of the internal inspection of programs or projects of Ministries, centrally-affiliated branches and People's Committees at all levels authorized to manage these programs or projects shall be designated by the Heads thereof.

Article 4. Categorization of public investment programs

1. National target program refers to programs defined in paragraph 9 Article 4 of the Law on Public Investment using public investment capital and other financing sources provided by other economic sectors (if any).

2. Target program using the central government budget refers to programs using the whole or a part of central government budget for making investment in conformity with objectives and duties of:

- a) Ministries or centrally-affiliated branches only;
- b) Both Ministries and centrally and locally-affiliated branches;
- c) Local authorities only.

3. Investment program using the whole of balanced local government budget, local government bond, financing derived from receipts which are retained for investment but have yet to be accounted for in the local government budget and other legitimate local financing source refers to target programs of all levels of local governments developed to carry out specific targets and tasks of each locality.

4. Target program using public debts or national bonds refers to the program that aims at performing several important targets or tasks across the nation.

5. Investment program using ODA capital and concessional loans provided by foreign sponsors refers to the collection of activities, projects involved in one or various sectors, areas, regions, territories, Ministries, centrally or locally-affiliated branches to perform specific targets or tasks.

6. State-run credit program for investment and development includes credit programs for investment and social policy credit programs executed by the Vietnam Development Bank, Vietnam Bank for Social Policies for the purpose of investing in projects eligible for application for loans in this program under the directions of the Government.

7. Program for making investment from specific types of collections which are retained for investment but have yet to be accounted for in the state budget balance of Ministries or centrally-affiliated branches refers to the program serving the purpose of performing several specific targets or tasks decided by the National Assembly or Government.

Article 5. Classification of public investment projects

1. Public investment projects are classified in accordance with Article 6 of the Law on Public Investment.

2. Criteria for classification of Group-A, Group-B, Group-C projects are consistent with regulations laid down in Article 8, 9 and 10 of the Law on Public Investment and detailed regulations laid down in the Appendix No.I attached hereto.

Classifying projects comprising investment constituents in different areas or sectors by areas or sectors shall be based on investment components classified by areas or sectors holding the largest capital ratio.

3. Criteria for determination of Group-C key projects of each locality:

a) The People's Council at the provincial level shall decide criteria for determination of Group-C key projects put under the management of each locality in respect of 5 years' mid-term public investment plan in conformity with 5-year targets or plans for socio-economic development, financial capability and specific characteristics of each locality;

b) Main criteria for determination of Group-C key projects include: Significant, important roles that projects in each area, sector or administrative division play in socio-economic development of each locality over periods of time; scale of projects based on areas or sectors; influence of these projects on development of areas or sectors and territories; economic and social effectiveness and financial efficiency (if any).

Article 6. Adjustment to classification criteria for public investment projects

1. Public investment projects are adjusted in accordance with Article 11 of the Law on Public Investment. Particularly for the price index, the adjustment to the investment outlay shall be considered if the annual average consumption price index increases by more than 30% as against that price in 2015 in the first adjustment; following adjustments shall be considered if the annual average consumption price index increases by more than 30% in comparison with that price in the previous adjustment year.

2. The Ministry of Planning and Investment:

a) Submit a general report to the Government to obtain its opinions on adjustment to criteria for classification of public investment projects in accordance with paragraph 1 of this Article;

b) Follow the Government's opinions mentioned in subparagraph a of this paragraph, prepare a complete report for submission to the Prime Minister and, after obtaining the Prime Minister's approval, act on behalf of the Prime Minister and the Government to submit to the National Assembly criteria for classification of projects of national significance; request the National Assembly Standing Committee to decide adjustment to criteria for classification of Group-A, Group-B and Group-C public investment projects and report to the National Assembly in the coming plenary session.

Article 7. Costs for establishment and assessment of public investment program, project

1. The cost for establishment, assessment of the report on the proposed investment policy, feasibility study report of public investment program using state-allocated budget of agencies or affiliations performing these tasks and complying with regulations on state budget expenditure issued by competent regulatory authorities include:

a) The cost for establishment of the report on the proposed investment policy and feasibility study report (applicable to hiring of consultants);

b) Assessment cost;

c) With regard to the program in which the policy for investment or investment is not decided by competent authorities, costs referred to in subparagraph a and b of this paragraph shall also be entered and posted into the expense account of the agency assigned to establish or assess public investment programs.

2. The cost for formulation and assessment of the pre-feasibility study report of Group-A projects includes

a) The cost for formulation (with regard to the consultancy hiring), assessment of the pre-feasibility study report of Group-A projects which are constituted by construction components in which the preliminary determination of the investment outlay is consistent with regulations laid down in paragraph 2 Article 15 of the Law on Public Investment and laws on construction;

b) The cost for formulation (applicable to the consultancy hiring), assessment of pre-feasibility study report of Group-A projects which are not constituted by construction components in accordance with regulations on projects including construction components as referred to in subparagraph a of this paragraph, except for contents relating to construction design.

3. The cost for formulation (with regard to the consultancy hiring), assessment of the pre-feasibility study report of Group-B projects (including those with or without construction components) in which the preliminary determination of the investment outlay is consistent with regulations laid down in paragraph 2 Article 15 of the Law on Public Investment and the following specific regulations:

a) The project that has the investment outlay ranging from VND 800 billion to under VND 2,300 billion shall be allowed to spend less than 60% of the cost for formulation and assessment of the pre-feasibility study report of Group-A projects as referred to in paragraph 2 of this Article;

b) The project that has the investment outlay of VND 800 billion at the maximum shall be allowed to spend less than 30% of the cost for formulation and assessment of the pre-feasibility study report of Group-A projects as referred to in paragraph 2 of this Article.

4. The cost for formulation (with regard to the consultancy hiring), assessment of the report on the proposed investment policy of Group-C projects (including those with or without construction components) is consistent with regulations laid down in paragraph 2 Article 15 of the Law on Public Investment and shall not exceed 50% of the cost for formulation and assessment of Report on the proposed investment policy of the Group-B project that has the investment outlay of less than VND 800 billion as referred to in subparagraph b paragraph 3 of this Article.

5. The cost for formulation (with regard to the consultancy hiring), assessment of feasibility study report of the project which are not constituted by construction components shall be consistent with regulations laid down in the Law on Public Investment and laws on construction, except for contents relating to construction design.

6. The cost for formulation (with regard to the consultancy hiring), assessment of the pre-feasibility study report, the report on the proposed investment policy and the feasibility study report stipulated in paragraph 2, 3, 4 and 5 of this Article shall be included in the fund for pre-investment in projects. In respect of a project in which the decision on policy for investment or the decision on investment is not granted by a competent authority, costs spent on the work of formulating the pre-feasibility study report, the report on the proposed investment policy or the feasibility study report shall be accounted for and entered in the pre-investment cost in the expenditure on investment in development put under the management of Ministries or centrally-affiliated branches and local governments at all levels in charge of project management.

Chapter II

FORMULATION, ASSESSMENT OF AND DECISION ON THE POLICY FOR INVESTMENT IN PUBLIC INVESTMENT PROGRAM OR PROJECT

Article 8. Authority to grant and conditions for making the decision on the policy for investment in public investment programs and projects

1. Authority to decide the policy for investment in programs or projects shall be consistent with regulations laid down in Article 17 of the Law on Public Investment. In respect of Group-B or Group-C projects financed by different funding sources:

a) The Heads of Ministries, central agencies shall be vested with authority to decide the policy for investment in projects managed within the jurisdiction of these Ministries or central agencies as prescribed by paragraph 4 Article 17 of the Law on Public Investment;

b) The People's Council and the People's Committee at all levels shall be vested with authority to decide the policy for investment in projects managed under the jurisdiction of each locality in accordance with subparagraph b paragraph 5 and paragraph 6 Article 17 of the Law on Public Investment.

2. Conditions for deciding the policy for investment in programs or projects shall be consistent with regulations laid down in Article 18 of the Law on Public Investment.

Article 9. Processes and procedures for grant of the decision on policy for investment in public investment programs

1. With regard to national target programs, processes and procedures for deciding the policy for investment in these programs shall comply with regulations specified in Article 19 and 21 of the Law on Public Investment.

2. Processes and procedures for grant of the decision on the policy for investment in public investment programs within the jurisdiction of the Government shall be consistent with regulations laid down in Article 22 of the Law on Public Investment.

3. Processes and procedures for grant of the decision on the policy for investment in investment programs using funds from local budget balance and funds derived from local government bond, state budget revenues that are retained but not recorded in the local budget balance sheet as well as other loans included in the local budget to serve the public investment purpose shall be consistent with regulations laid down in Article 28 of the Law on Public Investment.

Article 10. Processes and procedures for grant of the decision on the policy for investment in Group-A projects

Processes and procedures for grant of the decision on the policy for investment in Group-A projects (including emergency projects and public-private partnership projects referred to in subparagraph b paragraph 3 Article 33 of the Law on Public Investment) shall be consistent with Article 23 of the Law on Public Investment.

Article 11. Processes and procedures for grant of the decision on the policy for investment in programs and projects using ODA fund and overseas concessional loans provided by foreign sponsors

Processes and procedures for grant of the decision on the policy for investment in programs and projects using ODA fund and overseas concessional loans provided by foreign sponsors shall be consistent with regulations laid down in Article 24 of the Law on Public Investment and the Government's Decree on management and utilization of ODA fund and overseas concessional loans provided by foreign sponsors.

Article 12. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects, except for small-scale Group-C projects that belong to national target programs referred to in Article 13 of this Decree

1. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects managed by the central committee of Vietnamese Fatherland Front and socio-political institutions and other relevant agencies or organizations shall be consistent with Article 25 of the Law on Public Investment.

2. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects managed by Ministries or centrally-affiliated branches shall be consistent with Article 26 of the Law on Public Investment.

3. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects using the central budget, government or sovereign bonds or treasury bills under the management of each local governments shall be consistent with Article 27 of the Law on Public Investment. With regard to provincially-managed investment projects, the provincial People's Committee shall establish a Council for assessment of the report on the proposed policy for investment in these projects in accordance with subparagraph b paragraph 2 Article 23 of the Law on Public Investment, or shall assign the Department of Planning and Investment to lead and cooperate with relevant agencies to carry out assessment of the report on the proposed policy

for investment, internal assessment of investment portfolio and capability of allocating investment funds.

4. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects using funds from local budget and funds derived from local government bonds, state budget revenues that are retained for investing purposes but not recorded in the local budget balance sheet as well as other loans provided by the local budget to serve the investment purpose shall be consistent with regulations laid down in Article 29, 30 and 31 of the Law on Public Investment.

Article 13. Abridged processes and procedures for formulation, assessment of and grant of the decision on the policy for investment in respect of small-scale Group-C projects that belong to national target programs and are executed by uncomplicated techniques and are financed by both the Government and the people

1. The Prime Minister shall grant the decision on criteria that small-scale Group-C projects that belong to national target programs and are executed by uncomplicated techniques and are financed by both the Government and the people (hereinafter referred to as small-scale Group-C project) must meet to be eligible for the abridged processes and procedures under the provisions of paragraph 2, 3, 4 and 5 of this Article.

2. Ministers and Heads of centrally-affiliated agencies:

a) Assign an affiliation to formulate and conduct internal assessment of the report on the proposed policy for investment in projects specified in the portfolio of small-scale Group-C projects governed under the provisions of paragraph 1 of this Article (formulation of the report on the proposed policy for investment in specific projects is not required) and create an estimate of the investment outlay of all projects in the portfolio in which the structure of public investment financing source and mobilization of other kinds of finances must be clarified; complete and send the Ministry of Planning and Investment, the Ministry of Finance and owner of national target program projects using the central budget, sovereign and government bonds with the intention of carrying out assessment of the funding source and capability of allocating investment funds;

b) Grant the decision on the policy for investment in the entire project portfolio, including objectives, scale, investment outlay for the entire project portfolio, capital structure, location, progress of execution of projects on the basis of taking into account the report on assessment of funding source and capability of allocating investment funds of the Ministry of Planning and Investment provided for in subparagraph a of this paragraph.

3. The Head of the Central Committee of the Vietnamese Fatherland Front and socio-political organizations as well as other agencies or institutions:

a) Assign an affiliation to formulate and conduct internal assessment of the report on the proposed policy for investment in projects specified in the portfolio of small-scale Group-C projects governed under the provisions of paragraph 1 of this Article (formulation of the report

on the proposed policy for investment in specific projects is not required) and create an estimate of the investment outlay for the entire project portfolio in the portfolio in which the structure of public investment financing source and mobilization of other kinds of finances must be clarified; complete and send the Ministry of Planning and Investment, the Ministry of Finance and owner of national target program projects using the central budget, sovereign and government bonds with the intention of carrying out assessment of the funding source and capability of allocating investment funds;

b) Based on the assessment report of the Ministry of Planning and Investment referred to in subparagraph a of this paragraph, prepare a complete report on the proposed policy for investment for submission to the Prime Minister to obtain his decision on the policy for investment in the entire project portfolio, including objectives, scale, investment outlay for the entire project portfolio, capital structure, location and progress of execution of projects.

4. The President of the provincial People's Committee:

a) Assign the agency in charge of managing national target programs or inferior-level People's Committees to prepare the report on the proposed policy for investment in the entire portfolio of small-scale Group-C projects governed under the provisions of paragraph 1 of this Article (formulation of the report on the proposed policy for investment in specific projects is not required) and prepare an estimate of the investment outlay for the entire project portfolio in which the structure of funding source for public investment must be clarified and mobilization of other kinds of finances for investment must be clarified for submission to the competent regulatory authority;

b) Assign the Department of Planning and Investment to take charge of and cooperate with relevant bodies in assessment of the report on the proposed policy for investment in the entire portfolio of small-scale Group-C projects and not to conduct the detailed assessment of specific projects;

c) Direct agencies referred to in subparagraph a of this paragraph to prepare a complete report on the proposed policy for investment in projects according to the assessment report defined in subparagraph b of this paragraph for submission to the Department of Planning and Investment to request the provincial People's Committee to obtain its opinions on completion of the synthesis report for submission to the Ministry of Planning and Investment, the Ministry of Finance and the Ministry acting as the owner of national target programs to assess the funding source and capability of allocating investment funds for projects using the central budget, sovereign and government bonds;

d) After considering the report on assessment of the funding source and capability of allocating investment funds prepared by the Ministry of Planning and Investment, grant the decision on the policy for investment in the entire project portfolio, including objectives, scale, investment outlay for the entire project portfolio, capital structure, location and progress of execution of projects.

5. The Ministry of Planning and Investment and the agency assigned to assess the funding source and capability of allocating investment funds referred to in Article 38 of the Law on Public Investment shall take charge of and cooperate with relevant agencies in assessment of the entire portfolio of small-scale Group-C projects (detailed assessment of specific projects is not required) which is sent to Ministries, centrally-affiliated branches and local authorities to prepare a complete report on the proposed policy for investment for submission to the competent authority to grant the decision on the policy for investment.

Article 14. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects using the central budget

1. Subject to the Decision of the competent authority on emergency state and situation in accordance with provisions laid down in the Ordinance on Emergency State, Law on Natural Disaster Prevention and Control, Law on Dikes and other relevant legislative documents, decisions on the emergency state in the area of national defense and security (hereinafter referred to as competent authority's emergency order), Heads of Ministries, or centrally-governed agencies, shall assume the following responsibilities:

a) Assign their affiliates of survey organizations to prepare the report on the proposed policy for investment in projects;

b) Assign competent units to assess projects;

c) Direct units referred to in subparagraph a of this paragraph to submit the complete report on the proposed policy for investment in projects to the Prime Minister, and forward it to the Ministry of Planning and Investment, the Ministry of Finance and any relevant Ministries or centrally-governed agencies in relation to emergency projects.

2. Subject to the competent authority's emergency order, the Presidents of the provincial People's Committees shall assume the following responsibilities:

a) Assign specialized divisions or the district-level People's Committees to prepare the report on the proposed policy for investment in projects;

b) Assign the Department of Planning and Investment to take charge of and cooperate with relevant departments or industry management agencies to assess the report on the proposed policy for investment in projects;

c) Direct agencies referred to in subparagraph a of this paragraph to submit the complete report on the proposed policy for investment in projects in accordance with the assessment report stipulated in subparagraph b of this paragraph to the Department of Planning and Investment, then forward it to the provincial People's Committee to make a final report for submission to the Prime Minister, the Ministry of Planning and Investment, the Ministry of Finance and any relevant Ministries or centrally-governed agencies in relation to emergency projects.

3. The Ministry of Planning and Investment shall take charge of or collaborate with the Ministry of Finance in assessment of possibility of providing additional financing sources derived from the annual state budget to execute emergency projects or works to be completed within a planning year, and request the Prime Minister to grant his decision on the policy for investment and allocation of additional funds from the annual central budget to execute these projects or works.

4. The Prime Minister shall grant the decision on the policy for investment in emergency projects, including objectives, scale, investment outlay, site locations, progress of project execution, structure of financing sources with particular attention paid to the specific level of funds derived from the central budget used for investment in these projects.

Article 15. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects using funds derived from the local budget

1. With regard to projects using funds from the local budget at the provincial level, the Presidents of the People's Committees at the provincial level shall consult the competent authority's emergency orders:

a) Assign divisions specializing in emergency project management or the district-level People's Committees to conduct a field investigation and prepare the report on the proposed policy for investment in projects;

b) Assign the Department of Planning and Investment to take charge of or cooperate with relevant departments or industry management agencies in assessment of the report on the proposed policy for investment in projects which is then reported to the provincial People's Committee to request its decision on the policy for investment and provide additional funds for project execution;

c) Decide the policy for investment in emergency projects, including objectives, scale, investment outlay, location, time, execution progress and funding source structure; report to the provincial People's Council in the latest meeting on the decision on the policy for investment in Group-B emergency projects and key Group-C projects under the management of the provincial-level government.

2. With regard to projects using funds from the local budget at the district or commune level, the Presidents of the People's Committees at this level shall consult the competent authority's emergency orders:

a) Assign specialized divisions at the district or commune level to prepare the report on the proposed policy for investment in projects;

b) Assign agencies specializing in investment or establish the Assessment Council to assess the report on the proposed policy for investment in projects, and then report to the People's Committee at the same level to decide the investment policy or provide additional funds for project execution;

c) Decide the policy for investment in emergency projects, including objectives, scale, investment outlay, location, time, execution progress and funding source structure; report to the same-level People's Council in the latest meeting on the decision on the policy for investment in Group-B emergency projects and key Group-C projects under its management.

Article 16. Rules and duration of grant of the decision on the policy for investment in and launch of emergency projects

1. Rules for deciding the policy for investment in emergency projects shall be consistent with regulations laid down in paragraph 1 Article 33 of the Law on Public Investment.

2. Procedures for grant of the decision on the policy for investment in emergency projects:

a) With regard to Group-A projects, these procedures shall be consistent with provisions laid down in Article 23 of the Law on Public Investment;

b) With regard to Group-B and Group-C projects, these procedures shall be consistent with the shortened procedures stipulated by Article 14 and 15 hereof to ensure that projects are executed and completed for operation in a time-efficient manner.

3. With respect to emergency projects, prompt commencement of components of emergency projects for the purpose of alleviating natural calamities, floods, erosion of dykes or embankments to the extent of causing breach of these dykes, lakes, dams, or erosion of roads, railroads resulting in traffic congestion, or other emergencies in the area of national defense and security shall be allowed under the competent authority's emergency orders. Documents required for investment stated in paragraph 2 of this Article must be prepared and completed during the process of project execution.

Addition of emergency projects to the mid-term public investment plan must meet conditions stipulated by the Law on Public Investment and the Government's Decree on the mid-term and annual public investment plan.

Article 17. Rules, processes and procedures for the decision on the policy for investment in projects in the form of public-private partnership

1. Rules for the decision on the policy for investment in projects in the form of public-private partnership shall be consistent with paragraph 2 Article 33 of the Law on Public Investment.

2. Processes and procedures for grant of the decision on the policy for investment in public-private partnership projects using public investment funds shall be consistent with Article 23, 24, 25, 26, 27, 29, 30 and 31 of the Law on Public Investment and Article 18 hereof shall be consistent with Article 23 of the Law on Public Investment.

3. Processes and procedures for grant of the decision on the policy for investment in public-private partnership projects which do not use public investment funds shall be consistent with the law on public-private partnership investment.

Article 18. Rules, processes and procedures for the decision on the policy for investment in projects using state-own investment and development credit loans

1. Rules for the decision on the policy for investment in projects using state-own investment and development credit loans shall be consistent with paragraph 1 Article 32 of the Law on Public Investment.

2. Processes and procedures for grant of the decision on the policy for investment in Group-A projects shall be consistent with Article 26 of the Law on Public Investment.

3. Processes and procedures for grant of the decision on the policy for investment in Group-B and Group-C projects under the management of Ministries, centrally-governed agencies, the central committee of Vietnamese Fatherland Front and socio-political institutions and other relevant agencies or organizations, or the People's Committees at the provincial level which use state-own investment and development credit loans shall be consistent with subparagraph c, d and dd paragraph 2 Article 32 of the Law on Public Investment.

4. With regard to processes and procedures for grant of the decision on the policy for investment in Group-B or Group-C projects using state-own investment and development credit loans for investing and trading activities performed by Economic Incorporations, State-Owned General Companies, enterprises and other relevant agencies, organizations or individuals which are not governed under paragraph 3 of this Article:

a) Economic Incorporations, State-Owned General Companies, enterprises and other relevant agencies, organizations or individuals shall grant the decision on the policy for investment in projects in consistence with paragraph 1 Article 32 of the Law on Public Investment;

b) Processes and procedures for the lending decision:

- Economic incorporations, state-owned general companies, enterprises and other relevant agencies, organizations or individuals shall put forward the investment portfolio and prepare required documents submitted to apply for state-own investment and development credit loans to the Vietnam Development Bank (in respect of capital managed by the Vietnam Development Bank) and the Vietnam Bank for Social Policies (in respect of capital managed by the Vietnam Bank for Social Policies);

- The Vietnam Development Bank and the Vietnam Bank for Social Policies shall assess these documents and decide whether such credit loans are given to these economic incorporations, state-owned general companies, enterprises and other relevant agencies, organizations or individuals.

Detailed provisions on required documents and procedures for application for loan, procedures for and contents of assessment of projects using loan capital shall be consistent with provisions set forth in paragraph 1 Article 32 and paragraph 1 Article 69 of the Law on Public Investment and other laws and regulations on management of state-own investment and development credit loans and social policy loans.

Article 19. Contents of the pre-feasibility study report and the report on the proposed policy for investment in programs or projects

1. Contents of the report on the proposed policy for investment in public investment programs shall be consistent with the Law on Public Investment.

2. Contents of the pre-feasibility study report on Group-A projects shall be consistent with provisions laid down in Article 35 of the Law on Public Investment.

3. Contents of the report on the proposed policy for investment in Group-B or Group-C projects shall be consistent with Article 36 of the Law on Public Investment.

4. The report on the proposed policy for investment in Group-B and Group-C emergency projects shall be consistent with Article 36 of the Law on Public Investment which focus on the following main contents:

a) Nature and degree of emergency of the project;

b) Scale, location and extent of investment in the project;

c) Preliminary report on investment outlay and structure of investment financing sources including funds derived from the central budget, the amount of capital to be allocated in the planning year; capital derived from local government's budget; other legitimate funding sources; resources contributed by residential communities (if any);

d) Proposed progress of execution and quality of the project;

dd) Initial determination of costs incurred from operation, maintenance activities during the process of project operation;

e) Rules for payment and compensation for site clearance activities in accordance with laws and regulations on emergency state and situations;

g) Execution solutions.

5. The report on the proposed policy for investment in small-scale Group-C project portfolio that belongs to the national target program focused on the following contents:

a) List of projects;

b) Necessity, requirements for investment execution, evaluation of consistency of projects with national target programs;

c) Preliminary report on investment outlay and structure of investment financing sources of all of project portfolios, including funds derived from the central budget, funds derived from the local

government's budget; other legitimate funding sources; resources contributed by residential communities (if any);

d) Proposed progress of project execution;

dd) Project execution solutions.

6. Contents of the report on the proposed policy for investment in public-private partnership Group-B and Group-C projects shall be consistent with Article 36 of the Law on Public investment and laws and regulations on investment made in the public-private partnership form.

Article 20. Application for assessment of the pre-feasibility study report and the report on the proposed policy for investment in programs or projects

1. Application for assessment of the pre-feasibility study report and the report on the proposed policy for investment in programs or projects includes:

a) for the competent authority's grant of the decision on the policy for investment in programs and projects;

b) The pre-feasibility study report of Group-A projects; the report on the proposed policy for investment in national target programs, target programs, Group-B or Group-C projects referred to in Article 19 hereof;

c) The internal assessment report;

d) The report on assessment of funding source and capability of allocating investment funds prepared by the competent authority;

dd) The emergency order of the competent authority (applicable to emergency projects);

e) Other relevant documents requested by the level of government delegated authority to grant the decision on the policy for investment.

2. The number of assessment documents submitted to the Standing Committee of the Assessment Council or the agency taking charge of assessment as stipulated in paragraph 1 of this Article shall be consistent with the following provisions:

a) The report on the proposed policy for investment in programs: 20 sets of documents;

b) The pre-feasibility study report of Group-A projects: 15 sets of documents;

c) The report on the proposed policy for investment in Group-B or Group-C projects: 05 sets of documents.

The agency taking charge of assessment or the Standing Committee of the Assessment Council in respect of the pre-feasibility study report, the report on the proposed policy for investment may request program owners and project management authority to provide additional assessment documents whenever necessary.

Article 21. Documents on assessment of the funding source and capability of allocating investment funds for programs or projects

1. Application for assessment of the funding source and capability of allocating investment funds for programs or projects includes:

a) The statement on assessment of funding source and capability of allocating investment funds submitted to the agency assigned to assess the funding source and capability of allocating investment funds;

b) The pre-feasibility study report of Group-A projects; the report on the proposed policy for investment in national target programs, target programs, Group-B or Group-C projects referred to in the Law on Public Investment and Article 19 hereof;

c) The internal assessment report;

d) Opinions of the People's Council or the Standing Committee of the provincial People's Council about Group-A projects; key Group-B and Group-C projects using funds derived from the central budget, national bonds and sovereign bonds managed under the local government;

dd) Other relevant documents (if any).

2. The number of documents submitted to the agency taking charge of assessing funding source and capability of allocating investment funds in accordance with paragraph 1 of this Article is 05 sets of documents.

The agency taking charge of assessment of the funding source and capability of allocating investment funds in accordance with Article 38 of the Law on Public Investment may request program owners and the project management authority to provide an additional number of assessment documents whenever necessary.

Article 22. Application submitted to the competent authority to grant the decision on the policy for investment in programs or projects

1. Application submitted to the competent authority to grant the decision on the policy for investment in programs or projects includes:

a) Documents referred to in paragraph 1 Article 20 hereof, of which contents of the statement and the pre-feasibility study report, and the report on the proposed policy for investment defined in subparagraph a and b paragraph 1 Article 20 hereof, have been completed according to the assessment report prepared by the Assessment Council or assessment authority;

b) The assessment report of the Assessment Council or assessment authority on the policy for investment in programs or projects;

c) The report on assessment of funding source and capability of balancing port investment in programs or projects prepared by the authority assigned to assess the funding source and capability of allocating investment funds.

2. The number of documents submitted to the competent authority to apply for grant of the decision on the policy for investment in programs or projects referred to in paragraph 1 of this Article is 05 sets of documents.

The level of government competent to grant the decision on the policy for investment programs or projects may request program owners and the project management authority to provide an additional number of documents (if necessary).

Article 23. Contents of assessment of the policy for investment in public investment programs

1. Conformity to requirements for determination of national target programs or target programs.

2. Compliance of contents of application for assessment with laws and regulations.

3. Consistency with strategic objectives, plans and schemes for socio-economic development of regions or territories; plans for development of industries or sectors.

4. Contents referred to in Article 34 of the Law on Public Investment with particular attention paid to basic facts and figures of the program, including objectives, extent, investment subject, duration, progress of execution; types of funds and capability of allocating investment portfolio; mobilization of other funds of different types.

5. Socio-economic effectiveness, environmental protection and sustainable development.

Article 24. Contents of assessment of the policy for investment in public investment projects

1. Necessity of the project.

2. Compliance of contents of application for assessment with laws and regulations.

3. Consistency with strategic objectives, plans and schemes for socio-economic development of regions or territories; plans for development of industries or sectors.

4. Consistence with criteria for classification of Group-A, Group-B and Group-C projects.

5. Contents referred to in Article 35 and 36 of the Law on Public Investment with particular attention paid to specific facts and figures of the project such as objectives, size, investing form,

extent, location, required land area, duration and progress of execution, plan for selection of main technology, solution to environmental protection, financing sources and capability of allocating investment portfolio, rate of return on investment, debt repayment capability in case of use of loans;

6. Socio-economic effectiveness, environmental protection and sustainable development.

7. In respect of emergency projects, the additional assessment of emergency characteristics that require prompt actions to initiate such projects or their components.

8. In respect of public-private partnership investment projects, in addition to assessment contents referred to in paragraph 1, 2, 3, 4, 5 and 6 of this Article, the additional assessment of contents referred to in laws on public-private partnership investment.

Article 25. Contents of assessment of the funding source and capability of allocating investment funds for programs or projects

1. Compliance with procedures, internal assessment, and perfection of documents required for programs or projects.

2. Consistence of programs or projects with funding sources; consistence with purposes and subjects invested in by the proposed funding source.

3. Capability of allocating funds for programs or projects from total planned mid-term capital of each industry, sector, program or each Ministry, centrally-governed agency and local authority in order of priority stipulated by the Law on Public Investment and relevant laws and regulations.

Capability of allocating investment funds derived from the state budget divided into those derived from the central budget and those derived from the local government's budget, public bonds, sovereign bonds, state budget revenues retained for investing purposes but not recorded in the state budget balance sheet, ODA funds, concessional loans granted by foreign sponsors, state-owned credit loans for investment and development and other legitimate capital. Consideration of capability of allocating funds shall be based on the proposed demands of public investment programs or projects out of total investment capital according to specific funding sources in the mid-term and annual investment plan. As for the funding source derived from the state budget, capability of allocating funds of each level of state budget, portion of additional target-set funds allocated by the upper level of state budget to the lower level of state budget, including funds for national target programs, target programs and other additional amounts.

4. Proposed levels of funds allocated to projects according to specific funding sources and schedule of this allocation.

5. Other opinions (if any).

Article 26. Time limits for assessment of the policy for investment in programs or projects, and the authority in charge of sending the assessment result

1. Time limits for assessment of the pre-feasibility study report of Group-A projects, report on the proposed policy for investment in programs or Group-B or Group-C projects, after the Standing Committee of the Assessment Council, or the authority taking charge of assessment, receives all valid documents, shall be provided for as follows:

a) National target programs: less than 60 days;

b) Target programs: less than 45 days;

c) Group-A projects: less than 45 days;

d) Group-B projects: less than 30 days;

dd) Group-C projects: less than 20 days;

2. Time limits for assessment of the funding source and capability of allocating investment funds for programs or projects, after the assessment authority receives all valid documents, shall be provided for as follows:

a) National target programs, target programs: less than 40 days;

b) Group-A projects: less than 30 days;

c) Group-B and Group-C projects: less than 15 days.

3. Time limits for assessment of the investment policy and assessment of the funding source and capability of allocating funds referred to in paragraph 1 and 2 of this Article shall only be applied to the stage in which assessment is submitted to the competent authority for grant of the decision on the policy for investment in public investment programs or projects.

Time limits for internal assessment conducted by Ministries, agencies of central or local government shall be specifically designated by the Heads thereof, or the Presidents of the People's Committees at the provincial level.

4. Where it is necessary to extend the time limit for assessment of the investment policy, or assessment of funds and capability of allocating funds, the authority taking charge of assessment or the Standing Committee of the Assessment Council must:

a) Report to the Prime Minister to apply for his decision on the time limit for assessment of the pre-feasibility study report of national target programs, target programs and Group-A projects;

b) Notify the authority competent to grant the decision on the policy for investment of extension of the time limit for assessment of the report on the proposed policy for investment in Group-B and Group-C projects;

c) The extended duration is not allowed to exceed the equivalent assessment duration referred to in paragraph 1 and 2 of this Article.

5. The authority taking charge of assessment of funding source and capability of allocating investment funds shall submit the report on assessment of funding sources and capability of allocating investment funds in accordance with the following provisions:

a) to the Council for assessment of the report on the proposed policy for investment in respect of public investment programs in which the competent authority allows establishment of the Council for assessment of the report on the proposed policy for investment,

b) as stipulated in paragraph 4 Article 23 of the Law on Public Investment in respect of Group-A projects;

c) to the applicant for assessment; the project management agency; the authority competent to assess the investment policy and the authority competent to grant the decision on the investment policy.

6. The council for assessment or the authority in charge of assessment of the pre-feasibility study report of Group-A projects, the report on the proposed policy for investment in programs or Group-B or Group-C projects shall submit the assessment report in accordance with the following provisions:

a) to program owners and authorities competent to grant the decision on the investment policy in respect of public investment programs;

b) as stipulated in paragraph 5 Article 23 of the Law on Public Investment and to the Government's Office for the purpose of reporting to the Prime Minister in respect of Group-A projects;

c) to applicants for assessment, project management authorities and authorities competent to grant the decision on the investment policy in respect of Group-B or Group-C projects.

Article 27. Time limits for grant of the decision on the policy for investment in programs or projects, and time limits for delivery of the decision on the investment policy to the authority in charge of compilation of public investment plans

1. Time limits for grant of the decision on the policy for investment in programs or projects, after the authority competent to grant the decision on the policy for investment receives all valid documents, shall be provided for as follows:

a) Target programs: less than 30 days;

b) Group-A projects: less than 30 days;

c) Group-B and Group-C projects: less than 20 days.

2. Within a duration of 15 working days, after the authority competent to grant the decision on the policy for investment in programs or projects, Ministries, centrally-governed agencies and local governments managing these programs or projects must:

a) submit to the Ministry of Planning and Investment and the Ministry of Finance: the decision on the policy for investment in programs or projects using funds derived from the central budget; public bonds; sovereign bonds; ODA and concessional loans provided by foreign sponsors; state-owned credit loans for investment and development; state budget revenues retained for investing purposes but having yet to be recorded in the state budget balance sheet of Ministries or centrally-governed agencies;

b) submit to the Department of Planning and Investment, the Department of Finance or the agency specializing in management of investment at the district or commune level: the decision on the policy for investment in programs or projects using funds derived from the local government budget, local government bonds, investment funds derived from state budget revenues retained for investing purposes but having yet to be recorded in the local government budget.

Chapter III

DESIGN, ASSESSMENT OF AND DECISION ON INVESTMENT IN PUBLIC INVESTMENT PROGRAMS OR PROJECTS

Article 28. Authority to carry out, bases for design, assessment of and decision on investment in programs or projects

1. Authority to grant the decision on investment in programs or projects shall be consistent with regulations laid down in Article 39 of the Law on Public Investment.

2. Bases for design, assessment of and decision on investment in programs or projects shall be consistent with regulations laid down in Article 40 of the Law on Public Investment.

Article 29. Processes for design, assessment of and decision on investment in public investment programs

1. Process for formulation, assessment of and decision on investment in national target programs shall be consistent with regulations specified in Article 41 of the Law on Public Investment.

2. Processes for design, assessment of and decision on investment in public investment programs in which the policy for investment is decided by the Prime Minister shall be consistent with Article 42 of the Law on Public Investment.

3. Processes for design, assessment of and decision on investment in public investment programs in which the policy for investment is decided by the People's Council shall be consistent with Article 43 of the Law on Public Investment:

a) With regard to programs totally using funds derived from the local government budget at the provincial level, state-owned credit loans for investment and development, local government bonds, state budget revenues retained for investing purposes but having yet to be recorded in the local government budget balance sheet at the provincial level, other loans obtained from the local government budget, the Presidents of the People's Committees at the provincial level shall establish the Assessment Council in which the Department of Planning and Investment plays the standing role in order to assess the feasibility study report of programs;

b) With regard to programs totally using funds allocated from the local government budget at the district, commune level, or state budget revenues retained for investing purposes but having yet to be recorded in the government budget balance sheet at the district or commune level, the Presidents of the People's Committees at the district or commune level shall establish the Assessment Council to assess the feasibility study report of these programs;

c) Subject to the assessment report of the Assessment Council, program owners shall complete the feasibility study report and draft the Decision on investment for submission to the Presidents of the People's Committees at the equivalent levels referred to subparagraph a and b of this Article for review and decision.

Article 30. Processes for design, assessment of and decision on investment in projects without construction components

1. Processes for granting and contents of the decision on investment in projects managed by Ministries or centrally-governed agencies shall be provided for as follows:

a) Heads of Ministries, centrally-governed agencies assign project owners in accordance with the investment policy decided by the competent authority to prepare the feasibility study report; establish the Assessment Council or assign the agency specializing in management of investment to assess the feasibility study report for projects;

b) Project owners after consulting assessment opinions referred to in subparagraph a of this paragraph prepare a complete feasibility study report of projects for submission to Heads of Ministries, centrally-governed agencies or heads of their directly inferior agencies assigned or authorized to decide investment in Group-B or Group-C projects in accordance with regulations laid down in subparagraph c paragraph 2 Article 39 of the Law on Public Investment with the intention of deciding investment;

c) Competent authorities decide investment in projects, including the following main contents: name of the project; project owner; project formulation consultancy organization (if any); objectives, investment scale, project execution progress; location; technological design (if any); technical standards; investment outlay; funding source and proposed allocation of funds based on the project execution progress; applied project management forms;...

2. Processes for granting and contents of the decision on investment in projects managed by provincial governments:

a) The President of provincial People's Committee assigns a project owner with reference to its investment policy decided by the competent authority to prepare the feasibility study report of projects for submission to the provincial People's Committee or any of its directly inferior agencies assigned or authorized to decide investment in accordance with subparagraph c paragraph 3 Article 39 of the Law on Public Investment;

b) The President of provincial People's Committee establishes the Assessment Council of which one Vice President of the provincial People's Committee is the Chairman, and the Department of Planning and Investment takes up the standing position to assess the feasibility study report of Group-A projects that fall under the management of local authority; assigns the Department of Planning and Investment to take charge of or cooperate with related agencies in assessment of the feasibility study report of Group-B and Group-C projects;

c) Project owners after consulting assessment opinions referred to in subparagraph b of this paragraph prepare a complete feasibility study report of projects for submission to the Department of Planning and Investment for the purpose of making a general report to the President of the provincial People's Committee or its directly inferior agencies assigned or authorized to decide investment in Group-B or Group-C projects in accordance with regulations laid down in subparagraph c paragraph 3 Article 39 of the Law on Public Investment with the intention of deciding investment;

d) Competent authorities decide investment in projects, including the following main contents: name of the project; project owner; project formulation consultancy organization (if any); objectives, investment scale, project execution progress; location; technological design (if any); technical standards; investment outlay; funding source and proposed allocation of funds based on the project execution progress; applied project management forms;...

3. Processes for granting and contents of the decision on investment in projects managed by the local government at the district or commune level:

a) The President of the People's Committee at the district or commune level assigns project owners in accordance with the investment policy decided by the competent authority to prepare the feasibility study report; assigns the agency specializing in management of investment or establishes the Assessment Council to assess the feasibility study report for projects;

b) Project owners after consulting assessment opinions referred to in subparagraph a of this paragraph prepare a complete feasibility study report of projects for submission to the President of the People's Committee at the district or commune level, or its directly inferior agencies assigned or authorized in accordance with regulations laid down in subparagraph c paragraph 4 Article 39 of the Law on Public Investment with the intention of deciding investment;

c) Competent authorities decide investment in projects, including the following main contents: name of the project; project owner; project formulation consultancy organization (if any); objectives, investment scale, project execution progress; location; technological design (if any); technical standards; investment outlay; funding source and proposed allocation of funds based on the project execution progress; applied project management forms;...

Article 31. Processes for design, assessment of and decision on investment in projects with construction components

1. Processes for formulation, assessment of investment projects with construction components shall be consistent with laws on construction and the Law on Public Investment.

2. With respect to projects managed by the provincial government:

a) The authority in charge of assessment sends project owners and the Department of Planning and Investment assessment reports in accordance with provisions set forth in paragraph 1 of this Article;

b) The Department of Planning and Investment takes charge of or cooperates with relevant agencies in assessment of other contents of the feasibility study report of projects (if any); assesses all of projects for repair, renovation, maintenance and improvement using public investment capital (except those using funds derived from the state budget) with the investment outlay of less than VND 5 billion under the management of the provincial government; sends synthesized assessment results to project owners;

c) Project owners after consulting assessment opinions referred to in subparagraph a and b of this paragraph prepare a complete feasibility study report of projects for submission to the Department of Planning and Investment. The Department of Planning and Investment verifies consistence with the investment policy approved by the competent authority and capability of allocating investment funds, and compile a general report for submission to the President of the provincial People's Committee or send directly inferior agencies assigned or authorized in accordance with subparagraph c paragraph 3 Article 39 of the Law on Public Investment for consideration of or decision on investment in projects.

3. With respect to projects managed by the local government at the district or commune level:

a) The authority in charge of assessment sends project owners and the agency specializing in management of investment at the district or commune level assessment reports in accordance with provisions set forth in paragraph 1 of this Article;

b) The agency specializing in management of investment at the district or commune level takes charge of or cooperates with relevant agencies in assessment of other contents of the feasibility study report of projects (if any); assesses all of projects for repair, renovation, maintenance and improvement using public investment capital (except those using funds derived from the state budget) with the investment outlay of less than VND 5 billion under the management of the local government at the district or commune level; sends synthesized assessment results to project owners;

c) Project owners after consulting assessment opinions referred to in subparagraph a and b of this paragraph prepare a complete feasibility study report of projects for submission to agency specializing in management of investment at the district or commune level, or to directly inferior

agencies assigned or authorized by the People's Committee at the district level to decide investment.

4. The Heads of Ministries, centrally-governed agencies and the Presidents of the People's Committees at all levels, or their inferior agencies shall be assigned or authorized to decide investment in projects, including the following main contents in accordance with laws and regulations on construction.

Article 32. Processes for formulation, assessment of and decision on investment in emergency projects

The Heads of Ministries, centrally-governed agencies and the Presidents of the People's Committees at all levels who have authority to decide investment in projects as stipulated by Article 39 of the Law on Public Investment shall make their decision on processes for formulation, assessment of and decision on investment in emergency projects managed by Ministries, centrally-governed agencies or local authorities; conduct assessment, approval of projects, designs and budgets to ensure laws on public investment, laws on construction and other relevant laws and regulations are observed.

Article 33. Processes for formulation, assessment of and decision on investment in projects to be executed in the public-private partnership form

Processes for and contents of formulation, assessment of and decision on investment in projects to be executed in the public-private partnership form shall be consistent with provisions laid down in the Law on Public Investment, laws on construction, Article 30 and 31 hereof and the Government's Decree on public-private partnership investment.

Article 34. Processes for and contents of formulation, assessment of and decision on investment in adjustment to programs or projects

1. The competent authority makes the decision on investment in adjustment to programs or projects in accordance with provisions laid down in paragraph 1, 2 and 3 Article 46 of the Law on Public Investment.

2. Program or project owners:

a) Give a general assessment of execution of public investment programs or projects on the date of requesting adjustments; report on the result of evaluation of these programs or projects to the authority who has competence in making the decision on investment;

b) Assign specialized agencies to formulate reports on proposed adjustments to public investment programs or projects. Report on any adjustment to such programs or projects must clearly state reasons for adjustments; give an analysis of socio-economic and financial effectiveness (if any) produced by adjustments to these programs or projects;

c) Conduct the internal assessment of adjustments to public investment programs or projects, including assessment of funding sources and capability of allocating investment funds in the event that an increase in investment scale entails an increase in the investment outlay;

d) Within a permitted duration of 15 working days of receipt of assessment opinions referred to subparagraph c of this paragraph, send a complete report on proposed adjustments to public investment programs or projects to the competent authority for its decision on such adjustments thereto. With regard to adjustments to programs or projects entailing adjustments to investment outlay:

- Owners of national target programs or target programs and Heads of Ministries, centrally-governed agencies and Presidents of the People's Committees at the provincial level who manage projects using funds derived from the central budget, public bonds, sovereign bonds, ODA and concessional loans provided by foreign sponsors, state budget revenues retained for investing purposes but having yet to be recorded in the state budget balance sheet of Ministries or centrally-governed agencies send the Ministry of Planning and Investment or the Ministry of Finance a report on proposed adjustments to programs or projects for the purpose of assessment of funding source and capability of allocating investment funds;

- Owners of target programs and owners of projects using funds from the local government budget, other loans derived from the local government budget for investing purposes send competent authorities reports on proposed adjustments to programs or projects for the purpose of assessment of funding sources and capability of allocating investment funds;

dd) Within a permitted duration of 15 working days of receipt of assessment reports referred to subparagraph d of this paragraph, send a complete report on proposed adjustments to public investment programs or projects according to assessment opinions to the competent authority for its decision on such adjustments thereto.

3. The authority who have competence in making the decision to adjust programs or projects approve the decision on investment in such adjustments with reference to contents stipulated by paragraph 4 of this Article and specified duration stated in paragraph 1 Article 44 hereof.

4. Contents of the decision on adjustments to public investment programs or projects must include adjustments which correspond to contents of the decision on investment programs or projects referred to in the Law on Public Investment and provisions enshrined in this Decree.

Article 35. Documents submitted to apply for assessment of public investment programs

1. Documents submitted to apply for assessment of public investment programs include:

a) Statement on assessment of the program, including necessity of investment in the program; objectives and main contents of the feasibility study report of the program; request for the competent authority's granting the decision on the program;

b) The feasibility study report on the program in accordance with provisions laid down in paragraph 1 Article 47 of the Law on Public Investment;

c) Other relevant documents that provide assistance for assessment of a public investment program or project.

2. The number of documents on assessment of a public investment program sent to the authority in charge of assessment or the Standing Committee of the Assessment Council is 20 sets of documents. The authority taking charge of assessment or the Standing Committee of the Assessment Council may request program owners to provide additional documents whenever necessary.

Article 36. Documents submitted to apply for assessment of public investment projects

1. Documents submitted to apply for assessment of a public investment project without construction components include:

a) The statement on assessment of the project, including necessity of investment in the project; objectives and main contents of the feasibility study report of the project; request for the competent authority's granting the decision on the investment project;

b) The feasibility study report on the project in accordance with provisions laid down in paragraph 2 Article 47 of the Law on Public Investment;

c) The report of the Vietnamese Fatherland Front at all levels in which opinions from residents living in communities where project sites are located are collected in accordance with provisions laid down in paragraph 2 Article 82 of the Law on Public Investment;

d) Other relevant documents that provide assistance for assessment of public investment programs or projects.

2. Documents submitted to apply for assessment of public investment projects with construction components in accordance with laws on construction, opinions from residents of communities referred to in subparagraph c paragraph 1 of this Article and other relevant provisions of laws.

3. The number of documents submitted to apply for assessment to the authority in charge of assessment or the Standing Committee of the Assessment Council shall be provided for as follows:

a) 15 sets of documents in respect of projects without construction components;

b) 10 sets of documents in respect of Group-B and Group-C projects without construction components;

c) as stipulated by laws on construction in respect of projects with construction components.

The authority in charge of assessment may request the project management authority to provide additional documents whenever necessary.

Article 37. Documents submitted to the competent authority to apply for grant of the decision on investment in programs or projects

1. Documents submitted to the competent authority to apply for grant of the decision on investment in programs or projects include:

- a) The application form sent to the competent authority to apply for grant of the decision on investment in programs or projects, and the feasibility study report which has been completed according to assessment opinions;
- b) The decision on the policy for investment in programs and projects issued by the competent authority;
- c) The report on assessment of funding source and capability of allocating investment funds;
- d) The report on assessment of the feasibility study report;
- dd) Other relevant documents.

2. The number of documents submitted to the competent authority to apply for grant of the decision on investment in programs or projects in accordance with paragraph 1 of this Article includes:

- a) 3 sets of documents in respect of public investment programs;
- b) 3 sets of documents in respect of Group-A projects;
- c) 2 sets of documents in respect of Group-B and Group-C projects.

The level of government competent to grant the decision on investment in programs or projects may request the applicant for the decision on investment in programs or projects to provide additional documents (if necessary).

Article 38. Documents on assessment of the funding source and capability of allocating investment funds for adjustment programs or projects

1. Documents submitted to the competent authority for assessment of the funding source and capability of allocating investment funds for adjustment programs or projects include:

- a) The application form submitted to the competent authority for assessment of the funding source and capability of allocating investment funds used for increasing the investment outlay of programs or projects;

b) The decision on initial investment and decisions on preceding adjustments of programs or projects (if any);

c) The report on assessment of funding source and capability of allocating investment funds of programs or projects which is submitted to the authority that has competence in deciding the policy for initial investment and preceding adjustments;

d) The report on internal assessment for adjustments to the decision on investment in programs or projects;

dd) Other relevant documents requested by the assessment authority (if any).

2. The number of documents submitted to the agency taking charge of assessing funding source and capability of allocating investment funds shall be consistent with paragraph 2 Article 21 hereof. The agency taking charge of assessment of the funding source and capability of allocating investment funds of programs or projects may request program owners and the project management authority to provide additional documents whenever necessary.

Article 39. Documents submitted to the authority competent to grant the investment decision to apply for adjustments to programs or projects

1. Documents submitted to the competent authority competent to grant the investment decision to apply for adjustments to programs or projects include:

a) The application form submitted to the authority having competence in grant of the investment decision to apply for adjustments to programs or projects; clarification of objectives and reasons for such adjustments in accordance with paragraph 1 Article 46 of the Law on Public Investment;

b) The decision on the policy for investment in programs and projects issued by the competent authority;

c) The decision on investment in programs or projects issued by the authority that have competence in granting the decision on initial investment and decisions on preceding adjustments of programs or projects (if any);

d) The report on assessment of the funding source and capability of allocating investment funds for programs or projects according to the adjusted investment outlay;

dd) The report on internal assessment of proposed adjustments to programs or projects and other assessment reports in accordance with laws (if any);

e) The inspection and evaluation report on execution of programs or projects in accordance with paragraph 3 Article 46 of the Law on Public Investment;

g) Other relevant documents.

2. The number of documents submitted to the authority having competence in granting the decision on investment in adjustments to programs or projects shall be consistent with paragraph 2 Article 37 hereof. The level of government competent to grant the decision on investment in programs or projects may request any agency to submit additional documents whenever necessary.

Article 40. Contents of assessment of programs or projects

1. Assessment of national target programs or target programs shall include the following contents:

a) Compliance of contents of assessment documents with laws and regulations;

b) The conformity of programs to the policy for investment in programs which have been approved by the competent authority;

c) Contents of the feasibility study report on programs referred to in paragraph 1 Article 47 of the Law on Public Investment;

d) Consistency with the funding source and capability of allocating investment funds assessed by the competent authority; consistence of the investment outlay of programs with mid-term and annual investment plans; structure of funds derived from the central budget, local government budget and other legitimate funding source; capability of capital recovery and debt repayment in case of use of loans.

2. Contents of assessment of public investment projects without construction components include:

a) Compliance of contents of assessment documents with laws and regulations;

b) Consistency of projects with investment policies approved by the competent authority;

c) Contents of the feasibility study report of projects referred to in paragraph 2 Article 47 of the Law on Public Investment;

d) Consistence with the report on assessment of the funding source and capability of allocating investment funds; consistence of the investment outlay with allocation of funds in the mid-term and annual investment plan; structure of the funding source, capability of allocating funds for public investment and mobilization of capital and other resources for project execution purposes; evaluation of operating, maintenance, overhaul and major repair costs during the process of operation of projects;

dd) Influence of projects on development of the sector, area and territories and localities; generation of more state budget revenues, employments, income and people's life; impacts on environment and sustainable development.

3. Contents of assessment of public investment projects with construction components shall be consistent with provisions laid down in paragraph 2 of this Article and laws on construction.

4. In the course of assessment of public investment programs or projects in terms of contents provided for in paragraph 1, 2 and 3 of this Article, regulations laid down in the decision on the investment policy which has been approved by the competent authority must be consulted. Investment scale, investment outlay indicators, including funding source structure, are not allowed to exceed the permitted levels stated in the decision on the investment policy. Where it is urgent that investment scale and investment outlay of programs or projects must be increased as against those stipulated in the decision on the investment policy, the agency making the decision on the investment policy must be notified to give its opinions, and the funding source and capability of allocating investment funds must be re-assessed. Where an increase in investment scale does not entail an increase in the investment outlay and ensures that objectives of projects mentioned in the decision on the investment policy are met, re-assessment of the funding source and capability of allocating investment funds is not required.

Article 41. Contents of assessment of adjustment programs or projects

1. Assessment of national target programs or target programs shall include the following contents:

a) Contents referred to in paragraph 1 Article 40 hereof;

b) Compliance of adjustments to programs with laws and regulations as stipulated by paragraph 1 and 3 Article 46 of the Law on Public Investment and this Decree.

2. Contents of assessment of public investment projects include:

a) those as stipulated by paragraph 2 and 3 Article 40 hereof;

b) Compliance with laws and regulations on adjustments to projects as stipulated by paragraph 2 and 3 Article 46 of the Law on Public Investment, laws on construction and this Decree.

Article 42. Contents of assessment of the funding source and capability of allocating funds for investment in adjustment programs or projects

1. Compliance with procedures, internal assessment of increases in the investment outlay, perfection of required documents.

2. Assessment of funding source and capability of allocating funds in respect of an increase in the investment outlay of projects must be consistent with provisions laid down in the Law on Public Investment, and capability of allocating 5-year investment funds. The report on assessment should clarify:

a) Consistency of projects with objectives, subjects of industries, sectors and programs financed by proposed funds.

b) Capability of allocating funds for increases in the investment outlay of the project in total mid-term planned investment capital of each industry, sector, or the program of Ministries, centrally-governed agencies and local authorities in accordance with laws and regulations.

3. Levels of funds allocated to projects from financing sources subject to assessment requests and specific time of fund allocation.

Article 43. Time limits for assessment of programs or projects

1. Time limits for assessment of public investment programs or projects without construction components from the date on which the assessment authority receives all required valid documents shall be provided for as follows:

a) National target programs: less than 40 days;

b) Target programs: less than 30 days;

c) Group-A projects: less than 40 days;

d) Group-B projects: less than 30 days;

dd) Group-C projects: less than 20 days;

2. Time limits for assessment of public investment projects with construction components shall be consistent with laws on construction.

3. Time limits for assessment referred to in paragraph 1 of this Article shall only be applied to the stage in which an assessment is carried out to apply for the competent authority's approval of the decision on investment in public investment programs or projects. Time limits for internal assessment conducted by Ministries, agencies of central or local government shall be specifically designated by the Heads thereof, or the Presidents of the People's Committees at the provincial level.

4. Where extension of the time limit for assessment of programs or projects is required,

a) The Ministry of Planning and Investment must report to the Prime Minister to obtain his permission for extension of the time limit for assessment of national target programs or target programs;

b) The Department of Planning and Investment, the Standing Committee of the Assessment Council must report to the President of the People's Committee at the same level to apply for his permission to extend the time limit for assessment of investment programs totally using funds allocated by the local budget, local government bonds, state budget revenues retained for investing purposes but having yet to be recorded in the local government budget balance sheet and other loans of the local government budget, and public investment projects managed by local governments;

c) The authority in charge of assessment or the Standing Committee of the Council on Assessment of public investment projects must notify the authority having competence in granting the decision on investment in projects of the extended assessment time period;

d) The extended duration referred to in subparagraph a, b and c of this paragraph is not allowed to exceed the equivalent assessment duration referred to in paragraph 1, 2 and 3 of this Article.

Article 44. Time limits for grant of the decision on investment in and the decision on adjustments to programs or projects, and time limits for delivery of the decision on investment in and the decision on adjustments to programs or projects to authorities in charge of synthesis of mid-term and annual public investment plans

1. Time limits for grant of the decision on investment in and the decision on adjustments to public investment programs or projects after the date on which the authority that has competence in grant of the decision on investment in programs or projects receives all required valid documents shall be provided for as follows:

a) National target programs: less than 30 days;

b) Target programs: less than 20 days;

c) Group-A projects: less than 20 days;

d) Group-B and Group-C projects: less than 15 days.

2. Within a duration of 15 working days after the authority competent to grant the decision on investment in or the decision on adjustments to programs or projects, Ministries, centrally-governed agencies and local governments in charge of managing these programs or projects must send:

a) the Government's Office, the Ministry of Planning and Investment and the Ministry of Finance: the decision on investment in and the decision on adjustments to programs or projects using funds derived from the central budget; public bonds; sovereign bonds; ODA and concessional loans provided by foreign sponsors; state-owned credit loans for investment and development; state budget revenues retained for investing purposes but having yet to be recorded in the state budget balance sheet of Ministries or centrally-governed agencies;

b) the Department of Planning and Investment, the Department of Finance or the agency specializing in management of investment at the district or commune level: the decision on investment in programs or projects using funds derived from the local government budget, local government bonds, investment funds derived from state budget revenues retained for investing purposes but having yet to be recorded in the local government budget.

Chapter IV

MANAGEMENT OF PUBLIC INVESTMENT PROJECTS WITHOUT CONSTRUCTION COMPONENTS

Article 45. Conduct of management of projects

1. The investment decision-making person shall make the decision on forms of conduct of project management in consistence with specific management requirements and conditions of projects, and ensure conformity to investment objectives and effectiveness of approved projects.

2. With respect to projects using funds derived from ODA, concessional loans provided by foreign sponsors, forms of conduct of project management shall be consistent with provisions set out in international agreements on ODA or agreements with sponsors. In the absence of specific provisions set out in international agreements on ODA or agreements with sponsors, conduct of project management shall be consistent with provisions set out in paragraph 1 of this Article.

3. With respect to PPP projects, conduct of project management shall be consistent with provisions set out in the law on PPP investment and relevant laws.

4. With respect to emergency projects:

a) the authority having competence in granting the decision on investment in projects in accordance with Article 39 of the Law on Public Investment shall decide conduct of emergency project management; conduct of oversight of construction activities and acceptance testing for handover of completed projects in accordance with laws and regulations on public investment, laws on construction and other relevant laws;

b) the authority having competence in granting the decision on investment in projects under emergency orders referred to in subparagraph a of this paragraph may authorize project owners to make a decision and assume responsibility for conduct of project management and execution from the stage of formulation of projects, survey, design and construction to the stage of completion and operation of projects, and shall be held liable for such authorization.

Article 46. Project design

1. One or multiple steps of project design are decided by the authority having competence in granting the decision on investment depending on project types and project execution forms, including:

a) The preliminary design for the purpose of preparing the pre-feasibility study report of Group-A projects, and the report on the proposed policy for investment in Group-B and Group-C projects;

b) Design at the stage of decision on investment and execution of projects:

- With regard to small-scale Group-C projects with the investment outlay of under VND 15 billion, the one-step design, including the construction drawing (if any), is applied;
- With regard to Group-B and Group-C projects with the investment outlay of at least VND 15 billion, the two-step design, including the basic design and construction drawing (if any), is applied;
- With regard to Group-A projects, the three-step design, including the basic design, technical design and construction drawing (if any), is applied;
- Other design steps in accordance with international practices (if any).

2. Contents of the preliminary design plan and design steps in the stage of investment decision and project execution as referred to in paragraph 1 of this Article shall be consistent with laws and regulations on management of construction projects, except for contents relating to the construction design.

3. With respect to projects using funds derived from ODA or concessional loans provided by foreign sponsors, the number of necessary design steps to be applied shall be consistent with provisions set out in international agreements on ODA or agreements with sponsors. In the absence of specific provisions set out in international agreements on ODA or agreements with sponsors, the number of design steps shall be consistent with provisions set out in paragraph 1 and 2 of this Article.

4. With regard to projects designed by at least two design steps as referred to in subparagraph b paragraph 1 of this Article, the latter design step must be consistent with key contents and parameters shown in the first design step.

Article 47. Contents and determination of the investment outlay of the project

1. The initial investment outlay refers to the estimated investment costs determined to be consistent with the preliminary design plan and other contents of the pre-feasibility study report of Group-A projects, the report on the proposed policy for investment in Group-B and Group-C projects. The initial investment outlay of projects is calculated on the basis of the scale, productivity or capacity of projects and investment rate or data on costs of projects of the same type, size and nature which have already been executed or are under execution, or are subject to modification or supplementation of other necessary expenses.

2. The investment outlay of a project refers to the total investment cost of that project which is determined more specifically to be relevant to the basic design or one-step design referred to in subparagraph b paragraph 1 Article 46 hereof and other contents of the feasibility study report of the project. The investment outlay is composed of expenses incurred from purchase of property, houses and lands, etc.; raw materials, machinery parts, components and equipment; wage, salary; consultancy service; provision for any additional workload and slippage; management and others.

3. The investment outlay is specified as follows:

- a) Expenses incurred from property, house and land purchase, etc.;
- b) Expenses incurred from raw materials, machinery parts and components,... paid for execution of projects such as synchronous equipment production and ship building,...;
- c) Equipment costs including purchase of equipment and technological appliances, training and technology transfer costs (if any), and installation, testing and calibration costs, etc.;
- d) Wage and salary costs for project execution;
- dd) Expenses incurred from depreciation of property, machinery, equipment, etc.;
- e) Transportation and insurance costs; expenses incurred from payment of taxes and fees and other related expenses;
- g) Consultancy service expense including consultancy of survey, formulation of the pre-feasibility study report, the report on the proposed policy for investment, formulation of the feasibility study report, design and consultancy of supervision of projects and other relevant costs (if any);
- h) Expenses incurred from provision for additional workloads and for slippage during the project execution period;
- i) Managerial and other expenses.

4. Method of determination of several specific expenses included in the investment outlay is provided for as follows:

- a) Property, house and land purchase expense is determined on the basis of size, productivity or capacity of a project with reference to the basic design and in conformity with time of calculation of the investment outlay and project location;
- b) Expenses incurred from raw materials, machinery parts and components (if any) for the purpose of executing synchronous equipment production and shipbuilding projects, etc. are determined on the basis of quantity and quality according to technical requirements and market prices;
- c) Equipment costs are determined on the basis of quantity and types of equipment or system according to the plan for selected technology, technique and equipment, market price and other related costs;
- d) Wage and salary costs are determined with reference to limits, wage and salary of employees in accordance with laws and regulations;

dd) Costs incurred from depreciation of property, machinery and equipment are determined in accordance with stipulated policies; in case of outsourcing, these are determined with reference to price of hiring of property, machinery or equipment according to market prices;

e) Transportation and insurance costs, or taxes and fees or other relevant costs, are determined in accordance with laws and transportation charges;

g) Consultancy expenses are determined on the basis of consultancy of similar projects which have been completely executed, or estimation of specific amounts spent on consultancy activities according to specified limits (if any) market prices;

h) Expenses incurred from provision for additional workloads and slippage during the project execution period are determined on the basis of ratio thereof to the investment outlay and specific elements of expenses referred to in paragraph 3 of this Article;

i) Managerial expenses and other expenses are determined in accordance with laws and regulations, and characteristics and conduct of management of a project.

Article 48. Contents and determination of project budget

1. Project budget refers to total necessary expenses used for execution of projects at the stage of project execution in conformance to the feasibility study report of the project and the approved project design; other work duties to be performed.

2. Contents of project budget refer to expenses referred to in paragraph 3 Article 47 hereof.

3. Project budget is determined on the basis of calculation of specific expenses defined in paragraph 4 Article 47 of this Decree on the date of formulation of the project budget estimate.

Article 49. Authority to assess, approve the design and project budget

1. In respect of projects of Ministries, centrally-governed agencies, the authority specializing in management of public investment projects of Ministries, centrally-governed agencies shall take charge of conduct of assessment of the project design and budget, and submit such assessment to the authority having competence in granting the decision on investment in projects (in accordance with provisions laid down in Article 39 of the Law on Public Investment) for approval.

2. In respect of Group-A and Group-B projects managed by the provincial People's Committees, the Department of Planning and Investment shall take charge of and cooperate with any specialized Department in conduct of assessment of the design, project budget and submission of such assessment to the Presidents of the People's Committees or any agencies assigned or authorized to grant the investment decision (in accordance with provisions set forth in subparagraph c paragraph 3 Article 39 of the Law on Public Investment) for approval.

2. In respect of projects managed by the People's Committees at the district or commune level, and Group-B and Group-C projects in which granting of the decision on investment is assigned or authorized by the provincial People's Committees, the project management authority affiliated to the People's Committees at the district or commune level shall take charge of assessment of the design, project budget estimate and submission of such assessment to the Presidents of the People's Committees at the district and commune level for approval.

Article 50. Processes, procedures and time limit for assessment of the project design and budget

1. Project owners shall send project design and budget documents to the project management authority according to contents stipulated in Article 52 hereof.

2. The project management authority shall take charge of or cooperate with any relevant authority in conduct of assessment of contents of project design and budget in accordance with provisions laid down in Article 51 hereof. In the course of assessment, the authority taking charge of assessment shall be allowed to invite any organization or individual having relevant professional qualifications or experience to participate in assessment of specific parts of the project design or budget to support its assigned assessment duty.

3. Time limits for assessment of the project design or budget conducted by the project management authority from the date on which valid documents are received shall be provided for as follows:

- a) Group-A projects: less than 40 days;
- b) Group-B projects: less than 30 days;
- c) Group-C projects: less than 20 days.

Article 51. Subject matters of assessment and approval of the project design and budget

1. Subject matters of the assessment of the project design and budget include contents referred to in Article 47 hereof and contents referred to in paragraph 2 of this Article.

2. Subject matters of approval of the project design and budget include:

- a) General information about the project: name and components of the project (specifying the project group); owner and design contractor of the project; project site (if applicable);
- b) Scale, technology, technical parameters and key socio-technical indicators of the project;
- c) Major national technical regulations and standards which are applied;
- d) Main design solutions of project components and the whole project;

dd) Project budget;

e) Requirements of completion and supplementation of design documents and other contents (if applicable).

3. Time limits for approval of the project design or budget estimate: the authority having competence in granting the decision on investment in projects shall approve the budget estimate from the date on which all required documents are received in accordance with the following provisions:

a) Group-A projects: less than 15 working days;

b) Group-B projects: less than 10 working days;

c) Group-B projects: less than 5 working days.

Article 52. Documents submitted to apply for assessment of the project design and budget

1. Application form for assessment of the project design.

2. Demonstration of the design, drawings (if applicable), and related survey documents.

3. Copy of the decision on the policy for investment in projects and the decision on investment in projects together with approved design documents.

4. General report of the project owner on compatibility of design documents with laws and regulations.

5. Project budget.

Article 53. Acceptance testing of projects before operation

1. Projects shall be brought into operation when they have been completed in conformity with the approved design, and operated in accordance with technical requirements as well as have satisfied quality requirements after an acceptance testing is finished.

2. Subject to the specific conditions of each project, each component of a project, constituent projects or the entire project after being completed may be brought into operation.

3. A record on the acceptance testing and handover of completed components of a project, constituent projects or the entire project shall serve as the basis for the project owner's bringing them into operation and settle investment funds.

4. Dossier of project handover includes documents on project completion; user's manual or operational instructions; project warranty regulations.

5. Project investment dossier must be archived in accordance with laws on state archives.

Article 54. Completion of investment in projects

1. Investment in a project is completed when the project owner takes over the entire project and that project's warranty term expires in accordance with laws and regulations.
2. Before handover of a project, a contractor must move his property (if applicable) out of the project site.

Article 55. Project operation

1. After taking over a project, the project owner or organization authorized to manage operation of the project shall be responsible for effective operation and conduct of the project to meet approved purposes and socio-technical norms.
2. The project owner or organization authorized to manage operation of the project shall be responsible for repairing, overhauling and maintaining projects.

Chapter V

DUTIES, POWERS OF AGENCIES, ORGANIZATIONS OR INDIVIDUALS OVER FORMULATION, ASSESSMENT OF AND DECISION ON THE POLICY FOR INVESTMENT, THE DECISION ON INVESTMENT IN PUBLIC INVESTMENT PROGRAMS OR PROJECTS, AND MANAGEMENT OF PUBLIC INVESTMENT PROJECTS

Article 56. Duties and powers of the Government

1. Consistently practice the state management in respect of formulation, assessment of and decision on the policy for investment, the decision on investment in public investment programs or projects.
2. Request the National Assembly to grant the decision on the policy for investment in national target programs.
3. Decide the policy for investment in target programs referred to in paragraph 2 Article 17 of the Law on Public Investment.

Article 57. Duties and powers of the Prime Minister

1. Issue any decision or direction relating to formulation, assessment of and grant of decision on the policy for investment, the decision on investment in public investment programs or projects.

2. Make the decision on the policy for investment and the decision on investment in programs or projects in accordance with provisions laid down in paragraph 3 Article 17, paragraph 1 Article 39 of the Law on Public Investment.

3. Make the decision to establish:

a) the State Assessment Council to assess the policy for investment and grant the decision on investment in national target programs;

b) the interdisciplinary Council to assess the policy for investment and grant the decision on investment in target or Group-A programs in accordance with the Law on Public Investment.

Article 58. Duties and powers of the Ministry of Planning and Investment

1. Counseling the Government to consistently practice its state management in respect of formulation, assessment of and decision on the policy for investment, the decision on investment in public investment programs or projects; manage public investment projects without construction components.

2. Issue or take charge of studying preparations for, and request the competent authority to issue legal documents on formulation, assessment of and grant of decision on the policy for investment, the decision on investment in programs or projects; manage public investment projects without construction components.

3. Request the Prime Minister to establish the State Assessment Council, the interdisciplinary Assessment Council or the Assessment Council to assess Group-A public investment programs or projects that fall under the authority to grant the decision on the policy for investment, the decision on investment of the National Assembly, Government or Prime Minister.

4. Take charge of or cooperate with related agencies in conduct of assessment of the report on the proposed policy for investment, assessment of funding source and budget-balancing capability of public investment programs or projects in accordance with laws on public investment.

5. Provide professional instructions and hold a professional and operational training, drilling or improvement courses for public servants or employees of Ministries, centrally-governed agencies and local jurisdictions at all levels in respect of formulation, assessment of and decision on investment in public investment programs or projects.

6. Conduct inspection, examination and supervision of formulation, assessment of and decision on the policy for investment, the decision on investment in public investment programs or projects of Ministries, centrally-governed agencies or local jurisdictions.

Article 59. Duties and powers of the Ministry of Finance

1. Take charge of or cooperate with the Ministry of Planning and Investment in instructing Ministries, centrally-governed agencies and local jurisdictions to plan operating or recurrent expenditure budget to perform spending duties referred to in paragraph 1, 3, 4 and 5 Article 15 of the Law on Public Investment.

2. Cooperate with the Ministry of Planning and Investment in assessment of funding source and budget-balancing capability of programs or projects using funds derived from the central budget, public bonds, sovereign bonds and other centrally-controlled funds for public investment purposes in accordance with the Law on Public Investment.

Article 60. Duties and powers of Ministries or centrally-governed agencies

1. Conduct formulation and internal assessment of:

a) the pre-feasibility study report, the report on the proposed investment policy and the feasibility study report of national target programs, target programs that fall within their authority or duties assigned by the Government;

b) the pre-feasibility study report, the report on the proposed investment policy, and the feasibility study report of public investment projects under their management.

2. Make the decision on the policy for investment in Group-B and Group-C public investment projects under their authority defined in paragraph 4 Article 17 of the Law on Public Investment.

3. Make the decision on investment in public investment projects as stipulated in paragraph 2 Article 39 of the Law on Public Investment; delegate or assign authority to inferior authorities to decide investment in Group-B and Group-C projects (if necessary) in accordance with provisions laid down in subparagraph c paragraph 2 Article 39 of the Law on Public Investment.

4. Issue and provide guidance on implementation of standards, regulations and ecotechnical norms as the basis for formulation of the pre-feasibility study report, the report on the proposed investment policy, the feasibility study report of projects that fall within their functions or duties assigned by the Government and in accordance with laws and regulations.

5. Make the decision on conduct of management of public investment projects without construction components in accordance with laws on public investment and other relevant laws and regulations.

6. Join the State Assessment Council for assessment of national target projects, the interdisciplinary Council for assessment of target programs and Group-A projects, or hold the position of Chairperson of the Assessment Council for assessment of Group-A projects in accordance with the Prime Minister's appointment decision.

7. Collaborate with the Ministry of Planning and Investment in assessing other programs or projects in accordance with laws and regulations.

8. Assign duties to their affiliated project management authorities in respect of formulation, assessment of and decision on the policy for investment, the decision on investment in public investment programs or projects, and management of public investment projects.

9. Provide guidance on, conduct inspection and supervision of formulation, assessment of and decision on the policy for investment, the decision on investment in public investment programs or projects, and management of public investment projects that fall within their assigned functions or duties in accordance with laws on public investment and construction.

Article 61. Duties and powers of the People’s Council at all levels

1. Make the decision on the policy for investment in public investment programs under the management of the People's Council at a single level in accordance with subparagraph a paragraph 1 Article 91 of the Law on Public Investment.

2. Make the decision or delegate authority to the Standing Committee of the People’s Council at the same level to consider, give opinions and make the decision on the policy for investment in projects using public investment funds under its management in accordance with subparagraph b and c paragraph 1 Article 91 of the Law on Public Investment.

3. Oversee formulation, assessment of the decision on the policy for investment, and grant the decision on investment in programs or projects managed by local jurisdictions.

4. The provincial People’s Council shall be, in addition to duties or powers stipulated in paragraph 1, 2 and 3 of this Article, vested with the authority to grant the decision on Group-C target project criteria in accordance with paragraph 3 Article 5 hereof.

Article 62. Duties and powers of the People’s Committee at all levels

1. Conduct formulation, assessment of and request the People’s Committee at the same level to grant the decision on the policy for investment in projects in accordance with subparagraph a, b and c paragraph 2 Article 92 of the Law on Public Investment, and subparagraph a and c paragraph 3 Article 93 of the Law on Public Investment together with provisions set forth in this Decree.

2. Make the decision on the policy for investment in projects in accordance with regulations laid down in paragraph 3 Article 92 and paragraph 4 Article 93 of the Law on Public Investment.

3. Make the decision on investment in public investment programs or projects in accordance with subparagraph a and b paragraph 3, and subparagraph a and b paragraph 4 Article 39 of the Law on Public Investment; the President of the People's Committee at the provincial and district level shall be allowed to assign or authorize inferior authorities to decide investment in Group-B or Group-C projects in accordance with subparagraph c paragraph 3 and subparagraph c paragraph 4 Article 39 of the Law on Public Investment.

4. Make the decision on management of public investment projects without construction components under the management of each People's Committee in accordance with laws on public investment and other relevant laws and regulations.

5. Conduct a poll to collect opinions from authorities, organizations or enterprises and residential communities as to the policy for investment, or the decision on investment in programs or projects in accordance with laws and regulations.

6. Inspect compliance with laws and regulations on formulation, assessment of and decision on the policy for investment and the decision on investment in public investment programs or projects of inferior authorities.

7. The People's Committee shall perform, in addition to the duties or powers referred to in paragraph 1, 2, 3, 4, 5 and 6 of this Article, the following duties:

a) Request the People's Council at the same level to ratify Group-C key projects of local jurisdictions;

b) Assign duties to departments or divisions at the provincial level and specify rules for cooperation between local departments and levels of local government in formulation, assessment of and decision on the policy for investment and the decision on investment in public investment programs or projects under the management of local jurisdictions;

c) Cooperate with Ministries, centrally-governed agencies in formulation, assessment of and decision on the policy for investment and the decision on investment in public investment programs or projects under the management of these Ministries, centrally-governed agencies within the territory of a local jurisdiction upon request.

Article 63. Duties and powers of the Vietnam Fatherland Front

The Vietnam Fatherland Front at all levels shall perform duties and exercise powers relating to community supervision referred to in Article 95 of the Law on Public Investment.

Article 64. Duties and powers of the Department of Planning and Investment

1. Take charge of or collaborate with relevant authorities in counseling and requesting the provincial People's Committee to approve:

a) criteria for determination of Group-C key projects of each local jurisdiction;

b) rules for cooperation between local divisions and levels of local government in formulation, assessment of, and decision on the policy for investment and the decision on investment in programs or projects located within localities under its management;

c) the report on the proposed policy for investment in target programs managed by local jurisdictions in accordance with provisions set forth in the Law on Public Investment;

d) the report on the proposed policy for investment and the decision on investment in projects under the management of provincial local jurisdictions;

dd) regulations relating to management of public investment projects without construction components.

2. Hold the standing position in the Assessment Council for assessment of the pre-feasibility study report, the report on the proposed policy for investment in programs or projects under the management of provincial local jurisdictions, and prepare opinions for submission to the provincial People's Committee which are included in the report of this provincial People's Committee to the authority having competence in granting the decision on the policy for investment in projects using funds derived from the central budget under the management of local jurisdictions.

3. Hold the standing position in the Assessment Council, or take charge of assessment and approval of the decision on investment, project design and budget of projects without construction components under the management of provincial local jurisdictions and other projects under the authority assigned by the provincial People's Committee.

4. Take charge of or cooperate with the Department of Finance in assessment of funding source and budget-balancing capability of projects using funds derived from the local budget balance, local government bonds, state budget revenues that are retained for investing purposes but have yet to be recorded in the local budget balance.

5. Conduct and provide professional instructions on formulation, assessment of and decision on the policy for investment in programs or projects, the decision on investment in public investment projects without construction components for other departments or divisions of a province and local jurisdictions at the district or commune level.

Article 65. The State Assessment Council and the interdisciplinary Assessment Council

1. The State Assessment Council established under the Prime Minister's decision shall assume the following responsibilities:

a) Assess the report on the proposed policy for investment in national target programs in order for program owners to make a complete report to the State Assessment Council for the purpose of preparing a general report for submission to the Prime Minister and the Government before a request is filed to the National Assembly to obtain its decision on the investment policy;

b) Assess the feasibility study report of national target programs in order for program owners to make a complete report to the State Assessment Council for the purpose of preparing a general report for submission to the Prime Minister to request his decision on investment.

2. The interdisciplinary Assessment Council established under the Prime Minister's decision shall assume the following responsibilities:

a) Assess the report on the proposed policy for investment in target programs in order for program owners to make a complete report on the proposed policy for investment to the Prime Minister before a request is filed to the Government to obtain its decision on the investment policy;

b) Assess the pre-feasibility study report of Group-A projects in order for Ministries, centrally-governed agencies and local jurisdictions to prepare a complete report for submission to the Prime Minister to request his consideration and decision on the investment policy.

3. The State Assessment Council, or the interdisciplinary Assessment Council, shall be composed of the Chairperson, Deputy Chairperson and members of the Council. The Chairperson of the State Assessment Council, or the interdisciplinary Assessment Council, must be the Minister of Planning and Investment; the Deputy Chairperson and other members of the Council must be representatives coming from the leadership of Ministries, centrally-governed agencies or other relevant agencies in accordance with the Prime Minister's decision upon the request of the Chairperson of the Council.

4. The State Assessment Council and the interdisciplinary Assessment Council shall work according to the collective rules and shall be chaired by the Chairperson of the Council.

5. Chairperson and members of the State Assessment Council and the interdisciplinary Assessment Council shall be held accountable to the Prime Minister for conduct of assessment and assessment-related activities according to their assigned duties, assessment opinions, conclusions and recommendations regarding programs or projects.

6. The State Assessment Council and the interdisciplinary Assessment Council shall be automatically dissolved after completion of their assessment activities in accordance with laws and regulations.

Article 66. Responsibilities of the Chairperson, Deputy Chairperson and members of the State Assessment Council and the interdisciplinary Assessment Council

1. Responsibilities of the Chairperson, Deputy Chairperson and members of the State Assessment Council and the interdisciplinary Assessment Council include the followings:

a) Approve working rules, plans and schedules of the Council and other related issues that may arise during the process of assessment of programs or projects after the Council's unanimous vote; decide to convene the Council's meetings; chair the Council's meeting sessions; assign responsibilities to the Deputy Chairperson and members of the Council;

b) Decide to establish the interdisciplinary Assessment Expert Group or the Assisting Group of the Council depending on work requirements;

c) Whenever necessary, the Chairperson of the Council may authorize the Deputy Chairperson of the Council to convene and chair the Council's meeting sessions or report to the Government on several contents or work activities assigned by the Chairperson of the Council;

d) Decide to hire and select consultants participating in assessment of Group-A programs or projects (whenever necessary).

2. Responsibilities of the Deputy Chairperson of the State Assessment Council and the interdisciplinary Assessment Council include the followings:

a) Direct, monitor and perform duties assigned by the Chairperson of the Council. Make a regular report on review of performance of duties assigned by the Chairperson of the Council;

b) Assist the Chairperson of the Council in considering and evaluating professional reports and performing other activities in the Council for submission to the Prime Minister.

3. Responsibilities of members of the State Assessment Council and the interdisciplinary Assessment Council include the followings:

a) Have opinions on contents of assessment of programs or projects that fall within functions or duties of Ministries or centrally-governed agencies and local jurisdictions in charge of these projects or programs, and general issues that may arise from programs or projects;

b) Mobilize workforce, equipment and research facilities under its management to fulfill assigned duties;

c) Fully attend the Council's meetings, and exchange opinions on contents of assessment and cast their votes on the Council's conclusions upon request. In some special cases in which they are unable to directly participate meetings, members of the State Assessment Council and the interdisciplinary Assessment Council shall send their written opinions and authorize their representatives to attend these meetings. Opinions of such authorized representatives are opinions of the Council's members.

Article 67. Rights and responsibilities of agencies, organizations or individuals in respect of formulation, assessment of and decision on the policy for investment, the decision on investment in programs or projects

Rights and responsibilities of agencies, organizations or individuals in respect of formulation, assessment of and decision on the policy for investment, the decision on investment in programs or projects shall be consistent with provisions laid down in Articles 96, 97, 98, 99, 100 and 101 of the Law on Public Investment.

Chapter VI

IMPLEMENTARY PROVISIONS

Article 68. Transition

1. With respect to how to deal with programs, projects in which decisions on investment are granted by competent authorities before the date of entry into force of the Law on Public Investment , but funds for investment have yet to be allocated:

a) Provisions laid down in paragraph 1 Article 106 of the Law on Public Investment shall prevail;

b) With respect to projects of which funds for execution are allocated by competent authorities according to the 2015 public investment plan or previous-year plans, the fund allocation plan shall be followed, and formulation, assessment of and decision on the policy for investment in such projects shall not be required in accordance with the Law on Public Investment;

c) With respect to projects of which funds for execution have not been allocated by competent authorities by the end of the plan year of 2015, but funding source and capability of balancing investment portfolio prior to January 1, 2015, the specific funds invested in such projects shall be accepted, and funding source re-assessment and fund balancing processes shall not be required; formulation, assessment of and decision on the policy for investment in these projects must comply with provisions laid down in the Law on Public Investment and this Decree with reference to the level of funds subject to the competent authority's assessment of funding source and investment portfolio balancing.

With respect to any project of which the approved policy for investment is not different from the decision on investment which has been approved before the date of entry into force of the Law on Public Investment, the competent authority shall allocate funds in the midterm and annual public investment plan to such project in accordance with the approved investment decision.

With respect to any project of which the approved policy for investment is different from the approved decision on investment, the competent authority shall allocate funds in the midterm and annual public investment plan to such project in accordance with the approved investment policy approved the competent authority. The Prime Minister and the People's Committee at all levels shall assign the midterm and annual public investment plan to projects according to the re-approved investment decision.

2. With regard to projects in which the decision on investment and use of funds other than funds for public investment is approved, if public investment funds in the 2016 plan are used for execution of these projects, the funding source, capability of balancing investment portfolio and decision on the investment policy must be assessed, and the decision on investment must be re-approved in accordance with the Law on Public Investment and relevant laws.

3. Projects in which the decision on investment is not granted by the competent authority before the date of entry into force of the Law on Public Investment:

a) Carry out formulation, assessment of and decision on the investment policy and the decision on investment in these projects in accordance with the Law on Public Investment and this Decree. With respect to projects prior to January 1, 2015 in which the specific level of fund for investment is approved, or of which the funding source and capability of balancing investment

portfolio are assessed, and in which the specific level of fund for public investment is accepted by the Ministry of Planning and Investment, re-assessment of the funding source and capability of balancing investment portfolio shall not be required (if an increase in the investment outlay is not demanded);

b) With regard to projects in which the decision on investment granted by the competent authority does not conform to the processes or procedures referred to in the Law on Public Investment, formulation, assessment of and decision on the investment policy and the decision on investment in these projects shall be required in accordance with the Law on Public Investment.

c) With regard to projects in which funds for investment have been allocated according to the 2015 public investment plan, formulation, assessment of and decision on the investment policy and the decision on investment in these projects shall be required in accordance with the Law on Public Investment.

4. If any district, rural district or ward does not, in the course of execution of pilot programs, organize the People's Council at the same level, it is considered as a budget unit of the People's Committee at the higher level. Formulation, assessment of and decision on the policy for investment shall be consistent with provisions of this People's Committee at the higher level.

Article 69. Implementation

1. This Decree shall enter into force on February 15, 2016. Any previous regulations inconsistent with those enshrined in this Decree shall be repealed.

2. The Minister of Planning and Investment shall provide guidance on implementation of this Decree (when necessary).

3. Ministries, Heads of Ministry-level agencies, Heads of other central bodies, Presidents of the People's Committees of centrally-affiliated cities and provinces, and Heads of agencies or units concerned, shall be responsible for enforcing this Decree./.

**PP. THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung

ANNEX 1

CLASSIFICATION CRITERIA OF PUBLIC PROJECTS

(Issued together with the Government's Decree No.136/2015/NĐ-CP dated December 31, 2015)

No.	PUBLIC PROJECT CLASSIFICATION	Total investment
A	GROUP A	
I	<p>CLASSIFICATION BY CLAUSE 1, ARTICLE 8 OF THE LAW ON PUBLIC INVESTMENT</p> <p>1. Public projects specified in point a, clause 1, article 8 of the Law on Public Investment</p> <p>a) Projects located in special national sites approved by competent authorities;</p> <p>b) Projects located in the vicinity of special national sites within provinces where such special national site is located, and directly affect such sites under laws on cultural heritage.</p> <p>2. Projects located in strategic positions regarding national security and defense as specified in point b, clause 1, Article 8 of the Law on Public Investment.</p> <p>Subprojects or projects granted the Investment Decision by competent authorities and located in strategic positions regarding national security and defense shall be classified under point 1, 2, 4 and 5 of this section and Sections II, III, IV and V of Part A, B and C of this Annex.</p> <p>3. National confidential projects approved by competent authorities under Law on National Security as specified in point c, clause 1 of Article 8.</p> <p>4. Public projects specified in point d, clause 1, article 8 of the law on public investment:</p> <p>a) Hazardous chemical warehouses and plants ;</p> <p>b) Explosives warehouses and plants.</p> <p>5. Infrastructure projects for industrial zones and processing export zones as specified in point Article, clause 1, Article 8 of the Law on Public Investment</p> <p>Subprojects or projects granted Investment Decision by competent</p>	For all amount of investment

	<p>authorities and located in industrial zones and processing export zones shall be classified under point 1, 2, 3 and 4 of this section and Sections II, III, IV and V of Part B and C of this Annex.</p>	
<p>II</p>	<p>CLASSIFICATION BY CLAUSE 2, ARTICLE 8 OF THE LAW ON PUBLIC INVESTMENT</p> <p>1. Public projects specified in point a, clause 2, article 8 of the Law on Public Investments</p> <ul style="list-style-type: none"> a) Overpasses on national highways and expressways; b) Railway bridges crossing express railways and national railways; c) International sea ports, wharves at seas or rivers, inland wharves including terminals for goods and passengers and waterway terminals; d) International and domestic airports, dd) Express railways and national railways; urban railways; overhead railways; underground railways; special-purpose railways; provincial railways and substations; e) Road tunnels, railway tunnels, pedestrian tunnels and subway tunnels; g) Expressways and national highways <p>2. Public projects specified in point b, clause 2, article 8 of the law on public investment:</p> <ul style="list-style-type: none"> a) Thermal power stations; b) Hydropower plants; reservoirs and dams of hydropower plants and pumped-storage hydropower plants c) Wind power plants (wind farms); d) Solar power plants (solar farms); dd) Thermal power stations; e) Power plants using marine energy g) Waste-to energy plants; h) Biomass power plants 	<p>At least 2,300 billion dong</p>

i) Gasification power plants;

k) Other types of power plants;

l) Electrical lines and substations.

3. Public projects specified in point c, clause 2, article 8 of the Law on Public Investment:

a) Oil rigs;

b) Gas and oil pipelines and other oil sucking auxiliary equipment.

4. Public projects specified in point d, clause 2, article 8 of the Law on Public Investment:

a) Basic chemical plants including: Plants for production of Ammonia, acid, caustic soda, chlorine of all kind, soda, pure inorganic substances, welding rods and other types of chemicals other than those in point 6, Section III, Part A of this Annex;

b) Petrochemical plants;

c) Fertilizer production plants;

d) Cement plants

5. Public projects specified in point dd, clause 2, article 8 of the Law on Public Investment:

a) Non-ferrous metallurgical plants;

b) Steel mills

c) Mechanical factories;

d) Mechanical factories for manufacturing of complete equipment and agricultural machinery;

dd) Automotive manufacturing plants

6. Public projects specified in point e, clause 2, article 8 of the Law on Public Investment:

a) Plants for production of mining chemical raw materials (Apatite sifting

	<p>plants);</p> <p>b) Coal preparation plants;</p> <p>c) Ore enrichment plants and ore preparation plants;</p> <p>d) Alumina refineries;</p> <p>dd) Mines for extraction of building materials;</p> <p>e) Coal/ore mining projects;</p> <p>g) Plants and projects for mining and processing other types of minerals.</p> <p>7. Public projects specified in point g, clause 2, article 8 of the Law on Public Investment:</p> <p>a) Urban complexes;</p> <p>b) Condo complexes.</p>	
<p>III</p>	<p>CLASSIFICATION BY CLAUSE 3, ARTICLE 8 OF THE LAW ON PUBLIC INVETSMENT</p> <p>1. Public projects specified in point a, clause 3, article 8 of the Law on Public Investments:</p> <p>a) Carriageways, municipal roads (expressways, streets, collector roads), rural roads and ferries;</p> <p>b) Overpasses, footbridges; railway bridges and floating terminals;</p> <p>c) Waterways on rivers, lakes, bays and routes to island, canals;</p> <p>d) Navigational channels at estuaries, open bay gates, on the sea</p> <p>d) Ferries, ports, wharves in island, special purpose port terminals and other works (versatile floating docks, etc.)</p> <p>e) Sea marks</p> <p>g) Lighthouses;</p> <p>h) Transport infrastructures other than those in point a, section II, Part A of this Annex.</p> <p>2. Public projects specified in point b, clause 3, article 8 of the Law on Public</p>	<p>At least 1,500 billion dong</p>

Investment:

- a) Projects for construction of dikes at rivers, seas, estuaries, and special-purpose dikes;
- b) Regulation works including seawalls, embankments, etc, at estuaries, coastal and rivers;
- c) Reservoirs and detention basins;
- d) River dredging projects; pipeline systems;
- d) Pumping stations, wells, water purification and treatment plants;
- e) Other pressurized irrigation works;
- g) Projects for raw water supply;
- h) Sewer systems or dams;
- i) Auxiliary infrastructures for managing and operating irrigation works;

3. Public projects specified in point c, clause 3, article 8 of the Law on Public Investment:

- a) Water plants, clean water treatment projects, water storage tanks other than those in point dd, clause 2 of this Section;
- b) Pumping stations (for both raw water and clean water), Storm water pump stations other than those in point dd, clause 2 of this section;
- c) Water pipelines (for raw water and clean water), storm water pipelines and combined sewer systems
- d) Wastewater treatment projects other than centralized wastewater treatment in economic zones, industrial zones and industrial clusters;
- dd) Wastewater drainage systems; wastewater pumping stations;
- e) Sludge treatment projects;
- g) Waste treatment plants including transshipment stations landfills, incineration plants, waste processing plants; solid waste treatment areas;
- h) Community lighting projects;

- i) Green parks;
 - k) Cemeteries
 - l) Underground and aboveground parking lots;
 - m) Cable ducts, utility tunnels and technical tunnels;
 - n) Projects for procurement of non-secret specialized equipment for State administrative agencies, national security and defense agencies
4. Public projects of manufacturing electric generators, electric engines, transformers and accumulators as specified in point Article, clause 3, Article 8 of the Law on Public Investment:
5. Public projects specified in point dd, clause 3, article 8 of the Law on Public Investment:
- a) Electronics assembly plants and electro-mechanical assembly plants;
 - b) Informatic and electronic component factories.
6. Public projects specified in point e, clause 3, article 8 of the Law on Public Investment:
- a) Detergent manufacturing plants;
 - b) Cosmetics production plants;
 - c) Microbiological pharmaceuticals and medicine manufacturing plants.
7. Public projects specified in point g, clause 3, article 8 of the Law on Public Investment:
- a) Plastic product plants;
 - b) Battery factories;
 - c) Accumulator production facilities;
 - d) Alkyd or acrylic resin production plants;
 - dd) Plants for manufacturing tyres, conveyors, and technical rubber
 - e) Material production projects other than those in point 4, section II, Part A

	<p>of this Annex.</p> <p>8. Public projects specified in point h, clause 3, article 8 of the Law on Public Investment:</p> <ul style="list-style-type: none"> a) Motorcycle assembly plants; b) Plants for manufacturing of automotive/motorcycle/bicycle components; c) Mechanical projects other than those in point 5, sections II, Part A of this Annex. <p>9. Public projects specified in point i, clause 3, article 8 of the Law on Public Investment:</p> <ul style="list-style-type: none"> a) Telecommunication antenna masts; b) Telecommunication cable tanks, poles and cables; c) Communication houses, post offices, telecommunication equipment installations; d) Telecommunication equipment investment projects. 	
<p>IV</p>	<p>CLASSIFICATION BY CLAUSE 4, ARTICLE 8 OF THE LAW ON PUBLIC INVESTMENT</p> <p>1. Public projects specified in point a, clause 4, article 8 of the Law on Public Investment:</p> <ul style="list-style-type: none"> a) Projects for growing headwater forests and plants for wave resistance; construction and renovation of dikes; b) Projects for protection and development of forests and silviculture systems; c) Projects for plant varieties, domestic animal breeds, forestry plants and aquatic breeds; d) Infrastructures for production and development of agriculture, salt industry, forestry and fishery. <p>2. Public projects specified in point b, clause 4, article 8 of the Law on Public Investment:</p> <ul style="list-style-type: none"> a) Forest protection and development projects in national parks; 	<p>At least 1,000 billion dong</p>

	<p>b) projects for protection of wildlife sanctuaries, marine sanctuaries and inland waters;</p> <p>c) Wildlife conservation projects; genetic conservation projects; and wildlife rescue centers;</p> <p>d) Wildlife parks.</p> <p>3. Infrastructures projects in new urban complexes as specified in point c, clause 4, Article 8 of the Law on Public Investment.</p> <p>Subprojects or projects granted Investment Decision by competent authorities and located in new urban complexes (other than projects specified in point 3, Section III, Part A of this Annex) shall be classified according to the classification criteria in point 1, 2, and 4 of this Section and Section I, II, II and V and part B and C of this Annex.</p> <p>4. Public projects specified in point d, clause 4, article 8 of the Law on Public Investment:</p> <p>a) Dairy plants, confectionery plants; Plants for production of instant noodle, cooking oil or flavor; beverage plants; rice mills and agricultural and forestry processing plants;</p> <p>b) Garment factories and textile factories;</p> <p>c) Printing plants, and dye plants;</p> <p>d) Tanneries and leather goods factories</p> <p>dd) Ceramics and glass production plants;</p> <p>e) Pulp mills and paper mills;</p> <p>g) Tobacco factories;</p> <p>h) Fishery processing plants; and canned food processing plants;</p> <p>i) plants for processing wood and non-timber products;</p> <p>k) Shipyards and shipbuilding projects;</p> <p>l) Industrial projects other than those in Section I, II and III of this Section.</p>	
V	CLASSIFICATION BY CLAUSE 5, ARTICLE 8 OF THE LAW ON PUBLIC INVETSMENT	At least 800 billion dong

1. Public projects specified in point a, clause 5, article 8 of the Law on Public Investment:

a) Hospitals of all level; general medical clinics, specialty medical clinics, medical assessment centers, diagnostic facilities; maternity wards; health stations of communes and the similar ones; preventive healthcare facilities; functional rehabilitation centers; forensic institutes; forensic psychiatric institutes of all levels; and other types of healthcare facilities.

b) Sanitaria, functional rehabilitation centers, orthopedic centers, and nursing homes;

c) Convention centers, theaters, cultural houses, clubs, cinema, circuses and dance halls;

d) Museums, libraries, exhibition centers and galleries and the like;

dd) Relics, religious facilities, and outdoor monuments;

e) Classroom, lecture halls, libraries, offices, official houses, functional and auxiliary works, and teaching equipment;

g) Dorms

2. Public projects specified in point b, clause 5, article 8 of the Law on Public Investment:

a) Projects for investment in science and technology institutes

b) Laboratories;

c) Analysis, testing and inspection centers

d) Dedicated rooms in the field of natural science and engineering; technology application and transfer centers;

dd) Projects for investment in Standards-Metrology-Quality facilities;

e) Practice facilities;

g) Hi-Tech park infrastructure projects; and hi-tech agricultural zones;

h) Hydro-meteorological monitoring networks; environmental monitoring networks, water resources monitoring networks, geodetic projects, and projects for land and minerals management;

i) IT infrastructure projects

k) Electronic information security projects;

l) Electronic commerce and transaction infrastructure projects;

m) Television/radio broadcasting towers and base transceiver stations;

n) Television projects and radio projects

3. Public projects specified in point c, clause 5, article 8 of the Law on Public Investment:

a) Petroleum warehouses;

b) Liquefied petroleum gas warehouses;

c) Refrigerated warehouses;

d) National reserves storage warehouses;

dd) Special-purpose warehouses;

e) Filing cabinets and evidence cabinets;

g) Other similar projects.

4. Public projects specified in point d, clause 5, article 8 of the Law on Public Investment:

a) Museum parks;

b) Cables for transport of passengers;

c) Projects for investment in resorts or tourist attractions including; internal roads, embankments, pool dredging and other infrastructures;

d) Stadia, indoor and outdoor sport facilities and golf courses.

5. Public projects in point dd, clause 8, Article 8 of the Law on Public Investment:

a) Shopping malls, supermarkets, convention and exhibition centers, logistics centers, commerce infrastructures and service-oriented infrastructures;

	<p>b) Versatile homes, guest houses and hotels;</p> <p>c) Head offices State regulatory authorities and political organizations, public service providers, socio-political organizations, enterprises and other types of organizations;</p> <p>d) Housing, villa complexes, detached houses other than those in point 7, Section II, Part A of this Annex;</p> <p>dd) other civil construction projects.</p>	
B	GROUP B	
I	Projects specified in Section II, Part A	At least 120 billion dong but not exceeding 2,300 billion dong
II	Projects specified in Section III, Part A	At least 80 billion dong but not exceeding 1,500 billion dong
III.	Projects specified in Section IV, Part A	At least 60 billion dong but not exceeding 1,000 billion dong
IV	Projects specified in Section V, Part A	At least 45 billion dong but not exceeding 800 billion dong
C	GROUP C	
I	Projects specified in Section II, Part A	< 120 billion dong
II	Projects specified in Section III, Part A	< 80 billion dong
III.	Projects specified in Section V, Part A	< 60 billion dong
IV	Projects specified in Section V, Part A	< 45 billion dong

ANNEX II

**PRE-FEASIBILITY STUDY SAMPLE AND PUBLIC PROJECT/ PROGRAM PROPOSAL
SAMPLE**

(Issued together with the Decree No.136/2015/NĐ-CP dated December 31, 2015)

Form 01	Application form for public project/program approval
Form 02	Proposal for investment policy for public projects
Form 03	Group-A project pre-feasibility study report
Form 04	Proposal for investment policies for group-B and group-C projects

Form 01

**[NAME OF
ORGANIZATION AS
APPLICANT]**

No:

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

..... *[Location and date]*.....

APPLICATION

For decision on the investment policy for..... [name of project/program]

To: [name of the investment policy-making authority]

Pursuant to the Law on Investment dated June 18, 2014;

Pursuant to [relevant legal basis), [Name of applicant] hereby requests [name of the investment policy-making authority] to consider approving [name of the project/program] as follows:

I. PROJECT/PROGRAM DESCRIPTION:

1. Name of project/program:
2. Name of project investor/program owner:
3. Beneficiaries:
4. Location of project/program:

5. Sources of finance:

Including:

- Investments (specify the amount of each source of finance):
- Non-business capital sources (specify the amount of each capital source):

6. Project/program progress schedule:

7. Name of organization executing the project/program:

8. Other information (if any):

II CONTENTS OF GROUP-A PROJECT PRE-FEASIBILITY STUDY, PROPOSALS FOR PROJECT/PROGRAM INVESTMENT POLICIES

- The preparation for the group-A project pre-feasibility study report or proposals for investment policies for projects/programs.
- Assessment of project/program progress (for those in transition from one stage to another stage).
- Assessment of the investment policy proposal, sources of finance and capital allocation plan.
- Other contents (if any).

III ENCLOSED DOCUMENTS

1. The program/project progress assessment report (where the project/program is in transition from one stage to another stage).
2. The pre-feasibility study report (for group-A projects); or investment policy proposals (for group-B and group-C projects) under the Law on Public Investment and Article 19 of this Decree.
3. The internal inspection report.
4. The report on assessment of financial capacity and capital allocation of the competent authority.
5. The project/program assessment report of the Assessment council or assessing authority
6. Decisions on emergencies under the Ordinance on Emergencies, Flood Prevention, Law on Dikes and other relevant laws, Decisions on emergencies in respect of national security and defense (for emergency projects);

7. Other relevant documents at requests of the competent authority.

[Name of applicant] hereby requests [name of investment policy-making authority] to consider approving the [name of project/program], phase [specify project/program phase]. /.

FOR APPLICANT
(Signature, full name, title and seal)

Representative's full name

Form 02

**[NAME THE PROGRAM
OWNER]**

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

No:

..... *[Location and date]*.....

PROPOSAL
for the investment policy for [name of program]

To: [Name of investment policy-making authority]

Pursuant to the Law on Public Investment dated June 18, 2014;

Pursuant to [relevant legal basis), [Name of applicant] hereby requests [name of the investment policy-making authority] to consider approving [name of the program] as follows:

[Name of applicant] hereby submits the proposal for investment policy for [name of program] to the [name of the investment policy-making authority] as follows:

PROGRAM DESCRIPTION:

1. Name of program:

2. Owner of program:

3. Beneficiaries:

4. Location of program:

5. Sources of finance:

Including:

- Investments (specify the amount of each source of finance):
- Non-business capital sources (specify the amount of each capital source):

6. Program duration:

7. Name of organization executing the program:

8. Other information (if any):

II PROGRAM PRIMARY CONTENTS:

1. The necessity of the program for the achievement of socio-economic development objectives, plans and strategies;
2. Program objectives, scope and scale;
3. Expected total investment and resources for the program including projects, beneficiaries, capital allocation, financial and resources mobilization;
4. The progress schedule according to the reality and resources mobilization capacity;
5. Estimation of expenses incurring from the execution and operating costs after the completion;
6. Primary analysis and assessment of social and environmental impact, as well as socio-economic effectiveness;
7. Components of the project and program missions under regulations of laws;
8. Plans for carrying out the program

[Name of applicant] hereby requests [name of the investment policy-making authority] to consider approving the [name of program], phase [specify program phase]. /.

FOR APPLICANT

(Signature, full name, title and seal)

Representative's full name

Form 03

**[NAME OF ORGANIZATION
AS APPLICANT]**

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

No:

..... *[Location and date]*.....

PRE-FEASIBILITY STUDY OF [name of the project]

To: [Investment policy-making authority]

Pursuant to the Law on Public Investment dated June 18, 2014;

Pursuant to [relevant legal basis), [Name of applicant] hereby requests [name of the investment policy-making authority] to consider approving the pre-feasibility study of [name of the project] as follows:

I.PROJECT DESCRIPTION

1. Name of project:
2. Investment decision-making authority:
3. Name of investor (if any):
4. Location of project:
5. Estimated investments (specify the amount of each source of finance, investment phase)
6. Project duration:
7. Other information (if any):

II PROJECT PRIMARY CONTENTS

1. The pre-feasibility study report (for group-A construction projects) under the Law on Public Investment, this Decree and Law on Construction.
2. The pre-feasibility study report (for group-A construction projects) which includes contents stipulated in clause 2, Article 35 under the Law on Public Investment and this Decree.

[Name of applicant] hereby requests [Name of Investment decision-making authority] to consider approving [Name of project]. /.

FOR APPLICANT
(Signature, full name, title and seal)

Representative's full name

Form 04

**[NAME OF ORGANIZATION
AS APPLICANT]**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No:

..... *[Location and date]*.....

PROPOSAL
for investment policy for [name of program]

To: [Name of investment policy-making authority]

Pursuant to the Law on Public Investment dated June 18, 2014;

Pursuant to [relevant legal basis), [Name of applicant] hereby requests [name of the investment policy-making authority] to consider approving [name of the project] as follows:

I.PROJECT DESCRIPTION

1. Name of project:
2. Project group:
3. The investment decision-making authority:
4. Name of investor (if any):
5. Location of project:
6. Estimated investments (specify the amount of each source of finance and investment phases)
7. Project duration:

8. Other information (if any):

II PROJECT PRIMARY CONTENTS

1. The primary contents of the investment policy proposal (for group-B/ group-C projects) shall conform to Article 36 of the law on Public Investment.
2. The investment policy proposal for group-B/ group-C emergency projects shall include all contents under Article 36 of the Law on Public Investment and clause 4, Article 19 of this Decree.

[Name of applicant] hereby requests [Name of investment policy-making authority] to consider approving the investment policy proposal for [Name of project]. /.

FOR APPLICANT

(Signature, full name, title and seal)

Representative's full name

ANNEX III

APPLICATION FORM FOR ASSESSMENT AND APPROVAL FOR PUBLIC PROJECTS/PROGRAMS

(Issued together with the Decree No.136/2015/NĐ-CP dated December 31, 2015)

Form 01	Application form for assessment of pre-feasibility study reports or proposals for project investment policies
Form 02	Application form for assessment of financial capacity and capital allocation plan
Form 03	Report on assessment of program investment policy proposals
Form 04	Pre-feasibility study assessment report/ Report on assessment of proposals for project investment policies
Form 05	Report on assessment of financial capacity and capital allocation (for group-A projects/programs)
Form 06	Report on assessment of financial capacity and capital allocation (for group-B and group -C projects/programs)
Form 07	Decision on program investment policies
Form 08	Decision on public project investment policies

Form 01

**[NAME OF ORGANIZATION
AS APPLICANT]**

No:

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

..... *[Location and date]*.....

APPLICATION

for assessment of pre-feasibility study / investment policy proposal of [name of the project]

To: (name of authority presiding the assessment (hereinafter referred to as “presiding authority”))

Pursuant to the Law on Public Investment dated June 18, 2014;

Pursuant to [relevant legal basis), [Name of applicant] hereby requests [name of the presiding authority] to consider approving the pre-feasibility study of /investment policy proposal for [name of the project] as follows:

I.PROJECT DESCRIPTION

1. Name of project:
2. Project group:
3. Investment policy-making authority:
4. Investment decision-making authority:
5. Name of investor (if any):
6. Location of project:
7. Estimated investments (specify the amount of sources of finance and investment phases)
8. Assessed sources of finance:
9. Sector/field funded with assessed sources of finance:
10. Project schedule (progress schedule and investment phases):

11. Form of investment:

12. Other information (if any):

II ENCLOSED DOCUMENTS

The enclosed documents are specified in Article 20 of this Decree.

[Name of applicant] hereby requests [name of the presiding authority] to consider approving the pre-feasibility study of /investment policy proposal for [name of the project]. /.

FOR APPLICANT
(Signature, full name, title and seal)

Representative's full name

Form 02

**[NAME OF ORGANIZATION
AS APPLICANT]**

No:

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

..... *[Location and date]*.....

APPLICATION FORM

for assessment of financial capacity and capital allocation of [name of project]

To: [name of authority presiding over the assessment, (hereinafter referred to as “presiding authority”)]

Pursuant to the Law on Public Investment dated June 18, 2014;

Pursuant to [relevant legal basis), [Name of applicant] hereby requests [name of the presiding authority] to assess the financial capacity and capital allocation of [name of the project] as follows:

I.PROJECT DESCRIPTION

1. Name of project:
2. Project group:
3. Investment policy decision-making authority:
4. Investment decision-making authority:
5. Name of investor (if any):
6. Location of project:
7. Estimated investments (specify the amount of each source of finance and investment phases).
8. Assessed sources of finance:
9. Sector/field funded with assessed sources of finance:
10. Duration (progress schedule and investment phases):
11. Form of investment:
12. Other information (if any):

II ENCLOSED DOCUMENTS

1. The enclosed documents are specified in Article 21 of this Decree.
2. Emergency order of the competent authority (for emergency projects).

[Name of applicant] hereby requests [name of the presiding authority] to assess the financial capacity and capital allocation of [name of the project]. /.

FOR APPLICANT
(Signature, full name, title and seal)

Representative's full name

**NAME OF ASSESSING
AUTHORITY**

No:

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

..... *[Location and date]*.....

REPORT

on assessment of the investment policy proposal for [name of program]

To: (name of assessing authority)

Pursuant to the Decision No..... on establishment of the Assessment Council datedby..... [Name of the authority competent to establish the Assessment Council]; [Name of the assessing authority] or the Assessment Council hereby produces the assessment results as follows:

Part I

ASSESSMENT DOCUMENTS AND ASSESSING AUTHORITY

I. ASSESSMENT DOCUMENTS

1. The application form for approval for the program investment policy.
2. The investment policy proposal under the Law on Public Investment and provisions of this Decree.
3. The internal inspection report of [name of the program owner].
4. The program progress report (for programs in transition from one stage to another).
5. The report on assessment of financial capacity and capital allocation plan of [name of program].
6. Other relevant documents (if any).

II LEGAL BASIS

1. The Law on Public Investment.
2. Guidance on the Law on Public Investment.
3. Other relevant documents (if any).

III ASSESSING AUTHORITIES

1. Presiding authority:
2. Cooperating authorities:
3. Members of Assessment Council:
4. Methods of assessment: By meeting or questionnaire survey or both of them (where necessary).

Part II

RECOMENDATION

I. PROGRAM DESCRIPTION AND PROPOSALS BY OWNER OF THE PROGRAM

1. Name of program:
2. Owner of program:
3. Beneficiaries:
4. Location of program:
5. Sources of finance:
Including:
 - Investments (specify the amount of each source of finance):
 - Non-business capital sources (specify the amount of each capital source):
6. Program duration:
7. Name of organization executing the program:
8. Other information (if any):

II PROPOSALS OF COOPERATING AGENCIES/ ASSESSMENT COUNCIL MEMBERS

Proposals of cooperating authorities/ Assessment Council members under the Law on Public Investment and Government's Decrees.

III PROPOSALS OF THE ASSESSING AUTHORITY/ ASSESSMENT COUNCIL

The investment policy shall be assessed in accordance with the Law on Public Investment and Article 23 of this Decree.

3. Other proposals (if any).

.....

(The assessing authority/Assessment Council has the right to adjust the assessed elements in accordance with the Law on Public Investment and the guidance of the Prime Minister and Ministry of Planning and Investment.)

IV CONCLUSION

[Name of program] is/ is not eligible for being granted the investment policy.

[Name of the assessing authority/Assessment Council) hereby requests the program owner [name of program owner] to report adjustments (where necessary) or the investment policy to competent authorities.

FOR ASSESSING AUTHORITY
(Signature, full name, title and seal)

Representative's full name

Form 04

**NAME OF ASSESSING
AUTHORITY**

No:

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

..... *[Location and date]*.....

REPORT

On assessment of pre-feasibility study (for Group-A projects)/ investment policy proposals (for Group-B and Group-C projects)

To: [name of assessing authority]

The [Name of the assessing authority], after the receipt of the Application No.....for approval for pre-feasibility study of/ investment policy proposal for [name of project], and the assessment results of relevant authorities, hereby presents the assessment result of the pre-feasibility study/ investment policy proposal as follows:

Part I

ASSESSMENT DOCUMENTS AND ASSESSING AUTHORITY

I. ASSESSMENT DOCUMENTS

1. The pre-feasibility study or project investment policy proposal under the Law on Public Investment *
2. The internal inspection report of the project management organization.
3. The report on assessment of financial capacity and capital allocation plan under the Article 38 of the Law on Public Investment.
4. Proposals of the People's Council or Standing People's Councils at all levels (for those assessed by the Ministry of Planning and Investment, and Ministry of Finance).
5. Other relevant documents (if any).

II LEGAL BASIS

1. The Law on Public Investment.
2. Written guidance on the implementation of the Law on Public Investment.
3. Other relevant documents (if any).

III ASSESSING AUTHORITIES

1. Presiding authority:
2. Cooperating authorities:
3. Methods of assessment: By meeting or questionnaire survey or both of them (where necessary).

Part II

PROPOSALS

I. PROJECT DESCRIPTION AND PROPOSALS OF THE ASSESSING AUTHORITY/ASSESSMENT COUNCIL

1. Name of project:
2. Project group:
3. Investment policy- making authority:
4. Investment decision-making authority:
5. Name of investor (if any):
6. Location of project:
7. Estimated investments (specify the amount of each source of finance and investment phases).
8. Assessed sources of finance:
9. Sector/field funded with assessed sources of finance:
10. Projects schedule (progress schedule and investment phases):
11. Form of investment:
12. Other information (if any):

II PROPOSALS OF COOPERATING AUTHORITIES

All proposals of cooperating authorities shall be aggregated in accordance with the Law on Public Investment and Government’s Decrees.

III PROPOSALS OF THE ASSESSING AUTHORITY

The investment policy shall be assessed in accordance with the Law on Public Investment and Government’s Decrees.

The assessment shall focus on elements stipulated in Article 24 of the Decree.

Other proposals (if any).

.....

(The assessing authority/Assessment Council has the right to adjust assessed elements (where necessary) in accordance with the Law on Public Investment and the guidance by the Prime Minister and Ministry of Planning and Investment.

IV CONCLUSION

[Name of program] is/ is not eligible for being granted the Investment policy.

The [name of applicant] shall request the competent authority to make adjustments (where necessary) or grant the investment policy (if the investment policy is approved).

FOR ASSESSING AUTHORITY
(Signature, full name, title and seal)

Representative's full name

Form 05

**NAME OF ASSESSING
AUTHORITY**

No:

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

..... *[Location and date]*.....

REPORT

On assessment of financial capacity and capital allocation plans (for group-A projects)

To: [The Assessment Council/ presiding authority]

Pursuant to the Decision No.....on the establishment of the Assessment Council for.....[name of the project/program) dated.....by [name of authority establishing the Assessment Council) and application No.....for assessment of financial capacity and capital allocation plan submitted by [name of applicant] on....., the [name of assessing authority] hereby presents the assessment results as follows:

Part I

ASSESSMENT DOCUMENTS AND ASSESSING AUTHORITY

I. ASSESSMENT DOCUMENTS

1. The pre-feasibility study or investment policy proposal under the Law on Public Investment^{*}.
2. The internal inspection report of [owner of the program/ project management organization].
3. The report on assessment financial capacity and capital allocation plan under the Article 38 of the Law on Public Investment.
4. Proposals of the People's Council or Standing People's Councils at all levels (for those assessed by the Ministry of Planning and Investment, and Ministry of Finance).
5. Other relevant documents (if any).

II LEGAL BASIS

1. The Law on Public Investment.
2. Documents providing guidance on the implementation of the Law on Public Investment.
3. Other relevant documents (if any).

III ASSESSING AUTHORITIES

1. Presiding authority:
2. Cooperating authorities:
3. Methods of assessment: By meeting or questionnaire survey or both of them (where necessary).

Part II

PROPOSALS

I. PROJECT/PROGRAM DESCRIPTION AND PROPOSALS OF THE ASSESSING AUTHORITY/ASSESSMENT COUNCIL

1. Name of project/program:
2. Project group:
3. Investment policy-making authority:
4. Investment decision-making authority:

5. Name of investor (if any):
6. Location of project/program:
7. Investment (specify the amount each source of finance and investment phases).
8. Assessed sources of finance:
9. Sector/field funded with assessed sources of finance:
10. Project/program schedule (progress schedule and investment phases):
11. Form of investment:
12. Other information (if any):

II PROPOSALS OF COOPERATING AUTHORITIES

All proposals of cooperating authorities under the Law on Public Investment and Government's Decrees.

III PROPOSALS OF ASSESSING AUTHORITY

The financial assessment shall be made in accordance with the Law on Public Investment and Government's Decree.

The proposals shall focus on assessment elements stipulated in Article 25 of this Decree and shall specify the following aspects:

1. For sources of finance: the proportion of the project/program to the invested capital; the project objectives, beneficiaries and field/sector of the program/project.
2. For capital allocation plans: the capital mobilization capacity
3. For funding: the amount of funding for the program/plan and schedule of disbursement

(The assessing authority/Assessment Council has the right to adjust the assessed elements (where necessary) in accordance with the Law on Public Investment and the guidance of the Prime Minister and Ministry of Planning and Investment.

IV CONCLUSION

It is feasible/ infeasible to reach the balance between the financial capacity and capital allocation of the [name of project/program]. The applicant shall submit the complete capital structure to the investment policy-making authority.

The [name of applicant] shall request the competent authority to make adjustments (where necessary) or grant the Investment policy (if the investment policy proposal is approved). /.

FOR ASSESSING AUTHORITY
(Signature, full name, title and seal)

Representative's full name

Form 06

**NAME OF ASSESSING
AUTHORITY**

No:

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

..... [Location and date].....

REPORT

on assessment of financial capacity and capital allocation plans (for group-B and group-C projects)

To: (Name of the Assessing Authority)

Pursuant to the application for assessment of sources of finance and capital allocation No.....submitted by [Name of applicant] on....., the assessing authority [name of assessing authority] hereby presents the assessment results of financial capacity and capital allocation plan as follows:

Part I

ASSESSMENT DOCUMENTS AND ASSESSING AUTHORITY

I. ASSESSMENT DOCUMENTS

1. The investment policy proposal under the Law on Public Investment.
2. The internal inspection report of the project management organization.

3. The report on financial capacity and capital allocation plan under the Article 38 of the Law on Public Investment.
4. Proposals of the People's Council or Standing People's Councils at all levels (for those assessed by the Ministry of Planning and Investment, and Ministry of Finance).
5. Other relevant documents (if any).

II LEGAL BASIS

1. The Law on Public Investment.
2. Documents providing guidance on the implementation of the Law on Public Investment.
3. Other relevant documents (if any).

III ASSESSING AUTHORITIES

1. Presiding authority:
2. Cooperating authorities:
3. Methods of assessment: By meeting or questionnaire survey or both of them (where necessary).

Part II

PROPOSALS

I. PROJECT DESCRIPTION AND PROPOSAL OF THE ASSESSING AUTHORITY/ASSESSMENT COUNCIL

1. Name of project:
2. Project group:
3. Investment policy-making authority:
4. Project investment decision-making authority:
5. Name of investor (if any):
6. Location of project:
7. Estimated investments (specify the amount of each source of finance and investment phases).

8. Assessed sources of finance:
9. Sector/field funded with assessed sources of finance:
10. Project schedule (progress schedule and investment phase):
11. Form of investment:
12. Other information (if any):

II PROPOSALS OF COOPERATING AUTHORITIES

All proposals of cooperating authorities shall be aggregated in accordance with the Law on Public Investment and Government's Decrees.

III PROPOSALS OF THE ASSESSING AUTHORITY

The assessment of sources of finance and capital allocation plan shall be made in accordance with the Law on Public Investment and Government's Decrees.

The proposals shall focus on assessment elements stipulated in Article 25 of this Decree and shall clarify the following aspects:

1. For sources of finance: the proportion of the project/program to the invested capital; the project objectives; beneficiaries and field/sector of the project.
2. For capital allocation: the capital mobilization capacity
3. For funding: the amount of funding each respective project and schedule of disbursement

(The assessing authority/Assessment Council has the right to adjust the assessed elements (where necessary) in accordance with the Law on Public Investment and the guidance of the Prime Minister and the Ministry of Planning and Investment.

IV CONCLUSION

It is feasible/ infeasible to reach the balance between the financial capacity and capital allocation of the [name of project]. The applicant shall submit the complete capital structure to the investment policy-making authority.

The [name of applicant] shall request the competent authority to make adjustments (where necessary) or grant the Investment policy (if the investment policy proposal is approved). /.

FOR ASSESSING AUTHORITY

(Signature, full name, title and seal)

Representative's full name

Form 07

**[NAME OF THE
INVESTMENT POLICY-
MAKING AUTHORITY
-----]**

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness
-----**

No:

..... [Location and date].....

DECISION

On Investment Policy of..... [name of program]

Pursuant to the Law on Public Investment;

Pursuant to the guidance on the implementation of the Law on Public Investment;

Other relevant documents (if any);

At requests of the [name of owner of the program]/ Assessment Council, the [name of the investment policy-making authority] hereby decides as follows:

Article 1. Approval for the investment policy of [name of program]

1. Program objectives:
2. Contents of program:
3. Investment: (specify the amount of each source of finance).
4. Owner of program:
5. Location:
6. Duration of the program:

- 7. Plans for the program execution:
- 8. Other contents (if any).

Article 2. Implementation organizations

- 1. The owner of the program shall:
 - a) Take charge of and cooperate with relevant agencies to submit the pre-feasibility study of [name of program] to the Investment decision-making authority under the Law on Public Investment;
 - b) Other contents (if any).
- 2. Responsibilities of relevant authorities (if any).

Article 3. Implementation

- 1. [Name of the owner of the program] and relevant authorities shall be responsible for the implementation of this Decision.
- 2. [name of authority] shall inspect and supervise the implementation of this Decision and submit reports to the [name of Investment decision-making authority under regulations of laws. /.

**FOR DECISION-MAKING
AUTHORITY**
(Signature, full name, title and seal)

Representative's full name

Form 08

**[NAME OF INVESTMENT
POLICY-MAKING
AUTHORITY]**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No:

..... *[Location and date]*.....

DECISION *

On investment policy for..... [name of project]

Pursuant to the Law on Public Investment;

Pursuant to the guidance on the implementation of the Law on Public Investment;

Other relevant documents (if any);

At requests of the [name of project management organization/ Assessment Council, the [name of Investment policy-making authority] hereby decides as follows:

Article 1. Approval for the investment policy for [name of project] by project management organization

1. Project objectives:
2. Scope of project:
3. Project group:
4. Total investment:
5. Sources of finance (specify the amount of each source of finance):
6. Location of project:
7. Duration of project:
8. Project progress:
9. Other contents (if any).

Article 2. Implementation organizations

1. The [name of project management organization] shall:
 - a) Take charge of and cooperate with relevant agencies to submit the feasibility study of [name of project] to the Investment policy-making authority under the Law on Public Investment and relevant laws;
 - b) Other contents (if any).
2. Responsibilities of relevant authorities (if any).

Article 3. Implementation

1. The [Name of the project management organization] and relevant authorities shall be responsible for the implementation of this Decision.
2. The [Name of inspecting/supervising authority] shall inspect and supervise the implementation of this Decision and submit reports to [name of Investment policy-making authority] under regulations of laws. /.

**FOR DECISION-MAKING
AUTHORITY**

(Signature, full name, title and seal)

Representative's full name

* Pre-feasibility study report of group-A projects; report on investment policy proposals for group-B and group-C projects.

* Pre-feasibility study report of group-A projects; report on proposals for program investment policies.

* *Where the Standing People's Council is authorized to make decisions on investment policies for group-B projects and group-C key projects, the Standing People's Council shall grant the Decision on Investment policy under the form of an official dispatch which includes similar contents to that using in this form but shall not be made into clauses.*