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LEGAL UPDATE

No. 2 – March 2024

(15 Mar 2024 – 31 Mar 2024)



News in focus

New Decree on management and development of the industrial clusters
(Taking effect from 01 May 2024)

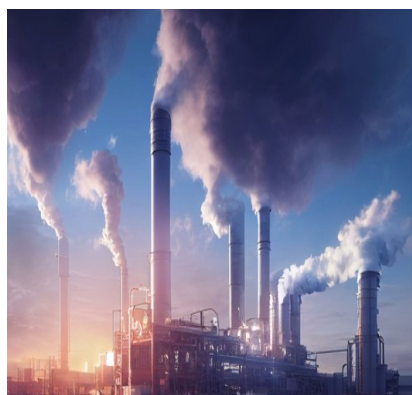


New legal documents

Remarkable among documents:

The Minister of Finance's Circular 18/2024/TT-BTC stipulating economic-technical norms for import and export of national reserves directly managed by the General Department of State Reserve

A – News in focus



New Decree on management and development of the industrial clusters

(Taking effect from 01 May 2024)

On 15 March 2024, the Government enacted Decree No. 32/2024/ND-CP on management and development of the industrial clusters. This new Decree comes into effect from 01 May 2024 and replaces the others as follows:

- Decree No. 68/2017/ND-CP; and
- Decree No. 66/2020/ND-CP.

In this legal update, WIKI LEGAL reveals highlights of Decree No. 32/2024/ND-CP.

1. Business lines and business establishments are encouraged to invest and relocate to industrial clusters

- Processing and manufacturing industry for agriculture;
- Mechanical industry, supporting industry, textile and footwear industry;
- Information technology and telecommunications industry, electronics industry;
- Smart energy industry, digital technology industry, automation, high-end equipment, new materials, biotechnology;
- Local industrial business lines and handicrafts need to be preserved and developed;
- Warehousing, packaging, goods transportation, repair and maintenance of machinery, industrial equipment and services directly serving industrial production and handicrafts of the locality with a total area not exceeding 10% of the industrial cluster area;
- Other industries and industries have high, clean technology with less consumption of energy, bringing high added value and sustainable development;
- Industrial production establishments and handicrafts that pollute or are at risk of causing pollution in craft villages and residential areas being encouraged to relocate to industrial clusters.

2. Conditions for establishing industrial clusters

- Being in the list of industrial clusters in the province approved by the competent authorities; having a land fund suitable to the land use planning in the district;
- There are enterprises, cooperatives and organizations with legal status and capacity to invest in technical infrastructure construction to apply to be investors in building technical infrastructure of industrial clusters;
- In case district-level areas have established industrial clusters, the average occupancy rate of industrial clusters reaches over 50% or the total unleased industrial land fund of industrial clusters **does not exceed 100 hectares** (*currently regulated less than 50 hectares*).

3. Conditions for expanding industrial clusters

- The total area of the industrial cluster after expansion does not exceed 75 hectares; having a land fund suitable to the land use planning in the district;
- There are enterprises, cooperatives and organizations with legal status and capacity to invest in technical infrastructure construction to apply to be investors in building technical infrastructure of industrial clusters;
- Reaching an occupancy rate of at least 60% or the demand for leasing industrial land in an industrial cluster exceeds the existing industrial land area of the industrial cluster;
- Completing the construction and putting into operation of essential shared technical infrastructure works (including: internal roads, water supply, wastewater collection and treatment) according to the approved detailed plan.

4. Order of establishment and expansion of industrial clusters

Time	Competent Authority	Content
05 business days from the receipt date of the first document from the enterprise, cooperative or organization requesting to be the investor in the construction of technical infrastructure of industrial clusters	District People's Committee	Announce the receipt of dossiers of application for establishment and expansion of industrial clusters on local mass media. Time limit for receiving applications is within 15 days from the issuance date of the notice.
15 days from the date the District People's Committee issues a notice of receiving dossiers		Receive dossiers for establishment and expansion of industrial clusters.
25 days from the receipt date of the complete dossiers for establishment and expansion of industrial clusters	Department of Industry and Trade (DOIT)	<ul style="list-style-type: none"> Complete appraisal and synthesis of reports to provincial People's Committees on the establishment and expansion of industrial clusters. In case the dossier and contents of the report on establishment and expansion of industrial clusters do not meet the requirements, the DOIT shall send a written request to the District People's Committee to supplement and complete the dossier (<i>The time limit for supplementing and completing dossiers is not included in the appraisal time</i>).
07 business days from the receipt date of 01 dossier of establishment and expansion of industrial clusters together with appraisal report of the DOIT	Provincial People's Committee	Consider and make decisions on the establishment and expansion of industrial clusters. The decision on establishment and expansion of industrial clusters shall be sent to the MOIT in 01 copy.

5. Transitional provisions

- Industrial clusters that are in the process of appraisal, decision on establishment and expansion as prescribed in Decree No. 68/2017/ND-CP and Decree No. 66/2020/ND-CP shall continue to comply with the provisions of these Decrees;
- Industrial clusters with an area of less than 10 hectares or industrial clusters in mountainous districts, handicraft village industrial clusters with an area of less than 5 hectares established and expanded before the effective date of Decree No. 68/2017/ND-CP; industrial clusters established before the effective date of Decision No. 105/2009/QD-TTg and established by competent authorities with an area of over 75 hectares shall continue to operate and manage according to the provisions of this Decree;
- The units assigned as investors to build technical infrastructure of industrial clusters specified in Clause 2 Article 15 of Decree No. 68/2017/ND-CP shall continue to operate until a decision on arrangement and handling is issued by a competent authority; exercise the rights and obligations of investors building technical infrastructure of industrial clusters in this Decree and relevant laws.

B – New legal documents



Remarkable new legal documents

(Enacted from 15 Mar 2024 to 31 Mar 2024)

No.	Legal documents
EXPORT AND EXPORT	
1	The Minister of Finance's Circular 18/2024/TT-BTC stipulating economic-technical norms for import and export of national reserves directly managed by the General Department of State Reserve
	Enactment Date: 22 Mar 2024 Effective Date: 10 May 2024
AUDIT	
2	Thông tư 22/2024/TT-BTC sửa đổi Thông tư 202/2012/TT-BTC hướng dẫn đăng ký, quản lý và công khai danh sách kiểm toán viên hành nghề kiểm toán, Thông tư 203/2012/TT-BTC về trình tự, thủ tục cấp, quản lý, sử dụng Giấy chứng nhận đủ điều kiện kinh doanh dịch vụ kiểm toán và Thông tư 91/2017/TT-BTC quy định về việc thi, cấp, quản lý chứng chỉ kiểm toán viên và chứng chỉ kế toán viên do Bộ trưởng Bộ Tài chính ban hành
	Enactment Date: 26 Mar 2024 Effective Date: 01 July 2024

No.	Legal documents	
STATE FINANCE		
3	The Minister of Finance's Circular 19/2024/TT-BTC stipulating economic-technical norms for preservation of national reserves and norms of loss of national reserve paddy and rice directly managed by the General Department of State Reserve	
	Enactment Date: 22 March 2024	Effective Date: 10 May 2024
4	The Minister of Finance's Circular 20/2024/TT-BTC stipulating the norm of import costs and costs for exporting national reserves at the door of the national reserve warehouse, directly managed by the State General Reserve Department	
	Enactment Date: 25 March 2024	Effective Date: 15 May 2024
5	Circular 21/2024/TT-BTC stipulating the norm of costs for preserving national reserves directly managed by the General Department of State Reserves of the Minister of Finance	
	Enactment Date: 25 March 2024	Effective Date: 15 May 2024
6	The Minister of Finance's Decision 449/QD-BTC in 2024 adjusting the price list for charging registration fees for cars and motorcycles	
	Enactment Date: 15 March 2024	Effective Date: 20 March 2024
COMMERCE - INVESTMENT		
7	Decree No. 32/2024/ND-CP on management and development of the industrial clusters	
	Enactment Date: 15 March 2024	Effective Date: 01 May 2024
8	Decision 321/QD-BKHDT in 2024 announcing new administrative procedures in the field of bidding for contractor and investor selection within the scope of management functions of the Ministry of Planning and Investment	
	Enactment Date: 18 March 2024	Effective Date: 18 March 2024