**Procedure for adjusting investment registration certificate in case of exercise of rights to use land and property on land which is part of investment projects for contributing capital to enterprises**

1. **Conditions for investors to contribute capital through the rights to use land and property on land**

- Conditions prescribed by the law on land concerning rights and obligations of land users and persons having property on land; rights and obligations of persons receiving the rights to use land and property on land as contributed capital; conditions for capital contribution and receipt of the rights to use land and property on land as contributed capital;

- Conditions prescribed by the law on construction, housing and real estate business (if any);

- Conditions specified in the Decision on approval for investment policies, Decision on investor approval, Investment registration certificate, agreement (if any) between the competent authority and investor;

- Conditions for capital contribution and receipt of wholly state-owned enterprises’ property as contributed capital in accordance with regulations of law on management and use of state capital invested in manufacturing and business activities of enterprises and management and use of public property and relevant regulations of law;

- Conditions for capital contribution, and purchase of shares and stakes prescribed in Clause 2 Article 24 of the Law on Investment and market access conditions applied to foreign investors;

- Fulfillment of financial obligations (if any) to the State as prescribed by law.

1. **Procedures**
* **Application composition**

+ An application form for adjustment *(template A.I.11.e specified in Circular no. 03/2021/TT-BKHĐT)*;

+ Report on the project’s progress by the time of capital contribution;

+ An agreement between shareholders and members on exercise of the rights to use land and property on land which is part of the investment project for enterprise establishment or contribution of additional capital to the enterprise that is operating;

+ A copy of documents on the legal status of the investor contributing capital and the investor receiving contributed capital;

+ A copy of the Investment registration certificate, Decision on approval for investment policies, Decision on investor approval (if any) of the capital contributing party;

+ A copy of the Certificate of land use rights, Certificate of ownership of houses and land use rights or Certificate of land use rights, ownership of houses and other property on land.

* **Number of application dossiers:**

+ Project subject to approval for their investment policies by the Prime Minister: submit 08 sets to the Ministry of Planning and Investment.

+ Project subject to approval for their investment policies by the city People’s Committee: submit 04 sets to the Department of Planning and Investment.

+ Project not subject to approval for their investment policies: submit 01 set to the Department of Planning and Investment.

* **Processing time:**

+ Project subject to approval for their investment policies by the Prime Minister: 40 working days from the receipt of the valid application.

+ Project subject to approval for their investment policies by the city People’s Committee: 32 working days from the receipt of the valid application.

*(Processing time does not include the time for transferring dossiers between agencies)*