**Procedure for adjusting Investment registration certificate in case of transfer of part or whole of investment projects**

1. **Conditions for transfer**
* The investment project or the part of the invesment project which is transferred has not been terminated in accordance with Clauses 1 and 2 Article 48 of the Law on Investment 2020.
* The foreign investor receiving whole or part of the investment project must satify market access conditions, ensure national defense and security, comply with regulations of the law on land and conditions for receipt of land use rights and conditions for use of land on islands or in border communes, wards or towns and coastal communes, wards or towns.
* The conditions set forth in the law on land, housing, real estate business are complied with related transfer case of investment project.
* The conditions set forth in the written approval for investment policies, Investment registration certificate or in accordance with other relevant regulations of law (if any) are complied with.
1. **Procedures**
	1. **For an investment project has had its investment policies approved together with approval for the investor but the investor has transferred whole of the project before it is operated or there is a change of conditions applicable to the investor**
* **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 transfer the investment project;

+ A contract or principal contract for transfer of part or whole of the investment project;

+ A copy of documents on the legal status of the tranferor and transferee;

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

+ A copy of the BCC (for BCC investment projects);

+ A copy of one of the following documents of the transferee: financial statements for the last two years or equity audit of the investor, commitment of the parent company to provide financial support or commitment of a financial institution to provide financial support, guarantee for the investor’s financial capability or a document describing the investor’s financial capability.

* **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.

* **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)*

* 1. **For an investment project has had its investment policies approved and the transfer thereof changes any content of approval for the investment policies in one of the cased mentioned in Points a, b, c, d, dd and e Clause 3 Article 41 of the Law on Investment 2020:** the transferor follows the same adjustment procedures as specified at 2.1.

*For investment project has had its investment policies approved and has been put into operation, the investor is not required to follow the procedures for approving investment policies adjustment upon tranfer of the project.*

* 1. **For investment project has had its investment policies approved thereof does not change any content of approval for the investment policies in one of the cases mentioned in Points a, b, c, d, dd and e Clause 3 Article 41 of the Law on Investment 2020:** the tranferor does not have to follow the procedures for approving investment policies adjustment but the procedures for adjusting Decision on investor approval.

 **- Application composition:** the same application composition specified at 2.1

**- Number of application dossiers:** submit04 sets to the Department of Planning and Investment.

**- Processing time:** 32 working days from the receipt of the valid application.

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

* 1. **For investment projects that has been issued with the Investment registration certificate and not subject to approval for its investment policies or has had its investment policies approved in a case other than the case specified in Clause 3 Article 41 of the Law on Investment 2020**

**- Application composition:** the same application composition specified at 2.1

**- Number of application dossiers:** submit01 set to the Department of Planning and Investment.

**- Processing time:** 10 working days from the receipt of the valid application.