DECISION

PROMULGATING THE REGULATION OF MANAGEMENT OF INVESTMENT IN CONSTRUCTION OF SILVICULTURE WORKS

THE PRIME MINISTER

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

Pursuant to the Law on State Budget dated December 16, 2002;

Pursuant to the Law on Forest Protection dated December 03, 2004;

Pursuant to the Law on Construction dated November 26, 2003;

Pursuant to the Law on Investment dated November 29, 2005;

Pursuant to the Law Amending, Supplementing a number of Articles of the laws concerning to investment in basis construction dated June 19, 2009;

At the proposal of Minister of Agriculture and Rural Development,

DECIDES:

Article 1. Issue together with this Decision the Regulation on management of investment in construction of silviculture works.

Article 2. This Decision takes effect from January 01, 2011.

Article 3. Minister of Agriculture and Rural Development shall be responsible for presiding, guiding, organizing, directing and inspecting the implementation of this Decision.

The ministers, heads of ministerial-level agencies, heads of governmental agencies, presidents of People's Committees of provinces and cities under central authority shall be responsible for the implementation of this Decision./.
FOR THE PRIME MINISTER
DEPUTY PRIME MINISTER

Nguyen Sinh Hung

REGULATION
OF MANAGEMENT OF INVESTMENT IN CONSTRUCTION OF SILVICULTURE WORKS
(Issuing together with Decision No.73/2010/QD-TTg dated November 16, 2010 of the Prime Minister)

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of governing

1. This Regulation provides for:

a) Formulation, appraisal and approval of investment projects in construction of silviculture works, investment project of protection and development of collective forest (hereafter referred to as the Forestry Development Project) with use of more than 30% of total State capital (including the State budget capital, credit capital guaranteed by the State, the credit capital of investment and development of the State, development investment capital of State-owned enterprises and other capital sources managed by the State).

b) The implementation of construction investment projects of silvicultural works; conditions on the capacity of organizations and individuals in construction activities of silviculture works.

2. The construction investment projects of silvicultural works funded with official development assistance capital (referred to as ODA capital) under the scope of governing of this Regulation. Where the international Treaties which the competent state agencies of the Socialist Republic of Vietnam have signed otherwise provided for shall comply with the provisions of such international Treaties.

3. The formulation, appraisal, approval, and implementation of technical infrastructure works for the forest protection and development shall comply with the current regulations of the Law relating to investment in basic construction.
4. Encouragement of organizations and individuals related to investment in construction of silvicultural works using other capital sources to apply to the provisions of this Regulation.

**Article 2. Subjects of application**

This Regulation shall apply to agencies, organizations, population communities, households and individuals related to investment in construction of silvicultural works.

**Article 3. Interpretation of terms:**

In this Regulation, the following terms shall be construed as follows:

1. *Silvicultural works* mean the area of forest, seedling garden, and nursery trees garden which are formed from the implementation of silvicultural activities and construction of work items of necessary technical infrastructure for forest protection and development.

2. *Silvicultural activities in the silvicultural work projects have:* forest planting; natural regeneration growing zoning; regeneration growing zoning with intervention; forest nourishment, natural forest reformation, forest enrichment; formulation of seedling sources of forest trees.

3. *Afforestation* means the creation of a new forest area on bare land without forests or on forest land newly exploited up. Afforestation includes activities from preparation of seedlings, vegetation treatment, holes digging, fertilization, holes filling and seedlings transport, planting, caring and protection until planted forests are accepted and handed over.

   Afforestation includes newly planting the forest, replanting the forest after exploiting; and planting forests in forest regeneration and planting “green ice” for preventing fire; planting the forest in combination with agriculture.

4. *Regeneration growing zoning of natural forests* means the selection, establishment of bare land areas having naturally regenerated trees (status Ib, Ic) which are capable to develop into forest naturally with a specific purpose and protection organizations in order to prevent undesirable effects from outside until reaching the criteria of the forest. Natural regeneration growing zoning includes the activities: set up the areas of growing on the map and on the field and to protect until they became forests.

5. *Regeneration growing zoning with intervention* means the forest regeneration growing zoning with a certain intervention of people. Regeneration growing zoning with intervention includes the activities: setting up the growing zoning area on the map and in the field, clearing creepers, shrubs, removing non-purpose trees, additionally planting trees (if necessary) and protecting them until they became forests.
6. **Nurture of forest** means a silvicultural activity impacting on a forest area with a specific forest ecosystem to maintain and improve the quality of the forest. Nurture of forest can have activities such as thinning, pruning, clearing creepers, shrubs, cleaning up, removing non-purpose trees, and protecting until the acceptance and handover.

7. **Poor natural forest regeneration** means the reforestation from poor natural forest.

8. **Natural forest enrichment** means the silviculture intervention on an area of natural forest with medium reserves to rapidly achieve a higher volume. Forest enrichment may have activities: adjusting the density of forest trees with the removal of non-purpose trees, pruning, clearing creepers, shrubs, additionally planting trees (if necessary) and protecting until the acceptance and handover.

9. **Development of forest seedling sources** include the following activities: planting seeds, nurseries, young trees garden, conversion from natural forests or planted forest into seed forest, setting up the selected forestry parts for dominant plants for growing until the acceptance and handover.

10. **Technical infrastructure works for forest protection and development**, include:

    a) The system of forest roads: motorways, footpaths or roads used for other rudimentary transporting tools;

    b) The works for the prevention of pests causing harm to forest, forest fire prevention and fighting: fire separation lines, forest fire watchtowers, canals, water tanks, dams for forest fire prevention and fighting;

    c) Forest protection station; signs, caution boards, landmarks of the forest zones, sub-zones, plot, and lot of forest;

    d) The other necessary infrastructure works in silviculture projects.

11. **Silviculture work design** means the process of survey of natural conditions (topography, vegetation status, soil, climate), socio-economic conditions; survey to determine the scope of the work in the field and on a map and determine the parameters and silvicultural technical measures, construction techniques; to determine the technical requirements of materials, labor and investment estimates for the silvicultural works.

12. **Contractors in construction activities of silviculture works** mean the organizations and individuals having sufficient capacity to implement silvicultural work and forestry technical material supply services, seedling, seed, fertilizer for the silviculture projects.

13. **Consultancy services of silvicultural work construction** includes survey, establishment of investment projects for silvicultural work, mapping, making project, design and cost estimates, construction supervision.
14. *Construction investment project of silviculture works* (hereinafter referred to as silviculture projects) including documents and maps to describe the activities related to the investment of capital and manpower to implement a specific silvicultural work, to bring the specific economic, social and environmental benefits, is done on an area and within a specified time in which the rate of investment capital for silvicultural activity accounting for 50% of the total investment of the silviculture project or more.

A silvicultural project may include several items of silvicultural work linked closely together on the investment localities, the execution time, and investment purposes by the same investor or only a separate silvicultural work.

15. *Investors of silviculture projects* mean the capital owners or persons assigned to manage and use funds for construction investment of silviculture work, as determined in accordance with the law provisions on investment - construction.

16. *Investment projects of collective forest protection and development* (hereinafter referred to as the Forestry Development Project) mean a collection of silviculture projects and basic construction works having the common goal of forest protection and development for an area, for one or more localities related to each other, in a development phase, approved as a program or investment policy.

In the Forest Development Projects (nature as a Project O), it may have the investment projects which components are the silviculture projects, the projects to build infrastructure and other non-silviculture activities, such as management, planning, forestry land allocation, training, forestry encouragement, scientific research within the project.

In a forestry development project having wide-ranging, involving many different locations, can have the component Forestry Development Projects of each locality.

**Chapter 2.**

**FORMULATION, APPRAISAL AND APPROVAL OF SILVICULTURAL PROJECTS**

**Article 4. Conditions for formulating silvicultural projects**

1. Silvicultural investment projects shall be formulated on the basis of:

a) Having area of land or forest area clearly and specific boundaries;

b) The land area of the project has already had the specific owner (or a certificate of land use rights, or be certified by the competent authorities of the land use right in cases not yet had a certificate of land use rights, or be assigned for leasing to the investors) the land owner can directly invest in the silviculture projects or link to other investors.
c) The land area located in the planning of 3 forest types.

d) Project of silvicultural investment consistent with the planning of local forest protection and development (for independent silvicultural investment projects) or the component projects in the forestry development projects which have been approved by the competent authority.

2. In the case of the area without planning of forest protection and development or land area of the projects located outside the forestry land planning, or not in the approved forestry development projects, it is required to submit to the competent authorities for the guidelines for project formulation.

**Article 5. Formulation of silvicultural projects**

1. Formulation of silvicultural projects must be based on results of ground survey and inspection, measure of the current state of vegetation in the field (field), processing and technical design (office) in order to complete records, documents of technical design, maps, cost estimates for specific activities based on standards, norms and the economic – technical norms, prices at the time of project formulation and current mechanisms, policies of the State.

2. When making silvicultural project, the investor must consider, analyze, and select the size of the appropriate silvicultural work: with clear, specific, and feasible target, location, area, volume, total investment, starting and complete time.

3. Content of the silvicultural project includes:

a) Overview on the project: The name of the project; implementation location; Time; The Project governor (for investment decision level); the project owner, the owner of the land, the forest zone; agency establishing the project and coordination; Total investment and capital source.

b) The specific contents of the project: The legal bases and the need for investment in silviculture projects; natural conditions; economic-social conditions, (if needed) Objectives of the Project; the scope and scale of the project.

The Ministry of Agriculture and Rural Development guides specifically the formulation of silvicultural project.

**Article 6. Map of silviculture projects**

1. Using topographic maps by the reference system VN 2000 issued by the Ministry of Natural Resources and Environment with coordinate grid, the number of the sub-zones, plot, lots of national unity, which shows the contour, the current state, standard objects (rivers, streams, roads, fire preventing ice, forest guard stations, forest ranger booth ...) to develop silviculture projects.
2. The map of the current state and the map of technical design: for the afforestation, rate is 1/5,000 - 1/10,000; and for regeneration growing zoning of forests, forest protection, the rate is 1/10,000 - 1/25,000.

3. The maps are included in the project file, signed and stamped by the investor and certified by the competent authorities for each type of map according to provisions for the project.

The Ministry of Agriculture and Rural Development guides and specifies on the silvicultural design symbols on the map and the competent authorities certify the design maps of the silviculture projects.

**Article 7. Dossiers submitted for appraisal and approval of silviculture projects**

Dossiers submitted for appraisal and approval of silviculture projects must be made fully as required by the authorities of investment decisions which have an original, for the appraisal, approval and archiving, including:

1. The written appraisal of project, which shows the summary of the project;

Project summary must show the main features of the project, such as name and main contents of the project; investor; location and size of the project (forest area or forestry land where the project impacts); volume of silvicultural items and other construction items in the silviculture project; estimate for the entire project and the items, the items of the silvicultural work in the project; estimate for starting and complete time.

2. Silvicultural project, signed and sealed by the investor and consultancy agency to set up the project (together with appendices, tables);

3. The system of maps shall comply with the provisions of Article 6 of this Regulation;

4. The involved legal documents (the decision of the competent authorities) such as guidelines for investment, technical plan and cost estimates for making the project (if any), the land use right certificate (the copy) or the policy of permitting land use of the competent authorities, the Forestry Development Planning…

**Article 8. Organization of appraising silviculture projects**

1. Directorate of Forestry under the Ministry of Agriculture and Rural Development organizes appraisal or coordinates with the concerned units to preside over the appraisal of the projects decided for investment by the Ministry of Agriculture and Rural Development.

The Ministries, branches that decide the investment in the silviculture projects organize specifically the appraisal of silviculture projects.
2. Provincial-level People's Committees (PPC) shall appraise the project decided on investment by them. Departments of Agriculture and Rural Development (or agencies authorized by the PPC) are the contact points for organizing the appraisal.

3. Commune, District-level People's Committees shall appraise projects decided on investment by them (if any). The contact points for projects appraisal appointed by investment decisions authorities.

4. The persons who make investment decisions are responsible for appraisal of the project before the approval. The contact points for projects appraisal are the professional units directly under the investment decision authority. The professional agencies to act as contact points for project appraisal are responsible for sending the project file to the concerned agencies to consult opinions or hold the meetings for appraisal. The persons who make investment decisions can hire consultants to verify parts or all of the contents specified in Article 9 of this Regulation.

**Article 9. Contents of the silvicultural project appraisal**

1. Considering legality, factors to ensure the effectiveness of projects, including: the need for investment, the inputs of the project, the technical solutions of the silvicultural activities; the size, time, progress to implement the project; analyzing finance, environmental, economic - social efficiency of the projects;

2. Considering the factors to ensure the feasibility of the project, including the compliance with land use planning, planning of forest protection and development of the areas, the localities; demand for land use; capability to mobilize capital to ensure progress of the project; management experience of investors; the ability to repay loans (if any); factors affecting the project as the cultural, historical relics, or relating to the beliefs of communities on the basis of the written comments of the concerned agencies and other provisions of involved law;

3. Risk issues that may occur during implementation affecting the investment results;

4. Conditions and the capacity of the consultancy, design, supervision, construction;

5. Appraisal of silvicultural technical design, technical design of forest fire prevention and fighting, cost estimates and the total investment.

6. Field appraisal of the reforestation projects and other silvicultural activities shall be conducted if necessary.

**Article 10. Competence to decide silvicultural investment projects**

1. Ministers, heads of ministerial-level agencies decide the investment or decentralize, authorize to decide on investment to the direct subordinate agencies.
2. Chairmen of provincial People's Committees decide on the investment or decentralize, authorize to decide on investment in the projects within the scope and the ability to balance the local budget.

3. Chairmen of district-level People's Committees decide to invest for the silviculture projects which are decentralized and the silvicultural projects of households, individuals and communities in the area (if any).

Article 11. Adjustment of silvicultural projects

The adjustment of silviculture projects shall comply with the provisions of the law on Investment and Construction and in accordance with the decentralization of investment decisions of the ministries, central branches, and People's Committees of provinces.

Chapter 3.

PROJECT IMPLEMENTATION

Article 12. The forms of selection of contractors

1. Implementation of the forms to select the contractors is under the Procurement Law in the implementation of investment projects.

For the following silvicultural works, work items are applied of the selection form of contractors as appointment of contractors or self-making:

a) New afforestation, reforestation after harvesting, planting of green ice for fire prevention, caring of forests, forest regeneration growing zoning, nourishment, enrichment and protection of forests;

b) Development of demonstration model;

c) Development of experiment model, seed test;

d) Consultancy for making project and technical design and cost estimates for projects or items of the project;

d) Import of the breed, selecting to create seedlings, supplying seedlings;

2. The selection of contractors, contract signing, contract price, contract acceptance, and liquidation... shall comply with the current regulations on bidding of the State.

Article 13. The forms of project management
The forms of project management, tasks, and powers of investors, project management unit, project management consultants shall comply with current provisions of law on investment and construction.

**Article 14. Annual acceptance**

1. Annual acceptance of silvicultural works to determine the volume and quality of silvicultural works conducted in the year, as a basis for payments for the volume of implementation between the investor and the contractor, the contractors under the contract.

2. Depending on the nature of each silviculture work item, the acceptance can be proceeded step by step by construction stages; the phase acceptance results are the bases to advance capital to the contractor, the contractors and as a basis to enhance quality management of silvicultural work in each stage.

3. Ministry of Agriculture and Rural Development shall prescribe the order and contents of test acceptance methods for each silviculture work item.

**Article 15. Acceptance for the project completion**

1. Acceptance for the project completion to determine area and evaluate the quality of the forest plots became forests, or silvicultural activities completed as a basis for converting the forest plots to different stages of investment, such as nurture, forest enrichment and other silvicultural activities, or for management, protection or exploitation to use.

2. For the area which has not been became forest after the end of the project, the investor proposes orientation, designs technical solutions, submits to the competent authorities for approval to continue the investment to become forest.

3. For area which cannot become forest: the investor makes clear the cause, files and submits to competent authorities for handling.

4. Acceptance test results are used for the handover of silvicultural works. After the acceptance, investor proposes the silvicultural technical solutions for the next stage.

5. Ministry of Agriculture and Rural Development defines the content and order of method to perform acceptance for the project completion.

**Article 16. Funding for acceptance implementation of silvicultural work**

1. Funding for acceptance of the completed work volume in year, every year and acceptance for the project completion is identified in cost estimates of the project.

2. Ministry of Agriculture and Rural Development guides the contents of the method of making expenditure norm, spending rate for the project.
3. Provincial-level People's Committees guide, establish, manage, and inspect the implementation of regulations on cost management in the area.

**Article 17. Payment and settlement of capital of investment in silviculture work construction**

The Ministry of Finance shall preside over and coordinate with the Ministry of Agriculture and Rural Development to guide the payment and settlement of capital of investment in silviculture work construction.

**Article 18. End of project**

1. Silviculture projects are finished on the basis of acceptance results to end the project in accordance with the approved project and the signed contract. Before handing over the silviculture work, construction contractor must liquidate, remove the unnecessary works (if any), clean the premises or remove all its property from construction areas and return the land borrowed or rented temporarily for construction in accordance with the contract.

2. After handing over the silvicultural works, the investor makes profile and submits for approval of the settlement of investment capital.

**Article 19. Inventory of silvicultural works and making current status map of forest**

1. Regarding inventory: silvicultural works used the results of acceptance and handover which were re-checked and accepted the final year of the project as the results of the inventory to end the project.

2. Mapping the forest current state: on the basis of the inventory results, investor makes the map of forest current state. The rate of forest current status map made for the level commune-level is 1/10,000 - 1/25,000. Funding for mapping forest current status is included in the cost of project consultancy.

**Article 20. Handover of the silvicultural work**

1. Silvicultural work completed and accepted, inventoried according to provisions and meeting requirements as approved design is considered as a special asset to handover to the owner for management, maintenance, and use by the purposes of each type of forest.

2. Within six months before the end of the silvicultural work investment, investor must propose the plan of handing over property approved by the competent authorities, if the plan of handing over has not yet got in the project.

3. The handover is conducted between the investor and the contractor or the contracting party and the unit receiving management/forest owner under the plan approved. Depending on the specific conditions of each project, when ending investment period, it
can proceed hand-over of each part, each item of work under the project or component project for the forest owners to continue to manage under the regulations.

4. When handing over the entire silviculture work, it must hand over dossier for silvicultural work completion, the materials on issues related to silviculture work. The construction documents of silviculture work must be submitted for storage in accordance with the law provisions of the state archives. Handover dossier comprises:

   a) Records of design - cost estimates; records of acceptance results becoming forest which was rechecked or the results of forest inventory for project completion.

   b) Map of all kinds;

   c) Proposal of measures to protect and silvicultural technical measures for the following periods to make the planning and plan of forest protection and development of the forest owners.

5. After the silvicultural work is accepted and handed over, the receiving unit to manage must conduct property registration in accordance with the law regulations. Dossier of property registration is the minute of general acceptance of the work handover.

6. Minute of handing over the work is legal document for investor to settle investment capital.

Chapter 4.

CAPABILITY CONDITIONS OF ORGANIZATIONS AND INDIVIDUALS IN CONSTRUCTION ACTIVITY OF SILVICULTURE WORK

Article 21. Capacity conditions of organizations in construction activity of silvicultural work

1. The organizations involved in construction consulting activity of silvicultural work must be established under the provisions of law and have business registration license in accordance with the requirements of the project, except for management units of protective forest and specialized-used forest that have sufficient conditions for self-implementation.

2. If each consulting organization has enough capacity, it can take on all the consultancy works of silvicultural work construction project from preparation until acceptance for putting the silviculture work into operation except for the following cases:

   a) Design consultants are not allowed to do as supervision consultant for silvicultural construction work designed by them;
b) Supervision consultant are not allowed to implement and participate in quality assessment of silviculture work supervised by them.

3. To encourage the training, coaching, professional improvement on project planning, construction supervision, project management and other requirements related to construction activities of silvicultural work to grant certificate for organizations and individuals to participate in construction activities of silviculture work.

4. When the consulting organizations establish project, in addition to equipment and necessary personnel, it requires having the head that graduated from university or higher, with expertise in forestry trained suitably to requirements of the project and has minimum 3 working years in the field of consultancy. Besides, a main content of the project must be an engineer (or equivalent) with appropriate qualification to take responsibility.

5. Consulting organization of project management must have director who graduated from university or higher of forestry subject in accordance with project requirements.

Director of consulting, managing projects must have at least 3 years of experience in the silviculture work operations. Besides the director of consulting, managing project, it must also have sufficient capacity (expertise, equipment, number of staffs) to help investor to manage the project. Number of staffs shall be prescribed by investor to suit the size and nature of work of each project.

6. Consulting organizations participating in the project in the stage of survey, design, construction supervision must meet at least the following requirements:

a) Head of the survey, head of design, president of design, and president of supervision must graduate from university or more of the forestry subjects in accordance with the requirements of each project in each specific period;

b) To meet the number of staffs to participate in at the reasonable request of the investor.

7. The organizations of construction of silviculture work must at least meet the following requirements:

a) Having construction commander (technical staff) graduated from university or intermediate level or higher of forestry subject in accordance with the requirements of the project;

b) Having sufficient technical workers in accordance with the requirements of work performed;

c) Having sufficient suitable mainly equipment for construction and for ensuring occupational safety;

d) Having participated in at least one silvicultural work with similar nature and size.
8. To encourage foreign organizations to participate in consulting activities of silvicultural work construction but it must comply with the provisions of the law of Vietnam.

**Article 22. Conditions in the capacity of individual in construction activities of silvicultural work**

1. Individuals engaging in consulting activities of silvicultural work must have a diploma or certificate of training in forestry in accordance with the undertaken work.

2. Individuals holding the titles of director of project management, consultancy, the field commander, construction supervisor can simultaneously take up to three jobs in the area of two adjacent provinces in the same time.

3. To encourage individuals to practice as independent consultant to participate in the consulting activities of silvicultural work construction.

**Chapter 5.**

**DEALING WITH RISK DUE TO FACTORS OF FORCE MAJEURE FOR THE SILVICULTURAL PROJECT**

**Article 23. Factors of force majeure within the project scope**

1. Earthquakes, floods, flash floods, tornados, tsunamis, landslides;

2. War or threat of war;

3. Unusually hot temperatures, drought, hoarfrost, and wind causing damage;

4. Forest fires;

5. Pests;

6. Pests epidemic, insect infestation;

7. The other objective damages.

**Article 24. Handling of unforeseen disasters**

1. In the case of unable to buy insurance for planted forest or other silvicultural work items, for the investments from the state budget, as meeting unforeseen disasters, investor compiles document to send to the agency deciding on investments for damages liquidation.

2. Dossier for dealing with damage includes:
a) A written statement for damages liquidation of investors together with field inspection records. In the statement, it must have a table to calculate number and value of damage and propose specifically the handling trend.

b) Minutes of field inspection of the field inspection team made by the agency making decision on investment. The verification minute includes the following main contents: the composition of inspection team; verification time; duration that the damage occurred; damage on area and extent: in the report, it should clearly identify the location, lot, plot, sub-zone, forest type, detail to forest owners (if it can be identified right away); the extent of damage: number, volumes and estimated values; identify causes, responsibility and propose solutions

3. Competence of appraisal and approval: the authority deciding on investment organizes or authorizes to appraise records of approving liquidation and decides on the trend of damage remedies.

4. Cost for damage remedies is taken by investor from the reserve capital of the project; in case of being short of capital, it is required to report to the competent authority to decide on investment for handling.

Chapter 6.

FORESTRY DEVELOPMENT PROJECT

Article 25. The conditions for setting up forestry development projects

The forestry development project is made on demand or investment policy for forestry development of State in accordance with the planning and approved plan of forest protection and development for a scope of a region, area or on the area of a number of provinces, districts, and communes.

Forestry Development Project is a type of project O with its nature as a target program, which may include the component projects according to the administrative units and with the component investment project as the silvicultural projects and other construction investment projects identified and specifically decided after the Forestry Development Project (general) is approved.

Under the current regulations, forestry investment projects can be:

1. Projects of national importance considered and decided on investment policy by the National Assembly.

2. Projects falling in the jurisdiction to decide of the Prime Minister, ministers, heads of ministerial-level agencies, provincial-level People's Committees’ Chairmen:
a) The inter-provincial, inter-regional project in accordance with the planning and plans for forest protection and development of the region, province;

b) Projects within the provinces, districts and communes in accordance with the planning and plans for forest protection and development of the provinces, districts and communes.

**Article 26. Planning of forestry development project and investment permission**

Based on the size, nature and requirements of management, investment governing agency will decide whether or not to set up investment projects of forestry development in one or two forms as follows:

1. For the projects of national importance, the investor must prepare a report for Forestry Development project to report to the Government for submitting to the National Assembly for passing the policy and permitting investment.

2. In addition to the projects specified in clause 1 of this Article, the investor can set up forestry development projects and submit to the Prime Minister, Ministry of Agriculture and Rural Development and provincial-level People's Committees for appraisal and approval (Forestry Development Project prepared for a stage with nature-oriented common forestry development for an area with the items, quantity, time, funding expected for approval on the investment policy).

3. The main content of the Forestry Development Project:

   a) The need to set up the project, the convenient and difficult conditions; mode of exploitation and use of national resources, if any;

   b) Expectation of investment scale: total investment area including the areas of silviculture work items, infrastructure work and other works;

   c) Analysis and preliminary selection of technologies, techniques; plan of ground clearance and resettlement, if any; the project's impact on the environment, ecology, security, and defense;

   d) Form of investment, the preliminary determination of total investment, time plan to perform the project, method to mobilize funding according to progress and economic-social efficiency of the project and investment phases ( if any).

4. Request for investment in project:

   a) For projects specified in clause 1 of this Article, the investor shall send the Forestry Development Project to the Ministry of Agriculture and Rural Development. The Ministry of Agriculture and Rural Development is the contact point helping the Prime
Minister to consult comments of the ministries, branches, and concerned localities to review and propose opinion to the Prime Minister.

b) The time limit for consulting comments:

Within 15 working days after receipt of valid dossier of forestry development project, the Ministry of Agriculture and Rural Development shall send documents to consult opinions of the ministries, branches, and concerned localities.

Within 30 working days from the date of receiving the request, the agencies consulted must send the written replies on the contents under their management. Within 7 days after receiving full written replies within the above time limit, the Ministry of Agriculture and Rural Development shall prepare a report to submit to the Prime Minister.

c) Report to the Prime Minister includes: content summary of the Forestry Development Project, summary of the opinions of the ministries, branches, and suggestions regarding the approval of project investment together with the written opinions of ministries, branches, and concerned localities.

**Article 27. Appraisal and approval of forest development projects**

1. Appraisal:

The level deciding on investment is responsible for organizing the appraisal of the project prior to approval. Specialized agencies to act as contact points of project appraisal are responsible for sending the project dossiers to the relevant agencies for consulting opinions or holding the appraisal meetings.

a) The Prime Minister establishes the State Council of Appraisal on the national important projects (or by resolution of the National Assembly), the project decided on investment by the Prime Minister and other projects if necessary. The Ministry of Agriculture and Rural Development is the contact point for appraisal;

b) The Ministry of Agriculture and Rural Development shall hold to appraise the project under the Ministry or authorize subordinate units to be as the contact point for appraisal;

c) The provincial-level People's Committees (PPC) shall hold to appraise projects under their jurisdiction. Departments of Agriculture and Rural Development (or agencies authorized by the PPC) are the contact point for appraisal.

2. Approval of the forestry development project.

a) The Prime Minister decides to invest in projects under the Resolution of the National Assembly and other important projects;
b) Ministers, heads of ministerial-level agencies decide on the investment in projects of regional, national importance. Ministerial-level agencies shall be authorized or decentralized investment decisions for the component projects for the People's Committees of provinces or the direct subordinate agencies.

c) Chairmen of the People's Committees at all levels decide on the investment in projects within the provinces. Chairmen of provincial-level People's Committees are authorized or decentralized decision approving the component projects (if any) in the districts for district-level People's Committees or the direct subordinate agencies;

The appraisal and investment decisions in the component projects of forestry development projects shall comply with the provisions of this Regulation and other relevant regulations.

d) The projects using other capital, mixture capital, investors shall self-decide on the investment and take responsibility.

**Article 28. Management of the Forestry Development Projects**

The management of forestry development projects referred to in Chapter VI shall comply with the current regulations and of this Regulation.

**Chapter 7.**

**IMPLEMENTATION PROVISIONS**

**Article 29. Ministry of Agriculture and Rural Development**

1. Guides the formulation of project and management of construction investment costs, including the total investment, design - construction cost estimates of silvicultural works, norms, and construction costs of silviculture works together with other contents provided for in this Regulation.

2. Publicizes technical and economic norms, procedures, standards, technical regulations and other contents specified in this Regulation.

3. Guides the cost levels of appraisal and verification of design – cost estimates, total investment in construction of silviculture works.

4. Defines the training units to grant certificates of consultancy practice in construction activities of silviculture works.

5. Provides for rewards and handling of violations in construction activities of silviculture works.
6. Inspects, examines, and guides the implementation of regulations on management of construction investment costs of silvicultural works.

**Article 30. Ministry of Finance**

1. Guides the payment and settlement of investment capital of silviculture projects.

2. Guides and issues expenses of consultancy insurance, insurance of silviculture activities.

3. Inspects and examines the payment and settlement of the projects using State budget capital.

**Article 31. Provincial-level People's Committees**

1. Provincial-level People's Committees based on technical and economic norms guided by the Ministry of Agriculture and Rural Development to organize development and publication of economic and technical norms for the specific silviculture activities of the localities.

2. Provincial-level People's Committees guides the establishment and management of construction prices of silvicultural activities; and inspects the implementation of the regulations on management of construction investment costs of silvicultural works in the area.

**Article 32. Transitional handling**

1. Project of construction investment of silvicultural works approved before the effective date of this Regulation, but not implemented or being implemented shall comply with the regulations which have been guided.

2. Project of construction investment of silvicultural works which have been formulated and appraised but not approved before this Regulation takes effect shall comply with the provisions of this Regulation./.