

LEGAL UPDATE (June 6th, 2022)

In this issue, we would like to bring to your attention to the following:

- New air services priced by the Ministry of Transport.
- New conditions for implementing industrial park infrastructure projects.

1. **New air services priced by the Ministry of Transport**

The Ministry of Transport issued Circular No. 06/2022/TT-BGTVT amending and supplementing a number of articles of Circular No. 36/2015/TT-BGTVT dated July 24th, 2015 of the Minister of Transport on managing prices off domestic air transportation services and prices of specialized aviation services.

Accordingly, the Ministry of Transport shall determine prices of a number of aviation services exploited by enterprises with a monopoly position, enterprises or groups of enterprises with a dominant position in the market at airports consisting of:

- Aircraft parking rental service.
- Passenger check-in counter rental service.
- Luggage carousel rental service.
- Bridge rental service to take passengers on and off the plane.
- Package technical services for ground trade at airports (for airports where the package method is no longer applied).
- Automatic baggage sorting service.
- Aviation fuel refilling service.
- Service of using underground fuel supply system infrastructure at airports.
- Franchise to operate aviation services, including concession services: Passenger terminal; railway stations, warehouses of goods; serve commercial ground engineering; repair and maintenance of aviation vehicles and equipment; aviation technique; providing airline meals; aviation fuel supply (These are additional new services).

This Circular takes effect from July 15th, 2022.

2. **New conditions for implementing industrial park infrastructure projects**

The Government has issued Decree 35/2022/ND-CP regulating the management of industrial parks and economic zones.

The Decree includes 08 Chapters, 76 Articles, regulating general issues; investing in infrastructure, establishing industrial parks and economic zones; policies on development of industrial zones and economic zones; some types of industrial parks and industrial - service - urban zones; the national information system on industrial parks and economic zones; State management of industrial parks and economic zones; functions, tasks, powers and organizational structure of the Management Board of industrial parks, export processing zones and economic zones; and terms of performance.

In particular, regarding infrastructure investment and industrial park construction, Decree 35/2022/ND-CP abolishes the procedure for establishing industrial zones in order to reduce administrative procedures for businesses. Accordingly, an industrial park is determined to have been established since the competent authority:

- a) Deciding the investment policy of industrial park infrastructure projects using public investment capital in accordance with the law on public investment;
- b) Approving the investment policy and at the same time approving the investor, approving the investor or granting the investment registration certificate to execute the investment project on construction and business of infrastructure of the industrial park according to regulations of investment law.

In addition, Decree 35/2022/ND-CP also completes the conditions for investment and business in industrial park infrastructure (occupation rate, industrial park size, investor's capacity and a some other conditions) on the basis of inheriting the provisions of Decree No. 82/2018/ND-CP and the provisions of Clauses 2 and 3, Article 7 of the Law on Investment in order to ensure conformity with the characteristics of the industrial park infrastructure project.

We hope this Newsletter would bring you useful information.

Best regards.

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