

Appendix 3: Application Documents

As explained in the text, there are specific documents that an investor must submit as part of an application package for the different forms of investment. This Appendix contains the particulars on the more important documents, including the feasibility study, the business co-operation contract, the JV contract, the JV charter, and the FOC charter.

The information presented here comes from two sources:

- Unpublished manuscript on Investing in Vietnam, by Do Dinh Luong of the Institute of Law Research in Hanoi; and
- Decree 18: Regulations Governing in Detail the Implementation of the Law on Foreign Investment in Vietnam.

Documents

<i>Feasibility Study</i>	<p>These studies must attempt to foresee all aspects of the business venture. They must include information on:</p> <ul style="list-style-type: none"> • source of supply, and amount of materials and equipment needed for construction • rate of construction progress • sources of supply of raw and other materials to be used in production • cost of production materials • annual production forecasts • cost of goods produced • number of staff and cost of labour • land requirements • marketing plans for export and local markets • etc. 	<ul style="list-style-type: none"> • procedure for settling disputes between the partners that arise from the execution of the contract • validity of the contract
<i>Business Cooperation Contract</i>	<ul style="list-style-type: none"> • nationalities, addresses and duly authorized representatives of the partners • a description of the intended business activities • a description of the main equipment and materials for business; details on the quantity and quality of products to be sold; markets in which the products will be sold; the ratio of foreign currency and domestic currency to be collected • the obligations and rights of the partners; the method of determining and distributing profits and losses; conditions for assignment of rights and obligations • duration of contract and responsibilities of parties in execution of contract; amendment to and termination of contract 	<p style="text-align: center;"><i>Joint Venture Contract</i></p> <ul style="list-style-type: none"> • nationalities, addresses and authorized representatives of joint venture partners • name, address and business activities of the joint venture • the investment capital, the legal capital, the capital contribution of each partner, the mode and progress rate of capital contribution, the progress rate of the construction of the joint venture, the conditions and procedure for assignment of capital • list of main equipment and materials needed to establish the joint venture; products and their outlets; the ratio of foreign currency and Vietnamese currency to be collected • the duration of the joint venture, termination and dissolution of the joint venture • the procedure for settling disputes between the joint venture partners; the arbitration body and the applicable law in cases of disputes • responsibilities of the partners in the execution of the joint venture contract • the validity of the joint venture contract
		<p style="text-align: center;"><i>Joint Venture Charter</i></p> <ul style="list-style-type: none"> • nationalities, addresses and authorized representatives of the joint venture partners