
NO: /2017/ TT-BNNPTNT

Hanoi,2017

Draft

CIRCULAR

Providing guidelines to implement a number of articles of the Decree No: 15/2015/NĐ-CP dated 14 February 2015 of the Government on Public-Private Partnership Investment in Agriculture and Rural Development

Pursuant to the Government's Public Investment Law No.49/2014/QH13 dated 18/6/2014

Pursuant to the Government's Investment Law No. 67/2014/QH13 dated 25/11/2014.

Pursuant to the Government's Decree No. 15/2017/NDD-CP dated 17/02/2017 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Decree No. 15/2015/NĐ-CP dated 14/02/2015 of the Government on Public-Private Partnership Investment

Pursuant to the Government's Letter No.10126/VPCP-KTN of Government Office to add PPP contract following with Decree No.15/2015/NĐ-CP in agricultural sector.

Minister of the Ministry of Agriculture and Rural Development issues the Circular providing guidelines to implement some article of the Decree No: 15/2015/NĐ-CP dated 14 February 2015 of the Government on Public-Private Partnership Investment in Agriculture and Rural.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular provides guidelines to implement some regulations on investment of Public Private Partnership under Ministry of Agriculture Rural Development, Content of Project proposal, Content of Feasibility Study Report, and Content of project contract under developed under public private partnership investment form in agriculture and rural area as defined in Decree No 15/2015/NĐ-CP dated 14 February 2015 of the Government.

Article 2. Subjects of application

This Circular applies to authorized state organizations and individuals relating to the implementation of projects developed under the public-private partnership investment form in agriculture and rural area.

Article 3. Interpretation of terms

Besides the terms to be interpreted in article 3 of the Decree No 15/2015/NĐ-CP dated 14 February 2015 of the Government, some terms in this circular are construed as follows:

1. *Agriculture*: to be construed broadly , including sectors : agriculture , forestry , salt production, fisheries, irrigation and drainage.
2. *Agricultural concentration production*: a form of agricultural production *associated with a specific production object* and gathering in a certain space with the purpose of producing high volume of agricultural commodities with the similar quality
3. *Public-Private Partnership Investment in Agriculture and Rural area form (hereinafter referred to as PPP) in Agriculture and Rural Area*: an investment form to be implemented based on a contract between an authorized state agency and (an) investor(s), the project enterprise to implement, manage, operate the projects on agricultural and rural infrastructure facilities, provision of public services in agriculture and rural area and services to develop production linkage with the processing and sales of agricultural products
4. *Agricultural and rural infrastructure facilities*: is infrastructure serving for production, bussiness and livelihood in agriculture and rural area.
5. *Value chain of agricultural product*: a chain of actor's activites to be linked from production to processing and product sale to create added value to agricultural products
6. *Service to develop production linkage with processing and sales agricultural products*: a set of services to support the formation of linkage between actors in various stage of value chain from production to processing and sale of agricultural products
7. *Public servies in agriculture and rual area*: are social and non-profitable activities serving for common and essential needs of community in agriculture and rural area to be implemented on the basic of law directly by the Government or authozied.
8. Group of production support services is a set of services for agricultural production development such as input materials supply service, credit finance, training and providing of human resources, Technical infrastructure, science and technology consultancy and policy, agricultural extension, technology transfer, mechanization
9. Group of processing services is a set of services for processing agricultural products such as preserving, processing and processing agricultural products
10. Group of services for agricultural products consumption is the set of services serving the consumption of agricultural products, such as the product consumption, testing and certification of agricultural products, construction of commercial Agricultural commodities, logistics.
11. PPP Contract in agriculture and rural area: Includes contracts regulated in article 3 of the Decree No 15/NĐ-CP and prescribed in Clauses 10 and 11, article 3 of this Circular.
12. Service contract to develop and connect productions, processing and consumption of agricultural products (referred to as DVC contract) is a contract signed between a competent State agencies and investors; In which the investor, the project enterprise

is responsible for organizing and implementing linkage with farmers and representative organizations of farmers in the value chain of agricultural products. Investors are entitled to operate and operate the project, collect service charges from service recipients (if any), and has to collect agricultural output according to agreed quantity, quality and price. Competent state authorities participate in the project by cash or by other forms. After the termination of the project contract, the investor shall transfer the project to the competent state agency as agreed upon.

CHAPTER II

INVESTMENT FIELDS AND PUBLIC PRIVATE PARTNERSHIP CONTRACT

Article 4. Investment fields defined in Point f, Clause 1, Article 4 of Decree No. 15/2015 / ND-CP consists of:

1. Constructions, renovation, operation, business and management of agriculture and rural infrastructure projects include the followings:

- a. Work or work items as part of water supply and drainage system serving irrigation, drainage, industries and other socio-economic purposes; clean water supply facilities in rural areas;
- b. Works or work items as part of infrastructure systems serving concentrated aquaculture and fishing;
- c. Works or work items as part of infrastructure systems serving of cultivation and concentrated husbandry
- d. Works or work items as part of service of forest protection and development;
- e. Works or work items as part of forestry infrastructure systems serving of salt production and processing;
- f. Wholesale markets, auction center, exchanges of agricultural products;
- g. Works of warehouses, bonded warehouses and warehouses for preservation of agricultural products;
- h. Works or work items as part of the system of infrastructure zones and hi-tech agricultural areas
- i. Works or work items of quarantine, survey, test and certification establishments for agro-forestry -fishery products.
- j. Water drainage, collection and treatment of wastewater, wastes and rural environmental pollution.

2. The project on services to link among productions with processing and consumption of agricultural products from two or more agricultural service groups, including support for production and consumption of agricultural products. Sterilization; testing; accreditation; quarantine, quality certification services.

Article 5. Signing of project contract

For projects specified in Clause 1, Article 4 of this Circular, the types of contracts and corresponding provisions of Decree No. 15/2015 / ND-CP and detailed guiding documents of the Ministry Planning and Investment, Ministry of Finance.

2. For projects specified in Clause 2, Article 4 of this Circular, the provisions of this Circular and corresponding provisions of Decree No. 15/2015 / ND-CP and detailed guiding documents Ministry of Planning and Investment, Ministry of Finance.

CHAPTER III

GUIDELINES FOR THE DEVELOPMENT OF PROJECT PROPOSALS, FEASIBILITY STUDY REPORT AND PPP PROJECT CONTRACT IN AGRICULTURE AND RURAL DEVELOPMENT

Article 6. Guidelines proposed building project

Proposals for joint venture development projects linked to processing and marketing of agricultural products shall be made under the guidance in Appendix 1 to this Circular.

Article 7. Guidance on the formulation of feasibility study report

The feasibility study report of the project on production development service associated with processing and marketing of agricultural products shall be made according to the guidance in Appendix 2 to this Circular.

Article 8. Guidance on the formulation of project contract

Service contracts for development and connection of production, processing and consumption of agricultural products are prepared in accordance with forms provided in Appendix 3c of this Circular.

CHAPTER IV

ORGANIZATION OF IMPLEMENTATION

Article 9: The State agency having authority to sign and implement PPP project contracts in agriculture and rural development

1. The Ministry of Agriculture and Rural Development signs contracts, manage and implement investment projects in form of public-private partnerships for projects approved by the Ministry pursuant to Clause 1, Article 8 of Decree 15/2015/ND-CP.
2. Provincial People's Committees signs contracts, manage and implement investment projects in form of public-private partnerships for projects approved by Provincial People's Committees pursuant to Clause 1, Article 8 of Decree 15/2015/ND-CP.

Article 10. Responsibilities of the Ministry of Agriculture and Rural Development

To perform state management of investment in the form of PPPs in the fields under the management of the agriculture and rural development sector and other responsibilities prescribed in Article 69 of Decree No. 15/2015 / ND- CP

Article 11. Responsibilities of Provincial People's Committees

To perform state management of investment in the form of PPPs in the fields under the management of the agriculture and rural development sector and other responsibilities prescribed in Article 69 of Decree No. 15/2015 / ND- CP

Article 12. Effectiveness

1. This Circular takes effect from the date of ... month ... 2017
2. Units under the Ministry of Agriculture and Rural Development, People's Committees at all levels and investors, concerned organizations and individuals shall implement this Circular.
3. During the implementation, if any problems arise, organizations and individuals should report in writing to Ministry of Agriculture and Rural Development; Ministry of Planning and Investment for consideration and settlement. /.

Recipients:

- Government office;
- Ministries and ministerial-level agencies;
- People's Councils, People's Committees, Departments of Agriculture and Rural Development in provinces and centrally run cities;
- Department of legal normative documents inspection - Ministry of Justice;
- Government Website, Government Gazette;
- Units under the Ministry;
- Filing

For Minister
MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT