

**PEOPLE'S COUNCIL
OF DA NANG CITY**

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

No.: 59/2024/NQ-HDND

Da Nang, December 13, 2024

RESOLUTION

Regulating the criteria for certifying enterprises operating in the fields of semiconductor microchips and artificial intelligence within Da Nang City

**THE PEOPLE'S COUNCIL OF DA NANG CITY
TERM X, 2021–2026, THE 21ST SESSION**

Pursuant to the Law on Organization of Local Government dated June 19, 2015; the Law Amending and Supplementing a Number of Articles of the Law on the Government Organization and the Law on the Organization of Local Government dated November 22, 2019;

Pursuant to the Law on Promulgation of Legal Documents dated June 22, 2015, and the Law Amending and Supplementing a Number of Articles of the Law on Promulgation of Legal Documents dated June 18, 2020;

Pursuant to the Law on Corporate Income Tax dated June 03, 2008; and the Law Amending and Supplementing a Number of Articles of the Law on Corporate Income Tax dated June 19, 2013;

Pursuant to the Law on Personal Income Tax dated November 21, 2007; and the Law Amending and Supplementing a Number of Articles of the Law on Personal Income Tax dated November 22, 2012;

Pursuant to the Law Amending and Supplementing a Number of Articles of the Laws on Taxation dated November 26, 2014;

Pursuant to the Law on Tax Administration dated June 13, 2019;

Pursuant to Points b, c, and d, Clause 1, Article 14 of Resolution No. 136/2024/QH15 dated June 26, 2024 of the National Assembly on the organization of urban government and the pilot implementation of a number of specific mechanisms and policies for the development of Da Nang City;

Pursuant to Decree No. 34/2016/ND-CP dated May 14, 2016 of the Government detailing a number of articles of and measures for the implementation of the Law on Promulgation of Legal Documents; Decree No. 154/2020/ND-CP dated December 31, 2020 of the Government amending and supplementing a number of articles of Decree No. 34/2016/ND-CP dated May 14, 2016; and Decree No. 59/2024/ND-CP dated May 25, 2024 of the Government amending and supplementing a number of articles of Decree No. 34/2016/ND-CP dated May 14, 2016 of the Government, which details a number of articles of and measures for the implementation of the Law on Promulgation of Legal Documents, as amended and supplemented under Decree No. 154/2020/ND-CP dated December 31, 2020 of the Government;

At the proposal of the City People's Committee in Submission No. 298/TTr-UBND dated November 30, 2024 on the promulgation of the Resolution regulating the criteria for certifying enterprises operating in the fields of semiconductor microchips and artificial intelligence within Da Nang City; the Verification Report No. 320/BC-HDND dated December 10, 2024 of the Economic and Budget Committee of the City People's Council; and the opinions expressed during the discussions by deputies of the City People's Council at the Session.

HEREBY RESOLVES:

Article 1. Scope of regulation

This Resolution stipulates the criteria, conditions, order, procedures, and operational contents for certifying enterprises operating in the fields of semiconductor microchips and artificial intelligence within Da Nang City (hereinafter referred to as the "City") in order to be eligible for the incentives specified at Points b, c, and d, Clause 1, Article 14 of Resolution No. 136/2024/QH15 of the National Assembly on the organization of urban government and the pilot implementation of a number of specific mechanisms and policies for the development of Da Nang City.

Article 2. Subjects of application

Enterprises, individuals, and organizations operating in the fields of semiconductor microchips and artificial intelligence within the City.

State management agencies and units related to the fields of semiconductor microchips and artificial intelligence within the City.

Article 3. Interpretation of terms

1. Enterprises engaged in semiconductor microchip activities are enterprises participating in the semiconductor industry supply chain, including design, manufacturing, packaging, and testing of semiconductor microchips within the City.

2. Enterprises engaged in artificial intelligence activities are enterprises conducting activities such as providing infrastructure services, data services, and applications based on machine learning and deep learning algorithms with the purpose of enabling machines to replicate human cognitive capabilities.

Article 4. Operational contents of semiconductor microchip enterprises

Enterprises engaged in semiconductor microchip activities are those operating in the following fields:

1. Design

a) Participating in part or all stages of the microchip design process, from chip architecture and logical design (Front-End design) to physical design (Back-End design).

b) Designing and providing software and tools for semiconductor microchip design (EDA).

c) Providing IP cores and IP core services for semiconductor microchip design.

d) Conducting research and development (R&D) and training in semiconductor microchip design, manufacturing, packaging, and testing.

2. Manufacturing

a) Manufacturing semiconductor microchips; chip fabrication (producing refined/etched wafers).

b) Manufacturing raw materials, machine tools, and equipment serving semiconductor microchip manufacturing, including:

- Manufacturing pure wafers and photolithography masks, etc.;

- Manufacturing semiconductor materials (quartz, silicon, and other semiconductor compounds such as GaN, CdS, ZnO, etc.);

- Manufacturing semiconductor components (transistors, ICs, PCBs, power electronics, memory devices, etc.);

- Manufacturing semiconductor-based electronic devices under OEM contracts, and designing and manufacturing semiconductor-based electronic devices under ODM arrangements, excluding companies that only perform product assembly stages;

- Manufacturing machine tools and equipment in semiconductor microchip production lines (photolithography machines, wafer polishing machines, wafer cutting machines, etc.).

3. Packaging and testing

Participating in part or all stages of semiconductor microchip packaging and testing.

Article 5. Operational contents of enterprises engaged in artificial intelligence

Enterprises engaged in artificial intelligence activities are those operating in the following fields:

1. Infrastructure

a) Providing high-performance computing infrastructure services using the processing capabilities of GPUs, NPUs, DPUs, etc., to serve data processing on neural network architectures, training models, and machine learning models.

b) Providing infrastructure services for simulation tasks.

2. Data

a) Data collection, data labeling, data annotation, data quality inspection, data sampling, data augmentation, and data management.

b) Data mining and data analysis for classification and clustering of various types of structured, semi-structured, and unstructured data on neural network architectures, with the capability to represent data using supervised machine learning, semi-supervised machine learning, unsupervised machine learning, reinforcement learning, and federated learning, to support decision-making.

3. Applications based on machine learning and deep learning algorithms: Applications based on algorithms such as Convolutional Neural Networks (CNNs), Feed-Forward Neural Networks, Bayesian networks, Decision Trees, Genetic Algorithms, K-Nearest Neighbors (KNN), Support Vector Machines (SVMs), large language models, large computer vision models, or more advanced algorithms for research, design, development, and testing of the following systems:

a) Computer vision systems, such as image recognition, facial recognition, biometric recognition, object recognition, etc.

b) Speech processing and synthesis systems, including speech recognition, speech-to-text, and text-to-speech systems.

c) Natural language processing systems, including handwriting recognition, machine translation, text summarization, and digital assistants.

d) Data mining and analytics systems for behavior analysis, abnormal transaction detection, alerts, forecasting, and trend prediction in specialized fields.

đ) Expert systems and recommendation systems in specialized fields.

e) Autonomous systems in specialized fields.

g) Generative artificial intelligence systems.

Article 6. Criteria and conditions for determining enterprises engaged in semiconductor microchip activities within the City

1. Criteria: Enterprises that participate in one or more of the activities specified in Article 4 of this Resolution.

2. Conditions: Enterprises must fully satisfy the following conditions:

a) The enterprise is operating and registered for establishment in accordance with the Law on Enterprises within the City; and is registered for business in one (01) of the following business lines: Manufacture of electronic components (2610); Scientific research and technological development in engineering and technology (7212); Software publishing (5820); Computer programming (6201); Computer consultancy and computer systems administration (6202); Information technology service activities and other computer-related services (6209), as prescribed in Decision No. 27/2018/QĐ-TTg dated July 06, 2018 of the Prime Minister, promulgating the Vietnam Standard Industrial Classification System.

b) Having personnel working in the field of semiconductor microchips.

c) Having at least one of the following activities:

- Investment in procurement, receipt of aid or donations of equipment, software, and production lines serving the design, manufacturing, packaging, and testing of semiconductor microchips;

- Generation of revenue from semiconductor microchip activities.

Article 7. Criteria and conditions for determining enterprises engaged in artificial intelligence activities within the City

1. Criteria: Enterprises that participate in one or more of the artificial intelligence activities specified in Article 5 of this Resolution.

2. Conditions: Enterprises must fully satisfy the following conditions:

a) The enterprise is operating and registered for establishment in accordance with the Law on Enterprises within the City; and is registered for business lines in accordance with the List set out in Appendix III enclosed with Decision No. 1354/QĐ-BTTTT dated July 07, 2022 of the Ministry of Information and Communications, promulgating the set of indicators and measurement tools for the digital economy.

b) Having personnel working in the field of artificial intelligence.

c) Having at least one of the following activities:

- Investment in procurement, receipt of aid or donations of equipment, software, and production lines serving design, manufacturing, packaging, and testing in the field of artificial intelligence;

- Generation of revenue from artificial intelligence activities;

- Having output products in the field of artificial intelligence.

Article 8. Criteria and conditions for determining individuals working in the fields of design, manufacturing, packaging, and testing at semiconductor microchip and artificial intelligence enterprises

Individuals must satisfy both of the following conditions:

1. Having a labor contract or expert service contract with an enterprise that has been officially certified as a semiconductor microchip and/or artificial intelligence enterprise. Such labor contracts or expert service contracts must comply with labor laws and clearly specify the position and job duties in the fields of design, manufacturing, packaging, and testing at semiconductor microchip and/or artificial intelligence enterprises.

2. Having documents proving that the individual participates in activities in the fields of design, manufacturing, packaging, and testing at semiconductor microchip and/or artificial intelligence enterprises.

Article 9. Order and procedures for certification as a semiconductor microchip and/or artificial intelligence enterprise

1. Implementation process

a) Step 1: The enterprise submits an application dossier to the Department of Information and Communications.

b) Step 2: Upon receipt of the dossier, the Department of Information and Communications establishes an Appraisal Council to conduct dossier appraisal.

- In cases where the dossier is valid, within 20 working days, based on the appraisal results of the Appraisal Council, the Department of Information and Communications shall issue a written certification recognizing the enterprise as a semiconductor microchip and/or artificial intelligence enterprise.

- In cases where the dossier does not meet the prescribed conditions for support, the Department of Information and Communications shall issue a written reply clearly stating the reasons.

2. Methods of implementation

Organizations may submit dossiers online, in person, or via public postal services; and receive results online, in person at the One-Stop Shop of the Department of Information and Communications at the City Administrative Center (Counter No. 23), or via public postal services.

3. Dossier components and quantity

a) Dossier components:

- For certification of semiconductor microchip enterprises:

- + Written request for certification as a semiconductor microchip enterprise;
- + Contracts for hiring personnel working in the fields of design, manufacturing, packaging, and testing of semiconductor microchips, enclosed with payroll and income payment records;

- + Documents proving the enterprise's participation in semiconductor microchip activities as prescribed in Article 4 of this Resolution;

- + Documents proving at least one of the following activities: investment in procurement, receipt of aid or donations of equipment, software, and production lines serving design, manufacturing, packaging, and testing in the field of semiconductor microchips.

- For certification of enterprises engaged in artificial intelligence activities:

- + Written request for certification as an artificial intelligence enterprise (including a commitment not to infringe software copyrights and that products comply with current laws);

- + Contracts for hiring personnel working in the fields of design, manufacturing, packaging, and testing in artificial intelligence, enclosed with payroll records;

- + Documents proving the enterprise's participation in artificial intelligence activities as prescribed in Article 5 of this Resolution;

- + Documents proving at least one of the following activities: investment in procurement, receipt of aid or donations of equipment, software, and production lines serving design, manufacturing, packaging, and testing in artificial intelligence; revenue generation or output products in the field of artificial intelligence;

- + Documents proving activities or other relevant documents (copyright/intellectual property certificates, etc.).

- b) Number of dossiers:

- Online submission: 01 electronic dossier (the enterprise shall be responsible for the accuracy and consistency between the electronic dossier and the original documents).

- In-person or postal submission: 01 original dossier.

4. Processing time limit: 20 working days.

5. Administrative procedure authority

- a) Direct implementing authority: Department of Information and Communications.

b) Decision-making authority: Department of Information and Communications.

Article 10. Order and procedures for beneficiaries to enjoy income tax exemptions as prescribed at Points b and c, Clause 1, Article 14 of Resolution No. 136/2024/QH15

a) Personal income tax exemption

Individuals who satisfy the conditions specified in Article 8 of this Resolution, during the annual personal income tax finalization process with the tax authority, shall be responsible for presenting dossiers and documents proving their eligibility to the tax authority for consideration and approval.

The order and procedures shall comply with the provisions of the law on tax administration. In the course of completing dossiers with the Tax Department, individuals must present the certificate confirming that the enterprise operates in the fields of semiconductor microchips and artificial intelligence, issued by the Department of Information and Communications, in order to enjoy personal income tax exemption for income paid by such enterprise.

b) Corporate income tax exemption

Organizations and enterprises that satisfy the conditions specified at Point b, Clause 1, Article 14 of Resolution No. 136/2024/QH15, when completing dossiers with the Tax Department, must present the certificate confirming that the enterprise operates in the fields of semiconductor microchips and artificial intelligence, issued by the Department of Information and Communications, in order to enjoy corporate income tax exemption for income derived from the transfer of shares, capital contributions, or rights to contribute capital to semiconductor microchip and artificial intelligence enterprises.

Article 11. Time of entitlement to tax incentives as prescribed in Article 14 of Resolution No. 136/2024/QH15 dated June 26, 2024 of the National Assembly

The time for determining eligibility for corporate income tax exemption, as prescribed at Point b, Clause 1, Article 14 of Resolution No. 136/2024/QH15 dated June 26, 2024 of the National Assembly, for organizations earning income from the transfer of shares, capital contributions, or rights to contribute capital to semiconductor microchip and artificial intelligence enterprises, shall be from the date on which the Department of Information and Communications issues a written confirmation certifying the enterprise as a semiconductor microchip and/or artificial intelligence enterprise.

The time for determining eligibility for personal income tax exemption, as prescribed at Points b and c, Clause 1, Article 14 of Resolution No. 136/2024/QH15 dated June 26, 2024 of the National Assembly, for individuals earning income from the transfer of shares, capital contributions, or rights to contribute capital to semiconductor microchip and artificial intelligence enterprises, as well as income from salaries and wages of experts, scientists, talented individuals, and individuals working in the fields of design, manufacturing, packaging, and testing of semiconductor microchips and artificial intelligence at semiconductor microchip and artificial intelligence enterprises, shall be from the date on which the Department of Information and Communications issues a written confirmation certifying the enterprise as a semiconductor microchip and/or artificial intelligence enterprise.

In cases where individuals or organizations hold shares, capital contributions, or rights to contribute capital to semiconductor microchip and artificial intelligence enterprises prior to the date of certification as semiconductor microchip and/or artificial intelligence enterprises, the period for determining tax exemption shall be counted from the date on which the Department of Information and Communications issues the written certification.

Article 12. Appraisal Council and expenditure levels for appraisal of dossiers requesting certification of semiconductor microchip and artificial intelligence enterprises

1. The Appraisal Council for dossiers requesting certification of semiconductor microchip and artificial intelligence enterprises shall be established by the Director of the Department of Information and Communications, who shall be responsible for the operation of the Appraisal Council.

The Appraisal Council shall operate under the principles of centralism and democracy, making decisions by majority vote or more than half. In cases where opinions of members are equal (50/50), the decision shall follow the opinion of the Chairperson of the Appraisal Council.

2. Funding for appraisal of dossiers requesting issuance of certification documents for semiconductor microchip and artificial intelligence enterprises shall be balanced from the recurrent expenditure budget of the Department of Information and Communications.

3. Expenditure levels for the Appraisal Council are as follows:

- a) Chairperson of the Appraisal Council: VND 1,000,000 per dossier.
- b) Members of the Council: VND 500,000 per person per dossier.

Article 13. Responsibilities of semiconductor microchip and artificial intelligence enterprises within the City

1. To be legally responsible for the accuracy of declarations and supporting documents included in dossiers submitted to the Department of Information and Communications.

2. Annually, enterprises shall submit reports on the incentives enjoyed under this Resolution to the Department of Information and Communications no later than 90 days from the end of the fiscal year. The report shall include the following information: general information of the enterprise or organization; total amount of tax exemptions granted to individuals and semiconductor microchip and artificial intelligence enterprises within the City; details of tax-exempted contents and products; and recommendations or proposals.

3. Enterprises shall notify the Department of Information and Communications in the event of temporary suspension or termination of operations in the fields of semiconductor microchips and artificial intelligence.

Article 14. Effectiveness

This Resolution shall take effect from January 01, 2025.

Article 15. Organization of implementation

1. The City People's Committee is assigned to take responsibility for and organize the uniform implementation of this Resolution throughout the City, ensuring publicity and transparency in accordance with the law. In cases where new technologies in the fields of semiconductor microchips and artificial intelligence arise that are not yet regulated in this Resolution and are related to the certification of semiconductor microchip and artificial intelligence enterprises, the City People's Committee shall submit proposals to the City People's Council for decision. The City People's Committee shall periodically review and report on the implementation results of this Resolution at the year-end sessions of the City People's Council.

2. The Standing Committee of the City People's Council, its Committees, Delegations of Deputies, and individual Deputies of the City People's Council shall closely supervise the organization and implementation of this Resolution.

3. The Vietnam Fatherland Front Committee of the City is requested to coordinate in supervising the organization and implementation of this Resolution.

This Resolution was adopted by the Da Nang City People's Council, Term X, 2021–2026, at its 21st Session on December 13, 2024.

Recipients:

- Standing Committee of the National Assembly;
- The Government; Office of the President;
- Ministry of Finance; Ministry of Information and Communications;
- Department for the Review of Legal Normative Documents – Ministry of Justice;
- Department of Legal Affairs – Ministry of Information and Communications;
- Standing Committee of the City Party Committee;
- Advisory and assisting agencies of the City Party Committee;
- National Assembly Deputies’ Delegation of the City;
- Standing Committee of the City People’s Council;
- City People’s Committee; Vietnam Fatherland Front Committee of the City;
- Committees of the City People’s Council;
- Deputies of the City People’s Council;
- Office of the National Assembly Deputies’ Delegation and the City People’s Council;
- Office of the City People’s Committee;
- City departments, sectors, and mass organizations;
- District and county Party Committees; People’s Committees and Vietnam Fatherland Front Committees of districts and counties; Hoa Vang District People’s Council;
- Party Committees and People’s Committees of wards and communes; People’s Councils of communes;
- Da Nang Newspaper; Da Nang City Police Special Edition; Da Nang Radio and Television Station; Vietnam Television Center (VTV8); City Web Portal;
- Archived, Chairperson of the People’s Council.

CHAIRPERSON
(Signed and sealed)
Ngo Xuan Thang

(Name of the enterprise)

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No.:

Da Nang, day month year

**APPLICATION FOR CERTIFICATION OF ENTERPRISE
ENGAGED IN SEMICONDUCTOR MICROCHIP ACTIVITIES**

To: Department of Information and Communications of Da Nang City

Pursuant to Resolution No. 136/2024/QH15 of the National Assembly on the organization of urban government and the pilot implementation of a number of specific mechanisms and policies for the development of Da Nang City;

Pursuant to Resolution No. .../2024/NQ-HDND dated December, 2024 of the Da Nang City People's Council on ...;

(Name of the enterprise) hereby submits this application to the Department of Information and Communications of Da Nang City for certification as a semiconductor microchip enterprise, with the following details:

Part 1. Enterprise information

1. Enterprise name in Vietnamese: (As stated in the Enterprise Registration Certificate, written in capital letters)

Abbreviated enterprise name: (As stated in the Enterprise Registration Certificate):

Enterprise name in a foreign language: (As stated in the Enterprise Registration Certificate)

2. Head office address: (As stated in the Enterprise Registration Certificate)

3. Enterprise Registration Certificate No.: issued by date of issue: place of issue:

4. Charter capital:

5. Telephone: Fax:

6. Website (if any): Email:

7. Legal representative:

Full name: Position:

Personal identification number/Identity card/Passport No.:

Telephone: Email:

8. Regular contact person during the procedure:

Full name: Position:

Personal identification number / Identity card / Passport No.:

Telephone: Email:

9. Enterprise tax identification number:

Part 2. Contents for which certification is requested

a) Contents related to semiconductor microchip activities in which the enterprise is engaged:

b) Contents related to investment in procurement, receipt of aid or donations of equipment, software, and production lines serving the design, manufacturing, packaging, and testing activities in the semiconductor microchip field:

c) Contents related to employment of personnel in the semiconductor microchip field.

Part 3. Proposed time of certification

Year:

Part 4. Enclosed documents

The enclosed documents include:

1.

2.

Part 5. Commitment

(Name of the enterprise) hereby commits to:

To take full legal responsibility for the accuracy and legality of the information stated in this application for certification as a semiconductor microchip enterprise and all enclosed dossiers and documents.

Recipients:
- As stated above;
.....

**LEGAL REPRESENTATIVE
OF THE ENTERPRISE**
(Signature, full name, title, and seal)

(Name of the enterprise)

SOCIALIST REPUBLIC OF VIETNAM
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No.:

Da Nang, day month year

**APPLICATION FOR CERTIFICATION OF ENTERPRISE
ENGAGED IN ARTIFICIAL INTELLIGENCE ACTIVITIES**

To: Department of Information and Communications of Da Nang City

Pursuant to Resolution No. 136/2024/QH15 of the National Assembly on the organization of urban government and the pilot implementation of a number of specific mechanisms and policies for the development of Da Nang City;

Pursuant to Resolution No. .../2024/NQ-HDND dated December, 2024 of the Da Nang City People's Council on ...;

(Name of the enterprise) hereby requests the Department of Information and Communications of Da Nang City to certify that the enterprise is engaged in artificial intelligence activities in the year ..., with the following details:

Part 1. Enterprise information

1. Enterprise name in Vietnamese: (As stated in the Enterprise Registration Certificate, written in capital letters)

Abbreviated enterprise name: (As stated in the Enterprise Registration Certificate):

Enterprise name in a foreign language: (As stated in the Enterprise Registration Certificate)

2. Head office address: (As stated in the Enterprise Registration Certificate)

3. Enterprise Registration Certificate No.: issued by date of issue: place of issue:

4. Charter capital:

5. Telephone: Fax:

6. Website (if any): Email:

7. Legal representative:

Full name: Position:

Personal identification number/Identity card/Passport No.:

Telephone: Email:

8. Regular contact person during the procedure:

Full name: Position:

Personal identification number / Identity card / Passport No.:

Telephone: Email:

9. Enterprise tax identification number:

Part 2. Contents for which certification is requested

a) Contents related to artificial intelligence activities in which the enterprise is engaged:

b) Contents related to investment in procurement, receipt of aid or donations of equipment, software, and production lines serving design, manufacturing, packaging, and testing activities in the field of artificial intelligence, or revenue generated from artificial intelligence activities, or output products in the field of artificial intelligence:

c) Contents related to the employment of personnel in the field of artificial intelligence:

Part 3. Proposed time of certification

Year:

Part 4. Enclosed documents

The enclosed documents include:

1.

2.

Part 5. Commitment

(Name of the enterprise) hereby commits to:

1. To take legal responsibility for the accuracy and legality of the information stated in the application for certification of the enterprise’s artificial intelligence activities in the year and all enclosed dossiers and documents.

2. Artificial intelligence products developed by the enterprise are not used for purposes that violate current laws and regulations.

3. The enterprise does not infringe any copyrights during the implementation of the artificial intelligence activities for which certification is requested in this application.

Recipients:
- As stated above;
.....

**LEGAL REPRESENTATIVE
OF THE ENTERPRISE**
(Signature, full name, title, and seal)