



# Forvis Mazars Legal Vietnam

Thought catalyst

**Vietnam Construction Law update:**

**A practical overview of the six implementing decrees effective from 1 July 2026**

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## Foreword

The Government has issued six key decrees implementing the new construction law framework, namely Decree No. 206/2026/ND-CP, Decree No. 207/2026/ND-CP, Decree No. 209/2026/ND-CP, Decree No. 210/2026/ND-CP, Decree No. 212/2026/ND-CP, and Decree No. 217/2026/ND-CP, all effective from 1 July 2026. These decrees form the core implementing framework of Vietnam's new construction regime and introduce substantial changes affecting the development, procurement, execution and management of construction projects.

Although the decrees have now been in force for several months, many foreign investors, project developers, EPC contractors, consultants and lenders are still assessing their practical implications for ongoing and future projects in Vietnam.

This article provides a concise summary of the six implementing decrees and highlights the key changes that foreign investors and project stakeholders should be aware of when structuring, developing and implementing construction and infrastructure projects in Vietnam.



# Key highlights in implementation decrees on Vietnam's Construction Law

| No. | Decree                                                                                                                                        | Legal updates                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 1   | Decree No. 206/2026/ND-CP dated 15 June 2026 detailing regulations on the management of construction investment costs (“ <b>Decree 206</b> ”) | <ul style="list-style-type: none"> <li>• <b>Determining preliminary total construction investments for large-scale, technically complex projects using new unfamiliar technologies in Vietnam:</b> employers may reference and use foreign prices, norms, and cost data from similar overseas projects<sup>1</sup>.</li> <li>• <b>Use of foreign norms in determining the construction investment costs of their projects:</b> for large-scale or technically complex public investment projects, or projects applying new technologies not yet commonly used in Vietnam, the project owner may, where necessary, use foreign construction norms to ensure consistency with the project's applicable standards and technologies.</li> <li>• <b>Further guidance on determining construction costs in Front End Engineering Design (“FEED”) for the Feasibility Study Report</b> <sup>2</sup>.</li> <li>• <b>A more blanket, open-ended definition to construction preparation costs (in total construction investment amount):</b> instead of listing activities considered as construction preparation costs, Decree 206 defines such costs as costs for executing work under project preparation stage<sup>3</sup>.</li> <li>• <b>Method to determine costs for activities Works for which the cost cannot be determined from volume and construction price when making construction cost estimate:</b> in such case, costs may be estimated based on the content, scope, and nature of the work<sup>4</sup>.</li> <li>• <b>Clarifying the mechanism for adjusting approved construction cost estimates in specific circumstances:</b> Decree 206 distinguishes between adjustments of approved construction cost estimate before bid opening based on prevailing price levels and regulations, and those after contract signing based on contract terms and prevailing cost management regulations<sup>5</sup>.</li> <li>• <b>Introducing Construction Unit Price Committees:</b> For publicly funded projects of national importance with large-scale, technically complex works using new technologies unfamiliar in Vietnam, investment-decision makers may, where necessary, establish a committee to determine prices for specialized materials and equipment<sup>6</sup>.</li> </ul> |

<sup>1</sup> Article 4.2 of Decree 206

<sup>2</sup> Article 6.3 and 12.2 of Decree 206

<sup>3</sup> Article 11.1 of Decree 206

<sup>4</sup> Article 12.2(a) of Decree 206

<sup>5</sup> Article 18.1 of Decree 206

<sup>6</sup> Article 24.5 of Decree 206

# Key highlights in implementation decrees on Vietnam's Construction Law

| No. | Decree                                                                                                                                                                 | Legal updates                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2   | Decree No. 207/2026/ND-CP dated 15 June 2026 on construction quality management, construction execution, and maintenance of construction works (“ <b>Decree 207</b> ”) | <ul style="list-style-type: none"> <li>• <b>Encouragement to use Building Information Model (“BIM”) in construction management:</b> employers and contractors may mutually agree to apply BIM in the management, acceptance, and handover of construction<sup>7</sup>.</li> <li>• <b>Safety measures in construction:</b> Clarifies the mandatory content of safety measures plan in construction<sup>8</sup> to be submitted and implemented by the contractor<sup>9</sup>.</li> <li>• <b>Contractor’s continuous liability after warranty period:</b> Removes the provision requiring contractors to remain liable for their completed work after the warranty period<sup>10</sup>.</li> </ul> |
| 3   | Decree No. 209/2026/ND-CP dated 15 June 2026 on management of building materials (“ <b>Decree 209</b> ”)                                                               | <ul style="list-style-type: none"> <li>• <b>Production of building materials:</b> Encourages the use of waste soil, rock, and debris from mineral mining and processing to produce building materials or for use in construction works<sup>11</sup>.</li> <li>• <b>Incentives for sustainable and innovative building materials:</b> the Vietnamese government is to introduce incentives to promote the development and usage of new, recycled, green, lightweight, smart, and eco-friendly building materials, as well as materials suitable for coastal and island areas, ensuring sustainable development and national defense/security<sup>12</sup>.</li> </ul>                             |

<sup>7</sup> Article 11.1 of Decree 207

<sup>8</sup> Appendix III of Decree 207

<sup>9</sup> Article 2.18, 15.3, and 15.5 of Decree 207

<sup>10</sup> Article 29.6 of Decree 06/2021/ND-CP dated 26 January 2021 requires such a continuous liability for of construction survey contractor, design contractor, construction contractor, equipment supply contractor and other relevant contractors

<sup>11</sup> Article 10.3 of Decree 209

<sup>12</sup> Article 12.1 of Decree 209



# Key highlights in implementation decrees on Vietnam's Construction Law

| No. | Decree                                                                                | Legal updates                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| 4   | Decree No. 210/2026/ND-CP dated 15 June 2026 on construction contracts ("Decree 210") | <ul style="list-style-type: none"> <li>• <b>Expansion of scope of application:</b> Decree 210 now applies to all types of projects, including privately funded projects alongside publicly invested and PPP projects<sup>13 14</sup>.</li> <li>• <b>Differentiate important milestones in a construction contract:</b> Distinguishes between the validity period of a construction contract and the contract execution period<sup>15</sup>. New classification of construction contract: Introduces several new classes of contracts, such as cost-plus-fee contract, output-based contract, and percentage-based contracts<sup>16</sup>.</li> <li>• <b>Contractor's right to extension of time<sup>17</sup>:</b> Remove statutory right of the contractor to extension of time in case of late payment or non-payment from the employer in public investment and PPP projects<sup>18</sup>.</li> <li>• <b>Additional sanctions for Contractor's refusal to extend performance security because of Contractor's delay:</b> Beside failure to perform the contract after the effective date, the Contractor shall no longer be entitled to their performance security if it fails to extend the validity of the performance security to cover any delay for which it is responsible<sup>19</sup>.</li> <li>• <b>Clarify timeline for contractual procedures:</b> <ul style="list-style-type: none"> <li>▪ Specifies the procedure and time limit (7 days) for responding to construction contract amendment requests (applicable to public investment and PPP projects)<sup>20</sup>.</li> <li>▪ No longer mentions the time bar for the notice of claim under a construction contract, while providing a stricter time limit (maximum 7 days) for responding to the claim in public investment and PPP projects<sup>21 22</sup>.</li> </ul> </li> <li>• <b>Clarify the timing for advance payment recovery:</b> Clarifies that the advance payment shall be recovered when the sum of both the advance made and all payments for completed works (Article 12.3.m) reached 80% of the contract price<sup>23</sup>.</li> </ul> |

<sup>13</sup> Article 1.2 of Decree 37/2015/ND-CP dated 22 April 2015 excludes privately funded projects from its mandatory application, while encouraging their voluntary adoption.

<sup>14</sup> Article 2 of Decree 210

<sup>15</sup> Article 10.1 and 10.2 of Decree 210

<sup>16</sup> Article 6.2 (dd), 6.2(e), 6.2(g) of Decree 210

<sup>17</sup> Previously under Article 40.2(b) of Decree 37/2015/ND-CP dated 22 April 2015 ("Decree 37"), the Contractor is entitled to claim extension of time on the basis of late or non-payment

<sup>18</sup> Article 26.2(a) of Decree 210

<sup>19</sup> Article 13.2(dd) of Decree 210

<sup>20</sup> Article 22.4(b) of Decree 210

<sup>21</sup> Article 21.4 of Decree 210

<sup>22</sup> Originally 28 days for responding to a claim under Article 44.4 of Decree 37

<sup>23</sup> Article 12.3(m) of Decree 210

# Key highlights in implementation decrees on Vietnam's Construction Law

| No. | Decree                                                                                                                                                                                                     | Legal updates                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4   | Decree No. 210/2026/ND-CP dated 15 June 2026 on construction contracts (" <b>Decree 210</b> ")                                                                                                             | <ul style="list-style-type: none"> <li>• <b>Clarify the conditions and procedure for adjustment of work division among members of a consortium:</b> internal workload among members may be adjusted when the employer agrees to it on the basis of (i) unanimity among consortium members, (ii) member's construction capacity and (iii) assurance of construction quality, safety, efficiency and time for completion<sup>24</sup>.</li> <li>• <b>Extend the employer's power in implementing contracts for special and urgent public projects:</b> the employer may, on their own, decide the execution and management of construction contract for special public investment projects and emergency projects/works<sup>25</sup>.</li> <li>• <b>Supplement professional ethics standards for Dispute Board (DB) members:</b> DB members must be objectivity, independence, and have no conflict of interest with the parties<sup>26</sup>.</li> </ul>                                                                                                                                                                                                                              |
| 5   | Decree No. 212/2026/ND-CP dated 17 June 2026 on conditions for construction capacity, and the construction activity information system and national construction activity database (" <b>Decree 212</b> ") | <ul style="list-style-type: none"> <li>• <b>Changes to the process of issuing the construction practicing certificate for domestic individual contractors:</b> <ul style="list-style-type: none"> <li>▪ Abolishes practicing certificates for Project Management and Construction Valuation<sup>27</sup>.</li> <li>▪ Provincial People's Committees are now authorized to issue practicing certificates<sup>28</sup>;</li> <li>▪ Shortens the issuance time for new practicing certificates from 10 to 6 working days<sup>29</sup>.</li> </ul> </li> <li>• <b>Clarify the removal of construction conditions for domestic organizational contractors:</b> Removes certification and hard capacity conditions; only public disclosure of capacity is required.</li> <li>• <b>Changes to the Construction Operating License application procedure for foreign contractors:</b> <ul style="list-style-type: none"> <li>▪ Provincial People's Committees are now authorized to issue construction operating licenses<sup>30</sup>;</li> <li>▪ Shortens the issuance time for new licenses from 20 to 6 working days upon receipt of a valid dossier<sup>31</sup>.</li> </ul> </li> </ul> |

<sup>24</sup> Article 23.2(c) of Decree 210

<sup>25</sup> Article 4.6 of Decree 210

<sup>26</sup> Article 17.3(b) Decree 210

<sup>27</sup> Article 55.2 of Decree 212

<sup>28</sup> Article 31.1 of Decree 212

<sup>29</sup> Article 30.2 of Decree 212

<sup>30</sup> Article 44 of Decree 212

<sup>31</sup> Article 46 of Decree 212

## Key highlights in implementation decrees on Vietnam's Construction Law

| No. | Decree                                                                                                                         | Legal updates                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6   | Decree No. 217/2026/ND-CP dated 19 June 2026 detailing regulations on construction activity management (" <b>Decree 217</b> ") | <ul style="list-style-type: none"> <li>• <b>Expands the scope of Building Information Model ("BIM") application:</b> BIM application is mandatory to all new Grade II (or higher) construction works starting for the preparation of the Feasibility Study ("FS") Report or the Economic-Technical Report<sup>32</sup>.</li> <li>• <b>Modernize the procedure of obtaining a Construction Permit:</b> Requires online processing for Construction Permit procedures and shortens processing times to align with Resolution No. 66.18/2026/NQ-CP dated 18 May 2025<sup>33</sup>.</li> <li>• <b>Narrows the scope of projects exempt from preparing a Feasibility Study (only an Economic-Technical Report is required)</b><sup>34</sup>.</li> <li>• <b>Adds environmental and green criteria requirements to the FS Report content for urban projects</b><sup>35</sup>.</li> <li>• <b>Adds project management regulations for special public investment projects to align with the Law on Public Investment and infrastructure promotion policies</b><sup>36</sup>.</li> </ul> |

<sup>32</sup> Article 8.1(a) of Decree 217

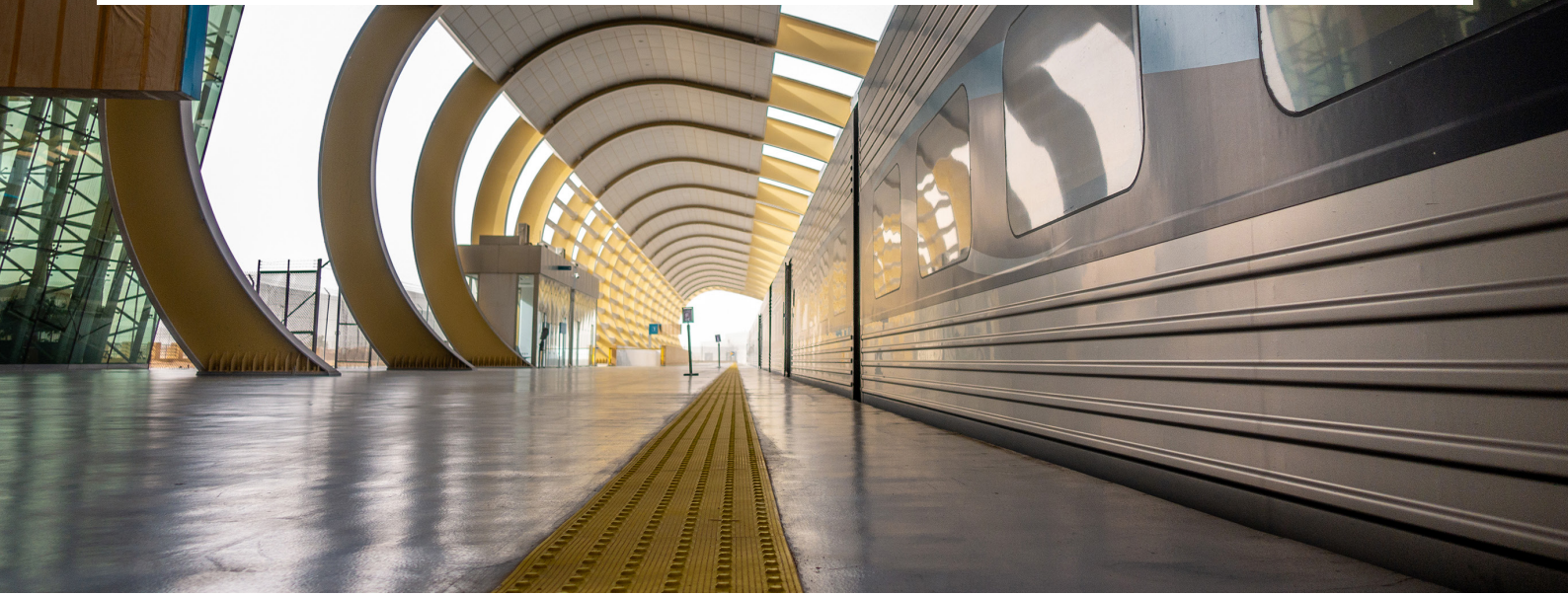
<sup>33</sup> Article 54 of Decree 217

<sup>34</sup> Article 27.2(b) and Article 27.2(dd) of Decree 217

<sup>35</sup> Article 29.1(p) of Decree 217

<sup>36</sup> Article 71 of Decree 217

# Key highlights in implementation decrees on Vietnam's Construction Law



## Conclusion

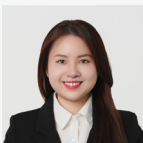
The issuance of these six new decrees marks a significant milestone in Vietnam's ongoing efforts to streamline construction management, promote technological innovation (such as BIM), and decentralize administrative authority, thereby more closely aligning with international standards and global practices. Taking effect on 1 July 2026, these comprehensive updates will substantially impact both domestic and foreign investors, contractors, and project management units. Enterprises operating within the construction sector are strongly advised to proactively review these regulatory changes, update their internal compliance protocols, and adjust their contract templates for upcoming projects.

*Should you require further clarification on how these new regulations specifically impact your business, please do not hesitate to contact our legal team.*

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*\*This technical series by Forvis Mazars Legal Vietnam offers a concise overview of Vietnamese Construction Law and relevant international standards. The information and analysis provided are generic and based on quoted or interpreted regulations.*

*We recommend that the clients contact Forvis Mazars Vietnam's experts for project-specific clarification or professional advice tailored to your circumstance.*

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