

SCIENTIFIC RESEARCH, TECHNOLOGICAL DEVELOPMENT, AND INNOVATION ACTIVITIES - KEY REGULATORY PROVISIONS APPLICABLE TO ORGANIZATIONS AND ENTERPRISES

PHAM QUYNH NHUNG

On October 14, 2025, the Government promulgated Decree 267/2025/ND-CP (**Decree 267**) providing details for certain provisions of the Law on Science, Technology and Innovation 2025, which took effect on October 1, 2025. Decree 267 provides detailed guidelines for the implementation of the Law on Science, Technology and Innovation 2025 with respect to science, technology and innovation programs and tasks, as well as measures to promote scientific research, technological development, and innovation activities. In this Legal Newsletter by NHQuang&Associates, we highlight several key provisions of Decree 267 that may affect organizations and enterprises as follows:

First, Decree 267 regulates the **requirements** for organizations and enterprises that apply for funding or commissioning to perform science, technology and innovation tasks funded by the State budget. Accordingly, these organizations and enterprises must:

- (i) Possess legal personality;
- (ii) Have the capacity, experience, and functions, duties, or operational fields relevant to the area of research

within the proposed task;

(iii) Not fall under any of the following circumstances:

- Failing to submit the dossier requesting final evaluation or acceptance evaluation for science, technology and innovation tasks, or for other State-funded science and technology tasks presided by such organization at the time of application submission;
- Failing to fully return the funds to be recovered under decisions or notices of competent authorities by the deadline for submission of the application;
- Undergoing a one-year restriction from the date of the decision issued by a competent authority to suspend their implementation of science, technology and innovation tasks or science and technology tasks due to their legal violations, up to the deadline for submission of the application;
- Being suspended from operation or having been administratively sanctioned for violations in the field of science, technology and innovation, and the statutory period for being considered as not having been administratively sanctioned has not expired; or being subject to disciplinary measures or criminal prosecution.



(iv) Satisfy other conditions applicable to each type of tasks as prescribed by the competent management authority (if any).

Second, Decree 267 provides specific regulations on categories of **risks causing damage to the state that are accepted** in scientific research, technological development and innovation activities. Acceptable risks causing damage to the state in scientific research, technological development and innovation activities are defined as risks which **(i)** are unforeseeable, **(ii)** arise from the nature of the research subject, **(iii)** are carried out in full compliance with relevant procedures, regulations, and safety standards and **(iv)** do not involve fraudulent acts or intentional violations of laws. Specifically, acceptable risks causing damage to the state include:

- Risks arising from impacts, side effects or indirect consequences that occur unexpectedly due to the novelty or complexity of the scientific research, technological development or innovation activities;
- Safety-related risks, including risks of causing accidents, incidents or uncontrolled release of hazardous factors, toxic substances or genetically modified organisms into the environment, despite full compliance with applicable safety rules and procedures;
- Risks relating to conflicts of interest arising from unforeseen circumstances, leading to legal disputes or conflicts among participants in scientific research, technological development and innovation activities and related parties;
- Risks relating to socio-psychological impacts, causing public concern or generating unexpected societal reactions to new discoveries, technologies, products or services resulting from scientific research, technological development and innovation activities.

Stemming from the expanded management approach under the principle of risk acceptance introduced in the Law on Science, Technology and Innovation 2025, Decree 267's explicit recognition of acceptable risks not only encourages and nurtures the creativity and innovation among science and technology organizations and enterprises, but also ensures the strictness and fairness of the law.

Third, Decree 267 regulates the **responsibilities of risk management** by organizations, individuals engaged in scientific research, technological development and innovation. To minimize potential risks, these organizations, enterprises and individuals are required to pay attention to several obligations when formulating and implementing scientific research, technological development, and innovation activities. Specifically, they must **(i)** identify and analyze the types of risks that may arise from the nature of the scientific research, technological development and innovation activities or during implementation, **(ii)** assess the extent of the risks' impact on people, assets, the environment, society and organizational operations, **(iii)** propose measures to manage, control, respond to and remedy risks, and **(iv)** allocate adequate resources for risk management within the budgets and implementation plans. In particular, during the implementation process, if serious risks emerge or show signs of emergence, organizations, enterprises, and individuals must immediately activate emergency response measures, notify competent state authorities and cooperate in handling and remedying the consequences, as well as implementing preventive measures to avoid recurrence.

Overall, Decree 267 introduces several new provisions aimed at attracting and utilizing talent, promoting innovation, and strengthening the application of science and technology. Therefore, organizations and enterprises should promptly update the latest regulations under this Decree to ensure legal compliance and to take advantage of preferential policies for the development of science, technology and innovation proposed by the Government. Should our valued Clients and readers wish to seek further information or legal advice regarding science, technology or innovation programs and tasks, please feel free to contact NHQuang&Associates for comprehensive support and legal opinions.