



# LAW ON ENVIRONMENTAL PROTECTION AND DECREE No. 08/2022/ND-CP



*The Vietnam Environment Administration (VEA) under the Ministry of Natural Resources and Environment (MONRE), and Winrock International are collaborating to implement the Reducing Pollution Project funded by the United States Agency for International Development (USAID). The project is implemented for 5 years (2021-2026), aiming to promote local initiatives and strengthen the capacity of organizations and networks in Vietnam to address environmental pollution challenges through a collective impact approach.*

*One of the Project's specific objectives is to support the development of a national policy framework to enforce environmental protection legislation, thereby creating more favorable conditions to address pollution challenges. With the desire to help stakeholders be fully updated with legal environmental documents, the USAID-funded Reducing Pollution Project collaborated with the Ministry of Natural Resources and Environment (MONRE) to design and print a set of two legal documents, including:*

- ★ Document 1: Law on Environmental Protection, promulgated under Law No. 72/2020/QH14 dated November 17, 2020 of the National Assembly, and Decree No. 08/2022/ND-CP dated January 10, 2022 on elaboration of several articles of the Law on Environmental Protection.*
- ★ Document 2: Circular 02/2022/TT-BTNMT dated January 10, 2022 of the Ministry of Natural Resources and Environment detailing a number of articles of the Law on Environmental Protection.*

*Hopefully, the documents will help to effectively search and implement the provisions of the law on environmental protection.*



**LAW**  
**ON ENVIRONMENTAL PROTECTION**  
**AND DECREE No. 08/2022/ND-CP**  
**JANUARY 10, 2022 OF GOVERNMENT**  
**ELABORATION OF SEVERAL ARTICLES OF**  
**THE LAW ON ENVIRONMENTAL PROTECTION**



**LAW**  
**ON ENVIRONMENTAL PROTECTION**  
**2020**





**LAW**  
**ON ENVIRONMENTAL PROTECTION**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;  
The National Assembly hereby promulgates the Law on Environmental Protection.*

**Chapter I**  
**GENERAL**

**Article 1. Scope**

This Law provides for environmental protection activities; rights, obligations and responsibilities of agencies, organizations, residential communities, households and individuals involved in environmental protection activities.

**Article 2. Regulated entities**

This Law applies to agencies, organizations, residential communities, households and individuals within the territory of the Socialist Republic of Vietnam, including mainland, islands, territorial waters, underground space and airspace.

**Article 3. Definitions**

For the purposes of this Law, the terms below shall be construed as follows:

1. “*environment*” encompasses natural and artificial physical factors that are closely related to each other, surround humans and affect life, economy, society, existence and development of humans, creatures and nature.

2. “*environmental protection activity*” means preventing and reducing adverse impacts on the environment; responding to environmental emergencies; mitigating environmental pollution and degradation, improving environmental quality; reasonably using natural resources and biodiversity, and adapting to climate change.

3. “*environment components*” mean physical constituent elements forming an integral part of the environment, including land, water, air, sound, light and other physical forms.

4. “*national environmental protection planning*” means the spatial arrangement and distribution and zoning of areas for environmental quality management, nature and biodiversity conservation, waste management, environmental monitoring and warning within a defined territory in order to protect the environment and accomplish the objective for national sustainable development for a defined period.

5. “*strategic environmental assessment*” means the process of identifying and predicting trends in major environmental issues to form a basis for incorporating environmental protection measures into a policy, strategy or planning.

6. “*preliminary environmental impact assessment*” (hereinafter referred to as “*PEIA*”) means the consideration and identification of major environmental issues of an investment project during the pre-feasibility study or the investment project proposal.

7. “*environmental impact assessment*” (hereinafter referred to as “*EIA*”) means the process of analyzing, assessing, identifying and predicting environmental impacts of an investment project in order to take measures to reduce adverse impacts on the environment.

8. “*environmental license*” means a document issued by a competent authority to an organization or individual (hereinafter referred to as “entity”) involved in business activities, permitting such organization or individual to discharge waste into the environment and manage waste and scrap imported from foreign countries as production materials in accordance with environmental protection requirements as prescribed by law.

9. “*environmental registration*” means a business investment project owner or business owner registering with a regulatory body waste discharge-related contents and environmental protection measures of such business investment project owner or business owner (hereinafter referred to as “the investment project/business”).

10. “*technical regulation on environment*” means a regulation requiring mandatory application of limits of parameters regarding environmental quality, concentration of pollutants in raw materials, fuels, materials, equipment, products, goods and waste, and technical and managerial requirements. The regulation is issued by a competent authority in accordance with regulations of law on standards and technical regulations.

11. “*environmental standard*” means a regulation for which an entity opts at its/his/her discretion in order to apply limits of parameters regarding environmental quality, concentration of pollutants in waste, and technical and managerial requirements. The standard is issued by a competent authority or



organization in accordance with regulations of law on standards and technical regulations.

12. “*environmental pollution*” means any change in the physical, chemical or biological properties of an environmental component in breach of a technical regulation on environment or environmental standard resulting in adverse impacts on humans, creatures and nature.

13. “*environmental degradation*” means a reduction in the quality and amount of environment components resulting in adverse impacts on the health of humans and creatures, and nature.

14. “*environmental emergency*” means an accident resulting from human-induced factors or natural changes that cause severe environmental pollution or degradation.

15. “*pollutant*” means any chemical, physical or biological substance which, when introduced into the environment, exceeds the permissible limits resulting in environmental pollution.

16. “*persistent pollutant*” means a highly toxic and persistent pollutant that has the ability to bio-accumulate and spread in the environment, thereby adversely affecting the environment and human health.

17. “*persistent organic pollutant*” means a persistent pollutant defined in the Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as “the Stockholm Convention”).

18. “*waste*” means any matter in a solid, liquid or gaseous form or other form which is discharged from production, business operation, service provision or living activities or from other activities.

19. “*solid waste*” means any waste in a solid form or sludge.

20. “*hazardous waste*” means any waste that exhibits any one or more of the following characteristic properties: toxicity, radioactivity, infectivity, ignitability, reactivity or corrosivity or exhibits any other hazardous characteristic properties.

21. “*waste co-processing*” means the utilization of one available manufacturing process for the purpose of recycling, treating or recovering energy from waste in which waste is used as alternative raw material and fuel or is processed.

22. “*pollution control*” means the process of preventing, detecting and eliminating pollution.

23. “*carrying capacity*” of an environment means the maximum resistance of the environment against influencing factors in order for the environment to be able to recover itself.

24. “*technical infrastructure serving environmental protection*” means a system of facilities used for collecting, storing, transporting and treating waste and monitoring the environment, and other environmental protection works.

25. “*environmental monitoring*” means the continuous, periodic or unscheduled monitoring of environmental components and factors impacting the environment, and waste in a systematic in order to provide necessary information in favor of assessment of state of the environment, changes in the environmental quality and adverse impacts on the environment.

26. “*trial operation of waste treatment work*” means the operation being carried out by an investment project owner, owner of business, dedicated area for production, business operation and service provision or industrial cluster to test and assess efficiency of a waste treatment work and its conformity with environmental protection requirements.

27. “*scrap*” means any material recovered, classified and selected from materials or products left over from production, business operation, service provision or consumption to be used as raw materials for another production process.

28. “*residential community*” means a community of people living in the same village, hamlet, population group, ward or similar settlement within the territory of the Socialist Republic of Vietnam.

29. “*greenhouse gas*” (*hereinafter referred to as “GHG”*) means gas in the atmosphere causing the greenhouse effect.

30. “*greenhouse effect*” means a process where radiant energy from the sun penetrates into the atmosphere and is converted to heat, causing global warming.

31. “*reduction of GHG emissions*” means the act of reducing GHG emissions intensity and increasing GHG absorption.

32. “*climate change adaptation*” means actions that humans may take to adapt to climate change and reduce GHG emissions.

33. “*GHG emission quotas*” mean the amount of GHG emissions caused by a country or entity for a specified period of time, expressed as tonnes of carbon dioxide (CO<sub>2</sub>) or tonnes of carbon dioxide equivalent (CO<sub>2</sub>e).

34. “*ozone layer*” means a layer in the Earth’s stratosphere which protects the Earth from the sun’s harmful ultraviolet radiation.

35. “*carbon credit*” means any tradable certificate representing the right to emit one tonne of carbon dioxide (CO<sub>2</sub>) or one tonne of carbon dioxide (CO<sub>2</sub>) equivalent.

36. “*best available techniques*” means the technical solutions which are the best for preventing or controlling pollution and minimizing adverse impacts on the environment.

37. “*dedicated areas for production, business operation and service provision*” include industrial parks, export-processing zones, hi-tech zones and dedicated areas for industrial production of economic zones.

38. “*investment project owner*” or “*investor*” means an investor in a project according to regulations of the Law on Investment, Law on Public Investment, Law on Public-Private Partnership Investment and Law on Construction.

#### **Article 4. Principles of environmental protection**

1. Environmental protection is the right, obligation and responsibility of every agency, organization, residential community, household and individual.

2. Environmental protection serves as a basis, key factor and prerequisite for sustainable socio-economic development. Environmental protection activities are associated with economic development and natural resource management, and considered and assessed in the process of carrying out development activities.

3. Environmental protection harmonizes with social security, protection of children’s right, promotion of gender equality and protection of the human right to live in a pure environment.

4. Environmental protection activities are carried out in a regular, public and transparent manner; priority is given to prediction and prevention of environmental pollution, emergencies and degradation, environmental risk management, waste minimization and strengthening of reuse and recycling of waste with a view to maximization of its value.

5. Environmental protection complies with natural law, natural, cultural and historical characteristics, and the level of socio-economic development; boost development in ethnic minority and mountainous areas.

6. Any agency, organization, residential community, household or individual profiting from the environment is obliged to make their financial contribution to the environmental protection activities; pay compensation for damage, take remedial measures and assume other responsibilities as prescribed by law if causing environmental pollution, emergencies and degradation.

7. Environmental protection is not detrimental to the national sovereignty, security and interests, and is associated with regional and global environmental protection.

## **Article 5. State policies on environmental protection**

1. Facilitate the involvement of agencies, organizations, residential communities, households and individuals in performance, inspection and supervision of environmental protection activities.

2. Disseminate information in association with taking administrative and economic measures and other measures to strengthen compliance with law on environmental protection and build a culture of environmental protection.

3. Focus on biodiversity conservation and protection of environment in natural heritage sites; efficiently and economically extract and use natural resources; develop green and renewable energy; develop technical infrastructure serving environmental protection.

4. Give priority to environmental pollution elimination and recovery of degraded natural ecosystem, and attach great importance to environmental protection in residential areas.

5. Diversify sources of investment capital for environmental protection; set a specific expenditure on environmental protection within the state budget and according to environmental protection requirements and tasks; prioritize the use of sources of funding for key environmental protection tasks.

6. Safeguard interests of organizations, residential communities, households and individuals making their contribution to environmental protection activities; provide incentives and assistance for environmental protection activities; promote environmentally-friendly products and services.

7. Intensify scientific research and development of technologies for pollution elimination, waste recycling and treatment; give priority to transfer and application of advanced, high and environmentally-friendly technologies and best available techniques; strengthen training in human resources in environmental protection.

8. Honor and reward agencies, organizations, residential communities, households and individuals for their active role in environmental protection activities as prescribed by law.

9. Expand and promote integration and international cooperation in environmental protection, and adhere to all international environmental agreements.

10. Screen investment projects according to environmental criteria; apply appropriate environmental management tools in each stage of the strategy, planning, program and investment project.

11. Incorporate and promote circular economy and green economy in formulation and implementation of socio-economic development strategies, planning, plans, programs and projects.

#### **Article 6. Prohibited acts**

1. Failure to transport, bury, discharge and burn solid and hazardous waste in accordance with technical process and regulations of law on environmental protection.

2. Discharging wastewater and exhaust gases that have yet to be treated according to technical regulations on environment into the environment.

3. Dispersing and releasing into the environment hazardous substances and harmful viruses capable of infecting humans and animals, untested microorganisms, dead bodies of animals dying of epidemics and other agents harmful to human health, creatures and nature.

4. Generating noise and vibration in excess of the permissible level stipulated in technical regulations on environment; discharging smokes, dusts and noxious gases into the air.

5. Executing investment projects or discharging waste in case of failure to satisfy all conditions prescribed by the Law on Environmental Protection.

6. Importing, temporarily importing, re-exporting and transiting waste from foreign countries in any shape or form.

7. Illegally importing used vehicles, machinery and equipment for the purposes of dismantling or recycling.

8. Failure to operate works or take measures to prevent and respond to environmental emergencies in accordance with regulations of law on environmental protection and other regulations of law.

9. Concealing acts of polluting the environment, obstructing and falsifying information concerning environmental protection activities, thereby resulting in adverse effects on the environment.

10. Manufacturing and trading products harmful to humans, creatures and nature; manufacturing and using raw materials and building materials containing toxic factors in excess of the permissible level prescribed in technical regulations on environment.

11. Manufacturing, importing, temporarily importing, re-exporting and selling ozone depleting substances prescribed in the international treaty on substances that deplete the ozone layer to which Socialist Republic of Vietnam is a signatory.

12. Sabotaging or infringing upon natural heritage sites.
13. Sabotaging or infringing upon structures, equipment and facilities serving environmental protection activities.
14. Abusing positions or powers to commit violations against regulations of law on environmental protection.

## **Chapter II**

### **PROTECTION OF ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGE SITES**

#### **Section 1. WATER PROTECTION**

##### **Article 7. General regulations on surface water protection**

1. Quality of surface water, sediments and aquatic environment must be monitored and evaluated; surface water carrying capacity must be calculated, determined and announced.

2. Sources of waste discharged into surface water must be managed in a manner that is appropriate to intended use and carrying capacity of surface water. Result of appraisal of the environmental impact assessment report shall not be approved for or environmental license shall not be issued to the new investment project that discharges wastewater directly into the surface water that has reached its carrying capacity as announced by a competent authority, except for the case in which the investment project owner has adopted a scheme to treat wastewater in accordance with technical regulation on environment regarding quality of surface water before discharging it into a water body or has adopted a circulation or recycling scheme in order not to generate more wastewater or the case where the project aims to deal with pollution and improve quality of the environment in a pollution area.

3. River water shall be protected by applying the principles of integrated river basin management and associated with biodiversity conservation, aquatic environment protection, management of water source protection corridors, and reasonable extraction and use of water.

##### **Article 8. Surface water protection activities**

1. Surface water protection shall focus on:

a) Statistically reporting, assessing, minimizing and treating wastewater discharged into surface water;

b) Monitoring and assessing quality of surface water, sediment and aquatic environment and publishing information in service of management, extraction and use of water surface;

c) Investigating and assessing carrying capacity of surface water; announcing areas where the surface water has reached its carrying capacity; assessing quotas for discharge of wastewater into the surface water;

d) Eliminating pollution, remediating and improving polluted surface water;

dd) Monitoring and assessing quality of surface water and sediments of international rivers and sharing information in accordance with regulations of law on environmental protection, law and international practice.

2. The Ministry of Natural Resources and Environment has the responsibility to:

a) provide guidance on assessing surface water carrying capacity of rivers and lakes; provide guidance on assessing surface water quality;

b) organize assessment of surface water and sediment quality, surface water carrying capacity of inter-provincial rivers and lakes; organize inventorying and assessment of waste sources and pollution level, and organize elimination of inter-provincial river and lake pollution; formulate and submit to the Government a surface water quality management plan for inter-provincial rivers and lakes that play a key role in socio-economic development and environmental protection;

c) inspect the implementation of the surface water quality management plan for inter-provincial rivers and lakes and measures to prevent and mitigate water pollution and improve water quality in inter-provincial rivers and lakes.

3. People's Committees have the responsibility to:

a) determine provincial rivers and lakes and other surface water sources in areas that play important role in socio-economic development and environmental protection; determine domestic water safeguard zones and water source protection corridors within provinces; determine aquatic areas;

b) publish information about sources of waste discharged into the surface water within provinces; collect information and data on state of surface water, waste sources and total amount of waste discharged into surface water in inter-provincial rivers and lakes within provinces under the guidance of the Ministry of Natural Resources and Environment; direct organizations to assess damage caused by pollution and remediate surface water pollution within provinces as prescribed;

c) prevent and control sources of waste discharged into surface water sources within provinces; take measures to prevent and minimize surface water



pollution, improve surface water quality within provinces according to the surface water quality management plan;

d) organize assessment of surface water and sediment quality, carrying capacity and quotas for discharge of wastewater with respect to the surface water sources mentioned in Point a of this Clause; publish information about areas where surface water has reached its carrying capacity;

dd) promulgate and organize the implementation of the plan for management of quality of surface water mentioned in Point a of this Clause; organize implementation of the surface water quality management plan for inter-provincial rivers and lakes within provinces.

### **Article 9. Surface water quality management plan**

1. The surface water quality management plan for inter-provincial rivers and lakes must be conformable with the national environmental protection planning.

The surface water quality management plan for the water sources mentioned in Point a Clause 3 Article 8 of this Law must be conformable with the national environmental protection planning and environmental protection contents specified in the regional and provincial planning.

2. Contents of the surface water quality management plan include:

a) Assessing and predicting trends in changes in surface water quality; objectives and targets of the plan; determining domestic water safeguard zones and water source protection corridors; determining aquatic areas;

b) Current distribution of point source pollution, and non-point source pollution with pollutants released into the water in the affected area; risk of transboundary surface water pollution;

c) Types and total amount of pollutants discharged into the surface water;

d) Assessing carrying capacity, zoning and quotas for wastewater discharge; determining objectives and roadmap for reducing wastewater discharge into the surface water that has reached its carrying capacity;

dd) Measures to prevent and reduce surface water pollution; solutions for cooperation in, sharing of information and management of transboundary surface water pollution;

e) Solutions for protecting and improving surface water quality;

g) Organizing implementation.

3. The surface water quality management plan is formulated for 5-year periods.



4. The Government shall elaborate contents of, sequence and procedures for promulgating a surface water quality management plan.

#### **Article 10. Groundwater protection**

1. Sources of groundwater must be monitored and assessed so that measures are taken promptly if any environmental parameter is found exceeding the permissible level prescribed in a national technical regulation on environment or there is a reduction in the water level.

2. Groundwater protection measures must be taken upon carrying out groundwater exploration and extraction.

3. Establishments using toxic chemicals and radioactive substances must take measures to prevent leakage and release of toxic chemicals and radioactive substances into groundwater.

4. Establishments, warehouses and yards containing materials, raw materials and chemicals and areas for containing and treating waste must be constructed in such a manner that ensures technical safety and does not cause groundwater pollution.

5. Agencies, organizations, residential communities, households and individuals causing groundwater pollution shall remediate pollution.

6. The groundwater protection shall comply with regulations of this Law, law on water resources and other relevant regulations of law.

7. The Minister of Natural Resources and Environment shall elaborate groundwater protection.

8. People's Committees of provinces shall protect groundwater within provinces as prescribed by law.

#### **Article 11. Seawater protection**

1. Sources of waste discharged into seawater must be investigated and assessed and subject to any measure to be taken to prevent, minimize, control and treat them to satisfy the environmental protection requirements.

2. Areas at risk of sea and island environment pollution must be assessed, identified and announced in accordance with regulations of law on natural resources and environment of sea and islands.

3. The extraction of resources from sea and islands and other socio-economic activities shall comply with the planning, and environmental protection and sustainable development requirements.

4. Upon seawater protection, it is required to ensure close and effective cooperation between relevant organizations and individuals; between Vietnam's

regulatory bodies and foreign bodies in sharing information, assessing seawater quality and controlling cross-border seawater pollution.

5. The seawater protection shall comply with regulations of this Law, law on natural resources and environment of sea and islands and other relevant regulations of law.

## **Section 2. AIR PROTECTION**

### **Article 12. General regulations on air protection**

1. Entities and households involved in production, business operation and service provision and discharging dusts and exhaust gases resulting in adverse impacts on the environment have the responsibility to reduce the discharge and take remedial measures as prescribed by law.

2. Air quality must be monitored on a regular and continuous basis and announced as prescribed by law.

3. Air pollution must be notified and warned in a timely manner to minimize its impacts on community health.

4. Sources of dusts and exhaust gases must be monitored, assessed and controlled as prescribed by law.

### **Article 13. Air quality management plans**

1. Air quality management plans include national air quality management plan and provincial air quality management plan. The national environment quality management plan must be conformable to the national environmental protection planning. The provincial air quality management plan must be conformable with the national air quality management plan and provincial planning, and serve as the basis for organizing implementation thereof and managing air quality.

2. The national environment quality management plan covers a period of 05 years. The period of a provincial air quality management plan shall be determined according to the extent and level of air pollution, management and improvement solutions, local conditions and resources for implementation.

3. Main contents of the national air quality management plan include:

- a) Assessing management and control of air pollution at national level; identifying major causes of air pollution;
- b) General and specific objectives;
- c) Tasks and solutions for air quality management;

d) Prioritized programs and projects for implementation of tasks and solutions; formulating regulations on cooperation in and measures for managing quality of inter-regional and inter-provincial air.

dd) Organizing implementation.

4. Main contents of a provincial air quality management plan include:

a) Assessing quality of air in the province;

b) Assessing management of air quality; monitoring air; determining and assessing main sources of exhaust gases; emission inventory; air quality modeling;

c) Analyzing and identifying causes of air pollution;

d) Assessing impacts of air pollution on community health;

dd) Objectives and scope of air quality management;

e) Tasks and solutions for air quality management;

g) Organizing implementation.

5. The Government shall elaborate contents of, sequence and procedures for promulgating an air quality management plan.

#### **Article 14. Responsibility for air quality management**

1. The Prime Minister shall promulgate and provide instructions on implementation of the national air quality management plan; provide instructions on implementation of emergency measures in the case of inter-provincial, regional or cross-border serious air pollution.

2. The Ministry of Natural Resources and Environment shall:

a) formulate and submit to the Prime Minister the national air quality management plan and organize the implementation thereof.

b) provide guidance on formulating provincial air quality management plans and air quality assessment methods.

3. People's Committees of provinces shall:

a) formulate and organize the implementation of provincial air quality management plans;

b) assess, monitor and publish information about air quality; warn residential communities of and take measures to remediate air pollution that impacts community health;

c) organize the implementation of emergency measures if serious air pollution occurs in their provinces.

4. The Government shall elaborate this Article.

### **Section 3. SOIL PROTECTION**

#### **Article 15. General regulations on soil protection**

1. If land is used to implement a planning, plan, project or activity, it is required to consider its impacts on soil and take measures for environmental pollution or degradation prevention and control and soil protection.

2. Agencies, organizations, residential communities, households and individuals that use land have the responsibility to protect soil environment; improve and remediate soil environment if causing soil pollution.

3. The State shall improve and remediate soil environment in areas where soil pollution caused by a historic event occurs or in the case of failure to identify the entity causing pollution.

4. The Government shall elaborate soil protection.

#### **Article 16. Classification of areas where soil pollution occurs**

1. Area where soil pollution occurs (hereinafter referred to as “soil pollution area”) means an area in which pollutants exceed the permissible levels prescribed in a technical regulation on environment resulting in adverse impacts on the environment and community health.

2. Soil pollution areas shall be classified according to the following criteria: source of pollution, spreading capacity and affected entities.

3. The soil pollution areas classified according to the level of pollution include soil pollution area, serious soil pollution area and extremely serious soil pollution area.

#### **Article 17. Soil quality management**

1. Soil quality must be investigated, assessed, classified and made publicly available as prescribed by law.

2. Areas at risk of soil pollution must be monitored and supervised.

3. Soil pollution areas must be investigated, assessed, zoned, dealt with, renovated and improved.

4. Areas polluted by dioxins derived from herbicides used in war, residual agrochemicals and other hazardous substances must be investigated, assessed, zoned and dealt with in accordance with environmental protection requirements.

#### **Article 18. Soil environment improvement and remediation**

1. Investigate, assess and classify soil pollution areas, determine causes, extent and level of pollution, improve and remediate soil environment.

2. Take measures to control soil pollution areas, including zoning, issuing warnings, prohibiting or restricting activities to minimize impacts on human health.

3. Prepare and carry out schemes to improve and remediate soil environment; give priority to dealing with serious and extremely serious pollution areas.

4. Monitor and assess soil quality after improvement and remediation.

### **Article 19. Responsibility for soil protection**

1. The Ministry of Natural Resources and Environment shall:

a) elaborate criteria for determining and classifying soil pollution areas according to level of pollution;

b) preside over and cooperate with other Ministries, ministerial agencies and agencies concerned in formulating and providing instructions on implementation of the plan to improve and remediate extremely serious soil pollution areas in the case specified in Clause 3 Article 15 of this Law; investigate, assess and make publicly available soil quality;

c) Submit to the Prime Minister a plan to improve and remediate extremely serious soil pollution areas in the case specified in Clause 3 Article 15 of this Law;

dd) consolidate lists of soil pollution areas; establish and update information about soil pollution areas nationwide to the national environmental information system and environmental database and publish such information.

2. The Ministry of National Defense and Ministry of Public Security shall preside over and cooperate with provincial People's Committees in improving and remediating soil environment in the case of national defense and security land and in other areas as prescribed by law.

3. Provincial People's Committees shall:

a) investigate, assess, determine and zone areas at risk of soil pollution areas and soil pollution areas within their provinces, and assign responsibilities to entities causing pollution;

b) remediate soil pollution areas and extremely serious soil pollution areas in the case specified in Clause 3 Article 15 of this Law;

c) report areas showing signs of inter-provincial soil pollution and extremely serious pollution areas to the Ministry of Natural Resources and Environment;

d) update information about soil pollution areas within their provinces to the environmental information system and database as prescribed.

## **Section 4. NATURAL HERITAGE SITE ENVIRONMENT PROTECTION**

### **Article 20. Natural heritage sites**

1. Natural heritage sites include:

a) National parks, nature reserves, habitat/species management areas, landscape protected areas established in accordance with the law on biodiversity, forestry and fisheries; landscapes recognized as cultural heritage established in accordance with the law on cultural heritage;

b) Natural heritage sites recognized by international organizations;

c) Other natural heritage sites established and recognized in accordance with this Law.

2. The establishment and recognition of natural heritage sites in Point c Clause 1 of this Article shall be based on any of the following criteria:

a) They are of outstanding, unique or exceptional natural beauty;

b) They provide excellent examples of ongoing ecological and biological evolutionary processes or furnishes habitats for endangered, precious, rare or endemic species or are sites of exceptional biodiversity or are of significance for biological diversity conservation;

c) They are outstanding examples representing major stages of earth's history, including the record of life or significant geomorphic or physiographic features;

d) They play a significantly important role in climate regulation, water protection, ecological balance and provision of ecosystem services.

3. The Government shall elaborate criteria, procedures and power for establishing and recognizing natural heritage sites in Point c Clause 1 of this Article; procedures and power for applying for recognition of natural heritage sites in Point b Clause 1 of this Article.

### **Article 21. Natural heritage site environment protection**

1. Natural heritage site environment shall be investigated, assessed, managed and protected.

2. Natural heritage site environment protection is a content of the national environmental protection planning, regional planning and provincial planning.

3. Agencies, organizations, residential communities, households and individuals have the responsibility to protect natural heritage sites. Organizations,

residential communities, households and individuals participating in managing natural heritage site environment are entitled to payments for ecosystem services as prescribed by law.

4. The Government shall elaborate Clause 1 of this Article.

### **Chapter III**

## **NATIONAL ENVIRONMENTAL PROTECTION STRATEGY AND NATIONAL ENVIRONMENTAL PROTECTION PLANNING; ENVIRONMENTAL PROTECTION CONTENTS IN REGIONAL PLANNING AND PROVINCAL PLANNING**

### **Article 22. National environmental protection strategy**

1. A national environmental protection strategy shall serve as the basis for formulating the national environmental protection planning and incorporating environmental protection requirements in the socio-economic development strategy and planning.

2. Contents of the national environmental protection strategy include:

- a) Viewpoints, vision and objectives;
- b) Tasks;
- c) Solutions for implementation;
- d) Key programs and projects;
- dd) Plan and resources for implementation.

3. The national environmental protection strategy is formulated for 10-year periods. Its orientations cover a period of 30 years.

4. The Ministry of Natural Resources and Environment shall formulate and submit the national environmental protection strategy to the Prime Minister.

### **Article 23. National environmental protection planning**

1. Bases for formulating the national environmental protection planning are prescribed by the Law on Planning and include:

- a) The national environmental protection strategy during the same development period;
- b) Climate change scenarios during the same development period.

2. Contents of the national environmental protection planning; the formulation, appraisal, approval and adjustment of the national environmental

protection planning and national environmental protection planning period shall comply with regulations of the Law on Planning.

3. The Ministry of Natural Resources and Environment shall organize formulation of the national environmental protection planning.

4. The Government shall provide for environmental zoning upon formulation of the national environmental protection planning.

#### **Article 24. Environmental protection contents in regional planning and provincial planning**

1. Environmental protection contents specified in regional planning and provincial planning shall comply with regulations of law on planning.

2. The Government shall provide for environmental zoning upon formulation of the provincial planning. The Ministry of Natural Resources and Environment shall develop environmental protection contents for the regional planning; provide guidelines for developing environmental protection contents for the provincial planning.

3. Provincial specialized environmental protection authorities shall develop environmental protection contents for the provincial planning.

### **Chapter IV**

#### **STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL LICENSES**

##### **Section 1. STRATEGIC ENVIRONMENTAL ASSESSMENT**

#### **Article 25. Subjects required to undergo strategic environmental assessment**

1. National strategy for extraction and use of natural resources.

2. National comprehensive planning; national marine spatial planning; national land use planning; regional planning; provincial planning; special administrative-economic unit planning.

3. National and regional strategy for field and sector development, national sector planning and technical and specialized planning having great impacts on the environment on the list prescribed by the Government.

4. Adjustments to the planning specified in Clauses 2 and 3 of this Article.



## **Article 26. Carrying out strategic environmental assessment**

1. Organizations assigned to formulate the strategy and planning specified in Article 25 of this Law shall carry out strategic environmental assessment in the process of formulating such strategy and planning.

2. The result of strategic environmental assessment of the strategy specified in Clauses 1 and 3 Article 25 of this Law shall be incorporated in the application for approval of the strategy.

3. The result of strategic environmental assessment of the planning specified in Clauses 2 and 3 Article 25 of this Law shall be presented in a report enclosed with the application for approval of the planning.

4. The agency presiding over appraising planning shall appraise strategic environmental assessment result during the appraisal. The agency approving the strategy shall consider strategic environmental assessment result during the approval.

5. The Ministry of Natural Resources and Environment shall give its written opinions on contents of strategic environmental assessment of strategies and planning.

6. The strategic environmental assessment result shall serve as one of the bases for the competent authority to consider approving a strategy or planning.

## **Article 27. Contents of strategic environmental assessment**

1. Contents of strategic environmental assessment include:

a) Assessing conformity of the environmental protection policy with viewpoints, objectives and policies on environmental protection and sustainable development, and international environmental agreements to which the Socialist Republic of Vietnam is a signatory and regulations of this Law;

b) Proposing schemes for adjustment and completion of contents of conformity of the environmental protection policy with viewpoints, objectives and policies on environmental protection and sustainable development, and international environmental agreements to which the Socialist Republic of Vietnam is a signatory and regulations of this Law.

2. Contents of strategic environmental assessment of the planning include:

a) Planning contents that may impact the environment;

b) Scope of strategic environmental assessment;

c) Environmental components and natural heritage sites that may be affected by the planning;

d) Strategic environmental assessment methods applied;

dd) Comparing and assessing conformity of viewpoints and objectives of the planning with viewpoints, objectives and policies on environmental protection, national environmental protection strategy and planning, and environmental protection contents in the regional and provincial planning;

e) Results of identifying negative and positive major environmental issues in the planning;

g) Impacts of climate change;

h) Results of forecasting negative and positive trends of major environmental issues upon implementing the planning; solutions for maintaining positive trends and reducing negative trends of major environmental issues;

i) Orientations for environmental protection during the implementation of planning;

k) Results of consultation with relevant parties during the strategic environmental assessment;

l) Noteworthy environment protection-related issues (if any), proposed directions and solutions for resolution.

3. The Minister of Natural Resources and Environment shall elaborate this Article.

## **Section 2. ENVIRONMENTAL CRITERIA FOR INVESTMENT PROJECT CLASSIFICATION, PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT**

### **Article 28. Environmental criteria for investment project classification**

1. Environmental criteria for investment project classification include:

a) Scale, capacity and type of production, business and service;

b) Area of land, land with water surface, and sea used; scale of extraction of natural resources;

c) Environmentally sensitive factors including high density residential areas; water source used for supply of domestic water; wildlife sanctuaries prescribed by the law on biodiversity and fisheries; types of forests prescribed by the law on forestry; other tangible cultural heritage and natural heritage sites; land meant for growing wet rice during 02 or more cropping seasons; important wetlands; migration and relocation requirements and other environmental sensitive factors.

2. According to the environmental criteria set out in Clause 1 of this Article, investment projects shall be classified into Group I, II, III and IV.

3. Group I investment projects are those that pose a high risk of adverse environmental impacts, including:

a) Large-scale and capacity projects involved in types of production, business and services that are likely to cause environmental pollution; projects providing hazardous waste treatment service; projects involving import of scrap from foreign countries as production materials;

b) Medium-scale and capacity projects involved in types of production, business and services with environmentally sensitive factors that are likely to cause; large-scale and capacity projects not involved in types of production, business and services with environmentally sensitive factors that are likely to cause environmental pollution;

c) Large- or medium-scale projects using land, land with water surface and marine area with environmentally sensitive factors;

d) Large- or medium-scale and capacity projects on extraction of minerals and water resources with environmentally sensitive factors;

dd) Projects requiring repurposing of land on at least medium scale with environmentally sensitive factors;

e) Large-scale projects requiring migration and relocation.

4. Group II investment projects are those that pose a risk of adverse environmental impacts, except for those specified in Clause 3 of this Article, including:

a) Medium-scale and capacity projects involved in types of production, business and services that are likely to cause environmental pollution;

b) Small-scale and capacity projects involved in types of production, business and services with environmentally sensitive factors that are likely to cause environmental pollution; medium-scale and capacity projects not involved in types of production, business and services with environmentally sensitive factors that are likely to cause environmental pollution;

c) Large- or medium-scale projects using land, land with water surface and marine area with environmentally sensitive factors;

d) Small-scale and capacity projects on extraction of minerals and water resources with environmentally sensitive factors;

dd) Small-scale projects requiring repurposing of land with environmentally sensitive factors;

e) Medium-scale projects requiring migration and relocation.

5. Group III investment projects are those that pose a risk of adverse environmental impacts, except for those specified in Clauses 3 and 4 of this Article, including:

a) Small-scale and capacity projects involved in types of production, business and services that are likely to cause environmental pollution;

b) Projects not involved in types of production, business and services that are likely to cause environmental pollution and generating wastewater, dusts and exhaust gases that must be treated or generating hazardous waste that must be managed in accordance with regulations on waste management.

6. Group IV investment projects are those that do not pose a risk of adverse environmental impacts, except for those specified in Clauses 3, 4 and 5 of this Article.

7. The Government shall elaborate Clause 1 and promulgate a list of investment projects specified in Clauses 3, 4 and 5 of this Article.

## **Article 29. Preliminary environmental impact assessment**

1. Projects subject to PEIA are group I investment projects specified in Clause 3 Article 28 of this Law.

2. The PEIA shall be conducted during the period of pre-feasibility study on investment in construction, proposal for investment guidelines and request for approval of investment guidelines for investment projects subject to investment guideline decision or approval in accordance with the Law on Investment, Law on Public Investment, Law on Public-Private Partnership and Law on Construction.

3. The PEIA shall focus on:

a) Assessing the conformity of the investment project location with the national environmental protection strategy, national environmental protection planning and environmental protection contents in regional planning, provincial planning and other relevant planning;

b) Identifying and predicting major environmental impacts of the investment project on the basis of scale, production technology and location of the project;

c) Identifying environmentally sensitive factors present in the investment project location according to the location selection methods (if any);

d) Analyzing, assessing and selecting a scheme regarding scale, production technology, technology for waste treatment and location of the investment project, and solutions for reducing environmental impacts;

dd) Determining notable major environmental issues and environmental impacts during the EIA.

4. Entities proposing the investment projects in Clause 1 of this Article shall conduct PEIA. PEIA contents shall be considered by a competent authority together with the application for investment guideline decision or approval.

### **Section 3. ENVIRONMENTAL IMPACT ASSESSMENT**

#### **Article 30. Projects subject to EIA**

1. Projects subject to EIA include:

- a) Group I investment projects mentioned in Clause 3 Article 28 of this Law;
- b) Group II investment projects mentioned in Points c, d, dd and e Clause 4 Article 28 of this Law.

2. If the projects specified in Clause 1 of this Article are urgent public investment projects as prescribed by the Law on Public Investment, they shall not be subject to EIA.

#### **Article 31. Carrying out EIA**

1. The EIA shall be conducted by the investment project owner or a qualified consultancy. The EIA shall be conducted together with preparing the feasibility study report or equivalent document.

2. The EIA result shall be presented in an environmental impact assessment report.

3. An environmental impact assessment report is prepared for each investment project.

#### **Article 32. Contents of environmental impact assessment report**

1. Main contents of an environmental impact assessment report (hereinafter referred to as “EIAR”) include:

- a) Origin of the investment project, project owner, authority approving the project; legal and technical bases; EIA methods and other methods adopted (if any);

- b) Conformity of the investment project with the national environmental protection planning, regional planning, provincial planning, regulations of law on environmental protection and other relevant regulations of law;

- c) Assessing selected technologies and work items and activities that may result in adverse environmental impacts;

- d) Natural, socio-economic and biodiversity conditions; assessment of state of the environment; identifying affected subjects and sensitive environmental

factor at the project location; demonstration of the suitability of the project location;

dd) Identifying, assessing and predicting major environmental impacts and waste generated in the phases of the investment project quantity and nature of waste; impacts on biodiversity, natural heritage sites, historical-cultural sites/monuments and other sensitive factors; impacts caused by land clearance, migration and relocation (if any); identifying and assessing environmental emergencies that are likely to occur;

e) Works and methods for collecting, storing and treating waste;

g) Methods for reducing other adverse environmental impacts of the investment project; environmental improvement and remediation scheme (if any); biodiversity offsets scheme (if any); environmental emergency prevention and response plan;

h) Environmental management and supervision program;

i) Consultation result;

k) Conclusions, propositions and commitments made by the investment project owner.

2. The Minister of Natural Resources and Environment shall elaborate this Article.

### **Article 33. Consultation during EIA**

1. Consultees include:

a) Residential communities and individuals under direct impact of the investment project;

b) Agencies and organizations directly related to the investment project.

2. Responsibility for holding a consultation:

a) The investment project owner shall hold a consultation with the consultees specified in Clause 1 of this Article. It is advisable to consult experts during the EIA;

b) Agencies and organizations mentioned in Point b Clause 1 of this Article shall give a written response to the investment project owner within the prescribed time limit; if the time limit expires and a written response fails to be given, it is considered that such agencies and organizations agree to the consultation contents.

3. Contents of a consultation consist of:

- a) Location of the investment project;
- b) Environmental impacts of the investment project;
- c) Measures to reduce adverse environmental impacts;
- d) Environmental management and supervision program; environmental emergency prevention and response scheme;
- dd) Other contents related to the investment project.

4. The consultation shall be held by publishing it on websites and adopting one or more of the following methods:

- a) Holding a meeting to collect comments;
- b) Collecting written comments.

5. The consultation result is important for the investment project owner to work out solutions for minimizing environmental impacts and complete the environmental impact assessment report. The consultation result shall be processed and fully and truthfully present comments and propositions made by consultees and entities getting interested in the investment project (if any). If the comments or propositions are objected, the investment project owner is required to provide a clear explanation. The investment project owner shall take legal responsibility for consultation contents and result specified in the environmental impact assessment report.

6. Investment projects on the list of state secrets are not subject to consultation.

7. The Government shall elaborate this Article.

### **Article 34. Appraisal of EIAR**

1. An application for EIAR appraisal consists of:

- a) An application form EIAR appraisal;
- b) The EIAR;
- c) A feasibility study report of the investment project or equivalent document.

2. For a construction project whose feasibility study report is subject to appraisal by the specialized construction authority as prescribed by the Law on Construction, the project owner is entitled to submit the application for EIAR appraisal together with the application for feasibility study report appraisal; the project owner must submit the application before the verdict on feasibility study report appraisal is available.

3. The EIAR shall be appraised as follows:

a) The appraising authority shall decide to establish an appraisal council consisting of at least 07 members; send the council establishment decision together with the documents specified in Points b and c Clause 1 of this Article to each member;

b) At least one-third of the appraisal council's members are experts. An expert must have expertise in environment or another field related to the investment project and at least 07 years' working experience if he/she holds a bachelor's degree or equivalent qualification, at least 03 years' working experience if he/she holds a master's degree or equivalent qualification or at least 02 years' working experience if he/she holds a doctorate degree or equivalent qualification;

c) Experts participating in conducting EIA of the investment project are not allowed to join the council appraising the EIAR of such project;

d) If the investment project discharges wastewater into a hydraulic structure, the appraisal council must have a representative of the regulatory body managing such hydraulic structure; the appraising authority shall collect written comments and reach an agreement with that regulatory body before approving the appraisal result.

The regulatory body managing the hydraulic structure shall appoint a member to join the appraisal council and comment on the approval of the appraisal result in writing within the time limit for comment collection; if such time limit expires and a written response fails to be given, it is considered that such body agrees to the EIAR contents;

d) Council's members shall consider the application for appraisal, make remarks about the appraisal contents specified in Clause 7 of this Article and take legal responsibility for their remarks;

e) The appraising authority shall consider, evaluate and consolidate comments of council's members and relevant organizations (if any) to form a basis for deciding to approve the EIAR appraisal result.

4. If necessary, the appraising authority shall carry out a survey to collect comments of organizations and experts to appraise the EIAR.

5. During the appraisal, if revisions to the EIAR are necessary, the appraising authority shall notify the investment project owner in writing to make such revisions.

6. The time limit for EIAR appraisal begins on the date of receiving a satisfactory application and is as follows:



a) Not exceeding 45 days with respect to the Group I investment project mentioned in Clause 3 Article 28 of this Law;

b) Not exceeding 30 days with respect to the Group II investment project mentioned in Point c, d, dd or e Clause 4 Article 28 of this Law.

c) Within the time limit specified in Points a and b of this Clause, the appraising authority shall notify the investment project owner in writing of the appraisal result. The time when the investment project owner revises the EIAR at the request of the appraising authority and the time when the approval decision is considered to be issued as prescribed in Clause 9 of this Article shall not be included in the time limit for appraisal;

d) The time limit mentioned in Points a and b of this Clause may be extended under the Prime Minister's decision.

7. Contents of EIAR appraisal are composed of:

a) Conformity with the national environmental protection planning, regional planning, provincial planning and regulations of law on environmental protection;

b) Conformity of the EIA method and other methods adopted (if any);

c) Conformity of result of identification of a work item or activity likely to result in adverse environmental impacts;

d) Conformity of result of assessment of state of the environment and biodiversity; identification of affected subjects and sensitive environmental factor at the project location;

dd) Conformity of result of identification and prediction of major environmental impacts and waste generated from the investment project; prediction of environmental emergencies;

e) Conformity and feasibility of environmental protection works and measures; environmental improvement and remediation scheme (if any); biodiversity offsetting plan (if any); environmental emergency prevention and response scheme;

g) Conformity of the environmental management and supervision program; adequacy and feasibility of environmental commitments made by the investment project owner.

8. The Prime Minister shall decide to organize the EIAR appraisal that needs foreign consultants. Result of the EIAR appraisal carried out by foreign consultants shall serve as the basis for the competent authority specified in Article 35 of this Law to approve the EIAR appraisal result.

9. Within 20 days from the receipt of the EIAR revised (if any) as requested by the appraising authority, the head of the appraising authority shall decide to approve the appraisal result; in case of refusal to grant approval, respond to the investment project owner and provide explanation in writing.

10. The submission of application for EIAR appraisal, receipt, processing and notification of the EIAR appraisal result shall be carried out in person or by post or through the online public service system at the request of the investment project owner.

11. The Minister of Natural Resources and Environment shall elaborate organizational structures and operation of appraisal councils; make publicly available list of appraisal councils; forms of documents included in the application for EIAR appraisal and decision to approve EIAR appraisal result; time limit for comment collection specified in Point d Clause 3 of this Article.

### **Article 35. Power to appraise EIAR**

1. The Ministry of Natural Resources and Environment shall organize appraisal of EIARs for the following investment projects, except for the investment projects specified in Clause 2 of this Article:

a) Group I investment projects mentioned in Clause 3 Article 28 of this Law;

b) Group II investment projects in Points c, d, dd and e Clause 4 Article 28 of this Law subject to investment guideline decision or approval by the National Assembly and Prime Minister; investment projects involving 02 provinces or more; investment projects located within territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned; investment projects subject to issuance of the mineral mining license, license to extract and use water resources, ocean dumping permit and marine area transfer decision by the Ministry of Natural Resources and Environment.

2. The Ministry of National Defense and Ministry of Public Security shall organize appraisal of EIARs for investment projects classified as state secrets in the field of national defense and security.

3. Provincial People's Committees shall organize appraisal of EIARs for investment projects within their provinces, except for the investment projects in Clauses 1 and 2 of this Article. Ministries and ministerial agencies shall cooperate with provincial People's Committees shall appraise EIARs for investment projects subject to investment guideline and decision by such provincial People's Committees.

### **Article 36. Decision on approval of EIAR appraisal result**

1. The decision on approval of EIAR appraisal result shall serve as the basis for a competent authority to perform the following tasks:

- a) Issue and adjust the mineral mining license for mineral mining projects;
- b) Approve oil and gas exploration and field development plan for oil and gas exploration and extraction projects;
- c) Approve feasibility study reports for public-private partnership investment projects;
- d) Give conclusions on appraisal of feasibility study reports for construction projects;
- dd) Issue environmental licenses;
- e) Issue ocean dumping permits; marine area transfer decisions;
- g) Issue investment decisions for investment projects not mentioned in Points a, b, c, d, dd and e of this Clause.

2. Except for the investment projects classified as state secrets, the appraising authority shall send the decision on approval of EIAR appraisal result to the investment project owner and agencies concerned as follows:

a) The Ministry of Natural Resources and Environment shall send it to the People's Committee of the province where the investment project is executed and other agencies in accordance with relevant regulations of law. The provincial People's Committee shall send it to the provincial specialized environmental protection authority, People's Committee of the district or commune where the investment project is executed and management board of an industrial park, export-processing zone, hi-tech zone or economic zone of the province or central-affiliated city for the investment project executed in the dedicated area for production, business operation and service provision;

b) The provincial People's Committee shall send it to the Ministry of Natural Resources and Environment, provincial specialized environmental protection authority, People's Committee of the district or commune where the investment project is executed and management board of an industrial park, export-processing zone, hi-tech zone or economic zone of the province or central-affiliated city for the investment project executed in the dedicated area for production, business operation and service provision.

3. If the investment project owner is changed, the new one shall continue to implement the decision on approval of EIAR result and inform the EIAR appraising authority and provincial specialized environmental protection authority.

### **Article 37. Responsibility of investment project owner after obtaining decision on approval of EIAR appraisal result**

1. Revise contents of the investment project and EIAR in conformity with environmental protection contents and requirements set out in the decision on approval of EIAR appraisal result.

2. Fully comply with the decision on approval of EIAR appraisal result.

3. Send a notification of completion of environmental protection work to the authority approving EIAR appraisal result before officially putting the project into official operation in the case where the project is not required to obtain the environmental license.

4. During the preparation and execution of the investment project before being put into operation, in case of deviation from the decision on approval of EIAR appraisal result, the investment project owner shall:

a) conduct EIA of the investment project if there is any change to scale, capacity or production technology or another change resulting in an increase in environmental adverse impacts;

b) notify the competent authority for approval during the issuance of the environmental license to the investment project required to obtain the environmental license in the case of change of a production technology, waste treatment technology or location into which treated wastewater is directly discharged other than the case specified in Point a of this Clause; addition of an industry or business line in which investment is encouraged to the dedicated area for production, business operation and service provision or industrial cluster;

c) conduct environmental impact self-assessment, consider, decide and take legal responsibility for other changes other than those specified in Points a and b of this Clause; incorporate the environmental impact self-assessment in the report on proposal for issuance of the environmental license (if any).

5. Make publicly available the EIAR of which the result of appraisal has been approved as prescribed in Article 114 of this Law, except for the information classified as state secrets or enterprise's secrets as prescribed by law.

6. Perform other tasks as prescribed by the law on environmental protection.

7. The Government shall elaborate Clause 4 of this Article.

### **Article 38. Responsibility of EIAR appraising authority**

1. Take responsibility for EIAR appraisal results and decisions on approval of EIAR appraisal results.

2. Publish decisions on approval of EIAR appraisal results on its web portal, except for the information classified as state secrets or enterprise's secrets as prescribed by law.

3. Establish and integrate EIA database to the national environmental database.

## **Section 4. ENVIRONMENTAL LICENSE**

### **Article 39. Obligated applicants for environmental license**

1. Group I, II and III projects that generate wastewater, dusts and exhaust gases that must be treated into the environment or generate hazardous waste that must be managed in accordance with regulations on waste management before officially being put into operation.

2. Investment projects, dedicated areas for production, business operation and service provision and industrial clusters operating before the effective date of this Law and applying environmental criteria as the projects mentioned in Clause 1 of this Article.

3. If the projects mentioned in Clause 1 of this Article are urgent public investment projects as prescribed by the Law on Public Investment, they are exempt from the environmental license.

### **Article 40. Contents of environmental license**

1. Contents of an environmental license include general information about the investment project, business, dedicated area for production, business operation and service provision or industrial cluster; items to be licensed; environmental protection requirements; validity period; other contents (if any).

2. Items to be licensed include:

a) Source of wastewater; maximum wastewater flow rate; wastewater flow; pollutants and permissible limits of pollutants in the wastewater flow; location and method of wastewater discharge and wastewater receiving bodies;

b) Source of emissions; maximum exhaust gas flow rate; wastewater flow; pollutants and permissible limits of pollutants in the emissions flow; location and method of exhaust gas discharge;

c) Source and permissible limits of noise and vibration;

d) Works and system for hazardous waste treatment; hazardous waste code and quantity of waste permitted for treatment, quantity of hazardous waste transfer stations, operating area with regard to the investment project, hazardous waste treatment service providers;

dd) Type and quantity of scrap permitted for import with regard to the investment project, establishments importing scrap from foreign countries as production materials

3. Environmental protection requirements are as follows:

a) There should be appropriate works and measures for collecting and treating waste and emissions and reducing noise and vibration; in the case of discharge of wastewater into hydraulic structures, environmental protection requirements should be in place to be applied to the source of water discharged into hydraulic structures;

b) Regarding investment projects and hazardous waste treatment providers, there should be measures, systems, works and equipment serving storage, transport, transfer, preliminary processing and treatment which satisfy technical and managerial requirements,;

c) Regarding investment projects and establishments importing scrap from foreign countries as production materials, there should be appropriate warehouses and yards for scrap storage; recycling equipment; impurity treatment scheme; re-export scheme;

d) There should be environmental management and supervision plans, environmental emergency prevention and response plans; equipment and works serving environmental emergency prevention and response and environmental monitoring;

dd) It is required to manage domestic solid waste, normal industrial solid waste and hazardous waste; improve and remediate environmental; carry out biodiversity offsets according to regulations of law;

e) Other environmental protection requirements (if any).

4. The environmental license shall be valid for:

a) 07 years, regarding group I investment projects;

b) 07 years, regarding businesses, dedicated areas for production, business operation and service provision and industrial clusters operating before the effective date of this Law and applying environmental criteria as Group I investment projects;

c) 10 years, regarding the license holders not mentioned in Points a and b of this Clause;

d) The validity period may be shorter than that specified in Points a, b and c of this Clause at the request of the investment project owners, businesses, investors in construction and commercial operation of infrastructure in dedicated

areas for production, business operation and service provision and industrial clusters (hereinafter collectively referred to as “investment project/business owners”).

5. The Minister of Natural Resources and Environment shall promulgate form of the environmental license.

#### **Article 41. The power to issue environmental license**

1. The Ministry of Natural Resources and Environment shall issue the environmental license to the following applicants, except for the case specified in Clause 2 of this Article:

a) The projects in Article 39 hereof for which the EIAR appraisal result has been approved by the Ministry of Natural Resources and Environment;

b) The projects specified in Article 39 hereof that involve 02 provinces or more or are located within territorial waters to which responsibility of the provincial People’s Committee for administrative management are yet to be assigned; establishments importing scrap from foreign countries as production materials, hazardous waste treatment service providers.

2. The Ministry of National Defense and Ministry of Public Security shall issue the environmental license to investment projects and establishments classified as state secrets in the field of national defense and security.

3. Provincial People’s Committees shall issue the environmental license to the following obliged applicants, except for the cases specified in Clauses 1 and 2 of this Article:

a) Group II investment projects in Article 39 hereof;

b) Group II investment projects in Article 39 hereof that involve 02 districts or more;

c) The investment projects in Clause 2 Article 39 hereof for which the EIAR appraisal result has been approved by the provincial People’s Committee or Ministry of Natural Resources and Environment or ministerial agency.

4. District-level People’s Committees shall issue the environmental license to the applicants in Article 39 hereof, except for the cases specified in Clauses 1, 2 and 3 of this Article.

#### **Article 42. Bases and time for issuance of environmental license**

1. Bases for issuance of the environmental license include:

a) The application for issuance of environmental license specified in Clause 1 Article 43 hereof;



b) The EIAR of which result of appraisal has been approved by the competent authority (if any);

c) National environmental protection planning, provincial planning, regulations on environmental zoning and environment's carrying capacity under the competent authority's decision, except for the case specified in Point e of this Clause;

d) Technical regulation on environment;

dd) Regulations of law on environmental protection, water resources and other relevant regulations of law;

e) At the time of issuing the environmental license, if the national environmental protection planning, provincial planning or regulation on environmental zoning or environment's carrying capacity has not yet been promulgated by the competent authority, the environmental license shall be issued according to Points a, b, d and dd of this Clause.

2. The time for issuance of the environmental license is as follows:

a) An investment project subject to EIA must obtain the environmental license before trial operation of the waste treatment work, except for the case in Point c of this Clause;

b) An investment project not subject to EIA must obtain the environmental license before the competent authority promulgates the document specified in Points a, b, c, d and g Clause 1 Article 36 of this Law. If a construction project is not subject to feasibility study report appraisal by the specialized construction authority in accordance with regulations of law on construction, it must obtain the environmental license before the competent authority issues or adjusts the construction permit;

c) If the waste treatment work of the investment project in Clause 2 Article 39 hereof is currently under trial operation as prescribed by law before the effective date of this Law, the project owner is entitled to continue the trial operation to obtain the environmental license after the trial operation is done or prepare an application for the environmental license before the trial operation is done. The project owner is not required to carry out the trial operation again, however, the result of trial operation must be reported and evaluated as prescribed in Article 46 of this Law;

d) The business, dedicated area for production, business operation and service provision or industrial cluster in Clause 2 Article 30 hereof that has been put into official operation before the effective date of this Law must obtain the environmental license within 36 months from the effective date of this Law,



except for the case where the competent authority has issued the certificate of completion of environmental protection work, certificate of conformity with environmental standard, certificate of eligibility for environment protection in import of scrap from foreign countries as production materials, license for hazardous waste treatment, license to discharge wastewater into water sources, license to discharge wastewater into hydraulic structure (hereinafter collectively referred to as the “component environmental license”). The component environmental license may be used as the environmental license until its expiry or within 05 years from the effective date of this Law if it is an indefinite-term component environmental license.

3. If the investment project or project on construction of a business, dedicated area for production, business operation and service provision or industrial cluster is executed in multiple phases or has multiple works or work items, the environmental license may be issued to each phase, work or item work that generates waste. The later issued environmental license shall incorporate contents of the previously issued license that is still effective.

4. The environmental license shall serve as the basis for carrying out the following activities:

a) Inspection and supervision by competent authorities of environmental protection activities of investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters;

b) Assumption of responsibility for environmental protection by investment project/business owners.

5. If name of the investment project, business or dedicated area production, business operation and service provision or investment project/business owner is changed, the investment project/business owner shall continue to comply with the environmental license and notify the licensing authority for renewal of the license.

6. From the effective date of the environmental license, the decision on approval of EIAR appraisal result and component environmental license becomes null and void.

### **Article 43. Applications and procedures for issuance of environmental license**

1. An application for issuance of an environmental license includes:

a) An application form;

b) A report on proposal for issuance of the environmental license;

c) Legal and technical documentation of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster.

2. Procedures for issuance of the environmental license are as follows:

a) An investment project/business owner shall send an application for issuance of the environmental license to the competent authority specified in Article 41 hereof. The application may be submitted in person or by post or through the online public service system;

b) The licensing authority shall receive the application and inspect its adequacy and validity; make publicly available contents of the report on proposal for issuance of the environmental license, except for information classified as state secrets or enterprise's secrets as prescribed by law; consult relevant organizations and individuals; carry out a site inspection of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster; carry out appraisal and issue the environmental license.

The sequence of receiving and handling administrative procedures shall be followed in person, by post or through the online public service system at the request of the investment project/business owner;

c) If the investment project, business, dedicated area for production, business operation and service provision or industrial cluster discharges wastewater into a hydraulic structure, the licensing authority shall collect written comments and reach an agreement with the regulatory body managing such hydraulic structure before issuing the environmental license;

d) If the investment project or business is located within a dedicated area for production, business operation and service provision or industrial cluster, the licensing authority shall collect written comments of the investor in construction and commercial operation of such dedicated area for production, business operation and service provision or industrial cluster before issuing the environmental license;

3. The licensing shall be based on appraisal of the report on proposal for issuance of the environmental license. The licensing authority shall establish an appraisal council and inspectorate in accordance with the Government's regulations.

Regarding the investment project, business, dedicated area for production, business operation and service provision or industrial cluster that discharges wastewater into a hydraulic structure, the appraisal council and inspectorate shall include a representative from the regulatory body managing such hydraulic structure.

The regulatory body managing the hydraulic structure shall appoint a member to join the appraisal council and inspectorate and comment on the licensing within the time limit for comment collection; if such time limit expires and a written response fails to be given, it is considered that such body agrees to the licensing.

4. The time limit for licensing begins on the date of receiving a satisfactory application and is as follow:

a) Not exceeding 45 days if the environmental license is issued by the Ministry of Natural Resources and Environment, Ministry of National Defense and Ministry of Public Security;

b) Not exceeding 30 days if the environmental license is issued by a provincial or district-level People's Committee;

c) The licensing authority may impose a shorter time limit than that specified in Points a and b of this Clause according to the type, scale and nature of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster.

5. If an investment project, business, dedicated area for production, business operation and service provision required to obtain the environmental license performs radiation works, it shall, in addition to complying with regulations of this Law, comply with regulations of law on atomic energy.

6. The Government shall elaborate this Article.

#### **Article 44. Renewal, adjustment, re-issuance, suspension and revocation of environmental license**

1. An environmental license shall be renewed in the case specified in Clause 5 Article 42 of this Law but other information in the license remains unchanged.

2. An environmental license may be adjusted within its validity period in one of the following cases:

a) Any of the items specified in Clause 2 Article 40 hereof is changed at the request of the investment project/business owner as prescribed by law, except for the case specified in Point b Clause 3 of this Article;

b) The investment project or business provides hazardous waste services or imports scrap from a foreign country as production materials after the trial operation is done to suit its operating capacity.

3. An environmental license may be re-issued in the following cases:

a) The license expires;

b) The investment project, business, dedicated area for production, business operation and service provision or industrial cluster makes any of the changes in the total scale, capacity or technology production or another change resulting in adverse impacts on the environment, except for the case where the investment project making the change is not subject to EIA.

4. The environmental license shall be suspended if the investment project/business owner commits an administrative violation against regulations on environmental protection which is so serious that the environmental license is suspended in accordance with regulations of law on penalties for administrative violations.

5. An environmental license shall be revoked in one of the following cases:

- a) The license is issued ultra vires;
- b) Its contents are against the law.

6. The Government shall elaborate this Article.

#### **Article 45. Fees for issuance of environmental license**

1. The investment project/business owner shall pay fees for issuance, re-issuance and adjustment of the environmental license.

2. The Minister of Finance shall provide for collection, payment, management and use of fees for issuance, re-issuance and adjustment of the environmental license issued by central government authorities.

3. Provincial People's Councils shall provide for collection, payment, management and use of fees for issuance, re-issuance and adjustment of the environmental license issued by provincial and district-level People's Committees as prescribed by law.

#### **Article 46. Environmental protection works and trial operation of waste treatment works of investment projects after obtaining environmental license**

1. Environmental protection works of an investment project include:

a) Waste treatment works which are works and equipment serving treatment of wastewater, dusts, emissions, solid waste and hazardous waste;

b) Works for solid waste collection and storage which are works and equipment serving collection and storage of normal solid waste, medical solid waste and hazardous waste to satisfy the requirements for classifying, collecting, storing, reusing, recycling and transporting solid waste to places of treatment, reuse or recycling;

c) Other environmental protection works.

2. Every investment project owner that has the waste treatment work specified in Point a Clause 1 of this Article shall, after obtaining the environmental license, carry out trial operation of such waste treatment work together with the trial operation of the entire investment project or for each investment phase of the project (if any) or for the independent waste treatment work item of the project to assess the conformity and satisfaction of a technical regulation on environment.

3. During trial operation of a waste treatment work, the investment project owner shall comply with environmental protection requirements according to the environmental license and regulations of law on environmental protection.

4. For the investment project that involves provision of hazardous waste treatment services or import of scrap from a foreign country as production materials, at least 45 days before the end of its trial operation, the investment project owner shall send a report on trial operation to the authority issuing the environmental license to the project. The licensing authority shall carry out an inspection and decide to adjust the type and quantity of hazardous waste licensed for treatment or quantity of scrap licensed for import and impose penalties for violations (if any) as prescribed by law.

5. The Government shall elaborate this Article.

#### **Article 47. Rights and obligations of investment project/business owners issued with the environmental license**

1. Every investment project/business owner issued with the environmental license has the right to:

- a) perform the licensed tasks specified in the environmental license;
- b) apply for renewal, adjustment or re-issuance of the environmental license;
- c) Other rights prescribed by law.

2. Every investment project/business owner issued with the environmental license has the obligation to:

a) correctly and fully comply with the environmental protection requirements specified in the issued environmental license. If any content of the issued environmental license is changed, notify the licensing authority for consideration;

b) pay fees for issuance, re-issuance or adjustment of the environmental license;

c) correctly comply with regulations on trial operation of waste treatment works of investment projects as prescribed in Article 46 of this Law;

d) take responsibility for the accuracy and truthfulness of the application for issuance of the environmental license;

dd) make publicly available the environmental license, except for information classified as state secrets and enterprise's secrets as prescribed by law;

e) provide relevant information at the request of environmental protection authorities during the inspection;

g) Other obligations prescribed by law.

#### **Article 48. Responsibilities of licensing authorities**

Each licensing authority has the responsibility to:

1. Receive, inspect and appraise the application for environmental license and issue environmental licenses; renew, adjust or re-issue the environmental license at the request of investment project/business owners; take responsibility for contents of the environmental license; manage and store documents and data on the environmental license; partially suspend any investment projects, business, dedicated areas for production, business operation and service provision and industrial clusters' activity that causes or is likely to cause serious consequences the environment; revoke environmental licenses.

2. Publish environmental licenses on its website, except for information classified as state secrets and enterprise's secrets as prescribed by law.

3. Inspect the performance of environmental protection activities and compliance with environmental protection requirements by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters as prescribed by law.

4. Receive and handle propositions about environmental protection regarding the contents specified in the environmental license; instruct project investment owners to carry out trial operation of waste treatment works, remediation the environment and respond to environmental emergencies (if any) during trial operation.

5. Operate, update and integrate data on environmental licenses into the environmental information system and database. The reporting and sharing of information and data on environmental licenses shall be carried out in an interconnected manner and online within the environmental information system and database.

#### **Article 49. Environmental registration**

1. Obligated registrants:

a) Waste-generating investment projects not required to obtain an environmental license;

b) Waste-generating businesses operating before the effective date of this Law not required to obtain an environmental license.

2. The registrants specified in Clause 1 of this Article shall be exempt from environmental registration, including:

a) Investment projects and businesses classified as state secrets in the field of national defense and security;

b) Investment projects when put into operation and businesses that do not generate waste or only generate a small quantity of waste which is treated using in situ waste treatment works or managed in accordance with regulations of the local government;

c) Other registrants.

3. Communal People's Committees shall receive environmental registration forms of the registrants specified in Clause 1 of this Article in person, by post or through the online public service system.

For an investment project or business that involves at least 02 communes, the investment project/business owner is entitled to select the People's Committee of any commune to carry out environmental registration.

4. Environmental registration shall cover:

a) General information about the investment project/business;

b) Type of production, business and service; technologies, capacity, products; raw materials, fuels and chemicals used (if any);

c) Type and quantity of waste generated;

d) A scheme to collect, manage and treat waste as prescribed;

dd) Commitments to environmental protection.

5. During the operation, if the investment project or business changes any registered content, the investment project/business owner shall carry out environmental registration again before making a change.

If the scale or nature of the investment project or business that is subject to EIA or required to obtain an environmental license, the investment project/business owner shall comply with regulations on EIA and environmental licenses in accordance with this Law.

6. The time for environmental registration is as follows:

a) The investment projects that are specified in Point a Clause 1 of this Article and subject to EIA and environmental registration before being put into official operation;

b) The investment projects that are specified in Point a Clause 1 of this Article but not subject to EIA and environmental registration before the competent authority issue the construction permit if a construction permit is required in accordance with regulations of law on construction or before waste is discharged into the environment if a construction permit is not required in accordance with regulations of law on construction;

c) The businesses that are specified in Point b Clause 1 of this Article and subject to environmental registration within 24 months from the effective date of this Law.

7. Communal People's Committees shall:

a) receive environmental registration forms;

b) carry out inspections and impose penalties for violations against the law on environmental protection committed by entities carrying out environmental registration;

c) provide guidance and handle propositions about environmental protection regarding the contents registered by the entities carrying out environmental registration;

d) update data on environmental protection to the national environmental information system and database.

8. The Government shall elaborate Points b and c Clause 2 of this Article.

9. The Minister of Natural Resources and Environment shall promulgate environmental registration forms and provide guidelines for receipt of environmental registration forms.

## **Chapter V**

### **ENVIRONMENTAL PROTECTION DURING PRODUCTION, BUSINESS OPERATION AND SERVICE PROVISION; URBAN AND RURAL ENVIRONMENTAL PROTECTION; ENVIRONMENTAL PROTECTION IN SOME FIELDS**

#### **Section 1. ENVIRONMENTAL PROTECTION DURING PRODUCTION, BUSINESS OPERATION AND SERVICE PROVISION**

##### **Article 50. Environmental protection in economic zones**

1. An economic zone must have environmental protection infrastructure, including:



- a) A solid waste collection and storage system;
- b) A rainwater collection and drainage system;
- c) A wastewater collection, drainage and treatment system which ensures that treated wastewater complies with environmental protection requirements; automatic and continuous wastewater monitoring system if the economic zone has a centralized wastewater treatment system and is required to carry out automatic and continuous monitoring in accordance with this Law;
- d) Green space with the ratio prescribed by the law on construction.

2. Economic zone management boards must have an environmental protection department and personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks.

3. Every economic zone management board shall:

- a) inspect and supervise the construction of environmental protection infrastructure in dedicated areas for industrial production of the economic zone as prescribed by law;

- b) cooperate with local environmental protection authorities in appraising EIARs, issuing environmental licenses, carrying out environmental protection inspection and perform other environmental protection-related tasks in the economic zone as prescribed by law;

- c) carry out inspection of environmental protection by businesses, dedicated areas for production, business operation and service provision and industrial cluster in the economic zone according to the plan approved by the provincial People's Committee;

- b) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;

- dd) perform other environmental protection-related tasks assigned by the provincial People's Committee as prescribed by law;

- e) submit a report on environmental protection by the economic zone as prescribed by law;

- g) assume other responsibilities prescribed by law.

## **Article 51. Environmental protection in dedicated areas for production, business operation and service provision**

1. A dedicated area for production, business operation and service provision must have environmental protection infrastructure, including:

a) A rainwater collection and drainage system; centralized wastewater collection, drainage and treatment system which ensures that treated wastewater satisfies environmental protection requirements;

b) Works and equipment serving environmental emergency prevention and response for wastewater as prescribed by law;

c) An automatic and continuous wastewater monitoring system for the centralized wastewater treatment system as prescribed by this Law;

d) Green space with the ratio prescribed by the law on construction.

2. Management boards of industrial parks, export-processing zones and hi-tech zones of provinces and central-affiliated cities must have an environmental protection department and personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks.

3. Every management board of an industrial park, export-processing zone or hi-tech zone of a province or central-affiliated city shall:

a) inspect and supervise the construction of environmental protection infrastructure in dedicated areas for production, business operation and service provision as prescribed by law;

b) cooperate with local environmental protection authorities in appraising EIARs, issuing environmental licenses, carrying out environmental protection inspection and perform other environmental protection-related tasks in dedicated areas for production, business operation and service provision as prescribed by law;

c) carry out inspection of environmental protection in dedicated areas for production, business operation and service provision as prescribed by law;

b) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;

dd) submit a report on environmental protection in dedicated areas for production, business operation and service provision as prescribed by law;

e) perform other environmental protection-related tasks assigned by the provincial People's Committee as prescribed by law;

g) assume other responsibilities prescribed by law.

4. Every investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision shall:

a) satisfy the requirements set out in Clause 1 of this Article;

b) arrange dedicated areas and types of production, business and services in conformity with environmental protection requirements;

c) construct a rainwater collection and drainage system separately from the centralized wastewater collection, drainage and treatment system;

d) collect and connect wastewater of facilities in the dedicated area for production, business operation and service provision to the centralized water collection, drainage and treatment system;

dd) request facilities discharging treated wastewater into the rainwater collection and drainage system to halt discharge of treated wastewater into the rainwater collection and drainage system within 24 months from the effective date of this Law;

e) provide personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks;

g) cooperate with an environmental protection authority, management board of an industrial park, export-processing zone, hi-tech zone or economic zone of a province or central-affiliated city in environmental protection; cooperate in organizing inspection of environmental protection by facilities in the dedicated area for production, business operation and service provision as prescribed by law;

h) organize the inspection of fulfillment of environmental commitments by the investment project/business owner upon registering investment in the dedicated area for production, business operation and service provision;

i) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;

k) promulgate environmental protection regulations of the dedicated area for production, business operation and service provision in conformity with environmental protection requirements as prescribed by law;

i) carry out environmental monitoring as prescribed by law;

m) prepare a report on environmental protection in the dedicated area for production, business operation and service provision and send it to the provincial specialized environmental protection authority, licensing authority and management board of the industrial park, export-processing zone, hi-tech zone or economic zone of the province or central-affiliated city as prescribed by law;

n) assume other responsibilities prescribed by law.

5. Provincial People's Committees shall:

a) assist in construction and operation of infrastructure serving environmental protection in dedicated areas for production, business operation and service provision invested in by the State within their provinces;

b) direct specialized agencies and management boards of industrial parks, export-processing zones, hi-tech zones and economic zones of provinces and central-affiliated cities to comply with regulations of law on environmental protection applicable to dedicated areas for production, business and service provision;

c) promulgate regulations on encouraging involvement of private sector in construction, commercial operation and operation of infrastructure serving environmental protection in dedicated areas for production, business and service provision;

d) assume other responsibilities prescribed by law.

6. The Government shall elaborate this Article.

## **Article 52. Environmental protection in industrial clusters**

1. Every industrial cluster must have the environmental protection infrastructure specified in Clause 1 Article 51 of this Law.

2. An industrial cluster that is operating must satisfy the following requirements:

a) The environmental protection infrastructure specified in Clause 1 Article 51 of this Law must be completed within 24 months from the effective date of this Law;

b) In the case of exemption from connection to the centralized wastewater collection, drainage and treatment system, it is required to ensure that treated wastewater complies with environmental protection requirements before discharging it into the environment; there should be an environmental emergency prevention and response scheme tailored for the wastewater and automatic and continuous wastewater monitoring system as prescribed by law.

3. An investor in construction and commercial operation of an industrial cluster shall:

a) satisfy the requirements set out in Clause 1 of this Article;

b) construct, manage and operate environmental protection infrastructure as prescribed in Clause 1 of this Article.

c) not accept new projects and capacity increase of existing projects that generate waste in the industrial cluster before a centralized wastewater collection, drainage and treatment system is available;

d) collect and connect wastewater of facilities in the industrial cluster to the centralized water collection, drainage and treatment system;

dd) request facilities discharging treated wastewater into the rainwater collection and drainage system to halt discharge of treated wastewater into the rainwater collection and drainage system within 24 months from the effective date of this Law;

e) assign at least one person in charge of environmental protection majoring in environment or field suitable for his/her assigned tasks;

g) cooperate with an environmental protection authority in environmental protection; cooperate in organizing inspection of environmental protection by facilities in the industrial cluster as prescribed by law;

h) organize the inspection of fulfillment of environmental commitments by the investment project/business owner upon registering investment in the industrial cluster;

i) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;

k) promulgate regulations on environmental protection of the industrial cluster in conformity with the environmental protection requirements as prescribed by law;

l) prepare a report on environmental protection by the industrial cluster and send it to the provincial specialized environmental protection authority, licensing authority and district-level People's Committee as prescribed by law;

m) assume other responsibilities prescribed by law.

4. Encouragement of private sector involvement and provision of incentives and assistance to investors in construction and commercial operation of environmental protection infrastructure of industrial clusters shall comply with regulations of the Government and provincial People's Committees.

5. District-level People's Committees shall:

a) construct, manage and operate infrastructure serving environmental protection in industrial clusters if investors on construction and commercial operation of industrial cluster infrastructure are not available.

b) prepare a list of industrial clusters that fail to have a centralized wastewater collection, drainage and treatment system within their districts and notify the provincial People's Committees;

c) assume other responsibilities prescribed by law.

6. Provincial People's Committees shall:

a) direct specialized agencies, district and communal-level People's Committee to comply with regulations of law on environmental protection of industrial clusters;

b) promulgate regulations on encouraging involvement of private sector in construction, commercial operation and operation of infrastructure serving environmental protection in industrial clusters;

c) introduce a roadmap for relocate residents (if any) from industrial clusters.

### **Article 53. Environmental protection in businesses**

1. Every business shall:

a) collect and treat wastewater in line with environmental protection requirements. If the business operates in an industrial cluster, dedicated area for production, business operation and service provision, urban area or high density residential area that has a centralized wastewater collection, drainage and treatment system, the business owner shall connect wastewater to the centralized wastewater collection, drainage and treatment of the investor in construction and commercial operation of that centralized wastewater collection, drainage and treatment system, except for the case where the business has been exempted from wastewater connection before the effective date of this Law;

b) comply with regulations set forth in Point dd Clause 4 Article 51 and Point dd Clause 3 Article 52 of this Law, regarding the business operating in an industrial cluster or dedicated area for production, business operation and service provision and discharging treated wastewater into the rainwater collection and drainage system;

c) collect, classify, store, reuse, recycle and treat waste as prescribe by this Law;

d) reduce, collect and treat dusts, emissions and unpleasant odors; ensure noxious gases are not leaked or released into the environment; control noise, vibration, light and heat radiation;

dd) provide resources and equipment for environmental emergency prevention and response;

e) regarding the business specified in Point b Clause 2 Article 111 and Clause 2 Article 112 hereof, provide personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks; establish an environmental management system according to the national standard TCVN ISO 14001 or international standard ISO 14001;

g) carry out monitoring of wastewater, dusts and exhaust gases in accordance with this Law.

2. In the following cases, businesses and warehouses must maintain a safe environmental distance from residential areas:

- a) Flammable and explosive substances are present;
- b) Radioactive substances, radioactive waste or radiation equipment is present;
- c) Substances harmful to humans and animals are present;
- d) There is a risk of generating dusts, unpleasant odors or noise resulting in adverse impacts on human health;
- dd) There is a risk of causing water contamination.

3. Household or individual businesses that generate wastewater or exhaust gases must have works or equipment for in situ waste treatment in accordance with environmental protection requirements or regulations of the provincial People's Committee.

4. The Government shall elaborate Clause 2 of this Article.

5. The Minister of Natural Resources and Environment shall provide technical guidance and assess conformity of works or equipment for in situ waste treatment specified in Clause 3 of this Article.

6. The provincial People's Committee shall introduce a roadmap to the business in Clause 2 of this Article operating within its province and failing to maintain the safe environmental distance.

#### **Article 54. Responsibility of producers and importers for recycling**

1. Producers and importers of recyclable products and packages must recycle them according to the mandatory recycling rate and specifications, except for products and packages exported/temporarily imported or produced/imported for research, learning or testing purposes.

2. The producers and importers specified in Clause 1 of this Article are entitled to recycle products and packages adopting one of the following methods:

- a) Organize recycling of products and packages;
- b) Make a financial contribution to the Vietnam Environment Protection Fund to support recycling of products and packages.

3. The producers and importers specified in Clause 1 of this Article shall register their recycling plans and submit annual reports on recycling results to the

Ministry of Natural Resources and Environment, except for the case in Point b Clause 2 of this Article.

4. The financial contribution and use of financial assistance in recycling of products and packages specified in Point b Clause 2 of this Article shall adhere to the following principles:

a) The financial contributions and financial assistance in recycling are determined according to the quantity or unit of products/packages;

b) Financial contributions are used to support the recycling of products and packages specified in Clause 1 of this Article;

c) The receipt and use of financial contributions must be carried out in a public and transparent manner and for intended purposes in accordance with law.

5. The Government shall elaborate and introduce a roadmap for implementation of this Article.

#### **Article 55. Responsibility of producers and importers for waste collection and treatment**

1. The producers and importers of products and packages which contain toxic substances, are difficult to recycle or cause a difficulty in collection and treatment must make a financial contribution to support the activities mentioned in Clause 3 of this Article, except for products exported/temporarily imported or produced/imported for research, learning or testing purposes.

2. The producers and importers specified in Clause 1 of this Article shall make a financial contribution to the Vietnam Environment Protection Fund; the financial contributions shall be determined according to the quantity or unit of products/packages.

3. Activities supported by the Vietnam Environment Protection Fund include:

a) Collecting, transporting and treating domestic solid waste generated from households and individuals;

b) Researching and developing technologies, techniques and initiatives for domestic solid waste treatment;

c) Collecting, transporting and handling packages containing agrochemicals.

4. The receipt and use of financial contributions must be carried out in a public and transparent manner and for intended purposes in accordance with law.

5. The Government shall elaborate this Article.



## **Article 56. Environmental protection in craft villages**

1. Every craft village must have an environmental protection plan, an autonomous environmental protection organization and environmental protection infrastructure. Environmental protection infrastructure of a craft village includes:

a) A wastewater and rainwater collection system which meets the craft village's needs for water drainage;

b) A centralized wastewater collection, drainage and treatment system (if any) which ensures that treated wastewater satisfies environmental protection requirements;

c) A solid waste aggregation point which satisfies technical requirements for environmental protection; a solid waste treatment facility (if any) which complies with regulations on solid waste management or a scheme to transport solid waste to a solid waste treatment facility outside the craft village.

2. Manufacturing establishments and households in a craft village must seek and implement environmental protection measures as prescribed by law; implement measures for noise, vibration, light, dusts, heat radiation, emissions and wastewater reduction and in situ pollution remediation; collect, classify, store and treat solid waste as prescribed by law.

3. Manufacturing establishments and households involved in industries and business lines that are not recommended in craft villages shall comply with the regulations laid down in Clause 2 of this Article and adhere to the plans for relocation or industry and business line conversion made by competent authorities.

4. Communal People's Committees shall:

a) prepare and implement environmental protection plans for craft villages within their communes;

b) provide guidance on operation of autonomous environmental protection organizations in craft villages.

5. District-level People's Committees shall:

a) estimate budget for environmental protection of craft villages;

b) provide instructions on and develop models for environmental protection of craft villages; produce and operate solid waste collection and treatment models and in situ waste water treatment systems that satisfy environmental protection requirements, which are funded by the State from the budget for construction and environmental protection, and contributions of entities in accordance with regulations of law.

6. Provincial People's Committees shall:

- a) formulate planning for, build, renovate and develop craft villages and craft villages clusters in association with environmental protection;
- b) provide funding for environmental protection of craft villages;
- c) direct and organize assessment of pollution levels and remediation of environmental pollution in local craft villages;
- d) direct the construction of wastewater collection and treatment systems; hazardous waste and normal solid waste dump sites and hazardous waste and normal solid waste aggregation points and treatment facilities in craft villages;
- dd) formulate a plan to relocate facilities causing long-lasting or serious environmental pollution from residential areas and craft villages.

7. The Government shall elaborate this Article.

## **Section 2. URBAN AND RURAL ENVIRONMENTAL PROTECTION**

### **Article 57. Environmental protection of urban areas and residential areas**

1. Environmental protection of urban areas and high density residential areas shall must ensure sustainable development associated with sustention of natural, cultural, historical elements, the ratio of green space, and satisfaction of requirements concerning landscape and environmental hygiene according to the planning.

2. Urban areas and high density residential areas shall satisfy environmental protection requirements. To be specific:

a) Water supply and drainage networks and public sanitation facilities must satisfy environmental protection requirements; wastewater collection and treatment systems must be consistent and conformable with the approved planning; if such urban areas and high density residential areas are form before the effective date of this Circular but fail to provide land for construction of wastewater collection and treatment systems, they shall comply with Point c Clause 5 Article 86 of this Law;

b) Equipment, vehicles and places for classifying solid waste at source, collecting and storing domestic solid waste must suit the quantity and type of waste generated from households and individuals in the urban areas and high density residential areas;

c) The green space, water surface and open space are present in urban areas and high density residential areas as prescribed by law.

3. Parks, flower gardens, trees, water surface, public roads and natural ecosystem must be protected, preserved and renewed in accordance with requirements concerning aesthetics and environmental protection and must not be encroached upon, leveled or used for wrong purposes.

4. Residential areas and residential clusters must designate a pollution-free place for temporary storage of domestic solid waste before being transported a designated place for treatment as prescribed.

5. Investors in urban areas and high density residential areas must comply with the environmental protection requirements specified in Clauses 1, 2, 3 and 4 of this Article.

## **Article 58. Rural environmental protection**

### **1. Requirements for rural environmental protection:**

a) Organizations, households and individuals involved in handicraft production, agricultural production and processing must adhere to the planning and regulations of law on environmental protection without affecting ambient environment quality; waste must be collected, reused and treated in accordance with environmental protection requirements;

c) Rural residential clusters must have water drainage systems and take appropriate measures for waste treatment; waste aggregation points must be properly located; domestic animals must not be pastured in public places; autonomy in environmental protection is encouraged;

c) Landscapes, trees, lakes, ponds and surface water ecosystems; water sources must be preserved, protected, remediated and improved;

d) Waste generated in rural areas must be managed in accordance with law; organic domestic waste, waste generated from livestock production and processing, and agricultural by-products must be recalled, reused or used as production materials;

dd) Rural environmental quality must be monitored and assessed; pollution areas must be determined, zoned, dealt with, improved and remediated and measures must be implemented to improve environmental quality.

### **2. Responsibility for rural environmental protection:**

a) Communal People's Committees shall statistically report and manage types of domestic waste, agricultural waste and handicraft industry waste generated within their communes; organize activities aimed at maintaining environmental hygiene and improving rural landscape; promulgate regulations on autonomy in environmental protection in rural areas;

b) District-level People's Committees shall manage production, business operation and service provision in accordance with environmental protection regulations according to the approved planning; manage waste collection and treatment within their districts; invest in and upgrade systems for wastewater drainage and treatment systems, solid waste collection and treatment in rural areas; organize monitoring and assessment of changes in environmental quality; zone, deal with, improve, remediate and improve environment in pollution points and areas in rural areas;

c) Provincial People's Committees shall provide directions and resources for rural environmental protection; direct and organize treatment of waste generated in rural areas; promulgate and provide guidelines for application of policies on provision of incentive and assistance for waste treatment, landscaping and environmental protection in rural areas;

d) The Ministry of Natural Resources and Environment shall preside over and cooperate with the Ministry of Agriculture and Rural Development in providing guidelines for satisfying criteria for rural environmental protection, implementing measures for waste collection and treatment, monitoring changes in environmental quality, dealing with pollution and improving and remediating environment in rural areas;

dd) The Ministry of Agriculture and Rural Development shall provide guidelines for collecting and treating livestock waste and agriculture by-products to be reused for other purposes; preside over and cooperate with the Ministry of Natural Resources and Environment in formulating and organizing the execution of rural development programs, projects, mechanisms and policies in association with the objectives for environmental protection and climate change adaptation;

e) The Prime Minister shall lay down criteria for environmental protection in rural development.

## **Article 59. Environmental protection of public places**

1. Organizations, households and individuals shall implement regulations on environmental protection and maintain hygiene in public places; classify waste and put it into each type of public trashcan or designated places; not let domestic animals spoil public hygiene.

2. Managers of parks, recreation areas, concentrations of businesses and service providers, markets, train stations, bus stations, ports, ferry terminals and other public areas shall:

a) assign personnel to collect waste and clean the environment in places under their management; have personnel or teams in charge of environmental protection for supervision purpose;

b) build and install public sanitation facilities and in situ waste treatment works in accordance with environmental protection; have vehicles and equipment for collecting, managing and treating waste in line with environmental protection requirements;

c) promulgate, openly post and organize the implementation of regulations on hygiene maintenance and environmental protection in public places under their management;

dd) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law.

3. The authority appraising construction designs and issuing construction permits to the managers specified in Clause 2 of this Article shall, according to regulations of law on construction, collect specialized environmental protection authorities' comments about the works and equipment for in situ wastewater treatment and equipment for collection and temporary storage of waste during the appraisal and issuance in accordance with the Government's regulations.

## **Article 60. Environmental protection by households and individuals**

1. Households and individuals shall:

a) minimize and classify domestic solid waste at source, collect and transport classified domestic waste to designated places;

b) minimize, treat and discharge wastewater into designated places; not let domestic animals spoil hygiene in residential areas;

c) not emit exhaust gases, make noises, vibration, and other impacts which cause negative impacts to the local community;

d) pay the fees for waste collection, transport and treatment services as prescribed by law;;

d) participate in environmental protection in residential community;

e) have sanitation works as prescribed. In case of failure to have any work or equipment for wastewater treatment or construction, renovation or repair of a detached house in an urban area or high density residential area, it is required to construct and install work or equipment for in situ wastewater treatment in accordance with environmental protection requirements as prescribed.

2. Household scale livestock farms must maintain hygiene, not make noises and emit unpleasant odors; livestock waste must be collected and treated in accordance with regulations of law on environmental protection and other relevant regulations of law.

3. Authorities appraising construction designs and issuing construction permits to construction works and residential houses of households and individuals in urban areas in accordance with regulations of law on construction shall appraise construction designs and issue construction permits, including works and equipment for in situ wastewater treatment in accordance with environmental protection requirements.

### **Section 3. ENVIRONMENTAL PROTECTION IN CERTAIN FIELDS**

#### **Article 61. Environmental protection in agricultural production**

1. Every entity that produces, imports, sells and/or uses chemicals, agrochemicals, veterinary drugs and fertilizers must comply with regulations of law on environmental protection regulations and other relevant regulations of law.

2. It is required to register, inventory, control, manage information about, assess and manage risks and handle chemicals, agrochemicals and veterinary drugs that are highly toxic, persist, spread and accumulate in the environment resulting in adverse impacts on environment and human health.

3. Expired fertilizers, environmental remediation products in livestock production, agrochemicals, veterinary drugs, aquaculture feeds and environmental remediation products in aquaculture must be managed in accordance with relevant regulations of law. Containers of fertilizers, animal feeds, aquaculture feeds, agrochemicals, veterinary drugs, environmental remediation products in aquaculture and products for livestock waste treatment after use, and sludge and feeds accumulated after cleaning of aquaculture ponds must be managed in accordance with waste management regulations. Sludge dredged from channels and hydraulic structures must be collected, reused, recycled and managed as prescribed by law. Dead animals must be collected and dealt with in accordance with regulations on hazardous waste management and preventive medicine.

4. Agricultural by-products must be collected to manufacture products and goods, used as raw materials and fuels, used for production of fertilizers and energy or managed as prescribed; by-products of plants must not be burned in the open air to avoid causing environmental pollution.

5. The use of livestock waste as organic fertilizers or for plant watering or for other purposes must comply with the Government's regulations.

6. The State shall introduce policies to encourage innovation of models and methods for agricultural production in a sustainable and climate-resilient manner that saves water and restricts the use of inorganic fertilizers, agrochemicals and environmental remediation products in agriculture; develop environmentally-friendly agriculture models.

7. The Ministry of Agriculture and Rural Development shall direct and organize management of sludge dredged from channels and hydraulic structures in compliance with environmental protection requirements.

**Article 62. Environmental protection in medical activities and control of effects of environmental pollution on human health**

1. Hospitals and other health facilities must satisfy environmental protection requirements, including:

a) collecting and treating wastewater in line with environmental protection requirements before discharging it into the environment;

b) classifying solid waste at source; collecting, storing, transporting and treating solid waste in line with environmental protection requirements. Domestic solid waste or normal solid waste that is mixed with infectious biomedical waste must be managed as the infectious biomedical waste;

c) giving priority to non-incineration and environmentally-friendly technologies which must satisfy requirements for environmental protection in management of infectious biomedical waste;

d) encouraging disinfection of infectious biomedical waste to remove pathogens that are potentially infectious before transporting them to central treatment facilities;

dd) having plans and equipment for prevention of and response to environmental emergencies caused by biomedical waste;

e) treating exhaust gases in line with environmental protection requirements;

g) building and operating sanitation facilities and waste collection, storage and treatment systems as prescribed.

2. Health facilities that use radioactive sources and radiation equipment must comply with regulations of law on atomic energy.

3. Pollutants that directly impact human health must be managed as follows:

a) Identify, assess, warn, prevent and control pollutants that are likely to impact human health; issues concerning diseases and human health directly related to pollutants;

b) Control and deal with sources of pollutants that impact human health and issues concerning diseases directly caused by pollutants;

c) Manage, share and publish information about pollutants that directly impact human health.



4. The Minister of Natural Resources and Environment shall elaborate the transport and treatment of biomedical waste.

5. The Minister of Health shall elaborate the classification, collection, storage and management of biomedical waste within health facilities; determination, assessment, warning, monitoring and discovery of symptoms and causes of diseases and human health issues directly related to pollutants; identification and announcement of limits of pollutants in human body that are likely to affect human health; management, statistical reporting, sharing and publishing of information on disease issues associated with pollutants; assessment of costs and economic loss caused by diseases, health issues associated with environmental pollution; formulation, provision of instructions on and organization of implementation of measures to monitor and prevent diseases and human health issues related to pollutants; management, sharing, exchange and publishing of information about pollutants affecting human health.

6. Provincial People's Committees shall provide for collection, transport and treatment of biomedical solid waste in conformity with local conditions; take responsibility for managing pollutants in connection with issues concerning diseases and human health within their provinces.

### **Article 63. Environmental protection during burial and cremation**

1. Every burial and cremation site must conform to the planning, be located and maintain distance in accordance with requirements concerning environmental hygiene and landscape of the residential area and not pollute water sources and the surroundings.

The Government shall provide for environmental protection during burial and cremation in conformity with customs, practices, folk beliefs and religions.

2. Corpses and bones shall be mummified, transported, and buried in accordance with environmental hygiene requirements.

3. Provider of burial and cremation services must comply with regulations of law on environmental protection and prevention and control of infectious diseases.

4. The State recommends that cremation and burial be carried out in cemeteries according to planning and unsound customs that cause environmental pollution be eliminated.

5. The Minister of Health shall provide for the burial and cremation of people who die of dangerous epidemics.



## **Article 64. Environmental protection in construction**

1. Construction planning must comply with requirements for environmental protection and climate change adaptation.

2. Planning for urban areas and high density residential areas shall be formulated in a manner that develops eco cities, saves energy, uses renewable energy and ensures the ratio of green space, water surface and landscape as prescribed by law.

3. The State shall encourage the reuse of waste generated from construction and use of non-baked and environmentally-friendly materials in construction.

4. When issuing construction permits and appraising construction designs of investment projects in accordance with regulations of law on construction, it is required to ensure that works, work items and equipment for waste treatment and works for environmental emergency prevention and response are conformable with regulations of law on environmental protection.

5. The construction, renovation, repair and dismantling of construction works must comply with the following environmental protection requirements:

a) There must be measures to avoid generating dust, heat, noise, vibration and light in excess of the permissible limits according to technical regulations on environment;

b) During construction, materials and waste must be transported using appropriate vehicles that ensure no leakage or environmental pollution;

c) Wastewater must be collected and treated in line with environmental protection requirements;

d) Usable solid waste and scrap shall be recycled and reused as prescribed; soil, rocks and solid waste generated from construction shall be reused as production materials and for leveling as prescribed;

dd) Soil and sewage sludge generated from excavation, dredging of topsoil and foundation excavation are used to fortify soil for planting trees or suitable soil areas;

e) Sewage sludge generated from septic tanks and cesspools must be managed in accordance with regulations on management of normal industrial solid waste;

g) Solid waste and other types of waste must be collected, stored and transported to treatment facilities in accordance with waste management regulations.

6. Waste generated from renovation and dismantling of construction works of households and individuals in urban areas must be collected and transferred to facilities licensed for treatment thereof in accordance with regulations of provincial People's Committees, except for the cases specified in Points d and dd Clause 5 of this Article.

7. Waste generated from renovation and dismantling of construction works of households and individuals in rural areas that do not have waste collection and treatment systems must be reused or dumped in accordance with regulations of provincial People's Committees; must not be dumped on roads, into rivers, streams, channels and other sources of surface water affecting landscape and environment.

8. Provincial People's Committees shall provide for collection, transport and treatment of construction solid waste and planning for sites for dumping of construction waste; sewage sludge from septic tanks, cesspools and water drainage systems.

9. The Minister of Construction shall formulate standards and technical regulations on design requirements for solid waste collection systems in line with the classification of solid waste at source of shopping-residential complexes; officetels; complex of mixed-use high-rise buildings.

## **Article 65. Environmental protection in transport**

1. Transport vehicles must be tested and certified conformable with technical regulations on environment by registration authorities in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory.

2. Vehicles used for transporting raw materials, materials and waste must be covered while they are using public roads in order to avoid leakage and pollution.

3. Entities involved in transport of dangerous goods must have necessary qualifications in environmental protection as prescribed by law.

4. The goods and materials at risk of pollution and environmental emergencies must be transported using specialized equipment and vehicles to ensure no leakage or discharge.

5. Upon construction of traffic works, measures should be in place to minimize and reduce impacts on topography, landscape, geology and natural heritage sites.

6. Provincial People's Committees shall specify areas and sites for discharge and dumping of materials dredged from the inland waterway and sea transport system; introduce measures for traffic diversion and control of environmental pollution in order to limit air pollution in special class and class I cities.

7. The Government shall promulgate policies to provide incentives for, assistance in and encourage the use of public transport, and renewable energy, fuel-efficient, low emission or zero emission vehicles; a roadmap for converting or removing vehicles using fossil fuels and causing environmental pollution.

8. The Minister of Transport shall promulgate national technical regulations on technical and environmental safety inspection of vehicles in accordance with regulations of law on transport and quality of products and goods and other relevant regulations of law; provide guidance on and organize the dredging within seaport waters and inland waterway waters as prescribed.

#### **Article 66. Environmental protection during culture, sport and tourism activities**

1. Every entity that manages and operates sites/monuments, tourism areas, tourist attractions, tourist accommodation establishments and places for sports practice, performance and competition and every festival organizer shall comply with the regulations set out in Clause 2 Article 59 of this Law.

2. Visitors to sites/monuments, tourism areas, tourist attractions, tourist accommodation establishments, places for sports practice, performance and competition and festivals must:

- a) comply with the regulations on hygiene maintenance and environmental protection;
- b) dispose of waste in designated places; limit the generation of plastic waste;
- c) maintain public hygiene;
- d) not infringe upon landscapes and animals.

3. The Minister of Culture, Sports and Tourism shall:

a) organize the implementation of regulations on environmental protection of tourist accommodation establishments and tourism services; development of tourist accommodation establishments and environmentally-friendly tourism services;

b) organize the implementation of regulations on encouraging the reduction, reuse and recycling of plastic waste in culture, sport and tourism activities.

#### **Article 67. Environmental protection during exploration, mining and processing of minerals and oil and gas activities**

1. Every entity that explores, mines and processes minerals must formulate an environmental emergency prevention and response scheme and satisfy the following requirements for environmental protection, improvement and remediation:

- a) Collect and treat wastewater as prescribed;
- b) Collect and treat solid waste in accordance with solid waste management regulations;
- c) Take measures to prevent and restrict the discharge of dusts and exhaust gases and other adverse impacts on the surroundings;
- d) Formulate an environment improvement and remediation scheme and improve and remediate environment during mineral mining in accordance with regulations of this Law and regulations of law on minerals;
- dd) Pay deposits on environmental protection as prescribed in Article 137 of this Law.

2. Projects and facilities required to formulate an environmental improvement and remediation scheme include:

- a) Mineral mining projects;
- b) Mineral mining facilities operating before the effective date of this Law but failing to formulate an environmental improvement and remediation scheme or changing the environmental improvement and remediation contents specified in the approved plan;
- c) Mineral mining facilities operating before the effective date of this Law and having their environmental improvement and remediation scheme approved but failing to cover the cost of implementation thereof as prescribed by law.

3. Contents of an environmental protection and remediation scheme include:

- a) Solutions for environmental improvement and remediation; analyzing and assessing the solutions and selecting the best solutions;
- b) List and quantity of items serving environmental improvement and remediation for the selected solution;
- c) The implementation plan divided into multiple years and stages of environmental improvement and remediation; environmental monitoring program during the environmental improvement and remediation; plan to inspect and confirm completion of the scheme;
- d) An estimate of costs of environmental improvement and remediation for each item serving environmental improvement and remediation; deposits paid according to a roadmap.

4. Toxic minerals must be stored and transported using specialized equipment and vehicles and covered to ensure no leakage or discharge.

5. The use of machinery and equipment adversely impacting the environment and toxic chemicals in mineral exploration, mining and processing and mine closure must be subject to EIA and specified in the application for environmental license.

6. The exploration, mining, transport and processing of other minerals containing radioactive substances, toxic substances and explosives must comply with regulations of this Law, regulations of law on chemical safety and atomic energy and other relevant regulations of law.

7. The Government shall elaborate the formulation and appraisal of schemes for environmental improvement and remediation in mineral mining; provide for specific requirements for environmental protection during trial operation, waste management and environmental monitoring in the case of oil and gas exploration, extraction and transport and relevant services at sea.

8. The Minister of Natural Resources and Environment shall provide forms and technical guidance to implement this Article.

#### **Article 68. Environmental protection by research institutes, training institutes and laboratories**

1. Research institutes, training institutes and laboratories must:

a) Collect and treat wastewater and exhaust gases in accordance with environmental protection requirements;

b) Classify solid waste at sources; collect and manage solid waste in accordance with regulations of law on waste management;

c) Process and destroy test specimens and chemicals in accordance with technical regulations on environment;

d) Make plans and provide equipment for prevention of and response to environmental emergencies;

dd) Satisfy other requirements in accordance with relevant regulations of law.

2. Every research institute, training institute and laboratory that uses radioactive substances, radiation equipment, nuclear materials and nuclear equipment must comply with regulations of law on atomic energy.

#### **Article 69. Environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants**

1. Requirements for environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants are as follows:

a) It is not permitted to produce, export, import and use persistent organic pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent organic pollutants in the Annex A of the Stockholm Convention whose content exceeds the maximum permissible limits as prescribed by law, except for the persistent organic pollutants registered for the specific exemptions under the Stockholm Convention;

b) It is required to control sources of, publish information about, label, assess the conformity of and check persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants as prescribed by law;

c) Persistent organic pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent organic pollutants whose content exceeds the maximum permissible limits as prescribed by law are permitted to be recycled and disposed of provided that the recycling and disposal do not result in the recall thereof for reuse purpose, and satisfy environmental protection requirements;

d) Persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants whose content exceeds the maximum permissible limits must be stored, recalled, managed and handed in compliance with environmental protection requirements, except for the case where they have been recycled or disposed of as prescribed in Point c of this Clause;

dd) Businesses shall include types and quantity of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants discharged into water, air and soil in a list and send it to a competent authority for the purposes of information management, assessment and management of environmental risks as prescribed by law;

e) Areas in which persistent pollutants remain or which are contaminated by persistent pollutants must be assessed, determined and warned with respect to the risks they may pose, and safe management, environmental improvement and remediation measures must be taken.

2. Responsibility for environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants is as follows:

a) Entities shall satisfy the requirements set forth in Clause 1 of this Article;

b) The Ministry of Natural Resources and Environment shall preside over and cooperate with other Ministries and ministerial agencies concerned in providing guidance on and organizing the compliance with the requirements in Clause 1 of this Article; incorporate information relating to monitoring of

persistent pollutants into the national state of the environment report under the Stockholm Convention, other international treaties to which the Socialist Republic of Vietnam is a signatory and regulations of law;

c) Ministries and ministerial agencies concerned and provincial People's Committees shall organize the compliance with requirements for environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants in the sectors and local authorities under their management according to the Stockholm Convention, other international treaties to which the Socialist Republic of Vietnam is a signatory and regulations of law.

d) The Government shall elaborate the environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants according to the Stockholm Convention and other international treaties to which the Socialist Republic of Vietnam is a signatory.

#### **Article 70. Environmental protection during import, temporary import, re-export and transit of goods**

1. Entities shall not import:

a) used machinery, equipment and vehicles for dismantling purposes, except for the case in Clause 2 of this Article;

b) machinery, equipment, vehicles, goods, raw materials and scrap contaminated by radioactive substances, germs or other toxins, which have not yet been cleaned or cannot be cleaned.

2. The import and demolition of used ships must comply with national regulations on environment. The Government shall provide for entities eligible and conditions for import and demolition of used ships.

3. The import, temporary import, re-export and transit of goods at risk of environmental pollution shall comply with regulations of law on foreign trade management.

#### **Article 71. Environmental protection during import of scrap from foreign countries**

1. Scrap imported into Vietnam must comply with technical regulations on environment and be included in the list of scrap permitted for import from foreign countries as production materials promulgated by the Prime Minister.

2. Entities are only permitted to import scrap from foreign countries as production materials for their manufacturing establishments and must:



a) have manufacturing establishments with technologies and equipment serving scrap recycling and reuse, warehouses and sites exclusively reserved for aggregation of scrap which satisfy environmental protection requirements; prepare a scheme to deal with impurities in the imported scrap;

b) have environmental licenses;

c) pay deposits on environmental protection as prescribed in Article 137 of this Law before scrap is unloaded in the case where it is imported through sea border checkpoint or before scrap is imported into Vietnam in other cases;

d) have a written commitment to re-export or treatment of scrap if the scrap is imported without satisfying environmental protection requirements.

3. The Government shall elaborate Clause 2 of this Article.

## **Chapter VI**

### **WASTE MANAGEMENT AND CONTROL OF OTHER POLLUTANTS**

#### **Section 1. GENERAL REGULATIONS ON WASTE MANAGEMENT**

##### **Article 72. Waste management requirements**

1. General requirements for management of domestic solid waste, hazardous waste and normal industrial solid waste are as follows:

a) Waste must be managed during its generation, reduction, classification, collection, storage, transfer, transport, reuse, recycling, treatment and disposal;

b) Hazardous waste and normal industrial solid waste source owners shall reuse, recycle, treat and recover energy from such waste or transfer them to licensed facilities having appropriate environmental license;

c) Controlled industrial waste source owner shall identify whether waste is hazardous waste or normal industrial solid waste through the sample collection and analysis carried out by competent facilities in accordance with regulations of law. After the identification, industrial waste must be managed as prescribed by law;

d) Waste that satisfies standards and technical regulations applicable to raw materials, fuels and materials in accordance with regulations of law on quality of products and goods must be managed as the products and goods and is permitted to be used as raw materials, fuels and materials in production activities;

d) Entities that transport domestic solid waste, hazardous waste and normal industrial solid waste subject to treatment shall transport waste to



licensed facilities having appropriate environmental licenses or transfer them to other transporters to be transported to licensed facilities having an appropriate environmental license;

e) The management of radioactive waste shall comply with regulations of law atomic energy.

2. General requirements for waste management are as follows:

a) Wastewater must be collected and treated according to technical regulations on environment before being discharged into the receiving bodies;

b) It is advisable to reuse wastewater that satisfies environmental protection requirements and serves intended purposes;

c) Wastewater whose environmental parameters exceed the permissible levels must be managed in accordance with hazardous waste management;

d) The discharge of treated wastewater into the environment must be managed in accordance with regulations of law on environmental protection and relevant to the carrying capacity of receiving water bodies;

3. Exhaust gases must be collected and treated in accordance with environmental protection requirements;

4. Every entity that generates waste shall adopt resource- and energy-efficient solutions; use environmentally-friendly raw materials, fuels and materials and renewable energy; apply cleaner production technologies and programs, control environment and other measures to minimize waste generation; update information to the national environmental database upon transfer of hazardous waste and normal industrial solid waste subject to treatment to facilities having an appropriate environmental license.

5. The State shall introduce a policy to encourage private sector involvement in collection, transport, reuse, recycling and treatment of waste and recovery of energy from the treatment of waste; apply advanced and environmentally-friendly technologies for waste management and best available techniques in order to minimize and control the generation of secondary waste, minimize solid waste ending up buried; encourage the co-processing of waste and use of waste as substitute materials, fuels and materials.

6. The Minister of Natural Resources and Environment shall promulgate a list of hazardous waste, controlled industrial waste and normal industrial solid waste; technical requirements for environmental protection for vehicles transporting domestic solid waste, normal industrial solid waste and hazardous waste.

7. Provincial People's Committees shall manage waste within their provinces; promulgate waste management regulations and implement policies to provide incentives and assistance for waste management as prescribed by law.

8. The Government shall elaborate the prevention, reduction, classification, collection, transport, reuse, recycling and treatment of waste.

**Article 73. Reduction, reuse, recycling and treatment of plastic waste, prevention and control of ocean plastic waste pollution**

1. Entities shall reduce, classify and dispose of waste that is single-use plastic products and non-biodegradable plastic packaging according to regulations; not discharge plastic waste directly into the systems for drainage of water to rivers, ponds, lakes, channels and oceans.

2. Plastic waste generated from marine tourism and services, maritime economy, extraction of oil and gas and marine mineral resources, aquaculture and commercial fishing must be collected, stored and transferred to facilities licensed for recycling and treatment.

3. Environmentally-friendly products, single-use plastic alternatives and non-biodegradable plastic packaging alternatives that have been certified are entitled to incentives and assistance as prescribed by law.

4. Plastic waste must be collected and classified for reuse, recycling or treatment purpose as prescribed by law. Unrecyclable plastic waste must be transferred to licensed facilities for treatment as prescribed. Plastic waste generated from economic activities at sea must be collected for reuse, recycling or treatment and must not be discharged into the sea.

5. The State shall encourage the reuse and recycling of plastic waste in service of production of goods and building materials and construction of traffic works; encourage the research and development of systems for collecting and treating plastic waste floating at sea and in the ocean; introduce policies to promote reuse and recycling of plastic waste.

6. Provincial People's Committees shall organize the collection and treatment of plastic waste within their provinces; encourage the reduction of non-biodegradable plastic packaging and single-use plastic products; disseminate information about harmful effects of dumping of fishing gear into the sea and plastic waste on the ecosystem.

7. The Government shall introduce a roadmap for reducing production and import of single-use plastic products, non-biodegradable plastic packaging and products and goods containing microplastics.

## **Article 74. Environmental auditing**

1. Environmental auditing means the systematic, comprehensive and effective consideration and assessment of environmental management and pollution control by businesses.

2. The environmental auditing shall focus on:

a) The use of energy, chemicals, raw materials and scrap imported from foreign countries as production materials;

b) Pollution control and waste management.

3. Businesses are encouraged to carry out environmental auditing themselves.

4. The Minister of Natural Resources and Environment shall provide technical guidance on environmental self-auditing by businesses.

## **Section 2. DOMESTIC SOLID WASTE MANAGEMENT**

### **Article 75. Classification, storage and transfer of domestic solid waste**

1. Domestic waste generated by households and individuals is classified as:

a) Reusable and recyclable solid waste;

b) Food waste;

c) Other domestic solid waste.

2. Provincial People's Committees shall to classify domestic solid waste specified in Point c Clause 1 of this Article within their provinces under the guidance of the Ministry of Natural Resources and Environment; introduce policies to encourage the classification of hazardous waste present in domestic solid waste generated by households and individuals.

3. Households and individuals in urban areas must contain the domestic solid waste already classified as prescribed in Clause 1 of this Article in packages for transfer as follows:

a) Reusable and recyclable solid waste shall be transferred to entities for reuse and recycling or facilities licensed for collection and transport of domestic solid waste;

b) Food waste and other domestic solid waste must be contained in packages as prescribed and transferred to facilities licensed for collection and transport of domestic solid waste; food waste may be used as organic fertilizers and animal feeds.

4. Households and individuals in rural areas that generate domestic solid waste and classify them as prescribed in Clause 1 of this Article shall manage them as follows:

a) Households and individuals are encouraged to make the most of waste food to be used as organic fertilizers and animal feeds;

b) Reusable and recyclable solid waste shall be transferred to entities for reuse and recycling or facilities licensed for collection and transport of domestic solid waste;

c) If not used as prescribed in Point a of this Clause, food waste shall be transferred to or facilities licensed for collection and transport of domestic solid waste;

d) Other domestic solid waste must be contained in packages as prescribed and transferred to facilities licensed for collection and transport of domestic solid waste.

5. Households and individuals in rural areas that produce domestic solid waste shall classify, contain and transfer domestic solid waste as prescribed in Clause 3 of this Article.

6. The classification, collection, transport and treatment of bulky waste shall comply with regulations imposed by provincial People's Committees.

7. The Vietnamese Fatherland Front Committee and socio-political organizations at all levels shall encourage residential communities, households and individuals to classify domestic solid waste at source. Internal residential communities and socio-political organizations shall supervise the classification of domestic solid waste by households and individuals.

#### **Article 76. Domestic solid waste aggregation points and transfer stations**

1. Every domestic solid waste aggregation point and transfer station must have different areas to store types of domestic solid waste to avoid mix-ups.

2. People's Committees at all levels shall reserve land area for aggregation points and transfer stations in accordance with environmental protection according to the regulations imposed by the Ministry of Natural Resources and Environment.

#### **Article 77. Collection and transport of domestic solid waste**

1. People's Committees at all levels shall select facilities for collection and transport of domestic solid waste through bidding in accordance with regulations of law on bidding. In case of failure to make a selection through bidding, the method of order placement or task assignment shall be adopted as prescribed by law.

2. Facilities collecting and transporting domestic solid waste are entitled to refuse to collect and transport households and individuals' domestic solid waste that is not classified or contained in inappropriate packages and notify competent authorities as prescribed by law, except for the case where households and individuals use packages intended for other domestic solid waste as prescribed in Point c Clause 1 Article 75 of this Law.

3. Facilities collecting and transporting domestic solid waste shall cooperate with communal People's Committees, residential communities and representatives of residential areas in determining time, places, frequency and routes for collecting domestic solid waste, and make them publicly available.

4. Facilities collecting and transporting domestic solid waste must use equipment and vehicles appropriately designed for each type of Domestic solid waste and satisfy environmental protection requirements in accordance with the regulations imposed by the Ministry of Natural Resources and Environment; domestic solid waste must be transported in compliance with regulations on routes and time of operation adopted by prescribed by the provincial People's Committee.

5. Households and individuals shall transport classified domestic solid waste to aggregation points as prescribed or transfer them to facilities collecting and transporting domestic solid waste.

6. Investment project owners, owners, management boards of new urban areas, high-rise apartment buildings and office buildings must provide equipment and works for storage of domestic solid waste suitable for waste types specified in Clause 1 Article 75 of this Law; organize the collection of waste from households and individuals and transfer them to facilities collecting and transporting domestic solid waste.

7. Communal People's Committees shall:

a) inspect the compliance with regulations of law on environmental protection regarding collection and transport of domestic solid waste; take actions against violations of regulations on domestic solid waste management within their power; consider and handle feedback and comments of organizations, residential communities, households and individuals involved in collection and transport of domestic solid waste;

b) preside over and cooperate with facilities collecting and transporting domestic solid waste, residential communities and socio-political organizations in determining time, places, frequency and routes for collecting domestic solid waste;

c) instruct households and individuals to transfer domestic solid waste to facilities in charge of collection and transport or aggregation points as prescribed;

instruct residential communities to supervise and make publicly available cases of failure to comply with regulations on domestic solid waste classification and collection.

## **Article 78. Domestic solid waste treatment**

1. The State shall encourage and provide incentives for entities involved in investment in and provision of domestic solid waste treatment services; encourage co-processing of domestic solid waste.

2. People's Committees at all levels shall select domestic solid waste treatment facilities through bidding in accordance with regulations of law on bidding. In case of failure to make a selection through bidding, the method of order placement or task assignment shall be adopted as prescribed by law.

3. Domestic solid waste treatment providers must fulfill environmental protection requirements as prescribed by this Law. It is not recommended to make investment in domestic solid waste treatment providers that cover only one commune.

4. Domestic solid waste must be treated using appropriate technologies and satisfying technical regulations on environment. The Government shall provide for a roadmap for restricting treatment of domestic solid waste using direct landfill disposal technology.

5. The Minister of Natural Resources and Environment shall promulgate criteria for domestic solid waste treatment technologies; provide guidelines for domestic solid waste treatment models in urban and rural areas.

6. Provincial People's Committees shall formulate planning and reserve land area for domestic solid waste treatment facilities, promptly transfer land to build and operate domestic solid waste treatment facilities within their provinces; provide funding for construction and operation of systems for collection, storage, transfer, transport and treatment of domestic solid waste treatment; works, measures and public equipment serving domestic solid waste management within their provinces.

## **Article 79. Costs of collection, transport and treatment of domestic solid waste**

1. Charges for domestic solid waste collection, transport and treatment services payable by households and individuals shall be calculated as follows:

a) The charges shall be calculated in accordance with regulations of law on prices;

b) The charges vary by quantity or volume of the classified waste;

c) If solid waste are reusable and recyclable and hazardous waste is classified, households and individuals are not required to pay charges for collection, transport and treatment services.

2. Any household or individual that fails to classify or correctly classify domestic solid waste as prescribed in Points a and b Clause 1 Article 75 of this Law must pay charges for collection, transport and treatment services as other types of domestic solid waste.

3. Organizations, businesses, dedicated areas for production, business operation and service provision and industrial clusters that generate waste from their daily and office activities in small quantities prescribed by the Government are entitled to manage domestic solid waste as prescribed in Article 75 of this Law or Clause 4 of this Article.

4. Organizations, businesses, dedicated areas for production, business operation and service provision and industrial clusters that generate waste from their daily and office activities in large quantities prescribed by the Government must transfer it to a facility licensed for waste recycling, reuse and treatment or to a facility collecting and treating waste with appropriate vehicles and equipment to be transported to the facility licensed for waste recycling, reuse and treatment.

5. The Minister of Natural Resources and Environment shall provide guidance on method for determining charges for domestic solid waste treatment services; provide for economic and technical norms for collection, transport and treatment of domestic solid waste; provide technical guidance on classification of domestic solid waste; provide guidelines for implementation of Clause 1 of this Article.

6. Provincial People's Committees shall elaborate the management of domestic solid waste of households and individuals within their provinces; impose specific charges for domestic solid waste collection, transport and treatment services; promulgate specific provisions on method of payment of charges and charges for domestic solid waste collection, transport and treatment services payable by households and individuals according to the quantity or volume of the classified waste.

7. The regulation set out in Clause 1 of this Article and Clause 1 Article 75 of this Law must be implemented by December 31, 2024.

## **Article 80. Environmental remediation and improvement in domestic solid waste landfills**

1. Closed and unsanitary domestic solid waste landfills must be remediated and improved in accordance with environmental protection requirements.



2. Every owner of project on investment in or facility managing a domestic solid waste landfill has the responsibility to:

a) After closure of a landfill, it is required to improve landscape and take measures to prevent environmental pollution;

b) organize monitoring of environmental changes in the landfill from the date on which the landfill closure is completed and notify the provincial specialized environmental protection as prescribed;

c) complete the environmental remediation and improvement, prepare a dossier and transfer the landfill to a competent authority.

3. The Government shall provide incentives and encourage entities to invest in environmental remediation and improvement in Domestic solid waste landfills.

4. The Minister of Natural Resources and Environment shall provide guidelines for closure of Domestic solid waste landfills.

5. Provincial People's Committees shall provide resources and funding for environmental improvement and remediation in landfills managed by the State and unauthorized landfills within their provinces.

### **Section 3. NORMAL INDUSTRIAL SOLID WASTE MANAGEMENT**

#### **Article 81. Classification, storage and transport of normal industrial solid waste**

1. Normal industrial solid waste ("NISW") shall be classified into the following groups:

a) NISW reused and recycled as production materials;

b) NISW in compliance with standards, technical regulations and technical guidance used in production of building materials and leveling;

c) NISW subject to treatment.

2. Owners of businesses, dedicated areas for production, business operation and service provision, industrial clusters and organizations that produce NISW shall classify NISW at source as prescribed in Clause 1 of this Article; store NISW without causing environmental pollution. Unclassified NISW must be managed as the waste specified in Point c Clause 1 of this Article.

3. NISW containing hazardous waste that has not been classified or cannot be classified must be managed in accordance with hazardous waste management regulations.



4. Classified NISW must be stored separately without being mixed with hazardous waste; without release of dust and leakage of wastewater into the environment; with appropriate equipment and tools and in appropriate storage areas in accordance with regulations laid down by the Minister of Natural Resources and Environment.

5. NISW must be transported in accordance with the following requirements:

a) NISW must be contained in equipment and tools to avoid leakage during transport, except for the case where the waste in large quantity must be contained in equipment or tank of the transport vehicle;

b) Classified NISW must be transported separately prescribed;

c) The vehicle used for transporting NISW subject to treatment must have a GPS tracking device meeting technical requirements and comply with regulations on routes and time of operation adopted by the provincial People's Committee.

## **Article 82. Treatment of NISW**

1. Businesses, dedicated areas for production, business operation and service provision, industrial clusters and organizations that produce NISW must reuse, recycle, recover energy from and treat NISW or transfer it to the following entities:

a) Manufacturing establishments directly using NISW as production materials and for production of building materials or leveling, which is licensed to operate as prescribed by law;

b) Manufacturing establishments licensed for waste co-processing;

c) Facilities licensed for NISW treatment;

d) Facilities transporting NISW, which have signed a transfer contract with the entity in Points a, b or c of this Clause.

2. NISW treatment service providers must comply with environmental protection requirements in accordance with regulations of this Law.

3. Every owner of NISW treatment service provider has the following responsibilities:

a) Ensure that systems, vehicles and equipment in service of storage and treatment of NISW, including preliminary processing, reuse, recycling, co-processing, treatment of and recovery of energy from NISW in accordance with technical requirements and management process as prescribed;

b) If the provider produces hazardous waste, responsibilities of the hazardous waste source owner shall be assumed;

c) Submit periodic or ad hoc reports on NISW generation and treatment at the request of the competent authority;

d) make a record on transfer of NISW subject to treatment for each transfer; prepare a logbook recording operation of systems, vehicles and equipment in service of NISW treatment including preliminary processing, reuse, recycling, co-processing and recovery of energy from NISW; a logbook recording quantity of products recycled or recovered from NISW (if any).

4. Every entity that generates NISW subject to treatment is entitled to recycle, treat, co-process or recover energy from NISW itself/himself/herself if the following requirements are met:

a) Use technologies, environmental protection works and equipment available within the facility generating NISW and satisfy environmental protection requirements as prescribed;

b) Conform to the decision on approval of EIAR appraisal result and environmental license;

c) Do not build any new incinerator or landfill to treat NISW, except for the case where contents regarding solid waste management in relevant planning are conformable with.

## **Section 4. HAZARDOUS WASTE MANAGEMENT**

### **Article 83. Declaration, classification, collection, storage and transport of hazardous waste**

1. Every hazardous waste source owner has the responsibility to:

a) specify quantity and type of hazardous waste in the application for issuance of the environmental license or environmental registration contents;

b) identify, classify, collect and separately store hazardous waste and not to mix it with non-hazardous waste, avoid causing environmental pollution;

c) reuse, recycle, treat, co-process and recover energy himself/herself in accordance with regulations of law or transfer hazardous waste to facilities having an appropriate environmental license.

2. Hazardous waste must be stored in accordance with the following requirements:

a) Classified hazardous waste must be stored separately;

b) Hazardous waste must not be mixed with normal waste;

c) The storage must not result in release of dust or leakage of liquid waste into the environment;

d) Hazardous waste shall be only stored for a given period of time as prescribed by law.

3. When transported, hazardous waste must be contained and transported using appropriate equipment and vehicles to waste treatment facilities. The vehicle used for transporting hazardous waste must have a GPS tracking device and comply with regulations on routes and time of operation adopted by the provincial People's Committee.

4. Entities permitted to transport hazardous waste include:

a) Hazardous waste source owner that has appropriate vehicles and equipment satisfying technical requirements and management process in accordance with regulations of law on environmental protection;

b) Environmental license holders licensed to treat hazardous waste in conformity with the type of waste to be transported.

5. The Minister of Natural Resources and Environment shall provide technical guidance on and forms used for declaration, classification, collection, and storage of hazardous waste; provide guidance on vehicles and equipment for storage, transport, prevention of and response to incidents during the transport and treatment of hazardous waste; provide guidance on registration and transboundary movements of hazardous waste under the Basel Convention on Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

#### **Article 84. Hazardous waste treatment**

1. Hazardous waste must be treated using appropriate technologies and complying with regulations of law on environmental protection.

2. The State shall encourage and provide incentives to entities involved in investment in and provision of hazardous waste treatment services; encourage the investment in hazardous waste treatment service providers at regional level; encourage the co-processing of hazardous waste.

3. Every hazardous waste treatment service provider must satisfy the following requirements:

a) The national environmental protection planning or planning containing contents regarding hazardous waste treatment is conformed to, except for the case of hazardous waste co-processing;

b) Safe environmental distance is maintained as prescribed;

c) It is required to appraise and comment on the hazardous waste treatment technology in accordance with regulations of law on technology transfer; the application of environmentally-friendly technologies, best available techniques and combined waste treatment and waste-to-energy technologies is encouraged;

d) The environmental license is available;

dd) Personnel in charge of environmental protection majoring in environment or suitable field is available;

e) An appropriate process for safe operation of special-purpose technologies, vehicles and equipment is available;

g) There is an environmental management plan containing contents regarding pollution control and waste management; occupational safety and health; environmental emergency prevention and response; annual training; environmental monitoring program; assessment of efficiency in hazardous waste treatment; environmental improvement and remediation plan;

h) pay deposits on environmental protection as prescribed in Article 137 of this Law if the waste burial is carried out;

4. The Minister of Natural Resources and Environment shall promulgate criteria applied to hazardous waste treatment technologies; provide guidelines for implementing Point g Clause 3 of this Article.

5. The provincial People's Committee shall organize implementation of the planning containing contents regarding hazardous waste treatment; shall not impose restrictions on collection of hazardous waste produced in another province for treatment by hazardous waste treatment service providers located within its province.

#### **Article 85. Responsibilities of owners of hazardous waste treatment service providers**

Every owner of hazardous waste treatment service provider has the responsibility to:

1. satisfy all requirements specified in Clause 3 Article 8 of this Law.

2. collect, transport, receive and handle quantity and types of hazardous waste in accordance with the issued environmental license.

3. Ensure that systems, vehicles and equipment for storage and treatment of hazardous waste satisfy technical requirements and management process as prescribed.

4. assume responsibilities of the hazardous waste source owner if the hazardous waste is generated from the operating process but fails to be treated.

5. register with the authority issuing the environmental license within his/her power to obtain approval if wishing to transport the hazardous waste not mentioned in his/her environmental license to the another qualified owner of hazardous waste treatment service provider in accordance with the Government's regulations.

6. Prepare, use, archive and manage documents concerning hazardous waste, hazardous waste management reports, documents and logbooks related to hazardous waste management as prescribed.

7. Make publicly available and provide information about types and quantity of hazardous waste collected and treated, and treatment methods; information about name and address of the owner of collected and treated hazardous waste source and other environmental information that needs to be made publicly available and provided as prescribed in Article 114 of this Law.

## **Section 5. WASTEWATER MANAGEMENT**

### **Article 86. Collection and treatment of wastewater**

1. Every new urban area, new high density residential area, business, dedicated area for production, business operation and service provision and industrial cluster must have a wastewater collection and treatment system separated from the rainwater drainage system, except for special cases prescribed by the Government.

2. Wastewater of an urban area or high density residential area shall be managed as follows:

a) Domestic wastewater generated from organizations and households must be collected and connected to the wastewater collection and treatment system;

b) Wastewater generated from production, business operation and service provision in an urban area must be collected and undergo preliminary treatment before being connected to the urban wastewater collection and treatment system; preliminarily treated wastewater must comply with regulations of the urban area or high density residential area or regulations of the local authority;

c) Wastewater generated from production, business operation and service provision in an urban area that fails to have a centralized wastewater treatment work must be collected and treated in accordance with environmental protection requirements before being discharged into a receiving body.

3. Wastewater generated from production, business operation and service provision shall be managed as follows:

a) Wastewater produced by a business in a dedicated area for production, business operation and service provision or industrial cluster must be collected and preliminarily treated before being connected to the industrial wastewater collection and treatment system at the request of the investor in construction of the dedicated area for production, business operation and service provision or industrial cluster to ensure that wastewater is treated in accordance with environmental protection requirements;

b) If wastewater produced by a business located outside an urban area, high density residential area, dedicated area for production, business operation and service provision or industrial cluster cannot be connected to the wastewater collection and treatment system, it must be collected and treated in accordance with environmental protection requirements before being discharged into a receiving body.

4. Wastewater generated from organizations and households in a low density residential area must be collected and treated on the spot in accordance with environmental protection requirements before being discharged into receiving bodies.

5. Provincial People's Committees shall:

a) invest in and encourage investment in construction of wastewater collection and treatment systems in urban areas and high density residential areas within their provinces by the State in accordance with regulations of law;

b) introduce a roadmap for reserving land area, investing in or encouraging investment in construction of wastewater collection and treatment systems in urban areas and high density residential areas if a wastewater collection and treatment system is not available;

c) introduce a roadmap and assistance policy in order for organizations and households in urban areas and high density residential areas to build works and install equipment for in situ wastewater treatment in accordance with environmental protection requirements before being discharged into receiving bodies in case of failure to reserve land area for construction of wastewater collection and treatment systems in urban areas and high density residential areas established before the effective date of this Law;

d) introduce a roadmap and policy for provision of assistance in collection and in situ treatment of domestic wastewater produced by organizations, households and low density residential areas.

6. The Minister of Natural Resources and Environment shall provide guidance on technologies and techniques for in situ wastewater treatment.

7. The Minister of Construction shall provide guidance on technical infrastructural facilities serving wastewater collection and drainage in urban areas and high density residential areas specified in this Article.

#### **Article 87. Wastewater treatment system**

1. A wastewater treatment system must satisfy the following requirements:
  - a) Its technology conforms to type and characteristics of wastewater to be treated;
  - b) Its capacity is relevant to the maximum volume of wastewater generated;
  - c) Wastewater is treated in accordance with environmental protection requirements;
  - d) Wastewater treatment works are operated in accordance with technical process;
  - dd) An environmental emergency prevention and response plan is tailored for the wastewater treatment system; the discharge point must have coordinates and be marked with signs to facilitate inspection and supervision of discharge.
2. Sewage sludge from the wastewater treatment system must be managed in accordance with regulations of law on solid waste management; sewage sludge whose hazardous elements exceed the permissible limits must be managed in accordance with regulations of law on hazardous waste management.

### **Section 6. MANAGEMENT OF DUSTS, EXHAUST GASES AND OTHER POLLUTANTS**

#### **Article 88. Management and control of dusts and emissions**

1. Any entity that produces dusts and exhaust gases must control and treat dusts and/or exhaust gases during its production, business operation and service provision in accordance with technical regulations on environment. Dusts whose hazardous elements exceed the permissible limits must be managed in accordance with regulations of law on hazardous waste management.
2. Vehicles, machinery, equipment, constructions that produce dust and/or exhaust gases must have filters, covers, or other parts to minimize exhaust gases and reduce dusts in accordance with technical regulations on environment.
3. Ministries and ministerial agencies concerned shall provide guidelines for prevention, inspection, supervision and treatment of sources of dusts and exhaust gases that cause air pollution.



## **Article 89. Management and control of noise, vibration, light, radiation and unpleasant odors**

1. Any entity that creates noise, vibration, light and/or radiation must take measures to control and treat them in accordance with technical regulations on environment and radiation.

2. Entities in residential areas that create noise, vibration, light, radiation and unpleasant odors must take measures to minimize them to avoid affecting residential communities.

3. Managers of the routes with heavy traffic that produces noise, vibration, light and radiation must take measures to minimize them in accordance with technical regulations on environment.

4. It is prohibited to manufacture, import, transport, sell and use firecrackers. The Prime Minister shall decide the manufacture, import, transport, sale and use of firework.

## **Chapter VII ADAPTATION TO CLIMATE CHANGE**

### **Article 90. Climate change adaptation**

1. Climate change adaptation refers to actions taken to strengthen the resilience of social-ecological systems, minimize adverse impacts of climate change and seize the opportunities offered by climate change.

2. Climate change adaptation shall cover:

a) Assessment of impacts, vulnerabilities, risks, loss and damage caused by climate change to sectors, regions and residential communities based on the climate change scenario and socio-economic development forecast;

b) Climate change adaptation, disaster risk reduction, community- and ecosystem-based climate change adaptation model; response to sea level rise and urban inundation;

c) Construction and operation of the system for supervising and assessing climate change adaptation.

3. The Ministry of Natural Resources and Environment shall preside over and cooperate with Ministries and ministerial agencies in:

a) organizing the implementation of regulations in Points a and c Clause 2 of this Article;



b) requesting the Prime Minister to promulgate the national climate change adaptation plan, reviewing and updating it every 05 years; to establish the national system for supervising and assessing climate change; criteria for determining climate adaptation projects and tasks approved by the Prime Minister; criteria for assessing climate risks;

c) providing guidelines for assessing impacts, vulnerabilities, risks, loss and damaged caused by climate change;

d) formulating and organizing implementation of the national climate change resilience plan;

dd) building and operating the national system for supervising and assessing climate change adaptation.

4. Ministries, ministerial agencies and provincial People's Committees shall:

a) implement the regulations laid down in Point b Clause 2 of this Article in accordance with this Law and other relevant regulations of law; organize assessment of impacts, vulnerabilities, risks, loss and damaged caused by climate change; submit an annual consolidated report to the Ministry of Natural Resources and Environment;

b) build and operate the sectoral or local system for supervising and assessing climate change adaptation under their management of sectors and fields.

## **Article 91. Reduction of GHG emissions**

1. Major GHGs include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O). Low-concentration gases that have high global warming potential include hydrofluorocarbons (HFC<sub>s</sub>), perfluorocarbons (PFC<sub>s</sub>), sulphur hexafluoride (SF<sub>6</sub>) and nitrogen, trifluoride (NF<sub>3</sub>).

2. The reduction of GHG emissions shall focus on:

a) organizing reduction of GHG emissions and GHG absorption according to a roadmap and method for reducing GHG emissions in conformity with national conditions and international commitments.

b) inventorying GHGs, measuring, reporting and appraising reduction of GHG emissions at national, sector, or field level or relevant internal level;

c) inspecting the compliance with regulations on inventorying of GHGs and reduction of GHG emissions, and the implementation of the mechanism and method for cooperation in reduction of GHG emissions;

d) formulating and implementing the mechanism and method for cooperation in reduction of GHG emissions in accordance with regulations of law and international treaties to which Socialist Republic of Vietnam is a signatory;

dd) organizing and developing the domestic carbon market.

3. The Prime Minister shall promulgate a list of sectors and GHG emitting facilities subject to GHG inventory, update it every 02 years according to the ratio of GHG emissions to the total national GHG emissions; socio-economic development conditions and situation; consumption of fuels and energy per unit of product or service by businesses.

4. The Ministry of Natural Resources and Environment shall:

a) compile and submit to the Prime Minister a list of sectors and GHG emitting facilities subject to GHG inventory for approval; introduce the national GHG inventory system; system for measuring, reporting and appraising reduction of GHG emissions;

b) prepare a national GHG inventory report every 02 years;

c) provide guidance on and organize appraisal of results of GHG inventory results and plans to reduce GHG emissions with respect to the sectors and facilities subject to GHG inventory.

5. Any Ministry that manages sectors subject to GHG inventory has the responsibility to:

a) organize GHG inventory and send inventory results to the Ministry of Natural Resources and Environment every 02 years by January 31 of the next reporting period for consolidation and reporting to the Prime Minister;

b) formulate and organize implementation of the annual plan to reduce GHG emissions in the fields of energy, agriculture, land use, forestry, waste management and industrial processes;

c) provide guidance on technical processes and regulations regarding measurement, reporting and appraisal of reduction of GHG emissions in fields and sectors under its management;

d) annually consolidate and report results of reduction of GHG emissions within its scope of management to the Ministry of Natural Resources and Environment before January 15 of the next reporting period for consolidation and reporting to the Prime Minister;

dd) provide guidance on selection and application of technological and managerial methods to reduce GHG emissions in conformity with the scale, industries and business lines under its management.

6. Provincial People's Committees shall provide information and data in service of the national and sectoral GHG inventory to the Ministry of Natural Resources and Environment, other Ministries and ministerial agencies concerned; inspect the performance of activities relating to reduction of GHG emissions under their management.

7. A GHG emitting facility on the list of facilities subject to GHG inventory has the responsibility to:

a) organize GHG inventory, build and maintain a database of GHG emissions and send inventory results to the Ministry of Natural Resources and Environment every 02 years by December 01 of the reporting period for consolidation and reporting to the Prime Minister;

b) formulate and implement the annual plan to reduce GHG emissions; integrate the reduction of GHG emissions into its quality management program, cleaner production program and environmental protection program;

c) prepare an annual report on reduction of GHG emissions to implement its GHG emissions reduction plan using the measurement, reporting and appraisal system, and submit it to the Ministry of Natural Resources and Environment, other Ministries, ministerial agencies and provincial People's Committees concerned by December 31 of the reporting period.

8. The Government shall elaborate this Article.

## **Article 92. Ozone layer protection**

1. Ozone layer protection refer to an action taken to adapt to climate change in order to prevent ozone depletion and minimize harmful effects of ultraviolet radiation from the Sun.

2. Ozone layer protection shall focus on:

a) managing production, export, import, sale and elimination of controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory;

b) collecting, recycling, reusing or disposing of controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory in equipment containing them when they are no longer used;

c) developing and applying technologies and equipment using non-ozone-depleting substances and climate-friendly substances.

3. The Ministry of Natural Resources and Environment shall:

a) preside over and cooperate with other Ministries and ministerial agencies concerned in requesting the Prime Minister to promulgate the national plan for management and elimination of controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory;

b) promulgate a list and provide guidelines for use of controlled ozone-depleting substances and GHGs in conformity with the roadmap for implementing the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory;

c) preside over and cooperate with other Ministries, ministerial agencies and provincial People's Committees in managing, controlling, minimizing and eliminating the substances and gases on the list specified in Point b of this Clause; organize implementation of the national plan for management and elimination of ozone-depleting substances and GHGs.

4. Ministries, ministerial agencies and provincial People's Committees shall, within their power, control the production, export, import and sale of the substances and gases on the list specified in Point b Clause 3 of this Article. Ministers and heads of ministerial agencies shall promulgate regulations on management and policy to assist in transformation of technologies for eliminating and minimizing controlled ozone-depleting substances and GHGs.

5. Manufacturers of equipment and products containing the substances and gases on the list specified in Point b Clause 3 of this Article must develop an appropriate roadmap for replacing and eliminating controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory.

6. Facilities using equipment and products containing or using the substances and gases on the list specified in Point b Clause 3 of this Article must comply with regulations on collection, transport, recycling and disposal under the guidance of the Ministry of Natural Resources and Environment.

7. Businesses that use the substances and gases on the list specified in Point b Clause 3 of this Article shall make a transfer of ozone layer protection technology entitled to incentives and assistance as prescribed by this Law and Law on Technology Transfer.

8. The Government shall elaborate this Article.

### **Article 93. Integration of contents of adaptation to climate change with strategies and planning**

1. Contents of adaptation to climate change to be integrated with a strategy or planning include:

a) Climate change scenario and impacts of climate change used to determine long-term objectives of the strategy or planning;

b) Climate change adaptation solutions integrated with the strategy or planning;

c) Results of analysis and assessment of climate change adaptation solutions used to determine socio-economic indicators of the strategy or planning.

2. The strategies and planning mentioned in Article 25 of this Law must be integrated with contents of adaptation to climate change specified in this Law and other relevant regulations of law.

#### **Article 94. National climate change database**

1. The national climate change database includes the following information and data:

a) Legislative documents, policies, strategies, planning, plans, standards, technical regulations, technical requirements, professional processes, socio-economic norms regarding climate change and ozone layer protection;

b) Impacts of climate change on natural resources, environment, ecosystems, living conditions and socio-economic activities;

c) GHG emissions and socio-economic activities relating to GHG emissions;

d) Reduction of GHG emissions and climate change adaptation

dd) Protection of ozone layer and management of ozone-depleting substances;

e) Results of national climate assessment;

g) Climate change scenarios over periods;

h) Scientific research, development and transfer of technologies for adapting to climate change and protection ozone layer;

i) Resources for climate change adaptation and ozone layer protection;

k) International cooperation in climate change adaptation and ozone layer protection.

2. The Ministry of Natural Resources and Environment shall organize establishment and updating and providing guidelines for operation and use of the national climate change database.

3. Other Ministries, ministerial agencies and provincial People's Committees shall organize the investigation into, surveying and collection of the information and data mentioned in Clause 1 of this Article within the scope and areas under their management and send them to the Ministry of Natural Resources and Environment.

## **Article 95. National climate change adaptation report**

1. The national climate change adaptation report includes:

- a) Overview of climate change developments and impacts;
- b) Results of national GHG inventory;
- c) Efforts and efficiency in adaptation to climate change;
- d) International and domestic resources for climate change adaptation;
- dd) Fulfillment of international climate change commitments;
- e) Prediction of impacts of climate change on economy, society and environment;
- g) Proposed solutions for climate change adaptation.

2. Other Ministries, ministerial agencies and provincial People's Committees shall prepare an annual report on climate change adaptation within the scope and fields under their management and send it to the Ministry of Natural Resources and Environment.

3. The Ministry of Natural Resources and Environment shall prepare a national climate change adaptation report every 05 years and submit it to the Government for reporting to the National Assembly; instruct other Ministries, ministerial agencies and provincial People's Committees to prepare climate change adaptation reports.

## **Article 96. Implementation of climate change and ozone layer protection clauses**

1. The Ministry of Natural Resources and Environment shall:

a) play the leading role in implementing climate change and ozone layer protection clauses in the international treaties to which the Socialist Republic of Vietnam is a signatory;

b) organize the preparation, updating and implementation of Intended Nationally Determined Contributions, prepare a report on climate change and ozone layer protection every 02 years and other national reports thereon under the international treaties to which the Socialist Republic of Vietnam is a signatory.

c) formulate mechanisms and policies for mobilization and management of resources to implement Intended Nationally Determined Contributions and fulfill Vietnam's commitments to climate change and ozone layer protection under the international treaties to which the Socialist Republic of Vietnam is a signatory.

2. Other Ministries, ministerial agencies and provincial People's Committees shall implement climate change and ozone layer protection clauses in the international treaties to which the Socialist Republic of Vietnam is a signatory; submit reports on implementation thereof to the Ministry of Natural Resources and Environment for consolidation and reporting as prescribed.

## **Chapter VIII**

### **ENVIRONMENTAL TECHNICAL REGULATIONS AND ENVIRONMENTAL STANDARDS**

#### **Article 97. Environmental technical regulations**

1. Environmental technical regulations on ambient environment quality, including:

- a) Environmental technical regulations on soil and sediment quality;
- b) Environmental technical regulations on surface water, groundwater and seawater quality;
- c) Environmental technical regulations on air quality;
- d) Environmental technical regulations on light and radiation;
- dd) Environmental technical regulations on noise and vibration.

2. Environmental technical regulations on waste, including:

- a) Environmental technical regulations on wastewater;
- b) Environmental technical regulations on exhaust gases from production, business operation and service provision and exhaust gases from vehicles.

3. Environmental technical regulations on waste management, including:

- a) Environmental technical regulations on hazardous waste;
- b) Environmental technical regulations on solid waste landfills;
- c) Environmental technical regulations on works and equipment for in situ wastewater treatment;
- d) Environmental technical regulations on waste incinerators;
- dd) Environmental technical regulations on waste co-processing;
- e) Other environmental technical regulations on equipment for waste treatment and recycling.

4. Environmental technical regulation on management of scrap imported from foreign countries as production materials.



5. Environmental technical regulation on limits of persistent pollutants present in raw materials, fuels, materials, products, goods and equipment.

6. Other environmental technical regulations in accordance with environmental protection requirements.

**Article 98. Rules for formulating and applying environmental technical regulation ambient environment quality; environmental technical regulations on limits of persistent pollutants present in raw materials, fuels, materials, products, goods and equipment**

1. The formulation of environmental technical regulations on ambient environment quality must adhere to the following rules:

a) Achieve the objectives for protecting and improving the living environment to ensure human health, development of creatures and sustainable of ecosystems; serve planning activities, environmental zoning and environmental quality assessment;

b) Ensure that they are equivalent to those of developing countries and conform to national and regional natural and socio-economic conditions.

2. The application of environmental technical regulations on ambient environment quality must adhere to the following rules:

a) Serve as the basis for classifying and assessing environmental quality in one location or one area;

b) Serve as the basis for carrying out environmental zoning for intended purposes of management and use;

c) Serve as the basis for formulating environmental quality management plans, considering issuing environmental licenses to entities that discharge waste into the environment and ensuring the discharge serves the purpose of environmental quality management in planned, zoned or classified areas.

3. Environmental technical regulation on limits of persistent pollutants present in raw materials, fuels, materials, products, goods and equipment must aim to protect human health and prevent environmental protection under the international treaties to which Socialist Republic of Vietnam is a signatory.

**Article 99. Rules for formulation and application of environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials**

1. The formulation of environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials must adhere to the following rules:



a) Environmental technical regulations on waste and waste management must be relevant to technical and technological level, technology, socio-economic development level from time to time; harmonize with regulations of countries in the region and in the world; encourage businesses to transfer and apply new technologies, best available techniques, clean technologies and environmentally-friendly technologies;

b) Environmental technical regulation on waste must suit the receiving zones and areas; be formulated according to the planning and environmental zoning; serve the purpose of environmental quality management and improvement;

c) Environmental technical regulation on waste management must be in line with the purposes and requirements concerning collection, storage and treatment of each type of waste;

d) Environmental technical regulation on management of scrap imported from foreign countries as production materials must function as a barrier to prevent and control the import of waste into Vietnam in the future;

dd) Environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials must be reviewed, updated and adjusted every 05 years or when necessary, in a more stringent manner if the environmental quality fails to serve the purpose of environmental quality management;

e) Local environmental technical regulations on waste and waste management must be formulated in a manner that is more stringent than national environmental technical regulations.

2. The application of environmental technical regulations on waste and waste management must adhere to the following rules:

a) Environmental technical regulations on waste and waste management must be applied to control pollutants produced by businesses; ensure no environmental pollution is caused;

b) Environmental technical regulation on waste must be applied to serve the purpose of environmental quality management in receiving areas and zones and according to the quantity and volume of waste;

c) New investment projects and expansion projects must satisfy the latest requirements specified in the environmental technical regulations on waste and waste management;

d) Businesses that are operating must formulate a plan to implement the roadmap for application of environmental technical regulations on waste and waste management or relocation plan in case of failure to satisfy the requirements;

dd) If a national environmental technical regulation on technology or equipment that produces waste, environmental quality parameters or pollutants present in waste is yet to be available, the national environmental technical regulation of one of the developed countries shall apply.

3. The application of the environmental technical regulation management of scrap imported from foreign countries as production materials must adhere to the following rules:

a) The environmental technical regulation management of scrap imported from foreign countries as production materials shall serve as one of the bases for customs clearance of shipments of scrap. In case of failure to satisfy the requirements, it is required to re-export them as prescribed;

b) The environmental technical regulation management of scrap imported from foreign countries as production materials must be applied to each shipment of scrap registered for inspection, except for the case of exemption from inspection prescribed by law.

#### **Article 100. Requirements concerning environmental technical regulations on ambient environment quality**

1. Environmental technical regulations on ambient environment quality must define permissible limits of environmental parameters suitable for use of corresponding environmental components, including:

a) Minimum values of parameters ensuring life and normal growth of humans and creatures;

b) Maximum permissible values of environmental parameters that ensure no negative effects produced on life and normal growth of humans and creatures.

2. Technical regulations on ambient environment quality must provide guidance on reference method for measuring, collecting and analyzing samples to determine environmental parameters.

#### **Article 101. Requirements concerning environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials**

1. Environmental technical regulations on waste must define permissible limits of pollutants present in waste. Permissible limits of pollutants present in waste must be determined according to toxic properties of the pollutants, volume and environmental zoning.

2. The environmental technical regulation on waste management must define technical and managerial requirements for collection, storage and treatment to avoid environmental pollution.

3. The environmental technical regulation on management of scrap imported from foreign countries as production materials must define technical and managerial requirements and maximum permissible levels of impurities present in scrap shipments.

4. The environmental technical regulations on waste and waste management must introduce an appropriate roadmap for application thereof.

5. The environmental technical regulations specified in this Article must provide guidance on reference methods for collecting, measuring and analyzing samples to determine technical indicators and parameters.

#### **Article 102. Formulation, appraisal and promulgation of environmental technical regulations**

1. Power and procedures for formulating and promulgating national and local environmental technical regulations must comply with regulations of law on standards and technical regulations.

2. The Ministry of Natural Resources and Environment shall:

- a) formulate and promulgate national environmental technical regulations;
- b) preside over and cooperate with the Ministry of Transport in requesting the Prime Minister to promulgate a roadmap for application of national standards and technical regulations on emissions of motor vehicles operating in Vietnam.

3. Ministries and ministerial agencies shall promulgate standards, technical regulations or technical guidance on recycling, reuse and use of waste as raw materials and materials for production, business operation and service provision under their management after obtaining comments of the Ministry of Natural Resources and Environment.

4. The Ministry of Science and Technology shall carry out appraisal of environmental technical regulations in accordance with regulations of law on standards and technical regulations.

5. If the ambient environment quality fails to achieve the objectives for environmental protection, the provincial People's Committee shall promulgate a local environmental technical regulation on waste within 02 years from the date of promulgating the national environmental technical regulation.

#### **Article 103. Environmental standards**

1. Environmental standards include ambient environment quality standard, environmental standard on waste management and other environmental standards.

2. Whole or part of an environmental standard becomes compulsorily applicable if it is referred to in a legal document or environmental technical regulation.

3. An internal environmental standard shall be applicable within the organization issuing such standard.

#### **Article 104. Establishment, appraisal and announcement of environmental standards**

1. Power and procedures for establishing and appraising environmental standards must comply with regulations of law on standards and technical regulations.

2. The Ministry of Natural Resources and Environment shall organize the establishment and request appraisal of national environmental standards.

3. The Ministry of Science and Technology shall organize appraisal of and announce national environmental standards.

4. Agencies and organizations shall establish and announce internal environmental standards in accordance with regulations of law on standards and technical regulations.

#### **Article 105. Application of best available techniques**

1. Owners of investment project and businesses involved in types of production, business and services that are likely to cause environmental pollution shall study and apply best available techniques according to the roadmap prescribed by the Government; provide information upon request to serve the development of technical guidance on application of best available techniques.

2. Criteria for determining best available techniques:

- a) The ability to reduce amount of pollutants;
- b) The ability to increase amount of recyclable waste;
- c) Costs of application and operation of the best available techniques;
- d) The ability to save energy;
- dd) Proactivity in pollution prevention and control

3. The Ministry of Natural Resources and Environment shall preside over and cooperate with the Ministry of Science and Technology, other Ministries and ministerial agencies concerned in developing and providing technical guidance on application of best available techniques or consider recognizing the best available techniques already applied by developed countries and permitted for application in Vietnam; review, update and supplement the list of best available

techniques in a manner that is relevant to the current situation and level of science and technology development; provide technical guidance on application of best available techniques for each type of production, business or service that is likely cause environmental pollution.

## **Chapter IX**

### **ENVIRONMENTAL MONITORING, ENVIRONMENTAL INFORMATION AND DATA AND ENVIRONMENTAL REPORTING**

#### **Section 1. ENVIRONMENTAL MONITORING**

##### **Article 106. General regulations on environmental monitoring**

1. Environmental monitoring also includes waste monitoring and is carried out on an automatic, continuous or periodic basis or at the request of a competent authority.

2. Investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters that release waste into the environment must carry out monitoring as prescribed in Articles 111 and 112 of this Law and in accordance with environmental technical regulations.

3. Entities are encouraged to engage in environmental monitoring and provide information on environmental quality to the community as prescribed by law. Such entities shall take legal responsibility for the accuracy of the information provided.

4. Environmental monitoring must ensure and control quality and give accurate and reliable monitoring results.

5. Vehicles and equipment used for environmental monitoring must be verified and calibrated in accordance with regulations of law on measurement.

##### **Article 107. Environmental monitoring system**

1. The environmental monitoring system shall cover:

a) National environmental monitoring, which is a network of background and impact environmental monitoring stations and locations serving the monitoring and providing information on background and impact environmental quality in inter-regional, inter-provincial and transboundary areas.

b) Provincial environmental monitoring, which is a network of background and impact environmental monitoring stations and locations serving the monitoring and providing information on background and impact environmental quality in areas within a province.

c) Environmental monitoring in service of field and sector management prescribed in Article 109 of this Law;

d) Environmental monitoring for investment projects, in businesses, dedicated areas for production, business operation and service provision and industrial clusters;

dd) Biodiversity monitoring in wildlife sanctuaries.

2. Organizations joining the environmental monitoring system include:

a) Environmental monitoring authorities;

b) Organizations in charge of on-site sampling and sample measurement;

c) Environmental sample testing and analysis laboratories;

d) Organizations verifying and calibrating environmental monitoring equipment;

dd) Organizations managing and processing environmental monitoring data and preparing environmental monitoring reports.

3. The environmental monitoring system must be must be synchronized and interconnected to create a consistent and comprehensive network nationwide.

4. The comprehensive planning for national environmental monitoring is the technical and specialized planning containing the following main contents:

a) Analyzing and assessing current state of the national environmental monitoring network; system of environmental testing and analysis laboratories and environmental monitoring data management system;

b) Viewpoints, objectives and selected scheme for comprehensive planning for national environmental monitoring in conformity with environmental zoning, monitoring orientations and environmental warning in the environmental protection planning;

c) National environmental monitoring network, including orientations for environmental component monitoring points, parameters and frequency nationwide and automatic monitoring stations; orientations for development of system of environmental testing and analysis laboratories and environmental monitoring data management system;

d) List of national environmental monitoring projects;

dd) Orientations for connection of national environmental monitoring network, database and data with provincial environmental monitoring network and connection of environmental monitoring network;

e) Roadmap and resources available for the implementation of the planning.

## **Article 108. Objects subject to environmental monitoring**

1. Environmental components to be monitored include:

- a) Water, including surface water, groundwater and seawater;
- b) Ambient air;
- c) Soil and sediments;
- d) Biodiversity;
- dd) Noise, vibration, radiation, light.

2. Waste sources, waste and pollutants to be monitored include:

- a) Wastewater and exhaust gases;
- b) Controlled industrial waste for identifying hazardous waste as prescribed by law;
- c) Radioactivity;
- d) Persistent pollutants that are released into and accumulate in the environment;
- dd) Other pollutants.

## **Article 109. Responsibility for environmental monitoring**

1. The Ministry of Natural Resources and Environment shall:

- a) direct, provide guidance on and inspect environmental monitoring nationwide; organize the execution of the national environmental monitoring programs including environmental monitoring programs for inter-provincial rivers and lakes, sea, key economic regions, inter-regional, inter-provincial and transboundary areas and environment in geographically distinct zones; carry out biodiversity monitoring in wildlife sanctuaries;
- b) Formulate, appraise and submit to the Prime Minister the comprehensive planning for national environmental monitoring for approval in accordance with regulations of law on planning;
- c) provide technical guidance on building national and provincial environmental monitoring systems; biodiversity monitoring.

2. The Ministry of Science and Technology shall organize the execution of radioactivity monitoring programs including programs for monitoring radioactive components in the environment.

3. The Ministry of Agriculture and Rural Development shall organize the execution of environmental monitoring programs serving agricultural management including water, soil and sediment monitoring programs serving

the purposes of irrigation, fishing, aquaculture, agriculture, forestry and salt production.

4. The Ministry of Health shall organize the execution of occupational environment monitoring programs in the workplace.

5. The Ministry of National Defense shall participate in offshore water monitoring and transboundary environmental monitoring.

6. Provincial People's Committees shall organize the execution of environmental monitoring programs within their provinces, submit annual environmental monitoring reports to provincial People's Councils and the Ministry of Natural Resources and Environment.

#### **Article 110. Conditions for environmental monitoring**

1. National environmental monitoring programs, local environmental monitoring programs and environmental monitoring programs of businesses and service providers prescribed by regulations of law on environmental protection and other monitoring activities serving state management of environmental protection in accordance with regulations on environmental monitoring must be carried out by organizations certified as eligible to provide environmental monitoring services.

2. Organizations that satisfy requirements concerning personnel and equipment for environmental monitoring and technical conditions applied to laboratories and adopt environmental monitoring methods shall be issued with the certificate of eligibility to provide environmental monitoring services. Certificate holders must operate within the certified scope.

3. Entities carrying out environmental monitoring on a periodic, regular and continuous manner in order to provide and publish information about environmental quality to the community must comply with technical requirements for environmental monitoring as prescribed by law.

4. The Government shall elaborate this Article.

#### **Article 111. Wastewater monitoring**

1. Subjects required to carry out automatic and continuous wastewater monitoring include:

a) Dedicated areas for production, business operation and service provision and industrial clusters that discharge wastewater into the environment;

b) Investment projects and businesses involved in a type that is likely to cause environmental protection with an average or higher flow rate of wastewater discharged into the environment;0}



c) Investment projects and businesses not involved in a type that is likely to cause environmental protection with a large flow rate of wastewater discharged into the environment.

2. Subjects required to carry out periodic wastewater monitoring include:

a) Dedicated areas for production, business operation and service provision and industrial clusters that discharge wastewater into the environment;

b) Investment projects and businesses that discharge wastewater into the environment at a large flow rate.

3. The automatic and continuous wastewater monitoring must comply with regulations on environmental monitoring techniques. Data of the monitoring system must be directly transmitted to the provincial specialized environmental protection authority.

4. The periodic wastewater monitoring must comply with regulations on time, frequency and parameters; parameters that have been automatically and continuously monitored are not required to be periodically monitored.

5. Every provincial specialized environmental protection authority shall:

a) monitor automatic and continuous wastewater monitoring data; assess automatic and continuous wastewater monitoring results and compare them with permissible limits of pollutants specified in the environmental technical regulation on wastewater; supervise and inspect the correction if the monitoring data transmission is interrupted; find monitored parameters which exceed the permissible limits and propose remedial measures as prescribed;

b) aggregate and transmit data on automatic and continuous monitoring carried out within the province to the Ministry of Natural Resources and Environment as prescribed.

6. Subjects other than those specified in Clauses 1 and 2 of this Article are encouraged to monitor wastewater to supervise their own wastewater treatment systems and equipment.

7. The Government shall elaborate subjects required to carry out wastewater monitoring; parameters and roadmap for carrying out automatic and continuous wastewater monitoring; time and frequency of periodic wastewater monitoring.

8. The Minister of Natural Resources and Environment shall impose regulations on wastewater monitoring techniques.

## **Article 112. Industrial dust and exhaust gas monitoring**

1. Subjects required to carry out automatic and continuous monitoring of industrial dusts and exhaust gases include investment projects and businesses

likely to cause air pollution with large flow rates of dusts and exhaust gases released into the environment.

2. Subjects required to carry out periodic monitoring of industrial dusts and exhaust gases include investment projects and businesses discharging dusts and exhaust gases into the environment at large flow rates.

3. The automatic and continuous monitoring of industrial dusts and exhaust gases must comply with regulations on environmental monitoring techniques. Data of the monitoring system must be directly transmitted to the provincial specialized environmental protection authority.

4. The monitoring of industrial dusts and exhaust gases must comply with regulations on time, frequency and parameters as prescribed by law. The parameters that have been automatically and continuously monitored are not required to be periodically monitored.

5. Every provincial specialized environmental protection authority shall:

a) monitor data on automatic and continuous monitoring of industrial exhaust gases; assess results of automatic and continuous monitoring of industrial exhaust gases and compare them with permissible limits of pollutants specified in the environmental technical regulation on exhaust gases; supervise and inspect the correction if the monitoring data transmission is interrupted; find monitored parameters which exceed the permissible limits and propose remedial measures as prescribed;

b) aggregate and transmit data on automatic and continuous monitoring carried out within the province to the Ministry of Natural Resources and Environment as prescribed.

6. Subjects other than those specified in Clauses 1 and 2 of this Article are encouraged to monitor industrial dusts and exhaust gases to supervise their own dust and exhaust gas treatment systems and equipment.

7. The Government shall elaborate subjects required to carry out monitoring of industrial dusts and exhaust gases; parameters and roadmap for carrying out automatic and continuous exhaust gas monitoring; time and frequency of periodic monitoring of industrial dusts and exhaust gases.

8. The Minister of Natural Resources and Environment shall impose regulations on industrial dust and exhaust gas monitoring techniques.

### **Article 113. Environmental monitoring data management**

1. The Ministry of Natural Resources and Environment shall manage national environmental monitoring data; establish environmental monitoring

database to be incorporated in the national environmental information system and database; integrate environmental monitoring data of Ministries, ministerial agencies and local authorities, publish information about national environmental quality; provide professional guidance on and technical assistance in local environmental monitoring data management.

2. Ministries and ministerial agencies shall set up environmental monitoring database within their power and integrate it into the national environmental monitoring database.

3. Provincial People's Committees shall manage environmental monitoring data; establish environmental monitoring database within their provinces in a manner that is consistent, synchronized and interconnected with the national environmental information system and database and publish information on local environmental quality on the basis of the local environmental monitoring results.

4. Investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters shall manage waste monitoring data and make waste monitoring results publicly available as prescribed by law.

## **Section 2. ENVIRONMENTAL INFORMATION SYSTEMS AND DATABASE**

### **Article 114. Environmental information**

1. Environmental information consists of:

a) Information on pollutants, discharge of pollutants into the environment and sources of pollutants; environmental protection by investment projects, businesses and dedicated areas for production, business operation and service provision and industrial clusters;

b) Information about solid waste, hazardous waste, wastewater, exhaust gases and other types of waste prescribed by law;

c) Information about decision to approve appraisal results, EIARs, except for trade secrets and information classified as state secrets; matters concerning licensing, registration, certification and confirmation; results of inspection of environmental protection by investment projects, businesses and dedicated areas for production, business operation and service provision and industrial clusters;

d) Information about statistical indicators regarding environment, environmental quality and environmental pollution;

dd) Information about natural heritage sites, natural ecosystems, species and genetic resources; wildlife sanctuaries and biodiversity conservation facilities; important wetlands;

2. The collection, storage and management of environmental information shall comply with the following regulations:

a) Environmental information shall be collected in an accurate, adequate and timely manner;

b) Investment project/business owners shall regularly collect, store and manage the environmental information mentioned in Points a, b and c Clause 1 of this Article;

c) Ministries and ministerial agencies shall collect, store and manage environmental information under their management specified in Points d and dd Clause 1 of this Article;

d) People's Committees at all levels shall collect, store and manage environmental information within their areas and as assigned;

dd) The Ministry of Natural Resources and Environment shall collect and consolidate national environmental information.

3. The provision and publishing of environmental information shall comply with the following regulations:

a) The State shall encourage entities to participate in providing environmental information;

b) Ministries, ministerial agencies and provincial People's Committees shall provide environmental information which they collect, store and manage to the Ministry of Natural Resources and Environment through the environmental information system and database or submit reports as prescribed by law;

c) Investment project/business owners shall provide the environmental information mentioned in Points a, b and c Clause 1 of this Article to an environmental protection authority through the environmental information system and database or submit reports as prescribed by law;

d) Entities shall publish environmental information as prescribed on their websites or in another manner to facilitate access to information. The publishing of environmental information shall comply with regulations of this Law and other relevant regulations of law.

4. The Government shall elaborate on contents and management of environmental information; procedures, time and method for providing and publishing environmental information.

## **Article 115. Environmental information systems and database**

### **1. Regarding environmental information systems:**

a) The State shall introduce a policy to build and operate the environmental information system with the aim of developing a digital environmental platform and economy in the future;

b) The Ministry of Natural Resources and Environment shall build, manage and operate the national environmental information system; provide guidance on operation of ministerial, sectoral and provincial environmental information systems;

c) Ministries, ministerial agencies and provincial People's Committees shall build, manage and operate ministerial, sectoral and provincial environmental information systems in synchronization with the national environmental information system.

### **2. Regarding environmental database:**

a) Environmental database means a collection of environmental information, is built, updated, stored and managed to meet the needs for access, provision and use from central to local government and serve the state management of environmental protection and provision of public environmental services;

b) The Ministry of Natural Resources and Environment shall build and manage the national environmental database; instruct other Ministries, ministerial agencies and provincial People's Committees to organize the operation of their environmental database;

c) Ministries, ministerial agencies and provincial People's Committees shall organize the operation of their environmental database; ensure that it is integrated, connected and interconnected with the national environmental database.

### **3. The Government shall elaborate this Article.**

## **Article 116. Online public environmental services**

1. Online public environmental services include public administrative environmental services, environmental information provision services and other public environmental services prescribed by law.

2. The provision of online public environmental services shall comply with the following regulations:

a) Regulatory bodies that have the power to provide online public environmental services as prescribed by the Government must ensure connection, interconnection, convenience, simplicity and safety and serve the state management of environment.

b) The Ministry of Natural Resources and Environment and provincial People's Committees shall operate and provide guidance on provision of online public environmental services ensuring the synchronization, connection and interconnection as prescribed by law.

### **Section 3. ENVIRONMENTAL REPORTING**

#### **Article 117. Environmental statistical indicators**

1. Environmental statistical indicators are part of the Vietnam's statistical indicator system aiming to measure and assess environmental protection activities for sustainable development in the future and in line with the UN's sustainable development indicator system.

2. Environmental statistical indicators include national environmental indicators and environmental statistical indicators of the natural resource and environment sector and are compiled in compliance with regulations of this Law and law on statistics.

3. Ministries, ministerial agencies and provincial People's Committees shall organize production of statistics on environmental indicators in the fields, sectors and areas under their management; submit annual reports on environmental statistical indicators to the Ministry of Natural Resources and Environment.

4. The Minister of Natural Resources and Environment shall produce, provide guidance on and organize the production of environmental statistics; promulgate a set of statistical indicators of the natural resource and environment sector.

#### **Article 118. Reporting of environmental protection**

1. On an annual basis, the environmental protection carried out in the previous year shall be reported as follows:

a) The district-level People's Committee shall submit a report to the district-level People's Council and provincial People's Committee before January 31;

b) The industrial park, export-processing zone, hi-tech zone or economic zone management board shall submit a report to the provincial People's Committee before January 31;

c) The provincial People's Committee shall submit a report to the People's Council of the province and the Ministry of Natural Resources and Environment before February 15;

d) The Ministry or ministerial agency shall submit a report on performance of its environmental protection tasks to the Ministry of Natural Resources and Environment before February 15;

dd) The Ministry of Natural Resources and Environment shall prepare a report on environmental protection nationwide and submit it to the Government for reporting to the National Assembly at its first session of the year.

2. Main contents of an environmental protection report:

a) State of soil, water and air and changes in soil, water and air quality; natural heritage site and biodiversity;

b) General socio-economic context and impacts on the environment;

c) Results of performance of environmental protection activities including control of pollution sources; solid and hazardous waste management; management of soil, water and air quality; pollution remediation, environmental quality improvement; environmental emergency prevention and response; environmental protection of natural heritage sites and biodiversity;

d) Environmental monitoring and warning system;

dd) Formulation of policies and law, handling of administrative procedures, supervision, inspection and handling of violations against the law, handling of complaints and denunciations about the environment;

e) Conditions and resources for environmental protection;

g) Results of compilation of environmental statistical indicators;

h) General assessment;

i) Orientations, tasks and solutions for environmental protection in the coming time.

3. The environmental protection reporting period begins from January 01 to December 31 inclusive of the reporting year.

4. The environmental protection report shall be submitted physically or electronically as prescribed by law.

5. The Minister of Natural Resources and Environment shall provide guidance on preparation of environmental protection reports; provide guidance on and organize the assessment of environmental protection by Ministries, ministerial agencies and provincial People's Committees.

**Article 119. Reporting of environmental protection during production, business operation and service provision**

1. Every investment project/business owner shall prepare and submit an environmental protection report to the competent authority as prescribed by law.

2. Environmental protection reports include:

a) Annual environmental protection reports. The reporting period begins from January 01 to December 31 inclusive of the reporting year;

b) Ad hoc environmental protection reports requested by the competent authority.

3. Main contents of a periodic environmental protection report include:

a) Results of operation of works and implementation of environmental protection measures for waste;

b) Results of implementation of remedial measures required by the inspecting authority and competent authority (if any);

c) Results of periodic, automatic and continuous monitoring;

d) Management of solid waste and hazardous solid waste;

dd) Management of imported scrap (if any);

e) Provision of environmental monitoring services (if any);

g) Other environmental protection results, activities and measures.

4. The environmental protection report shall be submitted physically or electronically as prescribed by law.

5. The Minister of Natural Resources and Environment shall elaborate contents, forms, methods and time for sending reports on environmental protection during production, business operation and service provision.

## **Article 120. State of the environment reports**

1. State of the environment reports include general reports on state of the environment and thematic reports on state of the environment.

2. Responsibility for preparing state of the environment reports:

a) The Ministry of Natural Resources and Environment shall prepare a general report on national state of the environment every 05 years to serve the assessment of results of implementation of the socio-economic development plan; prepare an annual thematic report on national state of the environment;

b) Provincial People's Committees shall prepare a general report on local state of the environment every 05 years; prepare an annual thematic report on state of the environment under the guidance of the Ministry of Natural Resources and Environment; according to the pressing local environmental issues, the provincial People's Committees may decide to prepare a thematic report on state of the environment within provinces.



3. Main contents of a state of the environment report include:
- a) Overview of nature, economy and society;
  - b) Environmental impacts;
  - c) State of the environment and environmental quality changes;
  - d) Pressing environmental issues and causes thereof;
  - dd) Impacts of the environment on economy and society;
  - e) Results of implementation of policies, law and environmental protection activities; international cooperation in environmental protection;
  - g) Predicted environmental challenges;
  - h) Directions and solutions for environmental protection.
4. Method for state of the environment reporting:
- a) The general report on national state of the environment shall be submitted to the National Assembly at the session prior to the final session of the last year of the tenure;
  - b) The thematic report on national state of the environment shall be published on the website of the Ministry of Natural Resources and Environment prior to the National Assembly's first session of the next year; the thematic report on local state of the environment shall be published on the website of the provincial People's Committee prior to the regular session of the provincial People's Council of the next year.
5. The Minister of Natural Resources and Environment shall provide guidelines for preparation of state of the environment reports; provide guidelines for state of the environment reporting and preparation of state of the environment reports by other Ministries, ministerial agencies and provincial People's Committees.

## **Chapter X**

### **ENVIRONMENTAL EMERGENCY PREVENTION AND RESPONSE AND COMPENSATION FOR ENVIRONMENTAL DAMAGE**

#### **Section 1. ENVIRONMENTAL EMERGENCY PREVENTION AND RESPONSE**

##### **Article 121. General regulations on environmental emergency prevention and response**

1. The environmental emergency prevention and response shall adhere to technical processes and regulations on safety and environment.

2. The motto “leadership on-the-spot, forces on-the-spot, means and materials on-the-spot, and logistics on-the-spot” shall be used for environmental emergency response.

3. Entities causing environmental emergencies shall respond to them and pay costs of response.

4. An environmental emergency that occurs in an establishment or administrative division, the head of such establishment or administrative division shall direct and organize the response to the environmental emergency. There must be a commander, who will assign specific tasks and coordinate different forces, vehicles and equipment involved in response to the environmental emergency.

5. The State shall encourage and enable entities to invest in environmental emergency response services.

6. The prevention of environmental emergencies caused by waste leakage, spill or dispersal (hereinafter referred to as the “waste-related emergencies”) shall comply with regulations of this Law. The prevention of environmental emergencies caused by chemicals, radiation, oil slick, epidemics and others shall comply with relevant regulations of law.

7. The Government shall elaborate on the prevention of and response to environmental emergencies.

## **Article 122. Responsibility for environmental emergency response**

1. Every investment project/business owner shall perform the following tasks:

a) Comply with requirements concerning plans, measures and equipment for environmental emergency prevention and response as prescribed by law;

b) Carry out regular inspection and adopt managerial and technical plans and measures to eliminate and reduce the risk of environmental emergencies.

2. Provincial People’s Committees shall:

a) investigate, statistically report and assess the risk of environmental emergencies within their provinces;

b) build database and compile and publish information about sources that are likely to cause environmental emergencies within their provinces as prescribed by law;

c) build and direct district- and communal-level People’s Committees to build capacity for environmental emergency prevention and response within their provinces.

3. Ministries and ministerial agencies shall respond to environmental emergencies as prescribed in Point a Clause 1 Article 127 of this Law.

**Article 123. Classification of environmental emergencies by scale and stages of response to environmental emergencies**

1. The classification of an environmental emergency shall be based on the extent of environmental pollution or degradation at the time of discovering the emergency in order to determine an authority responsible for direction and response, including:

- a) In-facility environmental emergency: environmental pollution or degradation occurs within a facility;
- b) District-level environmental emergency: environmental pollution or degradation occurs beyond a facility and within a district;
- c) Provincial-level environmental emergency: environmental pollution or degradation occurs beyond a district and within a province;
- d) National-level environmental emergency: environmental pollution or degradation occurs within 02 provinces or more or across the nation.

2. Stages of environmental emergency response include:

- a) Preparing for environmental emergency;
- b) Organizing environmental emergency response;
- c) Remediating environment after emergency.

**Article 124. Preparing for environmental emergency**

1. The person responsible for directing environmental emergency response specified in Clause 4 Article 125 of this Law shall direct the formulation and approval of the environmental emergency response plan within his/her jurisdiction; direct organization of environmental emergency response drills for which he/she grants approval.

2. The Ministry of National Defense shall preside over and cooperate with other Ministries, ministerial agencies, Governmental agencies and provincial People's Committees in providing guidance on, forming forces and providing resources and equipment in response to environmental emergencies to the National Committee for Natural Disaster Management and Response and Command Centers for Natural Disaster Management of provinces and districts.

3. Investment project/business owners must have works, equipment and vehicles serving response to environmental emergencies as prescribed by law; form and train forces on-the-spot for the purpose of environmental emergency response.

4. An environmental emergency response plan shall be promulgated and implemented as follows:

a) The National Committee for Natural Disaster Management and Response shall promulgate and implement the national environmental emergency response plan; inspect the implementation of the environmental emergency response plan promulgated by the provincial Command Center for Natural Disaster Management;

b) The provincial Command Center for Natural Disaster Management shall promulgate and implement the provincial environmental emergency response plan; inspect the implementation of the environmental emergency response plan promulgated by the district-level Command Center for Natural Disaster Management;

c) The district-level Command Center for Natural Disaster Management shall promulgate and implement the district-level environmental emergency response plan;

d) The investment project/business owner shall promulgate and organize the implementation of its environmental emergency response plan.

5. The environmental emergency response plan must have emergency scenario to formulate a corresponding emergency scheme and must be made publicly available as prescribed by law.

6. The environmental emergency response plan shall be integrated as follows:

a) The environmental emergency response plan mentioned in Point a, b or c Clause 4 of this Article may be integrated with the civil defense plan or plan for response to another emergency;

b) The environmental emergency response plan mentioned in Point d Clause 4 of this Article is integrated with and approved together with the plan for response to another emergency.

7. An environmental emergency response drill shall be organized as follows:

a) The drill in response to in-facility environmental emergencies shall be conducted at least every 02 years unless otherwise prescribed by law;

b) The drills in response to district, provincial and national-level environmental emergencies shall be conducted according to the environmental emergency response plan approved by the competent authority;

c) The environmental emergency response drill must be joined by relevant organizations and forces, representatives of residential communities and surrounding facilities potentially affected by the emergency.

## **Article 125. Organizing environmental emergency response**

1. Information about an environmental emergency must be promptly notified to the district-level Command Center for Natural Disaster Management and People's Committee of the commune where the emergency occurs.

2. The district-level Command Center for Natural Disaster Management shall cooperate with the People's Committee of the commune where the emergency occurs shall verify and promptly organize response to the environmental emergency and notify the district-level People's Committee, which will announce the environmental emergency or notify the competent authority, which will organize the response as prescribed in Clause 1 Article 123 of this Law.

3. The response to an environmental emergency shall mainly focus on:

a) identifying causes of the emergency; type, amount and weight of pollutants released into the environment;

b) preliminary assessment of extent, objects and level of impacts on soil, water, air, humans and creatures;

c) implementation of measures for isolating and limiting the extent, objects and level of impacts; urgent implementation of measures to ensure safety of humans, property, creature and environment;

d) recovering, treating and eliminating pollutants or causes of pollution;

dd) publishing and providing information about the emergency to the community to prevent and avoid adverse impacts of the emergency.

4. Responsibility for response to the environmental emergency:

a) Investment project/facility owner has the responsibility to organize response to the environmental emergency within the facility, if it is beyond the response capacity, promptly notify the People's Committee of the province where the emergency occurs and the district-level Command Center for Natural Disaster Management for cooperation;

b) The President of the district-level People's Committee and the head of the district-level Command Center for Natural Disaster Management shall direct emergency response, mobilize resources, equipment and vehicles and appoint a commander and spokesman to respond to the emergency occurring within the district;

c) The President of the provincial People's Committee and the head of the provincial Command Center for Natural Disaster Management shall direct emergency response, mobilize resources, equipment and vehicles and appoint a commander and spokesman to respond to the emergency occurring within the province;

d) The Chair of the National Committee for Natural Disaster Management and Response shall direct emergency response, mobilize resources, equipment and vehicles and appoint a commander and spokesman to respond to the national emergency.

5. If it is beyond the response capacity, the emergency response director shall notify the supervisory authority. Entities shall cooperate and assist in response to the environmental emergency upon request.

6. If the environmental pollution or degradation occurs beyond a facility or administrative division, the emergency response director shall notify the supervisory authority, which will direct the emergency response.

7. Where necessary, the emergency response director specified in Clause 4 of this Article shall decide to establish a command center and working team responsible to identify causes of the emergency.

8. The Ministry of Health and People's Committees at all levels shall assess the extent, objects and level of impacts of the environmental emergency on human health and take measures to prevent and minimize those impacts.

#### **Article 126. Remediating environment after emergency**

1. The owner of the investment project/facility causing an environmental emergency shall remediate the environment after the emergency occurs within such facility. The People's Committee of the commune where the emergency occurs shall inspect and supervise the environmental remediation.

2. After a district, provincial or national-level environmental emergency occurs, the environmental remediation shall be carried out as follows:

a) The district-level People's Committee shall conduct survey and assessment of state of the environment, formulate, approve and direct the implementation of the environmental remediation plan for the district-level environmental emergency. Within 30 days from the end of the stage of organizing the response, the district-level People's Committee must approve the environmental remediation plan;

b) The provincial People's Committee shall conduct survey and assessment of state of the environment, formulate, approve and direct the implementation of the environmental remediation plan for the provincial environmental emergency. Within 60 days from the end of the stage of organizing the response, the provincial People's Committee must approve the environmental remediation plan;

b) The Ministry of Natural Resources and Environment shall conduct survey and assessment of state of the environment, formulate, approve and

direct the implementation of the environmental remediation plan for the national environmental emergency. Within 90 days from the end of the stage of organizing the response, the Ministry of Natural Resources and Environment must approve the environmental remediation plan.

3. Contents of the environmental remediation plan consist of:

a) Description and assessment of the state of the environment after the emergency occurrence including the level, extent and characteristics of environmental pollution in each area; state of the environment, premises and ecosystems (if any) before the emergency occurrence; requirements for remediating the environment in accordance with the environmental technical regulation on ambient environment quality, premises restoration and recovery of main characteristics of the ecosystem;

b) Environmental remediation measures; analysis, assessment and selection of the best solution for environmental improvement and remediation;

c) List and volume of items serving environmental remediation regarding the selected solution;

d) The implementation plan divided into multiple stages of environmental remediation; program for management, monitoring and supervision during environmental remediation period; plan to commission environmental remediation results.

4. The inspection, supervision and commissioning of the environmental remediation plan specified in Clause 2 of this Article shall comply with the following regulations:

a) If an entity causes an environmental emergency implements the approved plan itself/himself/herself; the authority approving the plan shall inspect and supervise environmental remediation according to the approved plan;

b) If the authority approving the plan shall organize the implementation of the plan, the entity causing the emergency is entitled to participate in supervision, appraisal, inspection and commissioning of remedial remediation.

5. The environmental remediation shall comply with the environmental technical regulation on ambient environment quality.

6. The authority approving the environmental remediation plan shall announce the end of the environmental remediation stage to residential communities, press agencies and communications agencies.

7. The Minister of Natural Resources and Environment shall elaborate this Article.



**Article 127. Responsibility of Ministries, ministerial agencies and specialized agencies at all levels for environmental emergency prevention and response**

1. Ministries and ministerial agencies shall:

a) provide guidance on, inspect and build capacity for prevention and warning of environmental emergencies in the fields and sectors under their management; preparation for environmental emergencies and organization of environmental emergency response within the scope of management as prescribed by law;

b) provide guidance on contents of environmental emergency response plans under their management; technical processes and techniques for environmental emergency response and environmental emergency scenarios under their management as prescribed by law;

c) formulate and request the National Committee for Natural Disaster Management and Response to promulgate the national environmental emergency response plan within the scope of management;

d) participate in response to national environmental emergencies within the scope of management as assigned by the National Committee for Natural Disaster Management and Response.

2. Specialized agencies affiliated to district- and provincial-level People's Committees shall, within their jurisdiction, advise district- and provincial-level People's Committees, district- and provincial-level Command Centers for Natural Disaster Management to formulate and promulgate environmental emergency response plans; provide guidelines for preparing for and organizing response to environmental emergencies within their districts and provinces.

3. The Ministry of Natural Resources and Environment shall:

a) formulate and submit to the Prime Minister the Regulation on waste-related emergency response; provide technical guidance on waste-related emergency prevention and response;

b) participate in organizing response to national environmental emergencies as assigned by the National Committee for Natural Disaster Management and Response;

c) direct the environmental remediation after the national environmental emergency; provide technical guidance on environmental remediation after emergency.

4. Provincial- and district-level specialized environmental protection authorities shall advise provincial- and district-level People's Committees on environmental remediation after emergency within their provinces and districts.



## **Article 128. Finance for environmental emergency response**

1. Any entity that causes an environmental emergency shall promptly and sufficiently pay costs incurred in connection with emergency response and environmental remediation. If the State organizes emergency response and environmental remediation, the entity causing the emergency shall pay costs of emergency response and environmental remediation to the State as prescribed by law.

2. In case of failure to identify causes of the emergency or the entity causing the emergency, the costs of emergency response and environmental remediation shall be paid by the State.

3. The funding for emergency response and environmental remediation specified in Clause 2 of this Article is covered by the state budget and other funding sources prescribed by law.

4. The costs of manpower, materials and vehicles used and mobilized to respond to environmental emergencies will be reimbursed and paid for as prescribed by law.

## **Article 129. Publishing of information and participation by residential communities in environmental emergency prevention and response**

1. Any entity or residential community that may be affected by an environmental emergency must be notified of its risks and measures to respond to the environmental emergency implemented by surrounding facilities; are entitled to be informed, participate and supervise environmental emergency response.

2. Investment project/business owners shall notify communal People's Committees of risks of environmental emergencies and response measures to inform entities and surrounding residential community.

3. The time of starting and ending the stage of organizing environmental emergency response and stage of environmental remediation must be published by competent person or authority on mass media.

4. Environmental emergency directors and spokesmen for environmental emergencies shall promptly provide and update information about environmental emergencies to communications agencies, press agencies and residential communities. Information about environmental emergencies provided by environmental emergency directors and spokesmen for environmental emergencies are official information.

5. Communications agencies and press agencies shall accurately, truthfully, sufficiently and promptly provide information about environmental emergencies and response to environmental emergencies.

## **Section 2. COMPENSATION FOR ENVIRONMENTAL DAMAGE**

### **Article 130. Damage caused by environmental pollution and remediation and rules for determining liability for compensation for environmental damage**

1. Damage caused by environmental pollution and degradation includes:
  - a) Impairment of environmental functions and usefulness;
  - b) Loss of lives and damage to entities' health, property and legitimate interests as a result of impairment of environmental functions and usefulness.
2. Entities that cause environmental emergencies must be determined in a prompt, objective and fair manner. Entities that cause environmental emergencies must provide compensation for damage they cause and pay costs of assessing damage and following procedures for claiming compensation for damage as prescribed.
3. If there are at least 02 entities causing damage to environment, the compensation shall be provided as follows:
  - a) The liability of each entity for compensation for environmental damage shall be determined according to the type of pollutant, amount of exhaust gases and other factors.
  - b) The liability for compensation for environmental damage and payment of costs of assessing damage and following procedures for claiming compensation for damage shall be determined in proportion to damage rate in the total environmental damage; if relevant parties or environment authority fails to determine the liability, the international arbitration or court shall make a decision within its power;
4. The entities that comply with all regulations of law on environmental protection, build waste treatment systems that satisfy the requirements and prove that no environmental damage is caused are not required to provide compensation for environmental damage and incur the costs of assessing damage and following procedures for claiming compensation for damage.

### **Article 131. Responsibility for claiming compensation for damage and assessing environmental damage**

1. Any People's Committee or entity that finds that the environment shows signs of pollution or degradation shall notify the authority settling claims for environmental damage and organizing collection and verification of data and evidence to determine environmental damage caused by the pollution or degradation as prescribed in Clause 2 of this Article.

2. Responsibility for claiming compensation and organizing collection and verification of data and evidence to determine environmental damage caused by pollution and degradation:

a) The communal People's Committee shall claim compensation for environmental damage caused within areas under its management. In this case, the communal People's Committee shall request the district-level People's Committee to organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation;

b) The district-level People's Committee shall claim compensation for damage and organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation within at least 02 communes; and shall, at the request of the communal People's Committee, organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation;

c) The provincial People's Committee shall claim compensation for damage and organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation within at least 02 districts;

d) The Ministry of Natural Resources and Environment shall claim compensation for damage and preside and cooperate with the provincial People's Committees in organizing collection and verification of data and evidence to determine environmental damage caused by pollution or degradation within at least 02 provinces.

3. Any entity that suffers loss of life, damage to health, property and legitimate interests due to the impairment of the environmental function or usefulness shall determine or authorize a regulatory body or another entity to determine damage and claim compensation for environmental damage in accordance with regulations of this Law and other relevant regulations of law.

4. The Government shall elaborate this Article.

### **Article 132. Assessment of damage caused by environmental pollution and degradation**

1. The assessment of damage caused by environmental pollution or degradation shall cover the following:

a) Area of environmental pollution or degradation;

b) Amount of environmental components degraded and types of ecosystems and species damaged;

c) Degree of damage to each environmental component, ecosystem and species.

2. The assessment of damage caused by the impairment of the environmental functions or usefulness shall be carried out independently or in cooperation between the damaging party and the damaged party. If either or both of the parties make a request, the specialized environmental protection authority shall provide guidelines for damage assessment or witness the damage assessment.

3. The assessment of fatality and damage to entities' health, property and legitimate interests caused by the impairment of the environmental functions or usefulness shall be carried out in accordance with regulations of law.

4. The Government shall elaborate on assessment of damage caused by environmental pollution and degradation.

### **Article 133. Settlement of claims for compensation for environmental damage**

1. A claim for compensation for environmental damage shall be settled by negotiation between parties. In case of failure to reach an agreement, the parties may adopt the following methods:

- a) Mediation;
- b) Settlement of the dispute by arbitration;
- c) Settlement of the dispute by a Court.

2. The settlement by a Court may be carried out in accordance with regulations on tort and law on civil procedures, except for regulations on proving the causal connection between violations against law and the damage caused. Entities that commit violations and cause environmental pollution have the responsibility to prove the causal connection between a violation against the law on environment and the damage caused.

### **Article 134. Compensations for environmental damage**

1. Compensations for environmental damage specified in Point a Clause 1 Article 130 of this Law shall be calculated according to:

- a) Costs of short-term and long-term damage caused by the impairment of the environmental function or usefulness;
- b) Costs of environmental improvement and remediation;
- c) Costs of minimizing or eliminating damage-causing sources or organizing environmental emergency response;

d) Costs of assessing damage and following procedures for claiming compensation for environmental damage;

dd) Depending on specific condition, Points a, b, c or d of this Clause may be applied to calculate costs of environmental damage and serve as the basis for claiming compensation and settling compensation claims.

2. Compensations for environmental damage shall be directly paid by entities or paid to the Vietnam Environment Protection Fund or provincial environment protection fund, which will make the payment.

### **Article 135. Verification of damage caused by impairment of environmental functions and usefulness**

1. The verification of damage caused by impairment of environmental functions and usefulness shall be carried out at the request of the entity suffering the damage or compensation body.

2. The bases for verifying damage include a claim for environmental compensation, information, data, evidence and others related to compensation and the subject causing damage.

3. The damage verifying organization shall be selected by the party requesting the damage verification; in case of failure to reach an agreement, the compensation body shall decide on the damage verifying organization.

4. The Government shall elaborate on verification of damage caused by impairment of environmental functions and usefulness.

## **Chapter XI**

### **ECONOMIC INSTRUMENTS, POLICIES AND RESOURCES FOR ENVIRONMENTAL PROTECTION**

#### **Section 1. ECONOMIC INSTRUMENTS FOR ENVIRONMENTAL PROTECTION**

##### **Article 136. Policies on environmental protection taxes and fees**

1. Regarding environmental protection taxes:

a) Environmental protection taxes shall be imposed on products and goods of which the use adversely impacts the environment or substances that cause environmental pollution;

b) Environmental protection tax rates shall be determined according to the levels of adverse impacts on the environment;

c) The promulgation and implementation of regulations on environmental protection taxes shall comply with regulations of law on taxation.

2. Regarding environmental protection fees:

a) Environmental protection fees on discharge of waste into the environment; mineral mining or creation of adverse impacts on the environment; public services in the field of environmental protection in accordance with regulations of law on fees and charges;

b) Environmental protection fees shall be determined according to the amount and toxicity of pollutants released into the environment, characteristics of the waste receiving environment; levels of adverse impacts of mineral mining activities on the environment; nature of public services in the field of environmental protection;

c) The promulgation and implementation of regulations on environmental protection fees shall comply with regulations of law on fees and charges.

3. The Ministry of Natural Resources and Environment shall preside over assessing the level of environmental pollution and greenhouse effect caused by waste or products or goods of which the use adversely impacts the environment to propose a list of objects subject to environmental protection taxes and fees, bracket and rates of taxes and fees on each object subject to environmental protection taxes and fees and methods for calculating environmental taxes and shall send them to the Ministry of Finance, which will request a competent authority for consideration and decision.

**Article 137. Payment of deposits on environmental protection**

1. The payment of deposits on environmental protection aims to ensure that entities take responsibility for remediating environment and manage risks of environmental pollution caused by the activities specified in Clause 2 of this Article.

2. Entities that carry out the activities below must pay deposits on environmental protection:

a) Mineral mining;

b) Waste burial;

c) Import of scrap from foreign countries as production materials.

3. The payment of deposits on environmental protection shall be made in cash, precious metals, precious stones or financial instruments as prescribed by law.

4. The payment of deposits on environmental protection shall be made as follows:

a) Entities that carry out the activities in Points a and b Clause 2 of this Article shall pay deposits to the Vietnam Environment Protection Fund or provincial environment protection fund;

b) Entities that carry out the activity in Point c Clause 2 of this Article shall pay deposits to the Vietnam Environment Protection Fund or provincial environment protection fund or financial institution or credit institution as prescribed by law.

5. The Government shall elaborate this Article, deposits, deposit payment methods, principles of deposit interest rates and return of deposits on environmental protection.

### **Article 138. Payments for ecosystem services**

1. Payments for ecosystem services occur when a user of an ecosystem service makes a payment to the provider of environmental and landscape values created by the ecosystem to protect, maintain and develop the ecosystem.

2. Ecosystem services for which payments are made include:

a) Forest environmental services provided by forest ecosystems in accordance with regulations of law on forestry;

b) Wetland ecosystem services serving the purposes of tourism business, leisure and aquaculture;

c) Marine ecosystem services serving the purposes of tourism business, leisure and aquaculture;

d) Rocky mountain, cave and geopark ecosystem services serving the purposes of tourism business and leisure;

dd) Ecosystem services serving the purposes of carbon sequestration and storage, except for the case in Point a of this Clause.

3. Principles of making payments for ecosystem services:

a) Every user of one or more ecosystem services must make payments for ecosystem services;

b) Users may make a direct or indirect payment through entrustees;

c) Payments for ecosystem services shall be included in the prices of finished products or services of users of ecosystem services and offset the costs of protecting, maintaining and developing ecosystems;

d) Ecosystem service providers must use payments for ecosystem services to protect, maintain and develop ecosystems.

4. Entities must make payments for ecosystem services when they:

a) extract and use water and sea surface of ecosystems for aquaculture and water recreation services;

b) use landscapes of ecosystems for tourism and recreation services;

c) The production and business operation that emit GHGs must use carbon sequestration and storage services provided by ecosystems to reduce GHG emission.

5. The Government shall elaborate this Article.

### **Article 139. Organizing and developing domestic carbon market**

1. The domestic carbon market covers the exchange of GHG emission quotas and carbon credits obtained from the participation in domestic and international carbon credit exchange and offsetting mechanisms in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory.

2. GHG-emitting facilities that are required to conduct an inventory of GHGs on the list specified in Clause 3 Article 91 of this Law are given GHG emission quotas and reserves the right to exchange and trade quotas on the domestic carbon market.

3. Bases for determining GHG emission quotas include:

a) National climate change strategy and other relevant development strategies and planning;

b) Results of national GHG inventory, fields and facilities on the list specified in Clause 3 Article 91 of this Law;

c) Roadmap and methods for reducing GHGs in conformity with national conditions and international commitments.

4. GHG-emitting facilities are only allowed to emit GHGs within the allocated quotas; if they wish to emit GHGs in excess of the allocated quotas, they shall purchase quotas from other entities through the domestic carbon market.

5. Any GHG-emitting facility that reduces GHG emissions or has not used up its allocated quotas is entitled to sell its unused quotas to another entity through the domestic carbon market.

6. Every GHG-emitting facility participating in the domestic and international carbon credit exchange and offsetting mechanisms in accordance



with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory is allowed to exchange carbon credits on the domestic carbon market.

7. Every GHG-emitting facility participating in the domestic and international carbon credit exchange and offsetting mechanisms shall exchange, auction, borrow, pay for and transfer carbon quotas and credits in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory.

8. The Ministry of Natural Resources and Environment shall request the Prime Minister to grant approval for total GHG emission quotas at the end of each stage and every year.

9. The Ministry of Finance shall preside over and cooperate with the Ministry of Natural Resources and Environment and other Ministries and ministerial agencies concerned to establish the domestic carbon market.

10. The Ministry of Natural Resources and Environment shall organize allocation of GHG emission quotas to entities as prescribed in Clause 2 of this Article; organize operation of the domestic carbon market and participation in international carbon markets.

11. The Government shall elaborate this Article and costs of allocating GHG emission quotas, roadmap and time for operating the domestic carbon market in conformity with national socio-economic conditions and international treaties to which the Socialist Republic of Vietnam is a signatory.

#### **Article 140. Liability insurance against environmental damage**

1. Insurers are encouraged to provide liability insurance against environmental damage.

2. According to investment projects classified as prescribed in Article 28 of this Law, the Government shall elaborate on entities required to buy liability insurance against environmental damage.

3. Entities other than those specified in Clause 2 of this Article are encouraged to buy liability insurance against environmental damage.

### **Section 2. POLICIES TO PROVIDE INCENTIVES AND ASSISTANCE AND DEVELOP ENVIRONMENTAL ECONOMY**

#### **Article 141. Incentives for and assistance in environmental protection**

1. The policy to provide incentives and assistance for environmental protection is as follows:

a) The State shall provide incentives and assistance regarding land and capital; exemption and reduction of environmental protection taxes and fees; provision of freight subsidies to environmentally-friendly products and other incentives and assistance for environmental protection activities as prescribed by law;

b) Entities that carry out multiple environmental protection activities eligible for incentives and assistance are entitled to the incentives and assistance corresponding to such activities;

c) If an environmental protection activity is eligible for the same incentives or assistance in accordance with regulations of this Law and other relevant regulations of law, the higher rates of incentives or assistance provided for in a document shall apply;

d) The rate and scope of incentives and assistance for environmental protection shall be adjusted to ensure the consistency with the environmental protection policy in each period.

2. Investment and business activities regarding environmental protection eligible for incentives and assistance include:

a) Investment projects involving collection, treatment, recycling or reuse of waste;

b) Enterprises manufacturing and providing technologies, equipment, products and services in support of satisfying the environmental protection requirements, including combined waste treatment and waste-to-energy technology; centralized domestic wastewater treatment services; ambient environment monitoring services; electric and renewable energy-powered public transport services; manufacturing clean and renewable energy; manufacturing and supplying environmental monitoring equipment and equipment for in situ wastewater treatment, Vietnam Green Label certified environmentally-friendly products and services.

3. Environmental protection activities eligible for incentives and assistance other than investment and business activities include:

a) Technology innovation and renovation and upgrading of waste treatment works according to the roadmap prescribed by the law on environmental protection;

b) Relocation of households from dedicated areas for production, business operation and service provision or relocation of operating facilities to maintain environmental safe distance;

c) Investment in development of natural capital and protection of natural heritage sites.

4. Scientific research into and development of technologies and transfer of technologies for environmental protection are eligible for incentives and assistance in accordance with regulations of law on science, technology and technology transfer.

5. The Government shall elaborate this Article.

#### **Article 142. Circular economy**

1. Circular economy is an economic model which encompasses the design, production, consumption and services activities aimed at reducing raw materials, extending product life, reducing waste generation and minimizing adverse impacts on the environment.

2. Ministries, ministerial agencies and provincial People's Committees shall incorporate circular economy immediately at the stage of formulating a development strategy, planning, plan, program or project; managing, reusing and recycling waste.

3. Every business shall establish a management system and take measures to reduce extraction of natural resources, reduce waste and increase waste recycling and reuse from setting up a project and designing a product or goods to production and distribution.

4. The Government shall elaborate on criteria, roadmap and mechanisms for encouraging the implementation of circular economy in conformity with the national socio-economic conditions.

#### **Article 143. Development of environmental industry**

1. Environmental industry refers to an industry sector in the Vietnam Standard Industrial Classification providing technologies, equipment and products serving the environmental protection.

2. The State shall invest in and introduce policies to assist entities in developing environmental industry and implementing the roadmap for opening up the environmental goods market in accordance with international commitments.

3. The Government shall elaborate this Article.

#### **Article 144. Development of environmental services**

1. Environmental services refers to an industry sector including services provided to measure, control, limit, prevention or minimize water, air and soil pollution, efficiently use natural resources; treat waste and other pollutants; conserve biodiversity, and other relevant services.

2. The State shall adopt policies to develop environmental services market; promote trade liberalization for environmental services according to a roadmap

consistent with international commitments; encourage entities to invest in, research and provide environmental services.

3. Entities are encouraged to provide environmental services related to:

- a) Collection, transport, recycling and treatment of waste;
- b) Environmental monitoring and analysis, environmental impact assessment;
- c) Improvement and remediation of environment and ecosystems in polluted and degraded areas;
- d) Consulting and transfer of environmentally-friendly production technologies; energy-saving technologies, production of clean and renewable energy;
- dd) Environmental consulting and training, provision of environmental information about environment; clean energy, renewable energy and energy saving;
- e) Environmental assessment for goods, machinery, equipment and technologies;
- g) Environmental and biodiversity damage assessment; assessment of pollutants that directly affect human health;
- h) Other environmental protection services.

4. Charges for environmental services shall comply with regulations of law on prices.

5. The Government shall elaborate this Article.

#### **Article 145. Environmentally-friendly products and services**

1. Environmentally-friendly product or service refers to a product or service created using environmentally-friendly materials and production and management technology to minimize its environmental impacts during its use or after it is disposed of in a manner that ensures environmental safety and human health, and is certified or recognized by a competent authority.

2. Vietnam ecolabel is a label that is awarded by a Vietnamese competent authority to an environmentally-friendly product or service. The monitoring, analysis and conformity assessment for comparison with Vietnam Green Label criteria applicable to a product or service must be carried out by an environmental monitoring organization as prescribed by this Law and conformity assessment body in accordance with regulations of law on quality of products and goods, law on measurement and other relevant laws.

3. Vietnam shall recognize environmentally-friendly products and services already certified by international organizations and countries signing the mutual recognition agreements with Vietnam.

4. The Government shall elaborate this Article.

#### **Article 146. Green procurement**

1. Green procurement means the purchase of environmentally-friendly products and services awarded Vietnam Ecolabel or recognized as prescribed by law.

2. Priority is given to green procurement for investment projects or tasks funded by the state budget as prescribed by the Government.

#### **Article 147. Exploitation, use and development of natural capital**

1. Natural capital is the stock of natural resources, which includes soil, water, forests, aquatic resources, minerals, fossil fuels, natural energy sources and natural ecosystem services.

2. The exploitation, use and development of natural capital shall adhere to the following principles:

a) The natural capital is inventoried and evaluated to serve the socio-economic development as prescribed by law;

b) The State gives priority to investment in maintenance and development of natural capital that has the ability to regenerate itself and provide natural ecosystem services.

c) Priority is given to re-investment of revenues from natural capital in maintenance and development of natural capital.

3. The State shall encourage entities to exploit, use, enhance and invest in maintenance and development of natural capital.

4. Ministries, ministerial agencies and provincial People's Committees shall incorporate investment in development of natural capital in their socio-economic development strategies, planning, plans, programs, schemes and projects.

### **Section 3. RESOURCES FOR ENVIRONMENTAL PROTECTION**

#### **Article 148. Resources for environmental protection**

1. The State shall provide resources for the following environmental protection activities:

a) Waste management and assistance in waste treatment;

- b) Environmental improvement and remediation;
- c) Construction of technical infrastructure serving environmental protection; equipment for environmental protection; environmental monitoring;
- d) Inspection and supervision of environmental protection;
- dd) Nature and biodiversity conservation; environmental protection of natural heritage sites; adaptation to climate change;
- e) Scientific research into, development and transfer of environmental technologies;
- g) Disseminating information about and raising awareness of environmental protection; spreading knowledge of and disseminating the law on environmental protection;
- h) International integration and cooperation in environmental protection;
- i) Other activities prescribed by law.

2. Resources for the activities in Clause 1 of this Article include:

- a) State budget for covering current expenses and development investment expenditures on environmental protection;
- b) Private capital for environmental protection.

3. The state budget shall cover specific expenditures on environmental protection and gradually increase them in each period within its budget and in line with environmental protection requirements and tasks.

4. Investment project/business owners shall provide funding for the following environmental protection activities:

- a) Innovation of waste treatment technologies as prescribed by law;
- b) Construction and operation of environmental protection works as prescribed by law;
- c) Execution of environmental monitoring programs (if any);
- d) Execution of environmental emergency prevention and response plans (if any);
- dd) Other activities prescribed by law.

5. Funding for the activities in Clause 4 of this Article must be statistically reported, recorded and published on the businesses' accounting systems and reported as prescribed by law.

6. The Ministry of Natural Resources and Environment shall provide guidelines for statistically reporting, supervising and announcing resources for environmental protection.

7. The Government shall elaborate on Clauses 1 and 2 of this Article.

#### **Article 149. Green credit**

1. Green credit is the credit granted to the following investment projects:

- a) Efficient use of natural resources;
- b) Adaptation to climate change;
- c) Waste management;
- d) Pollution remediation and environmental quality improvement;
- dd) Natural ecosystem restoration;
- e) Nature and biodiversity conservation;
- g) Creation of other environmental benefits.

2. Lending by credit institutions and foreign branch banks in Vietnam to investment projects must comply with regulations of law on management of environmental risks in lending.

3. Credit institutions and foreign branch banks in Vietnam are encouraged to finance and grant concessional loans to the projects in Clause 1 of this Article.

4. The Governor of the State Bank shall provide guidelines for management of environmental risks in credit extension by credit institutions and foreign branch banks in Vietnam.

5. The Government shall introduce a roadmap for grant of green credit and mechanisms for encouraging grant of green credit.

#### **Article 150. Green bonds**

1. Green bonds are bonds issued by the Government, local authorities and enterprises in accordance with regulations of law on bonds to raise capital for environmental protection activities and investment projects that offer environmental benefits.

2. Revenues from issuance of green bonds must be recorded and monitored in accordance with regulations of law on bond issuance and used for executing investment projects involving environmental protection and investment projects offering environmental benefits, including:

- a) Renovation and upgrading of environmental protection works;
- b) Replacement of technologies towards application of best available techniques;

- c) Application of circular economy and green economy, and reduction of carbon emissions;
- d) Prevention and reduction of environmental pollution;
- d) Environmental remediation after environmental emergency;
- e) Efficient use of natural resources, soil resources, energy saving and development of renewable energy;
- g) Construction of multi-purpose and environmentally-friendly infrastructure;
- h) Efficient management of water and treatment of wastewater;
- i) Climate change adaptation and investment in development of natural capital;
- k) Other investment projects.

3. Issuers of green bonds must provide information about environmental impact assessment and environmental licenses of investment projects, and use capital raised from issuance of green bonds to investors.

4. Issuers and investors purchasing green bonds are entitled to the incentives in accordance with regulations of this Law and other relevant regulations of law.

5. The Government shall elaborate this Article.

### **Article 151. Environmental protection funds**

1. Vietnam Environment Protection Fund and provincial environment protection funds are state financial agencies established at the central level, in provinces and central-affiliated cities to grant concessional loans, receive deposits, donations, assistance and financial contributions for environmental protection.

The State encourages enterprises and entities to establish environment protection funds.

2. The power to establish an environment protection fund:

a) The Prime Minister shall decide on the establishment, organizational structure and operation of the Vietnam Environment Protection Fund;

b) A provincial People's Committee shall decide on the establishment, organizational structure and operation of the provincial environment protection fund;

c) An organization, enterprise or individual shall establish its/his/her own environment protection fund and operate it as prescribed by law.

3. The Government shall prescribe operating funding of the Vietnam Environment Protection Fund and provincial environment protection funds.



## **Article 152. Scientific research into, development, application and transfer of environmental protection technologies**

1. Entities investing in scientific research into, development, application and transfer of environmental protection technologies are eligible for the incentives and assistance provided by the State.

2. Activities related to scientific research into, development, application and transfer of environmental protection technologies eligible for the incentives and assistance provided by the State include:

- a) Efficient use of natural resources, energy saving, nature and biodiversity conservation and environmentally-friendly activities;
- b) Reuse, recycling and treatment of waste and environmental remediation;
- c) Control and reduction of environmental pollution; environmental monitoring and prediction of environmental changes;
- d) Production of solutions for climate change adaptation.

## **Section 4. ENVIRONMENTAL EDUCATION AND COMMUNICATION**

### **Article 153. Environmental education and training**

1. Education contents and programs of the National Education System shall be integrated with knowledge and law relating to environmental protection.

2. The State shall give priority to training of human resources for environmental protection; investment in training of officials, managers and technical personnel in charge of environmental protection; encourage entities to give education about environmental protection and train human resources for environmental protection.

3. The Minister of Education and Training shall preside over and cooperate with the Minister of Natural Resources and Environment in providing for environmental education contents and programs and development of human resources for environmental protection.

### **Article 154. Communication and dissemination of knowledge and law relating to environmental protection**

1. The communication and dissemination of knowledge and law relating to environmental protection shall be carried out regularly and widely.

2. The Ministry of Natural Resources and Environment shall preside over and cooperate with other Ministries, ministerial agencies, socio-political

organizations, communication agencies and press agencies in communicating and disseminating knowledge and law relating to environmental protection.

3. Ministries and ministerial agencies shall preside over and cooperate with the Ministry of Natural Resources and Environment, communication agencies and press agencies in communicating and disseminating knowledge and law relating to environmental protection in the fields under their management.

4. Provincial People's Committees shall preside over and cooperate with communication agencies and press agencies in communicating and disseminating knowledge and law relating to environmental protection within their provinces.

## **Chapter XII**

### **INTERNATIONAL INTEGRATION AND COOPERATION IN ENVIRONMENTAL PROTECTION**

#### **Article 155. Principles of international integration and cooperation in environmental protection**

1. The international integration and cooperation in environmental protection shall be carried out in a manner on the basis of equality, mutual benefit, synergy enhancement, national status and reputation enhancement, respect for independence, sovereignty and territorial integrity, compliance with the laws of each party, international laws and commitments in international environmental treaties and agreements.

2. Priority shall be given to signature of international treaties and agreements beneficial for national, regional and global environmental protection and relevant to interests and capacity of Vietnam.

3. International environmental disputes shall be resolved by peaceful means and in accordance with international practices and laws and laws of relevant parties.

#### **Article 156. Responsibility for international integration and cooperation in environmental protection**

1. The State shall encourage the proactivity in international integration in environmental protection and focus on management and protection of environmental components, biodiversity conservation, green growth, sustainable development and climate change adaptation; provide adequate resources and fully fulfill the commitments in international environmental treaties and agreements, follow the international integration trend and assist in the international economic integration.

2. The State shall encourage the investment, international cooperation and assistance in state management, training of human resources, sharing of environmental information and data, scientific research into and transfer of advanced technologies, nature and biodiversity conservation and other environmental protection activities; respond to environmental emergencies and environmental issues at national, regional, global and transnational levels.

3. Entities shall proactively comply with the requirements, conditions and international standards related to environment internationally recognized and widely applied to improve the competitiveness in international trade; prevent and minimize adverse impacts on the environment.

4. The Ministry of Natural Resources and Environment shall play the leading role in reviewing activities related to international integration and cooperation in environmental protection. Ministries, ministerial agencies and provincial People's Committees shall organize international integration and cooperation in environmental protection within their scope of management.

### **Chapter XIII**

#### **RESPONSIBILITIES OF VIETNAMESE FATHERLAND FRONT, SOCIO-POLITICAL ORGANIZATIONS, SOCIO-POLITICAL-PROFESSIONAL ORGANIZATIONS, SOCIO-PROFESSIONAL ORGANIZATIONS AND RESIDENTIAL COMMUNITIES FOR ENVIRONMENTAL PROTECTION**

##### **Article 157. Responsibilities and entitlements of the Vietnamese Fatherland Front**

1. The Vietnamese Fatherland Front shall, within its jurisdiction, encourage its member organizations and the people to participate in environmental protection activities.

2. The Vietnamese Fatherland Front shall offer consultation and criticism about and supervise the implementation of policies and law on environmental protection as prescribed by law. Regulatory bodies at all levels shall enable the Vietnamese Fatherland Front to participate in environmental protection.

##### **Article 158. Responsibilities and entitlements of socio-political organizations, socio-political-professional organizations and socio-professional organizations**

1. Socio-political organizations, socio-political-professional organizations and socio-professional organizations have the responsibility to:

- a) comply with the law on environmental protection;
- b) engage in environmental protection activities.

2. Socio-political organizations, socio-political-professional organizations and socio-professional organizations are entitled to:

a) be provided with and request information about environmental protection as prescribed by law;

b) provide counseling on investment projects related to their functions, tasks and entitlements;

c) offer consultation and criticism about environmental protection to regulatory bodies and investment project/business owners concerned as prescribed by law;

d) participate in inspecting environmental protection by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters in relation to their functions, tasks and entitlements;

dd) request competent authorities to take actions against violations of law on environmental protection.

3. Environmental protection authorities at all levels shall enable socio-political organizations, socio-political-professional organizations and socio-professional organizations to exercise the entitlements mentioned in Clause 2 of this Article.

4. The Government shall elaborate on Clause 3 of this Article.

#### **Article 159. Entitlements and obligations of residential communities**

1. Representatives of residential communities in areas under environmental impacts made by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters are entitled to request investment project/business owners to provide information about environmental protection through face-to-face meetings or in writing; shall conduct fact-finding visits to collect information about environmental protection by investment projects, businesses and dedicated areas for production, business operation and service provision and industrial clusters; collect and provide information to competent authorities and take responsibility for the information provided.

2. Representatives of residential communities in areas under environmental impacts made by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters are entitled to request relevant regulatory bodies to provide results of inspection and handling

of such investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters, except for the case these results are classified as state secrets or enterprises' secrets as prescribed by law.

3. Representatives of residential communities are entitled to participate in assessing results of environmental protection by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters; take measures to protect rights and interests of residential communities as prescribed by law.

4. Investment project/business owners shall comply with requests from representatives of residential communities as prescribed by law.

5. Environmental protection authorities at all levels shall establish an online system to receive, handle and respond to comments and feedback of entities and residential communities on environmental protection.

## **Chapter XIV**

### **INSPECTION, AUDITING, PENALTIES FOR VIOLATIONS, ENVIRONMENTAL DISPUTES, COMPLAINTS AND DENUNCIATIONS**

#### **Article 160. Inspection of environmental inspection and environmental auditing**

1. Responsibility for organizing and directing inspection of environmental protection:

a) The Minister of Natural Resources and Environment shall organize the inspection of environmental protection nationwide;

b) The Minister of National Defense shall organize the inspection of environmental protection by investment projects and businesses classified as state secrets in the field of national defense;

c) The Minister of Public Security shall organize the inspection of environmental protection by investment projects and businesses classified as state secrets in the field of security; direct the Environmental Police to inspect the implementation of the law on environmental protection;

d) Presidents of Provincial People's Committees shall organize the inspection of environmental protection within their provinces; direct the cooperation in inspecting environmental protection in the case specified in Point a of this Clause or at the request of competent authorities;

dd) Presidents of district-level People's Committees shall organize the inspection of environmental protection within their districts; direct the cooperation in inspecting environmental protection in the case specified in Point d of this Clause or at the request of competent authorities;

e) Presidents of communal People's Committees shall organize the inspection of environmental protection by households, individuals and entities required to carry out environmental registration within their communes; direct the cooperation in inspecting environmental protection in the case specified in Point dd of this Clause or at the request of competent authorities.

2. Specialized inspections of environmental protection shall be conducted in accordance with regulations of law on inspection and specific regulations on environmental protection. To be specific:

a) Regular inspections shall be conducted on the basis of functions and tasks of agencies assigned to conduct specialized inspection;

b) Unscheduled inspections shall be conducted as prescribed if any entity is suspected of violating the law on environmental protection; upon request if it is necessary to handle complaints or denunciations or prevent and control corruption or as assigned by the Minister of Natural Resources and Environment or Presidents of provincial People's Committees. Where necessary, an unscheduled inspection shall not be announced in advance;

c) Except for the unscheduled inspections prescribed by this Law, the number of inspections of environmental protection shall not exceed once a year for an organization or individual;

d) During the inspection, environmental protection authorities at all levels shall transfer the violation case to a competent authority for investigation and penalty imposition as prescribed by law; cooperate with the Environmental Police to inspect the compliance with the law on environmental protection by entities upon request.

3. Inspection of compliance with the law on environmental protection means an inspection by a competent authority of entities, except for the case where the inspection is conducted to handle administrative procedures specified in this Law. To be specific:

a) An unscheduled inspection without advance notice shall be carried out if there are grounds for presuming that an entity is suspected of violating the law on environmental protection or under decision of the Minister of Natural Resources and Environment or President of provincial People's Committee.

b) The Environmental Police shall conduct an inspection if an entity is suspected of conducting a criminal activity or violating the law in relation to

environmental crimes; when there is a crime report or petition for prosecution or report on a violation against the law in relation to environmental crimes, and inform an environmental protection authority at the same level for cooperation; cooperate in inspecting the compliance with the law on environmental protection in other cases by entities according to the plan approved by the Minister of Natural Resources and Environment or President of the provincial People's Committee. On an annual basis, send a notification of results of environmental protection inspection and imposition of penalties for violations against the law on environmental protection to the environmental protection authority at the same level.

4. The inspections of environmental protection shall not overlap and not affect production, business operation and service provision by entities; require the cooperation between environmental protection authorities, Environmental Police and other agencies concerned.

5. The State Audit Office of Vietnam shall carry out environmental auditing in accordance with the Law on State Audit Office of Vietnam and other relevant regulations of law.

6. The Government shall elaborate on Clauses 2, 3 and 4 of this Article.

#### **Article 161. Imposition of penalties for violations**

1. Any entity violating the law on environmental protection resulting in environmental pollution or degradation or environmental emergency or damage to the State shall remediate the pollution and environment, provide compensation for damage and incur penalties in accordance with regulations of this Law and other relevant regulations of law.

2. Any head of an agency, cadre, public official, public employee or personnel in charge of environmental protection that abuses his/her position and powers to harass organizations and individuals or to screen violators of the law on environmental protection or that causes environmental pollution or emergency as a result of his/her negligence shall incur disciplinary penalties, administrative penalties or criminal prosecution on a case-by-case basis and compensate for any damage he/she causes.

#### **Article 162. Environmental disputes**

1. Environmental disputes include:

a) Disputes over rights and responsibilities for environmental protection during exploitation and use of environmental components;

b) Disputes over causes of environmental pollution, environmental degradation and environmental emergencies;

c) Disputes over responsibilities for environmental remediation and compensation for environmental damage.

2. Environmental disputes shall be resolved in accordance with regulations of the civil law, regulations of this Law and other relevant regulations of law. Disputes over compensation for environmental damage shall be resolved as prescribed in Article 133 of this Law and other relevant regulations of law.

3. The time limit for filing an environmental lawsuit begins on the date on which the organization or individual suffering the damage entitled to request knows or should know the damage caused by the violation against the law on environmental protection committed by another organization or individual.

4. An environmental dispute that takes place within the territory of the Socialist Republic of Vietnam in which either or both of the parties are foreign organization(s) or individual(s) shall be settled in accordance with the law of the Socialist Republic of Vietnam unless otherwise prescribed by the international treaty to which the Socialist Republic of Vietnam is a signatory.

#### **Article 163. Environmental complaints and denunciations**

1. Organizations and individuals are entitled to file complaints about violations against the law on environmental protection committed by agencies, organizations and individuals in accordance with law.

2. Individuals are entitled to denounce violations against the law on environmental protection to competent authorities and persons as prescribed by the law on denunciation.

### **Chapter XV**

#### **RESPONSIBILITY FOR STATE MANAGEMENT OF ENVIRONMENTAL PROTECTION**

#### **Article 164. Contents of state management of environmental protection**

1. Promulgating and organizing the implementation of policies and laws; standards, technical regulations and technical guidance; strategies, planning and plans; programs, schemes and projects on environmental protection.

2. Appraising EIARs and approving EIAR appraisal results; issuing, renewing, adjusting, re-issuing and revoking environmental licenses; carrying out environmental registration; issuing, re-issuing and revoking environmental certificates.



3. Controlling sources of pollution; managing waste and environmental quality; improving and remediating environment; protecting environment at natural heritage sites, conserving nature and biodiversity; preventing and responding to environmental emergencies.

4. Building and managing environmental monitoring systems; organizing environmental monitoring.

5. Building and updating environmental information and reporting systems and database.

6. Building and operating systems for supervising and assessing activities aimed at climate change adaptation; systems for measuring, reporting and appraising reduction of GHG emissions.

7. Conducting GHG inventories; building and updating climate change, sea level rise and urban inundation scenarios and database; assessing national climate; providing guidelines for using climate change information and data and integrating contents of adaptation to climate change with strategies and planning.

8. Organizing development of the domestic carbon market; implementation of the credit exchange mechanisms and fulfillment of international commitments to GHG emissions reduction.

9. Carrying out inspections; handling complaints and denunciations; imposing penalties for violations against the law on environmental protection; assessing damage and claiming compensation for environmental damage.

10. Environmental communication and education, increasing awareness of environmental protection; provide professional training in environmental protection.

11. Scientific research into, development, application and transfer of environmental protection technologies, international integration and cooperation in environmental protection.

12. Providing state funding for performing environmental protection tasks within the current budget; statistically reporting, monitoring and publishing expenditures on environmental protection.

### **Article 165. Responsibility of the Government for state management of environmental protection**

1. Perform uniform state management of environmental protection nationwide; promulgate or propose the promulgation of legislative documents, mechanisms and policies on environmental protection.

2. Decide on policies on environmental protection, improvement and preservation; direct the remediation of environmental pollution and degradation

and improvement of environmental quality in key areas; control of pollution and response to environmental emergencies; development of clean energy, sustainable production and consumption; development of environmental industry and services.

3. Consolidate environmental protection authorities to satisfy managerial requirements; assign authorities to perform state management of environmental protection; provide resources for environmental protection; direct research into and application of technological and scientific advances; boost international integration and cooperation in environmental protection.

4. Submit annual environmental protection reports to the National Assembly.

### **Article 166. Responsibility of the Ministry of Natural Resources and Environment for state management of environmental protection**

The Ministry of Natural Resources and Environment shall be responsible to the Government for performing uniform state management of environmental protection and has the responsibility to:

1. Preside over formulating, promulgate, propose the promulgation and organize the implementation of legislative documents on environmental protection; national environmental standards and technical regulations; strategies, planning and plans; programs, schemes and projects on environmental protection;

2. Comment on EIA contents; organize appraisal of EIARs; issue, renew, adjust, re-issue and revoke environmental licenses; issue, renew and re-issue environmental certificates within its power;

3. Direct, providing guidance on, inspect and organize the control of sources of pollution; management of waste and environmental quality; environmental improvement and remediation; protection of environment at natural heritage sites, nature and biodiversity conservation; environmental emergency prevention and response as prescribed by law;

4. Organize the establishment and management of the national environmental monitoring network; approve and organize the execution of environmental monitoring programs; provide information and warnings about environmental pollution as prescribed by law;

5. Organize the development of environmental protection contents to be included in regional planning; provide guidelines for developing environmental protection contents to be included in provincial planning and special administrative-economic unit planning;

6. Organize the statistical reporting, building, maintenance and operation of environmental information and reporting systems and database as prescribed by law;

7. Communicating and disseminating knowledge and law relating to environmental protection, increase awareness of environmental protection; provide professional training in environmental protection as prescribed by law;

8. Propose policies on environmental protection taxes and fees, issuance of green bonds and other economic instruments to mobilize and use resources for environmental protection as prescribed by law;

9. Organize the establishment and operation of the national system for supervising and assessing activities aimed at climate change adaptation; national system for measuring, reporting and appraising reduction of GHG emissions;

10. Conduct national GHG inventories; build and update the national climate change scenario and database; assessing national climate; provide guidelines for using climate change information and data and integrating contents of adaptation to climate change with strategies and planning;

11. Consolidate proposals for allocation of state budget estimates for environmental protection activities from Ministries, ministerial agencies and provincial People's Committees and provide guidelines for implementing the law on state budget; provide guidelines for statistically reporting, monitoring and publishing expenditures on environmental protection;

12. Request the Government to grant approval for participation in international organizations and signature of international environmental treaties and agreements; international integration and cooperation in environmental in the fields under its management;

13. Carry out inspections of compliance with the law on environmental protection and assumption of responsibility for state management of environmental protection; handle environmental complaints and denunciations; assess damage and claim compensation for environmental damage; impose penalties for violations against the law on environmental protection;

14. Organize scientific researches into, development, application and transfer of environmental protection technologies as prescribed by law;

15. Cooperate with the Vietnamese Fatherland Front and central government authorities of socio-political organizations in organizing the implementation of the State's policies and law on environmental protection and supervising environmental protection activities;

16. Perform other environmental protection tasks assigned by the Government and the Prime Minister.

## **Article 167. Responsibility of Ministries and ministerial agencies for state management of environmental protection**

1. The Ministry of National Defense shall organize the implementation of the law on environmental protection in the field of national defense; form and assign forces and vehicles in response to environmental emergencies; participate in transboundary environmental monitoring and offshore water monitoring as prescribed by law.

2. The Ministry of Public Security shall organize the implementation of the law on environmental protection in activities of the People's Public Security Force; direct and organize the prevention of crimes and violations against the law in relation to environmental crimes; maintain security, social order and safety in the field of environment as prescribed by law; mobilize resources for response to environmental emergencies as prescribed by law.

3. Ministries and ministerial agencies shall, within their jurisdiction, cooperate with the Ministry of Natural Resources and Environment in performing state management of environmental protection.

4. The Government shall elaborate on responsibilities of Ministries and ministerial agencies for performing state management of environmental protection as prescribed by this Law.

## **Article 168. Responsibility of People's Committees at all levels for state management of environmental protection**

1. Provincial People's Committees shall, within their jurisdiction, have the following responsibilities:

a) Formulate, promulgate or request provincial People's Councils to promulgate and organize the implementation of legislative documents on environmental protection; local standards and technical regulations on environment; local strategies, planning and plans; programs, schemes and projects on environmental protection; environmental protection contents in provincial planning;

b) Organize appraisal of EIARs and approve EIAR appraisal results; issue, renew, adjust and re-issue environmental licenses within their power;

c) Direct, provide guidance on, inspect and organize the control of sources of pollution and environmental emergencies prevention and control within their provinces as prescribed by law; organize the management of waste sources within their provinces as assigned; be responsible to the Government for environmental pollution occurring within their provinces;

d) Organize the monitoring, supervision, warning and management of environmental quality, and waste management in their provinces within

their power and under the guidance of the Ministry of Natural Resources and Environment; environmental improvement and remediation; protection of environment at natural heritage sites, nature and biodiversity conservation;

dd) Invest in building, managing and operating environmental monitoring networks according to the comprehensive planning for national environmental monitoring; formulate, approve and organize the execution of local environmental monitoring programs; provide information and warnings about environmental pollution as prescribed by law;

e) Organize the investigation, statistical reporting and updating of environmental information and reporting systems and database as prescribed by law;

g) Communicate and disseminate knowledge and law relating to environmental protection; increase awareness of environmental protection; provide professional training in environmental protection as prescribed by law;

h) Carry out inspections of compliance with the law on environmental protection and assumption of responsibility for state management of environmental protection; handle environmental complaints and denunciations; assess damage and claim compensation for environmental damage; impose penalties for violations against the law on environmental protection as prescribed by law;

i) Mobilize and use resources for environmental protection as prescribed by law; request provincial People's Councils to providing funding for performance of environmental protection tasks within the current budget; provide guidelines for, allocate and inspect the enactment of state budget expenditures for local environmental protection activities;

k) Organize research into and application of technological and scientific advances; participate in international cooperation in environmental protection as prescribed by law;

l) Perform other environmental protection tasks assigned by the Government and the Prime Minister.

2. District-level People's Committees shall, within their jurisdiction, have the following responsibilities:

a) Formulate, promulgate or request competent authorities to promulgate legislative documents on environmental protection, local environmental protection plans, programs, schemes and projects;

b) Issue, renew, adjust, re-issue and revoke environmental licenses within their power;

c) Direct, provide guidance on, inspect and organize the control of sources of pollution and environmental emergencies prevention and control within their districts as prescribed by law; organize the management of waste sources within their provinces as assigned; be responsible to the Government for environmental pollution occurring within their districts;

d) Organize the monitoring, supervision, warning and management of environmental quality, and waste management in their provinces within their power and under the guidance of the Ministry of Natural Resources and Environment; environmental improvement and remediation; nature and biodiversity conservation;

d) Carry out inspections and impose penalties for violations against the law on environmental protection within their power or transfer violation cases to competent persons as prescribed by law; handle environmental complaints, denunciations and propositions;

e) Communicate and disseminate knowledge and law relating to environmental protection; raise public awareness of environmental protection;

g) Provide environmental information and carry out environmental reporting as prescribed by law;

h) Mobilize and use resources for environmental protection as prescribed by law; request district-level People's Councils or competent authorities to provide funding for performing environmental protection tasks within the current budget;

i) Perform other environmental protection tasks assigned by provincial People's Committees.

3. Communal People's Committees shall, within their jurisdiction, have the following responsibilities:

a) Formulate, promulgate and organize the implementation of legislative documents, regulations and conventions on environmental hygiene maintenance and environmental protection; set up and organize the execution of environmental protection projects and tasks;

b) Direct, provide guidance on, inspect and organize the control of sources of pollution; receipt of environmental registration forms; environmental emergencies prevention and control within their communes as prescribed by law; organize the management of waste sources within their communes as assigned; be responsible to district-level People's Committees for environmental pollution occurring within their communes;

c) Organize the monitoring, supervision, warning and management of environmental quality, and waste management in their communes within their

power or as assigned by district-level People's Committees; environmental improvement and remediation; nature and biodiversity conservation;

d) Build and increase public awareness of environmental protection; encourage the people to participate in maintaining environmental hygiene and protecting the environment; instruct residential communities within their communes to incorporate environmental protection contents into village regulations and conventions and development of new rural areas and courteous families;

dd) Carry out inspections and impose penalties for violations against the law on environmental protection within their power or transfer violation cases to competent persons as prescribed by law; handle environmental complaints, denunciations and propositions within their power;

e) Mobilize and use resources for environmental protection as prescribed by law;

g) Organize the collection of environmental information and carry out environmental reporting as prescribed by law;

h) Perform other environmental protection tasks assigned by district-level People's Committees.

4. Responsibility of a local government in a special administrative-economic unit for environmental protection shall be defined by the National Assembly upon establishing such special administrative-economic unit, unless otherwise prescribed by the law on special administrative-economic units.

## **Chapter XVI**

### **IMPLEMENTATION CLAUSE**

#### **Article 169. Amendments to certain Laws relating to environmental protection**

1. Certain Articles of the Law on Water Resources No. 17/2012/QH13 amended by the Law No. 08/2017/QH14 and Law No. 35/2018/QH14 are amended as follows:

a) Article 37 and Point d Clause 1 of Article 38 are annulled;

b) Clause 1 of Article 73 is amended as follows:

“1. The Ministry of Natural Resources and Environment and provincial People's Committees shall issue, extend, adjust, suspend and revoke water resource licenses.



The issuance of the environmental license covering the discharge of wastewater to water sources shall comply with the law on environmental protection.”.

2. Point d Clause 1 of Article 44 and Article 58 of the Law on Irrigation No. 08/2017/QH14 amended by the Law No. 35/2018/QH14 and Law No. 59/2020/QH14 are annulled.

3. Certain Articles of the Law on Public Investment No. 39/2019/QH14 amended by the Law No. 64/2020/QH14 are amended as follows:

a) Point g Clause 2 of Article 30 is amended as follows:

“g) Preliminary analysis and assessment of social impacts; preliminary assessment of environmental impacts (if any) as prescribed by the law on environmental protection;”;

b) Clause 6 of Article 31 is amended as follows:

“6. Preliminarily analyzing and assessing social impacts; preliminarily assessing environmental impacts (if any) as prescribed by the law on environmental protection; preliminarily determining investment efficiency in socio-economic aspects;”.

4. Certain Points in Section IX - Fees pertaining to natural resources and environment in the Appendix 01 - List of fees and charges enclosed with the Law No. Fees and Charges No. 97/2015/QH13 amended by the Law No. 09/2017/QH14 and Law No. 23/2018/QH14 are annulled and amended as follows:

a) Point 1.4 is amended as follows:

1.4	Fees for appraisal of environmental impact assessment reports	* Ministry of Finance with respect to the appraisal conducted by central government agencies;  * Provincial People’s Councils with respect to the appraisal conducted by local agencies.
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b) Point 1.6 is added after Point 1.5 as follows:

1.6	Fees for appraising applications for issuance, re-issuance and adjustment of environmental licenses	* Ministry of Finance with respect to the appraisal conducted by central government agencies;  * Provincial People’s Councils with respect to the appraisal conducted by local agencies.
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c) Points 5.4 and 6.3 and Subsection 9 are annulled.



## **Article 170. Effect**

1. This Law comes into force from January 01, 2022, except for the case in Clause 2 of this Article.

2. Clause 3 Article 29 of this Law comes into force from February 01, 2021.

3. The Law on Environmental Protection No. 55/2014/QH13 amended by the Law No. 35/2018/QH14, Law No. 39/2019/QH14 and Law No. 61/2020/QH14 shall cease to have effect from the effective date of this Law.

## **Article 171. Grandfather clauses**

1. Sufficient and valid documents received by competent regulatory bodies to be processed according to administrative procedures concerning the environment before the effective date of this Law shall be processed in accordance with the law at the time of receipt, unless the organization or individual wishes to apply this Law.

2. The decisions to approve environmental impact assessment reports, preliminary environmental impact assessment reports, detailed environmental impact assessment reports, additional environmental impact assessment reports, re-prepared environmental impact assessment reports and detailed environmental protection projects, written confirmations of simple environmental protection projects, certificates of registration of satisfaction of environmental standards, environmental protection commitments and environmental protection plans which were promulgated by competent authorities before the effective date of this Law are equivalent to the decision to approve EIAR appraisal result upon considering issuing the environmental license.

3. The decisions to approve projects on deposit payment, environmental improvement and remediation; environmental improvement and remediation projects; environmental improvement and remediation schemes; additional environmental improvement and remediation schemes which were promulgated by competent authorities before the effective date of this Law are part of the approval decisions and written confirmations specified in Clause 2 of this Article with respect to mineral mining projects upon considering issuing the environmental license.

4. Environmental certificates and conformations which were promulgated by competent authorities before the effective date of this Law, except for the case in Point d Clause 2 Article 42 of this Law, may be used until their expiry.

5. Licenses to discharge wastewater into water sources and licenses to discharge wastewater into hydraulic structures issued in accordance with the Law on Water Resource and Law on Irrigation may be used until their

expiry and constitute part of the environmental license specified in this Law. Holders of licenses to discharge wastewater into water sources and licenses to discharge wastewater into hydraulic structures are entitled to request a competent authority to issue the environmental license if their works and equipment for exhaust gas treatment and solid waste treatment have been completed as prescribed by this Law.

6. The Government shall elaborate this Article.

*This Law is adopted by the 14th National Assembly of Socialist Republic of Vietnam on this 17th of November 2020 during its 10th session.*

## **CHAIRWOMAN OF THE NATIONAL ASSEMBLY**

**Nguyen Thi Kim Ngan**

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**DECREE**  
**No. 08/2022/ND-CP**  
**JANUARY 10, 2022 OF GOVERNMENT**  
**ELABORATION OF SEVERAL ARTICLES OF**  
**THE LAW ON ENVIRONMENTAL PROTECTION**





No. 08/2022/ND-CP

Hanoi, January 10, 2022

## DECREE

### ELABORATION OF SEVERAL ARTICLES OF THE LAW ON ENVIRONMENTAL PROTECTION

*Pursuant to the Law on Government Organization dated June 19, 2015;  
Law on Amendments to some Articles of the Law on Government Organization  
and Law on Local Government Organization dated November 22, 2019;*

*Pursuant to the LEP dated November 17, 2020;*

*Pursuant to the Law on Public Investment dated June 13, 2019;*

*Pursuant to the Law on Investment dated June 17, 2020;*

*Pursuant to the Law on State Budget dated June 25, 2015;*

*At the request of the Minister of Natural Resources and Environment;*

*The Government hereby promulgates a Decree on elaboration of several  
Articles of the Law on Environmental Protection.*

## Chapter I

### GENERAL PROVISIONS

#### Article 1. Scope

This Decree elaborates on clause 4 Article 9; clause 5 Article 13; clause 4 Article 14; clause 4 Article 15; clause 3 Article 20; clause 4 Article 21; clause 4 Article 23; clause 2 Article 24; clause 3 Article 25; clause 7 Article 28; clause 7 Article 33; clause 7 Article 37; clause 6 Article 43; clause 6 Article 44; clause 5 Article 46; clause 8 Article 49; clause 6 Article 51; clause 4 Article 52; clause 4 Article 53; clause 5 Article 54; clause 5 Article 55; clause 7 Article 56; clause 3 Article 59; clause 5 Article 61; clause 1 Article 63; clause 7 Article 65; clause 7 Article 67; point d clause 2 Article 69; clause 2 Article 70; clause 3 Article 71; clause 8 Article 72; clause 7 Article 73; clause 4 Article 78; clause 3, Clause 4 Article 79; clause 3 Article 80; clause 5 Article 85; clause 1 Article 86; clause 1 Article 105; clause 4 Article 110; clause 7 Article 111; clause 7 Article 112; clause 4 Article 114; clause 3 Article 115; point a clause 2 Article 116; clause 7 Article 121; clause 4 Article 131; clause 4 Article 132; clause 4 Article 135; clause 5 Article 137; clause 5 Article 138; clause 2 Article 140;

clause 5 Article 141; clause 4 Article 142; clause 3 Article 143; clause 5 Article 144; clause 4 Article 145; clause 2 Article 146; clause 7 Article 148; clause 5 Article 149; clause 5 Article 150; clause 3 Article 151; clause 4 Article 158; clause 6 Article 160; clause 4 Article 167; clause 6 Article 171 of the Law on Environmental Protection (LEP) regarding protection of environmental components; environmental zoning, strategic environmental assessment (SEA), environmental impact assessment (EIA); environmental licenses, environmental registration; environmental protection during production, business operation, service provision, urban and rural environmental protection and in some fields; waste management; responsibilities of exporters and importers for recycling and treating products and packages; environmental monitoring; environmental information systems and database; environmental emergency prevention and response plans, compensation for environmental damage; economic instruments and resources for environmental protection; state management, inspection and provision of online public environmental services.

## **Article 2. Regulated entities**

This Decree applies to agencies, organizations, residential communities, households and individuals whose activities involve the contents specified in Article 1 of this Decree within the territory of the Socialist Republic of Vietnam, including mainland, islands, territorial waters, underground space and airspace.

## **Article 3. Definitions**

For the purposes of this Decree, the terms below shall be construed as follows:

1. “rainwater collection and drainage system” of a business includes a water collection and drainage network (pipes, manholes, culverts, canals, ditches, and detention basins), pumping stations for rainwater drainage and other auxiliary works for the purpose of rainwater collection, conveyance and drainage, and anti-flooding.

2. “wastewater collection, treatment drainage system” of a business includes a wastewater collection and drainage network (pipes, manholes, culverts), wastewater pumping stations, wastewater treatment works and other auxiliary works for the purpose of wastewater collection and treatment and drainage of treated wastewater into water bodies.

3. “in situ waste treatment works and equipment” include works and equipment produced and pre-assembled or built in situ to treat wastewater and exhaust gas from a household business; parks, recreation areas, concentrations of businesses and service providers, markets, train stations, bus stations, ports, ferry terminals and other public areas; households and individuals that generate wastewater emissions subject to mandatory treatment according to regulations of LEP.

4. “cooling water” means water that serves the purpose of cooling equipment and machinery during production and does not come into direct contact with raw materials, materials, fuels and chemicals used in the production stages.

5. “waste self-treatment” means an waste treatment activity performed by a waste generator within a waste-generating facility using items, production lines or environmental protection works that meet the environmental protection requirements.

6. “waste reuse” means the reuse of waste directly or after pre-processing. Waste pre-processing means the use of merely mechanical-physical technical measures to change physical properties such as size, humidity and temperature to facilitate the classification, storage, transport, reuse, recycling, and co-processing, treatment to blend or to separate the components of the waste in accordance with the different management processes.

7. “waste recycling” means a process of using technological solutions and techniques to recover valuable components from waste.

8. “waste treatment” means a process of using technological and technical solutions (as opposed to pre-processing) to reduce, eliminate, isolate, burn, destroy and bury waste and harmful components in waste.

9. “wastewater” means water which has its characteristics and nature altered and is discharged from production, business operations, services, daily-life activities or other activities.

10. “normal solid waste” means waste not included in the list of hazardous wastes and the list of controlled industrial waste of which hazardous elements exceed the hazardous waste thresholds.

11. “domestic solid waste” (also called “domestic waste”) means solid waste generated from daily activities of people.

12. “industrial waste” means waste generated from production, business operations and services, including hazardous waste, controlled industrial waste and normal industrial solid waste.

13. “microplastics in products and goods” mean any solid and water-insoluble plastic particle which is less than 05 mm in size, primarily consists of synthetic or semi-synthetic polymers and is intentionally added to products and goods, including toothpaste, laundry detergents, soap, cosmetics, shampoo, shower gel, facial cleansers and other skin bleaching products.

14. “single-use plastic products” mean products (other than non-replaceable attachments) including trays, food containers, bowls, chopsticks, glasses, cups, knives, spoons, forks, straws and other cutlery with plastic components which are

designed and marketed with the intention to be used once before being discharged into the environment.

15. “non-biodegradable plastic packaging” means packaging which is primarily composed of petroleum-based polymers such as polymers Ethylene (PE), Polypropylene (PP), Polymer Styrene (PS), Polymer Vinyl Chloride (PVC) and Polyethylene Terephthalate (PET) and is usually non-biodegradable or lasts for long periods of time in the environment (water environment, soil environment or at a solid waste landfill).

16. “wildlife sanctuaries” include national parks, nature reserves, habitat/species management areas and landscape protected areas established in accordance with regulations of law on biodiversity, forestry and fisheries.

17. “environmental goods” mean technologies, equipment and products intended to protect the environment.

18. “environmental information system” means a system established using an overall architecture including people, machinery, equipment, techniques, data and programs intended for receiving, processing, storing and distributing environmental information to users in a certain environment.

19. “wastewater discharge quota” means the pollutant load that may continue to be discharged into a water body.

20. “point source pollution” means any single identifiable source of pollution from which pollutants are discharged directly into the environment.

21. “non-point source pollution” means any source of pollution discharges to the environment which is diffused and without a single identifiable point of origin.

22. “waste treatment service provider” means a provider that provides waste treatment services (including waste co-processing and recycling services) to households, individuals, agencies, organizations, businesses, dedicated areas for production, business operation and service provision and industrial clusters.

## **Chapter II**

### **PROTECTION OF ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGE SITES**

#### **Section 1. WATER PROTECTION**

##### **Article 4. Contents of surface water quality management plan**

Main contents of a surface water quality management plan are provided in clause 2 Article 9 of the LEP. Several contents are elaborated as follows:



1. Regarding assessment of surface water quality; determination of surface water safeguard zones and water source protection corridors; determination of aquatic areas:

a) Current state and changes in quality of surface water in rivers and lakes in at least the last 03 years;

b) Current state of surface water safeguard zones, water source protection corridors and aquatic areas already determined as prescribed by regulations of law on water resources.

2. Regarding types and total amount of pollutants discharged into the surface water:

a) Consolidated results of assessment of total load of each pollutant selected to assess the c from point and non-point source pollution and surface already investigated and assessed as prescribed in point b clause 2 Article 9 of the LEP;

b) Prediction of load of pollutants generated from point and non-point sources of pollution during the planning period.

3. Assessment of carrying capacity, zoning and quotas for wastewater discharge:

a) Consolidation of results of assessment of carrying capacity of surface water on the basis of the available results given in the last 03 years and results of additional investigation and assessment; determination of the roadmap for assessment of carrying capacity of surface water during the period of implementation of the surface water quality management plan;

b) Zoning of wastewater discharge by purposes of protecting and improving quality of surface water on the basis of results of assessment of carrying capacity of surface water and environmental zoning (if any);

c) Determination of wastewater discharge quota for each river and lake section on the basis of results of assessment of carrying capacity of surface water and environmental zoning.

4. Prediction of trends in changes in surface water quality on the basis of the following contents:

a) Prediction of load of pollutants generated from point and non-point sources of pollution during the next 05 year period;

b) Results of performance of the tasks in Clauses 1 to 3 of this Article.

5. Regarding objectives and targets of the plan:

a) Surface water quality objectives and targets to be achieved for the 5-year period for each river and lake section on the basis of practical needs for socio-

economic development and environmental protection; provincial river and lake water quality objectives appropriate to the inter-provincial river and lake water quality objectives;

b) Objectives and roadmap for reducing discharge into river and lake sections that have reached their carrying capacity in order to improve water quality, particularly: total pollutant load that needs to be reduced for each pollutant for which the surface water has reached its carrying capacity; allocation of the load to be reduced according to pollution sources and roadmap.

6. Regarding measures to prevent and reduce surface water pollution; solutions for cooperation, sharing of information and management of transboundary surface water pollution:

a) The measures specified in clause 2 Article 7 of the LEP for the river and lake sections which have reached their carrying capacity;

b) Measures and solutions for protecting surface water safeguard zones, water source protection corridors and aquatic areas in accordance with regulations of law on water resources;

c) Mechanisms and policies for implementing the roadmaps specified in Points a and b Clause 4 of this Article;

d) Measures and solutions for control of discharges to surface water;

dd) Establishing a system for monitoring and warning of changes in surface water quality, including transboundary surface water quality in line with the national environmental monitoring planning and environmental monitoring contents mentioned in the regional planning and provincial planning;

e) Measures and solutions for cooperation in and sharing of information about transboundary surface water quality;

g) Other measures and solutions.

7. Regarding solutions for protecting and improving surface water quality:

a) Scientific and technological solutions for remediating polluted surface water and improving surface water quality;

b) Mechanisms and policies;

c) Solutions for organizing and mobilizing participation by agencies, organizations and communities;

d) Other construction and non-structural solutions.

8. Implementation:

a) Delegation of responsibilities to presiding authorities and cooperating authorities for implementing the plan;

b) Mechanism for supervising, reporting and expediting the implementation;

- c) List of prioritized projects and tasks for fulfillment of the plan objectives;
- d) Mechanism for allocating resources for implementation of the plan.

## **Article 5. Procedures for implementing the surface water quality management plan**

1. The surface water quality management plan for inter-provincial rivers and lakes plays a significant role in socio-economic development and environmental protection shall be promulgated for each inter-provincial river and lake according to the following regulations:

a) The Ministry of Natural Resources and Environment (MONRE) shall preside over and cooperate with Ministries, ministerial agencies and People's Committees of provinces concerned in formulating, approving and implementing the scheme for investigation, assessment and production of the draft of the surface water quality management plan for each inter-provincial river and lake;

b) MONRE shall send the draft of the surface water quality management plan for each provincial river and lake to the provincial People's Committees, Ministries and ministerial agencies concerned to seek written opinions; consider, receive and respond to opinions, complete the draft plan and submit it to the Prime Minister for consideration and promulgation. A dossier submitted to the Prime Minister consists of a proposal; draft plan; draft of the decision to promulgate the plan; report on response to opinions; written opinions of relevant agencies;

c) According to the state management requirements and proposals of the provincial People's Committees, MONRE shall consider and decide to assign the task of formulating the surface water quality management plan for each inter-provincial river and lake to the provincial People's Committees, which will preside over and cooperate with local authorities and agencies concerned in performing the task.

The provincial People's Committee assigned the task shall preside over assuming MONRE's responsibility for drawing up, seeking opinions on and completing the draft plan as prescribed in points a and b of this clause; submit a dossier prescribed in point b of this clause to MONRE for consideration and submission to the Prime Minister for promulgation.

2. The surface water quality management plan for provincial rivers and lakes plays a significant role in socio-economic development and environmental protection shall be formulated for all provincial rivers and lakes or each provincial river and lake and according to the following regulations:

a) The provincial specialized environmental protection authority shall preside over and cooperate with departments, branches and People's Committees of districts concerned in formulating, approving and implementing the scheme

for investigation, assessment and production of the draft of the surface water quality management plan for provincial rivers and lakes;

b) The provincial specialized environmental protection authority shall send the draft of the surface water quality management plan for provincial rivers and lakes to the district-level People's Committees, departments and branches concerned and provincial specialized environmental protection authorities of bordering provinces and central-affiliated cities to seek written opinions; consider, receive and respond to opinions, complete the draft plan and submit it to the provincial People's Committee for consideration and promulgation. A dossier submitted to the provincial People's Committee consists of a proposal; draft plan; draft of the decision to promulgate the plan; report on response to opinions; written opinions of relevant agencies.

3. The determination of rivers and lakes serves an important role in socio-economic development and environmental protection and is carried out according to current state of surface water quality, current state of waste sources, demand for water for purposes of socio-economic development, protection and improvement of surface water quality and other requirements for state management of environmental protection.

4. The surface water quality management plan for inter-provincial rivers and lakes must conform to the national environmental protection planning. If the national environmental protection planning is yet to be promulgated, the surface water quality management plan for inter-provincial rivers and lakes must comply with state management requirements, be reviewed and updated so that it conforms to the national environmental protection planning to be promulgated.

5. The surface water quality management plan for provincial rivers and lakes must conform to the national environmental protection planning and environmental protection contents in regional planning and provincial planning. If the national environmental protection planning or environmental protection contents in the regional planning or provincial planning are yet to be promulgated, the surface water quality management plan for provincial rivers and lakes must comply with state management requirements, be reviewed and updated so that it conforms to the national environmental protection planning, regional planning and provincial planning to be promulgated.

6. The surface water quality management plan specified in clauses 1 and 2 of this Article must be formulated in accordance with the 05-year socio-economic development plan. Before June 30 of the fourth year of the medium-term public investment plan in the previous period, the plan approving authority shall direct the review and assessment of implementation of the plan in the previous period, formulation and approval of a plan for the next period to form a basis for proposing a medium-term public investment plan.

## **Section 2. AIR PROTECTION**

### **Article 6. Contents of national air quality management plan**

Main contents of a national air quality management plan are provided in clause 3 Article 13 of the LEP. Several contents are elaborated as follows:

1. Regarding assessment of management and control of air pollution at national level; identification of major causes of air pollution:

a) Current state and changes in national air quality in at least the last 03 years; total amount of emissions causing air pollution and spatial distribution of emissions from point, mobile and non-point sources of pollution; impacts of air pollution on community health;

b) Results of execution of air quality monitoring programs, automatic and continuous air quality and industrial emission monitoring stations; the use of monitoring data in service of assessment of changes in and management of air quality in at least the last 03 years;

c) Current management of national air quality in at least the last 03 years; problems about air quality management;

d) Considering major causes of air pollution.

2. Air quality management objectives:

a) Overall objectives: improving efficiency in air quality management in accordance with the socio-economic development plan and environmental protection plan according to the plan period;

b) Specific objectives: quantifying targets to reduce the total amount of emissions generated from the main sources of emissions; improving air quality.

3. Air quality management tasks and solutions:

a) Mechanisms and policies;

b) Scientific and technological tasks and solutions for improving air quality;

c) Tasks and solutions for air quality management and control.

4. Prioritized programs and projects for realizing the tasks and solutions specified in clause 3 of this Article.

5. Mechanism for cooperation in and measures for management of inter-regional and inter-provincial air quality which shall sufficiently specify contents and measures for cooperation in air pollution remediation and air quality management; responsibilities of agencies and organizations concerned for

managing inter-regional and inter-provincial air quality, aggregating, reporting and publishing information in cases where air quality is polluted.

6. Organizing implementation of the national air quality management plan.  
To be specific:

- a) Delegating responsibilities to presiding authorities and cooperating authorities for implementing the plan;
- b) Mechanism for supervising, reporting and expediting the implementation;
- c) List of prioritized programs and projects for fulfillment of the tasks and solutions mentioned in the plan;
- d) Mechanism for allocating resources for implementation of the plan.

## **Article 7. Procedures for implementing the national air quality management plan**

1. The national air quality management plan shall be promulgated according to the following regulations:

a) MONRE shall preside over and cooperate with Ministries, ministerial agencies and People's Committees of provinces concerned in formulating, approving and implementing the scheme for investigation, assessment and production of the draft of the national air quality management plan;

b) MONRE shall send the draft of the national surface air quality management plan to the provincial People's Committees, Ministries and ministerial agencies concerned to seek written opinions; consider, receive and respond to opinions, complete the draft plan and submit it to the Prime Minister for consideration and promulgation. A dossier submitted to the Prime Minister consists of a proposal, draft plan, draft of the decision to promulgate the plan; consolidated report on response to opinions; written opinions of relevant agencies.

2. The national air quality management plan must conform to the national environmental protection planning. If the national environmental protection planning is yet to be promulgated, the national air quality management plan must comply with state management requirements, be reviewed and updated so that it conforms to the national environmental protection planning to be promulgated.

3. The national air quality management plan must be formulated in accordance with the 05-year socio-economic development plan. Before June 30 of the fourth year of the medium-term public investment plan in the previous period, the plan approving authority shall direct the review and assessment of implementation of the plan in the previous period, formulation and approval of a plan for the next period to form a basis for proposing a medium-term public investment plan.

## **Article 8. Contents of provincial air quality management plans**

Main contents of a provincial air quality management plan are provided in clause 4 Article 13 of the LEP. Several contents are elaborated as follows:

1. Regarding assessment of local air quality: current state of air quality in urban and rural areas and other areas.

2. Regarding assessment of management of air quality; air monitoring; determination and assessment of main sources of emissions; emission inventory; air quality modeling; status and effectiveness of air quality management measures that are being implemented; status of monitoring programs and systems; consolidation, determination and assessment of main sources of emissions (point, mobile and non-point sources of pollution); inventory of main sources of emissions and air quality modeling.

3. Regarding analysis and identification of causes of air pollution: objective causes lying in meteorological factors, seasonal climate, inter-provincial and transboundary pollution problems (if any); subjective causes lying in socio-economic development activities generating sources of emissions causing air pollution (point, mobile and non-point sources of pollution).

4. Assessment of impacts of air pollution on health community: information and data on cases (if any) impacted by air pollution; results of assessment of impacts of air pollution on health of locals.

5. Objectives and scope of air quality management: current state of and changes in air quality, current local management of air quality.

6. Air quality management tasks and solutions:

- a) Mechanisms and policies;
- b) Scientific and technological tasks and solutions for improving air quality;
- c) Tasks and solutions for air quality management and control.

7. Organizing implementation of a provincial air quality management plan. To be specific:

- a) Delegating responsibilities to presiding authorities and cooperating authorities for implementing the plan;
- b) Mechanism for supervising, reporting and expediting the implementation;
- c) Mechanism for allocating resources for implementation of the plan.

8. The provincial People's Committee shall organize the formulation of a provincial air quality management plan under technical guidance of MONRE.



## **Article 9. Procedures for implementing the provincial air quality management plan**

1. The provincial air quality management plan shall be promulgated according to the following regulations:

a) The provincial specialized environmental protection authority shall preside over and cooperate with departments, branches and People's Committees of districts concerned in formulating, approving and implementing the scheme for investigation, assessment and production of the draft of the provincial air quality management plan;

b) The provincial specialized environmental protection authority shall send the draft of the provincial air quality management plan to the district-level People's Committees, departments and branches concerned and provincial specialized environmental protection authorities of bordering provinces and central-affiliated cities if necessary to seek written opinions; consider, receive and respond to opinions, complete the draft plan and submit it to the provincial People's Committee for consideration and promulgation.

A dossier submitted for promulgation of the provincial air quality management plan consists of a proposal; draft plan; draft of the decision to promulgate the plan; consolidated report on response to opinions about completion of the draft plan; written opinions of relevant agencies.

2. The provincial air quality management plan must conform to the provincial environmental protection planning and environmental protection contents in regional planning and provincial planning. If the national environmental protection planning or environmental protection contents in the regional planning or provincial planning are yet to be promulgated, the air quality management plan must comply with state management requirements for environmental protection, be reviewed and updated so that it conforms to the national environmental protection planning, regional planning and provincial planning to be promulgated.

3. The provincial air quality management plan must be formulated in accordance with the 05 year socio-economic development plan. Before June 30 of the fourth year of the medium-term public investment plan in the previous period, the plan approving authority shall direct the review and assessment of implementation of the plan in the previous period, formulation and approval of a plan for the next period to form a basis for proposing a medium-term public investment plan.



## **Article 10. Implementing emergency measures in case of serious air pollution**

1. If the air is seriously polluted due to an environmental emergency, the response to environmental emergency shall comply with Section 1 Chapter X of the LEP.

2. If the air is seriously polluted in a case other than that specified in clause 1 of this Article, the competent authority specified in clauses 1 and 3 Article 14 of the LEP shall provide directions on the implementation of the following emergency measures:

a) Restricting, suspending or adjusting working hours of manufacturing establishments with high dust emission rates and emission discharge rates and involved in a type of production that is likely to cause environmental pollution;

b) Restricting and diverting road vehicles;

c) Suspending or adjusting working hours of agencies, organizations and schools;

d) Suspending outdoor gatherings.

3. In the case of inter-provincial, regional or transboundary serious air pollution specified in point a clause 5 of this Article, MONRE shall request the Prime Minister to provide directions on the implementation of the following emergency measures specified in clause 2 of this Article. The provincial People's Committee shall organize the implementation of the emergency measures in areas under its management as directed by the Prime Minister.

4. In the case of provincial serious air pollution specified in point b clause 5 of this Article, the provincial People's Committee shall organize the implementation of the measures specified in clause 2 of this Article.

5. If the serious air pollution air is determined as follows:

a) The air is seriously polluted at inter-regional and inter-provincial level when the Vietnam daily Air Quality Index (VN\_AQI) value is 301 or higher according to the monitoring results given by national and local environmental monitoring stations in at least 02 bordering provinces or central-affiliated cities within a period of 03 consecutive days;

b) The air is seriously polluted at provincial level when the Vietnam daily Air Quality Index (VN\_AQI) value is 301 or higher according to the monitoring results given by national and local environmental monitoring stations within a period of 03 consecutive days.

### **Section 3. SOIL PROTECTION**

#### **Article 11. Responsibilities of agencies, organizations, residential communities, households and individuals for soil protection**

1. Upon execution of investment projects, operation of businesses, dedicated areas for production, business operation and service provision and industrial clusters, the use of land for construction of cemeteries and graveyards, the use of land in rivers, channels, streams and specialized water surfaces, it is required to take measures to prevent and minimize adverse impacts on soil without polluting or degrading land quality or losing or reducing land use capability by intended purposes.

2. The repurposing of paddy land to land for growing annual and perennial plants or rice in combination with aquaculture must not pollute or degrade land and must comply with regulations of law on land.

3. The use of land for mineral activities, production of building materials and ceramic manufacturing must not cause adverse impacts on the landscape and environment and obstruct the flow; return the land to its original condition at the request of the authority allocating or leasing out land in accordance with regulations of law on land.

#### **Article 12. Areas required to undergo investigation, assessment and classification of soil quality**

1. Areas required to undergo investigation, assessment and classification of soil quality include:

- a) Areas contaminated with chemicals during the war;
- b) Areas that dedicated areas for production, business operation and service provision, industrial clusters, chemical depots, agrochemical warehouses, craft villages which have been closed or relocated;
- c) Areas that have manufacturing establishments which have been closed or relocated and involved in one of the following types: mining and processing of toxic minerals and metal minerals; processing of minerals using toxic chemicals; production of cast iron and steel, metallurgy (except workpiece material rolling, drawing, casting); production of basic inorganic chemicals (except industrial gases), inorganic fertilizers (except blending, division and packaging), agrochemicals (except for blending and division); oil refinery and petrochemical; thermal power (except the use of gas or DO); recycling and treatment of domestic solid waste, normal industrial solid waste, hazardous waste; plating and cleaning of metal surfaces using dangerous chemicals; manufacture of batteries and accumulators;
- d) Areas contaminated with chemicals and agrochemicals.

2. Soil quality investigation and assessment include preliminary and detailed investigation and assessment.

**Article 13. Investigation, assessment, remediation and improvement of soil environment polluted by organizations and individuals**

1. Agencies, organizations, residential communities, households and individuals causing soil pollution shall carry out detailed investigation and assessment as prescribed in Article 16 hereof; formulate and implement a scheme to improve and remediate soil pollution areas as prescribed in Article 17 of this Decree.

2. The soil environment remediation and improvement scheme must be sent to the provincial specialized environmental protection authority for inspection and supervision purposes.

**Article 14. Investigation, assessment, remediation and improvement of soil environment within the state's jurisdiction**

1. The provincial People's Committee shall direct the provincial specialized environmental protection authority to carry out preliminary investigation and assessment of the areas specified in clause 1 Article 12 of this Decree; carry out detailed investigation and assessment, formulate the environmental remediation and improvement scheme for the areas where soil pollution caused by a historic event occurs or in the case of failure to identify organizations and individuals causing pollution as prescribed in Articles 16 and 17 of this Decree to form a basis for setting up a project as prescribed in clause 2 of this Article.

2. The provincial People's Committee shall approve environmental remediation and improvement schemes for the soil pollution areas specified in clause 1 of this Article in accordance with regulations of law on state budget.

3. The Ministry of National Defense and Ministry of Public Security shall carry out preliminary investigation and assessment of national defense and security land as prescribed in Article 15; carry out detailed investigation of national defense and security land as prescribed in Article 16 of this Decree; approve the project on environmental remediation and improvement in the case of national defense and security land as prescribed in Article 16 of this Decree and regulations of law on state budget.

4. The provincial People's Committee, Ministry of National Defense and Ministry of Public Security shall send results of environmental improvement and remediation in the cases specified in clauses 2 and 3 of this Article.

5. It is advisable that sources of capital for soil environment improvement and remediation be diversified as prescribed by law.

## **Article 15. Preliminary investigation and assessment of soil quality**

1. The preliminary investigation and assessment of land areas specified in clause 1 Article 12 of this Decree are aimed at assessing and identifying pollutants whose content exceed the permissible limits specified in the environmental technical regulation on soil quality, causes and entities causing environmental pollution. The preliminary investigation and assessment shall serve as the basis for determining, zoning and managing areas at risk of soil pollution, soil pollution areas as prescribed in clauses 2, 3 and 4 Article 17 of the LEP.

2. Preliminary investigation and assessment include:

a) Consolidating and reviewing documents relating to the land area to be investigated and assessed;

b) Carrying out a site survey of the soil pollution area;

c) Collecting and analyzing samples to determine concentration of pollutants, sources of pollution and carrying out preliminary assessment and classification of pollution degree;

d) Making a report on preliminary investigation and assessment according to the form promulgated by MONRE.

3. According to the result of preliminary investigation and assessment, the authority specified in clause 4 of this Article shall:

a) publish information and preliminarily zone the pollution area to carry out detailed investigation and assessment;

b) publish information and preliminarily zone the land area at risk of pollution to carry out supervision.

## **Article 16. Detailed investigation and assessment of soil pollution areas**

1. The detailed investigation and assessment of a soil pollution area are aimed at determining residual pollutants and their concentration; sources of residual pollution; classifying degree and extent of environmental pollution; proposing environmental remediation and improvement.

2. Detailed investigation and assessment include:

a) Formulating a detailed site survey plan;

b) Carrying out detailed site investigation, survey and sampling according to distribution of residual pollutant concentration; carrying out detailed analysis and assessment, determination of components and characteristics causing residual pollution, degree and extent of impacts of residual pollutants on the environment;

c) Making a map of the soil pollution area showing information about pollutants, degree and extent of pollution;

d) Making a report on detailed investigation and assessment of the soil pollution area according to the form promulgated by MONRE.

3. The result of detailed investigation and assessment serve as a basis for setting up an environmental remediation and improvement project and defining responsibility for soil pollution area remediation and improvement.

4. MONRE shall provide technical guidance on methods and network for collect sample in service of preliminary and detailed analysis of soil quality on site.

### **Article 17. Environmental remediation and improvement**

1. The soil pollution area remediation and improvement shall rely on the results of preliminary and detailed investigation and assessment specified in Articles 15 and 17 of this Decree and the environmental remediation and improvement plan.

2. Main contents of an environmental remediation and improvement scheme include:

a) General information about the soil pollution area;

b) Results of investigation and assessment of pollution degree of the soil pollution area;

c) Selecting the on-site or off-site remediation method as prescribed;

d) Technical and technological facilities and measures for reducing or eliminating residual pollutants in the soil pollution area; a table showing comparison between technical measures and analyses to serve the selection of an optimal scheme;

dd) Roadmap and plan for implementing the remediation plan;

e) Carrying out control and supervision during and after remediation.

3. After completing the soil environment remediation and improvement, the entities mentioned in clause 1 Article 13 of this Decree shall report the result of soil environment remediation and improvement to the provincial specialized environmental protection authority.

4. For the areas where soil pollution caused by a historic event occurs or in the case of failure to identify the entities causing pollution, after completing the environmental remediation and improvement, the provincial People's Committee shall make publicly available or authorize the provincial specialized environmental protection authority to make publicly available results of environmental remediation and improvement.

5. The Minister of Natural Resources and Environment shall promulgate form of the scheme for environmental improvement and remediation specified in clause 2 of this Article.

6. The Ministry of Agriculture and Rural Development shall direct and provide guidance on implementation of technological solutions and advances during agricultural production in agricultural production to protect, remediate, improve and increase the fertility of agricultural land.

**Article 18. Extremely serious soil pollution area remediation and improvement plan**

1. MONRE shall preside over and cooperate with Ministries, ministerial agencies, provincial People's Committees concerned in formulating and submitting to the Prime Minister an extremely serious soil pollution area remediation and improvement plan specified in point c clause 1 Article 19 of the LEP; organize performance of the tasks in the assigned plan; supervise and submit a consolidated report on implementation of the plan to the Prime Minister.

2. Contents of the extremely serious soil pollution area remediation and improvement plan include:

a) Carrying out overall assessment of status of soil pollution; considering main causes of soil pollution; existing problems and causes therefor during soil quality management;

b) Determining overall and specific objectives of the plan in conformity with the national 05-year socio-economic development plan;

c) Proposed tasks and solutions for extremely serious soil pollution area remediation and improvement;

d) Executing prioritized programs and projects for fulfillment of the tasks and solutions;

dd) Providing funding sources for implementation of the plan;

e) Organizing the implementation, including responsibilities of the presiding authority and cooperating authority; mechanism for supervising, reporting and expediting the implementation; mechanism for allocating resources for the implementation.

3. According to the investigation result, before December 25 every year, the provincial People's Committee, Ministry of National Defense and Ministry of Public Security shall submit a consolidated report to MONRE on the list of extremely serious soil pollution areas using the form prescribed by MONRE.

## **Section 4. ENVIRONMENTAL PROTECTION OF NATURAL HERITAGE SITES**

### **Article 19. Criteria, procedures and power for establishing and recognizing other natural heritage sites specified in the LEP**

1. The establishment and recognition of the natural heritage sites in point c clause 1 Article 20 of the LEP shall rely on any of the following criteria specified in clause 2 Article 20 of the LEP and be assessed according to their positive and significant impacts on communities, localities, nation, region and globe. Criteria applicable to several natural heritage sites specified in clauses 2 and 3 of this Article.

2. Biosphere reserve means an area which satisfies the criterion “be of significance for biological diversity conservation” specified in point b clause 2 Article 20 of the LEP and is elaborated as follows:

a) It encompasses a mosaic of ecological systems representative of major biogeographic region(s);

b) It has clearly defined boundaries to facilitate the management zoning as prescribed in this Decree, carry out activities, build and pilot a model combining biodiversity conservation, use of ecosystem services, sustainable socio-economic development, support for research, communication and education about environmental protection, nature conservation and biodiversity.

3. Geopark means an area which satisfies the criterion specified in point c clause 2 Article 20 of the LEP and is elaborated as follows:

a) It has clearly defined and seamless geographical and administrative boundaries and houses a geological heritage of scientific, educational and economic significance.

b) It is an outstanding example representing major stages of earth’s history, including the record of life or significant geomorphic features, has nature and biodiversity values and is researched, assessed, conserved, exploited and used in a holistic and sustainable manner.

4. Procedures for establishing and recognizing other natural heritage site:

a) Carry out investigation and assessment of the natural heritage site to be established;

b) Set up a natural heritage site establishment project;

c) Seek opinions of agencies and organizations concerned and consult communities about the natural heritage site establishment project;



For the natural heritage site in at least 02 provinces or central affiliated cities, MONRE shall seek opinions of other Ministries, ministerial agencies and People's Committees of provinces concerned;

d) Organize appraisal of the natural heritage site establishment project dossier;

dd) Complete the dossier and submit it to a competent authority for its decision to recognize the natural heritage site.

5. Responsibility for setting up and appraising the natural heritage site establishment project dossier and power to recognize other natural heritage site

a) For a provincial natural heritage site specified in point a clause 4 Article 21 of this Decree:

The provincial People's Committee shall set up an establishment project, appraise it and recognize the natural heritage site within its province; encourage entities and communities to propose the establishment of the natural heritage site as prescribed in this point.

The provincial People's Committee shall establish a council responsible for appraising provincial natural heritage site establishment projects. The council is composed of representatives of the provincial People's Committee, departments and branches concerned, People's Committee of the district sharing its boundary with the natural heritage site, experts and scientists in relevant fields;

b) For a national natural heritage site specified in point b clause 4 Article 21 of this Decree:

The provincial People's Committee shall set up a project on establishment of the national natural heritage site within its province, send it to MONRE for appraisal and submit it to the Prime Minister for recognition of the national natural heritage site;

MONRE shall preside over and cooperate with the provincial People's Committee in setting up an establishment project, appraise and submit it to the Prime Minister for approval and recognition of the natural heritage site in at least 02 provinces or central-affiliated cities or within the territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned;

The appraisal council is composed of members that are representatives of the Ministry of Foreign Affairs, Ministry of Culture, Sports and Tourism, Ministry of Agriculture and Rural Development, other Ministries, ministerial agencies, representatives of People's Committees of provinces and central-affiliated cities sharing their boundary with the natural heritage site to be recognized and several organizations, experts and scientists in relevant fields.



6. Documentation requirements for appraisal of the project on establishment of other natural heritage site

a) Documentation includes a natural heritage site establishment project report; relevant agencies' written opinions about the natural heritage site establishment project; written request for appraisal of the natural heritage site establishment project;

b) The appraisal of the natural heritage site establishment project shall cover the degree of satisfaction of criteria for establishing the natural heritage site; geographical location, boundary and area of the natural heritage site, natural heritage site management zones; objectives for natural heritage site management; contents of management and plan for environmental protection of natural heritage site plan; management model; resources for managing and organizing management of the natural heritage site.

7. MONRE shall promulgate forms of the written request for appraisal and report on establishment of other natural heritage site specified in point c clause 1 Article 20 of the LEP; provide technical guidance on establishing and recognizing other natural heritage site specified in this Article.

## **Article 20. Procedures and power for applying for recognition of natural heritage sites recognized by international organizations**

1. The management board (if any) or organization assigned to manage natural heritage sites shall prepare an application for recognition of international title by an international organization and submit it to a competent authority for consideration and appraisal as prescribed in this Article.

The provision of technical guidance, appraisal of guidelines and application for recognition of a natural heritage site by an international organization specified in clause 2 Article 31 of the Law on Cultural Heritage.

2. Organize appraisal and submit the guidelines for applying for recognition of the natural heritage site recognized by an international organization:

a) For a natural heritage site located in 01 province or central affiliated city: the application shall be submitted to the provincial People's Committee for consideration and submission to MONRE for appraisal.

If the natural heritage site is located in at least 02 provinces or central-affiliated cities or within the territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned, the management board or organization assigned to manage natural heritage sites shall submit the application to MONRE after obtaining written consent from the People's Committee of the province sharing its boundary with the natural heritage site to be recognized;

b) The appraisal council is composed of members that are representatives of the Ministry of Foreign Affairs, Ministry of Culture, Sports and Tourism, Ministry of Agriculture and Rural Development, other Ministries, ministerial agencies, representative of the People's Committee of the province applying for recognition of the natural heritage site, representatives of several organizations, experts and scientists in relevant fields.

c) The appraisal shall cover the satisfaction of the criteria applicable to the natural heritage site to be given the international title; geographical location, boundary and area of the natural heritage site, natural heritage site management zones; objectives for natural heritage site management; contents of management and plan for environmental protection of natural heritage site plan; management model; resources for managing and organizing management of the natural heritage site after being recognized;

d) MONRE shall preside over and cooperate with the provincial People's Committee in completing the application after holding an appraisal council meeting and submitting to the Prime Minister the guidelines for applying for recognition of international title given by the international organization to the natural heritage site.

3. After the Prime Minister grants approval for the guidelines, MONRE shall cooperate with the Ministry of Foreign Affairs and provincial People's Committee in completing and submitting an application for recognition in accordance with regulations of the international organization.

4. MONRE shall provide technical guidance on applying for recognition and recognition of international title for Vietnam's natural heritage sites in accordance with regulations of international organizations; appoint an agency in charge of communicating with international organizations to provide technical guidance and assistance in management, environmental protection, nature and biodiversity conservation of natural heritage sites recognized by international organizations.

## **Article 21. Investigation, assessment, management and environmental protection of natural heritage sites**

1. Natural heritage site investigation and assessment include the investigation and assessment carried out every 05 years and other investigation and assessment activities prescribed by relevant regulations of law. Periodic investigation and assessment of a natural heritage site include the following elements:

a) Environmental changes and natural values that need to be protected and conserved according to the criteria for establishing and recognizing the natural heritage site;

b) Socio-economic activities that produce adverse impacts on the natural heritage site environment; exploitation and use of values of natural resources and ecosystem services provided by the natural heritage site;

c) Ecosystem restoration, protection and conservation of nature and biodiversity values provided by the natural heritage sites; measures to protect environment of the natural heritage site as prescribed by law;

d) Other contents prescribed by relevant regulations of law.

2. The management board or organization assigned to manage natural heritage sites shall carry out periodic investigation and assessment of the natural heritage site according to clause 1 of this Article; send a report to the People's Committee of the province where the natural heritage site is located and update the investigation and assessment result according to clause 1 of this Article in the national biodiversity database and specialized databases pursuant to relevant regulations of law.

The Minister of Natural Resources and Environment shall promulgate form of the report prescribed in this clause.

3. According to the outstanding nature values that need to be protected and conserved, the natural heritage site shall be categorized into the following groups; organizing management and prioritize resources for environmental protection, nature and biodiversity conservation in the natural heritage site shall comply with the regulations set out in this Decree and relevant regulations of law:

a) Group of heritage sites with important ecological and natural landscapes, including natural heritage sites established and recognized when satisfying the criterion specified in point a clause 2 Article 20 of the LEP; landscape protection zones established under the laws on biodiversity, forestry and fisheries; scenic landscapes recognized as cultural heritage in accordance with regulations of law on cultural heritage;

b) Group of heritage sites rich in biodiversity, including natural heritage sites established and recognized when satisfying the criterion specified in point b clause 2 Article 20 of the LEP; nature reserves and habitat/species management areas established under the laws on biodiversity, forestry and fisheries; biosphere reserves specified in clause 2 Article 19 of this Decree;

c) Group of heritage sites with significant geomorphic or physiographic features, including natural heritage sites established and recognized when satisfying the criterion specified in point c clause 2 Article 20 of the LEP; geoparks specified in clause 3 Article 19 of this Decree;

d) Group of heritage sites of ecological importance, including natural heritage sites established and recognized when satisfying the criterion specified in point d clause 2 Article 20 of the LEP;

dd) Group of natural heritage gardens, including natural heritage sites established and recognized when satisfying at least 02 criteria specified in clause 2 Article 20 of the LEP; national parks prescribed by the laws on biodiversity, forestry and fisheries.

4. According to their size, extent of impacts and significance of natural values that need to be protected and conserved, natural heritage sites shall be ranked as follows:

a) Provincial natural heritage sites, including provincial wildlife sanctuaries prescribed by regulations of law on biodiversity, forestry and fisheries; scenic landscapes which are provincial sites/monuments prescribed by the law on cultural heritage; provincially significant wetlands prescribed by regulations of law on biodiversity; natural heritage sites prescribed in Article 19 of this Decree, having positive impacts on and serving as a significant role in local environmental protection, nature and biodiversity conservation.

b) National natural heritage sites, including national wildlife sanctuaries prescribed by regulations of law on biodiversity, forestry and fisheries; scenic landscapes which are national sites/monuments prescribed by the law on cultural heritage; wetlands of national importance prescribed by regulations of law on biodiversity; natural heritage sites prescribed in Article 19 of this Decree, having positive impacts on and serving as a significant role in national environmental protection, nature and biodiversity conservation.

c) Special national natural heritage sites, including scenic landscapes which are special national natural heritage sites prescribed by law on cultural heritage, world natural heritage sites, world biosphere reserves, global geoparks recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO); wetlands of international importance (Ramsar Sites) recognized by the Secretariat of the Convention on Wetlands (Ramsar Convention); ASEAN heritage gardens recognized by the ASEAN Secretariat and natural heritage sites recognized by international organizations.

5. Locations, area and boundaries of core zone, buffer zone and transition zone (if any) in a natural heritage site shall be determined according to the following regulations:

a) Core zone is an area containing core values according to the criteria for establishing and recognizing natural heritage sites and is effectively managed and protected, including wildlife sanctuary; zone protection I of scenic landscape recognized as cultural heritage in accordance with regulations of law on cultural heritage; area with core values that need to be protected in a manner that remains intact and preserves the pristine nature of the natural heritage site specified in Articles 19 and 20 of this Decree.

Wildlife sanctuary zoning shall comply with regulations of law on biodiversity, forestry and fisheries;

b) Buffer zone includes an area with values to be protected at a lower level than the core zone of the natural heritage; zone protection II of scenic landscape recognized as cultural heritage in accordance with regulations of law on cultural heritage; and an area adjacent to boundary of the core zone which is intended to prevent and mitigate the negative impacts of socio-economic development activities outside the natural heritage site on the core zone of the natural heritage site;

c) Transition zone, is an area associated with the buffer zone, wherein socio-economic development activities take place and are controlled in order to be in harmony with protection and conservation objectives upon establishment and recognition of a natural heritage site.

6. The management and environmental protection of a natural heritage site shall be given resources priority and carried out under the treaty to which Vietnam is a signatory, relevant regulations of law and the following regulations:

a) Management and environmental protection regulations and plan:

The provincial People's Committee shall organize formulation and approval of regulations and plans for management and environmental protection of natural heritage sites located within its province. MONRE shall provide guidance on formulating a plan for management and environmental protection of natural heritage sites; organize formulation and approval of regulations and plan for management and environmental protection of natural heritage sites located in at least 02 provinces or central-affiliated cities or within the territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned.

For the natural heritage sites specified in point a clause 1 Article 20 of the LEP for which the management regulations, plan and scheme have been available before the effective date of this Decree, the authority having the power to approve such regulations, plan and scheme shall incorporate and update the contents prescribed in this Decree in the regulations, plan and scheme in accordance with regulations of law on biodiversity, forestry, fisheries and cultural heritage within 06 months from the effective date of this Decree;

b) The management board or organization assigned to manage natural heritage sites shall comply with the criteria concerning capability for management and environmental protection, form and mobilize forces and resources for management and environmental protection of natural heritage sites in accordance with regulations of law and approved regulations and plan; provide sources from state budget for management and environmental protection of natural heritage

sites; organize supervision and promptly prevent infringement of natural heritage sites; sell tickets and collect entrance fees and service charges; manage and use revenues as prescribed by law; disseminate information, raise awareness and encourage participation of communities in the protection and management of natural heritage sites; participate in the management, connection and supervision of investment, environmental protection, nature and biodiversity conservation in natural heritage areas; perform other tasks assigned by competent authorities.

For world biosphere reserves and global geoparks located in a large area with production areas and residential areas, the provincial People's Committee shall establish an cross-sectoral management board and provide resources for management, environmental protection, nature and biodiversity conservation as prescribed in this Decree and relevant regulations of law;

c) Establishing a board for management of or assigning an organization to manage a natural heritage site which is a wildlife sanctuary shall comply with regulations of law on biodiversity, forestry and fisheries. Establishing a management for management of or assigning an organization to manage a natural heritage site which is a scenic landscape shall comply with regulations of law on cultural heritage.

If the natural heritage site has a wildlife sanctuary or scenic landscape managed by different management boards or assigned to different organizations to manage, the provincial People's Committee shall decide to appoint or assign only one management board or one sufficiently competent organization and provide resources for management of such natural heritage site.

If the natural heritage site is located in at least 02 provinces or central-affiliated cities or within the territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned, MONRE shall reach an agreement with Ministries and ministerial agencies concerned to request the Prime Minister to issue a decision to carry out merger or assign a management board or assign an organization to manage such natural heritage site.

d) The provincial People's Committee shall decide on the management board model or assign an organization to manage natural heritage sites within its province in a case other than that specified in point c of this clause. If the natural heritage site other than that specified in point c of this Clause is located in at least 02 provinces or central-affiliated cities or within the territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned, MONRE shall request the Prime Minister to issue a decision on the management model or assign an organization to manage such natural heritage site;



dd) Organizations, enterprises, individuals and communities are encouraged to invest in, establish, manage, use and develop natural heritage sites in a sustainable manner.

7. Environmental protection of a natural heritage site shall comply with the following regulations:

a) Business operations and services within the core zone of the natural heritage site shall be controlled as the strict protection zone according to regulations on environmental zoning of the LEP; business operations and services in the buffer zone of the natural heritage shall be controlled as the low-emission zone according to regulations on environmental zoning of the LEP;

b) Priority shall be given to conserving and restoring ecosystems in the natural heritage site back into their natural state; polluted and degraded soil and water environment in the natural heritage site shall be remediated and improved;

c) Core values of nature and biodiversity of the natural heritage site shall be protected and conserved intactly; ecosystem services of the natural heritage site shall be maintained, developed and used in a sustainable way;

d) The specific indicators regarding geology, landscape, ecology and biodiversity of the natural heritage site must be investigated, assessed, monitored, inventoried and reported according to regulations;

dd) Other requirements concerning environmental protection, prevention and control of impacts on environment and biodiversity of the natural heritage site specified in this Decree, relevant regulations of law and regulations of treaties on environment and biodiversity to which Vietnam is a signatory shall be complied with.

In case of emergency that seriously affect environment of the natural heritage site, MONRE shall request the Prime Minister to consider and decide to impose emergency or temporary measures to restrict the total amount of waste discharged to the environment of the natural heritage site, including clearly defining the area where the measures are imposed and duration of imposition.

e) MONRE and provincial People's Committee shall organize formulation and approval of a project on remediation of the polluted or degraded environment of the natural heritage site in accordance with regulations of law on state budget.

8. Responsibility for management and environmental protection of natural heritage sites is defined as follows:

a) MONRE shall assist the Government in performing uniform management and environmental protection of natural heritage sites; formulate, promulgate and propose the promulgation of legislative documents; organize the implementation and inspection of compliance with laws and technical guidance on management and environmental protection of natural heritage sites;

b) Provincial People's Committees shall perform uniform management and environmental protection of natural heritage sites within their provinces; comply with regulations on management and environmental protection of natural heritage sites under regulations of this Decree and relevant regulations of law;

c) Ministry of Agriculture and Rural Development shall organize implementation of requirements for protection of natural heritage sites upon carrying out forestry, aquaculture and agriculture activities under regulations of this Decree and relevant regulations of law;

d) The Ministry of Culture, Sports and Tourism shall organize implementation of requirements for protection of natural heritage sites upon carrying out culture, sports and tourism activities;

dd) Ministries and ministerial agencies shall protect environment of natural heritage sites as prescribed by law.

### **Chapter III**

## **ENVIRONMENTAL ZONING, STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT, ENVIRONMENTAL LICENSES, ENVIRONMENTAL REGISTRATION**

### **Section 1. ENVIRONMENTAL ZONING, STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT**

#### **Article 22. General regulations on environmental zoning**

1. Environmental zoning by strict protection zone, low-emission zone and other zones shall comply with criteria concerning environmental sensitivity and vulnerability to impacts of environmental pollution in order to minimize impacts of environmental pollution on the life and normal development of humans and creatures.

2. Strict protection zone includes:

a) High density residential areas in urban areas include inner cities and inner district-level towns of special urban areas, urban areas of grades I, II and III according to regulations of law on urban classification;

b) Surface water used for domestic purpose in accordance with regulations of law on water resources;

c) Wildlife sanctuaries prescribed by regulations of law on biodiversity, forestry and fisheries;



d) Protection zones 1 of historical and cultural sites/monuments prescribed by regulations of law on cultural heritage;

dd) Core zone of the natural heritage site (if any) prescribed by regulations of the LEP.

3. Low-emission zone includes:

a) Buffer zone of strict protection zones specified in clause 2 of this Article (if any);

b) Important wetlands defined as prescribed by law;

c) Safeguard zones of surface water used for domestic purpose in accordance with regulations of law on water resources;

d) High density residential areas which are inner cities and inner district-level towns of urban areas of grades IV and V according to regulations of law on urban classification;

dd) Water recreation areas under decision of the provincial People's Committee;

e) Other areas with environmental sensitivity and vulnerability to impacts of environmental pollution that need to be protected.

4. Other zones which are remaining areas in an administrative division.

### **Article 23. Determination of strict protection zones and low-emission zones**

1. Defining strict protection zones and low-emissions zones in the national environmental protection planning is prescribed as follows:

a) Carry out overall investigation and assessment of areas with environmental sensitivity and vulnerability to impacts of environmental pollution prescribed in clauses 2 and 3 Article 22 of this Decree;

b) Set objectives for environmental protection of areas with environmental sensitivity and vulnerability to impacts of environmental pollution prescribed in clauses 2 and 3 Article 22 of this Decree;

c) Plan locations, size and boundaries of strict protection zones and low-emission zones.

2. Defining strict protection zones and low-emission zones in the provincial planning is prescribed as follows:

a) Carry out overall investigation and assessment of areas with environmental sensitivity and vulnerability to impacts of environmental pollution prescribed in clause 3 Article 22 of this Decree within provinces;

b) Determine objectives for environmental protection of areas with environmental sensitivity and vulnerability to impacts of environmental pollution prescribed in clauses 2 and 3 Article 22 of this Decree within provinces;

c) Determine plans regarding locations, size and boundaries of strict protection zones and low-emission zones within provinces.

3. The provincial People's Committee shall issue a decision on determination of locations and boundaries of strict protection zones and low-emissions zones within its provinces already determined in the provincial planning during the planning period.

4. Requirements for environmental protection based on environmental zoning:

a) Technical regulations on wastewater and emissions shall provide for permissible limits of pollutants in conformity protection requirements required by environmental zoning for strict protection zones and low-emission zones without adversely affecting the life and normal development of human and creatures;

b) Projects on investment in and projects on increase in size and capacity of strict protection zones and low-emissions zones in shall comply with environmental protection requirements as prescribed in point a of this clause;

c) Any business that fails to satisfy the environmental protection requirements set out in point a of this clause shall convert its type of business, production or service, renovate its technology and implement other environmental protection measures in compliance with the environmental protection requirements based on environmental zoning.

5. The provincial People's Committee shall introduce a roadmap to businesses operating within strict protection zones and low-emissions zones already determined within its province in compliance with the regulations set forth in clause 4 of this Article.

#### **Article 24. List of national and regional strategies for industry and field development, national sector planning and technical and specialized planning subject to SEA**

The list of national and regional strategies for industry and field development, national sector planning and technical and specialized planning subject to SEA is provided in the Appendix I enclosed herewith.

#### **Article 25. Environmental criteria and classification of investment projects**

1. Scale of an investment project is prescribed as follows:

a) Scale of an investment project shall be classified according to the criteria prescribed by regulations of law on public investment, including projects of

national importance, projects of groups A, B and C, except for the regulations specified in points b, c and d of this clause;

b) Regarding the area of land used and land with water surface of the project, the scale of the project shall be classified into 03 types: large, medium and small;

c) Regarding the sea area used, the scale of the project shall be classified into 02 groups according to the power to issue permits for ocean dumping, sea area assignment and assignment of sea area for land reclamation in accordance with regulations of law on natural resources, and environment of sea and islands;

d) Regarding the exploitation of natural resources, the scale of the project shall be classified into 02 groups according to the power to issue mineral mining licenses, licenses for extraction and use of water resources in accordance with regulations of law on minerals and water resources.

2. Capacity of an investment projects involved in a type of production, business or services that is likely to cause environmental pollution specified in the Appendix II enclosed herewith is defined in the proposal for investment project, feasibility study report, economic-technical report or equivalent document of the project classified into 03 types: large, medium and small.

3. Types of production, business or services include:

a) Types of production, business and services that are likely to cause environmental pollution specified in the Appendix II enclosed herewith;

b) Other types of production, business and services other than those likely to cause environmental pollution.

4. Determination of whether a project has environmentally sensitive factors specified in point c clause 1 Article 28 of the LEP is prescribed as follows:

a) The project which is involved in a type of production, business or services that is likely to cause environmental pollution specified in the Appendix II enclosed herewith is located in an inner city or inner district-level town of an urban area in accordance with regulations of law on urban area classification;

b) The project discharges wastewater to surface water used for domestic purpose in accordance with regulations of law on water resources;

c) The project uses land or land with water surface of a wildlife sanctuary as prescribed by regulations of law on biodiversity, forestry and fisheries; special-use forest, protection forest or natural forest as prescribed by regulations of law on forestry; marine protected area or protected area of aquatic resources as prescribed by regulations of law on fisheries; significant wetlands and other natural heritage

sites established and recognized as prescribed in this Decree (except for projects on construction of works serving management and protection of forests, nature and biodiversity conservation, forest fire prevention and fighting prescribed by regulations of law on biodiversity, natural heritage sites and silviculture which are approved by a competent authority);

d) The project uses land or land with water surface of a historical and cultural site/monument or scenic landscape ranked as prescribed by regulations of law on cultural heritage (except for projects on preservation, renovation, restoration and conservation of historical and cultural sites/monuments, scenic landscapes, construction of works in service of environmental hygiene and management, protection of historical and cultural sites/monuments, scenic landscapes and other maintenance and repair projects intended for ensuring traffic safety);

dd) The project requests repurposing of land meant for growing wet rice during 02 or more cropping seasons within the power prescribed by regulations of law on land; project requests repurposing land or land with water surface of a wildlife sanctuary, natural heritage site, biosphere reserve, significant wetland, natural forest or protection forest (except for projects on construction of works serving forest management and protection, nature and biodiversity conservation, forest fire prevention and fighting and silviculture which are approved by the competent authority);

e) The project requests relocation within the power prescribed by regulations of law on public investment and investment and law on construction.

5. The detailed lists of investment projects of group I, II and III are provided in the Appendices III, IV and V respectively enclosed with this Decree.

## **Article 26. Consultation during EIA**

### **1. Consultees include:**

a) Residential communities and individuals under direct environmental impact of the investment project activities, including residential communities, individuals living and carrying out business operations on land, water surface or land with water surface, sea area occupied for investment in projects; residential communities and individuals under direct impact of wastewater, emissions, dust, noise, solid waste and hazardous waste caused by projects; communities and individuals affected by subsidence, landslides, riverbank and coastal sedimentation caused by projects; other affected residential communities and individuals identified during EIA.

Consultation with residential communities and individuals under direct impact shall be conducted by holding a meeting to seek opinions;

b) Agencies and organizations directly related to investment projects, including communal People's Committees, Vietnamese Fatherland Front Committee of communes where the projects are executed; management boards or investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters located in the boundaries under their management; regulatory bodies managing hydraulic structure with respect to projects discharging wastewater to hydraulic structure or appropriating hydraulic structure; regulatory bodies assigned to manage areas with environmentally sensitive factors (if any); Ministry of National Defense, Ministry of Public Security or provincial Military Command, provincial Police with respect to national security and defense-related projects (if any).

Consultation with agencies and organizations directly related to investment projects shall be held in writing.

2. Other consultation contents specified in point dd clause 3 Article 33 of the LEP include plans for environmental improvement and remediation for mineral mining projects or waste burial projects and biodiversity offsets schemes for projects having biodiversity offsets schemes as prescribed by law.

### 3. Consultation methods:

#### a) Holding a consultation by publishing its contents on website:

Before submitting an EIA report (EIAR) to a competent authority for appraisal, the project owner shall send contents of EIAR consultation specified in clause 3 Article 33 of the LEP to the website manager of the authority appraising the EIAR to consult the consultees specified in clause 1 of this Article, except for information classified as state secrets and secrets of enterprises as prescribed by law. Within 05 days from the date of receiving the project owner's request for publishing consultation contents, the appraising authority's website manager shall publish contents of the consultation. The consultation shall be conducted within 15 days; upon expiry of the time limit for consultation, the website manager shall send consultation results to the project owner;

#### b) Holding a consultation by organizing a meeting to seek opinions:

The project owner shall preside over and cooperate with the People's Committee of the commune where the project is executed in posting the EIAR at the communal People's Committee and notifying time and place of the meeting intended to seek opinions of the consultees specified in point a clause 1 of this Article at least 05 days before the meeting. The communal People's Committee shall post the EIAR from the date of receiving the EIAR to the end of the meeting.

The project owner shall present contents of the EIAR at the consultation meeting. Opinions of the attendees, feedback and commitment of the project owner must be sufficiently and truthfully presented in the consultation meeting according to the form prescribed by MONRE;

c) Holding a written consultation:

The project owner shall send the EIAR of the project to the consultees as specified in point b clause 1 of this Article enclosed with the consultation document prepared using the form in the Appendix VI hereof.

The consultees shall give their written response according to the form in the Appendix VII hereof within 15 days from the date of receiving the consultation document. In case no response is given within the prescribed time limit, it is considered that such consultees agree to the consultation contents.

4. Responsibility of every investment project owner for holding consultation:

a) Adopt the consultation methods specified in clause 4 Article 33 of the LEP and consult the consultees specified in clause 1 of this Article, except for the cases in points e, g and h of this clause;

b) Regarding projects that involve ocean dumping of materials and matter; investment projects that discharge at least 10,000 m<sup>3</sup> of wastewater per day (24 hours) or directly discharge wastewater into an inter-provincial river or a river bordering provinces or directly discharge wastewater into coastal sea, the project owners shall also consult with the People's Committee of province having the inter-provincial river, the river bordering provinces or coastal sea to cooperate in dealing with environmental protection issues in the region;

c) Regarding the projects specified in the Appendix II hereof that directly discharge at least 10,000 m<sup>3</sup> of wastewater per day (24 hours) or at least 200,000 m<sup>3</sup> of emissions per hour, the project owners shall consult with at least 05 experts, scientists related to operating field of the project and environmental experts. Regarding the remaining projects specified in the Appendix II hereof, the project owners shall consult with at least 03 experts, scientists related to operating fields of the projects and environmental experts;

d) For the projects at risk of sedimentation, erosion or saltwater intrusion of which investment guidelines are decided by the National Assembly or the Prime Minister; project involving ocean dumping of dredged materials and matter with a total volume of 5,000,000 m<sup>3</sup> or more; projects that discharge at least 10,000 m<sup>3</sup> of industrial wastewater per day (24 hours) (except for cases of connection of wastewater to the centralized wastewater treatment system, cooling water and wastewater of the aquaculture project) or at least 200,000 m<sup>3</sup> of emissions per hour, the project owners must consult with a specialized organization about the calculation results given by the applied model;

dd) For the investment projects that request repurposing land of a wildlife sanctuary or core zone of the biosphere reserve with an area of 01 ha or more, the project owners must consult with a specialized organization about impacts of project execution on biodiversity;

e) For projects on construction of traffic infrastructure, telecommunications infrastructure and inter-provincial and inter-district transmission lines, the project owners shall only hold a consultation as prescribed in point a clause 3 of this Article and a written consultation with the provincial People's Committees if such projects are located in at least 02 provinces or district-level People's Committees if such projects are located in at least 02 districts;

g) For the investment projects located within territorial waters or continental shelf to which responsibility of the communal People's Committee for administrative management are yet to be assigned, the project owners shall only hold a consultation as specified in point a clause 3 of this Article and a written consultation with the People's Committee of the province which receives the projects' waste transported ashore;

h) For the projects located within a dedicated area for production, business operation and service provision or industrial cluster, the project owners shall only hold a consultation as prescribed in point a clause 3 of this Article and also consult with the management boards, investors in construction and commercial operation of infrastructure of such dedicated area for production, business operation and service provision or industrial cluster;

i) The project owner shall truthfully consolidate and specify all opinions and recommendations of the consultees; receive and respond to consultation results and complete the EIAR before submitting it to a competent authority for appraisal; take legal responsibility for contents and results of the consultation mentioned in the EIAR.

**Article 27. Responsibility of investment project owner during completion of EIAR after receiving written request for modification; preparation and execution of projects before their operation in case of changes to the decision on approval of EIAR appraisal result**

1. Within 12 months from the receipt of the written request for modification of the EIAR appraising authority, the investment project owner shall complete the EIAR and send it to the EIAR appraising authority. After this deadline, the appraisal of EIAR shall be carried out as prescribed in Article 34 of the LEP.

2. During the preparation and execution of an investment project before being put into operation, the investment project owner shall carry out EIA in case of change(s) to the decision on approval of EIAR appraisal result as specified in point a clause 4 Article 37 of the LEP. To be specific:



a) Increasing scale and capacity of the project to an extent that it is necessary to follow procedures for approval for adjustment of the investment guidelines or procedures for adjustment of the investment registration certificate in accordance with regulations of law on investment;

b) Changing production technology of the project resulting in discharging waste beyond the capacity for waste treatment of environmental protection works specified in the scheme in the decision on approval of EIAR appraisal result;

c) Changing waste treatment technology of the project likely to adversely affect the environment specified in the scheme in the decision on approval of EIAR appraisal result;

d) Changing the location of the project, except where the location of the investment project executed in the dedicated area for production, business operation and service provision or industrial cluster is changed in conformity with the planning for zoning of dedicated area for production, business operation and service provision or industrial cluster which is approved by the competent authority;

dd) Changing the location of direct discharge of treated wastewater into a source of water with more stringent requirements for waste discharge or changing the receiving body resulting in an increase in pollution, landslide or subsidence.

3. The responsibility specified in point b or point c clause 4 Article 37 of the LEP shall be fulfilled.

## **Section 2. ENVIRONMENTAL LICENSE AND ENVIRONMENTAL REGISTRATION**

### **Article 28. Main contents of report on proposal for issuance of environmental license**

1. Main contents of a report on proposal for issuance of the environmental license with respect to the investment project to which the decision on approval of EIAR appraisal result has been issued before its trial operation include:

a) General information about the investment project: names of the project and project owner; location of the project; authorities appraising the construction design, issuing environment-related licenses and approving the project; decision on approval of result of appraisal of the project's EIAR; document about changes (if any); project execution process; scale (classified according to the criteria prescribed by regulations of law on public investment), capacity, technology, products manufactured, amount of electricity, source and amount of water used, receiving body of wastewater, raw materials, fuels, materials, scrap and chemicals used and other information relating to the project;



b) Conformity of the investment project with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity (if any);

c) Results of completion of environmental protection works and measures (works transferred and accepted between the investor, contractor and construction supervision unit in accordance with regulations of law on construction): works and equipment for collecting and treating wastewater, dust and emissions; works for storing and treating normal industrial solid waste, domestic solid waste and hazardous waste; works and measures for minimizing noise and vibration; works for environmental emergency prevention and response and other environmental protection works. Primary information, including: scale, capacity and operation process; chemicals and biological preparations used for waste treatment; chemicals and catalysts used to treat dust and exhaust gases; equipment for synchronous and packaged waste treatment, automatic and continuous monitoring equipment (if installation thereof is required) and other treatment equipment (accompanied by its CO/CQ); basic specifications; applicable standards and regulations.

For a project on centralized solid waste treatment and hazardous waste treatment, specify the works, equipment and vehicle for collecting and treating waste.

For an investment project that uses scrap imported from a foreign country as raw materials for production, specify the production technology; warehouses and yards for scrap storage; recycling equipment; impurity treatment scheme; scrap re-export scheme in conformity with the decision on approval of the EIAR appraisal result.

For an investment project that discharges wastewater into hydraulic structures, specify the satisfaction of requirements for environmental protection of hydraulic structures;

d) Plan, schedule and result of implementation of the environmental remediation and improvement, biodiversity offsets scheme (if any);

dd) Proposal for change(s) to the decision on approval of EIAR appraisal result (if any) enclosed with environmental impacts of such change(s);

e) Items to be licensed as specified in clause 2 Article 40 of the LEP;

g) Plan and expected time for trial operation enclosed with a waste monitoring plan intended to evaluate efficiency of the waste treatment work (aggregate and single sampling); if a packaged waste treatment work/equipment or waste treatment work belongs to a project with small capacity as prescribed in Appendix II enclosed herewith, only take single samples for monitoring purpose; plan to prevent and respond to environmental emergencies during trial operation and when the project is put into operation;

h) Proposed contents of waste monitoring (automatic, continuous and periodic) prescribed by law and other environmental protection contents (if any).

2. Main contents of a report on proposal for issuance of the environmental license with respect to the investment project of group II not subject to EIA include:

a) General information about the investment project: names of the project and project owner; location of the project; authorities appraising the construction design, issuing environment-related licenses and approving the project; scale (classified according to the criteria prescribed by regulations of law on public investment), capacity, technology, products manufactured, amount of electricity, source and amount of water used, receiving body of wastewater, raw materials, fuels, materials, scrap and chemicals used and other information related to the project;

b) Conformity of the investment project with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity (if any);

c) Evaluation of state of environment in the area where the investment project is located (except for investment projects located in dedicated areas for production, business operation and service provision and industrial clusters); evaluation of selected production and waste treatment technologies and other selected environmental protection works; evaluation and prediction of project's impacts (if any) on biodiversity and natural heritage sites, flow, landslide, sedimentation, saltwater intrusion and society;

d) Proposed plan and measures for waste treatment enclosed with a description and alternative for construction design (fundamental design or construction drawing design (if the project only requires one single design step) of environmental protection works, waste treatment work items, equipment for synchronous and packaged waste treatment, automatic and continuous monitoring equipment (if installation thereof is required) and other treatment equipment (accompanied by its CO/CQ, if any), plan for environmental emergency prevention and response, works for waste storage and related works and equipment; plan for construction, installation, operation, maintenance and management of discharge works and waste treatment works, enclosed with an estimate of costs of construction of environmental protection and implementation of measures to minimize adverse effects on the environment;

dd) Specific environmental protection contents: for a project on mineral mining or waste burial, an environmental improvement and remediation plan is required. For a project on extraction of sand, gravel and other minerals on rivers, streams, canals, reservoirs, estuaries and coastal areas, contents of assessment of the impacts on the bed, banks, river terrace and flow are required. For an

investment project that causes biodiversity loss or decline, a biodiversity offsets scheme is required. For an investment project that discharges wastewater into hydraulic structures, the assessment of impacts and measures for environmental protection of sources of water for hydraulic structures are required;

e) Items to be licensed as specified in clause 2 Article 40 of the LEP;

g) Plan and expected time for trial operation enclosed with a waste monitoring plan intended to evaluate efficiency of the waste treatment work (aggregate and single sampling); if a packaged waste treatment work/equipment or waste treatment work belongs to a project with small capacity as prescribed in Appendix II enclosed herewith, only take single samples for monitoring purpose; plan to prevent and respond to environmental emergencies during trial operation and when the project is put into operation;

h) Proposed contents of waste monitoring (automatic, continuous and periodic) prescribed by law and other environmental protection contents (if any).

3. Main contents of a report on proposal for issuance of environmental license to an operating business, dedicated area for production, business operation and service provision or industrial cluster satisfying the environmental criteria equivalent to a project of group I or group II include:

a) General information about the business, dedicated area for production, business operation and service provision or industrial cluster: its name, address or location where the project is located; document about appraisal of the construction design, environment-related licenses and project approval; decision on approval of result of appraisal of the project's EIAR as specified in clause 2 Article 171 of the LEP and component environmental license (if any); scale (classified according to the criteria prescribed by regulations of law on public investment), capacity, technology, products manufactured, amount of electricity, source and amount of water used, receiving body of wastewater, raw materials, fuels, materials, scrap and chemicals used and other information related to the business. For a business that uses scrap imported from a foreign country as raw materials for production, specify the production technology; warehouses and yards for scrap storage; recycling equipment, impurity treatment scheme and scrap re-export scheme that fails to satisfy the standards conforming to the decision on approval of the EIAR appraisal result or a document equivalent to the decision on approval of EIAR appraisal result as prescribed in clause 2 Article 171 of the LEP (including a file enclosed with the equivalent document);

b) Conformity of the business, dedicated area for production, business operation and service provision or industrial cluster with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity (if any);

c) Sources of waste generated, including: scale, weight and type of solid waste; scale, flow rate and pollution parameters of dusts, emissions, noise and vibration; scale, flow rate and pollution parameters of wastewater, receiving bodies of wastewater; environmental protection works and measures completed as prescribed in point c clause 1 of this Article;

d) Plan, schedule and result of implementation of the environmental remediation and improvement, biodiversity offsets scheme (if any);

dd) Items to be licensed as specified in clause 2 Article 40 of the LEP;

e) Results of environmental monitoring carried out in the 02 previous years in the case where waste monitoring is required as prescribed or result of additional waste sample monitoring under the guidance of MONRE in the case where the component environmental license is available, thereby not required to undergo waste monitoring;

g) Latest results of inspection and handling of violations against regulations on environment given by the competent authority, enclosed with decisions and conclusions (if any);

h) Proposed contents of waste monitoring (automatic, continuous and periodic) prescribed by law and other environmental protection contents (if any).

4. Main contents of report on proposal for issuance of environmental license to a project of group III include:

a) General information about the investment project: names of the project and project owner; location of the project; scale (classified according to the criteria prescribed by regulations of law on public investment), capacity, technology, products manufactured, amount of electricity, source and amount of water used, receiving body of wastewater, raw materials, fuels, materials, scrap and chemicals used and other information related to the project;

b) Conformity of the investment project with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity (if any);

c) Description of state of environment in the area where the investment project is located (except for investment projects located in dedicated areas for production, business operation and service provision and industrial clusters); description of the production technology to be selected;

d) Proposed plan and measures for waste treatment enclosed with a description and alternative for construction design (fundamental design or construction drawing design (if the project only requires one single design step) of environmental protection works, waste treatment work items, equipment for synchronous and packaged waste treatment, automatic and continuous monitoring

equipment (if installation thereof is required) and other treatment equipment (accompanied by its CO/CQ, if any), plan for environmental emergency prevention and response, works for waste storage and related works and equipment; plan for construction, installation, operation, maintenance and management of discharge works and waste treatment works; measures for environmental protection of sources of water for hydraulic structures with respect to the investment projects discharging wastewater into hydraulic structures;

dd) Items to be licensed as specified in clause 2 Article 40 of the LEP;

e) Plan and expected time for trial operation enclosed with a waste monitoring plan intended to evaluate efficiency of the waste treatment work as prescribed; environmental emergency prevention and response; proposed contents of waste monitoring as prescribed by law.

5. Main contents of a report on proposal for issuance of environmental license to an operating business satisfying the environmental criteria equivalent to a project of group III include:

a) General information about the business: its name, address and location where the project is located; related environmental documents; scale (classified according to the criteria prescribed by regulations of law on public investment), capacity, technology, products manufactured, amount of electricity, source and amount of water used, receiving body of wastewater, raw materials, fuels, materials, scrap and chemicals used and other information related to the business;

b) Conformity of the business with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity (if any);

c) Sources of waste generated, including: scale, weight and type of solid waste; scale, flow rate and pollution parameters of dusts, emissions, noise and vibration; scale, flow rate and pollution parameters of wastewater, receiving bodies of wastewater; environmental protection works and measures completed as prescribed in point c clause 1 of this Article;

d) Items to be licensed as specified in clause 2 Article 40 of the LEP;

dd) Results of environmental monitoring carried out in the 01 previous year in the case where waste monitoring is required as prescribed or result of additional waste sample monitoring under the guidance of the MONRE in the case where the component environmental license is available, thereby not required to undergo waste monitoring as prescribed; latest results of inspection and handling of violations against regulations on environment given by the competent authority, enclosed with decisions and conclusions (if any);

e) Proposed contents of waste monitoring prescribed by law.

6. Forms of reports on proposal for issuance of environmental license to the subjects mentioned in clause 1 to 5 of this Article is provided in the Appendix VIII, IX, X, XI and XII hereof respectively.

## **Article 29. Applications and procedures for issuing environmental licenses**

Applications, procedures and time limit for issuing environmental licenses to investment project, businesses, dedicated areas for production, business operation and service provision and industrial clusters (hereinafter referred to as “investment projects and businesses”) are specified in Article 43 of the LEP. Several contents are elaborated as follows:

1. Legal and technical documentation specified in point c clause 1 Article 43 of the LEP are prescribed as follows:

a) For an investment project not subject to EIA: a copy of the feasibility study report or document equivalent to the investment project’s feasibility study report in accordance with regulations of law on investment, public investment, PPP investment and construction;

b) For an investment project or business other than that specified in point a of this clause, the project or business owner is not required to submit legal and technical documentation together with the application for issuance of environmental license.

2. Time of submission of the application for issuance of environmental license is prescribed as follows:

a) The owner of the investment project not subject to EIA shall submit an application for issuance of environmental license after completing the waste treatment work for the entire project or for each investment phase of the project (if the project is divided into investment phases) or for the independent waste treatment work item of the project;

b) The owner of the investment project not subject to EIA shall decide the time of submission themselves after having a sufficient application as prescribed;

c) The investment project owner specified in clause 2 Article 39 of the LEP that is conducting trial operation of the waste treatment work as prescribed by law before the effective date of the LEP shall decide the time of submission of application for issuance of environmental license themselves to ensure that an environmental license has to be obtained after the trial operation but at least 45 days if the environmental license is issued by a ministerial agency and 30 days if the environmental license is issued by the provincial People’s Committee or district-level People’s Committee before the date on which the environmental license has to be obtained.



In case of failure to submit the application for issuance of environmental license within the time limit specified in this point, the investment project owner shall send a notification of extension of trial operation duration as prescribed in point c clause 6 Article 31 of this Decree to obtain the environmental license after the end of the trial operation;

d) Owner of a business, dedicated area for production, business operation and service provision or industrial cluster shall decide the time of submission of the application for issuance of environmental license themselves to ensure that an environmental license has to be obtained as prescribed by the LEP and this Decree but at least 45 days if the environmental license is issued by a ministerial agency and 30 days if the environmental license is issued by the provincial People's Committee or district-level People's Committee before the date on which the environmental license has to be obtained.

3. The owner of the investment project or business shall submit an application for issuance of environmental license to the authority issuing environmental license (hereinafter referred to as "licensing authority") and pay fees for application appraisal as prescribed.

4. Within 05 working days from the receipt of a sufficient application (except for the case specified in clause 8 of this Article), the licensing authority shall:

a) publicize contents of the report on proposal for issuance of environmental license on the website of the licensing authority or authorized authority, except for information classified as state secrets or enterprise's secrets as prescribed by law;

b) send an enquiry to the regulatory body managing hydraulic structures (in case of discharge of water into hydraulic structures), the investor in construction and commercial operation of infrastructure of the dedicated area for production, business operation and service provision or industrial cluster (if the investment project or business is located in such dedicated area for production, business operation and service provision or industrial cluster), except where the investment project has been issued with the decision on approval of EIAR appraisal result and does not change the contents related to wastewater discharge specified in the decision on approval of EIAR appraisal result.

The enquired authority shall give a written response to the issuance of environmental license within 07 days from the receipt of the enquiry, except for the case specified in clause 9 of this Article. If such time limit expires and a written response fails to be given, it is considered that such body agrees to the licensing.

Regarding an investment project that directly discharges at least 10,000 m<sup>3</sup> of wastewater (except for equipment cooling water, aquaculture water) per day (24

hours) into an inter-provincial river or lake or a river or lake bordering provinces or directly discharges wastewater into coastal sea, the licensing authority shall consult with the People's Committee of province having the inter-provincial river or lake, bordering river or lake or coastal sea of the bordering province to cooperate in dealing with environmental protection issues in the region, except where the investment project has been issued with the decision on approval of EIAR appraisal result and does not change the contents related to wastewater discharge specified in the decision on approval of EIAR appraisal result. The enquired provincial People's Committee shall give a written response within 07 days from the receipt of the enquiry. If such time limit expires and a written response fails to be given, it is considered that such body agrees to the licensing

Regarding an investment project that directly discharges at least 10,000 m<sup>3</sup> of wastewater (except for equipment cooling water, aquaculture water) per day (24 hours) or at least 200,000 m<sup>3</sup> of dust or emissions per hour, the licensing authority shall consult with a specialized organization about the calculation results given by the pollutant dispersion model or environmental emergency (if any), except where the investment project has been issued with the decision on approval of EIAR appraisal result and does not change the contents related to wastewater, dust or emission discharge specified in the decision on approval of EIAR appraisal result. The enquired specialized organization shall give a written response within 20 days from the receipt of the enquiry;

c) Except for the case specified in clause 9 of this Article, the appraisal of the application for issuance of environmental license shall be carried out as follows:

For the investment project which has been issued with the decision on approval of EIAR appraisal, does not use scrap imported from a foreign country as raw materials for production or provides hazardous waste treatment services and falls into the case specified in point b clause 4 Article 37 of the LEP, the licensing authority shall establish an appraisal council and shall not carry out a site inspection.

For the investment project which has been issued with the decision on approval of EIAR appraisal result and does not fall into the case specified in point b clause 4 Article 37 of the LEP, investment project which uses scrap imported from a foreign country as raw materials for production, investment project which provides hazardous waste treatment services, the licensing authority shall establish an appraisal team and shall not carry out a site inspection.

For the investment project not subject to EIA, the licensing authority shall establish an appraisal council if the environmental license is issued by MONRE, Ministry of Public Security, Ministry of National Defense or provincial People's



Committee; establish an appraisal team if the environmental license is issued by the district-level People's Committee. The appraisal council or appraisal team shall carry out a site inspection in the area where the investment project is expected to be executed.

For an business, dedicated area for production, business operation and service provision or industrial cluster which is operating, the licensing authority shall establish an inspectorate instead of establishing an appraisal council or appraisal team if environmental license is issued by MONRE, Ministry of Public Security, Ministry of National Defense or provincial People's Committee; shall carry out a site inspection if the environmental license is issued by the district-level People's Committee.

The appraisal council and inspectorate shall each be composed of at least 07 members if the environmental license is issued by a central government authority and at least 05 members if the environmental license is issued by the provincial People's Committee. The appraisal team shall be composed of at least 03 members, including a leader which is the appraising authority's representative.

The appraisal council and inspectorate shall each be composed of 01 president or chief; 01 deputy president or deputy chief if necessary; 01 secretary; representatives of authorities and organizations concerned; representative of regulatory body managing hydraulic structures, investor in construction and commercial operation of infrastructure of the dedicated area for production, business operation and service provision or industrial cluster (if any); experts and officials in the field of environmental protection and operating field of the investment project or business.

Every member of the appraisal council, inspectorate and appraisal team shall consider applications for issuance of environmental license, make remarks about the appraisal contents specified in Article 40 of the LEP and take legal responsibility for their remarks.

The expert participating in making the report on proposal for issuance of environmental license of the investment project or business shall not join the appraisal council, appraisal team or inspectorate responsible for appraising application for issuance of environmental license of such investment project or business;

5. According to the appraisal result of the appraisal council and appraisal team or result of the inspectorate or site inspection result, the licensing authority shall consider issuing environmental license to the investment project or business in case of eligibility to be issued with environmental license or send a notification of return of application to the project or business owner specifying reasons for ineligibility to be issued with environmental license.

If the application needs modifying to have sufficient grounds for issuing license, the licensing authority shall send a notification to the project owner clearly specifying the modifications. The licensing authority shall not request the project or business owner to perform tasks other than those specified in the notification.

Response (final result or necessary modifications) must be provided within licensing time limit as prescribed.

6. Except for the case specified in clause 9 of this Article, within 15 days if the environmental license is issued by MONRE, Ministry of National Defense or Ministry of Public Security, 10 days if the environmental license is issued by the provincial People's Committee and 05 days if the environmental license is issued by the district-level People's Committee, from the receipt of the modified application for issuance of environmental license (in case where the application has to be modified as requested by the licensing authority), the head of the licensing authority shall consider issuing the environmental license to the investment project or business; in case of failure to issue the environmental license, a written response specifying reasons therefor shall be given.

7. The receipt of applications and return of results specified in point c clause 4 Article 43 of the LEP must be carried out in a simplified manner that reforms administrative procedures and follows administrative procedures online in accordance with the Government's regulations.

8. The receipt of applications and return of results shall be carried out online using level 4 online public services of the licensing authority within 15 days from the receipt of the valid applications in the following cases:

a) The investment project or business is not required to conduct trial operation of the waste treatment work;

b) The investment project or business connects wastewater to the centralized system for wastewater collection and treatment of the dedicated area for production, business operation and service provision or industrial cluster and satisfies the following requirements: it is not involved in the type of production, business or services that is likely to cause environmental pollution; is not required to carry out automatic and continuous emission monitoring and periodic monitoring as prescribed in this Decree.

9. The appraisal of application for issuance of environmental license, and issuance of environmental license in the case specified in clause 8 of this Article shall be carried out through the appraisal team established by the licensing authority with no more than 05 members if the environmental license is issued by MONRE, Ministry of National Defense or Ministry of Public Security; no

more than 03 members if the environmental license is issued by the provincial People's Committee or district-level People's Committee. The licensing authority shall not carry out a site inspection. The time limit for seeking opinions of the authorities and organizations specified in point b clause 4 of this Article is 05 days from the receipt of the enquiry. The time limit within which the licensing authority considers issuing environmental license to the investment project or business or gives a written response to the project or business owner specifying reasons for failure to issue environmental license as specified in clause 6 of this Article is 05 days.

10. The application form for issuance of environmental license of the investment project owner or business owner shall be made using the form specified in the Appendix XIII enclosed herewith.

11. The Minister of Natural Resources and Environment shall promulgate forms of documents relating to issuance of environmental license, except for the case specified in clause 10 of this Article.

### **Article 30. Renewal, adjustment, re-issuance and revocation of environmental licenses**

1. Renew the environmental license as prescribed in clause 1 Article 44 of the LEP within 10 days from the receipt of application form for renewal of the investment project owner or business owner enclosed with the legal documentation relating to changes. The licensing authority shall issue a renewed environmental license which will have the same expiration date as that of the old license to the investment project owner or business owner.

The renewal of environmental license shall be carried out online using level 4 online public services of the licensing authority or authorized authority and appraisal fees are not required to be paid as prescribed.

2. The investment project owner or business owner shall adjust the environmental license within its remaining effective period when there is a change as prescribed in point a clause 2 Article 44 of the LEP and changes other than those specified in point b clause 3 and clause 4 of this Article, except for removal of items to be licensed or change to weight or type of hazardous waste generated. In case of removal of an item to be licensed, the change to environmental license shall be only made when requested by the investment project owner or business owner. In case of a change to weight or type of hazardous waste generated, the investment project owner or business owner shall specify the change in the periodic environmental protection report of the project or business.

The adjustment of environmental license shall be made within 15 days from the receipt of the application form for adjustment from the investment project

owner or business owner and made online using level 4 online public services of the licensing authority or authority authorized to issue environmental licenses as prescribed.

3. The adjustment of the environmental license prescribed in point b clause 2 Article 44 and clause 4 Article 46 of the LEP shall be made within 25 days from the receipt of report on result of trial operation from the investment project owner or business owner. The licensing authority shall rely on the inspectorate's report on inspection of trial operation of waste treatment work of the investment project or business; results of measurement and analysis of reference waste samples or additional waste monitoring samples (if any) and report on results of trial operation of the investment project owner or business owner in order to adjust the environmental license as follows:

a) Seek opinions of the provincial specialized environmental protection authority, management board of industrial parks of the province (if the investment project is located in the dedicated area for production, business operation and service provision); opinions of some environmental experts, including experts who have joined the appraisal council or inspectorate responsible for appraising application for issuance of environmental license about adjustments;

b) Notify the investment project owner or business owner of adjustments to type and weight of hazardous waste permitted to be treated or weight of scrap permitted to be imported as raw materials for production in order to suit the actual operating capacity of the investment project or business;

The investment project or business shall provide a written explanation for the adjustments (if any) specified in this point to the licensing authority;

c) The licensing authority shall issue an adjusted environmental license which will have the same expiration date as that of the old license to the investment project owner or business owner in order to suit the actual operating capacity of the investment project or business;

4. Subjects entitled to obtain re-issued environmental license and date on which the investment project owner or business owner submits an application for re-issuance of environmental license are prescribed as follows:

a) The subjects specified in point a clause 3 Article 44 of the LEP shall submit the application for re-issuance of environmental license 06 months before the expiry date of the environmental license;

b) Investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters changing their scale, capacity or production technology, except where the investment projects making are not subject to EIA, shall submit the application for re-issuance of

environmental license before making the changes and the changes shall be only made after being issued with the environmental license;

c) Dedicated areas for production, business operation and service provision and industrial clusters adding an industry or business line in which investment is encouraged shall submit the application for re-issuance of environmental license before attracting investment in such industry or business line (except where such industry or business line or investment project involved in such industry or business line, when put into operation, does not generate industrial wastewater subject to mandatory treatment so as to ensure the satisfaction of condition for receipt of wastewater of the centralized wastewater treatment system);

d) Investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters increasing their sources of waste water, dusts and emissions resulting in generation of pollution parameters exceeding the permissible limits specified in the environmental technical regulation on waste; generating new pollution parameters exceeding permissible limits specified in environmental technical regulations on waste; increasing the flow of wastewater, dusts and emissions resulting in generation of pollution parameters exceeding permissible limits specified in environmental technical regulations on waste; changing their wastewater receiving bodies and method for discharge of wastewater into sources of water subject to more stringent protection requirements, shall submit the application for re-issuance of environmental license before making the changes and the changes shall be only made after being issued with the environmental license.

5. The re-issuance of environmental license specified in clause 4 of this Article shall be carried out as follows:

a) The business owner or investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision or industrial cluster specified in points a and c clause 4 of this Article shall submit an application for re-issuance of environmental license and report on proposal for issuance of environmental license as specified in clause 3 Article 28 of this Decree (except for the contents specified in points a and c clause 5 Article 28 of this Decree) to the licensing authority. Procedures for re-issuance of environmental license shall comply with Article 29 of this Decree.

The time limit for re-issuance of environmental license shall not exceed 30 days if the environmental license is issued by MONRE, Ministry of National Defense or Ministry of Public Security and 20 days if the environmental license is issued by the provincial People's Committee and district-level People's Committee, from the receipt of a sufficient and valid application;

b) The investment project owner or business owner specified in points b and d clause 4 of this Article shall submit an application form for re-issuance of environmental license and report on proposal for issuance of environmental license as specified in one of the clauses 2, 3, 4 and 5 Article 28 of this Decree (only including the contents that are different from those on the initial environmental license) to the licensing authority. Time and procedures for re-issuance of environmental license shall comply with Article 29 of this Decree.

6. Any investment project or business issued with a renewed, adjusted or re-issued environmental license is not required to conduct trial operation of waste treatment works, except for the cases specified in points b and d clause 4 of this Article.

7. If it is found that the environmental license has to be revoked as prescribed in clause 5 Article 44 of the LEP during the process of imposing penalties for administrative violations, the revocation of the license shall comply with regulations of law on penalties for administrative violations. The environmental license shall be issued as follows:

a) If the environmental license is issued ultra vires, within the time limit for taking remedial measures, the investment project owner or business owner shall follow procedures for issuing environmental license as prescribed in Article 29 of this Decree;

b) If the environmental license contains any content against regulations of law, within 07 days from the receipt of such environmental license transferred by the person competent to impose penalties, the licensing authority shall consider issuing another environmental license with rectified contents to the investment project owner or business owner.

8. If it is found that the environmental license has to be revoked as prescribed in clause 5 Article 44 of the LEP but does not fall into the case specified in clause 7 of this Article, the revocation and issuance of the environmental license shall be carried out as follows:

a) The regulatory body which finds that the environmental license has to be revoked shall send a notification that the environmental license is issued ultra vires or contains a content against regulations of law on environmental protection;

b) The authority issuing the environmental license that has to be revoked shall consider and review the procedures for and contents of appraisal of the application for issuance of environmental license after receiving the notification specified in point a of this clause.

If the environmental license is issued ultra vires as prescribed, authority issuing such environmental license shall instruct the investment project owner or



business owner to prepare an application for issuance of environmental license to the licensing authority to obtain a new environmental license as prescribed in Article 29 of this Decree. The authority issuing the environmental license shall revoke the environmental license after the investment project or business has been issued with a new environmental license as prescribed by law.

If the issued environmental license contains any content against regulations of law, the authority issuing the environmental license shall issue another environmental license with rectified contents to the investment project or business. The unconformable license will be revoked when the new license is issued to the investment project owner or business owner.

9. The report on proposal for re-issuance of the environmental license to an operating business, dedicated area for production, business operation and service provision or industrial cluster satisfying the environmental criteria equivalent to a project of group I or group II shall be made using the form specified in the Appendix X enclosed herewith; report on proposal for re-issuance of the environmental license to an operating business satisfying the environmental criteria equivalent to a project of group III shall be made using the form specified in the Appendix XII enclosed herewith; report on proposal for re-issuance of the environmental license to the investment project specified in points b and d clause 4 of this Article satisfying the environmental criteria equivalent to a project of group II shall be made using the form specified in the Appendix IX enclosed herewith; report on proposal for issuance of the environmental license to the investment project specified in points b and d clause 4 of this Article satisfying the environmental criteria equivalent to a project of group III shall be made using the form specified in the Appendix XI enclosed herewith; application form for adjustment or re-issuance of environmental license to an investment project owner or business owner and specimen of application form for renewal of environmental license of an investment project owner or business owner shall comply with the form respectively specified in the Appendix XIII and Appendix XIV enclosed herewith.

10. The Minister of Natural Resources and Environment shall promulgate forms related to renewal, adjustment, re-issuance or revocation of environmental licenses, except for the case specified in clause 9 of this Article.

### **Article 31. Trial operation of waste treatment works after being issued with environmental license**

1. Waste treatment works not required to undergo trial operation include:

a) Sedimentation pond of a project on mining of minerals usable as common building materials, limestones;

b) Emergency pond of a wastewater treatment system (except for the emergency pond combined with stabilization pond);

c) Dust and emission release system in the case where dust and exhaust gas treatment systems are not required, including boiler emission control systems using fuel gas and DO; crematoria emissions treatment system;

d) In situ wastewater works and equipment specified in clause 3 Article 53 of the LEP (including septic tanks, grease separators of canteens and packaged wastewater treatment works and equipment satisfying prescribed requirements);

dd) Cooling water treatment systems using chlorine or disinfectant chemicals to kill microorganisms;

e) Waste treatment works of a project on expansion or increase in capacity without any change to the issued environmental license;

g) Waste treatment works of the subjects specified in clause 2 Article 39 of the LEP when applying for adjustment of the environmental license;

h) Waste treatment works of a business, dedicated area for production, business operation and service provision or industrial cluster without any change to the component environmental license or issued environmental license.

2. The investment project owner not subject to EIA but required to obtain an environmental license and have a waste treatment work other than that specified in clause 1 of this Article shall conduct trial operation of such waste treatment work together with trial operation of the entire project or for each investment phase of the project (if the project is divided into investment phases) or for the independent waste treatment work item of the project after completing the following tasks:

a) Construct waste treatment works according to the environmental license; prepare a dossier on completion of the waste treatment work in accordance with regulations of law on construction (enclosed with a transfer and commissioning record between the investor, the construction contractor and the construction supervisor of the waste treatment work) and establish an operating process which satisfies environmental protection requirements. The investment project owner shall take legal responsibility for the dossier on completion of the waste treatment work;

b) Install automatic and continuous wastewater, dust and emission equipment and systems (if the installation is required) in order to supervise quality of wastewater and emissions as prescribed in this Decree.

3. The investment project owner subject to EIA and obtain an environmental license and have a waste treatment work other than that not specified in clause 1 of this Article shall conduct trial operation of such waste treatment work together



with trial operation of the entire project or for each investment phase of the project (if the project is divided into investment phases) or for the independent waste treatment work item of the project according to the issued environmental license. If there is any change to the trial operation plan according to the issued environmental license, it is required to fulfill the responsibility specified in clause 5 of this Article.

4. The owner of the business, dedicated area for production, business operation and service provision or industrial cluster specified in clause 2 Article 39 of the LEP shall conduct trial operation of the waste treatment work of the business, dedicated area for production, business operation and service provision or industrial cluster as specified in this Article after being issued with the environmental license, except where the component environmental license has been obtained.

5. The investment project owner specified in clause 2 of this Article shall notify the plan for trial operation of the waste treatment work or waste treatment work item of the project to the licensing authority at least 10 days before the date of trial operation of the waste treatment work for supervision purpose; if the licensing authority is MONRE, send the plan to the provincial specialized environmental protection authority for cooperation in, inspection and supervision of the implementation thereof.

6. The duration of trial operation of the wastewater treatment work begins from the date of commencing trial operation. To be specific:

a) From 03 to 06 months if the project is a dedicated area for production, business operation and service provision or industrial cluster and large capacity investment project involved in a type of production, business or service that is likely to cause environmental pollution specified in the Column 3 Appendix II enclosed herewith;

b) The investment project shall decide and be accountable for the duration of trial operation with respect to other projects but such duration must not exceed 06 months and must ensure that effectiveness of the waste treatment work is evaluated as prescribed;

c) If it is required to extend the duration of trial operation, the investment project owner shall send a notification specifying reasons for extension and the duration of extension must not exceed 06 months. For large scale investment projects divided into each investment phase, the duration of trial operation may be extended in accordance with regulations prescribed by the licensing authority.

7. During trial operation of waste treatment works, the investment project owner shall perform several tasks below:

a) Cooperate with the specialized environmental protection authority in the province where the project is executed to inspect and supervise the trial operation. If the project is required to undergo automatic wastewater, dust or emission monitoring, carry out monitoring and supervision of result of automatic and continuous wastewater, dust or emission monitoring using cameras which connect and transmit data to the specialized environmental protection authority in the province where the project is executed;

b) Carry out monitoring themselves by following MONRE's technical guidance or cooperate with the provider eligible to provide environmental monitoring services to monitor waste and evaluate effectiveness of the waste treatment work. The waste monitoring must comply with environmental standards, technical regulations and law on standards, measurement and quality. The waste monitoring and sampling (single and aggregate sampling) with respect to types of projects shall comply with regulations of MONRE;

c) Be held accountable for contents of the trial operation plan and entire process of trial operation of the waste treatment work;

d) Keep a logbook which fully documents information about trial operation of the waste treatment work. The subjects specified in clause 4 Article 46 of the LEP shall fully document information about weight of hazardous waste and scrap used by each treatment and recycling system and equipment;

dd) Carry out evaluation themselves or hire a fully capable organization to carry out evaluation of waste treatment works of projects; aggregate and evaluate waste monitoring data, identify waste and prepare a report on results of trial operation of waste treatment works, and send it to the licensing authority within 10 days from the end of trial operation of the waste treatment works, except for the case specified in clause 4 Article 46 of the LEP; if the licensing authority is MONRE, the investment project owner shall send it to the provincial specialized environmental protection authority.

8. During trial operation of waste treatment works of a project, if the waste released into the environment fails to satisfy environmental technical regulations on waste, the investment project owner shall adopt the following measures:

a) Terminate or reduce capacity of the investment project to ensure the current wastewater treatment works are able to treat types of waste generated in accordance with the environmental technical regulation and environmental license.

b) Review waste treatment works and equipment and process for operating the waste treatment system to identify causes of pollution and introduce remedial measures; renovate and upgrade waste treatment works or build more waste

treatment works (if any) to satisfy environmental protection requirements as prescribed;

c) In case of causing an environmental emergency or environmental pollution, the investment project owner shall immediately suspend the trial operation and promptly report it to the licensing authority for instructions; if the licensing authority is MONRE, report it to the provincial specialized environmental protection authority for cooperation in handling environmental issues; take responsibility for remediating the environmental emergency, provide compensation and incur penalties as prescribed by law;

d) Prepare a plan for trial operation of waste treatment works or each waste treatment work item that fails to satisfy environmental technical regulation on waste to resume the operation. Procedures and duration of resumption of trial operation of a waste treatment work are the same as procedures and duration of the first trial operation.

9. The provincial and district-level specialized environmental protection authority shall cooperate in inspecting and supervising the trial operation of waste treatment works regarding the investment projects located within the province and district at the request of the licensing authority.

10. Responsibilities of the licensing authority:

a) Fulfill the responsibility specified in Article 48 of the LEP;

b) Establish a site inspectorate during trial operation of waste treatment works of a project in the case specified in clause 4 Article 46 of the LEP or assign an official to carry out a site inspection of trial operation of waste treatment works of investment projects in other cases; measure, collect and analyze samples of waste released into the environment. If the waste released into the environment fails to satisfy the environmental technical regulation on waste, treat or transfer files to a competent person for imposition of penalties for the violation as prescribed and request the investment project owner to adopt the measures mentioned in clause 8 of this Article; continue to measure, collect and analyze samples of waste released into the environment during resumption of trial operation by the investment project owner;

c) For the case specified in clause 4 Article 46 of the LEP, the inspection and decision to adjust type or weight of hazardous waste permitted to be treated or weight of scrap permitted to be imported and imposition of penalties for any violation (if any) shall comply with the procedures mentioned in clause 3 Article 30 of this Decree;

d) Receive and handle propositions put forward by the investment project owner about the trial operation of waste treatment works and instruct the project

owner to remediate pollution and environmental emergency (if any) during the trial operation.

11. The report on results of trial operation of waste treatment works of the projects specified in clause 4 Article 46 of the LEP shall be made using the form in the Appendix XV hereof.

12. The Minister of Natural Resources and Environment shall promulgate forms of documents relating to trial operation of waste treatment works prescribed in this Decree except for the case specified in clause 11 of this Article.

### **Article 32. Subjects exempt from environmental registration**

1. Investment projects and businesses mentioned in point a clause 2 Article 49 of the LEP.

2. An investment project in case where it is put into operation and the business that does not generate waste or only generates less than 300 kg of domestic solid waste per day which is managed in accordance with the regulations laid down by the local government; or generates less than 05 m<sup>3</sup> of wastewater per day or less than 50 m<sup>3</sup> of emissions per hour which is treated using an in situ treatment work or equipment or managed in accordance with the regulations laid down by the local government.

3. List of investment projects and businesses exempt from environmental registration specified in the Appendix XVI hereof.

## **Chapter IV**

### **ENVIRONMENTAL PROTECTION DURING PRODUCTION, PROVISION OF SERVICES, IN URBAN AND RURAL AREAS AND IN SOME FIELDS**

#### **Section 1. ENVIRONMENTAL PROTECTION IN CRAFT VILLAGES**

#### **Article 33. Conditions for environmental protection in craft villages**

1. A recognized craft village shall satisfy the requirements laid down in clause 1 Article 56 of the LEP.

2. The communal People's Committee shall formulate and submit to the district-level People's Committee for approval of a plan for environmental protection of craft village suitable for actual local conditions, plan for conversion of industries and business lines that are not recommended in craft villages and plan for relocation of establishments and households from craft villages which has been approved by the provincial People's Committee.

3. Contents of a plan for environmental protection of a craft village consist of:

a) General information about the craft village;

b) Type and scale of production of the craft village;

c) Discharge of emissions, wastewater, domestic solid waste, normal industrial solid waste, hazardous waste; environmental protection works of the craft village;

d) Plan for construction and operation of environmental protection works, and adoption and implementation of environmental protection measures: treatment of emissions, wastewater, solid waste aggregation areas, solid waste treatment areas (if any) and other environmental protection works and measures;

dd) Waste monitoring and surveillance program designed as prescribed;

e) Organizing implementation of the environmental protection plan; funding for implementation of the environmental protection plan;

g) Plan for conversion of manufacturing establishments and households' industries and business lines that are not recommended in the craft village or plan for relocation of manufacturing establishments and households from craft villages prescribed by regulations of the provincial People's Committee.

4. An autonomous environmental protection organization in a craft village shall be established by the communal People's Committee; operate according to the regulations imposed by the communal People's Committee and assume the following responsibilities:

a) Participate in managing, operating, maintaining and renovating works of environmental protection infrastructure of the craft village as assigned by the communal People's Committee;

b) Disseminate, supervise and expedite the implementation of regulations on environmental protection in Article 34 of this Decree by manufacturing establishments and households;

c) Participate in formulating and organizing the implementation of the plan for environmental protection of the craft village; environmental protection contents specified in the craft village's village regulations and conventions; encourage the people to eliminate abolish unsound customs and habits which are unhygienic and harmful to the environment;

d) Participate and cooperate in inspecting the implementation of regulations on environmental protection by establishments in the craft village as requested by a competent authority;

dd) Report to the communal People's Committee the operating status, collection, transport and collection of waste; when detecting any sign of environmental pollution, environmental emergency or violations against regulations on environmental protection in the craft village;

e) Perform other environmental protection tasks at the request of the communal People's Committee.

#### **Article 34. Requirements for environmental protection by manufacturing establishments and households in craft villages**

Every manufacturing establishment and household in a craft village must implement regulations on EIA, issuance of environmental licenses or environmental registration pursuant to regulations of law on environmental protection. An environmental protection work of the manufacturing establishment and household in the craft village shall comply with the following requirements:

1. Have a rainwater and wastewater collection and drainage system build under the local authority's regulations and suitable for the craft village's environmental protection infrastructure.

2. Have a wastewater treatment work or in situ wastewater treatment work or equipment which meets environmental technical regulations if the environmental protection infrastructure of the craft village has a centralized wastewater treatment system.

3. Have an emission treatment work or in situ emission treatment work or equipment which meets environmental technical regulations in case of generating emissions subject to mandatory treatment as prescribed by law.

4. Adopting technical solutions in order to reduce noise, vibration, light, dusts and heat radiation without polluting the ambient environment.

5. Have measures and works for collecting and storing solid waste as prescribed by law.

#### **Article 35. Relocation of businesses and households from craft villages and conversion of industries and business lines that are not recommended in craft villages**

1. Manufacturing industries and business lines that are not recommended in craft villages include:

a) Manufacturing industries and business lines which are not agriculture professions in accordance with the Government's regulations on development of agriculture professions;

b) Industries and business lines in a type of production, business or service that is likely to cause environmental pollution specified in the Appendix II enclosed herewith;

c) Industries and business lines using fuels, raw materials, flammable and explosive chemicals, dangerous chemicals, chemicals restricted from business in accordance with regulations of law on chemicals;

d) Industries and business lines using technology lines, machinery and obsolete technologies on the list of technologies restricted from transfer in accordance with regulations of law on technology transfer.

2. Manufacturing establishments and households in craft villages involved in industries and business lines not recommended in such craft villages specified in clause 1 of this Article shall implement the regulations set out in Article 34 of this Decree and stick to the plan for conversion of industries and business lines or relocation in the plan for environmental protection in craft village prescribed in point g clause 3 Article 33 of this Decree.

3. An establishment causing serious environmental pollution in a craft village is a business in the craft village committing an act of violating against regulations on discharge of wastewater, dust and emissions, causing noise pollution and vibration in excess of the permissible limits specified in the technical regulation on waste or burying, dumping or discharging solid waste or hazardous waste against regulations on environmental protection to such an extent that an additional penalty which is suspension of its operation is imposed according to regulations of law on penalties for violations against regulations on environmental protection.

4. An establishment causing long-lasting environmental pollution in a craft village is a business in the craft village committing an act of violating regulations on discharge of wastewater, dust and emissions, causing noise pollution and vibration in excess of the permissible limits specified in the technical regulation on waste or burying, dumping or discharging solid waste or hazardous waste against regulations on environmental protection for which a penalty has been imposed but such violation is repeated and the consequences of the violation fails to be rectified within time limit for rectification.

5. The formulation and approval of a plan for conversion of an industry or business line not recommended in a craft village or relocation of manufacturing establishments and households from a craft village shall be carried out as follows:

a) The communal People's Committee shall review and submit to the district-level People's Committee a list of manufacturing establishments and households' involved in an industry or business line not recommended in the craft village; establishments and households that fail to implement the plan for conversion of the industry or business line and the cases specified in clauses 3 and 4 of this Article;



b) The district-level People's Committee shall submit to the provincial People's Committee for consideration and approval of the plan for conversion of the industry or business line not recommended in the craft village;

c) The provincial People's Committee shall approve the plan for conversion of the industry or business line not recommended in the craft village and plan for relocation of businesses and households from the craft village in a manner that suits the actual local conditions.

## **Section 2. ENVIRONMENTAL IMPROVEMENT AND REMEDIATION DURING MINERAL MINING**

### **Article 36. Formulation and approval of a scheme for environmental remediation and improvement during mineral mining**

1. The formulation and approval of a scheme for environmental remediation and improvement during mineral mining shall comply with the following regulations:

a) The owner of the mineral mining project specified in point a clause 2 Article 67 of the LEP shall formulate an environmental remediation and improvement scheme during EIA and be appraised during the appraisal of EIAR;

b) The owner of the mineral mining facility specified in point b clause 2 Article 67 of the LEP operating before the effective date of this Decree but failing to have an environmental remediation and improvement scheme as prescribed shall incur penalties for administrative violations against regulations on environmental protection. If the facility is required to obtain an environmental license, prepare an application for issuance of environmental license consisting of an environmental remediation and improvement scheme which will be appraised during the appraisal of the application for issuance of environmental license; if the facility is not required to obtain an environmental license, prepare an environmental remediation and improvement scheme which will be appraised as prescribed in clauses 2 through 9 of this Article;

c) If the owner of the mineral mining facility specified in point b clause 2 Article 67 of the LEP that is required to obtain an environmental license changes any environmental improvement and remediation content specified in the approved plan, prepare an application for issuance of environmental license consisting of an environmental remediation and improvement scheme which contains the change(s) and will be appraised during the appraisal of the application for issuance of environmental license; if the facility is not required to obtain an environmental license, prepare an environmental remediation and improvement scheme which will be appraised as prescribed in clauses 2 through 9 of this Article;



d) The owner of the mineral mining facility specified in point c clause 2 Article 67 of the LEP shall formulate an environmental remediation and improvement scheme which is part of the mine closure plan the mineral mining project and will appraised during the appraisal of the mine closure plan.

2. The application for appraisal of the environmental remediation and improvement scheme in the case where the facility is not required to obtain an environmental license as prescribed in points b and c clause 1 of this Article is composed of:

a) 01 application form for appraisal of the facility owner;

b) 01 environmental remediation and improvement scheme;

c) 01 copy of the EIAR or environmental protection plan or commitment to environmental protection or registration of satisfaction of environmental standard or simple environmental protection scheme or detailed environmental protection scheme which has been approved or certified.

3. The time limit for appraising the environmental remediation and improvement scheme in the case specified in clause 2 of this Article shall not exceed 30 days from the receipt of the valid application. Within the time limit specified in this clause, the appraising authority shall notify the facility owner in writing of the appraisal result. The period of time over which the facility owner modifies the environmental remediation and improvement scheme at the appraising authority's request and over which an approval decision is considered to be issued as specified in clause 6 of this Article shall not be included in the time limit for appraisal.

4. An appraisal of the environmental remediation and improvement scheme focuses on:

a) Legal bases, conformity of format and contents of the environmental remediation and improvement scheme with applicable regulations;

b) Conformity of contents of the environmental remediation and improvement scheme with the environmental protection requirements, national sector planning, provincial planning (if any) and land use planning concerned;

c) Bases for calculation of volume of items serving environmental remediation and improvement and costs of environmental remediation and improvement; accuracy and adequacy of volume and cost estimate, conformity of the deposit payment method.

5. The appraisal of the environmental remediation and improvement scheme in the case specified in clause 2 of this Article shall be carried out by an appraisal council established by the competent authority specified in clause 8 of

this Article. The appraisal council shall include at least 07 members, including a Chair, a Deputy Chair (where necessary) and at least 1/3 of the total members must be experts. The expert must have expertise in environment, minerals or other related fields and working experience as specified in point b clause 3 Article 34 of the LEP.

The expert participating in formulating an environmental remediation and improvement scheme is not required to join such council appraising such scheme.

Where necessary, the appraising authority shall carry out a site inspection and seek opinions of organizations and experts to facilitate its appraisal of the environmental remediation and improvement scheme.

During the appraisal, if the environmental remediation and improvement scheme needs modifying, the appraising authority shall notify the investment project owner in writing of the necessary modifications. Within 12 months from the date on which the notification of necessary modifications is received, the facility owner shall complete the environmental remediation and improvement scheme and send it together with a document providing explanation for the appraisal opinions to the appraising authority. By the aforementioned deadline, the environmental remediation and improvement scheme shall be carried out as prescribed in clause 2 of this Article.

6. Result of appraisal of the environmental remediation and improvement scheme shall be included in a decision on approval of appraisal result. Within 15 days from the receipt of the dossier on the environmental remediation and improvement scheme modified as requested (if any), the appraising authority shall issue a decision on approval of appraisal result; in case of failure to grant approval, give a written response specifying reasons therefor to the facility owner. The dossier on the environmental remediation and improvement scheme modified as requested (if any) includes:

- a) 01 document providing explanation for appraisal opinions;
- b) 01 modified environmental remediation and improvement scheme;

7. The submission of application for appraisal of environmental remediation and improvement scheme and notification of scheme appraisal result shall be carried out by adopting any of the methods: in person, by post or online public service system according to the roadmap introduced by a competent authority.

8. The power to appraise the environmental remediation and improvement scheme in the case prescribed in clause 2 of this Article is as follows:

- a) MONRE shall organize appraisal of environmental remediation and improvement schemes of the mineral mining facilities to which the mining license is issued by MONRE;

b) The provincial People's Committee shall organize appraisal of environmental remediation and improvement schemes of the mineral mining facilities to which the mining license is issued by the provincial People's Committee.

9. The Minister of Natural Resources and Environment shall promulgate form of the application form and prescribe operation of councils appraising environmental remediation and improvement schemes specified in this Article.

**Article 37. Payment and refund of deposits on environmental remediation and improvement during mineral mining**

1. The deposits shall be calculated in such a way that provides adequate funding for environmental remediation and improvement and according to the environment improvement contents approved by the competent authority.

2. Local norms and unit prices available at the time of formulating the environmental remediation and improvement scheme shall apply to calculation of deposits. If a local government does not set any norm or unit price, norm or unit price set by the equivalent ministry or branch shall apply. If the ministry or branch does not set any unit price, the market price shall apply.

3. Calculation of deposits:

a) The total deposit (exclusive of the inflation factor) equals the total funding for work items for environmental remediation and improvement. The methods for calculating and estimating the costs of environmental remediation and improvement shall comply with MONRE's guidance;

b) The annual deposit (exclusive of the inflation factor) equals the total deposit minus the initial deposit then divided equally for the remaining years of the project or mining license duration;

c) The inflation factor must be taken into account when paying annual deposit, which equals the annual deposit specified in point b of this clause multiplied by the consumer price index in the previous years beginning from the date on which the scheme or additional scheme is approved. The annual consumer price index applied is the one applied in the area where the project is executed as announced by the General Statistics Office or the one announced by a competent authority.

4. Term of deposit:

a) If the organization or individual applying for issuance of a new mining license, the term of deposit shall be determined according to duration of the investment project appraised by the competent authority but shall not exceed 30 years;

b) If the organization or individual has been issued with a mining license, the term of deposit shall be determined according to the remaining effective period of the mining license beginning from the date on which the scheme is approved;

c) If the mining duration specified in the mining license is different from that specified in the approved scheme, the organization or individual shall make an adjustment and calculate the deposit according to the duration specified in the issued mining license and send the scheme to an authority competent to approve the scheme for consideration and adjustment.

#### 5. Method of deposit payment:

a) If the organization or individual has a mining license whose effective period is less than or equal to 01 year, they shall make a lump-sum payment of the deposit; The deposit is 100% of the approved amount and must be inflation-adjusted according to the inflation rate at that time;

b) If the organization or individual has a mining license whose effective period is at least 01 year, they are permitted to pay the deposit in instalments; The initial deposit must be inflation-adjusted according to the inflation rate at that time and is determined as follows:

If the effective period of the mining license is less than 10 years, the initial deposit equals 25% of the total deposit;

If the effective period of the mining license is 10 years to less than 20 years, the initial deposit equals 20% of the total deposit.

If the effective period of the mining license is 20 years or more, the initial deposit equals 15% of the total deposit;

c) The inflation-adjusted deposit shall be declared, paid and notified by the organization or individual themselves to the environment protection fund to which the deposit is paid;

d) The deposit is entitled to the interest which is equal to the borrowing interest of the environmental protection fund environment protection fund to which the deposit is paid and is calculated from the time of deposit payment.

#### 6. Time of deposit payment and receipt of deposits:

a) The organization or individual that is mining minerals shall make a deposit for the first time within 30 days from the date on which the scheme or additional scheme is approved;

b) If the organization or individual issued with a new license shall pay the deposit for the first time before the starting date of mine capital construction;

c) In case of paying deposit in instalments, from the second time onwards, the deposit shall be paid within 07 days from the date on which the competent authority announces the consumer price index in the year preceding the year in which the deposit was paid;

d) The deposit receiving authority is specified in point a clause 4 Article 137 of the LEP;

dd) The deposit receiving authority shall check the correctness of the deposit and issue a certificate of deposit to the organization or individual.

7. The deposit refund shall be made depending on the completion of environmental remediation and improvement by the organization or individual. The authority competent to approve the mine closure plan of the mineral mining project shall inspect the completion of the environmental remediation and improvement scheme during the commissioning of result of implementation of the mine closure plan. The completion of the environmental remediation and improvement scheme serves as part of the mine closure decision:

a) Within 90 days from the date of receiving the mine closure decision, the deposit receiving authority shall refund the deposit to the organization or individual;

b) The organization or individual is only entitled to withdraw their interest at one time after receiving the mine closure decision;

c) The refund of the deposit to the organization or individual returning their mining license or having their mining license revoked shall be made after receiving the mine closure decision.

8. In case of change of the mining license holder, the new license holder shall continue to fulfill environmental remediation and improvement obligations, pay deposits on environmental remediation and improvement, and notify the authority appraising the environmental remediation and improvement scheme and provincial specialized environmental protection authority.

9. If the organization or individual mining minerals has paid a deposit but has dissolved or goes bankrupt and has not carried out environmental remediation and improvement according to the approved environmental remediation and improvement scheme, the authority competent to approve the mine closure plan of the mineral mining project shall use their deposit including interest to carry out environmental remediation and improvement.

10. The Ministry of Finance shall provide guidelines for management and use of deposits on environmental remediation and improvement during mineral mining paid to environment protection funds.

### **Section 3. ENVIRONMENTAL PROTECTION DURING MANAGEMENT OF PERSISTENT POLLUTANTS AND RAW MATERIALS, FUELS, MATERIALS, PRODUCTS, GOODS AND EQUIPMENT CONTAINING PERSISTENT POLLUTANTS**

#### **Article 38. Registering specific exemptions for persistent pollutants under Stockholm Convention**

1. Persistent organic pollutants (hereinafter referred to as “POPs”) must be registered for specific exemptions under the Stockholm Convention registration as specified in the Appendix XVII hereof.

MONRE shall register specific exemptions for POPs with the Secretariat of the Stockholm Convention as required by the Stockholm Convention in consideration of current and forecasted registration of specific exemptions for POPs by relevant organizations and individuals. If the Stockholm Convention changes the requirements for specific exemptions, the newest requirements shall apply.

2. Any organization or individual importing, producing or using a POP in the Appendix XVII enclosed herewith as direct raw materials for production shall register specific exemptions for POPs and submit an application for registration of specific exemptions for that POP to MONRE. The application includes:

a) 01 application form for registration of specific exemptions for POP, which is made using the form in the Appendix XVIII enclosed herewith;

b) 01 report on registration of specific exemptions for POP, which is made using the form in the Appendix XIX enclosed herewith;

c) Latest environmental monitoring and surveillance result prescribed by law.

3. Procedures for registering specific exemptions for a POP:

a) The organization or individual shall prepare an application for registration of specific exemptions for POP as prescribed in clause 2 of this Article and submit it in person or by post or electronically through the online public service system of MONRE.

b) Within 05 days from the receipt of the application, MONRE shall consider its adequacy and validity; notify the organization or individual in writing of the adequacy and validity;

c) After receiving an adequate and valid application, MONRE shall establish an inspectorate to evaluate it as prescribed;

d) Within 45 days from the receipt of an adequate and valid application, according to the inspection result, MONRE shall send a notification of approval

for registration of specific exemptions for POP to the organization or individual according to the form in the Appendix XX enclosed herewith; in case of failure to grant approval for registration of specific exemptions for OPO, provide a written explanation to the organization or individual.

4. As of January 01, 2023, the notification of approval for registration of specific exemptions for POPs sent by MONRE shall serve as the basis for the customs authority to consider granting permission for initiation of customs procedures for POPs.

5. Any organization or individual authorized to import POPs in the Appendix XVII enclosed herewith for an organization or individual granted approval for registration of specific exemptions by MONRE for POPs as direct raw materials for production is only permitted to import POPs according to the type and weight specified in the notification of approval for registration of specific exemptions for POPs issued to the organization or individual registering specific exemptions for POPs. The organization or individual authorized to import POPs in the Appendix XVII enclosed herewith shall transfer all imported POPs to the authorizing organization or individual under the authorization contract.

6. If the time limit for registering specific exemptions as required by the Stockholm Convention expires, the POPs in the Appendix XVII enclosed herewith shall be managed under regulations on management of hazardous waste.

### **Article 39. Labeling and publishing of information about raw materials, fuels, materials, products, goods and equipment containing persistent pollutants**

1. According to environmental technical regulations on limits of persistent pollutants in raw materials, fuels, materials, products, goods and equipment, the importers, producers and traders of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants shall attach labels and publish information as prescribed in clauses 2 and 3 of this Article.

2. Labeling of materials, fuels, materials, products, goods and equipment containing persistent pollutants shall be subject to the following requirements:

a) Location, size, color, image, symbol and language of a label attached to raw materials, fuels, materials, products, goods and equipment containing persistent pollutants shall comply with regulations of law on goods labels;

b) The information shown on the label attached to in raw materials, fuels, materials, products, goods and equipment containing persistent pollutants includes names and content of the persistent pollutants specified in environmental technical regulation on limits of persistent pollutants in raw materials, fuels, materials, products, goods and equipment containing persistent pollutants or



information about compliance with the international standard related to the persistent pollutants and other information in accordance with regulations of law on goods labels.

3. For finished raw materials, fuels, materials and products without consumer packaging, the importers, producers and traders thereof shall send a notification to MONRE according to the form prescribed by MONRE and publish information about persistent pollutants in raw materials, fuels and materials according to point b clause 2 of this Article on their websites.

4. Producers of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants shall attach labels and publish information about the persistent pollutants in raw materials, fuels, materials, products, goods and equipment as prescribed in clauses 2 and 3 of this Article after carrying out assessment of conformity as prescribed in clause 3 Article 40 of this Decree and before selling them on the market.

5. Importers, producers and traders that fail to correctly implement regulations on labeling of and publishing information about materials, products, goods and equipment containing persistent pollutants are required to take remedial measures, recall and handle them pursuant to regulations of law on environmental protection and law on management of quality of products and goods.

#### **Article 40. Assessment of conformity and inspection of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants**

1. Importers and producers shall send MONRE a document enclosed with the result of assessment of conformity of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants after being granted customs clearance and before being sold on the market.

2. Vietnam recognizes results of the assessment of conformity of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants carried out by qualified international and national organizations.

3. Importers and producers of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants shall, before attaching labels and publishing information, select a conformity assessment body to carry out testing, inspection, assessment and certification of quality in accordance with respective environmental technical regulations.

4. Conformity assessment body is a body which is issued with the certificate of eligibility to provide environmental monitoring services for persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants by MONRE.

5. The inspection of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants shall be carried out in accordance with regulations of law on environmental protection and law on management of quality of products and goods. Forms of inspectorate establishment decision, inspection record and conformity assessment result shall be prescribed by MONRE. If persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants are found failing to satisfy the respective environmental technical regulation, the importers, producers and trader thereof shall incur penalties for administrative violations against regulations on environmental protection and law on management of quality of products and goods, and disclose information in accordance with regulations of law on management of quality of products and goods.

**Article 41. Responsibilities of importers, producers, traders and users of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants**

1. Importers, producers and traders of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants shall ensure that they do not exceed the permissible limits prescribed by law; assume responsibility for safe destruction and disposal of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants exceeding the permissible limits by adopting the self-disposal method using an inappropriate technology satisfying environmental protection requirements or assume total responsibility and pay all costs of destruction and disposal in accordance with prevailing regulations.

2. An importer of a POP in the Appendix XVII enclosed herewith shall send MONRE a notification of weight and name of the POP before the import of each shipment.

3. Producers of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants and users of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants usable as direct raw materials for production shall:

a) submit to MONRE an annual report on weight and types of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants specified in environmental technical regulation on limits of persistent pollutants in raw materials, fuels, materials, products, goods and equipment. Contents of the report shall be incorporated into the environmental protection report;

b) have a plan to terminate production and use of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants in case of exceeding the permissible limits as prescribed;

c) implement measures to collect, store, safe disposal and management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants as prescribed;

d) transfer waste containing persistent pollutants to fully capable organizations and individuals for treatment as prescribed.

4. Organizations and individuals causing soil environment shall assess and warn risks, remediate and improve environment in areas where soil is contaminated with persistent pollutants as prescribed in Article 13 of this Decree.

**Article 42. Responsibilities of Ministries, ministerial agencies and provincial People's Committees for management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants**

1. MONRE shall preside over and organize the registration of specific exemptions for POPs and supervise the termination of import, production and use of POPs as raw materials for production in accordance with regulations on registration of specific exemptions for POPs; assess demands for production and use of POPs; control sources, assess conformity and carry out inspections of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants as prescribed by law; sign agreements on mutual recognition in relation to conformity assessment of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants with sufficiently competent international and national organizations as prescribed by law.

2. Responsibilities of Ministries, ministerial agencies concerned and provincial People's Committees:

a) The Ministry of Industry and Trade, Ministry of Finance (the General Department of Vietnam Customs), Ministries, ministerial agencies and provincial People's Committees shall cooperate with MONRE in fulfilling with environmental protection requirements, providing and sharing information in the industries and fields under their management about export, import, production, trading and use of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants as prescribed in Article 38, 39 and 40 of this Decree and relevant regulations of law;

b) The Ministry of National Defense, Ministry of Public Security and provincial People's Committees shall assess, determine and warn risks, remediate and improve environment in areas where soil pollution caused by a historic event occurs or in the case of failure to identify the entity causing pollution as prescribed in Article 14 of this Decree.

## **Section 4. ENVIRONMENTAL PROTECTION DURING IMPORT AND BREAKING OF USED SHIPS AND IMPORT OF SCRAP**

### **Article 43. Eligible entities and environmental protection conditions to be satisfied by facilities importing used ships for breaking**

1. Entities permitted to import used ships for breaking shall comply with the Government's regulations on import and breaking of used ships.

2. Environmental protection conditions regarding infrastructure to be satisfied by a ship breaking facility:

a) There are specialized ship breaking areas and equipment fit for each type of ship and ship weight and it is certain that untreated and unmanaged waste cannot leak or disperse outside the breaking area to cause water, soil and air pollution;

b) There is an area for storage of materials and equipment after breaking with a foundation height to avoid flooding; the floor must ensure tightness, have no cracking and be made of a waterproofing material and durable enough to withstand the load of the highest amount of materials and equipment. If a storage yard is used, a system of collection and treatment of rainwater overflow satisfying environmental technical regulations on environment must be provided;

c) There is an area for storage of hazardous waste; area for storage of normal industrial solid waste and domestic solid waste produced during ship breaking which meets the prescribed requirements.

3. Waste and scrap treatment measures should be in place during the breaking of a used ship as follows:

a) Collect fuel, oil, bilge water, ballast water, other liquids and other flammable or explosive materials. Provide air ventilation, provide enough oxygen for enclosed spaces on the ship (such as cargo holds, double bottoms, storage tanks) to ensure safe working conditions. This process must be maintained throughout the breaking process.

b) Remove asbestos and PCBs: Before cutting the ship into parts, it is required to remove, collect and transport asbestos and PCBs out of the cutting positions. After the parts of the ship are brought ashore, it is required to keep collecting all of remaining asbestos and PCBs when it is easily accessible. Asbestos removal and collection areas should be enclosed to reduce the spread of asbestos fibers to the surrounding environment and prevent unauthorized entry. Asbestos must be moistened before and during the removal process. At least 02 workers equipped with personal protective equipment must be in place to remove asbestos, including 01 person who is responsible for moistening and 01 person

who is responsible for removing asbestos. The asbestos removal area on the shore must be located in a separate area with the same process;

c) After being removed, asbestos must be contained in sealed special packaging, with at least 02 layers, then transported to hazardous waste storage and transferred for handling as per the law;

d) Liquid waste containing PCBs must be stored in rigid packaging or storage equipment placed on the lifting plates and not allowed to be stacked. The storage area of waste containing PCBs (in solid or liquid form) must be isolated from other waste and safety is assured before being transferred for treatment as prescribed;

dd) Oil and fuel must be pumped to separate tanks or containers (not mixed) before being transported to storage areas and transferred for treatment as prescribed;

e) For non-metallic materials removed from metals, they must be identified, classified and disposed of according to waste management regulations;

g) Radioactive waste produced from the breaking process must be collected, stored, treated and managed in accordance with regulations on management of used radioactive waste and radiation sources in accordance with regulations of law on atomic energy;

h) After completing the breaking of a ship, within 45 days, the facility shall transfer entire hazardous waste and industrial waste subject to mandatory treatment to the competent authority as prescribed.

4. Every ship breaking facility must apply environment management system in accordance with Vietnam's Standard ISO 14001 or certified ISO 14001.

#### **Article 44. Environmental protection conditions applicable to used ships imported for breaking**

1. Used ships imported for breaking shall satisfy requirements concerning types permitted to be imported in compliance with the Government's regulations on import and breaking of used ships.

2. A ship imported for breaking shall satisfy the following requirements:

a) Radioactive waste and radiation sources must not exceed the permissible limits in accordance with regulations of law on atomic energy;

b) C.F.C gas in equipment must be recovered before being imported into Vietnam;

c) Ballast water must not contain invasive alien species or potentially invasive species on the list promulgated by MONRE;

d) The ship does not contain weapons, ammunition and explosives;

dd) All goods stored on the ship have been removed.

3. The environmental technical regulation on used ships imported for breaking shall be complied with. The certification of conformity with national technical regulations on environment for used ships imported for breaking shall be carried out by a certification body in accordance with regulations of law on products and goods.

**Article 45. Requirements for environmental protection and responsibilities of organizations and individuals importing scrap from foreign countries as raw materials for production**

Organizations and individuals are only permitted to import scrap from foreign countries as raw materials for production for their investment projects or manufacturing establishments and must comply with the environmental protection requirements set out in clause 2 Article 71 of the LEP. Several specific requirements and conditions for environmental protection are prescribed as follows:

1. There are technologies and equipment for recycling or reusing scrap meeting environmental protection requirements as prescribed.

2. There are technologies and equipment for treating impurities accompanying scrap meeting environmental technical regulations. If there is no technology or equipment for treating the accompanying impurities, such impurities shall be transferred to a licensed unit for treatment.

3. Imported scrap warehouses and storage yards:

a) Regarding an imported scrap warehouse:

Have a separate rainwater collection system; a system for collecting and treating types of wastewater generated during the storage meeting technical regulations on environment as prescribed;

Have a foundation which is high enough to avoid flooding; design the floor in the storage area to prevent avoid rainwater from overflowing from outside; build the floor which ensures tightness, is waterproof and durable enough to tolerate the maximum amount of scrap as properly calculated;

Have walls and partitions made of fire-resistant materials; build sun-proof and rain-proof roofs for the entire area of storage which are made of fire-resistant materials; propose any measure or design to restrict wind from getting inside;

b) Regarding an imported scrap storage yard:

Have a system for collecting and treating overflowing the storage yard of imported scrap and types of wastewater generated during the storage of scrap meeting environmental technical regulations as prescribed;

Have a foundation which is high enough to avoid flooding; build the floor which ensures tightness, is waterproof and durable enough to tolerate the maximum amount of scrap as properly calculated;

Take measures to minimize dust generated from the storage yard of scrap.

4. It is required to obtain an environmental license which covers the use of scrap imported as raw materials for production or component environmental license which is the certificate of eligibility for environmental protection during import of scrap as raw materials for production as prescribed in point d clause 2 Article 42 of the LEP, except for the case specified in clause 18 Article 168 of this Decree and import of scrap generated from activities of non-tariff zones, export-processing zones and export processing enterprises.

5. Environmental protection deposits shall be paid as prescribed in Article 46 of this Decree.

6. An importer of scrap may choose to follow customs procedures at the customs authority of import checkpoint or at the customs authority where the manufacturer using imported scrap is located; may choose to undergo inspection of imported scrap at the import checkpoint or at the customs authority where the manufacturer using imported scrap is located or at the manufacturer using imported scrap. The imported scrap is only permitted to be unloaded to a port if the following requirements are met:

a) The consignee mentioned in the E-Manifest must obtain an environmental license or component environmental license specified in clause 4 of this Article which remains valid and has unused quota for imported scrap;

b) The consignee mentioned in the E-Manifest must obtain a confirmation of payment of deposit on the imported scrap written on the E-Manifest as prescribed in point b clause 3 Article 46 of this Decree.

The customs authority must check the information prescribed in points a and b of this Clause before permitting the unloading of scrap to the port.

7. Assessment of conformity of environmental technical regulations on imported scrap used as raw materials for production

a) Bodies carrying out assessment of conformity of environmental technical regulations on imported scrap used as raw materials for production include: inspection bodies appointed as per the law; foreign inspection bodies accredited as per the law;



b) A body carrying out assessment of conformity of environmental technical regulations is entitled to provide services within Vietnam's territory after satisfying all conditions in accordance with regulations of law on quality of products and goods, Government's regulations on conditions for provision of conformity assessment services and regulations of law on specialized inspection.

8. The importer of scrap used as raw materials for production shall declare and submit an e-dossier on imported scrap to follow customs procedures in compliance with regulations of law on customs. Apart from the documents prescribed by regulations of law on customs, the dossier on imported scrap shall have the following documents:

a) A certificate of quality of the exporting country (if any); certificate of origin (if any); photos or description of scrap;

b) A confirmation of payment of deposit on imported scrap (a scan from the original bearing e-signature of the importer);

c) A certificate of inspection of quality of imported scrap shipment;

d) A commitment to re-export or dispose of scrap in a case where the imported scrap fails to meet environmental protection requirements according to the form specified in the Appendix XXI enclosed herewith.

9. Every import or user of scrap used as raw materials for production shall:

a) Import scrap with permitted type and quantity specified in the environmental license or component environmental license specified in clause 4 of this Article;

b) Use all of imported scrap usable as raw materials for production to manufacture products and goods as prescribed in this Decree;

c) Identify and classify waste generated during the process of using imported scrap to propose an appropriate waste treatment plan;

d) Take legal responsibility for import and use of imported scrap used as raw materials for production; cooperate with industry associations in conducting environmental protection activities as prescribed; pay all costs incurred in connection with treatment of imported scrap involved in violations.

10. MONRE shall provide technical guidance on assessment of conformity, and certification and accreditation of bodies carrying out assessment of conformity of environmental technical regulations and inspection of quality of imported scrap used as raw materials for production as specified in this Article.

## **Article 46. Payment of environmental protection deposit during import of scrap from foreign countries as raw materials for production**

1. Purposes and methods for payment of environmental protection deposit during import of scrap from foreign countries as raw materials for production:

a) The payment of environmental protection deposit during import of scrap usable as raw materials for production is to ensure that every importer of scrap assumes their responsibility for handling risks and risks of environmental pollution that may arise from shipments of imported scrap;

b) The importer of scrap shall pay deposit to the Vietnam Environment Protection Fund (VEPF) or provincial environment protection fund or credit institution where the importer opens their account (hereinafter referred to as “deposit receiving organization”). The deposit shall apply to each shipment or each contract specifying information and value of the imported scrap shipment;

c) The deposit shall be paid or refunded in Vietnamese dong and the deposit interest shall be earned as agreed as per the law.

2. The deposit on environmental protection during import of scrap from foreign countries as raw materials for production:

a) The importer of scrap iron and steel shall pay a deposit on environmental protection during import of scrap from foreign countries as raw materials for production as follows:

Regarding an imported quantity of less than 500 tonnes, it is required to pay a deposit of 10% of total value of imported scrap shipment;

Regarding an imported quantity ranging from 500 tonnes to less than 1,000 tonnes, it is required to pay a deposit of 15% of total value of imported scrap shipment;

Regarding an imported quantity of 1,000 tonnes or more, it is required to pay a deposit of 20% of total value of imported scrap shipment;

b) The importer of scrap paper and plastic shall pay a deposit on environmental protection during import of scrap from foreign countries as raw materials for production as follows:

Regarding an imported quantity of less than 100 tonnes, it is required to pay a deposit of 15% of total value of imported scrap shipment;

Regarding an imported quantity ranging from 100 tonnes to less than 500 tonnes, it is required to pay a deposit of 18% of total value of imported scrap shipment;

Regarding an imported quantity of 500 tonnes or more, it is required to pay a deposit of 20% of total value of imported scrap shipment;

c) An importer of scrap other than that specified in points a and b of this clause shall pay a deposit on environmental protection during import of scrap from foreign countries as raw materials with an amount of 10% of total value of imported scrap shipment.

3. Procedures for paying environmental protection deposit during import of scrap from foreign countries as raw materials for production:

a) The importer of scrap shall pay a deposit before the scrap is unloaded in case of import through seaway checkpoint or import to Vietnam's territory in other cases;

b) Immediately after receiving the deposit, the deposit receiving organization shall confirm the deposit payment by the importer of scrap in the written request for deposit payment. The confirmation of deposit payment shall at least contain: name of the escrow account; total deposit calculated as prescribed in this Decree; time limit for refund of the deposit after the goods are granted customs clearance; time limit for account freezing (if any);

c) The deposit receiving organization shall send the importer of scrap 02 originals of confirmation of deposit payment on imported scrap. The importer of scrap shall send 01 original of the confirmation of deposit payment to the customs authority where the customs clearance procedures are followed.

4. Management and use of deposit on environmental protection during import of scrap from foreign countries as raw materials for production:

a) The deposit receiving organization to which the importer of scrap pays the deposit on environmental protection during import of scrap from foreign countries as raw materials for production shall freeze the deposit as prescribed by law;

b) The deposit receiving organization shall refund the deposit to the importer of scrap after receiving the written request of such importer enclosed with information about number of customs declaration associated with the imported scrap shipment which is granted customs clearance or information about cancellation of import customs declaration by the customs authority or completion of compliance with the decision on re-export or destruction as prescribed by regulations of law on waste management;

c) If the imported scrap is not granted customs clearance and cannot be re-exported, the deposit shall be used to pay the cost incurred in connection with treatment and disposal of the violating scrap. If the deposit on imported

scrap is not enough to fully pay the cost incurred in connection with treatment and destruction of the violating scrap, such cost shall be at the importer's expense. Any value generated from the product after treatment and destruction imported scrap shall be confiscated as per the law (excluding the product made from materials, additives or other scrap mixed under production process of the unit assigned to treat the violating imported scrap) and such value may not be accounted for as cost incurred in connection with treatment and destruction of violating imported scrap.

The treatment and destruction of violating imported scrap shall be carried out as prescribed by regulations on waste management. The cost incurred in treatment and destruction of the waste and scrap involved in violation shall be agreed upon between the violating importer and the organization fully capable of treatment of waste and scrap; the unit in charge of treatment and destruction of scrap involved in violation shall be specified in the penalty decision issued by the person competent to impose penalties for administrative violations as per the law. If the violating importer is unidentifiable, the cost incurred in connection with treatment and destruction of scrap involved in violation shall be covered by the state as per the law.

d) If the deposit that remains after making payments for treatment of imported scrap involved in violation, within 05 days from receipt of a written opinion on the completion of treatment and destruction of scrap issued by the authority competent to impose penalty as per the law on penalties for administrative violations against regulations on environmental protection, the deposit receiving organization shall refund the remaining deposit to the scrap importer.

## **Section 5. ENVIRONMENTAL PROTECTION IN DEDICATED AREAS FOR PRODUCTION, BUSINESS OPERATION AND SERVICE PROVISION, INDUSTRIAL CLUSTERS AND IN SOME FIELDS**

### **Article 47. General provisions on environmental protection in dedicated areas for production, business operation and service provision**

1. Dedicated areas for production, business operation and service provision must be planned to satisfy the following conditions: minimize the impacts of their types of production, business and services likely to cause environmental pollution on other types of production, business and services; facilitate the environmental emergency prevention and response; promote reuse and recycling of waste, energy saving and industrial symbiosis.

2. The projects located in every dedicated area for production, business operation and service provision must maintain a safe environmental distance in

accordance with national technical regulation on technical infrastructure in order to minimize their impacts on other establishments and socio-economic subjects in the vicinity of the dedicated area for production, business operation and service provision.

3. The reuse of waste, application of cleaner production technologies, energy saving, industrial symbiosis and circular economy are encouraged.

4. It is advisable to establish or convert dedicated areas for production, business operation and service provision applying the eco-industrial park model.

**Article 48. Requirements for technical infrastructure for environmental protection in dedicated areas for production, business operation and service provision and industrial clusters**

1. Technical infrastructure for environmental protection shall be provided appropriately for types of investment in a dedicated area for production, business operation and service provision and industrial cluster to minimize its adverse impacts on ambient environment and shall be constructed and completed before the establishments in the dedicated area for production, business operation and service provision and industrial cluster are put in to operation.

2. The rainwater drainage and collection system must satisfy the following requirements:

a) Separate the rainwater drainage system from the wastewater drainage and collection system;

b) There must be a manhole for sedimentation and oil scum must be separated before being discharged into the shared rainwater drainage system of the area;

c) It must be regularly dredged and periodically maintained and cared to ensure its normal operation.

3. The treated wastewater drainage and collection system must satisfy the following environmental protection requirements:

a) Manholes must be located at positions and have depths for easy connection to establishments' wastewater discharging points and ensure the wastewater drainage capacity of the dedicate areas for production, business operation and service provision; the wastewater connection points must lie along the collection route of the water drainage system of the industrial park and outside the premises of establishments;

b) The treated drainage and collection system must be solid, waterproof and resistant to wastewater leakage according to design standards and regulations on construction or product and goods quality standards;

c) At treated wastewater discharging point, there must be signs and a working area of at least 01 m<sup>2</sup> and a passage that facilitates the inspection and control of waste sources;

d) It must be regularly dredged and periodically maintained and cared to ensure its normal operation.

4. The centralized wastewater treatment system must satisfy the following environmental protection requirements:

a) It may be divided into various modules suitable for the schedule of occupancy and operation of the dedicated area for production, business operation and service provision but must ensure that the entire generated wastewater volume is treated in accordance with environmental technical regulations and issued environmental license;

b) It has an independent electric meter;

c) It has an automatic and continuous monitoring system specified in clause 4 Article 97 of this Decree;

d) It must be operated regularly according to the technological process to ensure that treated wastewater satisfies environmental technical regulations before being discharged into a receiving body; must be periodically maintained and care to ensure its normal operation;

dd) Sludge of the centralized wastewater treatment system must be collected, transported and treated or reused in accordance with regulations of law on waste management;

e) Equipment for collection and works for storage of domestic waste, normal solid waste and hazardous waste and treatment of emissions (if any) must satisfy the environmental protection requirements specified in Chapter V of this Decree;

g) The operation of the centralized wastewater treatment system must be specified in an operation logbook which sufficiently documents the following: flow (input, output), typical parameters of input and output wastewater (if any); amount of electricity used; type and amount of chemicals used, sewage sludge generated. The operation logbook must be written in Vietnamese language and retained for at least 02 years;

h) The input wastewater standard applicable to the centralized wastewater treatment system must be recorded in the decision on EIAR approval, environmental license, environmental registration certificate and regulations on environmental protection of dedicated area for production, business operation and service provision and industrial cluster.

5. It has works and equipment for environmental emergency response and prevention as prescribed by law.

**Article 49. Responsibilities of organizations and individuals for environmental protection in dedicated areas for production, business operation and service provision and industrial clusters**

1. Every investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision shall comply with the regulations set out in clause 4 Article 51 of the LEP; investor in construction and commercial operation of infrastructure of an industrial cluster shall comply with the regulations set out in clause 3 Article 52 of the LEP. Several contents shall be elaborated as follows:

a) The acceptance of a new project or increase in capacity of the operating project that generates wastewater in the dedicated area for production, business operation and service provision must be suitable for the wastewater receipt and treatment capacity of the centralized wastewater treatment system. New projects in the dedicated area for production, business operation and service provision or industrial cluster must connect wastewater to the collection point before transporting it to the centralized wastewater treatment system;

b) It is not permitted to accept a new project or increase capacity of the operating project that generates wastewater in the dedicated area for production, business operation and service provision or industrial cluster in the following cases: the new project is involved in an industry or business line not included in the list of industries and business lines in which investment is encouraged of the dedicated area for production, business operation and service provision or industrial cluster; the dedicated area for production, business operation and service provision or industrial cluster fails to have or satisfy one of the requirements for environmental protection infrastructure as prescribed in Article 48 of this Decree;

c) Wastewater shall not be diluted before reaching the discharging point of the dedicated area for production, business operation and service provision and industrial cluster;

d) If the dedicated area for production, business operation and service provision is operating before the effective date of this Decree but fails to have a centralized wastewater treatment system and the businesses therein have been exempted from connection as prescribed by law, such area is only permitted to accept a new investment project after satisfying the regulations laid down in Article 48 of this Decree, except where the new investment project does not discharge industrial wastewater into the environment when put into official operation;

dd) The investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service for which the EIAR appraisal result have been approved or which has been issued with



the environmental license shall, before formulating a plan for registration of certification of eco-industrial park, make review, assessment and adjustment as prescribed in Articles 27 and 30 of this Decree (if any);

e) Fulfill other specific responsibilities prescribed in this Decree.

2. Every owner of a dedicated area for production, business operation and service provision or industrial cluster shall comply with the regulations set forth in clause 1 Article 53 of the LEP. Several contents shall be elaborated as follows:

a) New investment projects in the dedicated area for production, business operation and service provision or industrial cluster must preliminarily treat and connect wastewater to the centralized wastewater treatment system of the dedicated area for production, business operation and service provision or industrial cluster. Wastewater transferred for treatment must have their weight and pollution parameters not exceeding the input wastewater standard of the centralized wastewater treatment system; satisfy the conditions set out in the written agreement with the investor in construction and commercial operation of infrastructure of the dedicated area for production, business operation and service provision or industrial cluster and environmental license of such dedicated area for production, business operation and service provision or industrial cluster; except where the establishment has been exempted from connection as prescribed;

b) The operating establishments which have connected treated wastewater to the wastewater drainage system and the establishments which have been exempted from connection to the centralized wastewater drainage and collection system of the dedicated area for production, business operation and service provision or industrial cluster in accordance with previous regulations shall fulfill responsibilities of the establishments exempted from connection as prescribed in point b clause 2 Article 52 of the LEP.

c) The operating establishments which discharge treated wastewater to the rainwater drainage and collection system must cooperate with the investor in construction and commercial operation of the industrial cluster's infrastructure shall fulfill the responsibilities prescribed in point a clause 2 Article 51 of the LEP.

3. Management boards of industrial parks, export-processing zones and hi-tech zones of provinces and central-affiliated cities shall comply with the regulations set forth in clauses 2 and 3 Article 51 of the LEP and fulfill the following responsibilities:

a) Provide guidance on and inspect the implementation of the regulations set forth in clauses 1 and 2 of this Article by the investors in commercial operation of infrastructure of dedicated areas for production, business operation and service provision and owners of establishments therein;

b) During the approval of the investment guidelines or investment decision within their power with respect to new projects or operating projects whose capacity is increased which generate wastewater in dedicated areas for production, business operation and service provision, consider the conformity with the requirements for environmental protection infrastructure specified in Article 48 of this Decree.

4. District-level People's Committees shall comply with the regulations specified in clause 5 Article 52 of the LEP and fulfill the following responsibilities:

a) Provide guidance on and inspect the implementation of the regulations set forth in clauses 1 and 2 of this Article by the investors in commercial operation of industrial clusters' infrastructure and owners of establishments in industrial clusters;

b) During the approval of the investment guidelines or investment decision within their power with respect to new projects or operating projects whose capacity is increased which generate wastewater in the dedicated area for production, business operation and service provision, consider their conformity with the requirements for environmental protection infrastructure specified in Article 48 of this Decree.

5. Provincial People's Committees shall comply with the regulations set out in clause 5 Article 51 and clause 6 Article 52 of the LEP and fulfill the following responsibilities:

a) In the course of providing instructions on approval of investment decisions for new projects or operating projects whose capacity is increased which generate wastewater in dedicated areas for production, business operation and service provision, request a specialized authority to consider their conformity with the requirements for environmental protection infrastructure specified in Article 48 of this Decree;

b) Provide guidelines and process requests of investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters for designating locations of emergency ponds and approval of adjustments to planning of such dedicated areas for production, business operation and service provision and industrial clusters;

c) Build a roadmap for relocation of residents living in dedicated areas for production, business operation and service provision and industrial clusters (if any); roadmap for conversion from craft villages to industrial clusters and dedicated areas for production, business operation and service provision as specified in point c clause 6 Article 52 of the LEP.

**Article 50. Seeking opinions of specialized environmental protection authorities about in situ wastewater treatment works and equipment**

1. The authority appraising construction designs or issuing construction permits in the cases specified in clause 2 Article 59 and clause 1 Article 66 of the LEP shall seek written opinions of specialized environmental protection authorities at the same level about the dossier on the in situ wastewater treatment works and equipment and equipment for collection and temporary storage of waste of the project as prescribed in clause 2 of this Article, except where the project for which the EIAR appraisal result has been approved or which has been issued with the environmental license.

2. The documentation submitted to seek opinions about in situ wastewater treatment works and equipment and equipment for collection and temporary storage of waste consists of:

a) A written request for opinions about the in situ wastewater treatment works and equipment and equipment for collection and temporary storage of waste submitted by the authority appraising construction designs or issuing construction permits to the specialized environmental protection authority at the same level;

b) A report on fundamental design plan and documentation, description of treatment technology of the in situ wastewater treatment works and equipment satisfying environmental technical regulations on in situ wastewater treatment equipment, including a plan to discharge treated wastewater into the receiving body, plan to reuse wastewater, plan to treat sludge and sediment generated from the wastewater treatment process, the plan to treat odor, emissions and harmful chemicals (if any); a plan enclosed with a detailed description of the area and equipment for collection and temporary storage of waste.

3. The project owner shall provide components of the documentation submitted to seek opinions about the in situ wastewater treatment works and equipment and equipment for collection and temporary storage of waste of the project specified in point b clause 2 of this Article to the authority appraising construction designs or issuing construction permits.

4. Within 07 days from the receipt of the written request for opinions, the specialized environmental protection authority shall send a written response to the in situ wastewater treatment works and equipment and equipment for collection and temporary storage of waste to the authority appraising construction designs or issuing construction permits. In the case of disagreement, reasons shall be clearly stated.

## **Article 51. Use of livestock waste as organic fertilizers, for plant watering or for other purposes**

1. Organic solid waste and livestock wastewater generated from farmer household livestock production shall be used as fertilizers, for plant watering or for other purposes without causing environmental pollution.

2. The use of organic solid waste and livestock wastewater generated from farmer household livestock production shall be used as fertilizers, for plant watering or as fish feeds shall comply with the following regulations:

a) Livestock waste may be only used as fertilizers, for plant watering or as fish feeds when it satisfies the national environmental regulation specified in clause 4 of this Article;

b) The livestock waste shall be transported out of a livestock farm using a closed vehicle or equipment which does not cause any spill or leak and environmental pollution.

3. The use of organic solid livestock waste generated from livestock farming as raw materials, fuels and materials for production shall comply with the regulations set out in point b clause 2 of this Article and shall not cause environmental pollution during their use.

4. Ministry of Agriculture and Rural Development shall promulgate a national technical regulation on organic solid livestock waste used in crops or as fish feeds; national technical regulations on livestock wastewater used in crops.

## **Article 52. Safe environmental distance from residential areas**

1. Safe environmental distance:

a) For businesses and warehouses specified in points a, b, c and d clause 2 Article 53 of the LEP, the safe environmental distance is the minimum distance from a business or warehouse to the current and lawful works of a residential area including detached houses, apartment buildings, educational and health works to ensure environmental safety;

b) For the businesses and warehouses likely to cause water pollution specified in points dd clause 2 Article 53 of the LEP, the safe environmental distance is the minimum distance from the wastewater discharging point of a business or warehouse to the water collection point or urban water supply structure.

2. Determine safe environmental distance from a residential area:

a) The safe environmental distance from the business and warehouse specified in points a, b and c clause 2 Article 53 of the LEP to a residential

area shall be determined according to the scale and capacity of the business and warehouse and characteristics of the flammable, explosive, radioactive substances, radioactive waste, radioactive equipment or substances hazardous to human beings and creatures;

b) The safe environmental distance from the business and warehouse specified in points d and dd clause 2 Article 53 of the LEP to a residential area shall be determined according to the scale and capacity of the business and warehouse and characteristics of dust, unpleasant smell, noise and risks of pollution of sources of water used for domestic purpose;

c) If the business and warehouse has multiple sources of waste, the safe environmental distance is from its nearest source of waste to the residential area. In case of failure to identify the source of waste or having no source of waste, the safe environmental distance is from the wall of the business and warehouse, house or work containing the source of pollution, flammable or explosive substances, radioactive substances, radioactive waste, radioactive equipment or substances hazardous to human beings and creatures;

d) For businesses and warehouses concurrently falling into at least 02 cases as prescribed in points a, b, c and d clause 2 Article 53 of the LEP, the value of the maximum distance shall be applied.

3. The safe environmental distance from the business and warehouse specified in points a, b, c and dd clause 2 Article 53 of the LEP shall comply with regulations on safe distance prescribed by the law on fire safety, management of explosive materials, radiation safety, chemical safety, water resources and other relevant regulations of law.

4. MONRE shall preside over formulating and promulgating environmental technical regulation on safe environmental distance from the business and warehouse specified in point d clause 2 Article 53 of the LEP, except for the regulations specified in clause 3 of this Article.

5. A competent authority shall consider applying safe environmental distance to investment projects of businesses and warehouses when approving locations to be included in the planning or recommending locations of investment projects; or when approving and deciding investment guidelines, deciding investment and issuing investment registration certificates.

### **Article 53. Roadmap for application of best available techniques**

1. Every owner of an investment project involved in the type of production, business or services likely to cause environmental pollution shall consider applying best available techniques to at least one production activity or production stage according to the following roadmap:

a) Before January 01, 2027 for the investment project at level I in the Appendix II hereof;

b) Before January 01, 2028 for the investment project at level II in the Appendix II hereof;

c) Before January 01, 2029 for the investment project at level III in the Appendix II hereof;

2. Every owner of a business involved in the type of production, business or services likely to cause environmental pollution shall consider applying best available techniques to at least one production activity or production stage according to the following roadmap:

a) Before January 01, 2028 for the business at level I in the Appendix II hereof;

b) Before January 01, 2029 for the business at level II in the Appendix II hereof;

c) Before January 01, 2030 for the business at level III in the Appendix II hereof;

3. Owners of projects and businesses involved in types of production, business and services likely to cause environmental pollution are encouraged to consider applying best available techniques to at least one production activity or production stage according to the roadmap specified in clauses 1 and 2 of this Article to receive incentives and assistance as prescribed in this Decree.

**Article 54. Specific requirements for environmental protection during trial operation, waste management, use of non-aqueous drilling fluids and environmental monitoring in case of oil and gas exploration, production and transport and relevant services at sea**

1. Regulations on trial operation:

a) Environmental protection works of oil and gas production projects are not required to undergo trial operation;

b) If the projects specified in point a of this clause are required to obtain an environmental license, an application for issuance of the environmental license (including waste treatment works and other environmental protection works) shall be prepared prior to production;

c) The oil and gas production projects and establishments that have their discharged produced water connected to the centralized discharged produced water treatment system issued with the environmental license or component environmental license are not required to prepare an application for issuance of the environmental license.

## 2. Regulations on waste management:

a) Hazardous and non-hazardous waste generated from oil and gas exploration and production shall be transported to the mainland on ships issued with the certificate of dangerous goods transport issued by a competent authority. After being transported to the mainland, hazardous and non-hazardous waste shall be transferred to a licensed unit for treatment;

b) The management of waste generated from oil and gas exploration and production other than that specified in point a of this clause shall adhere to the guidelines provided by MONRE and relevant regulations of law.

## 3. Regulations on environmental monitoring:

a) Any organization or individual carrying out oil and gas activities at sea is not required carry out automatic monitoring of wastewater with respect to discharged produced water; discharged produced water shall be monitored at least every 03 months using the parameters prescribed by specific environmental technical regulation on discharged produced water from offshore oil and gas facilities;

b) The environmental monitoring of oil and gas exploration and production activities other than those specified in point a of this clause shall adhere to the guidelines provided by MONRE and relevant regulations of law.

## **Article 55. Environmental protection during burial and cremation**

1. Burial and cremation sites shall conform to the Government's regulations on construction, management and use of cemeteries and crematoria, except for the specific cases specified in clause 3 of this Article.

2. A project on investment in a cemetery or crematorium shall satisfy the following environmental protection requirements:

a) The burial site must not affect the sources of water used for domestic purpose; when being sited in the proximity to a residential area, the crematorium must be downwind of the prevailing wind directions;

b) The project on investment in a cremation service provider must request comments about its technology in accordance with regulations of law on technology transfer;

c) Emissions produced during cremation shall be treated in accordance with environmental technical regulations;

d) Solid waste produced by the cemetery or crematorium must be collected and treated according to the environmental protection requirements;



dd) The cemetery or crematorium must achieve the green and grass coverage ratio prescribed by regulations of law on construction; build a separate rainwater drainage and collection;

e) The safe environmental distance from the fence of the cemetery or crematorium to the residential area or public work must comply with the technical regulation on construction planning.

3. The burial and cremation by ethnic minorities, religious followers within churches, pagodas, temples and other religious establishment shall comply with regulations of law on religion and folk belief and meet the environmental protection requirements specified in points c and d clause 2 of this Article. Provincial People's Committees shall provide guidance on burial and cremation activities which is suitable for traditional customs, practices and beliefs and ensures environmental safety.

## **Chapter V**

### **WASTE MANAGEMENT**

#### **Section 1. GENERAL PROVISIONS ON WASTE MANAGEMENT**

##### **Article 56. General requirements for solid waste management**

The prevention, minimization, classification, collection, transport, reuse, recycling and treatment of solid waste shall comply with the requirements specified in clause 1 Article 72 of the LEP and the following specific regulations:

1. Discarded products and solid waste must be managed to minimize the exploitation and use of natural resources and adverse impacts on the environment according to the circular economy criteria specified in Article 138 of this Decree.

2. Waste generated shall be minimized by applying measures to improve the efficiency in production or in using products.

3. The use of discarded products and solid waste generated from production, business operation, service provision and consumption must comply with the principle of making full use of value of discarded products and solid waste by adopting measures in the following order of priority:

a) Recycle discarded products;

b) Repair, maintain or upgrade defective and old products to extend their useful life;

- c) Make use of parts of discarded products;
- d) Recycle solid waste to recover raw materials, fuels and materials in service of manufacturing activities as prescribed by law;
- dd) Treat solid waste in combination with recovering energy as prescribed by law;
- e) Bury solid waste as prescribed by law.

4. It is advisable to apply digital transformation, develop and apply platform-based business models to promote the minimization of waste generated, reuse, classification, collection, transport, recycling and treatment of solid waste.

5. The collection and transport of solid waste generated from activities of non-tariff zones, export-processing zones and export processing enterprises inland shall comply with regulations of this Decree on collection and transport of waste outside the non-tariff zones, export processing zones and export processing enterprises.

#### **Article 57. General requirements for wastewater management**

The prevention, minimization, collection, transport, reuse, recycling and treatment of wastewater shall comply with the requirements specified in clause 2 Article 72 of the LEP and the following specific regulations:

1. Wastewater must be managed to minimize the extraction and improve the efficiency in use of water resources and reduce adverse impacts on the environment.

2. Make full use of value of wastewater generated from production, business operation, service provision and domestic activities by adopting measures in the following order of priority:

- a) Treat and reuse wastewater directly in production, business operation and service provision as prescribed by law;
- b) Treat and transfer wastewater to reuse wastewater in production, business operation and other services as prescribed by law;
- c) Transfer wastewater to another unit for treatment and reuse as prescribed by law;
- d) Treat and discharge wastewater in accordance with environmental technical regulations.

3. Works and equipment for environmental emergency prevention and response with respect to wastewater which serves as part of the wastewater treatment system to ensure that untreated wastewater is not discharged into the

environment in case the wastewater treatment system is involved in an emergency. An environmental emergency prevention and response work must be solid, waterproof and resistant to wastewater leakage according to design standards and regulations on construction or product and goods quality standards; have the ability to store or re-treat wastewater in a scale suitable for environmental emergency prevention and response plan of the investment project, dedicated area for production, business operation and service provision or industrial cluster. It is not allowed to use the same environmental emergency prevention and response work or equipment for wastewater from the work for rain water collection, storage and drainage or work for fire fighting water storage.

Environmental emergency prevention and response equipment for wastewater means equipment which is readily available according to the emergency prevention and response plan for the purposes of prevention, warning and timely response if the wastewater treatment system is involved in an emergency. The environmental emergency prevention and response equipment for wastewater must conform to design standards and regulations on design or product and goods quality standards.

4. The collection and transport of wastewater and liquid waste generated from activities of non-tariff zones, export-processing zones and export processing enterprises inland shall comply with regulations of this Decree on collection and transport of wastewater and liquid waste outside the non-tariff zones, export processing zones and export processing enterprises.

## **Section 2. DOMESTIC SOLID WASTE MANAGEMENT**

### **Article 58. Management of domestic solid waste of authorities, organizations, businesses, dedicated areas for production, business operation and service provision and industrial clusters**

1. Authorities, organizations, businesses, investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters which generate waste from their domestic and office activities with a total weight of less than 300 kg per day are entitled to manage domestic solid waste as prescribed in Article 75 of this the LEP or managed under clause 2 of this Article.

2. Any authority, organization, business or investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision or industrial cluster which generates domestic solid waste, except for the case mentioned in clause 1 of this Article must transfer their domestic solid waste to:

a) A transport and collection service provider selected by the local authority as prescribed in clause 1 Article 77 of the LEP;

b) A transport and collection service provider which is not the one specified in point a of this clause but signs a contract for transferring domestic solid waste to a transport service provider selected by the local authority as prescribed in clause 1 Article 77 of the LEP;

c) A transport and collection service provider which is not the one specified in point a of this clause but signs a transfer contract with a domestic solid waste reusing, recycling and treatment service provider prescribed in point d of this clause;

d) A waste transport, collection and transport service provider other than that specified in clause 2 Article 78 of the LEP;

dd) A treatment facility selected by the local authority as specified in clause 2 Article 78 of the LEP. The transport of domestic solid waste in this case shall be carried out using a transport vehicle which satisfies environmental protection requirements in accordance with MONRE's regulations.

e) An establishment that produces animal and aqua feeds or produces fertilizers suitable for food waste.

3. The authority, organization, business or investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision or industrial cluster specified in clause 2 of this Article shall sign treatment, transport and collection contracts; pay for services under the service contracts and specific regulations imposed by the local authorities.

4. Every transport and collection service provider prescribed in point a clause 2 of this Article shall:

a) sign a treatment, transport and collection contract with an authority, organization, business, investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision or industrial cluster which generates domestic solid waste;

b) collect and transport domestic solid waste to a treatment facility selected by the local authority as prescribed in clause 2 Article 78 of the LEP;

c) pay costs of domestic solid waste treatment in accordance with regulations of the local authority, except for the reusable and recyclable waste classified as prescribed in clause 1 Article 75 of the LEP.

5. The transport and collection service provider prescribed in point b clause 2 of this Article shall:

a) sign a treatment, transport and collection contract with an authority, organization, business, dedicated area for production, business operation and service provision or industrial cluster which generates domestic solid waste;

b) collect and transport domestic solid waste to aggregation points and transfer stations using the vehicles and equipment that satisfy technical requirements for environmental protection as prescribed by law;

c) pay costs of domestic solid waste transport and treatment in accordance with regulations of the local authority, except for the reusable and recyclable solid waste classified as prescribed in clause 1 Article 75 of the LEP.

6. The provincial People's Committee shall impose specific charges for the domestic solid waste treatment, transport and collection services specified in clause 3 of this Article; treatment costs and collection methods in the cases mentioned in clauses 4 and 5 of this Article following the principle that the domestic solid waste treatment costs are calculated correctly and sufficiently for a unit of weight of domestic solid waste for the treatment purpose.

#### **Article 59. Selection of investors and treaters of domestic solid waste**

1. The selection of an investor in a domestic solid waste treatment facility shall comply with regulations of law on investment, public investment, PPP investment, construction and bidding. If the domestic solid waste treatment facility is not funded by the budget, the investor shall directly manage and operate the domestic solid waste treatment facility invested in by such investor or hire other another organization or individual to work as a domestic solid waste treater as stipulated by law.

2. Any entity investing in and providing services of domestic solid waste treatment shall comply with the following environmental protection requirements:

a) Operate the domestic solid waste treatment facility in accordance with Vietnam's environmental technical regulations; adhere to the signed treatment contracts and commitments to the local government;

b) Be the owner of technology or sign a transfer contract as prescribed. In case of using a treatment technology originated from an European country or another industrial country which is different from the technical requirements specified in Vietnam's environmental technical regulations on waste management, then emissions and wastewater must meet the respective standards of such country and Vietnam's environmental technical regulations on emissions and wastewater;

c) Return premises and be responsible for all construction costs, work dismantlement costs and other relevant costs in case of failure to satisfy environmental protection requirements during operation of the domestic solid waste treatment work under the contract signed with the local authority.

3. The selection of a domestic solid waste treater for management and operation of a domestic solid waste treatment facility funded by the state budget shall comply with regulations of law on provision of products and public services funded by state budget from recurrent expenditure.

#### **Article 60. Roadmap for restricting treatment of domestic solid waste using direct landfill disposal technology**

1. Direct landfill disposal technology means the direct disposal of waste in a landfill in accordance with regulations without undergoing any treatment using another method.

2. Provinces and central-affiliated cities when investing in or putting into operation domestic solid waste treatment facilities shall give priority to investment in modern and eco-friendly technologies; ensure that the ratio of domestic solid waste treated using direct landfill disposal technology is gradually decreased achieving the objective for general management of solid waste as prescribed by the Prime Minister from time to time.

#### **Article 61. Responsibilities of domestic solid waste transport and collection service providers**

1. Fulfill the responsibilities specified in clauses 3 and 4 Article 77 of the LEP, clauses 4 and 5 Article 58 of this Decree.

2. Provide adequate personal, specialized vehicles and equipment for collecting and transporting all domestic solid waste at designated places.

3. Collect and transport domestic solid waste to aggregation points, transfer stations or treatment facilities using the vehicles and equipment that satisfy technical requirements for environmental protection as prescribed; provide vehicles and equipment for collecting and storing leachate at transfer stations for treatment in accordance with technical standards or transferring it together with domestic solid waste to treatment facilities.

4. Do not drop domestic solid waste, cause dust, odor or water leakage adversely affecting the environment during its collection and transport.

5. Provide professional training and personal protective equipment to workers in charge of collecting and transporting domestic solid waste.

#### **Article 62. Rights and responsibilities of domestic solid waste treatment facilities**

1. Every domestic solid waste treatment facility shall:

a) comply with all environmental protection requirements as prescribed by law;

b) fulfill responsibilities of hazardous waste generators as prescribed for hazardous waste from domestic solid waste or from domestic solid waste treatment facilities, fulfill responsibilities of hazardous waste generators as prescribed;

c) operate domestic solid waste treatment facilities in accordance with environmental technical regulations and ensure domestic solid waste received under the signed contract is completely treated.

2. Domestic solid waste treatment facilities shall be paid properly and sufficiently the domestic solid waste treatment service charges under the signed contracts.

### **Article 63. Responsibilities of People's Committees at all levels for domestic solid waste management**

1. Provincial People's Committees shall:

a) Fulfill the responsibilities specified in clauses 2 and 6 Article 75, clause 2 Article 76, clause 1 Article 77, clauses 2 and 6 Article 78, clause 6 Article 79, Clause 5 Article 80 of the LEP;

b) Manage domestic solid waste within provinces; delegate responsibility for management to the specialized environmental protection authority and delegate authority to manage domestic solid waste to inferior People's Committees as prescribed;

c) Introduce measures to implement incentive and assistance mechanisms and policies in order to encourage organizations and individuals to participate in investing in and providing collection and transport services and investing in domestic solid waste treatment facilities in a manner that suits local socio-economic development conditions;

d) Direct the performance of domestic solid waste management tasks specified in relevant planning within their power; prepare an annual plan for domestic solid waste collection, transport and treatment and provide funding for implementation thereof in conformity with the local socio-economic development plan;

dd) Organize dissemination of information, provision of education and refresher training in laws on management of domestic solid waste; direct the inspection and imposition of penalties for violations against regulations of law on management of domestic solid waste within their provinces.

2. District-level People's Committees shall:

a) Promulgate regulations, programs and plans for domestic solid waste management within their power;



b) Organize implementation of strategies, programs, plans and tasks related to domestic solid waste management;

c) Organize the classification of domestic solid waste at source as prescribed.

3. Communal People's Committees shall:

a) Fulfill the responsibilities specified in clause 7 Article 77 of the LEP;

b) Formulate a plan, scheme or content for domestic solid waste management within their communes;

c) Organize the classification of domestic solid waste at source as prescribed.

**Article 64. Roadmap for restricting production and import of single-use plastic products, non-biodegradable plastic packaging and products and goods containing microplastics**

1. As of January 01, 2026, it is not permitted to produce and import non-biodegradable plastic bags with dimensions less than 50 cm x 50 cm and a wall thickness of less than 50 µm, except where they are produced for export or produced or imported to package products and goods sold on the market.

2. Producers and importers of single-use plastic products and non-biodegradable plastic packaging shall fulfill the responsibility for recycling and treatment as specified in this Decree.

3. The production and import of single-use plastic products, non-biodegradable plastic packaging and products and goods containing microplastics shall be gradually reduced. After December 31, 2030, terminate the production and import of single-use plastic products (except for the Vietnam Ecolabel certified products), non-biodegradable plastic packaging (including non-biodegradable plastic bags, styrofoam containers for packaging and containing food) and products and goods containing microplastics, except for production for import and production and import of non-biodegradable plastic bags for packaging of products and goods sold on the market.

4. Provincial People's Committees shall promulgate regulations on and organize management of plastic waste; make sure that after 2025, single-use plastic products and non-biodegradable plastic packaging (including non-biodegradable plastic bags, styrofoam containers for packaging and containing food) will not be sold and used at shopping malls, supermarkets, hotels and tourism areas, except for the products and goods containing non-biodegradable plastic packaging; organize inspections at establishments producing single-use plastic products and non-biodegradable plastic packaging within their provinces.

### **Section 3. NORMAL INDUSTRIAL SOLID WASTE MANAGEMENT**

#### **Article 65. Reuse, direct use and treatment of normal industrial solid waste**

1. Normal industrial solid waste which is recovered, classified and selected to be reused and directly used as raw materials, fuels and materials for production shall be managed as products and goods.

2. Ash, slag and gypsum identified as normal industrial solid waste and other normal industrial solid waste complying with standards, technical regulations and technical guidance on using them as raw materials for production of building materials and leveling promulgated by competent authorities shall be managed as products and goods of building materials. Where a standard, technical regulation or technical guidance is not available, the standard of one of the countries in the group of developed countries shall apply.

3. Businesses, dedicated areas for production, business operation and service provision, industrial clusters, authorities and organizations which generate normal industrial solid waste specified in clause 2 of this Article shall perform their management as prescribed in Article 82 of the LEP.

4. MONRE shall:

a) specify the waste specified in clause 1 of this Article in the list of normal industrial solid waste; review, update and supplement the list according to the socio-economic development and environmental protection from time to time;

b) promulgate technical regulations and technical guidance on management and use of ash, slag, gypsum and other normal industrial solid waste in order to reconstitute areas where mineral mining is terminated in compliance with regulations of law on minerals and environmental protection requirements; Where a technical regulation or technical guidance is not available, the standard of one of the countries in the group of developed countries shall apply;

c) elaborate on disposal of agrochemical packaging generated from agricultural activities.

5. The Ministry of Construction shall promulgate technical regulations and technical guidance on use of normal industrial solid waste as raw materials for production of building materials and leveling, and in construction works; promulgate national standards for use of normal industrial solid waste as raw materials for production of building materials and leveling, and in construction works, and send them to the Ministry of Science and Technology for publishing. Where a standard, technical regulation or technical guidance is yet to be promulgated, the standard of one of the countries in the group of developed countries shall apply.

6. The Ministry of Agriculture and Rural Development shall:

a) promulgate technical regulations and technical guidance or regulations when using sewage sludge as fertilizers for plants; use of normal industrial solid waste as raw materials and materials in hydraulic structures;

b) elaborate on collection of agrochemical packaging generated from agricultural activities.

7. The Ministry of Transport and other Ministries and ministerial agencies shall promulgate technical regulations, technical guidance or regulations on use of normal industrial solid waste as raw materials and materials in traffic works and other works in conformity with environmental technical regulations.

#### **Article 66. Responsibilities of normal industrial solid waste generators**

1. Classify normal industrial solid waste as prescribed in clause 1 Article 81 of the LEP; possess equipment, tools and areas for storage of normal industrial solid waste in accordance with regulations of MONRE.

2. Transfer normal industrial solid waste as prescribed in clause 1 Article 81 of the LEP; be permitted to transfer normal industrial solid waste as prescribed in clause 1 Article 65 of this Decree after classifying it in accordance with regulations at the request of organizations and individuals.

3. Make a record on transfer of normal industrial solid waste by using the form promulgated by MONRE upon transferring the group of normal industrial solid waste subject to mandatory treatment as prescribed in point c clause 1 Article 81 of the LEP.

#### **Article 67. Responsibilities of normal industrial solid waste collectors and transporters**

1. Be only entitled to sign contracts for collection and transport of group of normal industrial solid waste subject to mandatory treatment as prescribed in point c clause 1 Article 81 of the LEP with waste generators after signing contracts for transfer thereof to the entities mentioned in points b and c clause 1 Article 82 of the LEP.

2. Make a record on transfer of normal industrial solid waste by using the form promulgated by MONRE upon transferring the group of normal industrial solid waste subject to mandatory treatment as prescribed in point c clause 1 Article 81 of the LEP.

3. Ensure that vehicles for transport, equipment for storage, transfer stations and areas for temporary storage of normal industrial solid waste satisfy the technical requirements prescribed by MONRE.

## **Section 4. HAZARDOUS WASTE MANAGEMENT**

### **Article 68. Identification and classification of hazardous waste**

1. Hazardous waste shall be identified according to hazardous waste codes, list and thresholds.

2. Hazardous waste shall be classified according to its codes to store it in appropriate packaging or containers. It is permitted to use the same packaging or container for hazardous waste codes which have the same nature, fail to react and interact with each other and are capable of being treated adopting the same method.

3. Hazardous wastewater which is treated in accordance with environmental technical regulations at the facility generating it shall be managed according to regulations on wastewater management.

4. Hazardous waste shall be classified from the date on which it is stored or when it is transported for treatment in the case where it is not stored.

### **Article 69. Collection, storage and transport of hazardous waste**

1. Hazardous waste shall be transported as follows:

a) The organizations and individuals specified in clause 4 Article 83 of the LEP shall transport hazardous waste;

b) The organizations and individuals that collect products and packaging from households, individuals, offices of regulatory bodies, schools and public places on the list of products and packaging specified in the Appendix XXII enclosed herewith and list of hazardous waste promulgated by MONRE so as to fulfill the recycling responsibility specified in Section 1 Chapter VI of this Decree are not required to obtain an environmental license that covers hazardous waste management but are required to fulfill responsibilities of hazardous waste generators as prescribed in Article 71 of this Decree.

2. Vehicles and equipment for collecting, storing and transporting hazardous waste shall satisfy environmental protection requirements prescribed by the MONRE.

3. In the case of complying with the regulations specified in point a clause 4 Article 83 of the LEP, the hazardous waste generator is only entitled to transport hazardous waste generated from facilities by vehicles under registered ownership, except for the case specified in clause 5 of this Article. Waste generators shall install tracking devices for vehicles transporting hazardous waste and provide an account to the provincial specialized environmental protection authority for the purposes of supervision and management.

4. In the case of complying with the regulations specified in point b clause 4 Article 83 of the LEP, holders of environmental licenses that cover hazardous waste management shall perform the following tasks:

a) Install tracking devices for vehicles transporting hazardous waste and provide an account to MONRE for the purposes of supervision and management;

b) In case of wishing to hire a vehicle to transport hazardous waste, sign a transport hiring contract and take responsibility for activities of transport vehicles during the hiring period and do not sublet such vehicle.

5. If the organizations and individuals specified in clause 4 Article 83 of the LEP hire public means of transport such as railway vehicles, inland waterways or seaway to transport hazardous waste, they shall report the licensing authority in writing prior to hiring.

#### **Article 70. Hazardous waste treatment**

1. Every hazardous waste treatment service provider shall obtain an environmental license that covers hazardous waste treatment services as prescribed or component environmental license which is the license to treat hazardous waste prescribed in point d clause 2 Article 42 of the LEP, except for the case specified in clause 19 Article 168 of this Decree.

2. Any organization or individual that generates hazardous waste within the facility which generates waste when satisfying the following requirements:

a) Treat hazardous waste using technologies and works for environmental protection and production technologies available within the facility generating waste in compliance with environmental protection requirements as prescribed;

b) Conform to the decision on approval of EIAR appraisal result, environmental license or component environmental license specified in clause 1 of this Article;

c) Do not construct new incinerators and landfills so as to treat hazardous waste, except where solid waste management contents specified in relevant planning are conformed to.

3. Any health facility that generates hazardous medical waste shall treat hazardous medical waste itself within its facility when satisfying the requirements laid down in clause 2 of this Article.

4. Any health facility that has its hazardous medical waste treatment work located within the facility to treat hazardous medical waste itself and treat hazardous medical waste from health facilities in its vicinity (cluster model) according to regulations of the provincial People's Committee shall not be treated

as a hazardous waste treatment service provider. The transport of hazardous medical waste from health facilities in its vicinity for the purposes of treating it according to the cluster model shall be carried out as prescribed in clause 4 Article 83 of the LEP or regulations of the provincial People's Committee.

5. MONRE shall promulgate technical regulations and technical regulations on treatment, use and reuse of hazardous waste. Where a technical regulation or technical guidance is yet to be promulgated, the standard of one of the countries in the group of developed countries shall apply.

### **Article 71. Responsibilities of hazardous waste generators**

Primary responsibilities of a hazardous waste generator are specified in clause 1 Article 83 of the LEP. Several responsibilities are elaborated as follows:

1. Identify, classify and store hazardous waste:

a) Be accountable for identifying, classifying and determining the amount of hazardous waste to be declared and managed;

b) Designate an area for temporary storage of hazardous waste; store hazardous waste in packaging or containers which satisfy environmental protection requirements prescribed by the MONRE;

c) Be only entitled to store hazardous waste within 01 year from the date on which it is generated. In case where such hazardous waste is stored exceeding the aforementioned time limit, due to unavailability of a feasible transport/treatment plan or having not found an appropriate hazardous waste treatment service provider, submit an annual report on hazardous waste storage at the facility generating it to the provincial environmental protection authority as a separate document or an inclusion in the periodic environmental report.

2. For an investment project or business in group II, group II or group III specified in the Appendices III, IV and V enclosed herewith which generates hazardous waste with a total quantity of at least 1,200 kg per year or at least 100 kg per month during its operation, it is required to prepare an application for issuance of environmental license as prescribed in Article 39 of the LEP.

3. Treat hazardous waste itself at the facility generating such hazardous waste or sign a contract for transfer of such hazardous waste to an appropriate hazardous waste treatment service provider.

4. Cooperate with the owner of the hazardous waste treatment service provider in preparing a hazardous waste manifest upon transferring hazardous waste in accordance with MONRE's regulations. 06 months after the transfer date, if the 02 final copies of the hazardous waste manifest fails to be received without written acceptable explanation from the transferee, the hazardous

waste generator shall send a report to the provincial specialized environmental protection authority or MONRE for actions as prescribed by law. If hazardous medical waste is transferred for management according to the cluster model, use the transfer record instead of the hazardous waste manifest.

## **Article 72. Responsibilities of owners of hazardous waste treatment service providers**

Primary responsibilities of an owner of the hazardous waste treatment service provider are specified in Article 85 of the LEP. Several responsibilities are elaborated as follows:

1. Sign a contract for collection, transport and treatment of hazardous waste with hazardous waste generators within operating areas in conformity with the issued environmental license or component environmental license specified in clause 1 Article 70 of this Decree.

2. Collect, transport, receive and treatment the amount and type of waste specified in the issued environmental license or component environmental license specified in clause 1 Article 70 of this Decree and under the contract for collection, transport and treatment of hazardous waste with hazardous waste generators.

3. Be only entitled to receive hazardous waste transported to by the hazardous waste generator or from the hazardous waste treater establishing cooperation as prescribed in Article 73 of this Decree.

4. Notify the hazardous waste generator in writing and report MONRE in case where there is a reason for temporary storage of hazardous waste instead of treating it 06 months after the transfer date written on the hazardous waste manifest.

5. Eliminate environmental pollution, improve and remediate the environment after terminating operation according to MONRE's technical guidance.

## **Article 73. Requirements for cooperation in transport, and transfer of hazardous waste specified in environmental license**

1. When 02 organizations and individuals have an environmental license or component environmental license specified in clause 1 Article 70 of this Decree wish to establish cooperation where one party only transports hazardous waste and delegates the treatment responsibility to the other party, the transferor or transferee shall submit a written request enclosed with a cooperation contract to the licensing authority for consideration and approval prior to treatment. The time limit for the licensing authority to give a written response is 15 days.



2. The party receiving hazardous waste for treatment under the cooperation contract specified in clause 1 of this Article shall directly treat hazardous waste and shall not transfer hazardous waste to a third party for treatment. The party receiving hazardous waste from the waste generator in the case where a cooperation contract for hazardous waste treatment is signed as prescribed in clause 1 of this Article shall treat at least one type of waste received and obtain written consent from the waste generator or enter into a tripartite contract for cooperation in collection, transport and treatment of hazardous waste.

## **Section 5. MANAGEMENT OF WASTEWATER, DUSTS AND SPECIFIC EMISSIONS; PAYMENT OF DEPOSITS ON ENVIRONMENTAL PROTECTION**

### **Article 74. Specific cases of wastewater management**

1. Establishments and projects mining minerals usable as raw materials for production are not required to build a wastewater collection and treatment system separated from the rainwater drainage system.

2. Non-hazardous liquid waste is any product, solution or material in a liquid state that has expired or is discharged from its usage, production, business operation, service provision, daily life or other activities. If the liquid waste is discharged together with wastewater, it shall be managed under regulations on wastewater management; if it is transferred for treatment, it shall be managed in accordance with regulations applicable to the group of normal industrial solid waste subject to mandatory treatment.

3. The wastewater shall be reused when satisfying the environmental protection requirements, specialized standards and regulations appropriate to intended use of water. The wastewater transferred for reuse must satisfy the requirements set out in clause 4 of this Article. Responsibilities of Ministries and ministerial agencies for prescribing and providing guidance on reuse of wastewater are as follows:

a) Ministry of Agriculture and Rural Development shall promulgate technical regulations, technical guidance or regulations on use of treated wastewater in accordance with environmental protection requirements for plant watering; wastewater from livestock production, treatment of agricultural by-products to be reused for other purposes. Where a standard, technical regulation or technical guidance is yet to be promulgated, the standard of one of the countries in the group of developed countries shall apply;

b) Ministries and ministerial agencies shall promulgate standards, technical regulations, technical guidance or regulations on reuse of wastewater as input

water for production, business operation and services under their management after obtaining MONRE's opinions.

4. Requirements for environmental protection upon wastewater transfer:

a) The wastewater transferred for reuse shall be only transferred to an establishment directly using it as input water for production activities;

b) The wastewater transferor shall satisfy the following requirements: have a plan to transfer wastewater for treatment or reuse which is clearly stated in the EIAR and environmental license; enter into a wastewater transfer contract with the wastewater transferee for treatment or reuse in accordance with the requirements specified in point d of this Clause; provide infrastructure and equipment for temporary storage of wastewater to prevent spill and leakage into the ambient environment;

c) The wastewater transferee shall satisfy the following requirements: have a plan to receive wastewater for treatment or reuse which is clearly stated in the EIAR and environmental license; build a wastewater treatment system with technologies and capacity suitable for treating received wastewater or technology line suitable for received wastewater; have a treated wastewater flow meter; do not transfer received wastewater to a third party;

d) Requirements for transport of wastewater: wastewater shall be transferred using pipes or vehicles. Pipes shall be designed and installed in such a way that satisfies technical regulations, is leak-proof, has valves and flow meters and are clearly stated in the plan to transfer wastewater for treatment or reuse. Vehicles must conform to roadworthiness requirements in accordance with regulations of law on traffic; have storage equipment, holds or compartments which must be airtight and watertight, and prevent leakage or corrosion risks from contact with wastewater.

**Article 75. Policies to provide incentives for, assistance in and encourage the use of public transport, and renewable energy, fuel-efficient, low emission or zero emission vehicles; roadmap for converting or removing fossil fuels vehicles and vehicles causing environmental pollution**

1. Policies to provide incentives for, assistance in and encourage the use of public transport (except for vehicles using fossil fuels), and renewable energy, fuel-efficient, low emission or zero emission vehicles shall be implemented as prescribed in Article 131 of this Decree and relevant regulations of law.

2. The Ministry of Transport shall take charge and cooperate with MONRE in formulating and submitting to the Prime Minister a plan to implement the roadmap for converting or removing fossil fuels vehicles and vehicles causing environmental pollution in conformity with international commitments and national plan for air quality management.

3. The provincial People's Committee shall rely on the plan approved by the Prime Minister as specified in clause 2 of this Article to formulate and submit to the provincial People's Council a plan to convert or remove vehicles using fossil fuels and causing environmental pollution and organize implementation thereof. To be specific:

a) Convert fossil fuel vehicles likely to cause air pollution and greenhouse gas emissions;

b) Remove fossil fuel vehicles that fail to satisfy environmental technical regulations on emissions as prescribed; vehicles that have been old and used for years causing environmental pollution;

c) Restrict and move towards the removal of two-wheeled and three-wheeled mopeds using fossil fuels from large cities to reduce air pollution and protect people's health;

d) Divert traffic in urban areas to control and restrict air pollution caused by means of transport;

dd) Build technical infrastructure to facilitate conversion from fossil fuel vehicles to renewable energy, fuel-efficient, low emission or zero emission vehicles;

e) Develop traffic infrastructure for public transport; provide assistance policies to the people using public transport.

#### **Article 76. Payment of environmental protection deposits for waste burial**

1. Payment of deposits on environmental protection for waste burial means that an organization or individual constructing a new landfill deposits a sum of money to fulfill the obligation to eliminate pollution and improve the environment after the landfill closure according to the environment improvement plan in the EIAR of which the result of appraisal has been approved by a competent authority.

2. Environmental protection deposits for waste burial:

a) The deposits shall be calculated in such a way that provides adequate funding for environment improvement at the landfill and according to the environment improvement contents approved by the competent authority;

b) Local norms and unit prices available at the time of formulating the environment improvement plan shall apply to calculation of deposits. If a local government does not set any norm or unit price, norm or unit price set by the equivalent ministry or branch shall apply. If the ministry or branch does not set any unit price, the market price shall apply;

c) The total deposit (exclusive of the inflation factor) equals the total funding for work items for renovation and closure of a landfill, costs of pollution elimination, environmental monitoring and operation of a waste treatment work.

The methods for calculating and estimating the costs of pollution elimination and environment improvement shall comply with MONRE's guidance;

d) The annual deposit (exclusive of the inflation factor) equals the total deposit divided equally for the years in which the investment project is executed;

dd) The inflation factor must be taken into account when paying annual deposit, which equals the annual deposit multiplied by annual consumer price index in the previous years beginning from the date on which the plan is approved. The annual consumer price index applied is the one applied in the area where the project is executed as announced by the General Statistics Office or the one announced by a competent authority;

e) The environmental protection deposits shall be paid and refunded in Vietnamese dong from the VEPF or provincial environment protection fund and entitled to the interest as prescribed by law from the date of deposit payment.

### 3. Time of deposit payment and confirmation of deposit payment:

a) The time of deposit payment begins from the date on which the waste treatment project involving the waste burial issued with an environmental license to the date on which the burial is terminated;

b) After receiving the deposits, the VEPF or provincial environment protection fund shall confirm the deposit payment by the organization or individual constructing the landfill in their written request for deposit payment. The confirmation of deposit payment must fully specify the following information: the total deposit calculated; time limit for refunding deposit after transferring renovated environmental protection works; time limit for account freezing (if any).

### 4. Management and use of deposits:

a) The VEPF or provincial environment protection fund which received the deposits shall refund the deposits and deposit interest to organizations and individuals constructing landfills after receiving the investment project owner's written request enclosed with documents about completion of pollution elimination and environment improvement at the landfill;

b) The VEPF or provincial environment protection fund shall manage and use deposits as prescribed by law. Submit to the provincial People's Committee, MONRE and Ministry of Finance an annual report on management and use of deposits;

c) The VEPF or provincial environment protection fund shall urge organizations and individuals operating and managing landfills to pay deposits on environment improvement on schedule; request a competent authority to impose penalties on any organization or individual that delays deposit payment as prescribed;

d) If the owner of the landfill construction project goes bankrupt or closes the landfill, the deposits shall be used to pay the costs of eliminating pollution and improving environment at the landfill.

5. The deposit refund shall be made depending on the completion of environment improvement by an organization or individual. To be specific:

a) The landfill owner shall, after partially or totally improve the environment at the landfill, prepare an application for inspection of environment improvement and confirmation of the completion of environment improvement plan;

b) An application for inspection of environment improvement and confirmation of the completion of the environment improvement plan is composed of an application for commissioning and 01 report on (partial or total) implementation of the environment improvement plan.

c) The time limit for inspection and confirmation is 30 days from the date on which a valid application is received;

d) Inspection and confirmation procedures are as follows:

The inspecting and confirming authority shall establish an inspection and confirmation delegation including at least 07 members; send the decision on council establishment enclosed with documents to each member of the delegation;

The inspection and confirmation delegation shall carry out a site inspection at the landfill. After the inspection, if the environment improvement satisfies the prescribed requirements, the inspecting and confirming authority shall provide a confirmation of completion of environment improvement (hereinafter referred to as “the confirmation”) according to the form promulgated by MONRE. In case of ineligibility to receive confirmation, the inspecting and confirming authority shall send a notification specifying reasons therefor to the landfill owner;

dd) Within 90 days from the date of receiving the confirmation, the deposit receiving authority shall refund the deposit to the organization or individual;

e) The organization or individual is only entitled to withdraw their interest at one time after receiving the confirmation;

g) Deposits shall be refunded only after the confirmation is obtained.

6. If the organization or individual which is permitted to invest in, construct and operate a landfill enters into an enterprise franchise, sale, renaming, consolidation or merger contract, the transferee or organization or individual that is the new owner of the enterprise shall continue to fulfill the environment improvement obligations and pay environment improvement deposits.

7. The Ministry of Finance shall provide guidelines for management and use of deposits on environment improvement at landfills.

## **Chapter VI**

### **RESPONSIBILITY FOR RECYCLING AND TREATING PRODUCTS AND PACKAGING OF PRODUCERS AND IMPORTERS**

#### **Section 1. RESPONSIBILITY FOR RECYCLING PRODUCTS AND PACKAGING OF PRODUCERS AND IMPORTERS**

##### **Article 77. Entities and roadmap for fulfilling recycling responsibility**

1. Organizations and individuals that manufacture/import (hereinafter referred to as “producers and importers”) products and packaging specified in Column 3 in the Appendix XXII enclosed herewith to be put on Vietnam’s market shall fulfill their responsibility for recycling such products and packaging according to the mandatory recycling rates and specifications specified in Article 78 of this Decree.

2. The packaging prescribed in clause 1 of this Article is consumer packaging (including primary packaging and secondary packaging) of the following products and goods:

- a) Food prescribed by regulations of law on food safety;
- b) Cosmetics prescribed by regulations of law on conditions for cosmetics manufacturing;
- c) Medicine prescribed by regulations of law on pharmacy;
- d) Fertilizers, feeds and veterinary drugs prescribed by regulations of law on fertilizers, feeds and veterinary drugs;
- dd) Detergents and preparations for domestic, agricultural and medical use;
- e) Cement.

3. The following entities are not required to fulfill their recycling responsibility:

a) Producers and importers of products and packaging to be exported or temporarily imported or produced/imported for research, learning or testing purposes as prescribed in clause 1 Article 54 of the LEP.

b) Producers of packaging specified in clause 1 of this Article having a revenue from sale of goods and provision of services of the previous year not exceeding 30 billion dong;

c) Importers of packaging specified in clause 1 of this Article having total value of imports (according to customs value) of the previous year not exceeding 20 billion dong.

4. Producers and importers shall fulfill their responsibility for recycling products and packaging they produce/import according to the following roadmap:

- a) Packaging, batteries, cells; lubricating oil; tires: as of January 01, 2024;
- b) Electric and electronic products: as of January 01, 2025;
- c) Vehicles: as of January 01, 2027.

The Ministry of Natural Resources and Environment (MONRE) shall submit regulations on disposal of vehicles to the Prime Minister for promulgation before January 01, 2025.

### **Article 78. Mandatory recycling rates and specifications**

1. Mandatory recycling rate is the ratio of the minimum weight of a product or packaging that must be recycled according to the mandatory recycling specifications to the total weight of a product or packaging manufactured, put on the market and imported in the year in which the responsibility is fulfilled.

The mandatory recycling rate of each type of product or packaging shall be determined on the basis of its life cycle, disposal rate and collection rate; national recycling target, environmental protection requirements and socio-economic conditions from time to time.

2. The mandatory recycling rate for each type of product or packaging in the first 03 years is specified in Column 4 of the Appendix XXII enclosed herewith. The mandatory recycling rate shall be adjusted every 03 years progressively order so as to meet the national recycling target and environmental protection requirements.

3. Producers and importers are entitled to recycle products and packaging they produce/import or to recycle products and packaging of the same type as specified in Column 3 of the Appendix XXII enclosed herewith which are produced and imported by other producers and importers to achieve the mandatory recycling rate. The recycling of scrap imported as production materials shall not be included in the mandatory recycling rate applied to producers and importers.

4. If any producer/importer carry out recycling at a rate higher than the mandatory recycling rate specified in clauses 1 and 2 of this Article, the difference may be reserved and carried forward to subsequent years.

5. The mandatory recycling rate for each type of product or packaging after the first 03 years of application as specified shall be adjusted by the Prime Minister and promulgated before September 30 of the last year of the 03-year cycle to be applied in the next 03-year cycle.



6. The mandatory recycling specifications are selected recycling solutions accompanied by minimum requirements for amount of materials and fuel recovered with respect to product and packaging recycling. The mandatory specification for each type of product and packaging is specified in Column 5 of the Appendix XXII enclosed herewith.

#### **Article 79. Methods for fulfilling recycling responsibility**

1. Producers and importers shall select one of the methods for fulfilling their recycling responsibility specified in clause 2 Article 54 of the LEP for one or group of products or packaging specified in Column 3 in the Appendix XXII enclosed herewith.

2. If the producer/importer selects the method “organizing recycling” specified in point a clause 2 Article 54 of the LEP, such producer/importer shall decide to carry out recycling themselves by adopting one of the following methods:

- a) Carry out recycling themselves;
- b) Hire a recycling service provider to carry out recycling;
- c) Authorize an intermediary organization to organize the recycling (hereinafter referred to as “the authorized party”);
- d) A combination of the methods specified in points a, b and c of this clause.

3. The producer/importer carrying out recycling themselves shall satisfy the environmental protection requirements as prescribed by law; shall not carry out recycling themselves in case of failure to satisfy the environmental protection requirements as prescribed by law.

4. The recycling service provider hired by the producer/importer to carry out recycling as prescribed in point b clause 2 of this Article shall satisfy the environmental protection requirements as prescribed by law.

5. The authorized party specified in point c clause 2 of this Article shall:

- a) have legal status and be established according to regulations of law;
- b) not directly carry out recycling and not have proprietorial relation with any recycling service provider in connection with the authorized scope;
- c) be authorized by at least 03 producers or importers to organize recycling.

6. MONRE shall publish a list of the entities specified in clauses 4 and 5 of this Article in order for producers and importers make their selection. Producers and importers shall not hire any recycling service provider or authorized party that fails to satisfy the requirements as prescribed by law.

7. The producer/importer that opts for making financial contributions to the VEPF as prescribed in point b clause 2 Article 54 of the LEP is not required to adopt the recycling methods specified in clause 2 of this Article.

8. People's Committees at all levels, organizations, individuals and consumers shall enable and assist producers, importers, recycling service providers and authorized parties to classify and collect post-consumer products and packaging within their areas.

#### **Article 80. Registration of recycling plans and reporting of recycling results**

1. Every producer and importer shall register their annual recycling plan and report recycling results of the previous year to MONRE before March 31 every year; if the producer/importer totally authorizes the authority party, the authorized party shall do so on their behalf.

A recycling plan shall be registered according to the weight of products and packaging manufactured, put on the market in the immediate previous year. The producer/importer or authorized party shall take legal responsibility for the accuracy of the recycling plan registration information and recycling results reported.

The Minister of Natural Resources and Environment shall promulgate forms of recycling plan registration and recycling result report prescribed in this clause.

2. If the actual weight of the manufactured product or packaging put on the market and imported is greater than that specified in the registered recycling plan, the producer/importer must carry forward the difference to the next year's recycling plan.

If the actual weight of the manufactured product or packaging put on the market and imported is less than that specified in the registered recycling plan, the producer/importer is entitled to carry out recycling and report recycling results according to the actual weight of the manufactured product or packaging put on the market and imported.

3. If the recycling plan or recycling result report is unsatisfactory, MONRE shall notify the producer/importer or authorized party to complete the plan or report within 30 working days from the receipt of the notification. It is not allowed to register the recycling or report recycling results with respect to scrap imported as production materials.

4. The producer/importer that opts for making financial contributions to the VEPF as prescribed in point b clause 2 Article 54 of the LEP is not required to register their recycling plan and report their recycling results as specified in clause 1 of this Article.

## **Article 81. Making financial contributions to the VEPF**

1. Financial contributions made to VEPF for each type of product or packaging (F) shall be determined according to the formula:  $F = R \times V \times F_s$ , where:

F is the total amount of money payable by the producer/importer to the VEPF for each type of product or packaging (unit: dong);

R is the mandatory recycling rate for each type of product or packaging as specified in clause 1 Article 78 of this Decree (unit: %);

V is the weight of the product or packaging manufactured, put on the market and imported in the year in which the responsibility is fulfilled (unit: kg);

$F_s$  is a reasonable and valid norm of recycling cost for a unit of weight of the product or packaging, including costs of classifying, collecting, transporting and recycling the product or packaging and administrative expenses in support of fulfillment of the recycling responsibility by the producer/importer (unit: dong/kg).

2. MONRE shall request the Prime Minister to impose  $F_s$  on each type of product and packaging and adjust  $F_s$  every 03 years.

3. Financial contribution by the producer/importer to the VEPF shall be made as follows:

a) Every producer/importer shall themselves declare and send a declaration of financial contributions which is made using the form provided by MONRE to the VEPF before March 31 every year. The declaration of financial contributions shall rely on the weight of products or packaging manufactured, put on the market and imported in the immediate previous year. The producer/importer or authorized party shall take legal responsibility for the information provided in the declaration.

b) Before April 20, the producer/importer shall pay financial contributions on a lump-sum basis to the VEPF or select to pay financial contributions in two installments, including the first installment equal to at least 50% of the total amount made before April 20 and the second installment which is the remaining amount made before October 20 in the same year;

c) If the declared weight of the product or packaging is less than the actual weight of the product or packaging manufactured, put on the market and imported, the producer/importer must make payments for the difference in the next year; if the declared weight of the product or packaging is greater than the actual weight of the product or packaging manufactured, put on the market or imported, the payments for the difference in the next year shall be deducted.

## **Article 82. Supporting recycling of products and packaging**

1. Financial contributions made to the VEPF as prescribed in Article 81 of this Decree shall be used to support the classification, transport, recycling and treatment of the products and packaging specified in Column 3 in the Appendix XXII hereof and administrative costs in support of the fulfillment of recycling responsibility by producers and importers.

The bank deposit interests of financial contributions made to the VEPF shall be used to cover the administrative costs in support of management, supervision and facilitation of the fulfillment of recycling responsibility by producers and importers.

2. Agencies and organizations that wish to receive financial support for recycling activities as specified in clause 1 of this Article shall prepare an application according to the form provided by MONRE and submit it to MONRE before October 30 every year for approval.

3. Financial support for recycling of products and packaging is specified in Column 3 in the Appendix XXII enclosed herewith is prescribed as follows:

a) Before September 30 every year, MONRE shall publish criteria, priorities and financial support for recycling activities and recycling products in the next year as proposed by the National EPR Committee;

b) The National EPR Council shall appraise and vote to approve requests for financial support from agencies and organizations and submit them to MONRE;

c) MONRE shall approve appraisal results and requests for financial support at the request of the National EPR Council;

d) The organization assigned by MONRE to notify and sign a contract for provision of financial support with agencies and organizations entitled to receive financial support;

dd) The VEPF shall provide financial support to agencies and organizations under the signed contract specified in point d of this Clause.

4. The receipt and use of financial contributions to the VEPF for supporting recycling must be received and used in a public and transparent manner and for their intended purposes. The VEPF shall report to MONRE and National EPR Committee and make publicly available the receipt and use of financial contributions for recycling support on an annual basis before March 31 of the next year.

5. The National EPR Committee shall approve and submit to Minister of Natural Resources and Environment the Regulation on management and use of financial contributions to the VEPF for recycling support by producers and importers.

## **Section 2. RESPONSIBILITY OF PRODUCERS AND IMPORTERS FOR COLLECTING AND TREATING WASTE**

### **Article 83. Entities making and level of financial contributions to the VEPF for supporting waste treatment activities**

1. Producers and importers of the products and packaging specified in Column 2 in the Appendix XXIII hereof to be put on Vietnam's market shall make financial contributions to the VEPF to support waste treatment activities, except where:

a) Producers and importers of products and packaging to be exported or temporarily imported or produced/imported for research, learning or testing purposes as prescribed in clause 1 Article 55 of the LEP;

b) Producers have a revenue from sale of goods and provision of services of the previous year not exceeding 30 billion dong;

c) Importers have a total value of imports (according to customs value) of the previous year not exceeding 20 billion dong.

2. The packaging specified in clause 1 of this Article is consumer packaging (primary packaging) of products and goods.

3. Specific level of financial contributions for each product and packaging is specified in Columns 3, 4 and 5 in the Appendix XXIII enclosed herewith.

4. Financial contributions to the VEPF for supporting waste treatment activities shall be adjusted every 05 years progressively in accordance with environmental protection requirements.

5. The Prime Minister shall decide to adjust and introduce progressive levels of financial contributions at the MONRE's request; administrative costs in support of management, supervision and facilitation of the fulfillment of responsibility for waste collection and treatment by producers and importers.

### **Article 84. Procedures for making financial contributions to the VEPF for waste treatment support**

1. Every producer/importer shall themselves declare and send a declaration of financial contributions for waste treatment support which is made using the form provided by MONRE to the VEPF before March 31 every year. The declaration of financial contributions for waste treatment support shall rely on the weight of products or packaging manufactured, put on the market and imported in the immediate previous year. The producer/importer shall take legal responsibility for the information provided in the declaration.

2. Before April 20, the producer/importer shall pay financial contributions for waste treatment support on a lump-sum basis to the VEPF or select to pay financial contributions in two installments: at least 50% of the total amount before April 20 and the remaining amount before October 20 in the same year.

3. If the declared weight of the product or packaging is less than the actual weight of the product or packaging manufactured, put on the market and imported must make payments for the difference in the next year; if the declared weight of the product or packaging is greater than the actual weight of the product or packaging manufactured, put on the market or imported, the payments for the difference in the next year shall be deducted.

### **Article 85. Supporting waste treatment activities**

1. Agencies and organizations that wish to receive financial support for waste treatment activities as specified in clause 3 Article 55 of the LEP shall prepare an application according to the form provided by MONRE and submit it to MONRE before October 30 every year for approval.

2. Financial support for waste treatment activities shall comply with the procedures specified in clause 3 Article 82 of this Decree.

3. The financial contributions for waste treatment support must be received and used in a public and transparent manner and for their intended purposes.

The VEPF shall report to MONRE and National EPR Committee and make publicly available the receipt and use of financial contributions for supporting waste treatment activities on an annual basis before March 31 of the next year.

4. The bank deposit interests of financial contributions made to the VEPF shall be used to cover the administrative costs in support of management, supervision and facilitation of the fulfillment of responsibility for waste collection and treatment by producers and importers.

5. The National EPR Committee shall approve and submit to Minister of Natural Resources and Environment the Regulation on management and use of financial contributions to the VEPF for waste treatment support by producers and importers.

## **Section 3. PROVISION AND MANAGEMENT OF INFORMATION AND MANAGEMENT AND SUPERVISION OF RESPONSIBILITY FULFILLMENT BY PRODUCERS AND IMPORTERS**

### **Article 86. Provision of information about products and packaging**

1. The producers and importer specified in Articles 77 and 83 of this Decree shall make publicly available information about the products and packaging they

produce and import, including: ingredients, fuels and materials; guidelines for classification, collection, reuse, recycling and treatment thereof; risk warnings during the recycling, reuse and treatment.

2. Tax authorities, customs authorities, enterprise registration authorities, agencies and organizations concerned shall provide and share information about tax, customs, enterprise registration and other information relating to production and import of products and packaging specified in the Appendix XXII and Appendix XXIII enclosed with this Decree at the MONRE's request.

### **Article 87. National EPR web portal**

1. The National EPR web portal is connected to databases of tax, customs and enterprise registration and related databases so as to ensure that the registration, reporting and declaration by producers and importers as prescribed by law.

2. The National EPR web portal shall be opened and privileges shall be granted according to the type of account and entities that carry out registration, declaration and reporting.

3. MONRE shall build, manage and operate the National EPR web portal.

4. After the National EPR web portal is officially operated, the information concerning the fulfillment of responsibility by producers and importers specified in this Decree shall be registered, declared, reported, consolidated and managed on the National EPR web portal.

### **Article 88. National EPR Council**

1. The National EPR Council shall advise and assist the Minister of Natural Resources and Environment to manage, supervise and support the fulfillment of responsibility by producers and importers as prescribed in this Decree. The National EPR Council shall operate on the principle of collectives and make its decisions under the majority rule.

2. The National EPR Council is composed of the MONRE, Ministry of Finance, Ministry of Industry and Trade, Ministry of Health, Ministry of Agriculture and Rural Development; representatives of producers and importers; representatives of recycling service providers, waste treatments service providers and representatives of social and environmental organizations concerned.

The National EPR has an Assistance Office located at MONRE and operate on a part-time basis.

3. The Minister of Natural Resources and Environment shall decide to establish National EPR Council; promulgate regulations on organization and operation of the National EPR Council and define functions, tasks, entitlements and organizational structure of the Assistance Office affiliated to the National EPR Council.



## **Chapter VII**

### **ENVIRONMENTAL MONITORING**

#### **Section 1. CONDITIONS FOR PARTICIPATION IN ENVIRONMENTAL MONITORING**

##### **Article 89. Monitoring activities in service of state management of environmental protection**

1. National environmental monitoring program.
2. Local environmental monitoring programs.
3. Environmental monitoring programs of businesses required by the law on environmental protection.
4. Road motor vehicle emission monitoring services, except for inspection of technical and environmental safety under state management of the Ministry of Transport.
5. Environmental monitoring activities in service of inspection, supervision, prevention of crimes, violations against law on environmental protection and state management of other environmental protection.
6. Environmental monitoring activities serving the managerial purposes in relation to the industries and fields specified in clauses 2, 3 and 4 Article 109 of the LEP which shall comply with regulations of law applicable to such industries and fields.

##### **Article 90. Entities eligible to be issued with certificates of eligibility to provide environmental monitoring services**

The certificate of eligibility to provide environmental monitoring services shall be issued to environmental monitoring service providers as prescribed, including:

1. Enterprises, which are established under the Law on Enterprises.
2. Scientific and technological organizations operating in the field of testing, which are established under the Law on Science and Technology.
3. Public service providers exercising the functions of operating in the field of environment, which are established and operate under the Government's regulations on establishment, re-organization and dissolution of public service providers.

## **Article 91. Conditions for issuance of certificates of eligibility to provide environmental monitoring services**

1. Any organization issued with the certificate of eligibility to provide environmental monitoring services, except for the entities specified in clause 5 of this Article, shall satisfy the conditions specified in clauses 2, 3 and 4 of this Article.

2. Conditions concerning environmental monitoring capacity to be satisfied by an organization specified in clause 1 of this Article:

a) It must have an establishment decision or certificate of registration of scientific and technological activities or business registration certificate or investment certificate issued by a competent authority, which covers environmental monitoring activities;

b) It must have capacity for carrying out environmental monitoring of at least one of the environmental sample backgrounds consisting of continental surface water; wastewater; groundwater; seawater; ambient air; emissions; soil; sediment; sludge; solid waste; raw materials, fuels, materials, products, goods and equipment containing POPs. For each environmental sample background (except for emission sample) to be certified, the organization must be fully capable of carrying out both field monitoring and environmental analysis; The capacity for environmental analysis of each sample background (except for raw material, fuel, material, product, goods and equipment sample backgrounds) to be certified shall satisfy the minimum conditions set out in points c, d, dd, e and g of this clause;

c) Regarding the capacity for analysis of a sample of continental surface water or wastewater to be certified, it must be fully capable of environmental analysis of basic parameters specified in the national environmental technical regulation, including BOD<sub>5</sub>, COD, total suspended solids (TSS), total phosphorus (TP), total nitrogen (TN);

d) Regarding the capacity for analysis of a sample of groundwater to be certified, it must be fully capable of environmental analysis of basic parameters specified in the national environmental technical regulation, including permanganate index, NH<sub>4</sub><sup>+</sup>, NO<sub>3</sub><sup>-</sup>, Fe;

dd) Regarding the capacity for analysis of a sample of seawater to be certified, it must be fully capable of environmental analysis of basic parameters specified in the national environmental technical regulation, including TSS, NH<sub>4</sub>, PO<sub>4</sub><sup>3-</sup>;

e) Regarding the capacity for analysis of an sample of air (ambient air or industrial emissions) to be certified, it must be fully capable of environmental analysis of basic parameters specified in the national environmental technical regulation, including SO<sub>2</sub>, NO<sub>2</sub>, CO, total suspended particulate (TSP);

g) Regarding the capacity for analysis of a sample of soil or sediment or sewage sludge from the water treatment system or solid waste to be certified, it must be fully capable of environmental analysis of prescribed basic parameters, including pH; metals (including: As, Cu, Zn, Pb, Ni, Cd, Cr, Hg) or organic compounds (organochlorine compounds or organophosphorus compounds).

### 3. Conditions for field monitoring:

a) There must be at least 02 full-time officials responsible for field monitoring. If the provider registers its field sampling of the pollution parameters including PM (a mixture of solid particles and liquid droplets) or volatile organic compounds (VOCs) in the emissions, there must be at least 04 full-time officials responsible for field monitoring; those officials must be fully capable of carrying out field monitoring staff to carry out field monitoring of the registered parameters;

b) There must be a person directly in charge of the field monitoring team who has at least a bachelor's degree in environment, chemistry, biology, forestry or pedology and at least 02 years of experience in environmental monitoring;

c) A person carrying out field monitoring must obtain at least a VQF Certificate equivalent to a Grade IV natural resources and environment observer. The number of persons whose qualification is equivalent to a Grade IV natural resources and environment observer must not take up more than 30% of the number of persons carrying out field monitoring.

d) Equipment must be inspected and calibrated according to regulations to ensure its accuracy following the monitoring techniques prescribed by MONRE; there must be a standard operating procedure for all field monitoring equipment; adequate personal protective equipment must be provided to officials responsible for field monitoring.

### 4. Conditions for environmental analysis:

a) There must be at least 04 full-time officials responsible for environmental analysis of environmental components and analytical parameters to be certified; full-time officials responsible for environmental analysis must be fully capable of carrying out field monitoring of the registered parameters;

b) The laboratory manager must have at least a bachelor's degree in chemistry, environment or biology and at least 05 years, 03 years and 02 years of experience in environmental analysis if holding a bachelor's degree, a master's degree and a doctoral degree respectively;

c) The person in charge of laboratory quality assurance and control must have at least a bachelor's degree in chemistry, environment or biology and at least 03 years of experience in environmental analysis;

d) The person responsible for laboratory analysis, except for the laboratory manager and person in charge of laboratory quality assurance and control, must have at least a Level 4 of VQF Diploma and be trained in the field of environmental analysis to be certified;

dd) The environmental analysis equipment must be inspected and calibrated according to regulations to ensure its accuracy following the analysis techniques prescribed by MONRE; there must be a procedure for using and operating all equipment; adequate personal protective equipment shall be provided to environmental analysis officials;

e) There is a standard operating procedure or report on analysis methods approved by the provider for the registered environmental parameters;

g) The laboratory must be separated from areas as requested, including sample preservation and storage area, sample handling and physicochemical analysis area, microbiological analysis area and weighing area; must be kept in good experimental conditions (in terms of light, power, humidity, temperature, sterility, ventilation) and large enough to perform analytical activities as required by the analysis method;

h) Measures should be in place to ensure industrial hygiene and fire safety. The collection, management and treatment of waste shall comply with regulations of law.

5. Environmental monitoring conditions to be satisfied by a road motor vehicle emission monitoring service provider:

a) It must have an establishment decision or certificate of registration of scientific and technological activities or business registration certificate or investment certificate issued by a competent authority, which covers environmental monitoring activities;

b) It must be fully capable of monitoring and measuring basic parameters according to national environmental technical regulations on basic CO and HC parameters; for an automobile emission monitoring service provider, in addition to CO and HC, it must be fully capable of monitoring the parameters: CO<sub>2</sub>, O<sub>2</sub>, Lambda, opacity, N (% HSU), light absorption coefficient of emissions;

c) The person managing and taking charge of ensuring quality of the vehicle emission monitoring by the provider must obtain at least a Level 4 of VQF Diploma, be trained in automobile engineering, motive engineering, transportation mechanical engineering or environment and have at least 01 year of experience in the field of road motor vehicle emissions;

d) There must be at least 02 persons responsible for carrying out road motor vehicle emission monitoring activities. The person responsible for emission

monitoring must obtain at least a high school diploma and be trained in automobile engineering, motive engineering, transportation mechanical engineering or environment;

dd) Equipment must be inspected and calibrated to ensure its accuracy following the prescribed monitoring techniques; there must be a standard operating procedure for all traffic emission monitoring equipment; adequate personal protective equipment must be provided to officials.

## **Article 92. Certificates of eligibility to provide environmental monitoring services**

1. The certificate of eligibility to provide environmental monitoring services shall be issued to the organizations which satisfy the conditions set out in clauses 2, 3 and 4 Article 91 of this Decree; the organizations responsible for in-field monitoring, measuring and testing emissions from motorcycles and mopeds which satisfy the conditions set out in clause 5 Article 91 of this Decree, except for the vehicle registries issued with the certificate of eligibility for vehicle inspection in accordance with relevant regulations of law.

2. MONRE shall issue and adjust the certificate of eligibility to provide environmental monitoring services prescribed in clause 1 of this Article.

3. The certificate of eligibility to provide environmental monitoring services serve as a substitute for the certificate of registration of testing in the field of environmental monitoring under MONRE's management in accordance with the Government's regulations on conditions for provision of conformity assessment services.

4. The certificate of eligibility to provide environmental monitoring services shall be valid for 36 months from the date of issue, may be extended repeatedly and each extension lasts for no more than 36 months.

5. In case of adjusting the certificate, the effective period of the adjusted certificate is the same as that of the issued certificate.

6. A certificate of eligibility to provide environmental monitoring services mainly contains the following contents:

- a) Name and address of the organization;
- b) Field or scope to be covered by the certificate;
- c) Date of issue and effective period of the certificate;
- d) Issuing authority.

7. Form of the certificate of eligibility to provide environmental monitoring services is provided in the Appendix XXIV enclosed herewith.

### **Article 93. Procedures for issuing certificates of eligibility to provide environmental monitoring services**

1. The procedures for issuing a certificate of eligibility to provide environmental monitoring services shall apply to the providers applying for the certificate for the first time or the providers applying for re-issuance of the certificate.

2. 01 application for issuance of the certificate of eligibility to provide environmental monitoring services shall be prepared and include:

a) An application form, which is made using the form in the Appendix XXV enclosed herewith;

b) 01 provider's profile, which is made using the form in the XXVI enclosed herewith.

3. Procedures for issuing the certificate of eligibility to provide environmental monitoring services are as follows:

a) The applicant shall submit the application specified in clause 2 of this Article in person, by post or electronically through the online public service system;

b) Within 03 days from the receipt of a sufficient and valid application, the issuing authority shall send a notification of appraisal fee to the applicant. The application shall pay appraisal fees and send a document evidencing its payment (a receipt or another document) to the issuing authority. The duration of fee payment by the applicant shall exclude the duration of appraisal by the issuing authority. If the application is not sufficient or valid, the issuing authority shall return the application to the applicant and request it to supplement the application as prescribed;

c) Within 45 days from the receipt of the appraisal fee, the issuing authority shall carry out an appraisal and issue the certificate of eligibility to provide environmental monitoring services to the applicant (excluding the duration of supplementing the application). The appraisal of environmental monitoring conditions in service of issuance of the certificate of eligibility to provide environmental monitoring services shall be carried out by an appraisal council prescribed in clause 4 of this Article on the basis of the application assessment result; result of assessment and site inspection of the applicant and result of the appraisal council meeting.

For the road motor vehicle emission measuring service provider, as the case may be, the issuing authority may decide to carry out a direct or online inspection.

In case of failure to issue the certificate of eligibility to provide environmental monitoring services, the issuing authority shall send a written notification specifying the reasons therefor to the applicant.

4. The appraisal council shall be composed of at least 05 member including 01 Chair; 01 Deputy Chair where necessary; 01 secretary and other members who are experts with expertise and experience in environmental monitoring. Every member of the appraisal council shall consider applications, carry out site inspections; make remarks and assessment report on the contents to be certified and take legal responsibility for their remarks and assessment.

5. MONRE shall elaborate on the appraisal of environmental monitoring conditions in service of issuance of certificates of eligibility to provide environmental monitoring services prescribed in clauses 3 and 4 of this Article.

#### **Article 94. Procedures for adjusting certificates of eligibility to provide environmental monitoring services**

1. Procedures for adjusting a certificate of eligibility to provide environmental monitoring services shall apply to providers whose certificates remain effective for at least 06 months.

2. Any environmental monitoring service provider that wishes to change its field or scope of field monitoring and environmental analysis specified in the issued certificate shall follow procedures for adjusting the certificate of eligibility to provide environmental monitoring services.

3. 01 application for adjustment of the certificate of eligibility to provide environmental monitoring services shall be prepared and include:

a) An application form, which is made using the form in the Appendix XXVII enclosed herewith;

b) 01 provider's profile, which is made using the form in the XXVI enclosed herewith.

4. Procedures for adjusting the certificate of eligibility to provide environmental monitoring services:

a) The applicant shall submit the application specified in clause 2 of this Article in person, by post or electronically through the online public service system;

b) Within 03 days from the receipt of a sufficient and valid application, the issuing authority shall send a notification of appraisal fees to the applicant. The application shall pay appraisal fees and send a document evidencing its payment (a receipt or another document) to the issuing authority. The duration of fee payment by the applicant shall exclude the duration of appraisal by the issuing



authority. If the application is not sufficient or valid, the issuing authority shall return the application to the applicant and request it to supplement the application as prescribed;

c) Within 30 days from the receipt of the appraisal fee, the issuing authority shall carry out an appraisal and adjust the certificate of eligibility to provide environmental monitoring services (excluding the duration of supplementing the application). The appraisal of environmental monitoring conditions in service of adjustment of the certificate of eligibility to provide environmental monitoring services shall be carried out by an appraisal council prescribed in clause 5 of this Article on the basis of the application assessment result; result of assessment and site inspection of the applicant and result of the appraisal council meeting.

In case of rejection of the application for adjustment of the certificate of eligibility to provide environmental monitoring services, the issuing authority shall send a written notification specifying the reasons therefor to the applicant.

5. The appraisal council shall comply with the regulations enshrined in clause 4 Article 93 of this Decree.

6. MONRE shall promulgate forms of the application form and provider's profile prescribed in clause 3 of this Article; elaborate on the appraisal of environmental monitoring conditions in service of adjustment of certificates of eligibility to provide environmental monitoring services prescribed in clause 4 of this Article.

## **Article 95. Responsibilities of holders of certificates of eligibility to provide environmental monitoring services**

1. Every holder of the certificate of eligibility to provide environmental monitoring services shall maintain its satisfaction of the capacity conditions set out in the issued certificate. When there is a change to the conditions mentioned in Article 91 of this Decree, the holder shall send a written notification to MONRE within 07 days from the occurrence of such change.

2. The holder of the certificate of eligibility to provide environmental monitoring services shall be prepare a physical or electronic dossier to store and supervise its environmental monitoring activities so as to serve the inspections.

The dossier on its environmental monitoring activities includes a chemical logbook; test reports; records of environmental monitoring equipment, laboratory sample transfer record or system, records of quality assurance and control in environmental monitoring and data management in accordance with MONRE's regulations on environmental monitoring techniques, liquidation minutes and other methods of contracting with customers in accordance with regulations of civil law and other relevant documents.

3. Upon providing environmental monitoring services, if the provider signs service contracts with customers, such contracts shall bear the provider's unique signs and the date of the contract shall be clearly stated. The signs shall contain ordinal numbers indicating the date on which the first contract is signed and the date on which the last contract is signed in chronological order in a calendar year.

4. Result shall be returned to a customer via a test report bearing the signature and seal of the competent authority. The test report shall be prepared using a unique form, containing the information specified in clause 5 of this Article.

5. Information on the test report includes:

- a) Name of the provider;
- b) Name of the customer;
- c) Number of the issued VIMCERTS;
- d) Date of delivery of the test report;

dd) Sign of the report: The sign shall contain ordinal numbers indicating the date on which the first report is delivered and the date on which the last report is delivered in chronological order in a calendar year. The provider may add more sign codes to serve its classification and internal management but must adhere to the numbering principles;

e) Analysis results: parameters, methods used, measurement results, regulations, standards or technical specifications used for reference purpose (if any);

g) If the provider hires another provider to monitor the parameters that the former is not allowed to certify, it is required to specify name of the provider in charge and enclose the analysis report given by such provider;

h) A record or system should be in place to manage test reports delivered to customers, containing at least: signs of the reports (including their ordinal numbers); date of delivery of the reports and names of customers.

6. If a provider carries out environmental monitoring itself to serve its researches and carries out monitoring for internal supervision purpose without signing contracts and delivering test reports to a second party, it is not required to comply with the regulations laid down in clauses 2, 3 and 4 of this Article.

7. The provider shall store original monitoring documents and raw monitoring data on all environmental monitoring activities within the last 03 years, except for the case specified in clause 6 of this Article.

8. In case of hiring another provider to monitor the parameters that has yet to be certified, the holder of the certificate of eligibility to provide environmental monitoring services shall select a provider issued with the certificate of eligibility

to provide environmental monitoring services for such parameters to continue to carry out monitoring. The sample transfer record must be included in the dossier of every provider.

**Article 96. Technical requirements to be satisfied by organizations and individuals carrying out environmental monitoring to provide and disclose information about environmental quality to communities**

1. MONRE shall execute the national environmental quality monitoring program and disclose information to communities by adopting the disclosure methods enshrined in clause 6 Article 102 of this Decree.

2. Provincial People's Committees shall execute environmental quality monitoring programs within their provinces and disclose information to communities by adopting the disclosure methods enshrined in clause 6 Article 102 of this Decree.

3. Organizations and individuals which carry out periodic and regular monitoring of environmental quality of environmental components and use environmental monitoring results to directly provide and disclose information about environmental quality to communities shall comply with the technical requirements laid down in clauses 2, 3 and 4 Article 91 of this Decree.

4. Organizations and individuals which carry out automatic and continuous monitoring of environmental quality of environmental components and use results of automatic monitoring of environmental quality so as to directly provide and disclose information about environmental quality to communities shall comply with the technical requirements for environmental quality monitoring, including:

- a) Technical requirements for automatic and continuous monitoring equipment;
- b) Technical requirements for locations of installation of monitoring stations;
- c) Managing and operating personnel;
- d) Inspection and calibration of automatic and continuous monitoring equipment according to regulations of law on measurement;
- dd) Quality control procedures;

5. The organizations and individuals carrying out environmental monitoring specified in clauses 3 and 4 of this Article shall disclose to communities information about environmental quality together with information about monitoring locations, monitoring methods and accuracy of equipment or method reporting limit and take responsibility for their environmental quality information disclosed.

6. Every entity specified in clause 4 of this Article shall report to a regulatory body on its satisfaction of the technical requirements for environmental monitoring before disclosing information to communities by using the form promulgated by MONRE. MONRE shall receive reports of organizations and individuals carrying out automatic and continuous monitoring of environmental quality within at least provinces. The provincial specialized environmental protection authority shall receive reports of organizations and individuals carrying out automatic and continuous monitoring of environmental quality within one province.

7. MONRE shall organize the inspection of satisfaction of technical requirements for environmental quality monitoring by the entities specified in clause 4 of this Article upon carrying out automatic and continuous monitoring of environmental quality within at least two provinces. Provincial specialized environmental protection authorities shall organize the inspection of satisfaction of technical requirements for environmental quality monitoring by the entities specified in clause 4 of this Article upon carrying out automatic and continuous monitoring of environmental quality within one province.

8. MONRE shall elaborate on the technical requirements for environmental monitoring specified in clause 4 of this Article.

## **Section 2. MONITORING OF WASTEWATER, DUST AND EMISSIONS**

### **Article 97. Wastewater monitoring**

1. The wastewater discharge rate shall be calculated according to the total design capacity of all works and equipment discharging wastewater into the environment specified in the environmental license and prescribed as follows:

a) The average wastewater discharge rate of a project or business involved in a type of production, business or service likely to cause environmental protection ranges from 200 m<sup>3</sup>/day (24 hours) to less than 500 m<sup>3</sup>/day (24 hours); the high wastewater discharge rate is 500 m<sup>3</sup>/day (24 hours) or more;

b) The large wastewater discharge rate of a project or business not involved in a type of production, business or service likely to cause environmental protection ranges from 500 m<sup>3</sup>/day (24 hours) to less than 1,000 m<sup>3</sup>/day (24 hours); the extremely high wastewater discharge rate is 1,000 m<sup>3</sup>/24 hours or more.

2. Entities, wastewater discharge rates and types required to carry out automatic and continuous monitoring of wastewater and periodic monitoring of wastewater are specified in the Appendix XXVIII enclosed herewith (except for businesses which connect their wastewater to the centralized wastewater treatment system, aquaculture facilities, facilities which have a system for

treating wastewater produced from periodic tank cleaning separately from other wastewater treatment system, facilities which discharge cooling water not containing chlorine or disinfectants and facilities which discharge water to dewater the mines from which ordinary building materials or limestones are extracted). To be specific:

a) The entities specified in Column 2 with the discharge rates specified in Column 4 in the Appendix XXVIII shall carry out automatic and continuous monitoring of wastewater and periodic monitoring of wastewater as specified in clauses 3 and 4 of this Article;

b) The entities specified in Column 2 with the discharge rates specified in Column 5 in the Appendix XXVIII shall carry out automatic and continuous monitoring of wastewater or periodic monitoring of wastewater as specified in clauses 3 and 4 of this Article.

### 3. Periodic monitoring of wastewater:

a) Periodic wastewater monitoring parameters and frequency are specified in the environmental license. Monitoring parameters shall be determined on the following grounds: environmental technical regulation on wastewater; type of production, business and service; fuels, raw materials and chemicals used; production technology, waste treatment technology; parameters in excess of the permissible limits specified in the environmental technical regulation detected through inspection and imposition of penalties for violations against laws on environment; at the request of a project owner or business owner.

The licensing authority must not request the monitoring of other parameters without relying on the grounds mentioned in this point;

b) For a project or business which is continuously operating: wastewater shall be monitored every 03 months in the case where an EIA is required and every 06 months in the remaining cases.

For a project or business operating on a seasonal basis and required to carry out EIA: wastewater shall be monitored on one occasion if it operates on a seasonal basis for less than 03 months; 02 times if it operates on a seasonal basis for more than 03 months to 06 months; 03 times if it operates on a seasonal basis for more than 06 months to less than 09 months; 04 times if it operates on a seasonal basis for more than 09 months; the interval between two monitoring efforts must be at least 03 months.

For a project or business operating on a seasonal basis but not required to carry out EIA: wastewater shall be monitored at least once if it operates on a seasonal basis for less than 06 months; 02 times if it operates on a seasonal basis for more than 06 months; the interval between two monitoring efforts must be at least 06 months.

Regarding the parameter total organochlorine pesticides, total organophosphorus pesticides, total Polychlorinated Biphenyls (PCBs), dioxin and easily absorbed organic halogens (if any), wastewater must be monitored every year in all abovementioned cases.

#### 4. Automatic and continuous monitoring of wastewater:

a) The date on which the installation of an automatic and continuous wastewater monitoring system (fitted with camera and automatic sampling equipment) and connection and transmission of data directly to a provincial specialized environmental protection authority are completed is December 31, 2024 at the latest with respect to projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters with the wastewater discharge rates specified in Column 4 in the Appendix XXVIII enclosed herewith.

As of January 01, 2025, the investment projects with the wastewater discharge rate specified in Column 4 in the Appendix XXVIII enclosed herewith shall install an automatic and continuous wastewater monitoring system before conducting trial operation of a wastewater treatment work.

The projects, dedicated areas for production, business operation and service provision and industrial clusters with the wastewater discharge rate specified in Column 4 in the Appendix XXVIII enclosed herewith which have installed an automatic and continuous wastewater monitoring system shall be exempted from periodic wastewater monitoring as prescribed in clause 3 of this Article until December 31, 2024; after that, they shall be only exempted from periodic wastewater monitoring prescribed in clause 3 of this Article for the parameters that have undergone automatic and continuous monitoring.

The projects and businesses with the wastewater discharge rate specified in row 3 Column 5 in the Appendix XXVIII enclosed herewith which have installed and maintained an automatic and continuous wastewater monitoring system as prescribed shall be exempted from periodic wastewater monitoring prescribed in clause 3 of this Article.

The projects and businesses with the average wastewater discharge rate specified in the row 2 Column 5 in the Appendix XXVIII enclosed herewith which have installed and maintained an automatic and continuous wastewater monitoring system or other projects and businesses which are not required to install but have voluntarily installed an automatic and continuous wastewater monitoring system shall be entitled to the incentives and assistance prescribed in this Decree and other relevant regulations of law.

The equipment for automatic and continuous monitoring of wastewater must be tested, inspected and calibrated in compliance with standards, measurement

and quality. The connection and transmission of data on automatic and continuous monitoring of wastewater shall comply with regulations on environmental monitoring techniques. Within 03 days from the receipt of the written request for data connection and transmission from the owners of the projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters, the provincial specialized environmental protection authority shall provide an FTP account for monitoring data connection and transmission. After completing the connection and transmission of data on automatic and continuous monitoring of wastewater, the provincial specialized environmental protection authority shall send a notification of completion of data connection and transmission to the owners of the projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters;

b) The authority competent to decide to carry out continuous and automatic monitoring shall add several specific parameters to the continuous and automatic wastewater monitoring parameters specified in Column 3 in the Appendix XXVIII enclosed herewith for the purpose of environmental pollution control, except for the case specified in point c of this clause and where the organization or individual commits a violation which is so serious that they may incur an additional penalty: suspension of operation or suspension of the environmental license or component environmental license for their act of wastewater discharge;

c) The projects and businesses which discharge cooling water containing chlorine or disinfectants with a rate of 1,000 m<sup>3</sup>/day (24 hours) or more, the owner of the project or business shall set automatic and continuous parameters, including flow rate, temperature and chlorine for that source of cooling water;

d) Where the projects, dedicated areas for production, business operation and service provision and industrial clusters have carried out automatic and continuous monitoring of wastewater with the main monitoring parameters satisfying the environmental technical regulation for 03 consecutive years and the latest inspection result given by the competent authority (having the wastewater sample which meets the environmental technical regulation) shows that no violation against regulations on wastewater discharge is found, they shall be exempted from periodic wastewater monitoring.

The owners of the projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters shall send a written notification made using the form promulgated by MONRE to the licensing authority; if the environmental license is issued by a central government authority (except for national defense and security secrets), a written notification shall be also sent to the provincial specialized environmental protection authority for supervision purpose;



dd) Value of an automatic and continuous wastewater monitoring parameter shall be determined according to the daily (24 hours) average values of the results (based on technical specifications of each piece of equipment) of measurement of such parameter. In the case of discharge of wastewater having undergone batch treatment (batch wastewater treatment technology), values of automatic and continuous wastewater monitoring parameters shall be determined according to the 01-hour average value. If wastewater is discharged over a period of less than 01 hour, such values shall be determined according to the average values of the results of measurement carried out during such discharge period. Values of automatic and continuous wastewater monitoring parameters shall be compared with the maximum permissible values of pollution parameters in accordance with the environmental technical regulation on wastewater;

e) The Government shall decide the time of installation of the automatic and continuous wastewater monitoring system by projects and businesses with the wastewater discharge rates specified in rows 2 and 3 Column 5 in the Appendix XXVIII enclosed herewith in accordance with environmental protection requirements from time to time.

5. The automatic and continuous wastewater monitoring result shall be used to supervise and evaluate the efficiency and suitability of wastewater treatment works, declare and pay environmental protection fees on wastewater and impose penalties for administrative violations against regulations on environmental protection (if any).

6. If the provincial specialized environmental protection authority detects a parameter in excess of the permissible limit specified in the environmental technical regulation through periodic or automatic and continuous monitoring, it shall implement any of the following measures:

a) Send the owner of the project, business, dedicated area for production, business operation and service provision or industrial cluster a written notification of the wastewater monitoring result (periodic or automatic and continuous) exceeding the permissible limit specified in the environmental technical regulation and remedial measures to be taken, which is made using the form promulgated by MONRE. After receiving the written notification specified in this point, if the monitoring result still exceeds the permissible limit specified in the environmental technical regulation, the provincial specialized environmental protection authority shall work with the owner of the project, business, dedicated area for production, business operation and service provision or industrial cluster and compile a dossier on penalty imposition as prescribed by law;

b) Carry out field sampling or collect samples from the automatic sampling equipment for analysis. The wastewater sample analysis result shall serve as the

basis for considering imposing penalties for violations (if any) as prescribed by law. The costs of sample collection and analysis shall be covered by the budget for environmental services allocated to the provincial specialized environmental protection authority.

7. If the owner of the project, business, dedicated area for production, business operation and service provision or industrial cluster reports incorrect data on actual pollution or discharges wastewater exceeding the permissible limits specified in the environmental technical regulation (including cases of exemption from periodic wastewater monitoring), the owner of the project, business, dedicated area for production, business operation and service provision or industrial cluster shall incur a penalty for their violations and implement the following measures:

- a) Review the wastewater treatment work to identify the cause of pollution;
- b) Renovate and upgrade the wastewater treatment work (if any);
- c) Re-operate the wastewater treatment work in the case of compulsory renovation or upgrading of the wastewater treatment work; carry out monitoring of wastewater in accordance with MONRE's guidelines in a manner that ensures that wastewater is treated according to the environmental technical regulation on wastewater before being discharged into the environment.

8. The organization carrying out monitoring shall take legal responsibility for the accuracy of the wastewater monitoring results given to the owner of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster as prescribed by law.

#### **Article 98. Industrial emission monitoring**

1. The dust emission and emission discharge rates of a project or business shall be calculated according to the flow rate or design capacity of all works and equipment for treatment of dust and industrial emissions specified in the environmental license and prescribed as follows:

a) The high dust emission and emission discharge rates of projects and businesses involved in types of production, business and services that are likely to cause environmental pollution are specified in rows 1 to 8 Column 6 Appendix XXIX enclosed herewith;

b) The very high dust emission and emission discharge rates of projects and businesses involved in types of production, business and services that are likely to cause environmental pollution are specified in rows 1 to 8 Column 5 Appendix XXIX enclosed herewith;

c) The dust emission and emission discharge rates of projects and businesses not involved in types of production, business and services that are likely to

cause environmental pollution are specified in row 9 Column 6 Appendix XXIX enclosed herewith.

2. Entities, types of works and equipment that discharge dust and emissions and flow rates or capacity of works and equipment for treatment of dusts and emissions which are required to carry out automatic and continuous monitoring are specified in the Appendix XXIX enclosed herewith. The automatic and continuous or periodic monitoring of dusts and industrial emissions of projects and businesses involved in types of production, business and services that are likely to cause environmental pollution is prescribed as follows:

a) The entities in Column 2 which have works and equipment that discharge dust and emissions specified in Column 3 with the flow rates or capacity of works and equipment for treatment of dusts and emissions specified in Column 5 shall carry out automatic and continuous dust and emission monitoring of dusts and emissions from such works and equipment discharging dust and emissions as prescribed in clause 5 of this Article and carry out periodic monitoring of dust and emissions as prescribed in clause 4 of this Article;

b) The entities in Column 2 which have works and equipment that discharge dust and emissions specified in Column 3 with the flow rates or capacity of works and equipment for treatment of dusts and emissions specified in Column 6 shall carry out automatic and continuous dust and emission monitoring of dusts and emissions from such works and equipment discharging dust and emissions as prescribed in clause 5 of this Article and carry out periodic monitoring of dust and emissions as prescribed in clause 4 of this Article.

3. The entities specified in point c clause 1 of this Article shall carry out periodic monitoring of dust and emissions as specified in clause 4 of this Article.

4. Periodic monitoring of dust and industrial emissions:

a) Periodic dust and industrial emission monitoring parameters and frequency are specified in the environmental license. Dust and industrial emission monitoring parameters shall be determined on the following grounds: environmental technical regulation; type of production, business and service; fuels, raw materials and chemicals used; production technology, waste treatment technology; parameters in excess of the permissible limits specified in the environmental technical regulation detected through inspection and imposition of penalties for violations against laws on environment; at the request of a project owner or business owner.

The licensing authority must not request the monitoring of other parameters without relying on the grounds mentioned in this point;

b) For a project or business which is continuously operating and required to carry out EIA: dust and industrial emissions shall be monitored every 06 months

for the parameters: heavy metals and organic compounds (if any), every year for the dioxin/furan parameter (if any) and every 03 months for the remaining parameters.

For a project or business which is continuously operating and not required to carry out EIA: dust and industrial emissions shall be monitored every year for the parameters: heavy metals, organic compounds (if any) and dioxins/furans (if any) and every 06 months for the remaining parameters.

For a project or business operating on a seasonal basis but not required to carry out EIA: for the parameters: heavy metals and organic compounds (if any), dust and industrial emissions shall be monitored on one occasion if it operates on a seasonal basis for more than 06 months, 02 times if it operates on a seasonal basis for more than 06 months; dioxins/furans (if any) shall be monitored every year. For the remaining parameters, dust and industrial emissions shall be monitored on one occasion if it operates on a seasonal basis for less than 03 months; 02 times if it operates on a seasonal basis for more than 03 months to 06 months; 03 times if it operates on a seasonal basis for more than 06 months to less than 09 months; 04 times if it operates on a seasonal basis for more than 09 months; the interval between two monitoring efforts must be at least 03 months.

For a project or business operating on a seasonal basis but not required to carry out EIA: for the parameters: heavy metals and organic compounds (if any), dust and industrial emissions shall be monitored on one occasion if it operates on a seasonal basis for less than 06 months, 02 times if it operates on a seasonal basis for more than 06 months; dioxins/furans (if any) shall be monitored every year. For the remaining parameters, dust and industrial emissions shall be monitored on one occasion if it operates on a seasonal basis for less than 06 months; 02 times if it operates on a seasonal basis for more than 06 months; the interval between two monitoring efforts must be at least 06 months.

#### 5. Automatic and continuous monitoring of dust and industrial emissions:

a) The date on which the installation of an automatic and continuous dust and industrial emission monitoring system (fitted with camera) and connection and transmission of data directly to a provincial specialized environmental protection authority are completed is December 31, 2024 at the latest with respect to projects and businesses that discharge dust and emissions into the environment with the flow rates or capacity of works and equipment for treatment of dust and emissions specified in Column 5 in the Appendix XXIX enclosed herewith.

As of January 01, 2025, the investment projects that discharge dust and industrial emissions into the environment with the flow rates or capacity of works and equipment for treatment of dusts and emissions specified in Column 5 in the Appendix XXIX enclosed herewith shall install an automatic and

continuous dust and industrial emission before conducting trial operation of a waste treatment work.

The projects and businesses that discharge dust and industrial emissions into the environment with the flow rates or capacity of works and equipment for treatment of dust and emissions specified in Column 5 in the Appendix XXIX enclosed herewith which have installed an automatic and continuous dust and emission monitoring system as prescribed shall be exempted from periodic dust and industrial emission monitoring as prescribed in clause 4 of this Article until December 31, 2024; after that, they shall be only exempted from periodic dust and industrial emission monitoring prescribed in clause 4 of this Article for the parameters that have undergone automatic and continuous monitoring.

The projects and businesses that discharge dust and industrial emissions into the environment with the flow rates or capacity of works and equipment for treatment of dust and emissions specified in Column 6 in the Appendix XXIX enclosed herewith which have installed an automatic and continuous dust and emission monitoring system as prescribed shall be exempted from periodic dust and industrial emission monitoring as prescribed in clause 4 of this Article.

The projects and businesses that voluntarily install an automatic and continuous dust and industrial emission monitoring system in the case where the installation is not required as prescribed shall be entitled to the incentives and assistance prescribed in this Decree and other relevant regulations of law.

The equipment for automatic and continuous monitoring of dust and industrial emissions must be tested, inspected and calibrated in compliance with standards, measurement and quality. The connection and transmission of data on automatic and continuous monitoring of dust and industrial emissions shall comply with regulations on environmental monitoring techniques. Within 03 days from the receipt of the written request for data connection and transmission from the owners of the projects and businesses, the provincial specialized environmental protection authority shall provide an FTP account for monitoring data connection and transmission. After completing the connection and transmission of data on automatic and continuous monitoring of dust and industrial emissions, the provincial specialized environmental protection authority shall send a notification of completion of data connection and transmission to the owners of the projects and businesses;

b) The authority competent to decide to carry out continuous and automatic monitoring shall add several specific parameters to the continuous and automatic dust and industrial emission monitoring parameters specified in Column 4 in the Appendix XXIX enclosed herewith for the purpose of environmental pollution control, except where the organization or individual commits a violation which is

so serious that they may incur an additional penalty: suspension of operation or suspension of the environmental license or component environmental license for their act of dust and industrial emission discharge;

c) Where the projects and businesses have carried out automatic and continuous monitoring of dust and industrial emissions with the main monitoring parameters satisfying the environmental technical regulation for 03 consecutive years and the latest inspection result given by the competent authority (having the dust and industrial emission sample which meets the environmental technical regulation) shows that no violation against regulations on dust and industrial emission discharge is found, they shall be exempted from periodic wastewater monitoring.

The owners of the projects and businesses shall send a written notification made using the form promulgated by MONRE to the licensing authority; if the environmental license is issued by a central government authority (except for national defense and security secrets), a written notification shall be also sent to the provincial specialized environmental protection authority for supervision purpose;

d) Value of an automatic and continuous dust and emission monitoring parameter shall be determined according to the daily (24 hours) average values of the results of measurement of such parameter. In the case of batch discharge of dust and industrial emissions (from time to time), values of automatic and continuous dust and emission monitoring parameters shall be determined according to the 01-hour average value. If wastewater is discharged over a period of less than 01 hour, such values shall be determined according to the average values of the results of measurement carried out during such discharge period. Values of automatic and continuous dust and emission monitoring parameters shall be compared with the maximum permissible values of pollution parameters in accordance with the environmental technical regulation on emissions;

dd) The Government shall decide the time of installation of the automatic and continuous dust and emission monitoring system by projects and businesses with the dust emission and industrial emission discharge rates specified in Column 6 in the Appendix XXIX enclosed herewith in accordance with environmental protection requirements from time to time.

6. The automatic and continuous dust and emission monitoring result shall be used to supervise and evaluate the efficiency and suitability of dust and emission treatment works, declare and pay environmental protection fees (if any) and impose penalties for administrative violations against regulations on environmental protection (if any).



7. If the provincial specialized environmental protection authority detects a parameter in excess of the permissible limit specified in the environmental technical regulation through periodic or automatic and continuous monitoring, it shall implement any of the following measures:

a) Send the owner of the project or business a written notification of the dust and emission monitoring result (periodic or automatic and continuous) exceeding the permissible limit specified in the environmental technical regulation and remedial measures to be taken, which is made using the form promulgated by MONRE. After receiving the written notification specified in this point, if the monitoring result still exceeds the permissible limit specified in the environmental technical regulation, the provincial specialized environmental protection authority shall work with the owner of the project or business and compile a dossier on penalty imposition as prescribed by law;

b) Organize measurement and field sampling to analyze pollution parameters in dust and emissions. The emission sampling analysis result shall serve as the basis for considering imposing penalties for violations (if any) as prescribed by law. The costs of sample measurement, collection and analysis shall be covered by the budget for environmental services allocated to the provincial specialized environmental protection authority.

8. If the owner of the project and business reports incorrect data on actual pollution or discharges dust and emission exceeding the permissible limits specified in the environmental technical regulation (including cases of exemption from periodic dust and emission monitoring), the owner of the project or business shall incur a penalty for their violations and implement the following measures:

a) Review the dust and emission treatment work to identify the cause of pollution;

b) Renovate and upgrade the dust and emission treatment work (if any);

c) Re-operate the dust and emission treatment work in the case of compulsory renovation or upgrading of the dust and emission treatment work; carry out monitoring of dust and emissions in accordance with MONRE's guidelines in a manner that ensures that dust and emissions are treated according to the environmental technical regulation on emissions before being discharged into the environment.

9. The organization carrying out monitoring shall take legal responsibility for the accuracy of the dust and emission monitoring results given to the owner of the investment project or business as prescribed by law.



## **Chapter VIII**

### **ENVIRONMENTAL INFORMATION SYSTEMS AND ENVIRONMENTAL DATABASES**

#### **Section 1. ENVIRONMENTAL INFORMATION**

##### **Article 99. Management of environmental information**

1. Environmental information is specified in clause 1 Article 114 of the LEP. Several pieces of information are elaborated as follows:

a) Information about waste source includes information about owners of investment projects, businesses, investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters; information on generation and receiving bodies of wastewater, emissions, noise, vibration, solid waste and hazardous waste; information on scrap permitted to be imported as raw materials for productions with respect to establishments using imported scrap as raw materials for production; information about hazardous waste received and treated with respect to hazardous waste treatment service providers; technical infrastructure for environmental protection; environmental monitoring and management program; environmental improvement and remediation scheme, biodiversity offsets scheme, environmental emergency prevention and response plan and other environmental protection measures; information about emission sources from traffic, agricultural production and livelihood activities;

b) Information about waste includes volume generated, collected, treated, recycled and reused for each type of domestic solid waste, normal industrial solid waste, hazardous waste, domestic wastewater, industrial wastewater, dust, emissions and other types of waste prescribed by law; waste treatment technologies and works, results of monitoring of various types of waste;

c) Information on the current state of environmental quality includes information and data on the current state, changes and prediction of the quality of air, soil, continental surface water, sediment, groundwater and seawater; zoning of water uses, quotas for discharge of waste into water; contaminated points and sites, information on environmental emergencies, residue-contaminated sites; environmental remediation plans and measures, solutions for protecting surface water and improving surface water quality;

d) Information on nature and biodiversity conservation includes information on natural heritage sites, wildlife sanctuaries and biodiversity conservation

facilities; important wetlands; information on ecosystems, species and genetic resources; information on pressures on biodiversity; measures to manage and conserve biodiversity; licenses in relation to management and conservation of biodiversity.

2. Management of environmental information includes:

a) Organizing collection of environmental information and information about organizations and individuals providing and creating information; time for providing and creating information as prescribed by law;

b) Incorporating and storing environmental information in environmental databases through application platforms, digital environmental data services and other record and document management systems according to regulations;

c) Providing environmental information and descriptive information about environmental information to environment authorities as prescribed in Article 100 of this Decree;

d) Providing environmental information as requested by organizations and individuals and disclosing environmental information as prescribed in Articles 101 and 102 of this Decree;

dd) Processing and consolidating environmental information in service of state management of environmental protection.

**Article 100. Provision of environmental information to environmental information managing authorities**

1. Environmental information and enclosed information shall be provided to an environment authority through:

a) environmental information systems and environmental databases at all levels prescribed in Article 106 of this Decree; or

b) reports prescribed by law; or

c) other methods prescribed by law.

2. The time of provision of each type of environmental information shall comply with regulations of law on reporting and updating environmental information systems and environmental databases and depend on request from an environmental protection authority.

3. Environmental information providers shall be held accountable for the adequacy, accuracy and promptness of information.

## **Article 101. Providing environmental information at organizations and individual's request**

1. Providing environmental information at organizations and individual's request shall be subject to regulations of law on information access, law on intellectual property and regulations of this Decree.

2. Environmental information shall be provided at the request of an organization or individual:

- a) Through online public services or digital data services;
- b) Under an agreement between the organization or individual with the environmental information managing authority;
- c) By other methods prescribed by regulations of law on information access.

3. Procedures for providing environmental information at the request of an organization or individual:

a) Procedures, applications and form of written request for provision of environmental information specified in points a and c clause 2 of this Article shall comply with regulations of law on information access. If it required to pay a fee for provision of environmental information, the organization or individual requesting information shall pay the fee as prescribed by law;

b) If environmental information is requested to be provided as prescribed in point b clause 2 of this Article, the procedures and time limit for providing such environmental information shall be determined under the agreement between the environmental information managing authority and the organization or individual requesting information.

## **Article 102. Disclosure of environmental information**

1. Every owner of an investment project, business, investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision or industrial cluster shall disclose their EIAR for which the appraisal result has been approved and environmental license as prescribed by the LEP as follows:

a) The disclosure shall be made on their website or at the People's Committee of the commune where the investment project, business, dedicated area for production, business operation and service provision or industrial cluster is located;

b) The disclosure shall be made within 10 days after obtaining the decision on approval of EIAR report appraisal result or the environmental license.

2. Every owner of an investment project, business, investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision or industrial cluster that is required to carry out automatic and continuous or periodic monitoring of wastewater, dust and industrial emission shall disclose their monitoring results as prescribed by the LEP as follows:

a) Their automatic and continuous waste monitoring results (including the comparison with the permissible limits of licensed pollutants) shall be made on their website or on the electronic bulletin board located at the entrance of the project or business. The location of the electronic bulletin board must facilitate supervision and monitoring by the people. The disclosure shall be made immediately after the monitoring results are available and the monitoring results shall be disclosed continuously for a period of 30 days;

b) The latest waste monitoring result report shall be disclosed on their website or on the electronic bulletin board located at the entrance of the project or business. The disclosure shall be made within 10 days after the periodic waste monitoring result is available until the date on which the new periodic monitoring result is disclosed as prescribed.

3. Every owner of a hazardous waste treatment service provider shall disclose information about types and quantity of collected and treated hazardous waste, treatment method; information about names and addresses of collected and treated hazardous waste generators and other environmental information prescribed by the LEP as follows:

a) The disclosure shall be made on their website or at the People's Committee of the commune where the provider operates;

b) The disclosure of such information shall be made within 05 days after the annual environmental protection report is released and repeated every year during its operation period.

4. Every EIAR appraising authority and licensing authority shall disclose its decision on approval of EIAR appraisal result and the environmental license as prescribed by the LEP as follows:

a) The disclosure shall be made on their website, except for information classified as state secrets or enterprises' trade secrets as prescribed by law;

b) The disclosure shall be made within 05 days after issuing the decision on approval of EIAR report appraisal result and the environmental license.

5. Every licensing authority shall disclose reports on proposal for issuance of environmental license as prescribed by the LEP as follows:

- a) Such reports shall be disclosed on the website of the appraising authority;
- b) The disclosure shall be made within 05 days after a valid application is received until the environmental license is issued.

6. MONRE and every provincial People's Committee shall disclose monitoring results of quality of soil, air, surface water, groundwater, seawater, sediment and aquatic environment of surface water sources as prescribed by the LEP as follows:

- a) The disclosure shall be made on the website or electronic bulletin board of the affiliated specialized environmental protection authority;
- b) Regarding automatic and continuous monitoring, the disclosure shall be made immediately after the monitoring result is available and such monitoring result shall be disclosed within 30 days;
- c) Regarding periodic monitoring, the disclosure shall be disclosed within 05 days after the monitoring result report is available until the date on which the new periodic monitoring result is disclosed as prescribed.

7. Every provincial People's Committee shall disclose information about sources of waste discharged into surface water and sources potentially causing environmental emergencies within its province as prescribed by the LEP as follows:

- a) The disclosure shall be made on the website of the provincial specialized environmental protection authority;
- b) Information shall be annually disclosed and the disclosure shall be made within 05 days after obtaining the competent authority's written approval for list of sources of pollution or sources potentially causing environmental emergencies until an updated or replacing document is available.

8. Environmental protection authorities at all levels shall disclose their environmental emergency response plans; information about environmental emergencies as prescribed by the LEP as follows:

- a) The disclosure shall be made on the website of the affiliated specialized environmental protection authority;
- b) The disclosure shall be made within 05 days after the plan or report is promulgated and an updated or replacing document is available or until the emergency is completely handled in the case of information about environmental emergency.

9. Any organization or individual that provides and receives payments for ecosystem services (PES) shall disclose its PES scheme enclosed with a map showing boundaries, boundary markers, area of the site providing ecosystem

services; list of organizations and individuals using and paying for ecosystem services; list of beneficiaries, amounts to be received, payment plan as prescribed by the LEP as follows:

a) The disclosure shall be made on the website of the organization or individual that provides and receives payments for ecosystem services or website of the provincial environmental protection authority or at the communal People's Committee;

b) The disclosure shall be made on a quarterly and annual basis. The disclosure shall be made within 05 days after the scheme or the list of organizations and individuals is approved.

10. Regarding the environmental information subject to mandatory disclosure as prescribed by other relevant laws, the disclosure thereof shall be made in accordance with such laws.

## **Section 2. ENVIRONMENTAL INFORMATION SYSTEMS AND ENVIRONMENTAL DATABASES**

### **Article 103. Policies for investment in building and use of environmental information systems and environmental databases**

The State shall formulate a policy to prioritize investment in execution of projects on building and operation of the environmental information system as follows:

1. Develop digital data and environmental digital technology platforms in support of state management, policy making, decision support, inspection and monitoring of environmental protection activities and environmental analysis, forecasting and early warning.

2. Connect environmental data and information from ministries, ministerial agencies and local governments, establish connection with the national data portal serving e-Government operation and development of digital Government, digital economy, digital society and smart cities.

3. Innovate, invent and apply new technologies and smart devices to acquire, manage, analyze, process, share, exploit and use environmental information and data and ensure their security.

4. Change the working style of regulatory bodies in which regulatory bodies can interact with people or enterprises digitally.

5. Encourage organizations, individuals and communities to participate in receiving, contributing, sharing, exploiting and providing services, value added, create digital content market in terms of environmental information and data.

#### **Article 104. Maintaining operation of environmental information systems and environmental databases at all levels**

1. MONRE, other Ministries, ministerial agencies and provincial People's Committees shall provide funding for investment in, construction, management and operation of environmental information systems and environmental databases as prescribed; satisfy the conditions concerning human resources, information technology infrastructure and information security so as for the environmental information systems and environmental databases at all levels to operate in a stable and efficient manner that ensures cyberinformation security and compliance with regulations of law.

2. Personnel operating and managing environmental information systems and environmental databases shall be taken from local personnel or through information technology services or other methods as per the law.

3. Private-sector investment, hiring of information technology services, utilization of sources of economic sectors are prioritized and encouraged.

4. MONRE shall formulate technical regulations and provide guidance on building, management and operation of environmental information systems and environmental databases at all levels; inspect and supervision the process of connection and sharing of data with environmental databases as prescribed by law.

#### **Article 105. Requirements for environmental databases at all levels**

1. The national environmental database manages the environmental information specified in the specified in clause 1 Article 114 of the Law LEP on the national scale; connects and incorporates information from specialized environmental databases and environmental databases of Ministries, ministerial-level agencies and provinces nationwide; is built, operated and managed by the specialized environmental protection authority affiliated to MONRE to meet the requirements of the national database as prescribed.

2. Every provincial environmental database manages the environmental information specified in the specified in clause 1 Article 114 of the Law LEP within its province and under its jurisdiction; is built, operated and managed by the specialized environmental protection authority; connects, provides and updates environmental information to the national environmental database.

3. Every environmental database of a Ministry or ministerial agency manages the environmental information specified in points d and dd clause 1 Article 114 of the LEP within the scope of industries and fields; is built, operated and managed by the Ministry or ministerial agency; connects, provides and updates environmental information to the national environmental database.



4. The specialized environmental database is a database of one specialized field of environment; is built, operated and managed according to actual managerial requirements imposed by the environmental protection authority; provides information and data to the national environmental database.

5. Environmental databases at all levels shall comply with relevant regulations of law; Vietnam's e-Government architecture framework and ministerial e-Government architecture framework or provincial e-Government architecture framework; satisfy standards and technical regulations as prescribed; uses the same shared data catalog and master data included in the national environmental database.

6. The connection and sharing between environmental databases at all levels shall comply with the Government's regulations on management, connection and sharing of digital data within regulatory bodies; regulations laid down by the Ministry of Information and Communications and MONRE.

#### **Article 106. Providing and updating information and data to environmental databases**

1. Investment project and business owners shall provide and update the environmental information specified in points a, b and c clause 1 Article 114 of the LEP and other relevant regulations of law to the national and provincial environmental databases under their jurisdiction and according to the guidelines provided by the environmental information managing authority.

2. Ministries and ministerial agencies shall provide and update the environmental information under their management specified in points d and dd clause 1 Article 114 of the LEP and other relevant regulations of law to the national environmental database.

3. Provincial People's Committees shall provide and update the environmental information within their provinces and under their jurisdiction to the national environmental database.

4. Methods for providing and updating information and data to environmental databases at all levels are as follows:

a) Through connection and sharing of data between environmental databases at all levels;

b) Declaring and updating data directly via application software; automatic and smart devices and systems;

c) Providing electronic information and data in case the environmental protection authority is yet to deploy the methods mentioned in points a and b of this clause.

## **Article 107. Building, operation and management of environmental databases**

The operation and management of environmental databases cover the following tasks:

1. Build environmental databases by following MONRE's guidance.
2. Collect, create, enter, integrate and connect data to databases.
3. Inspect and assess the management of quality of data in environmental databases.
4. Analyze and aggregate data in support of state management and disclose environmental information and data.
5. Introduce the environmental open data catalog in the field of environment, organize formulation of plans and publish environmental open data under management as prescribed
6. Operate, provide information technology infrastructure and ensure information security and cybersecurity for operation of environmental databases.
7. Develop and adopt backup solutions so as to ensure data integrity and safety. If data is corrupted or destroyed as a result of illegal acts, there must be a data recovery mechanism.

## **Chapter IX.**

### **ENVIRONMENTAL EMERGENCY PREVENTION AND RESPONSE; COMPENSATION FOR ENVIRONMENTAL DAMAGE**

#### **Section 1. ENVIRONMENTAL EMERGENCY PREVENTION AND RESPONSE**

##### **Article 108. Environmental emergency response plans**

1. An environmental emergency response plan means a document which identify potential environmental emergencies and potential environmental emergency scenarios and include response schemes to allow a ready and prompt response to an actual environmental emergency.
2. An internal environmental emergency response plan contains the following contents:
  - a) Identifying and assessing risks of environmental emergencies occurred during operation of a business, scenarios for each type of potential risk of an environmental emergency;

b) An environmental emergency prevention and response scheme including works, equipment, supplies, tools and vehicles necessary for environmental emergency response; deployment of on-site resources for ready response to each environmental response scenario;

c) A plan to provide training and organize drills in environmental emergency response for the on-site response force;

d) Method for public alert and notification of environmental emergencies and deployment of human resources and equipment for environmental emergency response;

dd) Solutions for organizing response to environmental response in terms of the contents specified in clause 3 Article 125 of the LEP.

3. A district-level, provincial or national internal environmental emergency response plan contains the following contents:

a) Identifying and assessing risks of environmental emergencies in the locality; scenarios for each type of potential risk of an environmental emergency; environmental emergency scenario response plan;

b) Plan for deployment of equipment, supplies and vehicles for response to environmental emergency at levels of emergencies;

c) Assigning full-time and part-time forces to respond to environmental emergencies; determining contents and organizing environmental emergency response training and drills in the annual civil defense plan and program at the same level;

d) Procedures for receiving and processing information and methods for public alert and notification of environmental emergencies and mechanisms for deployment of human resources and equipment for response at levels of environmental emergencies;

dd) Solutions for organizing response to environmental response in terms of the contents specified in clause 3 Article 125 of the LEP.

### **Article 109. Promulgating and approving environmental emergency prevention and response plans**

1. Every investment project and business owner shall promulgate and organize the implementation of their environmental emergency prevention and response plan in conformity with the environmental emergency prevention and response contents in the decision on approval of EIAR appraisal result or environmental license.

If the environmental emergency response plan is incorporated into and approved together with the plan for response to another emergency as prescribed

in point b clause 6 Article 124 of the LEP, such plan shall include all contents specified in clause 2 Article 108 of this Decree.

2. The National Committee for Search and Rescue, the provincial Steering Committee for Natural Disaster Prevention and Control, the district-level provincial Steering Committee for Natural Disaster Prevention and Control shall promulgate the national, provincial and district-level environmental emergency response plan respectively.

The national, provincial and district-level environmental emergency response plan shall be formulated and promulgated every 05 years.

If the national, provincial and district-level environmental emergency response plan are incorporated into the civil defense plan at the same level, it shall include all contents specified in clause 3 Article 108 of this Decree.

#### **Article 110. Disclosure of environmental emergency response plans**

1. The National Committee for Search and Rescue shall disclose its national environmental emergency response plan on its website and send it to Ministries, ministerial agencies, Governmental agencies and provincial People's Committees.

2. The provincial and district-level People's Committees shall disclose their provincial and district-level environmental emergency response plans on their websites; send them to authorities within their provinces and districts and to supervisory authorities.

3. Every investment project and business owner shall disclose their internal environmental emergency response plans; send the environmental emergency response plan to the district-level provincial Steering Committee for Natural Disaster Prevention and Control.

The investment project and business owner shall provide contents of their plan to the management board of the industrial park, export-processing zone, economic zone or hi-tech zone if the project or business is located in the industrial park, export-processing zone, economic zone or hi-tech zone.

#### **Article 111. Responsibilities of Ministries and ministerial agencies for environmental emergency prevention and response**

1. The Ministry of National Defense shall:

a) Preside over and cooperate with Ministries, ministerial agencies and provincial People's Committees in providing guidelines, forming forces and providing resources and equipment for environmental emergency response to the National Committee for Search and Rescue, the provincial and district-level Steering Committees for Natural Disaster Prevention and Control;

b) Preside over advising National Committee for Search and Rescue on organizing response to the national environmental emergencies caused by oil spill; participate in response to the national environmental emergencies as assigned by the National Committee for Search and Rescue;

c) Direct military zones and local military authorities at all levels to advise the People's Committees at the same level on response to environmental emergencies.

2. MONRE shall:

a) Provide technical guidance on waste-related emergency response and prevention; technical guidance on environmental remediation after environmental emergency;

b) Preside over advising National Committee for Search and Rescue on organizing response to the national environmental emergencies caused by waste; participate in response to the national environmental emergencies as assigned by the National Committee for Search and Rescue.

3. The Ministry of Industry and Trade shall:

a) Provide technical guidance on prevention and response to environmental emergencies caused by leakage or dispersion of toxic chemicals for industrial use;

b) Preside over advising the National Committee for Search and Rescue on organizing response to the national environmental emergencies caused by leakage or dispersion of toxic chemicals for industrial use; participate in response to the national environmental emergencies as assigned by the National Committee for Search and Rescue.

4. The Ministry of Science and Technology shall:

a) Provide technical guidance on prevention and response to environmental emergencies caused by radiation and nuclear leakage;

b) Preside over advising National Committee for Search and Rescue on organizing response to the national environmental emergencies caused by radiation and nuclear leakage; participate in response to the national environmental emergencies as assigned by the National Committee for Search and Rescue.

5. The Ministry of Agriculture and Rural Development shall:

a) Provide technical guidance on prevention of and response to environmental emergencies caused by natural disasters, dyke, lake and dam breach and domesticated animal diseases;

b) Preside over advising National Committee for Search and Rescue on organizing response to the national environmental emergencies caused by natural disasters, dyke, lake and dam breach, forest fire, domesticated animal diseases;

participate in response to the national environmental emergencies as assigned by the National Committee for Search and Rescue.

6. The Ministry of Public Security shall:

a) Provide technical guidance on prevention and response to environmental emergencies caused by conflagration;

b) Preside over advising National Committee for Search and Rescue on organizing response to the national environmental emergencies caused by conflagration;

c) Direct fire and rescue police; environmental crime prevention and fighting police and police authorities at all levels to participate in environmental emergency response at the request of competent authorities;

d) Direct and ensure political security, social order and safety in areas where environmental emergencies occurs; investigate and clarify the causes of environmental emergencies in accordance with regulations of law.

7. The Ministry of Health shall:

a) Provide guidance on prevention and response to environmental emergencies caused by dangerous infectious diseases;

b) Preside over advising National Committee for Search and Rescue on organizing response to the national environmental emergencies caused by dangerous infectious diseases; participate in response to the national environmental emergencies as assigned by the National Committee for Search and Rescue.

c) Organize assessment of extent and level of impacts of the national environmental emergencies on human health.

8. The Ministry of Transport shall preside over and cooperate with the Ministry of National Defense, Ministries, ministerial agencies and People's Committees of provinces concerned in implementing plans for use of traffic infrastructure, equipment, vehicles and supplies under their jurisdiction for participation in environmental emergency response as directed by the National Committee for Search and Rescue.

9. The Ministry of Finance shall provide guidelines for allocation of budget for environmental emergency response.

10. Ministries and ministerial agencies shall advise the National Committee for Search and Rescue on organizing response to the national environmental emergencies within their jurisdiction; participate in response to the national environmental emergencies as assigned by the National Committee for Search and Rescue.

## **Section 2. RESPONSIBILITY FOR CLAIMING COMPENSATION FOR ENVIRONMENTAL DAMAGE**

### **Article 112. Notification of environmental damage**

1. The notification to the authority settling claims for damage when finding a sign of pollution or degradation as prescribed in clause 1 Article 131 of the LEP shall be made in writing. A written notification is composed of the following contents:

- a) Information about the organization or individual finding the sign of pollution or degradation;
- b) Sign and location where the environmental pollution or degradation occurs;
- c) Suspected sources of pollution or degradation;
- d) Initial damage (if any);
- dd) Other relevant evidence (if any);
- e) Other relevant documents attached (if any).

2. The regulations set out in clause 1 of this Article shall not apply to the case where the environment is polluted or degraded due to the following causes:

- a) Natural disasters;
- b) A force majeure event or emergency which requires compliance with request of the competent authority;
- c) Other cases prescribed by law.

### **Article 113. Responsibilities of authority settling claims for environmental damage**

1. Receive notifications of signs of environmental pollution or degradation. If it is beyond its power, the receiving authority shall immediately the notification and attached documents to the authority competent settling claims for environmental damage for settlement.

2. Check and verify information and make a record of signs of environmental pollution or degradation. The record must be confirmed by the person in charge of verification, representative of the residential area where the pollution or degradation occurs, representative of the communal People's Committee if the settling authority is the People's Committee of the district or higher.

3. Identify the organization or individual causing environmental pollution or degradation.



4. Collect and appraise data and evidence to assess environmental damage and claim compensation for environmental damage as prescribed in clause 2 Article 131 of the LEP. To be specific:

a) Collect data and evidence; determine the liability for damage; calculate environmental damage caused by pollution or degradation or hire a suitably qualified unit to do so;

b) Establish a data and evidence appraisal council so as to assess environmental damage as prescribed in Article 114 of this Decree;

c) Put forward a claim for damage on the basis of the consultancy given by the data and evidence appraisal council.

5. Assess damage and claim compensation for loss of life, health, property and legitimate interests of an organization or individual as a result of impairment of environmental functions and usefulness if authorized by the organization or individual pursuant to the legislation on civil matters.

#### **Article 114. Data and evidence appraisal council**

1. The data and evidence appraisal council shall research, consider, appraise and evaluate collected data and evidence to assess and calculate environmental damage; ensure the accuracy, adequacy and objectiveness; be responsible to the authority settling claims for damage for its data and evidence appraisal results.

2. Composition of the council:

a) The council shall be composed of at least 07 members: 01 Chair, 01 Deputy Chair where necessary, 01 secretary who is a public official or public employee of the authority organizing collection and appraisal of data and evidence; representatives of authorities concerned; representative of the environmental protection authority; experts in environment and other related fields;

b) An expert who is the council's member must have at least 07 years, 05 years or 03 years of work experience if holding a bachelor's degree, a master's degree and a doctoral degree respectively;

c) The council established by MONRE must include a representative of the specialized environmental protection authority of the province where the pollution or degradation occurs;

d) The council established by the provincial People's Committee must include a representative of the specialized environmental protection authority of the province where the pollution or degradation occurs; representative of the management board of the economic zone, industrial park, export-processing zone or hi-tech zone where the where the pollution or degradation occurs where necessary;

dd) The council established by the district-level People's Committee must include a representative of the People's Committee of the commune where the pollution or degradation occurs; representative of the management board of the economic zone, industrial park, export-processing zone or hi-tech zone where the pollution or degradation occurs where necessary.

3. The council shall work on the principle of public discussion between council members and between the council and the organizations and individuals concerned.

4. An official meeting of the council shall be only conducted if the following conditions are satisfied:

a) At least 2/3 of council members attend the meeting in person or online, among which the Chair (or Deputy Chair authorized by the Chair) and secretary are required;

b) The meeting is attended by the organization or individual causing environmental pollution or degradation. This regulation will not apply if the organization or individual causing environmental pollution or degradation is absent for the third time when requested in writing by the competent authority;

c) The meeting is attended by the unit collecting data and evidence; determining the liability for damage; calculating environmental damage caused by pollution or degradation specified in point a clause 4 Article 113 of this Decree (if any).

5. The absent council members may provide their evaluation reports in advance, which are considered opinions of members who are present at the meeting but are not permitted to vote.

6. Council members and enquired authorities and experts shall be responsible to the authority settling claims for damage for their evaluation of the tasks assigned during the data and evidence appraisal; are entitled to receive remuneration as prescribed by law.

### **Section 3. ASSESSMENT OF ENVIRONMENTAL DAMAGE**

#### **Article 115. Subjects of assessment of damage caused by environmental pollution and degradation**

1. Subjects of assessment of damage caused by environmental pollution or degradation:

a) Environmental components: surface water environment, soil environment;

b) Ecosystems including: forest ecosystem (terrestrial and mangrove); coral ecosystem; seagrass ecosystem;

c) Dead species of animals and plants distributed in Vietnam on the list of endangered, precious and rare species whose protection is prioritized; endangered, precious and rare species of forest plants and animals; endangered species of wild fauna and flora in the CITES Appendices.

2. The assessment of loss of life, damage to health, property and legitimate interests of organizations and individuals as a result of impairment of environmental functions and usefulness shall be carried out pursuant to the legislation on civil matters.

#### **Article 116. Data and evidence used to assess damage caused by environmental pollution and degradation**

1. Data and evidence to be collected to identify an organization or individual that causes environmental pollution or degradation include:

a) Agents that cause an environmental emergency or directly harm the environment or area of environmental pollution or degradation;

b) Basic information about the organization or individual in relation to the area of environmental pollution or degradation, including type of operation; products, capacity or input materials; manufacturing process; waste stream; location and method of waste discharge; waste treatment measures; monitoring and analysis of environmental parameters;

c) Other related data and evidence.

2. Data and evidence to be calculated or estimated to determine the area of polluted or degraded water include:

a) Information and data on state of the environment in the area prior to environmental pollution or degradation;

b) Decision(s), license(s) or document(s) issued by the competent authority prescribing the use or approval(s) for the planning for use of components of water in the polluted or degraded area;

c) Results of monitoring; investigation; auditing; inspection by the competent authority in relation to water in the polluted or degraded area;

d) Area of water surface and volume of polluted water;

dd) Pollutants and content of pollutants in water;

e) Other related data and evidence.

3. Data and evidence to be calculated or estimated to determine the area of polluted or degraded soil include:

a) Information and data on state of the environment in the area prior to environmental pollution or degradation;

b) Decision(s), license(s) or document(s) issued by the competent authority prescribing the use or approval(s) for the planning for use of components of soil in the polluted or degraded area;

c) Results of monitoring; investigation; auditing; inspection by the competent authority in relation to soil in the polluted or degraded area;

d) Information, documents, maps and data on natural and socio-economic conditions, management and use of land and natural resources in relation to soil quality and potential in the area where pollution needs to be determined;

dd) Area, volume and mass of polluted soil;

e) Pollutants and content of pollutants in soil;

g) Other related data and evidence.

4. Data and evidence to be collected or estimated to determine the area, number and components of the degraded ecosystems include:

a) Information and data on state of the environment in the area prior to environmental pollution or degradation;

b) Decision(s) or document(s) issued by the competent authority prescribing level of conservation of the ecosystem;

c) Results of investigation; auditing; inspection by the competent authority in relation to the ecosystem in the polluted or degraded area;

d) Forest status map, database of forest transition from time to time (digital) (except for wood reserve, forest structure, forest area, forest growth); environmental pollution map interpreted by images or specialized software (digital map);

dd) Information on database of natural conditions, hydrometeorology, oceanography and environment (water, sediment), map of status of scale, boundary, area, structure, distribution by depth, coverage, status of coral ecosystems, seagrass ecosystems, coastal and island wetland ecosystems;

e) Information about status of discharge, points of discharge of waste into areas with coral reef, seagrass and mangrove ecosystems within the area of land on which coastal and island wetlands are available;

g) Other related data and evidence.

5. Data and evidence to be collected or estimated to determine the number and components of species of animals and plants specified in point c clause 1 Article 115 of this Decree include:

a) Document(s) issued by the competent authority prescribing list and mechanism for management of species of animals and plants;

b) Results of investigation, auditing and inspection by the competent authority in relation to species of animals and plants;

c) Area of the site impacted by environmental pollution or degradation, duration of impact and costs of species restoration kept to the minimum;

d) Other related data and evidence.

6. Data and evidence used to assess damage caused by pollution or degradation may be in the form of: images, words, data obtained observation, measurement, analysis, remote sensing, geographic information system and other forms.

7. Data and evidence used to assess damage caused by environmental pollution or degradation must be accurate, scientifically sound and practical.

**Article 117. Methods for determining area of polluted and degraded environment; number of deteriorated environmental components, types of damaged ecosystems, dead species of animals and plants**

1. Methods for determining area of polluted surface water and water:

a) Carrying out investigations, surveys and determination of natural conditions and environment of the area where pollution occurs;

b) Using suitable hydrodynamic and environmental models to predict and determine the extent of pollution;

c) Carrying out field surveys according to the models to determine the extent, area, and volume of pollution.

2. Methods for determining area of polluted soil:

a) Carrying out field investigations and surveys according to the current land use map equivalent to levels;

b) Collecting and analyzing soil samples according to regulations of law to determine pollution points; area, weight and volume of polluted soil determined through the demarcation of contaminated land on the current land use map equivalent to levels.

3. Methods for determining area, number and components of degraded forest ecosystem (terrestrial and mangrove):

a) Overlaying the forest status map with the pollution map to determine area of the forest affected by pollution;

b) Carrying out field investigations into forest status plots after pollution to determine the number, volume and components of the damaged forests;

c) In the absence of a forest status map or forest transition map, using an equivalent forest ecosystem database.

4. Methods for determining scale, area and number of coral and seagrass ecosystems:

a) Carrying out field surveys, collecting information, calculating area and coverage of damaged coral reefs and seagrass;

b) In the absence of a map or data on status of coral reefs and seagrass, using equivalent ecosystem databases.

5. Methods for assessing damage to the number and composition of species of animals and plants specified in point c clause 1 Article 115 of this Decree:

a) Carrying out field investigations and collecting field information in the polluted and degraded environment about the number of individuals and composition of species of animals and plants

b) Carrying out collection, analysis and calculations by adopting actual measurement methods, using models and technical measures to assess the change in species composition, number of individuals of species of animal and plants before and after the pollution.

#### **Article 118. Assessing degree of damage to each environmental component, ecosystem and species**

1. Rules for determining the degree of damage:

a) The degree of damage to environmental component, ecosystem and species of animal and plant specified in Article 115 of this Decree shall be determined according to the costs of environment and ecosystem remediation and restoration, conservation breeding, restoration and reintroduction of animals into their natural habitats or cultivation of plants in accordance with environmental technical regulations or to a state which is the same as or equivalent to the original state of the ecosystems and species of the animals and plants specified in points b and c clause 1 Article 115 of this Decree prior to the pollution or degradation;

b) Damage to the environment of a geographic area equals the total of damage to environmental components of such geographic area.

2. Methods for determining the degree of damage:

As the case may be, the competent authority and organization or individual causing environmental pollution or degradation may opt for one of the following methods for determining the costs of environmental remediation and restoration, conservation breeding, restoration and reintroduction of animals into their natural habitats or cultivation of plants in accordance with environmental technical

regulations or to a state which is the same as or equivalent to their original state and restoration of the ecosystems and species of animals and plants specified in points b and c clause 1 Article 115 of this Decree:

a) The organization or individual that causes environmental pollution, ecosystem degradation and death of animals and plants specified in clause 1 Article 115 of this Decree shall carry out or hire a suitably qualified unit to carry out environmental remediation and restoration, conservation breeding, restoration and reintroduction of animals into their natural habitats or cultivation of plants in accordance with environmental technical regulations or to a state which is the same as or equivalent to the original state of the ecosystems and species of animals and plants specified in points b and c clause 1 Article 115 of this Decree in accordance with environmental technical regulations or to a state which is the same as or equivalent to their original state prior to the pollution or degradation.

In this case, the organization or individual causing environmental pollution or degradation shall itself pay the costs of environmental remediation and restoration, conservation breeding, restoration and reintroduction of animals into their natural habitats or cultivation of plants in accordance with environmental technical regulations or to a state which is the same as or equivalent to the original state of the ecosystems and species of animals and plants specified in points b and c clause 1 Article 115 of this Decree within the prescribed time limit, shall be under supervision and have their result of implementation confirmed as prescribed by law;

b) The organization or individual that causes environmental pollution; ecosystem degradation and death of animals and plants specified in clause 1 Article 115 of this Decree fails to determine the costs of environmental remediation and restoration and conservation breeding, restoration and reintroduction of animals into their natural habitats or cultivation of plants in accordance with environmental technical regulations or to a state which is the same as or equivalent to the original state of the ecosystems and species of animals and plants specified in points b and c clause 1 Article 115 of this Decree, the competent authority shall do so according to the formula specified in clause 4 of this Article;

c) In case of failure to determine the costs of environmental remediation and restoration under environmental technical regulations, conservation breeding, restoration and reintroduction of animals into their natural habitats or cultivation of plants in accordance with environmental technical regulations or to a state which is the same as or equivalent to the original state of the ecosystems and species of animals and plants specified in points b and c clause 1 Article 115 of this Decree, use the result of calculation of damage to the environment or damage caused by ecosystem degradation or death of the species of animals and plants



specified in clause 1 Article 115 of this Decree in the previously occurred cases with equivalent extent and nature which have been recognized by a competent authority or where the state of the environment prior to its pollution, the state of the ecosystem prior to its degradation and the status of species of animals and plants prior to their death are simulated; make a plan to calculate the costs of restoring the environment, ecosystems and species of animals and plants specified in clause 1 Article 115 of this Decree to their original or equivalent state;

d) Other methods.

3. If the environmental remediation and restoration and cultivation of plants, conservation breeding, restoration and reintroduction of animals into their natural habitats for the species of animals specified in point c clause 1 Article 115 of this Decree are carried out using the methods specified in points b, c and d clause 2 of this Article, the organization or individual that causes pollution or degradation of the environment or ecosystem and causes death of the species of animals and plants ;

4. Formula for calculating compensations for damage:

a) The total damage caused by pollution or degradation to the environment of a geographic area shall be calculated according to the following formula:

$T = TN + TĐ + THST + TLBV$ , where:

T is the damage caused by pollution or degradation to the environment of a geographic area;

TN is the damage caused by pollution or degradation to water;

TĐ is the damage caused by pollution or degradation to soil;

THST is the damage caused by pollution or degradation to the ecosystem;

TLBV is the damage caused to the species of animals and plants specified in point c clause 1 Article 115 of this Decree;

b) The damage caused by pollution to water shall be calculated according to the following formula:

$TN = S \times CN$ , where:

TN is the damage caused by pollution or degradation to water;

S is the volume of polluted water (m<sup>3</sup>);

CN is the rated amount for treating 01 m<sup>3</sup> of water in accordance technical regulations;

c) The damage caused by pollution to soil shall be calculated according to the following formula:

$TD = S \times CD$ , where:

TD is the damage caused by pollution or degradation to soil;

S is the volume or weight of polluted soil ( $m^3$  or kg);

CD is the rated amount for treating 01  $m^3$  or 01 kg of soil in accordance with technical regulations;

d) The damage to a forest ecosystem (terrestrial and mangrove), coral ecosystem; seagrass ecosystem shall be calculated according to the following formula:

$THST = S \times 3 \times CHST$ , where:

THST is the damage caused by degradation to the ecosystem including forest ecosystem (terrestrial and mangrove), coral ecosystem; seagrass ecosystem;

S is the area of degraded forest (terrestrial and mangrove), ecosystem, coral reef and seagrass ecosystem (expressed in  $m^2$ );

CHST is the rated amount for restoring the degraded forest (terrestrial and mangrove), coral ecosystem and seagrass ecosystem;

dd) The damage caused to the species of animals and plants specified in point c clause 1 Article 115 of this Decree shall be calculated according to the following formula:

$TLBV = N \times CLBV$ , where:

TLBV is the damage to the animals and plants;

N is the number of individuals of animals and plants;

CLBV is the rated amount for plant cultivation, conservation breeding, restoration and reintroduction of animals into their natural habitats or cultivation of plants to a state which is the same as or equivalent to the original state of the species of animals specified in point c clause 1 Article 115 of this Decree;

e) The rated amount for treating a unit of volume of water, volume or weight of soil in accordance with environmental technical regulations, costs of forest (terrestrial and mangrove), coral ecosystem and seagrass ecosystem restoration and costs of plant cultivation, conservation breeding, restoration and reintroduction of animals into their natural habitats and plant cultivation to a state which is the same as or equivalent to the original state of the species of animals specified in point c clause 1 Article 115 of this Decree shall comply with applicable regulations;

g) If a rated amount is not available, the competent authorities shall, within their jurisdiction, introduce a rated amount for environmental remediation and restoration; ecosystem restoration; conservation breeding, restoration and reintroduction of animals and plant cultivation specified in clause 1 Article 115 of this Decree.

#### **Section 4. VERIFICATION OF DAMAGE CAUSED BY IMPAIRMENT OF ENVIRONMENTAL FUNCTIONS AND USEFULNESS**

##### **Article 119. Organizations verifying damage caused by impairment of environmental functions and usefulness**

1. Organizations verifying damage caused by impairment of environmental functions and usefulness shall be selected as prescribed in clause 3 Article 135 of the LEP.

2. An organization verifying damage caused by impairment of environmental functions and usefulness means a subject-matter expertise service provider in the field of environment which is announced as prescribed or another organization which satisfies the following conditions:

- a) Have a legal status;
- b) Have professional experience suitable for the contents to be verified;
- c) Have adequate officials and infrastructure for verification.

##### **Article 120. Verifying damage caused by impairment of environmental functions and usefulness**

1. Any organization or individual suffering from damage or authority settling claims for environmental damage fails to agree with the result of damage verification may request verification of damage caused by impairment of environmental functions and usefulness.

2. Procedures for verifying damage caused by impairment of environmental functions and usefulness shall comply with regulations on judicial expertise in the environment field and relevant regulations of law.

3. The result of verification of damage caused by impairment of environmental functions and usefulness shall serve as the basis for the authority settling claims for environmental damage to issue a demand that compensation be paid before selecting one of the methods specified in clause 1 Article 133 of the LEP.

## **Chapter X**

### **ECONOMIC INSTRUMENTS IN ENVIRONMENTAL PROTECTION**

#### **Section 1. PAYMENTS FOR ECOSYSTEM SERVICES**

##### **Article 121. Ecosystem services for which payments are made**

1. Forest environmental services provided by forest ecosystems shall comply with regulations of law on forestry. Any organization or individual that has paid for forest environmental services provided by a forest ecosystem before the effective date of this Decree is not required to make PES as prescribed in this Decree.

2. The ecosystem services for which payments are made as prescribed in points b, c and d clause 2 Article 138 of the LEP consist of:

a) Wetland ecosystem services for the purposes of tourism business, leisure and aquaculture provided by significant wetlands and mixed ecological regions in accordance with regulations of law on biodiversity;

b) Marine ecosystem services for the purposes of tourism business, leisure and aquaculture provided by marine protected areas and aquatic resource protection areas;

c) Rocky mountain and cave ecosystem services for the purposes of tourism business and leisure; geopark ecosystem services for the purposes of tourism business and leisure; except for the cases where payments for forest environmental services provided by a forest ecosystem specified in clause 1 of this Article have been paid.

3. MONRE shall preside over and cooperate with Ministries and ministerial agencies in requesting the Prime Minister to decide on pilot application of payments for carbon sequestration and storage services provided by marine ecosystems and wetland ecosystems, which serves as the basis for requesting the Government to decide the official application.

##### **Articles 122. Organizations and individuals providing and entitled to be paid for their ecosystem services**

1. Wildlife sanctuary management boards.

2. Organizations and individuals assigned to manage, protect, maintain and develop the ecosystems specified in clause 2 Article 121 of this Decree.

### **Articles 123. Organizations and individuals using and paying for ecosystem services**

1. Users of ecosystem services in the areas providing ecosystem services are provided specified in clause 6 Article 124 of this Decree shall make PES when carrying out the following activities:

a) Extracting and using surface water and sea surface of the ecosystems for aquaculture and water recreation services;

b) Using landscapes of ecosystems for tourism and recreation services.

2. Cases of exemption from PES:

a) Organizations and individuals in disadvantaged areas, poor households, near-poor households certified by local authorities;

b) Individuals conducting production and business activities who are incapacitated, dead or declared dead or missing who have no property to make payment or their guardian or inheritor incapable to repay their debts;

c) Organizations conducting production and business activities that receive dissolution or bankruptcy decisions from competent authorities under regulations of law and have neither capital nor assets to make PES to ecosystem service providers;

d) Ecosystem service users that are also ecosystem service providers. They are obliged to record the costs of protecting, maintaining and developing ecosystems.

### **Article 124. PES schemes**

1. The provincial specialized environmental protection authority shall preside over and cooperate with relevant agencies in formulating a PES scheme specified in clause 2 Article 121 of this Decree within its province and submitting it to the provincial People's Committee for approval.

2. Main contents of a provincial PES scheme include:

a) General information about areas providing ecosystem services; list of and maps showing areas providing ecosystem services. Maps include printed map and digital map at the scale of 1:25,000 - 1:100.000 (depending on shape and area of the province);

b) Organizations and individuals providing and entitled to be paid for their ecosystem services;

c) Types of ecosystem services entitled to be provided; types of activities using ecosystems and measures to reduce adverse effects on the ecosystem;

d) Methods of making payments, minimum level of payments for the types of ecosystem services specified in Article 125 and clause 1 Article 126 of this Decree;

dd) Implementation plan and responsibilities of relevant authorities, organizations and individuals;

e) Inspection and supervision of PES.

3. If the local government has yet to formulate or approve a provincial PES scheme, the provincial specialized environmental protection authority shall preside over and cooperate with relevant agencies in formulating a scheme for one or more ecosystems.

4. Every PES provider shall formulate an internal PES scheme for the areas applying PES in conformity with the provincial PES scheme specified in clauses 2 and 3 of this Article.

5. Main contents of an internal PES scheme include:

a) Name and place of the ecosystem;

b) General information about areas providing ecosystem services; maps describing the boundaries and boundary markers of and area at which ecosystem services are provided at the scale of 1:5,000 to 1:25,000 (depending on the shape and size of the area providing ecosystem services);

c) Types of ecosystem services entitled to be provided;

d) List of ecosystem service users;

dd) Measures for preserving, maintaining and developing ecosystems;

e) Estimated payments, payment method;

g) A plan to use revenue from payment for ecosystem services.

6. An area providing the ecosystem services specified in clause 2 Article 121 of this Decree shall be determined according to the following rules:

a) Areas providing wetland ecosystem services include significant wetlands, waters in buffer zones of wetland conservation areas and other areas where tourism business, recreation and aquaculture activities using services provided by wetland ecosystems (if any) are carried out;

b) Areas providing marine ecosystem services include marine protected areas and waters in buffer zones of marine protected areas; aquatic resource protection areas; other areas where tourism business, recreation and aquaculture activities using services provided by marine ecosystems (if any) are carried out;

c) Areas providing rocky mountain, cave and geopark ecosystem services for the purposes of tourism business and leisure include the entire area of the rocky mountain, cave and geopark.

### **Article 125. Methods for making PES**

1. Every ecosystem service user shall make direct payment to the ecosystem service provider under an agreement between the two parties. If not making direct payment, the ecosystem service user shall pay the ecosystem service provider via the provincial environment protection fund or VEPF if the local authority has yet to establish a provincial environment protection fund.

2. Ecosystem service users shall pay for ecosystem services from the date on which such ecosystem services are available. For the ecosystem services used before the effective date of this Decree, the PES shall be made from the effective date of this Decree.

3. Payment for ecosystem services made with authorization:

a) Every contract for authorized collection of PES shall conform to the PES scheme for the entire area applying PES as specified in clause 4 Article 128 of this Article;

b) Before October 15, the ecosystem service user shall submit a plan to make PES to the authorized environment protection fund;

c) By December 15, the ecosystem service user shall make a statement of PES and send it to the authorized environment protection fund;

d) The ecosystem service user shall make payments on a quarterly or annual basis. The time limit for making payments is 10 days from the end of the quarter in case of making payments on a quarterly basis and 10 days from the end of the first quarter in case of making payments on an annual basis.

4. MONRE shall promulgate form of a PES contract; form of a plan to make PES; form of a statement of PES prescribed in clause 3 of this Article.

### **Article 126. Level of PES**

1. The level of PES for tourism business, leisure or aquaculture activities shall be determined on the basis of a voluntary agreement between the ecosystem service provider and ecosystem service user in accordance with the PES scheme specified in Article 124 of this Decree ensuring that such level equals at least 01% of the revenue generated by tourism, leisure or aquaculture in the period in the area providing ecosystem services as specified in clause 6 Article 124 of this Decree.



2. If an organization or individual that conducts production and business activities is affected by a natural disaster, conflagration or epidemic directly damaging their capital or assets, thereby resulting in their incapacity or suspension of their production and business activities shall receive a discount on PES. The discount on PES shall be agreed upon and decided by to the ecosystem service provider and ecosystem service user.

### **Article 127. Use and management of PES**

1. The ecosystem service provider is entitled to decide to use PES after discharging financial obligations to the State as prescribed by law.

2. If the entity specified in Article 122 of this Decree is the wildlife sanctuary management board or organization assigned to manage, protect, maintain and develop the ecosystems as prescribed by law, after deducting reasonable costs of preserving, maintaining and developing the ecosystems as prescribed in clause 3 of this Article, the remaining PES shall be transferred to the provincial environment protection fund or VEPF if the local authority has yet to establish a provincial environment protection fund for the purposes of coordination and protection, maintenance and development of other ecosystems within the province.

3. Reasonable costs of preserving, maintaining and developing ecosystems include:

- a) Cost of organizing the implementation of the PES scheme;
- b) Payments for the party preserving, maintaining and developing ecosystems under a package contract;
- c) Cost of inspection, supervision, production of statistics on, inventory and assessment of ecosystems;
- d) Cost of ecosystem restoration;
- dd) Payments for the authorized environment protection fund specified in point c clause 5 of this Article;
- e) Other expenditures directly serving preservation, maintenance and development of ecosystems as prescribed by law.

4. The authorized environment protection fund shall make a plan for collection and use and estimate of expenditures of management of PES by the authorization method as follows:

- a) Check the accuracy of the area at which ecosystem services are provided; make a list of ecosystem service providers;
- b) Consolidate plans to make PES of ecosystem service users;

c) Prepare a plan for collection and use of PES; estimate of expenditures on management of PES in the fourth quarter every year; submit them to the Minister of Agriculture and Rural Development (if the authorized environment protection fund is the VEPF) or to the provincial People's Committee (if the authorized environment protection fund is the provincial environment protection fund) for decision;

d) Notify the plan for collection and use of PES to the ecosystem service provider as prescribed by law.

5. The determination and coordination of PES for ecosystem service providers made with authorization shall be carried out as follows:

a) Before March 31, according to PES actually collected in the previous year and result of determination of the area eligible for payment, the director of the authorized environment protection fund shall determine the PES made to the ecosystem service providers in the previous year so as to coordinate and make PES to the ecosystem service providers;

b) Before April 15, the authorized environment protection fund shall notify the ecosystem service provider of the PES;

c) The authorized environment protection fund is entitled to deduct no more than 10% of the total PES made with authorization to serve the activities specified in clause 6 of this Article.

6. The deducted amounts for the authorized environment protection fund shall be used to provide for additional expenditures on operation of the authorized environment protection fund in direct support of ecosystem service payment under the guidance of the Ministry of Finance.

7. MONRE shall promulgate form of a consolidated plan to make PES of ecosystem service users; form of a plan for collection and use of PES; form of an estimate of expenditures on management of PES; form of a notification of PES issued by the authorized environment protection fund to the ecosystem service provider prescribed in points b and c clause 4, points a and b clause 5 of this Article.

## **Articles 128. Rights and obligations of ecosystem service providers**

1. Reserve the right to request ecosystem service users to pay for ecosystem services according to this Decree and other relevant regulations of law.

2. Have the obligation to use PES for their intended purposes specified in clauses 1, 2 and 3 Article 127 of this Decree.

3. Have the obligation to maintain the area at which ecosystem services are provided and ensure quality of provided ecosystem services under regulations of law and signed PES contracts.

4. Have obligation to formulate their internal PES schemes as prescribed in clauses 4 and 5 Article 124 of this Decree before entering into contracts with ecosystem service users; send 01 scheme to the provincial specialized environmental protection authority for supervision and management purposes.

5. Exercise other rights and obligations as prescribed by law.

#### **Articles 129. Rights and obligations of ecosystem service users**

1. Be informed of the maintenance, protection and development of ecosystems within areas where ecosystem services are provided and results thereof; be informed of the area and status of ecosystems assessed by ecosystem service providers.

2. Be entitled to participate in the process of formulating a plan for, carrying out, inspecting and supervising protection and development of ecosystems within areas where ecosystem services are provided.

3. Request an ecosystem service provider to adjust PES in case where it fails to adhere to the signed contract in terms of the area or status of the ecosystem for which the ecosystem service users has made respective payments.

4. Sign contracts and declare PES payable to the authorized environment protection fund in case of making PES with authorization.

5. Take legal responsibility for the accuracy of information provided as the basis for determining the level of PES.

6. Make PES sufficiently and by the deadline specified in the signed PES contract.

7. Participate in protecting ecosystems in areas where ecosystem services are provided; take measures to prevent and control impacts of production and business activities on ecosystems and take responsibility for restoration of ecosystems if they are affected.

8. Be notified by the authorized environment protection fund of results of payment for ecosystem services made with authorization to ecosystem service providers in case of making PES with authorization.

### **Section 2. LIABILITY INSURANCE AGAINST COMPENSATION FOR ENVIRONMENTAL DAMAGE; INCENTIVES AND ASSISTANCE IN ENVIRONMENTAL PROTECTION**

#### **Article 130. Entities required to buy liability insurance against environmental damage**

The owners of the investment projects and business involved in types of business, production and services likely to cause environmental protection with

large capacity specified in Column 3 Appendix II enclosed with this Decree shall buy liability insurance against environmental damage.

**Article 131. Entities entitled to incentives and assistance in environmental protection**

1. The entities entitled to incentives and assistance in environmental protection include organizations and individuals investing in environmental protection works; conducting production and business activities and providing services in relation to environmental protection in projects and business lines eligible for investment incentives specified in the Appendix XXX enclosed herewith.

2. Rules for providing incentives and assistance are specified in clause 1 Article 141 of LEP.

**Article 132. Land assistance**

1. The owners of the projects on construction of environmental protection works specified in clauses 1 and 3 in the Appendix XXX enclosed with this Decree are entitled to receive assistance in construction of infrastructural constructions as follows:

a) The State prioritizes the allocation of land associated with available works and technical infrastructural construction items (roads, electricity, water supply and drainage, communication, energy) outside the scope of the projects connected to the common technical infrastructure system of the area without holding an auction of land use rights;

b) If the State fails to allocated land associated with available works and technical infrastructural construction items outside the scope of the projects connected to the common technical infrastructure system of the area, the project owners are entitled to receive assistance in construction of infrastructural constructions in accordance with regulations of law on investment.

2. The owner of the investment project specified in point b clause 3 in the Appendix XXX enclosed with this Decree shall be entitled to incentives for exemption and reduction of land levy and land rents in accordance with regulations of law on land as entities in projects and special business lines eligible for investment incentives.

3. The owner of the investment project specified in point b clause 3 in the Appendix XXX enclosed with this Decree shall be entitled to incentives for exemption and reduction of land levy and land rents in accordance with regulations of law on land as entities in projects and special business lines eligible for investment incentives.

Funding for paying compensations and covering land clearance costs which has been advanced by the investment project owner according to the plan approved by the competent authority shall be deducted in accordance with regulations of law on land.

4. Regarding a project on relocation of households from a dedicated area for production, business operation and service provision or relocation of a operating business in the case of land expropriation by the State, the compensation, assistance and relocation shall comply with regulations of law on land.

### **Article 133. Investment capital incentives and assistance**

1. Incentives from VEPF and provincial environment protection funds:

a) If a project owner that carries out the activity specified in point a clause 1 in the Appendix XXX enclosed herewith applies a waste treatment technology with the percentage of waste to be buried after treatment of less than 30% of the total volume of collected solid waste, such owner shall be entitled to loan at a preferential interest rate of no more than 50% of the state interest rate of investment credit announced by the competent authority at the time of lending, the total loan shall not exceed 80% of the total investment in construction; such owner shall be also entitled to prioritized post-investment assistance covered by the annual revenue and expenditure difference;

b) If a project owner that carries out the activities specified in clause 3 Article 55 of the LEP and the Appendix XXX enclosed herewith is not specified in point a of this Clause, such owner shall be entitled to loan at a preferential interest rate of no more than 50% of the state interest rate of investment credit announced by the competent authority at the time of lending; the total loan shall not exceed 70% of the total investment in construction of works; such owner shall be also entitled to prioritized post-investment assistance covered by the annual revenue and expenditure difference.

2. Incentives from the Vietnam Development Bank: comply with the Governments regulations on state investment credit.

3. MONRE shall provide instructions on loan and post-investment assistance of interest rate specified in clause 1 of this Article; grants, co-grants or other aids to environment protection activities from VEPF. The provincial People's Committee shall provide instructions on loan and post-investment assistance of interest rate specified in clause 1 of this Article; grants, co-grants or other aids to environment protection activities of the province from the provincial environment protection fund.

4. The extension of credit guarantees to small and medium-sized enterprises taking out loans from lenders shall comply with regulations of law on credit guarantee.

5. The state budget shall provide interest rate subsidies directly for investors after medium-term and long-term loans have been settled to carry out environmental protection activities according to Appendix XXX enclosed herewith and the projects granted green credit at credit institutions, foreign bank branches in Vietnam. The project owner shall provide sufficient documentary evidence for the project and take legal responsibility for the efficiency and accuracy in terms of beneficiaries of interest rate subsidies.

#### **Article 134. Tax, fee and charge incentives**

1. Corporate income tax incentive: corporate income obtained from an investment project on the list of environmental protection activities eligible for incentives and assistance specified in clauses 1 and 2 in the Appendix XXX hereof shall be entitled to corporate income tax incentive in accordance with regulations of law on corporate income tax.

2. Other tax, fee and charge incentives shall comply with regulations of law on tax, fees and charges.

#### **Article 135. Subsidies on environmental protection products and services**

1. A list of public environmental protection products and services contains:

a) Domestic wastewater collection and treatment services for urban areas and high density residential areas;

b) Domestic solid waste collection and transport services for households and individuals;

c) Public transport services, except for oil-powered public transport services.

2. The provision of subsidies on the public products and services specified in clause 1 of this Article shall comply with the Government's regulations on task assignment, ordering or bidding for supply of public products and services funded by state budget for recurrent expenditures.

#### **Article 136. Green procurement for investment projects and tasks funded by state budget**

1. It is required to prioritize the use of Vietnam Ecolabel certified eco-friendly products and services for public procurement items or public investment items in investment projects and tasks funded by the state budget according to the Government's regulations.

2. When preparing bidding documents for public procurement, the requests for procurement and use of Vietnam Ecolabel certified eco-friendly products and services shall be included in the contractor selection criteria.

3. Domestic and foreign organizations and individuals are encouraged to implement green procurement and use Vietnam Ecolabel certified eco-friendly products and services.

4. The Ministry of Planning and Investment shall elaborate or request a competent authority to elaborate on prioritizing procurement of eco-friendly products and services in bidding for implementation of projects and tasks by contractors and investors using Vietnam Ecolabel certified products and services.

5. The Ministry of Finance shall elaborate or request a competent authority to elaborate on green procurement with respect to projects and tasks funded by the state budget.

### **Article 137. Assistance in promoting recommended environmental protection activities**

1. The State encourages organizations, individuals, enterprises and cooperatives to carry out the following activities:

a) Promote products obtained from environmental protection activities, recall and treatment of discarded products;

b) Produce and disseminate various types of films and television programs on environmental protection in order to raise people's awareness of environmental protection and use of eco-friendly products;

c) Provide free tools for households and individuals to classify waste in domestic solid waste.

2. The costs of carrying out the activities specified in clause 1 of this Article shall be recorded in the production costs of organizations, individuals, enterprises and cooperatives as prescribed by law.

## **Section 3. CRITERIA, ROADMAP AND MECHANISMS FOR ENCOURAGING DEVELOPMENT OF CIRCULAR ECONOMY**

### **Article 138. General provisions on circular economy**

1. General criteria for circular economy

a) Reduce the exploitation and use of non-renewable resources and water resources; increase efficiency in the use of resources, raw materials and materials; save energy;

b) Extend useful life of materials, equipment, products, goods, parts;

c) Reduce waste generated and minimize adverse impacts on the environment including reducing solid waste, wastewater and emissions; reducing the use



of toxic chemicals; recycling waste, recovering energy; reducing disposable products; develop green purchasing habits.

2. Every business owner shall rely on the action plans specified in point a clause 3, clause 4 and clause 5 Article 139 of this Decree in order to take one or more measures in the following order of priority to meet the circular economy criteria:

a) Restrict the use of non-eco-friendly products; make the best use of equipment and products; increase efficiency in product manufacture or efficiently use natural resources, raw materials and materials;

b) Extend the life cycle of products and their parts, including: reuse (reuse by another consumer); repair (repair or maintenance of defective product to prolong their useful life); refurbish (restore an old product and bring it up to date); remanufacture (use parts of discarded product in a new product with the same function); repurpose (use discarded product or its parts in a new product with a different function);

c) Reduce waste generated, including recycling waste (treat and process waste to convert it into useful raw materials, fuel and materials); incineration of waste with energy recovery.

3. Every owner of an investment project, business, dedicated area for production, business operation and service provision or industrial cluster shall rely on the action plans specified in point a clause 3, clause 4 and clause 5 Article 139 of this Decree in order to take one or more measures below to meet the circular economy criteria:

a) Design an optimal master plan which establishes a connection between investment projects and businesses to improve efficiency in use and reduce the consumption of soil, water, minerals and energy; increase the recycling rate and reduce the total amount of waste generated; other measures specified in clause 2 of this Article;

b) Develop and use clean and renewable energy as prescribed by law;

c) Collect and store rainwater for reuse; collect, treat and reuse wastewater;

d) Carry out industrial symbiosis activities in accordance with regulations of law on management of industrial parks and economic zones.

4. The owner of a project on investment in an urban area or high density residential area shall rely on the action plans specified in point a clause 3, clause 4 and clause 5 Article 139 of this Decree in order to design, organize management and implement the following measures to meet the circular economy criteria:

- a) Design an optimal master plan so as to increase efficiency in use and reduce the consumption of soil, water and energy;
- b) Apply eco-friendly transport solutions, reducing greenhouse gas emissions;
- c) Develop and use clean and renewable energy as prescribed by law;
- d) Implement other environmental protection measures as prescribed by law.

**Article 139. Roadmap and responsibility for implementing circular economy**

1. MONRE shall:

- a) Preside over and cooperate with Ministries, ministerial agencies and provincial People's Committee in formulating and submitting to the Prime Minister a national action plan on circular economy as prescribed in clause 5 of this Article before December 31, 2023;
- b) Build and operate a platform for connecting information and sharing data on application of the circular economy model;
- c) Establish and introduce a methodological framework for application and assessment of implementation of circular economy;
- d) Fulfill the responsibilities specified in clause 2 of this Article in the industries and fields under its management.

2. Ministries and ministerial agencies shall rely on their assigned functions, tasks and fields under the state management in order to:

- a) Formulate and approve an action plan for implementation of the circular economy applied to the industries, fields and products in conformity with the national action plan mentioned in clause 5 of this Article;
- b) Organize dissemination of laws and provision of education and training in circular economy;
- c) Incorporate specific criteria for implementation of circular economy in the process of formulating development strategies, planning, plans, programs and projects; management, reuse and recycling of waste;
- d) Manage and update information and data on implementation of circular economy and integrate them with the MONRE's information system;
- dd) Organize pilot application of the circular economy to the energy, fuel and waste industries and fields according to the action plans specified in clauses 4 and 5 of this Article;
- e) Fulfill other responsibilities related to circular economy according to regulations of this Decree.

3. Provincial People's Committees shall:

a) Formulate and seek opinions of Ministries and ministerial agencies concerned and approve a provincial action plan for implementation in conformity with the national action plan mentioned in clause 4 of this Article;

b) Fulfill the responsibilities specified in points b, c, d and e clause 2 of this Article within their provinces;

c) Organize pilot application of the circular economy model to the energy, fuel and waste industries and fields according to the action plans specified in point a of this clause, clauses 4 and 5 of this Article.

4. The national action plan on circular economy includes the following contents:

a) Overall analysis of current exploitation and use of natural resources; production and consumption; waste generation and forecasting of waste generated; domestic and international contexts for implementation of circular economy;

b) Viewpoints, overall objectives, specific objectives and expenditures on implementation of circular economy during the 10-year national action plan period;

c) Tasks and roadmap for implementation of circular economy applied to industries and fields, especially prioritized industries and fields to which the circular economy is applied in each period; list of specific industries and fields for which guidelines for application of circular economy have to be provided;

d) Determining types of investment projects and businesses required to produce a design in order to meet the circular economy criteria; applying cleaner production, production of eco-friendly products, production using recycled materials, management of life cycle of chemicals and waste;

dd) Solutions for implementing circular economy, including disseminating, providing education and training in knowledge and laws; developing science and technology; developing human resources; developing technical infrastructure; connecting and sharing information and data; raising capital; international cooperation and other solutions;

e) Organizing the implementation, including delegating responsibilities to the presiding authority and cooperating authorities; supervision and reporting regulations; allocation of resources.

5. The action plan for implementation of the circular economy applied to industries, fields and products must conform to the national action plan mentioned in clause 4 of this Article. According to characteristics of each industry, field and product, it is required to specify solutions for circular economy implementation in the action plan in compliance with the regulations laid down in clauses 2, 3 and 4 Article 138 of this Decree.

6. Every owner of an investment project, business, dedicated area for production, business operation and service provision or industrial cluster shall implement circular economy according to the action plans specified in point a clause 3, clause 4 and clause 5 of this Article.

7. Owners of investment projects, businesses, investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters are encouraged to apply circular economy earlier than the roadmap specified in the action plans mentioned in point a clause 3, clause 4 and clause 5 of this Article.

8. Owners of investment projects, businesses, investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters operating before the effective date of this Decree are encouraged to continue to apply one or more measures mentioned in clauses 2, 4 and 4 Article 138 of this Decree (if any).

#### **Article 140. Mechanisms for encouraging implementation of circular economy**

1. The State prioritizes the development of circular economy for the following activities:

a) Conducting scientific researches, developing applications, transferring technologies, producing equipment and training personnel to implement circular economy;

b) Providing a platform for connecting information and sharing data on circular economy.

2. Any organization or individual that carries out an activity or has a project applying the circular economy model and is entitled to the incentives or assistance in environmental protection and any project issued with green credit as prescribed by law are entitled to the incentives and assistance prescribed in Articles 131, 132, 133, 134, 135 and 137 of this Decree and other relevant regulations of law and encouraging mechanisms related to green credit and green bonds prescribed in Articles 154, 155, 156 and 157 of this Decree.

3. The State encourages the following activities for development of circular economy:

a) Studying and developing technologies and technical solutions, providing circular economy assessment, design and consulting services as prescribed by law;

b) Developing models for connecting and sharing the circular use of products and waste; establishing recycling cooperative groups, cooperatives, cooperative unions and alliances, models for regional connection and rural and

urban area connection and other models as prescribed by law so as to carry out investment, manufacturing and business activities, thereby meeting the circular economy criteria;

c) Adopting industrial symbiosis measures in accordance with regulations of law on management of industrial parks and economic zones;

d) Developing discarded product reusing and waste recycling market;

dd) Mobilizing social resources for implementation of circular economy as prescribed by law;

e) Developing international cooperation, exchanging experience, knowledge and technologies in relation to circular economy as prescribed by law.

## **Section 4. DEVELOPMENT OF ENVIRONMENTAL INDUSTRY AND ENVIRONMENTAL SERVICES**

### **Article 141. Environmental industry technologies, equipment and products**

1. The list of technologies, equipment and products specified in clause 1 Article 143 of the LEP is provided in the Appendix XXXI enclosed herewith.

2. The Ministry of Industry and Trade shall preside over and cooperate with the Ministry of Natural Resources and Environment, Ministry of Science and Technology, Ministries and ministerial agencies concerned in promulgating a specific list of environmental industry technologies, equipment and products specified in clause 1 of this Article.

3. The Ministry of Planning and Investment shall preside over and cooperate with the Ministry of Industry and Trade in requesting the Prime Minister to add statistical indicators on environmental industry to the national statistical indicator system; direct the periodic public announcement of statistical information on environmental industry.

### **Article 142. Environmental industry development policy**

1. The State shall prioritize the development of the technologies, equipment and products specified in clauses 1 and 2 Article 141 of this Decree in order to important and long-term environmental issues on regional, national and international scale which influence the country's sustainable development; prevent and respond to environmental emergencies and disasters.

2. Organizations and individuals which invest in production of equipment, products and goods and development of technologies eligible for environmental

protection incentives and assistance shall be entitled to the incentives and assistance in accordance with the regulations set out in Articles 131, 132, 133, 134, 135 and 137 of this Decree and other relevant regulations of law.

3. The Ministry of Industry and Trade shall preside over and cooperate with Ministries, ministerial agencies and provincial People's Committees in formulating and submitting an environmental industry development program to the Prime Minister for approval.

4. The Ministry of Finance shall preside over and cooperate with the Ministry of Industry and Trade in assigning HS codes to environmental goods in the Harmonized Tariff Nomenclature so as to implement the roadmap for opening market for environmental goods in accordance with international commitments.

### **Article 143. Services under environmental service development**

1. The environmental services specified in clause 3 Article 144 of the LEP.

2. Environmental remediation services for domestic solid waste landfills; services involving collection and treatment of plastic waste floating in seas and oceans.

3. Renewable energy, fuel-efficient, low emission or zero emission transport services as prescribed by law.

### **Article 144. Encouraging environmental service development**

1. Organizations and individuals are entitled to provide environmental services in the fields specified in Article 143 of this Decree.

2. Organizations and individuals participating in providing environmental services specified in clause 1 of this Article shall satisfy the requirements as prescribed by law.

3. Investment projects involving waste collection, recycling and treatment shall be entitled to the incentives and assistance specified in Article 141 of the LEP.

4. Provincial People's Committees shall set up, appraise, approve or submit to a competent authority for approval and organize execution of approved PPP investment projects on collection and centralized treatment of domestic wastewater and treatment of domestic solid waste in compliance with regulations of law on PPP investment.

5. MONRE shall preside over and cooperate with the Ministry of Planning and Investment and agencies concerned in:

a) setting up, appraising, approving or submitting to a competent authority for approval and organize execution of approved PPP investment projects on collection and centralized treatment of domestic wastewater and inter-regional and inter-provincial treatment of domestic solid waste in compliance with regulations of law on PPP investment;

b) formulating proposals for investment projects and submitting them to authorities competent to decide guidelines for investment in areas for recycling and inter-regional and inter-provincial treatment of waste in compliance with relevant regulations of law.

6. The Ministry of Planning and Investment shall preside over and cooperate with Ministries and ministerial agencies in:

a) completing mechanisms and policies providing guidance on and encouraging application of eco-industrial park models;

b) presiding over and cooperating with ministries and local authorities in building and perfecting resource efficiency database in industrial parks with the aim of making such database available for use to dedicated areas for production, business operation and service provision.

## **Section 5. ECO-FRIENDLY PRODUCTS AND SERVICES**

### **Article 145. Eco-friendly products and services**

1. MONRE shall provide for criteria and certification of Vietnam Ecolabel for eco-friendly products and services; provide guidance on and inspect the satisfaction of Vietnam Ecolabel criteria by organizations and individuals having Vietnam Ecolabel certified products and services.

2. Organizations and individuals producing Vietnam Ecolabel certified products and providing Vietnam Ecolabel certified services shall be entitled to the incentives specified in Section 2 of this Chapter.

3. The decision on certification of Vietnam Ecolabel for eco-friendly products and services shall be valid for 36 months from the date of issue.

4. Any certificate of eco-friendly plastic bag or decision to certify product to satisfy Vietnam Green Label criteria issued by the competent authority before the effective date of this Decree shall remain valid until its expiry date.

5. Ministries and ministerial agencies are encouraged to incorporate the environmental criteria conformable with Vietnam Ecolabel criteria into certification of products and services in accordance with relevant regulations of law.



## **Article 146. Application for certification of Vietnam Ecolabel**

1. An application form for certification of Vietnam Ecolabel for ecofriendly products and services, which is made using the form in the Appendix XXXII enclosed herewith.

2. A report on products and services satisfying Vietnam Ecolabel criteria, which is made using the form in the Appendix XXXIII enclosed herewith.

3. The product testing result which must be given no more than 06 months before the date on which MONRE receives a valid application enclosed with a sample of the product to be certified. The product testing must be conducted by testing bodies satisfying the regulations laid down in Article 149 hereof.

4. A drawing or photo of the industrial design with 21 cm x 29 cm dimensions and description of the product's specifications.

5. The application for certification of Vietnam Ecolabel shall be valid for 06 months from the date on which an application acknowledgement receipt is issued. If the 06-month period expires, the applicant shall submit a new application.

## **Article 147. Procedures for certification of Vietnam Ecolabel**

1. Within 05 days from the receipt of the application, MONRE shall consider its adequacy and validity; if the application is not sufficient and valid, request the applicant in writing to complete it. Within 30 days from the receipt of a sufficient and valid application, MONRE shall carry out an assessment according to the procedures for certification of Vietnam Ecolabel as prescribed in clause 2 of this Article.

2. Procedures for certification of Vietnam Ecolabel include the following activities: establishing an assessment council; carrying out a site survey; holding an assessment council's meeting; where necessary, carrying out an expert assessment to assess the conformity with the Vietnam Ecolabel criteria. If the assessment result shows that the product or service satisfies the Vietnam Ecolabel criteria, MONRE shall promulgate a decision on certification of Vietnam Ecolabel for product/service. If the assessment result shows that the product or service fails to satisfy the Vietnam Ecolabel criteria, MONRE shall send the applicant a written notification specifying the reasons for such failure.

3. If the applicant wishes to keep applying for certification of Vietnam Ecolabel, 03 months before the expiry date of the decision on certification of Vietnam Ecolabel, the organization or individual issued with the decision on certification of Vietnam Ecolabel shall prepare an application as prescribed in Article 146 of this Decree.

4. If the applicant changes any technical specification or characteristic of the product or service or make another change in relation to the Vietnam Ecolabel

criteria, they shall submit an application for assessment and certification to MONRE as prescribed in Article 148 of this Decree.

5. The decision on certification of Vietnam Ecolabel for product/service shall be made using the form in the Appendix XXXIV enclosed herewith.

6. MONRE shall provide for assessment of products and services satisfying the Vietnam Ecolabel criteria; form of the report on results of assessment of applications for certification of Vietnam Ecolabel for products and services satisfying the Vietnam Ecolabel criteria.

#### **Article 148. Renewal and revocation of decision on certification of Vietnam Ecolabel**

1. Within the effective period of the certification decision, if the organization or individual changes any information specified in such certification, including name, address, legal representative, business registration code of the enterprise, brand and other changes without changing any information in relation to satisfaction of the Vietnam Ecolabel criteria, the following regulations shall be complied with:

a) The organization or individual shall submit an application form for adjustment of the decision on certification of Vietnam Ecolabel enclosed with documents concerning the adjustments (if any) to MONRE;

b) Within 15 days from the receipt of the application form for adjustment of the decision on certification of Vietnam Ecolabel, in case of consent, MONRE shall renew the decision on certification of Vietnam Ecolabel for product/service.

2. The decision on certification of Vietnam Ecolabel issued to the product or service shall be revoked in one of the following cases:

a) The product or service no longer satisfy the Vietnam Ecolabel criteria;

b) The organization or individual producing the product or providing the service fails to fulfill the commitment specified in the application for certification of Vietnam Ecolabel.

3. Within 15 days from the date on which it is determined that the product or service is the one specified in clause 2 of this Article, MONRE shall issue a decision on certification of Vietnam Ecolabel.

#### **Article 149. Organizations carrying out monitoring, analysis and assessing conformity of products and services with Vietnam Ecolabel criteria**

The monitoring, analysis and assessment of conformity of products and services with Vietnam Ecolabel criteria shall be carried out by suitably sufficient organizations, including:

1. Organizations certified by MONRE eligible to provide environmental monitoring services.

2. Assessment conformity bodies certified by regulations of law on science and technology.

3. Domestic and international testing bodies certified conformable with ISO/IEC 17025 by accreditation bodies which are signatories to the International Accreditation Forum (IAF), Asia-Pacific Accreditation Cooperation Organization (APAC) and International Laboratory Accreditation Association (ILAC) Mutual Recognition Agreement.

**Article 150. Publishing and mutual recognition of eco-friendly product and service certification**

1. MONRE shall publish and update the list of Vietnam Ecolabel certified products and services on its website.

2. MONRE shall sign and publish contents of the mutual recognition agreement on Vietnam Ecolabel certified products and services certification with international ecolabel certification bodies.

## **Chapter XI**

### **RESOURCES FOR ENVIRONMENTAL PROTECTION**

**Article 151. Environmental protection activities within jurisdiction of central government**

1. Manage waste, assist in treating waste, including investigating, assessing and controlling sources of waste polluting the environment on the inter-provincial and inter-regional scale; make a list of waste; establish criteria concerning waste treatment technology and techniques within the central government's jurisdiction.

2. Carry out environmental remediation and improvement, including:

Eliminating environmental pollution, improving and remediating environment in areas where environmental pollution caused by a historic event occurs or in the case of failure to identify the entity causing pollution, consisting of areas contaminated with chemical residues during the war; areas contaminated with agrochemical residues; other soil pollution areas within the central government's treatment jurisdiction; eliminating inter-provincial river and lake surface water pollution.

3. Build technical infrastructure for environmental protection; equipment for environmental protection; environmental monitoring, including:

a) Investment in construction of information technology infrastructure, environment and climate change databases; central government's technical infrastructure for environmental monitoring; procurement, repair and upgrading of equipment and vehicles for environmental protection within the central government's jurisdiction according to the investment projects;

b) Procurement of replacement equipment; maintenance and operation of equipment and vehicles for environmental protection within the central government's jurisdiction;

c) Operation of the environmental monitoring system in accordance with the comprehensive planning for national environmental monitoring and environmental monitoring in service of management of industries and fields (including operation, care, maintenance, repair, calibration and inspection).

4. Carry out inspection and supervision of environmental protection and adaptation to climate change within the central government's jurisdiction and under decisions of competent authorities.

5. Conserve nature and biodiversity; protect environment of natural heritage site; respond to climate change, including:

a) Carrying out investigation, survey, assessment, management and environmental protection of natural heritage sites; establishing, appraising and recognizing natural heritage sites; assisting in management and environmental protection of natural heritage sites within the central government's jurisdiction;

b) Investing in conservation and sustainable development of biodiversity as prescribed in clause 2 Article 73 of the Law on Biodiversity within the central government's jurisdiction;

c) Conserving and sustainably developing biodiversity as prescribed in clause 3 Article 73 of the Law on Biodiversity within the central government's jurisdiction (except for formulating and appraising the biodiversity conservation planning);

d) Investigating, surveying, aggregating operation figures serving inventory of greenhouse gas (GHG), assessing GHG emissions at the national, sectoral and internal levels, making a list of industries and facilities emitting GHG which are required to inventory GHGs; building and operating systems for measurement, reporting and verification of mitigation of GHG emissions at national, sectoral, industry and internal level; preparing national and industry-level GHG inventory reports; formulating national and industry-level GHG mitigation plans; formulating national consolidated report on GHG emissions mitigation, industry-level report on GHG emissions mitigation; allocation of GHG emissions quotas;

dd) Developing domestic carbon market;

e) Formulating a national climate change adaptation plan; building national and industry-level systems for supervising and assessing climate change adaptation; establishing criteria for determining climate adaptation projects and tasks; establishing criteria for assessing climate risks; preparing national and industry-level reports on assessment of impacts, vulnerabilities, risks, loss and damaged caused by climate change;

g) Investigating, producing statistics on, supervising, assessing and compiling a list of ozone-depleting substances and GHGs within the central government's jurisdiction;

h) Investing in projects on degraded ecosystem restoration and biodiversity conservation; investing in projects on transformation of technologies for eliminating and minimizing controlled ozone-depleting substances and GHGs, adaptation to climate change and mitigation of GHG emissions under the central government's duty.

6. Scientific research, development, transfer and application of environmental technology, adaptation to climate change and protection of the ozone layer shall comply with regulations of law on science and technology and law on technology transfer.

7. Communicate information about and raise awareness of environmental protection; provide environmental education; spread knowledge and disseminate the law on environmental protection, including:

a) Communicating, providing training to increase awareness and knowledge of environmental protection; disseminating the law on environmental protection and adaptation to climate change; awarding prizes for environmental protection and climate change adaptation to individuals, organizations and communities in accordance with law;

b) Assessing, reviewing and supervising the compliance with the law on environmental protection;

c) Providing education about environmental protection and adaptation to climate change within the central government's jurisdiction.

8. Develop international integration and international cooperation in environmental protection, including:

a) Signing and implementing treaties and international agreements on environmental protection, adaptation to climate change and protection of the ozone layer;

b) Paying annual contributions and other contributions (if any) in accordance with Vietnamese law, international law and commitments specified in treaties and international agreements on the environment, adaptation to climate change and protection of the ozone layer in line with Vietnam's international commitments;

c) Reciprocal capital for programs and projects funded by ODA, aid in environmental protection, adaptation to climate change and protection of the ozone layer prescribed by law.

9. Other state management activities in relation to environmental protection under the central government's duty in accordance with law, including:

a) Formulating and adjusting strategies, plans, technical regulations, processes, technical guidelines, economic-technical norms, programs, schemes and projects on environmental protection and adaptation to climate change;

b) Formulating, appraising, approving and adjusting the comprehensive planning for national environmental monitoring; assessing the national environmental protection planning, national biodiversity conservation planning and comprehensive planning for national environmental monitoring; assessing orientations for environmental protection and biodiversity conservation in the regional planning in accordance with the law on planning;

c) Formulating, appraising, approving, announcing and adjusting the national environmental monitoring and national biodiversity conservation planning in accordance with the law on planning;

d) Implementing the national environmental protection planning, national biodiversity conservation planning and comprehensive planning for national environmental monitoring;

dd) Assessment and prediction of surface water and sediment quality, carrying capacity of surface water environment for inter-provincial rivers and lakes; inventory and assessment of waste sources and degree of inter-provincial river and lake pollution; assessment and prediction of inter-provincial, inter-regional and cross-border air quality; investigating, assessing, classifying, warning and controlling soil pollution areas within the central government's jurisdiction;

e) Receiving, verifying and handling feedback and recommendations of organizations, individuals and residential communities on environmental protection;

g) Preventing and responding to national environmental emergencies;

h) Managing and disclosing environmental information; operating environmental information systems, environmental databases and climate

change adaptation databases (including receiving, processing and exchanging information, maintaining, repairing and replacing information and data storage devices); updating and assessing statistical indicators and making environmental reports and climate change adaptation reports; evaluating and ranking environmental protection results;

i) Piloting, carrying out review and assessment to provide guidance on environmental protection and climate change adaptation models;

k) Carrying out assessment in service of certification and confirmation of environmental protection as prescribed by law;

l) Operations of the Executive Board and the Standing Office for Environmental Protection decided by the competent authority;

m) Operations of the Steering Committee, organization of conferences on environmental protection and adaptation to climate change under decisions of competent authorities and other administrative tasks in support of environmental protection and adaptation to climate change;

n) Providing charter capital and adding charter capital to VEPF;

o) Other frequent expenditure state management activities in relation to environmental protection and adaptation to climate change within the central government's jurisdiction prescribed by law; other environmental protection activities decided by the Prime Minister.

## **Article 152. Environmental protection activities within jurisdiction of local government**

1. Manage waste and assist in treating waste, including:

a) Investigating, producing statistics on, assessing degree of environmental pollution, monitoring changes in environmental quality, making a list of pollutants, solid waste and pollution sources; assessing and predicting the generation, collection and treatment of domestic solid waste within the local government's jurisdiction;

b) Assisting in classifying at source, collecting, transporting and treating domestic solid waste and treating other types of waste generated in the localities within the local government's jurisdiction;

c) Constructing and assisting in the construction of public sanitation facilities, vehicles and equipment for collection, management and treatment of waste in public areas; in situ wastewater treatment works and equipment;

d) Building, repairing and renovating environmental protection infrastructure of craft villages within the local government's jurisdiction.



2. Carry out environmental remediation and improvement, including:

Eliminating environmental pollution, improving and remediating environment in areas where environmental pollution caused by a historic event occurs or in the case of failure to identify the entity causing pollution, consisting of areas contaminated with chemical residues during the war; areas contaminated with agrochemical residues; other soil pollution areas in the localities within the central government's treatment jurisdiction; eliminating river and lake surface water pollution in the localities within the central government's treatment jurisdiction.

3. Build technical infrastructure for environmental protection; equipment for environmental protection; environmental monitoring, including:

a) Investment projects on construction, renovation and upgrading of systems for collection and storage, transfer stations, aggregation areas, technical infrastructure of centralized solid waste and hazardous waste treatment areas, wastewater treatment systems, domestic waste landfills in localities; public works and equipment in service of domestic solid waste management in localities; investment in public sanitation facilities, in situ wastewater treatment works satisfying the environmental protection requirements which are managed by local authorities. For a project under the management of an enterprise, organization or individual, the funding for execution thereof shall be covered by such enterprise, organization or individual instead of being covered by the state budget;

b) Investment in construction of information technology infrastructure, environment and climate change databases; local authorities' technical infrastructure for environmental monitoring; procurement, repair and upgrading of equipment and vehicles for environmental protection within the local government's jurisdiction according to the investment projects;

c) Procurement of replacement equipment; maintenance and operation of equipment and vehicles for environmental protection within the local government's jurisdiction;

d) Operation of the environmental monitoring system in accordance with the provincial planning (including operation, care, maintenance, repair, calibration and inspection).

4. Carry out inspection and supervision of environmental protection and adaptation to climate change within the local government's jurisdiction and under decisions of competent authorities.

5. Conserve nature and biodiversity; protect environment of natural heritage site; respond to climate change, including:

a) Carrying out investigation, survey, assessment, management and environmental protection of natural heritage sites; establishing, appraising and recognizing natural heritage sites under the local government's duty;

b) Investing in conservation and sustainable development of biodiversity as prescribed in clause 2 Article 73 of the Law on Biodiversity within the local government's jurisdiction;

c) Conserving and sustainably developing biodiversity as prescribed in clause 3 Article 73 of the Law on Biodiversity (except for formulating and appraising the biodiversity conservation planning) within the central government's jurisdiction;

d) Investigating, surveying, aggregating operation figures serving inventory of greenhouse gas at the national and sectoral levels; updating the list of facilities emitting GHG which are required to inventory GHGs; building and operating provincial systems for measurement, reporting and verification of mitigation of GHG emissions;

dd) Developing domestic carbon market;

e) Building provincial systems for supervision and assessment of climate change adaptation; making provincial reports on assessment of impacts, vulnerabilities, risks, loss and damaged caused by climate change;

g) Investigating, producing statistics on, supervising, assessing and compiling a list of ozone-depleting substances and GHGs in localities;

h) Investing in projects on degraded ecosystem restoration and biodiversity conservation; investing in projects on transformation of technologies for eliminating and minimizing controlled ozone-depleting substances and GHGs, climate change adaptation and mitigation of GHG emissions within the local government's jurisdiction.

6. Scientific research, development, transfer and application of environmental technology, adaptation to climate change and protection of the ozone layer shall comply with regulations of law on science and technology and law on technology transfer.

7. Communicate information about and raise awareness of environmental protection; provide environmental education; spread knowledge and disseminate the law on environmental protection, including:

a) Communicating, providing training to increase awareness and knowledge of environmental protection; disseminating the law on environmental protection and response to climate change; awarding prizes for environmental protection and climate change adaptation to individuals, organizations and communities in accordance with law;

b) Assessing, reviewing and supervising the compliance with the law on environmental protection;

c) Providing education about environmental protection and adaptation to climate change within the central government's jurisdiction.

8. Develop international integration and international cooperation in environmental protection, including:

a) Cooperating in the signature and implementation of treaties to which Vietnam is a signatory at the request of a competent central authority; signing and implementing international agreements on environmental protection, conservation of nature and biodiversity and adaptation to climate change and protection of the ozone layer;

b) Reciprocal capital for programs and projects funded by ODA, aid in environmental protection, adaptation to climate change and protection of the ozone layer prescribed by law.

9. Other state management activities in relation to environmental protection within the local government's jurisdiction in accordance with law, including:

a) Formulating and adjusting strategies, plans, technical regulations, processes, technical guidelines, economic-technical norms, programs, schemes and projects on environmental protection and adaptation to climate change;

b) Assessing the implementation of the plan for environmental protection and nature and biodiversity conservation in accordance with the provincial planning;

c) Assessment and prediction of surface water and sediment quality, carrying capacity of surface water environment for local rivers and lakes; inventory and assessment of waste sources and levels of local river and lake pollution; assessment and prediction of local air quality; investigating, assessing, determining and zoning in areas at risk of soil pollution and soil pollution areas in localities;

d) Receiving, verifying and handling feedback and recommendations of organizations, individuals and residential communities on environmental protection; organizing conferences serving environmental protection and adaptation to climate change;

dd) Preventing and responding to national environmental emergencies;

e) Managing and disclosing environmental information; operating environmental information systems, environmental databases and climate change adaptation databases (including receiving, processing and exchanging information, maintaining, repairing and replacing information and data storage devices); updating and assessing statistical indicators and making environmental

reports and climate change adaptation reports; evaluating and ranking environmental protection results;

g) Producing environmental protection and climate change adaptation models;

h) Carrying out assessment in service of confirmation of environmental protection as prescribed by law;

i) Operations of the Executive Board and the Standing Office for Environmental Protection decided by the competent authority;

k) Operations of the Steering Committee, organization of conferences on environmental protection and adaptation to climate change under decisions of competent authorities and other administrative tasks in support of environmental protection and adaptation to climate change;

l) Providing charter capital and adding charter capital to the provincial environment protection fund;

m) Other frequent expenditure state management activities in relation to environmental protection and adaptation to climate change within the local government's jurisdiction prescribed by law; other environmental protection activities decided by the Prime Minister.

The provincial People's Committee shall request the provincial People's Council to make a decision on specific expenditures on environmental protection activities to be covered by local government budgets.

### **Article 153. Resources for performing environmental protection tasks**

1. State budget for covering current expenditures on environmental protection:

a) Expenditures on environmental protection:

Expenditures on performing the central government's tasks specified in Article 151 of this Decree, including: clause 1; clause 2 including investigation, survey and assessment of degree of environmental pollution, environmental elimination (excluding investment projects under the Law on Public Investment); points b and c clause 3; clause 4; points a and c (except for points d and g clause 3, Article 73 of the Law on Biodiversity), d, dd, e and g clause 5; point a clause 7; points a and c (reciprocal capital for environment service projects funded by aid) clause 8; points a, b, dd, e, g, h, i, k and l clause 9.

Expenditures on performing the local government's tasks specified in Article 152 of this Decree, including: points a and b clause 1; clause 2 including investigation, survey and assessment of degree of environmental pollution,

environmental elimination (excluding investment projects under the Law on Public Investment); points b and d clause 3; clause 4; points a and c (except for points d and g clause 3, Article 73 of the Law on Biodiversity), points d, dd, e and g clause 5; point a clause 7; points a and c (reciprocal capital for environment service projects funded by aid) clause 8; points a, b, dd, e, g, h, i, k and l clause 9.

b) Expenditures on economic activities:

Expenditures on performing the central government's tasks specified in point c (point d clause 3, Article 73 of the Law on Biodiversity) clause 5 Article 151 of this Decree and the local government's tasks (point d clause 3, Article 73 of the Law on Biodiversity) clause 5 Article 152 of this Decree;

c) Expenditures on education and training:

Expenditures on performing the central government's tasks specified in Article 151 of this Decree, including point c (point g clause 3, Article 73 of the Law on Biodiversity) clause 5 and point c clause 7.

Expenditures on performing the local government's tasks specified in Article 152 of this Decree, including point c (point g clause 3, Article 73 of the Law on Biodiversity) clause 5 and point c clause 7;

d) Expenditures on science and technology:

Expenditures on performing the central government's tasks specified in clause 6 Article 151 of this Decree and the local government's tasks specified in clause 6 Article 152 of this Decree;

dd) Expenditures on administrative management:

Expenditures on performing the central government's tasks specified in Article 151 of this Decree, including point b clause 7; point b clause 8 and point m clause 9.

Expenditures on performing the local government's tasks specified in Article 152 of this Decree, including point b clause 7 and point k clause 9.

2. State budget for covering development investment expenditures on environmental protection:

a) Expenditures on performing the central government's tasks specified in Article 151 of this Decree, including clause 2 (according to the investment projects), point a clause 3, points b and h clause 5, point c clause 8 (reciprocal capital for investment projects funded by aid), points c and n clause 9;

b) Expenditures on performing the local government's tasks specified in Article 152 of this Decree, including points c and d clause 1, clause 2 (according

to the investment projects), points a and b clause 3, points b and h clause 5, point b clause 8 (reciprocal capital for investment projects funded by aid), point l clause 9.

3. The resources for implementation of the planning specified in point d clause 9 Article 151 of this Decree shall be decided by the competent authority in accordance with regulations of law on public investment and law on state budget; the resources for performance of the tasks specified in point o clause 9 Article 151 and point m clause 9 Article 152 of this Decree shall be decided by the Prime Minister.

4. Private capital for environmental protection:

a) Capital of enterprises, organizations and individuals participating in environmental protection;

b) Contributions, sponsorships and aid from organizations and individuals prescribed by law;

c) Other revenue prescribed by law (if any).

The raising of private capital for performance of the environmental protection tasks specified in Articles 151 and 152 of this Decree shall be subject to regulations of law on environmental protection and other relevant regulations of law, except for the tasks specified in points a, b and c clause 9 Article 151, points a and b clause 9 Article 151, environmental protection tasks in the field of national defense and security, tasks performed in a manner that guards state secrets.

5. The Ministry of Finance shall promulgate or request a competent authority to promulgate guidelines for making state budget estimates and allocating state budget for environmental protection in accordance with regulations of law on state budget and law on environmental protection; provide guidance on specific expenditures and methods for making estimates of expenditures on environmental protection.

#### **Article 154. Projects entitled to be granted green credit and issue green bonds**

1. The investment projects involving environmental protection, investment projects offering environmental benefits specified clause 1 Article 149 or clause 2 Article 150 of the LEP and under regulations of this Decree are entitled to be granted green credit and issue green bonds.

2. MONRE shall preside over and cooperate with other Ministries and ministerial agencies concerned in establishing and submitting to the Prime Minister for promulgation of environmental criteria and confirmation of projects

entitled to be granted green credit and issue green bonds (hereinafter referred to as “the green list”) before December 31, 2022.

3. The confirmation of whether a project is included in the green list as specified in clause 2 of this Article shall be carried out at the request of the project owner and issuer of green bonds that wishes to seek confirmation to receive the State’s green credit and green bond incentives and assistance according to regulations of this Decree.

### **Article 155. Mechanisms for encouraging grant of green credit**

1. Credit institutions and foreign branch banks in Vietnam are encouraged to prioritize allocation of sources of capital for sponsoring or granting concessional loans to projects in the green list.

2. Credit institutions and foreign branch banks in Vietnam granting green credit shall be entitled to the following encouragement mechanisms:

a) Be entitled to priority when applying for concessional loans from the Government, international organizations and development partners;

b) Be entitled to competent authorities’ assistance in training in grant of green credit.

### **Article 156. Roadmap for implementation of green credit**

1. According to the task in assisting in socio-economic development, the State Bank of Vietnam shall direct and instruct credit institutions and foreign branch banks in Vietnam to provide appropriate capital for granting concessional loans, thereby encouraging project owners to execute projects in the green list specified in clause 2 Article 154 of this Decree.

2. The Ministry of Finance, Ministry of Planning and Investment and State Bank of Vietnam shall, within their jurisdiction, assist credit institutions and foreign branch banks in Vietnam to receive foreign aid and concessional loans in order to sponsor the projects in the green list specified in clause 2 Article 154 of this Decree in accordance with regulations of law on state budget, public investment and other relevant regulations of law.

3. In consideration of available budget and actual credit extension by the banking system to the projects in the green list, the Ministry of Planning and Investment shall preside over and cooperate with Ministries and ministerial agencies concerned in formulating and submitting to the Prime Minister for decision to provide interest rate subsidies to the projects in the green list after terminating the medium- and long-term loan agreements at the credit institutions and foreign bank branches in Vietnam for implementation from January 01, 2026.



## **Article 157. Green bonds**

1. Green bonds are bonds issued by the Government, local governments and enterprises to raise capital for the projects in the green list specified in Article 154 of this Decree.

2. The issuance of green bonds shall be subject to regulations of law on issuance of bonds, LEP and regulations of this Decree.

3. Proceeds from issuance of green bonds shall be used to execute the projects in the green list as prescribed in clause 2 Article 150 of the LEP.

4. According to the regulations set out in clauses 1 and 2 Article 154 of this Decree, the Ministry of Planning and Investment shall provide guidelines for classifying projects in the green list to be included in the public investment portfolio when preparing medium-term and annual public investment plans to form a basis for the Government and local governments to make a selection when issuing green bonds.

5. Every green bond issuer shall provide and disclose information in accordance with regulations of law on issuance of bonds and disclose information as prescribed in clauses 6 and 7 of this Article.

6. On an annual basis, on the bond's maturity date, every green bond issuer shall disclose and provide information on the impact assessment of projects funded by capital from green bonds on the environment as follows:

a) The information to be provided includes decision on approval of EIAR appraisal result (if any), environmental license (if any); results of assessment of environmental benefits offered by projects using green bonds specified in clause 2 Article 150 of the LEP and clause 2 Article 154 of this Decree;

b) Every enterprise issuing green bonds shall disclose information according to regulations of law on issuance of corporate bonds and point a of this clause;

c) Every owner of the investment project using capital from green bonds issued by the Government and local government shall provide the information specified in point a of this clause to the State Treasury (for green bonds issued by the Government) and the provincial People's Committee (for green bonds issued by the local government) for publishing thereof on the website of the State Treasury and provincial People's Committee.

7. Regulations on disclosure of information and reporting of management and disbursement of capital raised from issuance of green bonds:

a) The bond issuer which is an enterprise shall comply with regulations on reporting and disclosure of information about management and disbursement of capital raised from issuance of green bonds according to regulations of law on issuance of corporate bonds;

b) On an annual basis, the State Treasury and provincial People's Committees shall disclose information about disbursement of capital to the projects in the green list using capital raised from issuance of green bonds issued by the Government and local governments on their website.

8. Green bond issuers and investors are entitled to receive the following incentives:

a) Receive incentives for service prices according to regulations of law on prices of securities services and other incentives and assistance as prescribed by law;

b) Regarding investment projects using capital raised from issuance of green bonds issued by the Government and local governments, be entitled to receive sufficient capital according to the project progress in the medium-term and annual investment public plans.

### **Article 158. Sources of operating capital of VEPF**

1. Equity, including:

a) Charter capital which is at least 3,000 billion dong generated from the following sources: funding derived from state budget and development investment fund before the effective date of this Decree; extra funding from the development investment fund; state funding from public investment sources prescribed by law.

The change in charter capital of the VEPF shall be decided by the Prime Minister.

b) Development investment fund;

c) Other capital under the VEPF's ownership as prescribed by law.

2. Other capital, including domestic and foreign organizations and individuals' sponsorships, assistance, voluntary contributions and authorized investments for environmental protection and climate change adaptation; VEPF's operating capital provided by the competent authority before the effective date of this Decree; other sources of capital prescribed by law.

3. The Prime Minister shall decide the organizational structure, operation and financial mechanism of the VEPF.

### **Article 159. Sources of operating capital of provincial environment protection funds**

1. Equity, including:

a) Charter capital which is at least 30 billion dong. For an operating fund whose charter capital is less than 30 billion dong, there must be a roadmap for increasing the charter capital within 05 years from the effective date of this

Decree. The charter capital is generated from the following sources: funding derived from state budget and development investment fund before the effective date of this Decree; extra funding from the development investment fund; state funding from public investment sources prescribed by law.

The change in charter capital of a provincial environment protection fund shall be decided by the Chairman/Chairwoman of the provincial People's Committee.

b) Development investment fund;

c) Other capital under the fund's ownership as prescribed by law.

2. Other capital, including domestic and foreign organizations and individuals' sponsorships, assistance, voluntary contributions and authorized investments for environmental protection and climate change adaptation; VEPF's operating capital provided by the competent authority before the effective date of this Decree; other sources of capital prescribed by law.

3. Chairmen/Chairwomen of provincial People's Committees shall decide the organizational structures, operation and financial mechanisms of the provincial environment protection funds.

## **Chapter XII**

### **STATE MANAGEMENT AND INSPECTION OF ENVIRONMENTAL PROTECTION AND PROVISION OF ONLINE PUBLIC ENVIRONMENTAL SERVICES**

#### **Section 1. STATE MANAGEMENT OF ENVIRONMENTAL PROTECTION**

##### **Article 160. Responsibilities of Ministries and ministerial agencies for performance of tasks in state management of environmental protection**

Ministries and ministerial agencies shall preside over and cooperate in performing the tasks in state management of environmental protection assigned as prescribed in the LEP and this Decree. To be specific:

1. Overall responsibilities of Ministries and ministerial agencies for state management of environmental protection:

a) Preside over formulating and promulgating within their power and organizing the implementation of technical regulations and technical guidance on reuse, recycling and use of waste as raw materials and materials for production,

business and services under their relevant authority as prescribed by law; preside over formulating and implementing environmental protection programs, schemes and projects under their relevant authority as assigned by competent authorities; cooperate in formulating, providing guidance on and organizing the implementation of legislative documents on environmental protection, national environmental standards and technical environmental regulations, environmental protection strategies, planning and plans;

b) Providing guidance on, building capacity for and organizing the prevention and warning of environmental risks and response to environmental emergencies; organize the reuse and recycling of waste, environmental protection of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants under their relevant authority under regulations of law;

c) Inspect the implementation of legislative documents assigned to them for formulation and promulgation as prescribed by the LEP and this Decree during with respect to the inspection activities under their relevant authority; cooperate in inspecting the observance of the law on environmental protection in accordance with the law;

d) Incorporate and organize the implementation of circular economy, investment in and development of natural capital in development strategies, planning, plans, programs and projects under their relevant authority as prescribed by law; incorporate the environmental protection requirements in strategies, planning and investment activities under their relevant authority;

dd) Organize environmental monitoring in service of industry and field management according to regulations of law; build or cooperate in building environmental databases with their power and integrating them into the national environmental database;

e) Invest in, build, manage, operate, provide and update environmental information and environmental databases under their relevant authority as prescribed by law;

g) Organize communication, spreading of knowledge and dissemination of the law on environmental protection under their relevant authority;

h) Develop international integration and cooperation in environmental protection, incorporating the environmental protection requirements into international trade agreements under their relevant authority;

i) Cooperate in the formulation and implementation of plans for management of surface water and air quality, plans for polluted soil improvement and remediation in accordance with the law;

k) Other tasks prescribed by the LEP and this Decree.

2. Specific responsibilities of several Ministries and ministerial agencies for state management of environmental protection:

a) The Ministry of Industry and Trade shall direct the development of the environmental industry; cooperate in organizing the compliance with the environmental protection requirements during chemical management, export, import, production, business operation and use of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants according to regulations of law;

b) The Ministry of Construction shall organize the formulation, promulgated within its power and provide guidelines for implementation of standards and technical regulations on design of solid waste collection systems suitable for the classification of solid waste at source of shopping-residential complexes, officetels, complex of mixed-use high-rise buildings; provide guidance on technical infrastructural constructions for collection and drainage of wastewater in urban areas and high density residential areas;

c) The Ministry of Agriculture and Rural Development shall direct and organize management of sludge dredged from channels and hydraulic structures in compliance with environmental protection requirements; provide guidelines for collecting and treating livestock waste and agriculture by-products to be reused for other purposes; formulate, promulgate or submit to competent authorities for promulgation and organize the implementation of mechanisms and policies for rural development in association with environmental protection and climate change adaptation; organize the execution of environmental monitoring programs in service of industry and field management according to regulations of law;

d) The Ministry of Transport shall formulate and promulgate national technical regulations on technical and environmental safety for means of transport in accordance with law; direct and organize the dredging operations within seaport water and inland water areas in accordance with law; promulgate or submit to competent authorities for promulgation and organize the implementation of mechanisms and policies on conversion and removal of fossil fuels vehicles and vehicles causing environmental pollution; organize the environmental protection, adaptation to climate change and protection of the ozone layer upon carrying out maritime and aviation activities in accordance with the treaties to which Vietnam is a signatory and other fields under its management;

dd) The Ministry of Health shall provide guidance on and organize the implementation of the law on waste management and environmental protection within hospitals and health facilities; environmental protection in disease prevention and control; regulations on burial and cremation of people who die of dangerous epidemics; provide guidance and organize the control of effects

of environmental pollution on human health according to regulations of law; provide guidance on, collect information, build databases and report the use of insecticidal and germicidal chemicals and preparations for household and medical use in accordance with law; organize the execution of environmental monitoring programs in service of industry and field management according to regulations of law;

e) The Ministry of Culture, Sports and Tourism shall organize the implementation of regulations on environmental protection during culture, sport and tourism activities; development of tourist accommodation establishments and eco-friendly tourism services;

g) The Ministry of Science and Technology shall appraise environmental technical regulations and publish national environmental standards according to regulations of law on standards and technical regulations and law on environmental protection; cooperate in formulating, promulgating and complying with guidelines for best available techniques in accordance with law; organize the execution of environmental monitoring programs in service of industry and field management according to regulations of law;

h) The Ministry of Education and Training organizes the integration of knowledge of environment and environmental protection into educational and training programs at all levels of education and training; develop human resources for environmental protection according to regulations of law; organize the implementation of policies and laws on environmental protection in schools, educational institutions and training institutions;

i) The Ministry of Finance shall develop, promulgate or submit to competent authorities for promulgation of regulations on management and use of deposits on environmental protection, establishment of domestic carbon market, mechanisms for financial management of environment protection funds and green procurement according to regulations of law; aggregate and request competent agencies to allocate state budget for covering recurrent expenditures on environmental protection activities in accordance with law; organize the implementation of policies and laws on environmental protection in the customs field;

k) The Ministry of Planning and Investment shall aggregate and request competent agencies to allocate development investment capital for fulfilling the requirements, objectives, tasks, solutions and resources for environmental protection in strategies, planning, plans, programs, schemes and projects on socio-economic development and environmental protection in accordance with law; formulate, promulgate or submit to competent authorities for promulgation of mechanisms and policies on green procurement;

1) The State Bank of Vietnam provide guidance on and organize the implementation of policies for environmental risk management during grant of green credit; encourage the grant of concessional loans to projects granted green credit in accordance with law.

**Article 161. Responsibility for enabling socio-political organizations, socio-political-professional organizations and socio-professional organizations to participate in environmental protection**

1. Environmental protection authorities at all levels shall enable socio-political organizations, socio-political-professional organizations and socio-professional organizations to exercise the rights specified in clause 2 Article 158 of the LEP.

2. Apart from the regulations specified in clause 1 of this Article, environmental protection authorities at all levels shall consider enabling socio-political organizations to exercise the following rights during their environmental protection:

a) Access financial resources upon using sources of funding for environmental services;

b) Provide refresher training in the law on environmental protection to socio-political organizations.

**Section 2. INSPECTION OF ENVIRONMENTAL PROTECTION**

**Article 162. Specialized inspection of environmental protection**

1. The specialized inspection of environmental protection shall be carried out under regulations of law on inspection and specific regulations on environmental protection specified in clauses 2 and 3 of this Article.

2. The regular environmental protection inspection means an organization inspecting the compliance with the law on environmental protection by some organizations and individuals for 03 consecutive years in order to prevent, detect and handle violations against the law; assist organizations and individuals to comply with regulations of law on environmental protection.

Regular inspection shall be carried out by the authority assigned to carry out specialized inspection of environmental protection at the request of the head of the supervisory environmental protection authority and satisfy following requirements:

a) The entities undergoing regular inspection are organizations and individuals whose production, business and services are involved in types of



business, production and services likely to cause environmental protection at level I Column 3 Appendix II enclosed with this Decree and are those repeating their violation after or before penalty imposition in accordance with regulations of law on penalties for administrative violations;

b) Regular inspection shall be planned for a period of 03 consecutive years or shorter as decided by the head of the competent authority. The regular inspection plan shall be incorporated during the process of formulating and approving the environmental protection inspection plan; shall not overlap the plan-based inspection by MONRE and provincial People's Committees;

c) The establishment and deployment of a regular inspectorate shall be carried out as the plan-based inspection according to regulations of law on inspection.

3. The unscheduled inspection of environmental protection shall be carried out under regulations of law on inspection; if a decision on inspectorate establishment is not announced in advanced as prescribed in point b clause 2 Article 160 of the LEP, comply with the following regulations:

a) A decision on inspectorate establishment will not be announced if there are grounds for presuming that the prior announcement results in the inspected entity hiding their documents or evidence in relation to the violations against the law, thereby reducing the effectiveness in the inspection or at the request of the inspection decision maker.

b) After presenting the inspection decision, the inspectorate's chief is entitled to immediately reach the area where waste is generated, the area where the work or equipment for collecting and treating wastewater or emissions is available and discharge points and other areas within the scope of the inspection decision to carry out inspection activities within his/her power;

c) Where the inspected entity fails to facilitate or obstructs the unscheduled inspection, the inspectorate's chief shall cooperate with the People's Public Security force or the communal People's Committee to adopt professional methods as prescribed to reach the scene for inspection purpose and make a record of the case;

d) The legal representative of the organization or individual shall sign the working records and environmental sampling records; if the legal representative is absent, the representative of the inspected organization or individual present at the scene shall sign the records. In case there is no representative of the inspected organization or individual or their representative does not sign the records, the representative of the communal People's Committee or the communal police authority is requested to sign the records as an eyewitness;

dd) After taking actions to ensure that the inspected entity does not hide their documents or evidence in relation to the violations against the law reducing the effectiveness in the inspection, within 03 days, the inspectorate's chief shall announce the inspection decision, except where the legal representative of the inspected entity is not present as requested. Procedures for announcing the inspection decision shall comply with regulations of law on inspection;

e) The organization or individual shall facilitate the inspection after the inspectorate presents the inspection decision; depending the seriousness of the violation, the organization or individual may incur a penalty for obstructing the unscheduled inspection;

g) Members of the inspectorate and officials concerned are not permitted to disclose and provide any information relating to the process of proposing and issuing an unscheduled inspection, formulating and approving the inspection plan, making preparations for issuing the inspection decision to the inspected entity in the case specified in clause.

### **Article 163. Inspection of compliance with law on environmental protection**

1. Responsibility and methods for inspection of compliance with the law on environmental protection are prescribed as follows:

a) The competent authority specified in clause 1 Article 160 of the LEP shall organize and direct the compliance with the law on environmental protection by organizations, households and individuals;

b) Methods for inspection of compliance with law on environmental protection: on a periodic or unscheduled basis.

The periodic inspection shall be conducted according to the plan approved by the competent authority.

The unscheduled inspection by an environmental protection authority shall be conducted as specified in point a clause 3 Article 160 of the LEP. A decision on inspectorate establishment will not be announced if there are grounds for presuming that the prior announcement results in the inspected entity hiding their documents or evidence in relation to the violations against the law, thereby reducing the effectiveness in the inspection or at the request of the inspection decision maker.

The Environmental Crime Prevention and Control Police shall carry out an unscheduled inspection when there are grounds specified in point b clause 3 Article 160 of the LEP.

2. The power to inspect the compliance with the law on environmental protection is prescribed as follows:

a) The Minister of Natural Resources and Environment shall establish an unscheduled inspectorate without prior notice as specified in point a clause 3 Article 160 of the LEP;

b) The head of the authority exercising the function of inspecting compliance with law on environmental protection affiliated to MONRE shall establish an inspectorate for inspection of compliance with law on environmental protection, except for the case specified in point a of this clause;

c) The head of the authority exercising the function of inspecting compliance with law on environmental protection affiliated to the Ministry of National Defense shall establish an inspectorate for inspection of compliance with law on environmental protection by investment projects and businesses classified as state secrets in the field of national defense;

d) The head of the authority exercising the function of inspecting compliance with law on environmental protection affiliated to the Ministry of Public Security shall establish an inspectorate for inspection of compliance with law on environmental protection by investment projects and businesses classified as state secrets in the field of security;

dd) Heads of police authorities and Environmental Crime Prevention and Control Police units authority have the power to establish and organize an inspectorate for inspection of compliance with law on environmental protection according to this Decree and law on environmental crime prevention and control police, except for the case specified in point d of this clause;

e) Chairmen/Chairwomen of provincial and district-level People's Committees shall establish unscheduled inspectorates without prior notice as specified in point a clause 3 Article 160 of the LEP;

g) Heads of authorities exercising the function of inspecting compliance with law on environmental protection owned by provincial and district-level People's Committees shall establish inspectorates for inspection of compliance with law on environmental protection within their districts and provinces, except for the case specified in point e of this clause;

h) Chairmen/Chairwomen of communal People's Committees shall establish and organize the inspection of compliance with the law on environmental protection by households, individuals and entities required to carry out environmental registration within their communes.

### 3. The power to approve periodic inspection plans:

a) The Minister of Natural Resources and Environment shall approve MONRE's plans for inspection of compliance with law on environmental protection;

b) The Minister of National Defense shall approve plans for inspection of compliance with law on environmental protection by investment projects and businesses classified as state secrets in the field of national defense;

c) The Minister of Public Security shall approve plans for inspection of compliance with law on environmental protection by investment projects and businesses classified as state secrets in the field of security;

d) Chairmen/Chairwomen of provincial People's Committees shall approve plans for inspection of compliance with law on environmental protection of authorities exercising the function of inspecting compliance with law on environmental protection affiliated to provincial People's Committees;

dd) Chairmen/Chairwomen of district-level People's Committees shall approve plans for inspection of compliance with law on environmental protection of authorities exercising the function of inspecting compliance with law on environmental protection affiliated to district-level People's Committees and owned by communal People's Committees.

4. The plan for inspection of compliance with law on environmental protection inspection plan shall be incorporated during the process of formulating and approving the environmental protection inspection plan; shall not overlap the inspection plan; the inspection plan of MONRE shall not overlap the plans of provincial People's Committees; except for the unscheduled inspection specified in clause 3 Article 162 of this Decree and point b clause 1 of this Article.

5. Procedures for inspecting the compliance with the law on environmental protection:

a) Ministers and Chairmen/Chairwomen of People's Committees at all levels specified in clause 1 Article 160 of the LEP or heads of competent agencies and competent persons prescribed by law shall issue decisions to inspect compliance with law on environmental protection;

b) An inspection decision shall mainly contain date of issue; legal references; method of inspection (specifying periodic or unscheduled inspection); full name of the individual, name of the organization, representative of the household; place of inspection; full names and position of the chief and members of the inspectorate; full name and position of the person issuing the inspection decision; inspection contents; duration of the inspection.

If it is deemed necessary to assess professional and technical issues to form a basis for giving a conclusion, the inspectorate's chief shall request the decision maker to solicit a license organization for assessment, inspection, monitoring, measurement and analysis of environmental samples. Expertise shall be solicited in writing, specifying requirements, contents, duration and expertise-

soliciting organization or such requirements, contents, duration and expertise-soliciting organization may be written on the inspection decision specified in this clause. The organization assessing, inspecting, monitoring, measuring and analyzing environmental samples shall take legal responsibility for the accuracy, objectiveness and promptness of their assessment results;

c) Composition of an inspectorate:

An inspectorate of MONRE, provincial People's Committee or district-level People's Committee is composed of cadres, public officials, public employees of the authority issuing the inspection decision; experts where necessary and other members decided by the person competent to establish the inspectorate; representative of the cooperating authority in the place of inspection, representative of the environmental crime prevention and control police, representative of specialized agencies at the same level in the industries and fields related to the inspection contents and inspected entities, except where an unscheduled inspection is carried out or these agencies have a document stating that they do not send a representative to participate in the inspectorate. Specialized agencies at the same level in the industries and fields related to the inspection contents and inspected entities shall send their representative to join the inspectorate for inspection of compliance with law on environmental protection at the request of the competent authority. In case of failure to appoint any official, within 03 days from the receipt of the written request, a written response shall be given.

An inspectorate of the communal People's Committee is composed of cadres, public officials, public employees of the authority issuing the inspection decision, representative of the superior specialized environmental protection authority and other members decided by the Chairman/Chairwoman of the communal People's Committee.

Composition of an inspectorate of the Environmental Crime Prevention and Control Police shall be decided by the head of the competent authority and competent person specified in point dd clause 2 of this Article; representative of the specialized environmental protection authority at the same level shall be invited to join the inspectorate. The specialized environmental protection authority shall appoint its officials to join the inspectorate upon receiving an environmental crime prevention and control police's written request for deployment of the inspectorate. In case of failure to appoint any official, give a timely written response to the environmental crime prevention and control police. Members attending the first working session of the inspectorate shall be decided by the inspectorate's chief.

If not joining the inspectorate, the members specified in this clause shall notify the chief in writing;

d) Inspection contents:

Inspecting the compliance with law on environmental protection in support of state management of environmental protection; inspecting activities in relation to signs of criminal activity or violations against the law in relation to environmental crimes; activities in relation to crime reports or petitions for prosecution or reports on violations against the law in relation to environmental crimes;

dd) Duration of the inspection:

The duration of the inspection of an organization, household or individual shall not exceed 07 days from the date of commencement of the inspection at the place of inspection. If a complicated or broad-range inspection is required, the duration of the inspection of the implementation shall be 15 days from the date of commencement of inspection. The duration shall not include the time of analysis, assessment and inspection of environmental samples (if any).

Form of the inspectorate establishment decision shall be prescribed by MONRE;

e) The inspection decision shall be sent to the inspected entity within 05 days from the date on which it is issued, except for an unscheduled inspection carried out without prior notice under the regulations set forth in point a clause 3 Article 160 of the LEP, law on Environmental Crime Prevention and Control Police and other relevant laws. The inspectorate's chief shall conduct the inspection within 10 days from the date on which the inspection decision is issued;

g) In the case of unscheduled inspection without prior notice, after presenting the inspection decision, the inspectorate's chief is entitled to immediately reach the area where waste is generated, the area where the work or equipment for collecting and treating wastewater or emissions is available and discharge points and other areas within the scope of the inspection decision to carry out inspection activities within his/her power. The organization, household or individual that is required to undergo the inspection must appoint a representative to be present immediately to work with the inspectorate and comply with the requests made by the inspectorate to ensure that the inspection is carried out in accordance with the requirements, contents and procedures specified in legislative documents and the inspection decision.

Where the inspected entity fails to facilitate or obstructs the unscheduled inspection, the inspectorate's chief shall cooperate with the People's Public Security force or the communal People's Committee to adopt professional methods as prescribed to reach the scene for inspection purpose and make a record of the case.

The legal representative of the organization, household or individual shall sign the working records and environmental sampling records; if the legal representative is absent, the representative of the inspected organization, household or individual present at the scene shall sign the records. In case there is no representative of the organization, household or individual or their representative does not sign the records, the representative of the communal People's Committee or the communal police authority is requested to sign the records as an eyewitness;

h) The inspection shall be made into a record bearing the signatures and seals of the inspectorate's chief and organization's legal representative as prescribed by law, and signature and full name of the inspected household's or individual's representative.

i) During the inspection, according to the actual situation, the inspectorate's chief shall request the head of the authority or person competent to issue the inspection decision to issue a decision within his/her power or request a competent authority to organize an unscheduled inspection of the inspected organization, household or individual as prescribed in clause 3 Article 162 of this Decree.

#### 6. Processing of the inspection result:

a) During the inspection, if detecting any violation against the law on environmental protection committed by an organization, household or individual, the competent person in the performance of his/her duty shall make a administrative violation record and transfer it to a competent person in accordance with regulations of law on penalties for administrative violations;

b) The inspection result must be notified in writing by the head of the authority or person competent to issue the inspection decision and sent to the inspected organization, household or individual and relevant agencies and units. The maximum time limit for notification of the inspection result is 15 days from the date on which the inspection ends and the environmental sample analysis result (if any) is available in the case not specified in point a of this clause or 15 days from the date the person competent to impose penalties for administrative violations decide to impose a penalty in accordance with regulations of law on penalties for administrative violations in the case specified in point a of this clause;

c) The notification of inspection result shall be sent to the specialized environmental protection authority at the same level, except for the result of inspection of compliance with law on environmental protection by investment projects and businesses classified as state secrets in the field of national defense and security;



7. The Minister of National Defense and Minister of Public Security shall promulgate some specific regulations on procedures for deployment of inspectorates for inspection of compliance with law on environmental protection by investment projects and businesses classified as state secrets in the field of national defense and security.

#### **Article 164. Mechanism for cooperation in inspection**

1. The inspection and imposition of penalties for administrative violations in the field of environmental protection must not overlap and not affect the normal production, business operation and service provision by organizations and individuals as prescribed in clause 4 Article 160 of the LEP and Articles 162 and 163 of this Decree.

2. The Ministry of Natural Resources and Environment shall uniformly direct and organize the environmental protection inspection nationwide and implement a mechanism for cooperation among inspection forces as follows:

a) Instruct and direct provincial People's Committees to formulate, approve and organize the implementation of plans for inspection of compliance with the law on environmental protection; provide professional guidance on procedures for conducting inspection and imposing penalties for administrative violations in the field of environmental protection, except for the inspection of investment projects and businesses classified as state secrets in the field of national defense and security;

b) Cooperate with and direct environmental protection authorities at all levels to cooperate with the People's Public Security force in detecting, preventing, fighting and preventing crimes and violations against the law on environmental protection; provide timely information on signs of crimes in the field of environmental protection by individuals and organizations to the People's Public Security force in accordance with law; provide information on the environmental protection inspection plans to the Environmental Crime Prevention and Control Police at the same level for proactive cooperation;

c) Preside over handling overlapping issues during inspection and imposition of penalties for administrative violations against regulations on environmental protection; consolidate and direct the disclosure of results of imposition of violations against regulations on environmental protection in accordance with law;

d) Direct authorities assigned to conduct inspection and affiliated authorities exercising the function of inspecting compliance with law on environmental protection to appoint their representatives to join an inspectorate upon receiving an environmental crime prevention and control police's written request for

deployment of the inspectorate. In case of failure to appoint any official, give a timely written response;

dd) Fulfill other responsibility for cooperation as prescribed in point d clause 2 Article 160 of the LEP.

3. The Ministry of Public Security shall implement a mechanism for cooperation between the Environmental Crime Prevention and Control Police and inspection forces inspecting compliance with law on environmental protection of competent authorities as follows:

a) Direct the Environmental Crime Prevention and Control Police to inspect compliance with law on environmental protection by organizations and individuals as prescribed in point b clause 3 Article 160 of the LEP; do not inspect the entities specified in the annual inspection plans approved by MONRE, provincial and district-level People's Committees, except where any sign of criminal activity in relation to environmental protection is found or regulations of the Criminal Procedure Code are implemented or an in-progress violation against the law resulting in environmental pollution has to be immediately prevented; cooperate with other authorities exercising the function of inspecting compliance with law on environmental protection as prescribed in this Decree;

b) Provide and direct the Environmental Crime Prevention and Control Police at the same level to provide information about violations against the law on environmental protection committed by the entities under annual inspection plans of environmental protection authorities;

c) During the process of carrying out environmental protection inspection within its power, the Environmental Crime Prevention and Control Police force must notify the specialized environmental protection authority the same level in writing for cooperation;

d) Before December 20, the Environmental Crime Prevention and Control Police shall send a consolidated document containing results of inspection and imposition of penalties for violations against regulations on environmental protection to the environmental protection authority at the same level.

4. People's Committees at all levels shall:

a) Direct the specialized environmental protection authority to provide timely information on signs of criminal activities in the field of environmental protection by individuals and organizations to the Environmental Crime Prevention and Control Police; cooperate with the Environmental Crime Prevention and Control Police in inspection compliance with law on environmental protection according to this Decree; provide information on the environmental protection inspection plan to the Environmental Crime Prevention and Control Police at the same level for proactive cooperation;

b) Direct authorities assigned to conduct inspection and affiliated authorities exercising the function of inspecting compliance with law on environmental protection to appoint their representatives to join an inspectorate upon receiving an environmental crime prevention and control police's written request for deployment of the inspectorate. In case of failure to appoint any official, give a timely written response;

c) Before December 20, every authority assigned to conduct inspection and authority exercising the function of inspecting compliance with law on environmental protection shall send a consolidated report on results of inspection and imposition of penalties for violations against regulations on environmental protection to the superior environmental protection authority.

### **Section 3. PROVISION OF ONLINE PUBLIC ENVIRONMENTAL SERVICES**

#### **Article 165. Rules for providing online public environmental services**

1. Regulatory bodies shall develop, provide and render online public environmental services under this Decree and the plans and roadmaps of competent authorities, ensuring the connection between the National Single Window Portal and the National Public Service Portal. Organizations and individuals are encouraged to use public environmental services online.

2. The online public environmental services in relation to exports, imports and goods in transit shall comply with regulations on administrative procedures via National Single Window and ASEAN Single Window and specialized inspection for exports and imports; other online public services shall comply with regulations on administrative procedures by electronic means.

3. If the administrative procedure result is announced in the form of a physical document, the authority in charge of handling administrative procedures shall digitalize the result for storage on the single-window information system as prescribed and connection with the public service portal of the superior authority. In the case where electronic administrative procedure result is announced, if the organization or individual requests a physical document, the authority in charge of handling administrative procedures shall transform the result into a physical document according to the Government's regulations on administrative procedures by electronic means.

#### **Article 166. Responsibility for providing online public environmental services**

1. MONRE shall develop electronic web portals providing online services of central environment administrative procedures and concentrated administrative

procedures under the Prime Minister's decision; cooperate with the Ministry of Finance and Office of the Government in receiving and confirming requests and establishing connections.

2. Provincial People's Committees shall develop electronic web portals providing online services of local environment administrative procedures and concentrated administrative procedures as prescribed in clause 1 of this Article, ensuring synchronization and connection with the online public environmental service provision system of MONRE.

## **Chapter XIII**

### **IMPLEMENTATION CLAUSE**

#### **Article 167. Amendments to and abrogation of some legislative documents relating to environmental protection**

1. Some Articles of the Government's Decree No. 201/2013/ND-CP dated November 27, 2013 on are amended as follows:

a) Clause 8 of Article 2 is amended as follows:

“8. The funding for seeking opinions shall be covered by the investment project owner. Opinions of residential communities, organizations and individuals concerned about discharge of wastewater into water sources greatly affecting production activities and life of the people in localities shall be sought in accordance with regulations on consultation during environmental impact assessment specified in the LEP and this Decree”;

b) Article 15 is amended as follows:

“Article 15. Water resource licenses

1. Water resource licenses consist of groundwater exploration license; license for extraction and use of surface water; license for extraction and use of groundwater; license for extraction and use of seawater.

2. A water resource license primarily contains:

a) Name and address of the license holder;

b) Name and location of the work for groundwater exploration and extraction;

c) Sources of water explored and extracted;

d) Scale, capacity, flow rate and primary specifications of the work for groundwater exploration and extraction; purposes in the case of the license for extraction and use of water;

dd) Frequency and method of extraction and use of water;

e) Effective period of the license;

g) Specific requirements and conditions for exploration, extraction and use of water resources laid down by the licensing authority for the purpose of protecting water sources, legitimate rights and interests of other related organizations and individuals;

h) Rights and obligations of the license holder.”;

c) Clause 2 of Article 20 is amended as follows:

“2. Have a project or report suitable for the approved water resource planning or suitable for the water resources carrying capacity if the water resource planning is not available. The project or report shall be prepared by a suitably qualified organization or individual according to MONRE’s regulations; information and figures used to prepare the project or report must be adequate, explicit, accurate and truthful.

The plan for design of a work or work for extraction of water resources must be appropriate to the extraction scale and sources of water extracted and satisfy the requirements for protection of water resources.”;

d) Clause 4 of Article 23 is amended as follows:

“4. The contents specified in the license are not permitted to be adjusted:

a) Sources of water explored and used;

b) The water extracted and used in excess of 25% of the volume specified in the issued license;

If necessary to adjust any content specified in this clause, the license holder shall prepare a new application for license.”;

dd) The following phrases in Articles, clauses and points are replaced:

The phrase “khai thác, sử dụng tài nguyên nước, xả nước thải vào nguồn nước” (“extraction and use of water resources, discharge of wastewater into water sources”) in Article 1, Article titles and point e clause 3 Article 2, clause 1 Article 3, Article 16, clause 4 Article 18, point d clause 1 Article 19, Article 22, point b clause 2 Article 24, point b clause 1 Article 27, Article 35, Article 36, clause 4 Article 44 and clause 4 Article 45 is replaced with “khai thác, sử dụng tài nguyên nước” (“extraction and use of water resources”).

The phrase “khai thác, sử dụng nguồn nước liên tỉnh, xả nước thải vào nguồn nước liên tỉnh” (“extraction and use of sources of inter-provincial water, discharge of wastewater into sources of inter-provincial water”) point b clause 4 of Article 2 is replaced with “khai thác, sử dụng nguồn nước liên tỉnh” (“extraction and use of sources of inter-provincial water”).

The phrase “khai thác, sử dụng nước, xả nước thải” (“extraction and use of water, discharge of wastewater”) point dd clause 1 of Article 19 is replaced with “khai thác, sử dụng nước” (“extraction and use of water”);

e) The following Articles, clauses and points are abrogated: point d clause 1 of Article 2; point b clause 1 of Article 3; clause 3 of Article 16; clause 2 of Article 19; clause 3 of Article 20; point d clause 1 of Article 21; clause 3 of Article 23; points g ad h clause 1 of Article 28; Article 33;

g) Regulations on procedures for issuance, extension and adjustment of licenses to discharge wastewater into water sources specified in Articles 35 and 36 are abrogated.

2. Some Articles of the Government’s Decree No. 67/2018/ND-CP dated May 14, 2018 on are amended as follows:

a) Point a clause 1 of Article 16 is amended as follows:

“a) MONRE shall issue, re-issue, extend, adjust, suspend and revoke licenses for the activities specified in clause 1, clause 2, clause 3, clause 6, clause 9, clause 10 of Article 13 of this Decree within the safety perimeters of works under its management;”;

b) Clause 2 of Article 18 is amended as follows:

“2. The licensing authority shall decide to change the effective period of the license in case where safety of a hydraulic structure is threatened; activities conducted within safety perimeters of works affecting operation of the works.”;

c) Clauses 3 and 4 of Article 19 are amended as follows:

“3. Scope of operation to be licensed.

4. Scale, capacity and primary specifications of the activities to be licensed.”;

d) Clause 2 of Article 28 is amended as follows:

“2. Additional construction drawing or additional investment project in the case of applying for adjustment of license’s contents specified in clauses 1, 2, 3, 6 and 10 Article 13 of this Decree; ”;”;

dd) Clause 3 of Article 29 is amended as follows:

“3. Time limit for issuing an extended or adjusted license:

a) For the activities specified in clauses 1, 2, 3 and 10 Article 13 of this Decree:

Within 15 days from the receipt of a sufficient and valid application, the licensing authority shall appraise it. If the application is satisfactory, issue an extended or adjusted license; if the application is unsatisfactory, notify the reason for failure to issue the license.”;

e) The following Articles, clauses and points are abrogated: clause 5 of Article 3; clause 4 of Article 13; clause 2 of Article 15; point c clause 1 of Article 20; point b clause 2 of Article 21; Article 23; clause 2 of Article 37.

3. Some Articles of the Government's Decree No. 23/2020/ND-CP dated February 24, 2020 are amended as follows:

a) Point a clause 2 of Article 21 is amended as follows:

“a) MONRE shall approve the implementation plans with respect to the projects whose environmental impact assessment reports are appraised and approved by the MONRE”;

b) Clause 5 of Article 33 is abrogated.

4. The Prime Minister's Decision No. 16/2015/QĐ-TTg dated May 22, 2015 is abrogated.

5. The Government's Decree No. 03/2015/ND-CP dated January 06, 2015 is abrogated.

6. The Government's Decree No. 18/2015/ND-CP dated February 14, 2015 is abrogated.

7. The Government's Decree No. 19/2015/ND-CP dated February 14, 2015 is abrogated.

8. The Government's Decree No. 38/2015/ND-CP dated April 24, 2015 is abrogated.

9. The Government's Decree No. 127/2014/ND-CP dated December 31, 2014 is abrogated.

10. The Government's Decree No. 40/2019/ND-CP dated May 13, 2019 is abrogated.

11. The Government's Decree No. 54/2021/ND-CP dated May 21, 2021 is abrogated.

12. Some Articles of the Government's Decree No. 82/2019/ND-CP dated November 12, 2019 are abrogated and amended as follows:

a) Clause 2 of Article 7 is amended as follows: “Satisfy the environmental protection requirements and be issued with the environmental license by MONRE”;

b) Clause 1; point a clause 2 of Article 16 are abrogated.

13. Article 4, Article 24 and clause 3 Article 45 of the Government's Decree No. 80/2014/ND-CP dated August 06, 2014 are abrogated.



## **Article 168. Transitional clauses**

1. Any application for issuance, extension or adjustment of the license to discharge wastewater into receiving body which is received before the effective date of this Decree shall continue to be processed under the Government's Decree No. 201/2013/ND-CP dated November 27, 2013, except where an organization or individual applies for the environmental license as prescribed in this Decree.

If the organization or individual wishes to apply for issuance of the environmental license as prescribed in this Decree, the authority competent to issue the environmental license shall use the result already given during the process of considering the application for issuance, extension or adjustment of the license to discharge wastewater into receiving body of the competent authority to carry out appraisal and issue the environmental license as prescribed in this Decree. The organization or individual may claim a refund or offset the fee for appraisal of the project on discharge of wastewater into receiving body against the fee for appraisal and issuance of the environmental license payable as prescribed by law.

2. Any application for issuance, extension or adjustment of the license to discharge wastewater into receiving body received before the effective date of this Decree shall continue to be processed under the Government's Decree No. 201/2013/ND-CP dated November 27, 2013, except where an organization or individual applies for the environmental license as prescribed in this Decree.

If the organization or individual wishes to apply for issuance of the environmental license as prescribed in this Decree, the authority competent to issue the environmental license shall use the result already given during the process of considering the application for issuance, extension or adjustment of the license to discharge wastewater into hydraulic structure of the competent authority to carry out appraisal and issue the environmental license as prescribed in this Decree. The organization or individual may claim a refund or offset the fee for appraisal of the project on discharge of wastewater into hydraulic structure against the fee for appraisal and issuance of the environmental license payable as prescribed by law.

3. Regarding an application for issuance or re-issuance of the certificate of completion of environmental protection work, certificate of eligibility for environmental protection during import of scrap as raw materials for production; application for issuance, re-issuance or adjustment of the license to treat hazardous waste which is received before the effective date of this Decree, the transitional clauses below shall be complied with:

a) If the organization or individual wishes to apply for issuance of the environmental license as prescribed in this Decree, the authority competent

to receive the application shall use the result already given during the process of inspecting and assessing operation of the environmental protection work, satisfaction of the conditions for environmental protection during import of scrap as raw materials for production and satisfaction of the conditions for environmental protection during treatment of hazardous waste to carry out appraisal and issue the environmental license as prescribed in this Decree. The organization or individual may claim a refund or offset the paid fee against the fee for appraisal and issuance of the environmental license payable as prescribed by law;

b) If the organization or individual does not apply for issuance of the environmental license as prescribed in this Decree, the authority competent to receive the application shall continue to inspect, issue or re-issue the certificate of completion of environmental protection work or the certificate of eligibility for environmental protection during import of scrap as raw materials for production; issue, re-issue or adjust the license to treat hazardous waste as prescribed by law at the time of receipt.

4. Any application for issuance, extension or adjustment of the certificate of eligibility to provide environmental monitoring services which is received before the effective date of this Decree shall continue to be processed under the Government's Decree No. 127/2014/ND-CP dated December 31, 2014.

5. Regarding an application for appraisal of strategic environmental assessment report (SEAR) which is received by a competent authority before the effective date of this Decree, the transitional clauses below shall be complied with:

a) If the strategy or planning is not specified in the Appendix I enclosed herewith or in point b of this clause, the authority receiving the application shall continue to appraise the SEAR in accordance with regulations of law in force at the time of receipt. The report on appraisal of SEAR shall serve as the basis for the competent authority to approve the strategy or planning in accordance with regulations of law in force at the time of receipt;

b) If the strategy or planning is specified in the Appendix I enclosed herewith or in point b of this clause and the authority assigned to formulate the strategy or planning has submitted a written request for implementation thereof under the LEP, within the time limit for appraising the SEAR in accordance with regulations of law in force at the time of receipt, the authority receiving the application shall issue a document containing its opinions on the contents of SEA of the strategy or planning to the authority presiding over appraising the planning or authority approving the strategy as prescribed in Article 26 of the LEP.

6. Regarding an application for appraisal and approval of scheme for environmental remediation and improvement during mineral mining which is

before the effective date of this Decree, the transitional clauses below shall be complied with:

a) If the organization or individual wishes to apply for issuance of the environmental license as prescribed in this Decree, the authority competent to receive the application shall use the result already given during the process of appraising and approving the environmental remediation and improvement scheme to carry out appraisal and issue the environmental license as prescribed in this Decree. The organization or individual may claim a refund or offset the paid fee against the fee for appraisal and issuance of the environmental license payable as prescribed by law;

b) If the organization or individual does not apply for issuance of the environmental license as prescribed in this Decree, the authority competent to receive the application shall use continue to appraise and approve the environmental remediation and improvement scheme in accordance with regulations of law in force at the time of receipt; the decision to approve the environmental remediation and improvement scheme is equivalent to the decision to approve result of environmental remediation and improvement scheme appraisal as prescribed in this Decree.

7. Any application for environmental approval or registration of environmental protection plan which is received by the competent authority before the effective date of this Decree shall continue to be considered and processed under regulations of law in force at the time of receipt, except where an organization or individual applies for environmental approval or registration of environmental protection plan as prescribed in this Decree.

8. Regarding an investment project's EIAR which has been submitted to the competent authority but has not yet been appraised or has been appraised and approved by the competent authority provided that it is corrected or added before the effective date of this Decree, the transitional clauses below shall be complied with:

a) If the investment project is not subject to EIA but is required to obtain the environmental license as prescribed in this Decree, the competent authority receiving the application shall continue to process it under regulations of law in force at the time of receipt, except for the case specified in point b of this clause. The organization or individual shall operate the environmental protection works according to the EIAR for which the appraisal result has been approved and prepared an application for issuance of environmental license as in the case specified in point a clause 2 Article 42 of the LEP;

b) If the investment project is not subject to EIA but is required to obtain the environmental license as prescribed in this Decree and the organization or

individual wishes to apply for issuance of the environmental license as prescribed in this Decree, the competent authority receiving the application shall use the result already given during the process of appraising and the EIAR to carry out appraisal and issue the environmental license to the investment project as prescribed in this Decree. The organization or individual may claim a refund or offset the paid fee against the fee for appraisal and issuance of the environmental license payable as prescribed by law;

c) If the organization or individual fails to submit a new application for approval of EIAR appraisal result within 12 months from the date of notifying the appraisal result, the regulations set out in Article 34 of the LEP shall be complied with.

9. Any investment project group I specified in the Appendix III hereof for which the competent authority has carried out appraisal of the EIAR before the effective date of this Decree with the result showing that the report was passed without any correction or addition or the EIAR has been approved within 24 months before the effective date of this Decree, it is not subject to preliminary EIA.

10. The Ministry of Natural Resources and Environment and provincial People's Committees shall supervise the wastewater discharge by organizations and individuals and their compliance with the license to discharge wastewater into receiving body issued before the effective date of this Circular until the expiry date of such license.

The Ministry of Natural Resources and Environment shall supervise the wastewater discharge by organizations and individuals and their compliance with the license to discharge wastewater into hydraulic structure with a wastewater flow of 3,000 m<sup>3</sup> or more every 24 hours until the expiry date of such license; provincial People's Committees shall supervise the wastewater discharge by organizations and individuals and their compliance with the license to discharge wastewater into hydraulic structure with a wastewater flow of less than 3,000 m<sup>3</sup> or more every 24 hours until the expiry date of such license.

Organizations and individuals shall submit an annual report on their discharge of wastewater into receiving body in accordance with regulations of the license to discharge wastewater into receiving body or license to discharge wastewater into hydraulic structure to MONRE and Department of Natural Resources and Environment.

Within 90 days from the effective date of this Decree, the authority managing the license to discharge wastewater into hydraulic structure shall transfer the license to discharge wastewater into hydraulic structure to the competent authority for supervision of wastewater discharge by organizations and individuals as prescribed in this Decree.

11. Where a competent authority promulgates regulations on environmental zoning and carrying capacity of the receiving body, wastewater discharge zoning, wastewater discharge quotas, environmental technical regulations and other relevant regulations of law, every investment project and manufacturing establish owner shall continue to comply with the issued environmental license. The issuance, adjustment or re-issuance of the environmental license of the investment project or manufacturing establishment shall be carried out according to the roadmap prescribed by the competent authority upon promulgating the said regulations.

12. Where one of the component environmental license of a business, dedicated area for production, business operation and service provision or industrial cluster is expired, its owner shall prepare an application for issuance of the environmental license as prescribed in this Decree.

13. Regarding a craft village or traditional craft village which has been recognized by the provincial People's Committee but failed to satisfy the requirements specified in clause 1 Article 56 of the LEP, within 36 months from the effective date of this Circular, the provincial People's Committee shall revoke its certificate of recognition as prescribed in the Government's Decree No. 52/2018/ND-CP dated April 12, 2018.

14. Any investment project that has gone through construction process but has not yet been put into operation (whether it is trial operation in case there are waste treatment works that have to undergo trial operation or official operation in case of no waste treatment works that have to undergo trial operation) or operating business which has not yet obtained the decision on approval of EIAR appraisal result or environmental license under regulations of law on environmental protection shall incur a penalty according to the Government's regulations on penalties for administrative violations against regulations on environmental protection. If the investment project or business is suitable for the planning, environmental zoning and carrying capacity of environment, the owner of the investment project or business shall comply with the following regulations:

a) For the investment project that is going through construction process and satisfies the environmental criteria equivalent to a subject required to prepare an EIAR but is not specified in point b of this clause, the investment project owner shall prepare an EIAR for the investment project that involves review, renovation, upgrading or addition of environmental protection works or measures and submit it to a competent authority for approval of appraisal result as prescribed during the period of rectifying its violation according to the penalty imposition decision issued by the competent authority;

b) For the investment project that has not yet been put into operation going through construction process and satisfies the environmental criteria equivalent to a subject required to prepare an EIAR but is not specified in point b of this clause, the investment project owner shall prepare an EIAR for the investment project that involves review, renovation, upgrading or addition of environmental protection works or measures and submit it to a competent authority for approval of appraisal result as prescribed during the period of rectifying its violation according to the penalty imposition decision issued by a competent person;

c) For the operating business that satisfies the environmental criteria equivalent to a subject required to obtain the environmental license and prepare an EIAR but fails to have one of those documents, the business owner shall prepare an application for issuance of the environmental license for the investment project that involves review, renovation, upgrading or addition of environmental protection works or measures and submit it to a competent authority for approval of appraisal result as prescribed during the period of rectifying its violation according to the penalty imposition decision issued by a competent person as prescribed in clause 2 Article 28 of this Decree;

d) For the operating business that satisfies the environmental criteria equivalent to a subject required to obtain the environmental license and not required to prepare an EIAR but fails to have the environmental license, the business owner shall prepare an application for issuance of the environmental license to the business and submit it to the authority competent to issue the environmental license during the period of rectifying its violation according to the penalty imposition decision issued by a competent person as prescribed in clause 3 Article 28 of this Decree, except for the case specified in point d clause 2 Article 42 of the LEP.

15. Any investment project that has gone through construction process but has not yet been put into operation and has not yet obtained the certificate of registration of the environmental protection plan or equivalent environmental documents under the LEP 2014, the following regulations shall be complied with:

a) For the investment project or business that satisfies the environmental criteria equivalent to a subject required to obtain the environmental license, it shall incur a penalty according to the Government's regulations on penalties for administrative violations against regulations on environmental protection. If the investment project or business is suitable for the planning, environmental zoning and environmental carrying capacity, the owner of the investment project or business shall prepare an application for issuance of the environmental license for the investment project that involves review, renovation, upgrading or addition of environmental protection works or measures and submit it to the authority



competent to issue the environmental license during the period of rectifying its violation according to the penalty imposition decision issued by the competent person as prescribed in clause 2 Article 27 of this Decree;

b) For the investment project or business that satisfies the environmental criteria equivalent to a subject required to carry out environmental registration, the owner of the investment project or business shall carry out environmental registration as prescribed in clause 6 Article 48 of the LEP.

16. Dedicated areas for production, business operation and service provision and industrial clusters sharing the same environmental protection infrastructure before the effective date of this Decree are entitled to continue to transfer and receive wastewater for treatment.

17. The planning whose planning tasks have been approved and the strategy that has been submitted to the competent authority before the effective date of this Decree shall continue to be appraised and approved as prescribed by law at the time of submitting the planning and strategy for appraisal.

18. Any organization or individual that directly imports scrap as raw materials for production and has been granted by MONRE a component environmental license being the certificate of eligibility for environmental protection during import of scrap as raw materials for production that has expired or remains effective for less than 12 months from the effective date of this Decree is entitled to extend the effective period of this component environmental license until December 31, 2022, except where the manufacturing establishment directly uses imported scrap of the organization or individual that has dissolved or went bankrupt or where the manufacturing establishment incurs a penalty for administrative violations against regulations on environmental protection but has yet to completely abide by the penalty imposition decision issued by the competent authority or has yet to completely rectify its violation as prescribed by law.

MONRE shall issue a written notification containing the list of organizations and individuals entitled to extend the effective period of the component environmental license specified in this clause which clearly states the extended effective period, type and weight of scrap permitted to be imported on the grounds that type of scrap imported as raw materials for production conforms to the component environmental license and the list of scrap permitted to be imported from foreign countries as raw materials for production is promulgated by the Prime Minister; the weight of scrap permitted to be imported as raw materials for production is determined according to the remaining months of the extended effective period of the issued component environmental license but not exceeding 12 months. The abovementioned written notification shall be sent



to organizations and individuals; to the Department of Natural Resources and Environment of the area where the establishment directly using imported scrap is located and to the General Department of Customs for supervision purposes.

Every organization and individual entitled to extend the component environmental license as prescribed in this clause shall:

a) Ensure that their manufacturing establishment directly using imported scrap as raw materials for production satisfies the environmental protection requirements specified in Article 45 of this Decree;

b) obtain the environmental license as prescribed in this Decree after the extended effective period of the component environmental license.

19. Any organization or individual issued with the environmental license being the license to treat hazardous waste that has expired or remains effective for less than 12 months from the effective date of this Decree is entitled to extend the effective period of this component environmental license until December 31, 2022, except where their hazardous waste treatment service provider has dissolved or went bankrupt or where the provider incurs a penalty for violations against regulations of law on environmental protection but has yet to completely abide by the penalty imposition decision issued by the competent authority or has yet to completely rectify its violation as prescribed by law.

MONRE shall issue a written notification containing the list of organizations and individuals entitled to extend the effective period of the component environmental license specified in this clause which clearly states the extended effective period, codes and weight of hazardous waste permitted to be collected and treated on the grounds that the code of hazardous waste conforms to the component environmental license; the weight of hazardous waste is determined according to the remaining months but not exceeding 12 months during the period of extension of the issued component environmental license. The abovementioned written notification shall be sent to organizations and individuals; to the Department of Natural Resources and Environment of the hazardous waste treatment service provider is located for supervision purposes.

Every organization and individual) entitled to extend the component environmental license as prescribed in this clause shall:

a) ensure that their hazardous waste treatment service provider satisfies the environmental protection requirements specified in clause 3 Article 84 of this Decree;

b) fulfill the responsibilities specified in Article 85 of the LEP and this Decree;

c) obtain an environmental license as prescribed in this Decree after the extended effective period of the component environmental license.

### **Article 169. Implementation clause**

1. This Decree comes into force from the day on which it is signed for promulgation.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairmen/Chairwomen of People's Committees of provinces and central-affiliated cities and organizations and individuals concerned are responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT  
PP. THE PRIME MINISTER  
THE DEPUTY PRIME MINISTER**

**Le Van Thanh**

## APPENDIX I

### LIST OF NATIONAL AND REGIONAL STRATEGIES FOR INDUSTRY AND FIELD DEVELOPMENT, NATIONAL SECTOR PLANNING AND TECHNICAL AND SPECIALIZED PLANNING SUBJECT TO STRATEGIC ENVIRONMENTAL ASSESSMENT

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

No.	Entry
<b>I</b>	<b>National and regional strategies for industry and field development</b>
1	Industrial development strategy
2	Transport development strategy
3	Mineral resources strategy
4	Irrigation strategy
5	Fishery development strategy
6	Animal husbandry development strategy
7	Agricultural and rural development strategy
8	Energy development strategy
9	Building material development strategy
<b>II</b>	<b>Planning</b>
1	National sector planning
1.1	Road network planning
1.2	Railway network planning
1.3	Comprehensive planning for seaport system development
1.4	Comprehensive planning for development of the national airport and aerodrome system
1.5	Inland waterway infrastructure planning
1.6	Comprehensive planning for energy
1.7	Power development planning
1.8	Oil and gas storage and supply infrastructure planning
1.9	Urban and rural system planning
1.10	Water resources planning
1.11	Planning for exploration, extraction, processing and use of radioactive ores
1.12	Planning for exploration, extraction, processing and use of minerals
1.13	Planning for exploration, extraction, processing and use of minerals used as building materials

2	Technical and specialized planning
2.1	Comprehensive planning for inter-provincial river basins and watercourses
2.2	Planning for protection, extraction and use of international water resources
2.3	Irrigation planning
2.4	Flood control system planning
2.5	Nuclear power development planning

## APPENDIX II

### LIST OF TYPES OF PRODUCTION, BUSINESS AND SERVICES LIKELY TO CAUSE ENVIRONMENTAL POLLUTION

(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)

No.	Type of production, business and service likely to cause environmental pollution	Capacity		
		Large	Medium	Small
(1)	(2)	(3)	(4)	(5)
<b>I</b>	<b>Level I</b>			
1	Enrichment and processing of toxic minerals and metallic minerals; processing of minerals using harmful chemicals;	At least 200,000 tonnes of ore usable as input materials/year	Less than 200,000 tonnes of ore usable as input materials/year	Not available
	Glass production (except for types using gas, DO)	At least 200,000 tonnes of products/year	Less than 5,000 to less than 200,000 tonnes of products/year	Less than 5,000 tonnes of products/year
2	Production of cast iron and steel, metallurgy (except workpiece material rolling, drawing, casting)	At least 300,000 tonnes of products/year	Less than 300,000 tonnes of products/year	Not available
3	Production of pulp, production of paper from recycled materials or from biomass	At least 50,000 tonnes of products/year	From 5,000 to less than 50,000 tonnes of products/year	Less than 5,000 tonnes of products/year

4	Production of basic inorganic chemicals (except industrial gases), chemical fertilizers (except blending, division and packaging), agrochemicals (except for blending and division)	At least 5,000 tonnes of products/year	From 1,000 to less than 5,000 tonnes of products/year	Less than 1,000 tonnes of products/year
5	Production of fabrics and yarns, textile production (with dyeing, denim dry or yarn sizing stage)	At least 50,000,000 m <sup>2</sup> /year	From 5,000,000 to less than 50,000,000 tonnes of m <sup>2</sup> /year	Less than 5,000,000 m <sup>2</sup> /year
6	Leather production (by tanning process); tanning	At least 10,000 tonnes of products/year	From 1,000 to less than 10,000 tonnes of products/year	Less than 1,000 tonnes of products/year
7	Exploitation of crude oil and natural gas	All	Not available	Not available
	Oil refinery and petrochemical	At least 1,000,000 tonnes of products/year	Less than 1,000,000 tonnes of products/year	Not available
8	Coal-fired power	At least 600 MW	Less than 600 MW	Not available
	Coke production	At least 100,000 tonnes of products/year	Less than 100,000 tonnes of products/year	Not available
	Coal gasification	At least 50,000 m <sup>3</sup> of gas/hour	Less than 50,000 m <sup>3</sup> /hour	Not available
<b>II</b>	<b>Level II</b>			
9	Recycling and treatment of domestic solid waste, normal industrial solid waste	At least 500 tonnes/day	Less than 500 tonnes/day	Not available
	Recycling and treatment of hazardous waste; breaking of used ships; use of imported scrap as raw materials for production	All	Not available	Not available

10	Plating involving cleaning of metal surfaces with chemicals	At least 10,000 tonnes of products/year	From 1,000 to less than 10,000 tonnes of products/year	Less than 1,000 tonnes of products/year
11	Cell and battery production	At least 600 tonnes of products or 200,000 KWh/year	Less than 600 tonnes of products or 200,000 KWh/year	Not available
12	Cement production	At least 1,200,000 tonnes/year	Less than 1,200,000 tonnes/year	Not available
<b>III</b>	<b>Level III</b>			
13	Rubber latex processing	At least 15,000 tonnes/year	From 6,000 to less than 15,000 tonnes/year	Less than 6,000 tonnes/year
14	Production of tapioca and monosodium glutamate	At least 10,000 tonnes of products/year	From 500 to less than 10,000 tonnes of products/year	From 5 to less than 500 tonnes of products/year
	Production of beer and carbonated soft drinks	At least 30 million liters/year	From 01 million to less than 30 million liters/year	From 50,000 million to less than 01 million liters/year
	Industrial alcohol production	At least 02 million liters/year	From 0.5 million to less than 02 million liters/year	Less than 0.5 million liters/year
15	Production of sugar from sugar cane	At least 10,000 tonnes of products/year	From 500 to less than 10,000 tonnes of products/year	From 5 to less than 500 tonnes of products/year
16	Fisheries product processing	At least 20,000 tonnes of products/year	From 1,000 to less than 20,000 tonnes of products/year	From 100 to less than 1,000 tonnes of products/year

	Industrial-scale slaughtering of cattle and poultry	At least 1,000 cattle heads/day or at least 10,000 poultry heads/day	From 100 to less than 1,000 cattle heads/day or from 1,000 to less than 10,000 poultry heads/day	From 10 to less than 100 cattle heads/day or from 100 to less than 1,000 poultry heads/day
	Industrial-scale raising of cattle and poultry	At least 1,000 animal units	From 100 to less than 1,000 animal units	From 10 to less than 100 animal units
17	Production of electrical and electronic parts and devices	At least 01 million devices and parts/year or at least 1,000 tonnes of products/year	Less than 01 million devices and parts/year or less than 1,000 tonnes of products/year	Not available

### APPENDIX III

LIST OF GROUP I INVESTMENT PROJECTS POSING A HIGH RISK OF ADVERSE ENVIRONMENTAL IMPACTS SPECIFIED IN CLAUSE 3 ARTICLE 28 OF THE LAW ON ENVIRONMENTAL PROTECTION  
(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)

NO.	Investment project	Size, capacity/ environmental sensitivity/power to issue natural resource extraction license
(1)	(2)	(3)
<b>I</b>	<b>Investment projects specified in point a clause 3 Article 28 of the Law on Environmental Protection</b>	
<b>1</b>	Investment projects with construction constituents which are subject to decision on investment guidelines and approval for investment guidelines by the National Assembly and Prime Minister (except for	All



	projects on passenger air transport business; on provision of betting and casino services; on provision of telecommunications services with network infrastructure; on afforestation; on publication; on press); group A projects with construction constituents which are classified according to the criteria prescribed by regulations of law on public investment and construction and involved in types of production, business and services likely to cause environmental pollution.	
2	Hazardous waste recycling and treatment projects; Used ship breaking projects; Projects using scrap imported as raw materials for production; Projects on nuclear reactor construction and nuclear power.	All
3	Projects involved in types of production, business and services likely to cause environmental pollution with large capacity specified in Column 3 Appendix II enclosed with this Decree.	All
<b>II</b>	<b>Investment projects specified in point b clause 3 Article 28 of the Law on Environmental Protection</b>	
4	Projects involved in types of production, business and services likely to cause environmental pollution with medium capacity specified in Column 4 Appendix II enclosed with this Decree.	Having the environmental sensitivity specified in clause 4 Article 25 of this Decree
5	Group A projects with construction constituents which are classified according to the criteria prescribed by regulations of law on public investment and construction and not involved in types of production, business and services likely to cause environmental pollution.	

<b>III.</b>	<b>Investment projects specified in points c and d clause 3 Article 28 of the Law on Environmental Protection</b>	
6	Large-scale projects using land and land with water surface (except for projects on forest development, silviculture, natural and extensive aquaculture under regulations of law on forestry and fisheries).	100 ha or more
7	Projects using land or water surface of wildlife sanctuaries, natural heritage sites, biosphere reserves, significant wetlands, natural forests, protection forests (except for projects on construction of works serving forest management and protection, nature and biodiversity conservation, forest fire prevention and fighting and silviculture which are approved by the competent authority);	At least 01 ha for a wildlife sanctuary, at least 01 ha for a core zone of a biosphere reserve or at least 20 ha for a buffer zone of a world heritage site, biosphere reserve, significant wetland; at least 20 ha for a natural forest or at least 50 ha for a protection forest;
	Project requesting repurposing land or land with water surface of a wildlife sanctuary, natural heritage site, biosphere reserve, significant wetland, natural forest or protection forest (except for projects on construction of works serving forest management and protection, nature and biodiversity conservation, forest fire prevention and fighting and silviculture which are approved by the competent authority);	All for the wildlife sanctuary and core zone of the biosphere reserve; at least 5 ha for a buffer zone of a world heritage site, biosphere reserve, significant wetland; at least 03 ha for a natural forest or at least 20 ha for a protection forest;
	Project requesting repurposing of land meant for growing wet rice.	Having the area of land to be repurposed subject to approval by the Prime Minister under regulations of law on land.

8	Projects using land or land with water surface of a historical and cultural site/monument or scenic landscape ranked as prescribed by regulations of law on cultural heritage (except for projects on preservation, renovation, restoration and conservation of historical and cultural sites/monuments, scenic landscapes, construction of works in service of environmental hygiene and management, protection of historical and cultural sites/monuments, scenic landscapes and other maintenance and repair projects intended for ensuring traffic safety).	At least 02 ha of land of a national or special national historical and cultural site/monument; at least 10 ha of land of a world heritage site or national or special national scenic landscape.
9	Projects using sea area;	Under the Prime Minister and MONRE's sea area assignment authority;
	Projects involving ocean dumping;	Under the Prime Minister and MONRE's authority to issue ocean dumping permit;
	Projects involving land reclamation.	Under the Prime Minister and MONRE's authority to assign sea area for land reclamation.
<b>IV.</b>	<b>Projects specified in points d and e clause 3 Article 28 of the Law on Environmental Protection</b>	
10	Mineral mining projects; projects on extraction and use of water resources;	Under MONRE's authority to issue mining license and license to extract and use water resources (except for Mineral mining projects; projects on extraction and use of water resources; (except for hydropower projects with a capacity less than 20MW);

	Projects discharging wastewater.	At least 3,000 m <sup>3</sup> every 24 hours (at least 30,000 m <sup>3</sup> every 24 hours for aquaculture activities).
11	Projects requesting relocation.	At least 10,000 persons in mountainous areas or at least 20,000 persons in other areas.
<b>V.</b>	<b>Expansion projects</b>	
12	Expansion projects (increase in size or capacity) prescribed regulations of law on investment of operating businesses, dedicated areas for production, business operation and service provision and industrial clusters	Having total size or capacity (inclusive of total size or capacity of the operating businesses, dedicated areas for production, business operation and service provision and industrial clusters and the increase in capacity) up to a level equivalent to the projects in this Appendix.

## APPENDIX IV

LIST OF GROUP II INVESTMENT PROJECTS POSING A HIGH  
RISK OF ADVERSE ENVIRONMENTAL IMPACTS SPECIFIED  
IN CLAUSE 4 ARTICLE 28 OF THE LAW ON ENVIRONMENTAL  
PROTECTION, EXCEPT FOR THE PROJECTS SPECIFIED IN APPENDIX  
III ENCLOSED WITH THIS DECREE

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

NO.	Investment project	Size, capacity/ environmental sensitivity/ power to issue natural resource extraction license
(1)	(2)	(3)
<b>I</b>	<b>Investment projects specified in points a and b clause 4 Article 28 of the Law on Environmental Protection</b>	
1	Projects involved in types of production, business and services likely to cause environmental pollution with medium capacity specified in Column 4 Appendix II enclosed with this Decree.	All
2	Group A and B projects with construction constituents which are classified according to the criteria prescribed by regulations of law on public investment and construction and not involved in types of production, business and services likely to cause environmental pollution.	All
3	Projects involved in types of production, business and services likely to cause environmental pollution with small capacity specified in Column 5 Appendix II enclosed with this Decree.	Having the environmental sensitivity specified in clause 4 Article 25 of this Decree
4	Group C projects with construction constituents which are classified according to the criteria prescribed by regulations of law on public investment and construction and not involved in types of production, business and services likely to cause environmental pollution.	

<b>II</b>	<b>Investment projects specified in points c and dd clause 4 Article 28 of the Law on Environmental Protection</b>	
5	Medium-scale projects using land and land with water surface (except for projects on forest development, silviculture, natural and extensive aquaculture under regulations of law on forestry and fisheries);	From 50 ha to less than 100 ha;
	Projects on construction and commercial operation of industrial clusters' infrastructure.	All.
6	Projects using land or water surface of wildlife sanctuaries, natural heritage sites, biosphere reserves, significant wetlands, natural forests, protection forests (except for projects on construction of works serving forest management and protection, nature and biodiversity conservation, forest fire prevention and fighting and silviculture which are approved by the competent authority);	Less than 01 ha for a wildlife sanctuary, less than 01 ha for a core zone of a biosphere reserve or less than 20 ha for a buffer zone of a world heritage site, biosphere reserve, important wetland; less than 20 ha for a natural forest or less than 50 ha for a protection forest;
	Project requesting repurposing land or land with water surface of a wildlife sanctuary, natural heritage site, biosphere reserve, significant wetland, natural forest or protection forest (except for projects on construction of works serving forest management and protection, nature and biodiversity conservation, forest fire prevention and fighting and silviculture which are approved by the competent authority);	Less than 05 ha for a core zone of a world heritage site, a biosphere reserve or or significant wetland; less than 03 ha for a natural forest or less than 02 ha for a protection forest;
	Project requesting repurposing of land meant for growing wet rice	Having the area of land to be repurposed subject to approval by the provincial People's Council under regulations of law on land

7	Projects using land or land with water surface of a historical and cultural site/monument or scenic landscape ranked as prescribed by regulations of law on cultural heritage (except for projects on preservation, renovation, restoration and conservation of historical and cultural sites/monuments, scenic landscapes, construction of works in service of environmental hygiene and management, protection of historical and cultural sites/monuments, scenic landscapes and other maintenance and repair projects intended for ensuring traffic safety).	Less than 02 ha of land of a national or special national historical and cultural site/monument; less than 10 ha of land of a world heritage site or national or special national scenic landscape.
8	Projects using sea area;	Under the sea area assignment authority of the provincial People's Committee;
	Projects involving ocean dumping;	Under the authority to issue ocean dumping permit of the provincial People's Committee;
	Projects involving land reclamation.	Under the authority to assign sea area for land reclamation of the provincial People's Committee.
III	<b>Investment projects specified in points d and e clause 4 Article 28 of the Law on Environmental Protection</b>	
9	Mineral mining projects; projects on extraction and use of water resources;	Under the authority to issue mining license and license to extract and use water resources of the provincial People's Committee;
	Projects discharging wastewater.	From 500 to less than 3,000 m <sup>3</sup> every 24 hours (from 10,000 to less than 30,000 m <sup>3</sup> every 24 hours for aquaculture activities).



10	Projects requesting relocation	From 1,000 persons to less than 10,000 persons in mountainous areas; from 2,000 persons to less than 20,000 persons in other areas.
<b>IV</b>	<b>Expansion projects</b>	
11	Expansion projects (increase in size or capacity) prescribed regulations of law on investment of operating businesses and industrial clusters.	Having total size or capacity (inclusive of total size or capacity of the operating businesses and industrial clusters and the increase in capacity) up to a level equivalent to the projects in this Appendix.

## APPENDIX V

LIST OF GROUP III INVESTMENT PROJECTS POSING LITTLE RISK OF ADVERSE ENVIRONMENTAL IMPACTS SPECIFIED IN CLAUSE 5 ARTICLE 28 OF THE LAW ON ENVIRONMENTAL PROTECT, EXCEPT PROJECTS SPECIFIED IN APPENDIX III AND APPENDIX IV ENCLOSE WITH THIS DECREE

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

No.	Investment project	Environmental properties or total weight of solid waste generated from project
<b>I</b>	<b>Investment project specified in point c clause 5 Article 28 of the Law on Environmental Protection</b>	
1	Small-capacity projects involved in types of production, business and services that is likely to cause environmental pollution specified in Column 5 Appendix II hereof.	No environmentally sensitive factors.

<b>II</b>	<b>Investment project specified in point b clause 5 Article 28 of the Law on Environmental Protection</b>	
2	Group C projects classified according to regulations of law on public investment and not involved in types of production, business and services that is likely to cause environmental pollution, generating wastewater, dusts and emissions subject to mandatory treatment or generating hazardous waste subject to mandatory management in accordance with regulations of law on waste:	
	- Generated wastewater, dusts and emissions shall be treated in accordance with environmental technical regulations before their discharge or treated using in situ wastewater treatment works according to regulations of law, local regulations and local environmental technical regulations; if the projects are located within dedicated areas for production, business operation and service provision or in industrial clusters at the request of investors in construction and commercial operation of such dedicated areas for production, business operation and service provision.	If not treated, wastewater, dusts and emissions (if any) will exceed the permissible limits specified in environmental technical regulations or standards established by investors in construction and commercial operation of such dedicated areas for production, business operation and service provision and industrial clusters
	- Hazardous waste is generated during operation.	The total weight is 1,200 kg/year or more or 100 kg/month or more.

## APPENDIX VI

### TEMPLATE FOR ENQUIRY CONCERNING ENVIRONMENTAL IMPACT ASSESSMENT

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

(1)  
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**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom - Happiness**  
-----

No. ...

*Place name, (date)...*

Re. Collection of comments  
about environmental impact  
assessment of the Project

To: (3)

In the furtherance of the Law on Environmental Protection dated November 17, 2020, (1) has carried out environmental impact assessment of (2).

(1) hereby sends (3) an environmental impact assessment report and look forward to receiving your comments about: location of the investment project; environmental impacts of the project; measures to minimize adverse impacts on environment; environmental monitoring and management program; environmental emergency response and prevention plan; other contents related to the investment project.

Your comments about the abovementioned contents can be sent to (1) within 15 days from the receipt of the enquiry so as for (1) to complete the environmental impact assessment report as prescribed by law.

**LEGAL REPRESENTATIVE OF ...(1)...**  
*(Signature, full name; position and seal)*

**Note:** (1) Project owner; (2) Project name; (3) Enquired authority/organization.

## APPENDIX VII

### TEMPLATE FOR ENQUIRED AUTHORITIES AND ORGANIZATIONS' WRITTEN RESPONSE TO ENVIRONMENTAL IMPACT ASSESSMENT REPORT

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

(1)

-----

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

-----

No. ...

*Place name, (date)...*

Re. Comments about  
environmental impact  
assessment of the Project

To: (3)

(1) has received the Enquiry No. ... dated ... of (3) requesting for comments about ENVIRONMENTAL IMPACT ASSESSMENT of (2). After taking it into consideration, (1) gives comments hereunder:

1. Regarding location of the investment project
2. Regarding environmental impacts of the investment project
3. Regarding measures to minimize adverse impacts on environment
4. Regarding environmental monitoring and management program
5. Regarding other contents related to the investment project

The abovementioned comments are sent to (3) for your completion of the environmental impact assessment report as prescribed by law.

#### **POWER AND POSITION OF THE SIGNATORY**

*(Signature of competent person, seal/digital signature  
of the authority/organization)*

**Full name**

**Note:** (1) Enquired authority/organization; (2) Project name; (3) Project owner.

TEMPLATE FOR REPORT ON PROPOSAL FOR ISSUANCE OF ENVIRONMENTAL LICENSE TO INVESTMENT PROJECT TO WHICH DECISION ON APPROVAL OF ENVIRONMENTAL IMPACT ASSESSMENT REPORT APPRAISAL RESULT HAS BEEN ISSUED BEFORE ITS TRIAL OPERATION

## 1. Template for report cover and frontispiece.

*Place name (\*\*), (date)...*

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**2. Structure and contents of the report on proposal for issuance of environmental license.**

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**Chapter I**

**GENERAL INFORMATION ABOUT INVESTMENT PROJECT**

1. Investment project owner's name:.....
  - Office address:.....
  - Investment project owner's legal representative:.....
  - Phone number: .....; Fax: .....; E-mail: .....
  - Investment certificate/Business registration certificate No. ....dated  
..... of investment project owner or equivalent document.
2. Investment project name: .....
  - Location of investment project: .....
  - Authority appraising construction design and issuing environment-related  
licenses to investment project (if any): .....
  - Decision on approval for environmental impact assessment report (EIAR)  
appraisal result; document about changes to the decision on approval for EIAR  
appraisal result (if any): .....
  - Scale of investment project (classified according to the criteria prescribed  
by regulations of law on public investment): .....
3. Capacity, technology and product of investment project:
  - 3.1. Capacity of investment project:.....
  - 3.2. Production technology of investment project:.....
  - 3.3. Production technology of investment project:.....
4. Raw materials, fuels, materials, scrap (type of scrap, HS code, volume of  
scrap to be imported), electricity, chemicals used, sources of electric power and  
water supply to investment project: .....
5. Other information relating to investment project (if any): .....

## Chapter II

### CONFORMITY OF THE INVESTMENT PROJECT WITH PLANNING AND ENVIRONMENTAL CARRYING CAPACITY

1. Conformity of the investment project with the national environmental protection planning, provincial planning and environmental zoning (if any):

Clearly specifying conformity of the investment project with the national environmental protection planning, provincial planning and environmental zoning.

2. Conformity of the investment project with environmental carrying capacity (if any):

Clearly specifying conformity of the investment project with carrying capacity of waste receiving body.

***Note:** For the contents which have been assessed during EIA but remain unchanged, the project owner is not required to carry out re-assessment and writes “unchanged”.*

## Chapter III

### RESULTS OF COMPLETION OF ENVIRONMENTAL PROTECTION WORKS AND MEASURES OF INVESTMENT PROJECT

1. Works and equipment for drainage of rainwater and collection and treatment of wastewater (if any):

Rainwater collection and drainage:

- Detailed description of technical specifications (structure, size, length, etc.) of the surface water collection and drainage work; number and location of each point of drainage of surface rainwater into environment enclosed with the operation procedures at each drainage point (such as self-flowing, spillway, block valves, etc.) and illustration diagram.

- Description of other rainwater collection and drainage measures (if any).

(For the investment project that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

1.2. Wastewater drainage and collection:

- Wastewater collection work: Detailed description of technical specifications (structure, size, length, etc.) of each route of collection of domestic and industrial wastewater from generation source to wastewater treatment works;

- Wastewater drainage work: Detailed description of technical specifications (structure, size, length, etc.) of each route of drainage of wastewater before its discharge to a receiving body or outside of the waste treatment work;



- Point of discharge of treated wastewater: Detailed description of point of wastewater discharge; assessment of satisfaction of technical requirements by point of wastewater discharge/wastewater connection; receiving body of wastewater. If the receiving body is a hydraulic structure, specify its name and regulatory body managing such hydraulic structure; compliance of the hydraulic structure with environmental protection requirements;

- Overall illustration diagram of the abovementioned wastewater collection and drainage network;

- Description of other wastewater collection and drainage measures (if any).

(For the investment project that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

### 1.3. Wastewater treatment:

- Provide clear description of the wastewater treatment works constructed and installed (name of the design, construction and supervision units; construction contractor, etc.) or equipment for synchronous and packaged waste treatment: functions of each work; scale, capacity, technology and procedures for operation and operating mechanism of the work (including illustration diagram of the treatment technology); types of chemicals and biological preparations used; power consumption norms and chemicals used during operation; requirements concerning technical regulations and standards (if any) applicable to treated wastewater; CO/CQ of the equipment for synchronous and packaged waste treatment (if any);

- Equipment and system for automatic and continuous wastewater monitoring (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous wastewater monitoring; clarifying the connection and transmission of automatic and continuous wastewater monitoring data to the Department of Natural Resources and Environment for inspection and supervision;

- Description of other wastewater treatment measures (if any).

(For the investment project that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

### 2. Works and measures for dust and emission treatment (if any):

For each dust and emission work, please specify:

- Works for collection of treated emissions: Detailed description of technical specifications (structure, size, length, etc.) of each work for collection of emissions from generation source to emission treatment works;
- Dust and emission

treatment works constructed and installed (name of the design, construction and supervision units; construction contractor, etc.) or equipment for synchronous and packaged emission treatment: functions of each work (specify the investment project's stage or production line for which the work treats dust or emissions); scale, capacity and procedures for operation and operating mechanism of the work (including illustration diagram of the treatment technology); types of chemicals and catalysts used; norms for consumption of electricity and chemicals for operation of the works; requirements concerning technical regulations and standards (if any) applicable to treated dusts and emissions; CO/CQ of the equipment for synchronous and packaged waste treatment (if any);

- Equipment and system for automatic and continuous emission monitoring (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous emission monitoring; clarifying the connection and transmission of automatic and continuous wastewater monitoring data to the Department of Natural Resources and Environment for inspection and supervision;

- Description of other dust and emission treatment measures (if any).

(For the investment project that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

### 3. Works and measures for normal solid waste storage and treatment:

- Clear description of each work for storage of domestic solid waste and normal industrial solid waste: functions and basic technical specifications, compliance with environmental protection requirements during waste storage;

- Work for treatment of normal industrial solid waste generated within the location of the investment project (if any): functions, scale, capacity, technology and basic technical specifications enclosed with operation procedures;

- For a project on centralized solid waste treatment and hazardous waste treatment, specifying the investment project's collection works, equipment and vehicle serving solid waste treatment;

- For an investment project that uses scrap imported from a foreign country as raw materials for production, specifying the production technology; status of warehouses and yards for scrap storage; recycling equipment; impurity treatment scheme; scrap re-export scheme;

- Other measures for normal solid waste storage and treatment (if any).

### 4. Works and measures for hazardous waste storage and treatment:

- Predicting the weight of hazardous waste generated during the operation (kg/year and kg/month);

- Clear description of each work for storage of hazardous waste, including functions and basic technical specifications for the purpose of compliance with environmental protection requirements;

- Work for treatment of hazardous waste generated within the location of the investment project (if any): functions, scale, capacity, technology and basic technical specifications enclosed with operation procedures;

- For a hazardous waste treatment project, clearly specifying the system, work and equipment for storage, transport, transfer, preliminary processing and treatment of hazardous waste;

- Description of other measures for storage and treatment of other hazardous waste (if any).

#### 5. Works and measures for reducing noise and vibration (if any):

- Works and measures for reducing noise and vibration generated by the investment project;

- Technical regulations and standards (if any) applicable to noise and vibration generated by the investment project.

#### 6. Plan for prevention of and response to environmental emergencies during trial operation and when the project is put into operation:

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by wastewater during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by dust and emissions during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Detailed description of each work and equipment for prevention of and response to oil spill and works for prevention and response to other environmental emergencies (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Description of other environmental emergency prevention and response measures (if any).

#### 7. Other environmental protection works and measures (if any);

Description of other environmental protection works (if any), clearly specifying their functions and basic technical specifications. Description of other environmental protection measures applicable to the investment project.

8. Measures for environmental protection of sources of water for hydraulic structures if the investment project discharges wastewater into hydraulic structures (if any):

Specifying measures for compliance with environmental protection requirements applicable to sources of water for hydraulic structures if the investment project discharges wastewater into hydraulic structures (if any).

9. Plan and schedule for and result of implementation of the environment improvement and remediation scheme or biodiversity offsets scheme (if any):

This part is intended for reporting of the plan and schedule for and result of implementation of the environment improvement and remediation scheme or biodiversity offsets scheme proposed in the investment project's approved EIAR.

10. Changes to the decision on approval for result of EIAR appraisal (if any):

- Changes which are made to the decision on approval for EIAR appraisal result but not to the extent that EIA is carried out.

- Assessment of environmental impacts due to changes to the decision on approval for EIAR appraisal result.

## **Chapter IV**

### **CONTENTS OF PROPOSAL FOR ISSUANCE OF ENVIRONMENTAL LICENSE**

1. Contents to be licensed with respect to wastewater (if any):

- Source of generation of wastewater: clearly specifying each source of generation (domestic, industrial) to be licensed.

- + Source No. 01:

- + Source No. 02:

- + .....

- Maximum discharge rate: clearly specifying the maximum discharge rate to be licensed.

- Source of wastewater: clearly specifying the number of wastewater flows to be licensed (flows of treated wastewater discharged into a receiving body or other wastewater treatment works outside the project).

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the project, waste source and environmental technical regulation.

- Location and method of discharge of wastewater and wastewater receiving bodies: clearly specifying the location of wastewater (with geographic coordinates), method of waste discharge (self-flowing, forced discharge), wastewater receiving bodies or other wastewater treatment works outside the project.

2. Contents to be licensed with respect to emissions (if any):

- Source of generation of emissions: clearly specifying each source of generation of emissions to be licensed.

+ Source No. 01:

+ Source No. 02:

.....

- Maximum emission discharge rate: specifying the maximum emission discharge rate to be licensed.

- Emission flows: clearly specifying the number of emission flows to be licensed (flows of treated emissions discharged into the environment)

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the project, waste source and environmental technical regulation.

- Location and method of discharge of emissions: clearly specifying the location of discharge of emissions (with geographic coordinates), discharge methods.

3. Contents to be licensed with respect to noise and vibration (if any):

- Source of generation: clearly specifying each source of generation of noise and vibration to be licensed.

- Permissible limits of noise and vibration: clearly specifying permissible limits of noise and vibration in accordance with technical environmental regulation.

4. Contents to be licensed of the investment project that provides hazardous waste treatment services (if any):

- Works and system for hazardous waste treatment: clearly specifying each work and system for hazardous waste treatment; scale and capacity of each work and treatment method using the table below:

No.	Name of work/system for hazardous waste treatment	Treatment capacity (kg/year)	Treatment method	Note
1	Name of work 1	....	....	
2	Name of work 2	.....	.....	
3	.....			
....	.....			

- Hazardous waste codes and weight of waste permitted to be treated: clearly specifying each hazardous waste code and volume of hazardous waste to be licensed using the table below:

No.	Name of waste	State (solid/liquid/mud)	Quantity (kg/year)	Hazardous waste code	Treatment method	Level of treatment
						(Name of standard and technical regulation to be satisfied)
	Total weight					

- Number of hazardous waste transfer stations: clearly specifying number of hazardous waste transfer stations to be licensed; location and area of each hazardous waste transfer station, including:

+ Name of hazardous waste transfer station No. ....

+ Address: .....

+ Area: .....

+ Phone number: ..... Fax: ..... E-mail: .....

- Operating location of the investment project providing hazardous treatment services by provinces, central-affiliated cities, economic zones.

5. Contents to be licensed of the investment project that imports scrap from a foreign country as raw materials for production (if any):

- Type of scrap to be imported: clearly specifying the type (with HS code) of the scrap to be licensed.

- Weight of scrap permitted to be imported with respect to investment project: clearly specifying each type of scrap to be imported.

## Chapter V

### PLANS FOR TRIAL OPERATION OF WASTE TREATMENT WORKS AND ENVIRONMENTAL MONITORING PROGRAM OF PROJECT

Based on environmental protection works of the project, the project owner shall carry out a review itself and propose plans for trial operation of waste treatment works and environmental monitoring program during operation period. To be specific:

**A. If the investment project has its EIAR approved in accordance with the Law on Environmental Protection** (reporting the contents mentioned in Section 1 below)

1. Plan for trial operation of waste treatment works of the project:

1.1. Expected date of trial operation:

Making a detailed list of plans for trial operation of completed waste treatment works of the investment project, including starting and ending dates. Expected capacity of each item or the entire investment project on the ending date of trial operation.

1.2. Plans for waste monitoring and assessment of effectiveness of waste treatment works and equipment in treatment:

- Detailed plan regarding expected date of collection of samples of waste before its discharge into the environment or outside a treatment work/equipment.

- Plan for measurement, collection and analysis of waste samples for assessment of effectiveness of waste treatment works and equipment in treatment (aggregate and single sampling). If the packaged treatment work or equipment or small-scale treatment work only carries out single sampling for monitoring purpose; time and frequency of sampling shall comply with prescribed standards and technical regulations.

- The provider eligible to provide environmental monitoring services shall cooperate in implementing the plan.

**B. If the investment project that is conducting trial operation of waste treatment work before the effective date of the Law on Environmental Protection** (reporting the contents mentioned in Section 1 below)

1. Results of trial operation of a waste treatment work:

Result of assessment of efficiency of wastewater treatment work (clearly specifying name and contact address of the environmental monitoring service provider: time, frequency, method and result of sample measurement, collection and analysis; equipment and method for measurement, collection and analysis of samples used).



The assessment of efficiency of a wastewater treatment work shall be carried out using the wastewater monitoring result (result of measurement carried out using the field rapid measuring instrument, laboratory collection and analysis of samples) and automatic and continuous monitoring data (if any) for each stage and entire treatment system (program and method for aggregate sampling for assessment), including:

- Result of assessment of efficiency of each treatment stage shall be carried out by assessing result of wastewater monitoring of some main pollution parameters used to make calculations for each stage of the wastewater treatment system and shall be presented using the table below:

Measurement and collection of sample for analysis; treatment efficiency	Discharge rate (Unit)	Main pollution parameter at stage..... (Unit)					
		Parameter A		Parameter B		etc.	
		Before treatment	After treatment	Before treatment	After treatment	Before treatment	After treatment
1 <sup>st</sup> time							
2 <sup>nd</sup> time							
n time, .....							
Treatment efficiency of each wastewater treatment stage (%)							

- Result of assessment of conformity of the entire wastewater treatment system which is carried out using the wastewater monitoring result (result of measurement carried out using the field rapid measuring instrument, laboratory collection and analysis of samples) of environmental parameters in accordance with environmental technical regulations on industries and fields to which separate technical regulation or national/local technical regulation on wastewater (domestic or industrial) applies. For special industries, it is required to monitor environmental parameters under decision of the authority approving EIAR and the table below shall be used:

Measurement and collection of sample for analysis; technical regulation on waste applied	Discharge rate (Unit)	Project's environmental parameters					
		Parameter A (Unit)		Parameter B (Unit)		etc.	
		Before treatment	After treatment	Before treatment	After treatment	Before treatment	After treatment
1 <sup>st</sup> time							
2 <sup>nd</sup> time							
n time, .....							
Under QCVN (corresponding to each type of production).							

- Result of assessment of effectiveness of the wastewater treatment system carried out using automatic and continuous wastewater monitoring data (if the installation is required) on the dates of collecting and analyzing wastewater samples in the laboratory. Automatic and continuous monitoring results shall be compared with field rapid measurement results and results of laboratory collection and analysis of samples. Average daily value of automatic and continuous monitoring results shall be compared with the maximum value of environmental parameters specified in corresponding environmental technical regulations so as to assess the conformity with technical regulations (regardless of methods for measurement, collection and analysis of samples specified in the technical regulations) and shall be presented using the following table:

Average daily value (24 hours) of measurement results compared with maximum value specified in technical regulation on waste	Discharge rate (Unit)	Automatic and continuous monitoring parameter					
		Parameter A (Unit)		Parameter B (Unit)		etc.	
		Before treatment	After treatment	Before treatment	After treatment	Before treatment	After treatment
1 <sup>st</sup> day							
2 <sup>nd</sup> day							
n day (result of assessment carried out on the date of collection of sample for laboratory analysis)							
Under QCVN (corresponding to each type of production).							

1.2. Result of assessment of effectiveness of the dust and emission treatment work/equipment: the assessment shall be carried out using the emission monitoring result (result of measurement carried out using the field rapid measuring instrument, laboratory collection and analysis of samples) and automatic and continuous monitoring data (if any) for each stage and entire treatment system. The project owner shall carry out consolidation using a table according to section 1.

2. Waste monitoring program (automatic, continuous and periodic) prescribed by law.

2.1. Periodic environmental monitoring program:

- Wastewater monitoring: monitoring location, frequency and parameters, technical regulations applied.

- Dust and industrial emission monitoring: monitoring location, frequency and parameters, technical regulations applied.

## 2.2. Program for automatic and continuous monitoring of waste:

- Wastewater monitoring: monitoring parameters, technical regulations applied.

- Dust and industrial emission monitoring: quantity, monitoring parameters, technical regulations applied.

## 2.3. Periodic environmental monitoring activities, other automatic and continuous environmental monitoring activities prescribed by relevant regulations of law or requested by the project owner.

## 3. Annual funding for environmental monitoring.

# Chapter VI

## COMMITMENT BY INVESTMENT PROJECT OWNER

This part clearly specifies commitments by the investment project owner to the following:

- Accuracy and truthfulness of the application for issuance of environmental license.

- Treatment of waste in accordance with standards, environmental technical regulations and other relevant environmental protection requirements.

## APPENDICES TO REPORT

### Appendix 1:

- Copies of the enterprise registration certificate, investment registration certificate or equivalent documents;

- Land-related documents or copy of the agreement on lease of land for project execution in accordance with law;

- As-built drawings of works for environmental protection and works for environmental emergency prevention and response in accordance with law;

- Certificates and certificates of recognition of synchronous waste treatment works and equipment imported or commercialized;

- Records of commissioning and transfer of environmental protection works or other documents related to environmental protection works of the investment project (if any);

- Map of sampling locations of environmental monitoring program;
- Documents about provincial planning, environmental zoning and environmental carrying capacity that have yet to be promulgated by the competent authority;
- A copy of the EIAR (except for the project approved under the Law on Environmental Protection) and copy of the decision on approval for EIAR appraisal result.

## **Appendix 2:**

*\* For a used ship breaking project: the following documents shall be attached:*

- Procedures for control of dangerous and harmful factors and methods for handling of technical issues that seriously threaten occupational safety and health;
- As-built documentation regarding technical infrastructure and infrastructure serving ship breaking (if any);
- Other documents relating to measures for environmental protection and environmental emergency response during ship breaking in accordance with the Government's regulations on import and breaking of used ships;
- Certificate of environmental management system under TCVN ISO 14001 or ISO 14001 (if any).

*\* For a project that uses scrap imported from a foreign country as raw materials for production: the following documents shall be attached:*

A copy of the agreement on transfer and treatment of impurities and waste with an appropriate licensed service provider (if there is not any technology or equipment for treating impurities accompanying scrap or waste generated), if any.

*\* For an investment project that provides hazardous waste treatment services:*

Documents relating to the planning contents specified in point a clause 3 Article 84 of the Law on Environmental Protection and written appraisal and opinions prescribed by regulations of law on technology transfer specified in point c clause 3 Article 84 of the Law on Environmental Protection with respect to the investment project or provider that provides hazardous waste treatment services.

**Appendix 2.1.** Legal documents applicable to projects that provide hazardous waste treatment services

- Land-related documents or copy of agreement on lease of premises for construction of hazardous waste transfer station;

- Decision on approval for result of EIAR appraisal; copy of environmental protection plan or environmental protection commitment certified by the competent authority for the project on investment in work items serving storage of hazardous waste at the hazardous waste transfer station (if these documents are not submitted together with the application for issuance of environmental license).

**Appendix 2.2.** Legal documents applicable to a hazardous waste transfer station:

- Land-related documents or copy of agreement on lease of premises for construction of hazardous waste transfer station;

- A copy of the environmental protection plan or (previous) environmental protection commitment certified by the competent authority for the project on investment in work items serving storage of hazardous waste at the hazardous waste transfer station.

**Appendix 2.3.** Technical documentation of hazardous waste treatment system/equipment:

- Map of zoning of dedicated areas (also known as general plan) in a waste treatment facility and hazardous waste transfer station (if any); drawings and images of the treatment facility and hazardous waste transfer station (if any);

- Technical documentation, design drawings and as-built drawings of systems and equipment for waste treatment and storage (if any).

Note: If the hazardous waste system or equipment is commonly used to treat domestic solid waste and normal industrial solid waste, only provide one description.

**Appendix 2.4.** Technical documentation of hazardous waste treatment works and equipment:

Copies of technical documentation and as-built documentation of environmental protection works; certificates, certificates of recognition and assessment and related documents serving inspection and certification of environmental protection works and measures according to the approved EIAR. Documentation shall be separately bound; relevant documents and photos.

**Appendix 2.5.** Human resource records:

Attach copies of diplomas, certificates, employment contracts and social insurance books of officials and employees subject to mandatory requirements.

**Appendix 2.6.** Board showing instructions for safe operation of vehicles and equipment for waste treatment

**Appendix 2.7.** Board showing instructions for operation of environmental protection equipment and works: Simplified board showing instructions (or diagram) for procedures for operation and use of environmental protection works (the location of the board shall be noted).

**Appendix 2.8.** Environmental management plan

- Environmental management program: objectives; human resource organization; management plan; plan for cleaning of vehicles, equipment and works;
- Assessment of effectiveness in waste treatment (e.g. limits of hazardous components and hazardous properties of recycled and fully recovered products and treated waste compared with those specified in environmental technical regulations on hazardous waste thresholds and relevant technical regulations and standards);
- Pollution elimination and environmental protection plan upon termination of operation (all or some of waste treatment areas and hazardous waste transfer station): plans (for thorough treatment of residual waste; cleaning of vehicles, equipment and facility; demolition of facility or repurposing; measures to prevent and minimize environmental impacts; environment improvement and remediation; environmental monitoring program after termination of operation, especially in the case where a landfill is available); procedures (notifying competent authorities, customers and community, surrendering permits); reserve funds.

**Appendix 2.9.** Occupational safety assurance and health protection:

Occupational safety and health regulation board; board showing instructions for use of personal protective equipment (the location of the board shall be noted).

**Appendix 2.10.** Emergency prevention and response plan:

Simplified board showing instructions (or diagram) for emergency response procedures; escape plan (the location of the board shall be noted).

**Appendix 2.11.** Annual training:

Training documents (if the investment project owner organizes training courses themselves; the training documents which are plans, procedures and programs included in this application are not required to be mentioned again).

**Appendix 2.12:** Relevant planning which covers treatment of hazardous waste (if any), except for the case of hazardous waste co-processing;

**Appendix 2.13:** Regulations on environmental safety distance (if any);

**Appendix 2.14:** Written appraisal or opinions on hazardous waste technology.

**\* *For a mineral mining project:*** the following documents shall be attached:

Map of location of mine site (at 1/5,000 or 1/10,000 scale); Topographic map with (or without) the mine outcrop (at 1/1,000 or 1/2,000 scale); map showing the end of each mining phase; map of the mine's general plan (at 1/2,000 or 1/5,000 scale) showing all work items and technical system; map showing termination of mining (at 1/2,000 or 1/5,000 scale); map of the current mine's general plan (at 1/2000 or 1/5,000 scale) showing all work items and technical system; map of locations where environment improvement and remediation take place (at 1/5000 or 1/10,000 scale); map showing restoration of post-mining site (at 1/1,000 or 1/2,000 scale).



## APPENDIX IX

### TEMPLATE FOR REPORT ON PROPOSAL FOR ISSUANCE OF ENVIRONMENTAL LICENSE OF GROUP II INVESTMENT PROJECTS NOT REQUIRED TO UNDERGO EIA

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

#### 1. Template for report cover and frontispiece.

**Superior authority of investment project owner**

(1)

**REPORT ON PROPOSAL FOR ISSUANCE/RE-ISSUANCE OF  
ENVIRONMENTAL LICENSE**

of investment project (2)

**INVESTMENT PROJECT OWNER (\*)**

*(Signature, full name, seal)*

*Place name (\*\*), (date)...*

**Note:** (1) Supervisory authority of investment project; (2) Full and accurate name of investment project; (\*) Only shown on the report cover; (\*\*) Specify name of the province/district/commune where the investment project is located.

## **2. Structure and contents of the report on proposal for issuance/re-issuance of environmental license of investment project**

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#### **Chapter I**

##### **GENERAL INFORMATION ABOUT INVESTMENT PROJECT**

1. Investment project owner's name:.....
  - Office address:.....
  - Investment project owner's legal representative:.....
  - Phone number: .....; Fax: .....; E-mail: .....
  - Investment certificate/Business registration certificate No. ....dated  
..... of investment project owner or equivalent document.
2. Investment project name: .....
  - Location of investment project: .....
  - Authority appraising construction design and issuing environment-related  
licenses to investment project (if any): .....
  - Scale of investment project (classified according to the criteria prescribed  
by regulations of law on public investment):.....
3. Capacity, technology and products of investment project:
  - 3.1. Capacity of investment project:.....
  - 3.2. Production technology of investment project, assessment of selected  
production technology of investment project: .....
  - 3.3. Product of investment project:.....
4. Raw materials, fuels, materials, scrap, electricity, chemicals used, sources  
of electric power and water supply to investment project: .....
5. Other information relating to investment project (if any): .....

#### **Chapter II**

##### **CONFORMITY OF THE INVESTMENT PROJECT WITH PLANNING AND ENVIRONMENTAL CARRYING CAPACITY**

1. Conformity of the investment project with the national environmental  
protection planning, provincial planning and environmental zoning (if any):

Specifying conformity of the investment project with the national environmental protection planning, provincial planning and environmental zoning.

2. Conformity of the investment project with environmental carrying capacity (if any):

Clearly specifying conformity of the investment project with carrying capacity of waste receiving body.

**Note:** For the contents which have been assessed during EIA but remain unchanged, the project owner is not required to carry out re-assessment and writes “unchanged”.

### **Chapter III**

#### **ASSESSMENT OF STATE OF ENVIRONMENT AT LOCATION OF INVESTMENT PROJECT**

1. Data on state of environment and biological resources: aggregate data (specify sources of data used) on state of environment and biological resources at the location of investment project, clarifying:

- Quality of environmental components that may be directly affected by the project; data and information on biodiversity that may be affected by the project;
- Environmentally sensitive factors, list and state of species of wild fauna and flora, including endangered, precious and rare species whose protection is prioritized, endemic species in the area that may be affected by the project; data and information on marine biodiversity and wetlands that may be affected by the project.

2. Description of wastewater receiving body:

- Natural characteristics of the wastewater receiving area: geographic, topographic and meteorological factors of the wastewater receiving area; rivers, streams, channels, lakes and ponds in the wastewater receiving body; hydrological/oceanographic regime: changes in flow in flood season, dry season and driest period of the year, lowest annual flow volume, hydrological/oceanographic regime.

- Quality of water of the wastewater receiving body: assessment of quality of receiving water according to the water quality analysis result and collected documents and data on changes in quality of receiving water.

- Extraction and use of extraction and use of water in the wastewater receiving area: status of extraction and use of water in the wastewater receiving area (specifying activities, main purposes of extracting and using water, locations of works and their distance from expected locations of wastewater discharge).

- Status of discharge of wastewater into the wastewater receiving area: other activities of discharge of wastewater into the wastewater receiving area with the following main information:

- + Entities discharging wastewater in the area (location and distance from the point of wastewater discharge).

- + Sources of wastewater of each entity discharging wastewater in the area (production activities that generate wastewater, main pollution parameters in wastewater, wastewater discharge rate and regime).

- Unit managing hydraulic structures in case of discharge of wastewater into a hydraulic structure (if any): name, address and phone number.

### 3. Assessment of state of soil, water and air at the project location:

Results of measurement and collection of samples for analysis, assessment of state of environment in the area receiving various types of waste generated by the project must be obtained from at least 03 surveys. The measurement, collection and analysis of samples must comply with technical procedures for environmental monitoring. Results must be consolidated to assess the suitability of the selected location for natural characteristics of the project location; assess state of environmental components of the project location prior to carrying out construction.

Assessment of state of ambient air is only mandatory for the projects that produce dust and emissions causing environmental pollution or the projects that use a model of pollution propagation (if any).

## **Chapter IV**

### **ASSESSMENT AND PREDICTION OF ENVIRONMENTAL IMPACTS OF INVESTMENT PROJECT AND PROPOSAL FOR WORKS AND MEASURES FOR ENVIRONMENTAL PROTECTION**

1. Assessment of impacts and proposal for works and measures for environmental protection during the period of setting up the investment project

Assessment and prediction of impacts:

Assessment and prediction of environmental impacts during this period shall mainly cover:

- Impacts of land appropriation;
- Impacts of land clearance;
- Extraction of building materials in service of the project (if covered by the project);
- Transport of raw materials for production, machinery and equipment;

- Construction of work items of the project if the project has construction works;

- Cleaning of pipes, production equipment and environmental protection works of the project (using chemicals, domestic water, steam, etc.).

Requirements: For the source of impact related to waste, specify the discharge volume, load and concentration of all waste parameters specific to the project and compare them with those specified in applicable standards and technical regulations, and specify the space and time of waste generation.

(In case of applying for re-issuance of environmental license, carry out general assessment of impacts of changes to the investment project)

1.2. Environmental protection works and measures proposed to be operated and implemented:

- Regarding wastewater: detailed description of scale, capacity and technology of the works for collection and treatment of domestic water and industrial wastewater (if any):

- + Works for collection and treatment of domestic water of each contractor carrying out construction and setting up the project: required to satisfy environmental technical regulation;

- + Works for collection and treatment of other solid waste such as waste chemicals, chemicals used to clean pipes, etc.: required to satisfy environmental technical regulation;

- Regarding domestic waste, construction waste and normal industrial solid waste and hazardous waste: description of scale, location and environmental protection measures of area for temporary storage of waste;

- Regarding dust and emissions: Works and measures for reducing dust and emissions in the process of construction and setting up the project: required to satisfy environmental technical regulation;

- Regarding noise and vibration: works and measures for reducing noise and vibration generated by the project;

- Other environmental protection measures (if any).

(If there are changes to environmental protection works when applying for issuance of environmental license, fully list environmental protection works to be changed)

2. Assessment of impacts and proposal for works and measures for environmental protection during the period of operation of the investment project

2.1. Assessment and prediction of impacts:

- Assessment and prediction of source of waste (solid waste, hazardous waste, dust, emissions, industrial wastewater, domestic wastewater, other liquid waste). For each impact, specifying the discharge volume, load and concentration

of all waste parameters specific to the project and compare them with those specified in applicable standards and technical regulations or carrying capacity of the receiving body (if any).

- Assessment and prediction of impacts not related to waste (noise, vibration).

- For the project investing in an industrial park, carry out an additional assessment of impacts of waste generated by the project on the collection and treatment of existing wastewater of the industrial park; assess the receiving and treatment capacity of the industrial park's existing wastewater treatment works with respect to the maximum volume of wastewater generated by the project.

- For the investment project on extraction of sand, gravel and other minerals on rivers, streams, channels, reservoirs, estuaries and coastal areas, it is required to assess the impacts on river bed, river bank and flow in accordance with law.

- For an investment project that discharges wastewater into a hydraulic structure, it is required to assess impacts and take measures for environmental protection of sources of water for the hydraulic structure.

- Calculation result given by the pollutant dispersion model or environmental emergency regarding an investment project that directly discharges at least 10,000 m<sup>3</sup> of wastewater (except for equipment cooling water, aquaculture water) per day (24 hours) or at least 200,000 m<sup>3</sup> of dust or emissions per hour, except for the investment project that does not change the contents related to wastewater, dust or emission discharge specified in the issued environmental license (upon proposal for re-issuance of environmental license).

(In case of applying for re-issuance of environmental license, carry out general assessment of impacts of changes to the investment project).

## 2.2. Proposed works and measures for environmental protection:

General requirements: According to results of assessment of impacts specified in Section 2.1, state and wastewater receiving capacity of the source of water, the investment project owner shall rely on each type of waste generated (with the rate and concentration of specific pollution parameters) to propose the selection of appropriate waste treatment equipment and technology, satisfying the prescribed environmental protection requirements.

a) Regarding works and measures for wastewater treatment (including works for treatment of domestic water, industrial water and other liquid waste):

- Detailed description of scale, capacity, procedures for operation, chemicals and catalysts used by each wastewater treatment work expected to be constructed or equipment for synchronous and packaged waste treatment (enclosed with an illustration diagram of the treatment technology (if any); requirements concerning standards and technical regulations (if any) applicable to treated wastewater; CO/CQ of the synchronous and packaged waste treatment (if any).

- Basic parameters of each item and entire waste treatment work enclosed with a fundamental design drawing or construction drawing design if the project only requires one single design step (hereinafter referred to as “design drawing”, attached to the Appendix to this report).

- Equipment and system for automatic and continuous wastewater monitoring (if any). CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous wastewater monitoring (if any).

- Description of other wastewater treatment measures (if any).

b) Regarding works and measures for dust and emission treatment:

- Detailed description of scale, capacity, procedures for operation, chemicals and catalysts used by each dust or emission treatment work; requirements concerning standards and technical regulations (if any) applicable to treated dust and emissions. CO/CQ of the synchronous and packaged waste treatment (if any);

- Basic parameters of each item and entire dust or emission treatment work enclosed with a design drawing (attached to the Appendix to this report);

- Automatic and continuous emission monitoring equipment and system (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous emission monitoring (if any).

- Description of other dust and emission treatment measures (if any).

c) Regarding works and measures for solid waste storage and treatment (including domestic waste, normal industrial solid waste, hazardous waste):

- Prediction of weight of domestic solid waste or normal industrial solid waste generated during the operation; hazardous waste generated (kg/year and kg/month);

- Detailed description of scale, capacity, procedures for operation, chemicals and catalysts used by each waste storage and treatment;

- Basic parameters of each item and entire waste storage and treatment work enclosed with a draft design drawing (attached to the Appendix to this report);

- Description of other measures for solid waste storage and treatment (if any).

d) Regarding works and measures for reducing noise and vibration: required to satisfy environmental technical regulation:

- Detailed description of works for reducing noise and vibration generated in the process of operating the project;

- Description of other measures for reducing noise and vibration (if any).



dd) Plan for prevention of and response to environmental emergencies during trial operation and when the project is put into operation:

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by wastewater during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by dust and emissions during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Detailed description of each work and equipment for prevention of and response to oil spill and works for prevention and response to other environmental emergencies (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Description of other environmental emergency prevention and response measures (if any).

(If there are changes to environmental protection works when applying for issuance of environmental license, fully list environmental protection works to be changed)

3. Organization of operation of environmental protection works and implementation of environmental protection measures

- List of environmental protection works and measures of the investment project;

- Plan for construction and installation of waste treatment and environmental protection works and automatic and continuous wastewater and emission monitoring equipment;

- Plan for organization of implementation of environmental protection measures;

- Cost estimate for each environmental protection work or measure;

- Organizational structure and apparatus for management and operation of environmental protection works.

4. Comments about the detailedness and reliability of the assessment and prediction results:

Objective comments about the reliability and detailedness of results of assessment and prediction of environmental impacts that may be made during the execution of the investment project. Regarding insufficiently reliable issues, specify objective and subjective reasons.

## Chapter V

### **ENVIRONMENT IMPROVEMENT AND REMEDIATION SCHEME, BIODIVERSITY OFFSETS SCHEME**

*(Only mandatory for mining projects, waste burial projects and projects that cause biodiversity loss or decline)*

#### 1. Environment improvement and remediation scheme for a mining project

##### 1.1. Environment improvement and remediation scheme

- According to local condition of each type of mineral mining, impacts of mining process on the environment and local community; according to geological structure, mineral composition and environmental quality of the area; post-mining land use planning (if any), organizations and individuals must develop a feasible environment improvement and remediation scheme.

- The environment improvement and remediation scheme shall clarify the following contents:

+ Time and contents of partial implementation of environment improvement and remediation (during the mining process) for work items of the mine (auxiliary works, waste dump, etc.) and mine site (if the mine is exploited using the “successive” method, it is possible to carry out environment improvement and remediation of the area where minerals have been fully exploited);

+ Work items of the mine, items subject to environment improvement and remediation in the mine site (mining pit in case of an open pit mine; drifts/ventilation shafts, transport shafts, longwall, etc. for an underground mine) during the mine closure (time of mining termination according to the established investment project);

+ Measures, works, weight and funding for environment improvement and remediation; map showing restoration of post-mining site and environment improvement and remediation works;

- Assessment of impacts on environment, sustainability and safety of environment improvement and remediation works of measures (including impacts related to waste, impacts not related to waste such as landscape, ecology, subsidence, landslide, waterproofing, groundwater decline, cracks, environmental emergencies, etc.) and proposed works and measures for reduction.

- Calculation of “soil restoration index” for the selected schemes. Based on the assessment and comparison of “soil restoration index” and advantages and disadvantages of schemes, select an optimum environment improvement and remediation scheme.

## 1.2. Contents of environment improvement and remediation

According to the selected environment improvement and remediation plan, formulate contents, list and workload of environment improvement and remediation work items. To be specific:

- Designing and calculating workload in main works to carry out environment improvement and remediation;
- Designing and calculating workload to carry out environment improvement and remediation to fulfill the set targets in conformity with actual conditions;
- Designing works for prevention of and response to environmental emergencies in each period of environment improvement and remediation;
- Tabulating environment improvement and remediation works; workload in each period and entire process of environment improvement and remediation;
- Tabulating equipment, machinery, raw materials, land and green trees used in the process of environment improvement and remediation in each period and entire process of environment improvement and remediation.

## 1.3. Plan to carry out environment improvement and remediation

- Environment improvement and remediation diagram;
- Schedule for environment improvement and remediation and work quality supervision plan;
- A plan for assessment of environment improvement and remediation works for the purpose of inspecting and confirming completion of contents of the environment improvement and remediation plan;
- Solutions for management and protection of environmental protection works after the inspection and confirmation.

Tabulating schedule for environment improvement and remediation using the form below:

No.	Name of work	Quantity/ unit	Unit price	Amount	Starting date	Ending date	Note
I	Mine site						
1	Renovation of pit slope, pit bottom and pit in zone A						
2	Tree planting in zone A						
....	....						

## 1.4. Estimate of improvement and remediation costs

### a) Estimate of improvement and remediation costs

Tabulating costs and schedule for operating environment improvement and remediation; quantities; unit price of each work item in each period and total costs of environment improvement and remediation according to the latest norm and unit price fixed by the local authority or corresponding ministries or market price in case the local norm or unit price is unavailable.

b) Deposit and time of deposit payment:

Specify the initial deposit and next deposit, time of payment of deposit for the first time and in the next time.

c) Deposit receiving units:

Every organization or individual shall select a unit or organization to which the deposit on environment improvement and remediation is paid as prescribed by law.

2. Environment improvement and remediation plan for a waste burial project

2.1. Selection of an environment improvement solution

- According to current condition of each type of waste treatment, impacts of waste treatment on the environment and local community; according to geological structure and environmental quality of the area, the organization or individual must produce a feasible environment improvement solution. The environment improvement solution must be produced in such a way that environmental emergencies do not occur.

- The environment improvement shall comply with relevant regulations.

- A general description of solutions; works and workload upon environment improvement must be provided. A topographic map of the landfill after its closure must be produced.

- Impacts on the environment, sustainability and safety of environment improvement and remediation works of measures (including subsidence, landslide, waterproofing, groundwater decline, environmental emergencies, etc.) must be assessed to select an environment improvement solution.

2.2. Contents of environment improvement

According to the selected environment improvement solution, formulate contents, list and workload of environment improvement work items. To be specific:

- Designing and calculating workload of main works to carry out environment improvement;

- Designing and calculating workload to carry out environment improvement and remediation to fulfill the set targets in conformity with actual conditions;

- Designing works for reducing adverse impacts, preventing and responding to environmental emergencies in each period during environment improvement;

- Tabulating environment improvement and remediation works; workload in each period and entire process of environment improvement;
- Tabulating equipment, machinery, raw materials, land and green trees used in the process of environment improvement in each period and entire process of environment improvement;
- Formulating environmental emergency prevention and response plans during environment improvement.

Technical criteria for designing and constructing environment improvement works according to the feasibility study report or fundamental design.

### 2.3. Implementation plan

- Presenting organizational chart for environment improvement;
- Presenting schedule for environment improvement and work quality supervision plan;
- A plan for assessment of environment improvement works for the purpose of inspecting and confirming completion of contents of the environment improvement plan;
- Solutions for management and protection of environmental improvement works after the inspection and confirmation.

Tabulating schedule for environment improvement using the form below:

No.	Name of work	Quantity/ unit	Unit price	Amount	Starting time	Ending date	Note
I	Landfill cell						
1	Wastewater treatment system						
2	Emission treatment system						
3	Environmental monitoring system						
...	....						

### 2.4. Estimate of environment improvement costs

#### a) Estimate of environment improvement and remediation costs

Tabulating costs and schedule for operating environment improvement works; workload; unit price of each work item in each period and total costs of environment improvement according to the latest norm and unit price fixed by the local authority or corresponding ministries or market price in case the local norm or unit price is unavailable.

b) Deposit and time of deposit payment:

Specify the initial deposit and next deposit, time of payment of deposit for the first time and in the next time.

c) Deposit receiving unit:

Every organization or individual shall select a unit or organization to which the deposit on environment improvement and remediation is paid as prescribed by law.

3. Biodiversity offsets scheme (if any)

## **Chapter VI**

### **CONTENTS OF PROPOSAL FOR ISSUANCE OR RE-ISSUANCE OF ENVIRONMENTAL LICENSE**

1. Contents to be licensed with respect to wastewater (if any):

- Source of generation of wastewater: clearly specifying each source of generation (domestic, industrial) to be licensed.

+ Source No. 01:

+ Source No. 02:

.....

- Maximum discharge rate: specify the maximum discharge rate.

- Source of wastewater: clearly specifying the number of wastewater flows to be licensed (flows of treated wastewater discharged into receiving bodies or other wastewater treatment works outside the project).

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the project, waste source and environmental technical regulation.

- Location and method of discharge of wastewater and wastewater receiving bodies: clearly specifying the location of wastewater (with geographic coordinates), method of waste discharge (self-flowing, forced discharge), wastewater receiving bodies or other wastewater treatment works outside the project.

2. Contents to be licensed with respect to emissions (if any):

- Source of generation of emissions: clearly specifying each source of generation of emissions to be licensed.

+ Source No. 01:

+ Source No. 02:

.....

- Maximum emission discharge rate: specifying the maximum emission discharge rate to be licensed.

- Emission flows: clearly specifying the number of emission flows to be licensed (flows of treated emissions discharged into the environment)

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the project, waste source and environmental technical regulation.

- Location and method of discharge of emissions: clearly specifying the location of discharge of emissions (with geographic coordinates), discharge methods.

3. Contents to be licensed with respect to noise and vibration (if any):

- Source of generation: clearly specifying each source of generation of noise and vibration to be licensed.

- Permissible limits of noise and vibration: clearly specifying permissible limits of noise and vibration in accordance with technical environmental regulation.

## **Chapter VII**

### **PLAN FOR TRIAL OPERATION OF WASTE TREATMENT WORKS AND ENVIRONMENTAL MONITORING PROGRAM OF PROJECT**

Based on environmental protection works of the investment project, the investment project owner shall review and propose a plan for trial operation of waste treatment works and environmental monitoring program during project operation period. To be specific:

1. Plan for trial operation of waste treatment works of the project:

1.1. Expected date of trial operation:

Making a detailed list of plans for trial operation of completed waste treatment works of the investment project, including starting and ending dates. Expected capacity of each item or the entire investment project on the ending date of trial operation.

1.2. Plans for waste monitoring and assessment of effectiveness of waste treatment works and equipment in treatment:

- Detailed plan regarding expected date of collection of samples of waste before its discharge into the environment or outside a treatment work/equipment.



- Plan for measurement, collection and analysis of waste samples for assessment of effectiveness of waste treatment works and equipment in treatment (aggregate and single sampling). If the packaged treatment work or equipment or small-scale treatment work only carries out single sampling for monitoring purpose; time and frequency of sampling shall comply with prescribed standards and technical regulations.

- The provider eligible to provide environmental monitoring services shall cooperate in implementing the plan.

2. Waste monitoring program (automatic, continuous and periodic) prescribed by law.

2.1. Periodic environmental monitoring program:

- Wastewater monitoring: monitoring location, frequency and parameters, technical regulations applied.

- Dust and industrial emission monitoring: monitoring location, frequency and parameters, technical regulations applied.

2.2. Program for automatic and continuous monitoring of waste:

- Wastewater monitoring: monitoring parameters, technical regulations applied.

- Dust and industrial emission monitoring: quantity, monitoring parameters, technical regulations applied.

2.3. Periodic environmental monitoring activities, other automatic and continuous environmental monitoring activities prescribed by relevant regulations of law or requested by the project owner.

3. Annual funding for environmental monitoring.

## **Chapter VIII**

### **COMMITMENT BY INVESTMENT PROJECT OWNER**

This part clearly specifies commitments by the investment project owner to the following:

- Accuracy and truthfulness of the application for issuance of environmental license.

- Treatment of waste in accordance with standards, environmental technical regulations and other relevant environmental protection requirements.

## APPENDICES TO REPORT

### Appendix 1:

- Copies of the enterprise registration certificate, investment registration certificate or equivalent documents;
- Fundamental design drawing or construction design drawing of works for environmental protection and works for environmental emergency prevention and response enclosed with a description of procedures for operation of waste treatment works;
- Certificates and certificates of recognition of synchronous waste treatment works and equipment imported or commercialized (if any);
- Reports on results of measurement and collection of environmental samples which must be obtained from at least 03 surveys;
- Records on inspection and calibration of installed automatic and continuous waste monitoring equipment by licensed authorities and organizations (if any);
- Map of sampling locations of environmental monitoring program;
- Documents about provincial planning, environmental zoning and environmental carrying capacity promulgated by the competent authority.

**Appendix 2:** For a mineral mining project: the following documents shall be attached:

Map of location of mine site (at 1/5,000 or 1/10,000 scale); Topographic map with (or without) the mine outcrop (at 1/1,000 or 1/2,000 scale); map showing the end of each mining phase; map of the mine's general plan (at 1/2,000 or 1/5,000 scale) showing all work items and technical system; map showing termination of mining (at 1/2,000 or 1/5,000 scale); map of the current mine's general plan (at 1/2000 or 1/5,000 scale) showing all work items and technical system; map of locations where environment improvement and remediation take place (at 1/5000 or 1/10,000 scale); map showing restoration of post-mining site (at 1/1,000 or 1/2,000 scale).

**Note:** If the environmental license is issued to the investment projects in points b and d clause 4 Article 30 of this Decree which satisfy the environmental criteria equivalent to projects of group II, the report on proposal for re-issuance of environmental license only specifies changes to the previous report on proposal for issuance of environmental license.

## APPENDIX X

### TEMPLATE FOR REPORT ON PROPOSAL FOR ISSUANCE/RE- ISSUANCE OF ENVIRONMENTAL LICENSE OF OPERATING BUSINESSES, DEDICATED AREAS FOR PRODUCTION, BUSINESS OPERATION AND SERVICE PROVISION OR INDUSTRIAL CLUSTERS SATISFYING ENVIRONMENTAL CRITERIA EQUIVALENT TO PROJECTS OF GROUP I OR GROUP II

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

#### 1. Template for report cover and frontispiece.

**Superior authority of business owner**

(1)

### **REPORT ON PROPOSAL FOR ISSUANCE/RE-IRUANCE OF ENVIORNMENTAL LICENSE**

of (2) *(name of the business)*

**BUSINESS OWNER (\*)**

*(Signature, full name, seal)*

*Place name (\*\*), (date)...*

**Note:** (1) Supervisory authority of investment project; (2) Full and accurate name of the business; (\*) Only shown on the report cover; (\*\*) Specify name of the province/district/commune where the business operates or where the business is headquartered.

**2. Structure and contents of report on proposal for issuance or re-issuance of environmental license of an operating business or dedicated area for production, business operation and service provision (hereinafter referred to as “the business”)**

## **TABLE OF CONTENTS**

### **LISTS OF TABLES AND FIGURES**

#### **Chapter I**

#### **GENERAL INFORMATION ABOUT BUSINESS**

1. Name of the business:.....
  - Office address:.....
  - Business owner’s legal representative: .....
  - Phone number: .....; Fax: .....; E-mail: .....
  - Investment certificate/Business registration certificate No. ....dated  
..... of the business or equivalent document.
2. Business’ name:.....
  - Business’ address: .....
  - Written appraisal of construction design and environment-related licenses,  
written approval for project (if any): .....
  - Decision on approval for result of EIAR appraisal; component  
environmental licenses (if any):.....
  - Scale of the business (classified according to the criteria prescribed by  
regulations of law on public investment):.....
3. Capacity, technology and products manufactured of the business:
  - 3.1. Operating capacity of the business:.....
  - 3.2. Production technology of the business:.....
  - 3.3. Product of the business:.....
4. Raw materials, fuels, materials, scrap (type of scrap, HS code, volume of  
scrap to be imported), electricity, chemicals used, sources of electric power and  
water supply of the business: .....
5. For a business that uses scrap imported from a foreign country as raw  
materials for production, specify the status of warehouses and yards for scrap  
storage; recycling equipment; impurity treatment scheme; scrap re-export scheme.
6. Other information relating to the business (if any): .....

## **Chapter II**

### **CONFORMITY OF THE BUSINESS WITH PLANNING AND ENVIRONMENTAL CARRYING CAPACITY**

1. Conformity of the business with the national environmental protection planning, provincial planning and environmental zoning (if any):

Clearly specifying the conformity of the business with the national environmental protection planning, provincial planning and environmental zoning.

2. Conformity of the business with environmental carrying capacity (if any):

Clearly specifying conformity of the business with carrying capacity of waste receiving body.

**Note:** For the contents which have been assessed during issuance of environmental license but remain unchanged, the business owner is not required to carry out re-assessment and writes “unchanged”.

## **Chapter III**

### **RESULTS OF COMPLETION OF BUSINESS' ENVIRONMENTAL PROTECTION WORKS AND MEASURES**

1. Works and equipment for drainage of rainwater and collection and treatment of wastewater (if any):

Rainwater collection and drainage:

- Detailed description of technical specifications (structure, size, length, etc.) of the surface water collection and drainage work; number and location of each point of drainage of surface rainwater into environment enclosed with the operation procedures at each drainage point (such as self-flowing, spillway, block valves, etc.) and illustration diagram;

- Description of other rainwater collection and drainage measures (if any).

(For a business that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

1.2. Wastewater drainage and collection:

- Wastewater collection work: detailed description of technical specifications (structure, size, length, etc.) of each route of collection of domestic and industrial wastewater from generation source to wastewater treatment works;

- Wastewater drainage work: detailed description of technical specifications (structure, size, length, etc.) of each route of drainage of wastewater before its

discharge to environment or outside of the waste treatment work; - Point of discharge of treated wastewater: detailed description of point of wastewater discharge; assessment of satisfaction of technical requirements by point of wastewater discharge/wastewater connection; receiving body of wastewater. If the receiving body is a hydraulic structure, specify its name and regulatory body managing such hydraulic structure; compliance of the hydraulic structure with environmental protection requirements;

- Overall illustration diagram of network of the abovementioned wastewater collection and drainage network;

- Description of other wastewater collection and drainage measures (if any).

(For a business that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

### 1.3. Wastewater treatment:

- Clear description of the wastewater treatment work constructed and installed (name of the design, construction and supervision units; construction contractor, etc.) or equipment for synchronous and packaged waste treatment: functions of each work; scale, capacity, technology and procedures for operation and operating mechanism of the work (including illustration diagram of the treatment technology); types of chemicals and biological preparations used; power consumption norms and chemicals used during operation; requirements concerning technical regulations and standards (if any) applicable to treated wastewater. CO/CQ of the equipment for synchronous and packaged waste treatment (if any);

- Equipment and system for automatic and continuous wastewater monitoring (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous wastewater monitoring; clarifying the connection and transmission of automatic and continuous wastewater monitoring data to the local Department of Natural Resources and Environment for inspection and supervision;

- Description of other wastewater treatment measures (if any).

(For a business that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

### 2. Works and measures for dust and emission treatment (if any):

For each dust and emission work, please specify:

- Works for collection of treated emissions: detailed description of technical specifications (structure, size, length, etc.) of each work for collection of emissions from generation source to emission treatment works;

- Dust and emission treatment works constructed and installed or equipment for synchronous and packaged emission treatment: functions of each work (specifying the business' stage or production line for which the work treats dust or emissions); scale, capacity and procedures for operation and operating mechanism of the work (including illustration diagram of the treatment technology); types of chemicals and catalysts used; norms for consumption of electricity and chemicals for operation of the works; requirements concerning technical regulations and standards (if any) applicable to treated dusts and emissions; CO/CQ of the equipment for synchronous and packaged waste treatment (if any);

- Equipment and system for automatic and continuous emission monitoring (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous wastewater monitoring; clarifying the connection and transmission of automatic and continuous wastewater monitoring data to the Department of Natural Resources and Environment for inspection and supervision;

- Description of other dust and emission treatment measures (if any).

(For a business that provides hazardous waste services and has hazardous waste transfer stations, report this content to each hazardous waste transfer station).

### 3. Works and measures for normal solid waste storage and treatment:

- Clear description of each work for storage of domestic solid waste and normal industrial solid waste: functions and basic technical specifications, compliance with environmental protection requirements during waste storage;

- Work for treatment of normal industrial solid waste generated within the business (if any): functions, scale, capacity, technology and basic technical specifications enclosed with operation procedures;

- For a business that carries out centralized solid waste treatment and hazardous waste treatment, specifying the collection works, equipment and vehicle serving solid waste treatment;

- Report on type and weight of normal solid waste (domestic waste, normal solid industrial waste, etc.) generated at the business; - Other measures for normal solid waste storage and treatment (if any).

### 4. Works and measures for hazardous waste storage and treatment:

- Clear description of each work for storage of hazardous waste, including functions and basic technical specifications for the purpose of compliance with environmental protection requirements;

- Work for treatment of hazardous waste generated at the business (if any): functions, scale, capacity, technology and basic technical specifications enclosed with operation procedures;



- For a business that treats hazardous waste, clearly specifying the system, work and equipment for storage, transport, transfer, preliminary processing and treatment of hazardous waste;

- Reporting type and total weight of hazardous waste generated at the business (kg/year and kg/month);

- Description of other measures for storage and treatment of other hazardous waste (if any).

5. Works and measures for reducing noise and vibration (if any);

- Business' works and measures for reducing noise and vibration.

- Technical regulations and standards (if any) applicable to noise and vibration generated by the business.

6. Environmental emergency prevention and response measures:

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by wastewater during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by dust and emissions during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Detailed description of each work and equipment for prevention of and response to oil spill and works for prevention and response to other environmental emergencies (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Description of other environmental emergency prevention and response measures (if any).

7. Other environmental protection works and measures (if any):

Description of other environmental protection works (if any), clearly specifying their functions and basic technical specifications. Description of other environmental protection measures applicable to the business.

8. Changes to the decision on approval for result of EIAR appraisal (if any):

Specifying changes which are made to the decision on approval for EIAR appraisal result but not to the extent that EIA is carried out.

9. Changes to the issued environmental license (when applying for issuance of environmental license as prescribed in point c clause 4 Article 30 of this Decree)

(This part only specifies changes to the previously issued environmental license).

10. Plan and schedule for and results of implementation of the environmental improvement and remediation scheme or biodiversity offsets scheme (if any):

This part is intended for reporting of the plan and schedule for and result of implementation of the environmental improvement and remediation scheme or biodiversity offsets scheme proposed in the approved EIAR.

## **Chapter IV**

### **CONTENTS OF PROPOSAL FOR ISSUANCE OR RE-ISSUANCE OF ENVIRONMENTAL LICENSE**

1. Contents to be licensed with respect to wastewater (if any):

- Source of generation of wastewater: clearly specifying each source of generation (domestic, industrial) to be licensed.

- + Source No. 01:

- + Source No. 02:

.....

- Maximum discharge rate: clearly specifying the maximum discharge rate to be licensed.

- Source of wastewater: clearly specifying the number of wastewater flows to be licensed (flows of treated wastewater discharged into a receiving body or other wastewater treatment works outside the business).

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the business, waste source and environmental technical regulation.

- Location and method of discharge of wastewater and wastewater receiving bodies: clearly specifying the location of wastewater (with geographic coordinates), method of waste discharge (self-flowing, forced discharge), wastewater receiving bodies or other wastewater treatment works outside the business.

2. Contents to be licensed with respect to emissions (if any):

- Source of generation of emissions: clearly specifying each source of generation of emissions to be licensed.

- + Source No. 01:

- + Source No. 02:

.....

- Maximum emission discharge rate: specifying the maximum emission discharge rate to be licensed.

- Emission flows: clearly specifying the number of emission flows to be licensed (flows of treated emissions discharged into the environment)

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the business, waste source and environmental technical regulation.

- Location and method of discharge of emissions: clearly specifying the location of discharge of emissions (with geographic coordinates), discharge methods.

3. Contents to be licensed with respect to noise and vibration (if any):

- Source of generation: clearly specifying each source of generation of noise and vibration to be licensed.

- Permissible limits of noise and vibration: clearly specifying permissible limits of noise and vibration in accordance with technical environmental regulation.

4. Contents to be licensed of the business that provides hazardous waste treatment services (if any):

- Works and system for hazardous waste treatment: clearly specifying each work and system for hazardous waste treatment; scale and capacity of each work and treatment method using the table below:

No.	Name of work/system for hazardous waste treatment	Treatment capacity (kg/year)	Treatment method	Note
1	Name of work 1	....	....	
2	Name of work 2	.....	.....	
3	.....			
....	.....			

- Hazardous waste codes and weight of waste permitted to be treated: clearly specifying each hazardous waste code and volume of hazardous waste to be licensed using the table below:

No.	Name of waste	State (solid/liquid/mud)	Quantity (kg/year)	Hazardous waste code	Treatment method	Level of treatment
						(Name of standard and technical regulation to be satisfied)
	Total quantity					

- Number of hazardous waste transfer stations: clearly specifying the number of hazardous waste transfer stations to be licensed; location and area of each hazardous waste transfer station, including:

+ Name of hazardous waste transfer station No.....

+ Address: .....

+ Area: .....

+ Phone number: ..... Fax: ..... E-mail: .....

- Operating location of the business providing hazardous treatment services by provinces, central-affiliated cities, and economic zones.

5. Contents to be licensed of the business that imports scrap from a foreign country as raw materials for production (if any):

- Type of scrap to be imported: clearly specifying the type (with HS code) of the scrap to be licensed.

- Weight of scrap permitted to be imported with respect to investment project: clearly specifying each type of scrap to be imported.

## **Chapter V**

### **RESULTS OF ENVIRONMENTAL MONITORING BY BUSINESS**

1. Results of environmental monitoring of wastewater.

Tabulating results of environmental monitoring of wastewater in the last 02 years before the date of preparing the proposal report, clearly specifying standards and technical environmental regulation applied to assess waste sources.

2. Results of environmental monitoring of dust and emissions.

Tabulating results of environmental monitoring of emissions and dust in the last 02 years before the date of preparing the proposal report, clearly specifying technical environmental regulation applied to assess waste sources.

3. Results of environmental monitoring in the process of preparing the report (only applicable to the business not required to monitor waste as prescribed):

Tabulating results of wastewater, dust and emission monitoring in the process of preparing the report on issuance of environmental license. Clearly specifying standards and environmental technical regulations applied to assess waste sources.

## **Chapter VI**

### **BUSINESS'S ENVIRONMENTAL MONITORING PROGRAM**

Based on environmental protection works of the business, the business owner shall carry out a review itself and propose a plan for trial operation of waste treatment works (if any, in case of proposing for re-issuance of environmental license) and environmental monitoring program during operation period. To be specific:

#### **1. Plan for trial operation of waste treatment works:**

Expected date of trial operation:

Making a detailed list of plans for trial operation of completed waste treatment works of the business, including starting and ending dates. Expected capacity of each item or the entire business on the ending date of trial operation.

#### **1.2. Plans for waste monitoring and assessment of effectiveness of waste treatment works and equipment in treatment:**

- Detailed plan regarding expected date of collection of samples of waste before its discharge into the environment or outside a treatment work/equipment.

- Plan for measurement, collection and analysis of waste samples for assessment of effectiveness of waste treatment works and equipment in treatment: The assessment must be carried out at each treatment stage and for the entire treatment system (aggregate sampling). If the packaged treatment work or equipment or small-scale treatment work only carries out single sampling for monitoring purpose; time and frequency of sampling shall comply with prescribed standards and technical regulations.

- The provider eligible to provide environmental monitoring services shall cooperate in implementing the plan.

#### **2. Waste monitoring program (automatic, continuous and periodic) prescribed by law.**

##### **2.1. Periodic environmental monitoring program:**

- Wastewater monitoring: monitoring location, frequency and parameters, technical regulations applied.

- Dust and industrial emission monitoring: monitoring location, frequency and parameters, technical regulations applied.

##### **2.2. Automatic and continuous waste monitoring program:**

- Wastewater monitoring: monitoring parameters, technical regulations applied.

- Dust and industrial emission monitoring: quantity, monitoring parameters, technical regulations applied.

2.3. Periodic environmental monitoring activities, other automatic and continuous environmental monitoring activities prescribed by relevant regulations of law or requested by the business owner.

3. Annual funding for environmental monitoring.

## **Chapter VII**

### **RESULTS OF INSPECTION OF ENVIRONMENTAL PROTECTION BY BUSINESS**

This part clearly specifies inspections of environmental protection by the competent authority in the last 02 years before the date of preparing a report and inspection decisions and conclusions (if any) shall be attached. In case of any violation against regulations on environmental protection, clearly specifying corrective actions.

## **Chapter VIII**

### **COMMITMENT BY BUSINESS OWNER**

This part clearly specifies commitments by the business owner to the following:

- Accuracy and truthfulness of the application for issuance of environmental license.
- Treatment of waste in accordance with standards, environmental technical regulations and other relevant environmental protection requirements.

## **APPENDICES TO REPORT**

### **Appendix 1:**

- Copies of the enterprise registration certificate, investment registration certificate or equivalent documents;
- Land-related documents or copy of the business' land lease agreement in accordance with law.
- As-built drawings of works for environmental protection and works for environmental emergency prevention and response in accordance with law;
- Certificates and certificates of recognition of synchronous waste treatment works and equipment imported or commercialized (if any);
- Records of commissioning and transfer of environmental protection works or other documents related to environmental protection works of the business;
- Map of sampling locations of environmental monitoring program;

- Documents about provincial planning, environmental zoning and environmental carrying capacity that have yet to be promulgated by the competent authority;

- Reports on results of environmental monitoring at the business;

- A copy of the EIAR (except for the project approved under the Law on Environmental Protection) and copy of the decision on approval for EIAR appraisal result; component environmental license (if any).

## **Appendix 2:**

**\* *For a business involved in used ship breaking:*** the following documents shall be attached:

- Procedures for control of dangerous and harmful factors and methods for handling of technical issues that seriously threaten occupational safety and health (for the ship breaking facility);

- As-built documentation regarding technical infrastructure and infrastructure serving ship breaking (if any);

- Other documents relating to measures for environmental protection and environmental emergency response during ship breaking in accordance with the Government's regulations on import and breaking of used ships;

- Certificate of environmental management system under TCVN ISO 14001 or ISO 14001 (if any).

**\* *For a business importing scrap from a foreign country as raw materials for production:*** the following documents shall be attached:

- A copy of the agreement on transfer and treatment of impurities and waste with an appropriate licensed service provider (if there is not any technology or equipment for treating impurities accompanying scrap or waste generated), if any;

- Certificate of environmental management system under TCVN ISO 14001 or ISO 14001 (if any).

**\* *For a business that provides hazardous waste treatment services:***

**Appendix 2.1.** Legal documents applicable to a business that provides hazardous waste treatment services:

- Land-related documents or copy of agreement on lease of premises for construction of hazardous waste transfer station;

- Decision on approval for result of EIAR appraisal; copy of environmental protection plan or environmental protection commitment certified by the competent authority for the work items serving storage of hazardous waste at the hazardous waste transfer station (if these documents are not submitted together with the application for issuance of environmental license).



**Appendix 2.2.** Legal documents applicable to a hazardous waste transfer station:

- Land-related documents or copy of agreement on lease of premises for construction of hazardous waste transfer station;

- A copy of the environmental protection plan or (previous) environmental protection commitment certified by the competent authority for the project on investment in work items serving storage of hazardous waste at the hazardous waste transfer station.

**Appendix 2.3.** Technical documentation of hazardous waste treatment system/equipment:

- Map of zoning of dedicated areas (also known as general plan) in a waste treatment facility and hazardous waste transfer station (if any); drawings and images of the treatment facility and hazardous waste transfer station (if any);

- Technical documentation, design drawings and as-built drawings of systems and equipment for waste treatment and storage (if any);

Note: If the hazardous waste system or equipment is commonly used to treat domestic solid waste and normal industrial solid waste, only provide one description.

**Appendix 2.4.** Technical documentation of hazardous waste treatment works and equipment:

Copies of technical documentation and as-built documentation of environmental protection works; certificates, certificates of recognition and assessment and related documents serving inspection and certification of environmental protection works and measures according to the approved EIAR. Documentation shall be separately bound; relevant documents and photos.

**Appendix 2.5.** Human resource records:

Attach copies of diplomas, certificates, employment contracts and social insurance books of officials and employees subject to mandatory requirements.

**Appendix 2.6.** Instructions for safe operation of vehicles and equipment for waste treatment

**Appendix 2.7.** Board of instructions for operation of environmental protection equipment and works: Simplified instructions (or diagram) for procedures for operation and use of environmental protection works (the location of the board shall be noted).

**Appendix 2.8.** Environmental management plan

- a) Environmental management program: objectives; human resource organization; management plan; plan for cleaning of vehicles, equipment and works.

b) Assessment of effectiveness in waste treatment (e.g. limits of hazardous components and hazardous properties of recycled and fully recovered products and treated waste compared with those specified in environmental technical regulations on hazardous waste thresholds and relevant technical regulations and standards);

c) Pollution elimination and environmental protection plan upon termination of operation (all or some of waste treatment areas and hazardous waste transfer station): plans (for thorough treatment of residual waste; cleaning of vehicles, equipment and facility; demolition of facility or repurposing; measures to prevent and minimize environmental impacts; environmental improvement and remediation; environmental monitoring program after termination of operation, especially in the case where a landfill is available); procedures (notifying competent authorities, customers and community, surrendering permits); reserve funds.

**Appendix 2.9.** Occupational safety assurance and health protection:

Occupational safety and health regulation board; board showing instructions for use of personal protective equipment (the location of the board shall be noted).

**Appendix 2.10.** Emergency prevention and response plan:

Simplified board showing instructions (or diagram) for emergency response procedures; escape plan (the location of the board shall be noted).

**Appendix 2.11.** Annual training:

Training documents (if the investment project owner organizes training courses themselves; the training documents which are plans, procedures and programs included in this application are not required to be mentioned again).

**Appendix 2.12:** Attaching Certificate of environmental management system under TCVN ISO 14001 or ISO 14001 (if any).

**Appendix 2.13:** Relevant planning which covers treatment of hazardous waste (if any), except for the case of hazardous waste co-processing;

**Appendix 2.14:** Regulations on environmental safety distance (if any);

\* For a business involved in mineral mining: the following documents shall be attached:

Map of location of mine site (at 1/5,000 or 1/10,000 scale); Topographic map with (or without) the mine outcrop (at 1/1,000 or 1/2,000 scale); map showing the end of each mining phase; map of the mine's general plan (at 1/2,000 or 1/5,000 scale) showing all work items and technical system; map showing termination of mining (at 1/2,000 or 1/5,000 scale); map of the current mine's general plan (at 1/2000 or 1/5,000 scale) showing all work items and technical system; map of locations where environment improvement and remediation take place (at 1/5000 or 1/10,000 scale); map showing restoration of post-mining site (at 1/1,000 or 1/2,000 scale).

**Note:** If the environmental license is issued as prescribed in points a and c clause 4 Article 30 of this Decree, the report on proposal for re-issuance of environmental license is not required to specify the contents specified in Chapters I and III (except section 9) of this form.

## APPENDIX XI

TEMPLATE FOR REPORT ON PROPOSAL FOR ISSUANCE OR  
RE-ISSUANCE OF ENVIRONMENTAL LICENSE OF GROUP III  
INVESTMENT PROJECTS

(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)

## 1. Template for report cover and frontispiece.

### Superior authority of investment project owner

(1)

## REPORT ON PROPOSAL FOR ISSUANCE/RE-IRUANCE OF ENVIORNMENTAL LICENSE

of (2)

**INVESTMENT PROJECT OWNER (\*)**

(Signature, full name, seal)

Place name (\*\*), (date)...

**Note:** (1) Supervisory authority of investment project; (2) Full and accurate name of investment project; (\*) Only shown on the report cover; (\*\*) Specify name of the province/district/commune where the investment project is located.

**2. Structure and contents of the report on proposal for issuance or re-issuance of environmental license of a group III investment project.**

**TABLE OF CONTENTS**  
**LISTS OF TABLES AND FIGURES**

**Chapter I**

**GENERAL INFORMATION ABOUT INVESTMENT PROJECT**

1. Project owner's name: .....
  - Office address: .....
  - Investment project owner's legal representative: .....
  - Phone number: .....; Fax: .....; E-mail: .....
  - Investment certificate/Business registration certificate No. ....dated  
..... of investment project owner or equivalent document.
2. Investment project name: .....
  - Location of investment project: .....
  - Scale of investment project (classified according to the criteria prescribed  
by regulations of law on public investment): .....
3. Capacity, technology and products of investment project:
  - 3.1. Capacity of investment project: .....
  - 3.2. Production technology of investment project, description of selected  
production technology of investment project: .....
  - 3.3. Product of investment project: .....
4. Raw materials, fuels, materials, scrap, electricity, chemicals used, sources  
of electric power and water supply to investment project: .....
5. Other information relating to investment project (if any): .....

**Chapter II**

**CONFORMITY OF THE INVESTMENT PROJECT WITH PLANNING  
AND ENVIRONMENTAL CARRYING CAPACITY**

1. Conformity of the investment project with the national environmental  
protection planning, provincial planning and environmental zoning (if any):

Clearly specifying conformity of the investment project with the national  
environmental protection planning, provincial planning and environmental zoning.

2. Conformity of the investment project with environmental carrying capacity (if any):

Clearly specifying conformity of the investment project with carrying capacity of waste receiving body.

**Note:** For the contents which have been assessed during EIA but remain unchanged, the project owner is not required to carry out re-assessment and writes “unchanged”.

### **Chapter III**

#### **STATE OF ENVIRONMENT AT LOCATION OF INVESTMENT PROJECT**

1. Data on state of environment and biological resources: aggregate data (specifying sources of data used) on state of environment at the location of investment project, clarifying:

- Environmental components that may be directly affected by the project;
- Nearest environmentally sensitive objects that may be affected by the project (if any).

2. Description of wastewater receiving body of project

- Natural characteristics of the wastewater receiving area: rivers, streams, channels, lakes and ponds within the wastewater receiving area; hydrological/oceanographic regime: changes in flow in flood season, dry season and driest period of the year, lowest annual flow volume, hydrological/oceanographic regime.

- Quality of water of the wastewater receiving area: assessment of quality of receiving water according to the water quality analysis result and collected documents and data on changes in quality of receiving water.

- Unit managing hydraulic structures in case of discharge of wastewater into a hydraulic structure (if any): name, address and phone number.

3. State of soil, water and air at the project location:

Results of measurement and collection of samples for analysis, assessment of state of environment in the area receiving various types of waste generated by the project must be obtained from at least 03 surveys. The measurement, collection and analysis of samples must comply with technical procedures for environmental monitoring. Results must be consolidated to assess the suitability of the selected location for natural characteristics of the project location.

## **Chapter IV**

### **PROPOSAL FOR ENVIRONMENTAL PROTECTION WORKS AND MEASURES OF INVESTMENT PROJECT**

1. Proposal for works and measures for environmental protection during the period of setting up the investment project:

1.1. Regarding wastewater: detailed description of scale, capacity and technology of the works for collection and treatment of domestic water and industrial wastewater (if any).

1.2. Regarding works and measures for storage of domestic waste, construction waste and normal industrial solid waste and hazardous waste: description of scale and location of area for temporary storage of waste.

1.3. Regarding works and measures for treatment of dust and emissions: works for reducing dust and emissions in the process of construction and setting up the project: required to satisfy environmental technical regulation.

1.4. Regarding works and measures for reducing noise and vibration: works and measures for reducing noise and vibration.

1.5. Other environmental protection measures (if any).

2. Proposal for works and measures for environmental protection during the period of operation of the investment project

2.1. Regarding wastewater treatment works and measures:

- Description of scale, capacity, procedures for operation, chemicals and catalysts used by each wastewater treatment work expected to be constructed or equipment for synchronous and packaged waste treatment (enclosed with an illustration diagram of the treatment technology (if any); requirements concerning standards and technical regulations (if any) applicable to treated wastewater; CO/CQ of the synchronous and packaged waste treatment (if any).

- Basic parameters of each item and entire waste treatment work enclosed with a fundamental design drawing or construction drawing design if the project only requires one single design step (hereinafter referred to as “design drawing”, attached to the Appendix to this report);

- Equipment and system for automatic and continuous wastewater monitoring (if any). CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous wastewater monitoring (if any);

- Description of other wastewater treatment measures (if any).

2.2. Regarding dust and emission treatment works and measures:

- Detailed description of scale, capacity, procedures for operation, chemicals and catalysts used by each dust or emission treatment work;

requirements concerning standards and technical regulations (if any) applicable to treated dust and emissions. CO/CQ of the synchronous and packaged waste treatment (if any);

- Basic parameters of each item and entire dust or emission treatment work enclosed with a design drawing (attached to the Appendix to this report).

- Automatic and continuous emission monitoring equipment and system (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous emission monitoring (if any);

- Description of other dust and emission treatment measures (if any).

2.3. Regarding works and measures for solid waste storage and treatment (including domestic waste, normal industrial solid waste, hazardous waste):

- Prediction of weight of domestic solid waste or normal industrial solid waste generated during the operation; hazardous waste generated (kg/year and kg/month);

- Detailed description of scale, capacity, procedures for operation, chemicals and catalysts used by each waste storage and treatment;

- Basic parameters of each item and entire waste storage and treatment work enclosed with a draft design drawing (attached to the Appendix to this report);

- Description of other measures for solid waste storage and treatment (if any).

2.4. Regarding works and measures for reducing noise and vibration: required to satisfy environmental technical regulation:

- Detailed description of works for reducing noise and vibration generated in the process of operating the project;

- Description of other measures for reducing noise and vibration (if any).

2.5. Plan for prevention of and response to environmental emergencies during trial operation and when the project is put into operation:

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by wastewater during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Description of other environmental emergency prevention and response measures (if any).

2.6. Measures for environmental protection of sources of water for hydraulic structures if the investment project discharges wastewater into hydraulic structures (if any):



3. Organization of operation of environmental protection works and implementation of environmental protection measures

- List of environmental protection works and measures of the investment project.

- Plan for construction and installation of waste treatment and environmental protection works and automatic and continuous wastewater and emission monitoring equipment.

- Plan for organization of implementation of environmental protection measures.

- Cost estimate for each environmental protection work or measure.

- Organizational structure and apparatus for management and operation of environmental protection works.

4. Comments about the detailedness and reliability of the assessment and prediction results:

Objective comments about the reliability and detailedness of results of assessment and prediction of environmental impacts that may be made during the execution of the investment project. Regarding insufficiently reliable issues, specifying objective and subjective reasons.

## **Chapter V**

### **CONTENTS OF PROPOSAL FOR ISSUANCE OR RE-ISSUANCE OF ENVIRONMENTAL LICENSE**

1. Contents to be licensed with respect to wastewater (if any):

- Source of generation of wastewater: clearly specifying each source of generation (domestic, industrial) to be licensed.

- + Source No. 01:

- + Source No. 02:

.....

- Maximum discharge rate: clearly specifying the maximum discharge rate to be licensed.

- Source of wastewater: clearly specifying the number of wastewater flows to be licensed (flows of treated wastewater discharged into receiving bodies or other wastewater treatment works outside the project).

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants

by wastewater flows, ensuring the conformity with nature of the project, waste source and environmental technical regulation.

- Location and method of discharge of wastewater and wastewater receiving bodies: clearly specifying the location of wastewater (with geographic coordinates), method of waste discharge (self-flowing, forced discharge), wastewater receiving bodies or other wastewater treatment works outside the project.

2. Contents to be licensed with respect to emissions (if any):

- Source of generation of emissions: clearly specifying each source of generation of emissions to be licensed.

- + Source No. 01:

- + Source No. 02:

.....

- Maximum emission discharge rate: clearly specifying the maximum emission discharge rate to be licensed.

- Emission flows: clearly specifying the number of emission flows to be licensed (flows of treated emissions discharged into the environment)

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the project, waste source and environmental technical regulation.

- Location and method of discharge of emissions: clearly specifying the location of discharge of emissions (with geographic coordinates), discharge methods.

3. Contents to be licensed with respect to noise and vibration (if any):

- Source of generation: clearly specifying each source of generation of noise and vibration to be licensed.

- Permissible limits of noise and vibration: clearly specifying permissible limits of noise and vibration in accordance with technical environmental regulation.

## **Chapter VI**

### **PLAN FOR TRIAL OPERATION OF WASTE TREATMENT WORKS AND ENVIRONMENTAL MONITORING PROGRAM OF PROJECT**

Based on environmental protection works of the investment project, the investment project owner shall review and propose a plan for trial operation of waste treatment works and environmental monitoring program during project operation period. To be specific:

### 1. Plan for trial operation of waste treatment works of the project:

Expected date of trial operation:

Making a detailed list of plans for trial operation of completed waste treatment works of the investment project, including starting and ending dates. Expected capacity of each item or the entire investment project on the ending date of trial operation.

1.2. Plans for waste monitoring and assessment of effectiveness of waste treatment works and equipment in treatment:

- Detailed plan regarding expected date of collection of samples of waste before its discharge into the environment or outside a treatment work/equipment.

- Plan for measurement, collection and analysis of waste samples for assessment of effectiveness of waste treatment works and equipment in treatment (aggregate and single sampling); sampling time and frequency shall comply with prescribed standards and regulations.

2. Waste monitoring program (automatic, continuous and periodic) prescribed by law.

2.1. Periodic environmental monitoring program:

- Wastewater monitoring: monitoring location, frequency and parameters, technical regulations applied.

- Dust and industrial emission monitoring: monitoring location, frequency and parameters, technical regulations applied.

2.2. Automatic and continuous waste monitoring program:

- Wastewater monitoring: monitoring parameters, technical regulations applied.

- Dust and industrial emission monitoring: quantity, monitoring parameters, technical regulations applied.

2.3. Periodic environmental monitoring activities, other automatic and continuous environmental monitoring activities prescribed by relevant regulations of law or requested by the project owner.

3. Annual funding for environmental monitoring.

## Chapter VIII

### COMMITMENT BY INVESTMENT PROJECT OWNER

This part clearly specifies commitments by the investment project owner to the following:

- Accuracy and truthfulness of the application for issuance of environmental license.
- Treatment of waste in accordance with standards, environmental technical regulations and other relevant environmental protection requirements.

### APPENDICES TO REPORT

- Copies of the enterprise registration certificate, investment registration certificate or equivalent documents;
- Fundamental design drawing or construction design drawing of works for environmental protection and works for environmental emergency prevention and response enclosed with a description of procedures for operation of waste treatment works;
- Certificates and certificates of recognition of synchronous waste treatment works and equipment imported or commercialized (if any);
- Reports on results of measurement and collection of environmental samples which must be obtained from at least 03 surveys;
- Records on inspection and calibration of installed automatic and continuous waste monitoring equipment by licensed authorities and organizations (if any);
- Map of sampling locations of environmental monitoring program;
- Documents about provincial planning, environmental zoning and environmental carrying capacity promulgated by the competent authority;

**Note:** If the environmental license is issued to the investment projects in points b and d clause 4 Article 30 of this Decree, the report on proposal for re-issuance of environmental license only specifies changes to the previous report on proposal for issuance of environmental license.

### APPENDIX XII

#### TEMPLATE FOR REPORT ON PROPOSAL FOR ISSUANCE/RE- ISSUANCE OF ENVIRONMENTAL LICENSE OF OPERATING BUSINESSES SATISFYING ENVIRONMENTAL CRITERIA EQUIVALENT TO PROJECTS OF GROUP III

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

**1. Template for report cover and frontispiece.**

**Superior authority of business owner**

(1)

**REPORT ON PROPOSAL FOR ISSUANCE/RE-ISSUANCE OF  
ENVIRONMENTAL LICENSE**

of (2)

**BUSINESS OWNER (\*)**

*(Signature, full name, seal)*

*Place name (\*\*), (date)...*

**Note:** (1) Supervisory authority of business; (2) Full and accurate name of facility; (\*) Only shown on the report cover; (\*\*) Specify name of the province/district/commune where the business operates or where the business is headquartered.

## **2. Structure and contents of the report on proposal for issuance/re-issuance of environmental license to a business**

### **TABLE OF CONTENTS LISTS OF TABLES AND FIGURES**

#### **Chapter I**

##### **GENERAL INFORMATION ABOUT BUSINESS**

1. Name of the business:.....
  - Office address:.....
  - Business owner's legal representative: .....
  - Phone number: .....; Fax: .....; E-mail:.....
  - Investment certificate/Business registration certificate No. ....dated  
..... of the business or equivalent document.
2. Business' name:.....
  - Business' address: .....
  - Decision on approval for result of EIAR appraisal; component  
environmental licenses (if any):.....
  - Scale of the business (classified according to the criteria prescribed by  
regulations of law on public investment):.....
3. Capacity, technology and products manufactured of the business:
  - 3.1. Operating capacity of the business:.....
  - 3.2. Production technology of the business:.....
  - 3.3. Product of the business:.....
4. Raw materials, fuels, materials, scrap, electricity, chemicals used, sources  
of electric power and water supply to investment project:
5. Other information relating to the business (if any): .....

#### **Chapter II**

##### **CONFORMITY OF THE BUSINESS WITH PLANNING AND ENVIRONMENTAL CARRYING CAPACITY**

1. Conformity of the business with the national environmental protection  
planning, provincial planning and environmental zoning (if any):

Specify the conformity of the business with the national environmental  
protection planning, provincial planning and environmental zoning.

2. Conformity of the business with environmental carrying capacity (if any):

Clearly specifying conformity of the business with carrying capacity of waste-receiving environment.

**Note:** For the contents which have been assessed during issuance of environmental license but remain unchanged, the business owner is not required to carry out re-assessment and writes “unchanged”.

### **Chapter III**

## **RESULTS OF COMPLETION OF BUSINESS’ ENVIRONMENTAL PROTECTION WORKS AND MEASURES**

1. Works and equipment for drainage of rainwater and collection and treatment of wastewater (if any):

Rainwater collection and drainage:

- Provide detailed description of technical specifications (structure, size, length, etc.) of the surface water collection and drainage work; number and location of each point of drainage of surface rainwater into environment enclosed with the operation procedures at each drainage point (such as self-flowing, spillway, block valves, etc.) and illustration diagram;

- Provide description of other rainwater collection and drainage measures (if any).

1.2. Wastewater drainage and collection:

- Wastewater collection work: detailed description of technical specifications (structure, size, length, etc.) of each route of collection of domestic and industrial wastewater from generation source to wastewater treatment works;

- Wastewater drainage work: detailed description of technical specifications (structure, size, length, etc.) of each route of drainage of wastewater before its discharge to environment or outside of the waste treatment work;

- Point of discharge of treated wastewater: detailed description of point of wastewater discharge; assessment of satisfaction of technical requirements by point of wastewater discharge/wastewater connection; receiving body of wastewater. If the receiving body is a hydraulic structure, specify its name and regulatory body managing such hydraulic structure; compliance of the hydraulic structure with environmental protection requirements;

- Overall illustration diagram of network of the wastewater collection and drainage works;

- Description of other wastewater collection and drainage measures (if any).



### 1.3. Wastewater treatment:

- Clear description of the wastewater treatment work constructed and installed (name of the design, construction and supervision units; construction contractor, etc.) or equipment for synchronous and packaged waste treatment: functions of each work; scale, capacity, technology and procedures for operation and operating mechanism of the work (including illustration diagram of the treatment technology); types of chemicals and biological preparations used; power consumption norms and chemicals used during operation; requirements concerning technical regulations and standards (if any) applicable to treated wastewater. CO/CQ of the equipment for synchronous and packaged waste treatment (if any);

- Equipment and system for automatic and continuous wastewater monitoring (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous wastewater monitoring; clarifying the connection and transmission of automatic and continuous wastewater monitoring data to the local Department of Natural Resources and Environment for inspection and supervision;

- Description of other wastewater treatment measures (if any).

### 2. Works and measures for dust and emission treatment (if any):

For each dust and emission work, please specify:

- Works for collection of treated emissions: detailed description of technical specifications (structure, size, length, etc.) of each work for collection of emissions from generation source to emission treatment works;

- Dust and emission treatment works constructed and installed or equipment for synchronous and packaged emission treatment: functions of each work (specifying the business' stage or production line for which the work treats dust or emissions); scale, capacity and procedures for operation and operating mechanism of the work (including illustration diagram of the treatment technology); types of chemicals and catalysts used; norms for consumption of electricity and chemicals for operation of the works; requirements concerning technical regulations and standards (if any) applicable to treated dusts and emissions; CO/CQ of the equipment for synchronous and packaged waste treatment (if any);

- Equipment and system for automatic and continuous emission monitoring (if any), CO/CQ and inspection, calibration or testing record of the equipment and system for automatic and continuous wastewater monitoring; clarifying the connection and transmission of automatic and continuous wastewater monitoring data to the Department of Natural Resources and Environment for inspection and supervision;

- Description of other dust and emission treatment measures (if any).

### 3. Works for normal solid waste storage and treatment:

- Clear description of each work for storage of domestic solid waste and normal industrial solid waste: functions and basic technical specifications, compliance with environmental protection requirements during waste storage.
- Work for treatment of normal industrial solid waste generated within the business (if any): functions, scale, capacity, technology and basic technical specifications enclosed with operation procedures.
- For a business that carries out centralized solid waste treatment and hazardous waste treatment, specifying the collection works, equipment and vehicle serving solid waste treatment.
- Report on type and weight of normal solid waste (domestic waste, normal solid industrial waste, etc.) generated at the business;
- Other measures for normal solid waste storage and treatment (if any).

### 4. Works and measures for hazardous waste storage and treatment:

- Clear description of each work for storage of hazardous waste, including functions and basic technical specifications for the purpose of compliance with environmental protection requirements;
- Work for treatment of hazardous waste generated at the business (if any): functions, scale, capacity, technology and basic technical specifications enclosed with operation procedures;
- For a business that treats hazardous waste, clearly specifying the system, work and equipment for storage, transport, transfer, preliminary processing and treatment of hazardous waste;
- Reporting type and total weight of hazardous waste generated at the business (kg/year and kg/month);
- Description of other measures for storage and treatment of other hazardous waste (if any).

### 5. Works and measures for reducing noise and vibration (if any):

- Business' works and measures for reducing noise and vibration.
- Technical regulations and standards (if any) applicable to noise and vibration generated by the business.

### 6. Environmental emergency prevention and response measures:

- Detailed description of each work and equipment for prevention of and response to environmental emergencies caused by wastewater during trial operation and operation (if any): clearly specifying scale, capacity, operation procedures and basic technical specifications of the work;

- Description of other environmental emergency prevention and response measures (if any).

7. Other environmental protection works and measures (if any):

Description of other environmental protection works (if any), clearly specifying their functions and basic technical specifications. Description of other environmental protection measures applicable to the business.

## **Chapter IV**

### **CONTENTS OF PROPOSAL FOR ISSUANCE OR RE-ISSUANCE OF ENVIRONMENTAL LICENSE**

1. Contents to be licensed with respect to wastewater (if any):

- Source of generation of wastewater: clearly specifying each source of generation (domestic, industrial) to be covered by the license.

+ Source No. 01:

+ Source No. 02:

.....

- Maximum discharge rate: specifying the maximum discharge rate to be licensed.

- Source of wastewater: clearly specifying the number of wastewater flows to be licensed (flows of treated wastewater discharged into a receiving body or other wastewater treatment works outside the business).

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the business, waste source and environmental technical regulation.

- Location and method of discharge of wastewater and wastewater receiving bodies: clearly specifying the location of wastewater (with geographic coordinates), method of waste discharge (self-flowing, forced discharge), wastewater receiving bodies or other wastewater treatment works outside the business.

2. Contents to be licensed with respect to emissions (if any):

- Source of generation of emissions: clearly specifying each source of generation of emissions to be licensed.

+ Source No. 01:

+ Source No. 02:

.....

- Maximum emission discharge rate: clearly specifying the maximum emission discharge rate to be licensed.

- Emission flows: clearly specifying the number of emission flows to be licensed (flows of treated emissions discharged into the environment)

- Pollutants and permissible limits of pollutants by wastewater flows: clearly specifying pollutants to be licensed and permissible limits of pollutants by wastewater flows, ensuring the conformity with nature of the business, waste source and environmental technical regulation.

- Location and method of discharge of emissions: clearly specifying the location of discharge of emissions (with geographic coordinates), discharge methods.

3. Contents to be licensed with respect to noise and vibration (if any):

- Source of generation: clearly specifying each source of generation of noise and vibration to be licensed.

- Permissible limits of noise and vibration: clearly specifying permissible limits of noise and vibration in accordance with technical environmental regulation.

## **Chapter V**

### **RESULTS OF ENVIRONMENTAL MONITORING BY BUSINESS**

1. Results of environmental monitoring of wastewater.

Tabulating results of environmental monitoring of wastewater in 01 consecutive year before the date of preparing the proposal report, clearly specifying standards and technical environmental regulation applied to assess waste sources.

2. Results of environmental monitoring of dust and emissions.

Tabulating results of environmental monitoring of emissions and dust in 01 consecutive year before the date of preparing the proposal report, clearly specifying technical environmental regulation applied to assess waste sources.

3. Results of environmental monitoring in the process of preparing the report (only applicable to the business not required to monitor waste as prescribed):

Tabulating results of wastewater, dust and emission monitoring in the process of preparing the report on issuance of environmental license. Clearly specifying standards and environmental technical regulations applied to assess waste sources.

## **Chapter VI**

### **BUSINESS'S ENVIRONMENTAL MONITORING PROGRAM**

Based on environmental protection works of the business, the business owner shall carry out a review itself and propose a plan for trial operation of waste treatment works (if any, in case of proposing for re-issuance of environmental license) and environmental monitoring program during operation period. To be specific:

#### **1. Plan for trial operation of waste treatment works:**

##### **1.1. Expected date of trial operation:**

Making a detailed list of plans for trial operation of completed waste treatment works of the business, including starting and ending dates. Expected capacity of each item or the entire business on the ending date of trial operation.

##### **1.2. Plans for waste monitoring and assessment of effectiveness in treatment of waste treatment works and equipment:**

- Detailed plan regarding expected date of collection of samples of waste before its discharge into the environment or outside a treatment work/equipment.

- Plan for measurement, collection and analysis of waste samples for assessment of effectiveness of waste treatment works and equipment in treatment: The assessment must be carried out at each treatment stage and for the entire treatment system (aggregate sampling). If the packaged treatment work or equipment or small-scale treatment work only carries out single sampling for monitoring purpose; time and frequency of sampling shall comply with prescribed standards and technical regulations.

- The provider eligible to provide environmental monitoring services shall cooperate in implementing the plan.

#### **2. Waste monitoring program (automatic, continuous and periodic) prescribed by law.**

##### **2.1. Periodic environmental monitoring program:**

- Wastewater monitoring: monitoring location, frequency and parameters, technical regulations applied.

- Dust and industrial emission monitoring: monitoring location, frequency and parameters, technical regulations applied.

##### **2.2. Automatic and continuous waste monitoring program:**

- Wastewater monitoring: monitoring parameters, technical regulations applied.

- Dust and industrial emission monitoring: quantity, monitoring parameters, technical regulations applied.

2.3. Periodic environmental monitoring activities, other automatic and continuous environmental monitoring activities prescribed by relevant regulations of law or requested by the business owner.

3. Annual funding for environmental monitoring.

## **Chapter VII**

### **RESULTS OF INSPECTION OF ENVIRONMENTAL PROTECTION BY BUSINESS**

This part clearly specifies inspections of environmental protection by the competent authority in the last 02 years before the date of preparing a report and inspection decisions and conclusions (if any) shall be attached. In case of any violation against regulations on environmental protection, clearly specify corrective actions.

## **Chapter VIII**

### **COMMITMENT BY BUSINESS OWNER**

This part clearly specifies commitments by the business owner to the following:

- Accuracy and truthfulness of the application for issuance of environmental license.

- Treatment of waste in accordance with standards, environmental technical regulations and other relevant environmental protection requirements.

### **APPENDICES TO REPORT**

- Copies of the enterprise registration certificate, investment registration certificate or equivalent documents;

- Land-related documents or copy of the business' land lease agreement in accordance with law;

- As-built drawings of works for environmental protection in accordance with regulations of law on construction;

- Certificates and certificates of recognition of synchronous waste treatment works and equipment imported or commercialized (if any);

- Records of commissioning and transfer of environmental protection works or other documents related to environmental protection works of the business (if any);

- Map of sampling locations of environmental monitoring program;

- Documents about provincial planning, environmental zoning and environmental carrying capacity that have yet to be promulgated by the competent authority;

- Reports on results of environmental monitoring at the business;

- A copy of the EIAR and copy of the decision on approval for EIAR appraisal result (if any); component environmental license (if any); component environmental licenses (if any).

**Note:** If the environmental license is issued as prescribed in point a clause 4 Article 30 of this Decree, the report on proposal for re-issuance of environmental license is not required to specify the contents specified in Chapters I and III of this form.

### APPENDIX XIII

#### TEMPLATE FOR APPLICATION FOR ISSUANCE OR RE-ISSUANCE OF ENVIRONMENTAL LICENSE OF INVESTMENT PROJECTS AND BUSINESSES

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

(1)

-----

**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

-----

No. ....

*Place name, (date)...*

Re. application for issuance/  
adjustment/re-issuance of  
environmental license of (2)

To: (3)

1. We are: (1), owner of (2) in the section No. ... Appendix ... promulgated together with the Government's Decree No. ... /.../ND-CP dated ... on elaboration of some Articles of the Law on Environmental Protection. Pursuant to regulations of law on environmental protection, (2) must obtain an environmental license from (3).

- (2) has been issued with the environmental license No. ..../GPMT-..... ... dated..... by (3) *(only mentioned in case of adjustment or re-issuance of the environmental license, case of adjustment specified in clause 4 Article 46 of the Law on Environmental Protection)*.

2. Head office of (1):

3. Location of (2):



- Investment certificate/Business registration certificate No. ....dated ..... of (1) or equivalent document.

4. Legal representative of (1):..... Position:.....

- Phone number:.....; Fax:.....; E-mail:.....

5. Contact person: ..... Position:.....

Phone number:.....; Email:.....

In case of adjustment of the environmental license, section 6 below shall be mentioned:

6. Adjustments to the environmental license:

This part clearly specifies the adjustments to the issued environmental license, reasons for the adjustment.

We would like to send (3) an application (except for adjustment of the environmental license) consisting of:

- 01 report on proposal for issuance/re-issuance of environmental license of (2);

- 01 feasibility study report or a document equivalent to the feasibility study report of (2) (only submitted if (2) is not required to undergo EIA);

- 01 decision on EIAR approval or a document equivalent to the decision on EIAR approval prescribed in clause 2 Article 171 of the Law on Environmental Protection (including required documents submitted together with the equivalent document), which contain details about import and use of scrap imported from a foreign country for raw materials for production (only compulsory to the investment project/business applying for import of scrap from a foreign country for raw materials for production).

We are committed to the truthfulness and accuracy of the information and data provided in the abovementioned documents. If anything goes wrong, we will be held totally responsible to Vietnam's laws.

(3) is kindly requested to consider issuing/adjusting/re-issuing the environmental license of (2)/.

**LEGAL REPRESENTATIVE OF...(1)...**

*(Signature, full name; position and seal)*

**Note:** (1) Investment project/business owner; (2) Full and accurate name of the investment project/business; (3) Issuing authority.

This form is not intended for the case of adjustment of environmental license specified in clause 4 Article 46 of the Law on Environmental Protection.

## APPENDIX XIV

### TEMPLATE FOR APPLICATION FOR ADJUSTMENT OF ENVIRONMENTAL LICENSE OF INVESTMENT PROJECTS AND BUSINESSES

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

(1)

-----

No. ....

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

-----  
*Place name, (date)...*

Re. application for adjustment  
of environmental license of (2)

To: (3)

We are: (1), (2).

In order to correctly implement regulations of law on environmental  
protection, (1) kindly request (3) to consider adjusting the environment license  
with the following information:

1. Information about the issued environmental license No. .../GPMT-.....  
... dated.....

- Name of investment project/business: .....

- Name of investment project/business owner: .....

2. Information to be changed:

- Name of investment project/business: .....

- Name of investment project/business owner: .....

(Only list changes and fall into the case of adjustment of the environmental  
license)

3. Contact address of (1):.....

- Legal representative of (1):..... Position:.....

- Phone number: ..... ; Fax: ..... ; E-mail:.....

We would like to send (3) an Appendix to this document:

*Appendix containing documents of competent authorities for the purpose of  
proving valid juridical person of (1) in (2);<sub>03</sub>*

We are committed to the truthfulness, accuracy and integrity of the documents  
enclosed with this application and undertake to change any other content of

the abovementioned environmental license No. .... /GPMT-..... dated.... If anything goes wrong, we will be held totally responsible to Vietnam's laws.

(3) is hereby requested to consider adjusting the environmental license of (2)/.

**LEGAL REPRESENTATIVE OF ... (1) ...**

*(Signature, full name; position and seal)*

**Note:** (1) Investment project/business owner; (2) Full and accurate name of the investment project/business; (3) Issuing authority.

**APPENDIX XV**

TEMPLATE FOR REPORT ON RESULTS OF TRIAL OPERATION OF  
WASTE TREATMENT WORKS OF PROJECT SPECIFIED IN CLAUSE 4  
ARTICLE 46 OF LAW ON ENVIRONMENTAL PROTECTION  
*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

(1)

-----

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-----

No. ...

*Place name, (date)...*

**REPORT**

**Results of trial operation of waste treatment works of the Project (3)**

To: (2)

1. General information about project:

- Project owner's name: .....

- Office address: .....

- Phone number: .....; Fax: .....; E-mail: .....

- Project location: .....

- Project's environmental license No. ....

2. Project's environmental protection works

a) Wastewater treatment system

Result of assessment of effectiveness of wastewater treatment work (clearly specifying name and contact address of the environmental monitoring service

provider: time, frequency, method and result of sample measurement, collection and analysis).

Result of assessment of conformity of the wastewater treatment system which is carried out using the wastewater monitoring result (result of measurement carried out using the field rapid measuring instrument, laboratory collection and analysis of samples) of environmental parameters in accordance with environmental technical regulations on industries and fields to which separate technical regulation or national/local technical regulation on wastewater (domestic or industrial) applies and is presented using the table below:

Measurement and collection of sample for analysis; treatment capacity	Discharge rate (Unit)	Pollution parameter					
		Parameter A		Parameter B		etc.	
		Before treatment (if any)	After treatment	Before treatment (if any)	After treatment	Before treatment (if any)	After treatment
1 <sup>st</sup> time							
2 <sup>nd</sup> time							
n time, .....							
Under QCVN (corresponding to each type of production).							

b) Works and measures for dust and emission treatment:

The assessment of efficiency of a wastewater treatment work shall be carried out using the wastewater monitoring result (result of measurement carried out using the field rapid measuring instrument, laboratory collection and analysis of samples) and automatic and continuous monitoring data (if any) for each stage and entire treatment system (program and method for aggregate sampling for assessment), including: The project owner shall carry out consolidation using a table according to abovementioned point a.

3. (The adjustments to types and weight of hazardous waste specified in the issued environmental license (if any):

(The adjustments to type and weight of hazardous waste specified in the issued environmental license (if any); explanation for adjustments to type and weight of waste; legal bases for adjustments (if any). If the type and weight of hazardous waste specified in the issued environmental license are not adjusted, specify the contents regarding type and weight of hazardous waste in conformity with the issued environmental license).

4. The adjustments to weight of imported scrap specified in the issued environmental license (if any);

(Clear description of the adjustments to weight of scrap permitted to be imported in the issued environmental license; explanation for adjustments to weight of scrap permitted to be imported; legal bases for adjustments (if any). If the weight of scrap permitted to be imported in the issued environmental license is not adjusted, specify the weight of scrap permitted to be imported in conformity with the issued environmental license).

We undertake that the information and data provided herein are truthful. If anything goes wrong, we will be held totally responsible to laws.

#### **LEGAL REPRESENTATIVE OF ...<sup>(1)</sup>...**

*(Signature, full name; position and seal)*

**Note:** (1) Investment project owner; (2) name of authority inspecting and certifying completion of environmental protection works; (3) Full and accurate name of the project or investment item/phase of the project (3).

\* The Appendix to the report on results of operation of environmental protection works of the project is composed of the following documents (depending on the type of project and each specific project, one or more of the following documents may be included): as-built dossier enclosed with a description of procedures for operation of waste treatment works; certificates and certificates of recognition of imported or commercialized synchronous equipment for environmental remediation; reports on results of measurement and analysis of samples for trial operation of waste treatment works; competent authorities' written approval for changes and adjustments to the project's EIAR; records of commissioning and transfer of waste treatment works or other documents relating to waste treatment works; logbook recording operation of waste treatment works; logbook recording operation of production line using scrap imported as raw materials for production (for the project using scrap imported as raw materials for production); hazardous waste manifest (for the project that involves hazardous waste treatment).

## APPENDIX XVI

### LIST OF INVESTMENT PROJECTS AND MANUFACTURING AND BUSINESS ESTABLISHMENTS EXEMPTED FROM ENVIRONMENTAL REGISTRATION

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

1. Human resources training; consultancy activities, technology transfer, vocational training, training in technology or management skills, information provision, marketing, investment and trading promotion.
2. Production, presentation and release of television programs; production of films, videos; television activities, recording activities and music publishing.
3. Commercial services, mobile trading without any fixed location.
4. Commercial services, trading in consumer products and goods and household articles with a construction area of less than 200 m<sup>2</sup>.
5. Food and beverage services with a restaurant area of less than 200 m<sup>2</sup>.
6. Household article repair and maintenance services rendered by individuals and households.
7. Photocopying, internet and video game services.
8. Farming on agricultural land and forestry land, aquaculture and livestock production at individual or household scale.
9. Testing cultivation of plant species with an area of less than 01 hectare.
10. Construction of housing for individuals or households.
11. Projects and establishments engaging in aquaculture on oceans, rivers, streams and reservoirs with a wastewater flow of less than 10,000 m<sup>3</sup> every 24 hours.
12. Investment projects and establishments which fully satisfy the following criteria:
  - Emissions subject to mandatory treatment are not generated;
  - Wastewater is not generated or is connected to a centralized wastewater treatment system which has been issued with the environmental license by a competent authority;
  - Hazardous waste is not generated throughout their operation.

## APPENDIX XVII

### LIST OF POPs AND SPECIFIC EXEMPTIONS UNDER STOCKHOLM CONVENTION

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

No.	Name	Annexes to Stockholm Convention	Uses of POPs	Activity	Specific exemptions under Stockholm Convention
1	Hexabromodiphenyl ether and Heptabromodiphenyl ether (HBDE)	A	For industrial uses	Production	None.
				Use	Allowing recycling, use and final disposal thereof under Stockholm Convention.
2	Tetrabromodiphenyl ether and Pentabromodiphenyl ether (POP-BDE)	A	For industrial uses	Production	None.
				Use	Allowing recycling, use and final disposal thereof under Stockholm Convention.
3	Perfluorooctane sulfonic acid (PFOS), its salts and perfluorooctane sulfonyl fluoride (PFOSF)	B	For industrial and agricultural uses	Production	- Not permitted to register for specific exemptions. - As an intermediate in case of registering specific exemptions with purposes.
				Use	- Permitted to register for specific exemptions with the following uses: + Metal plating (hard metal plating) only in closed-loop systems; + Fire-fighting foam (Class B fires) in installed systems, including both mobile and fixed systems. - Permitted for registration of specific exemptions with the purpose: insect bait with sulfluramide (CAS No. 4151-50-2) as an active ingredient for the control of Atta spp. and Acromyrmex spp., leaf-cutting ants, for agricultural use only.
4	Hexabromocyclododecane (HBCDD)	A	For industrial uses	Production	Expanded polystyrene - EPS and extruded polystyrene - XPS insulation materials in construction/buildings.
				Use	EPS and XPS insulation materials in construction/buildings.



5	Polychlorinated naphthalenes (PCN)	A, C	For agricultural uses, unintentionally produced	Production	Intermediates in production of polyfluorinated naphthalenes, including octafluoronaphthalene
				Use	In PCN containing products for agricultural uses, including octafluoronaphthalene
6	Decabromodiphenyl ether (DBDE)	A	For industrial uses	Production	As allowed under Stockholm Convention.
				Use	Permitted for the following uses: - Parts for use in vehicles (used as insulation, wiring, upholstery, etc.); - Aircraft for which type approval has been applied for before December 2018 and has been received before December 2022 and spare parts for those aircraft; - Textile products that require anti-flammable characteristics, excluding clothing and toys; - Additives in plastic housings and parts used for heating home appliances, irons, fans, immersion heaters that contain or are in direct contact with electrical parts or are required to comply with fire retardancy standards, at concentrations lower than 10 per cent by weight of the part; - Polyurethane foam for building insulation.
7	Short-chain chlorinated paraffins (SCCPs)	A	For industrial uses	Production	As allowed under Stockholm Convention.
				Use	Permitted for the following uses: - Additives in the rubber industry; - Flame retardant in rubbers, inks, paints, adhesives and surface coatings. - Waterproofing and fire-retardant paints; - Fat-liquoring agents for leather production; - Tubes for outdoor decoration bulbs; - Lubricant additives or coolants used in cutting metal or metal forming; - Secondary plasticizers in flexible polyvinyl chloride, except in toys and children's products.

8	Perfluorooctanoic acid (PFOA), its salts and PFOA-related compounds	A	For industrial uses	Production	<ul style="list-style-type: none"> <li>- For production other than fire-fighting foam.</li> <li>- Other production under Stockholm Convention.</li> </ul>
				Use	<p>Permitted for the following uses:</p> <ul style="list-style-type: none"> <li>- Photolithography or etch processes in semiconductor manufacturing;</li> <li>- Photographic coatings applied to films;</li> <li>- Textiles for oil and water repellency;</li> <li>- Invasive and implantable medical devices;</li> <li>- Fire-fighting foam (Class B fires);</li> <li>- Manufacture of polytetrafluoroethylene (PTFE) and polyvinylidene fluoride (PVDF) for the production of: high-performance, corrosion-resistant gas filter membranes, water filter membranes and membranes for medical textiles; industrial waste heat exchanger equipment; industrial sealants capable of preventing leakage of volatile organic compounds and PM<sub>2.5</sub> particulates;</li> <li>- Manufacture of polyfluoroethylene propylene (FEP) for the production of high-voltage electrical wire and cables for power transmission;</li> <li>- Manufacture of fluoroelastomers for the production of O-rings, v-belts and plastic accessories for car interiors;</li> <li>- Production of pharmaceutical products.</li> </ul>

## APPENDIX XVIII

### TEMPLATE FOR APPLICATION FOR REGISTRATION OF SPECIFIC EXEMPTIONS FOR POPs

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

... (1) ...  
-----

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

No. ....

*Place name, (date)...*

Re. registration of specific  
exemptions for POPs

To: ..... (2).....

Pursuant to the Law on Environmental Protection dated November 17, 2020;

Pursuant to the Government's Decree No. .... /ND-CP dated .... on  
elaboration of some Articles of the Law on Environmental Protection.

We are:

Name of the applicant:.....

Address:.....

Phone number:..... Fax: .....

Email: .....

Business registration certificate (or enterprise registration certificate) No.  
..... dated..... issued by.....

Scope of business: .....

Certificate of Taxpayer Identification Number registration No. ....dated...  
issued by.....

Full name of legal representative: ..... Position.....

Full name of contact person: .....

Mobile phone:..... Email: .....

Have obtained latest registration for specific exemptions (names of POPs,  
date of registration, weight):

Would like to register specific exemptions for the following POPs:

**1. Registration of POPs (except for PFOS, its salts and PFOSF) in the Appendix XVII promulgated together with the Government's Decree No. ..../ND-CP dated .... on elaboration of some Articles of the Law on Environmental Protection**

Name of POP	
Date of registration of specific exemptions <i>(required by the Stockholm Convention)</i>	
	Production:
Estimated weight of POP annually produced or used	Use:
Reasons for registration	
Note	

**2. Registration of specific exemptions for PFOS, its salts and PFOSF in the Appendix XVII promulgated together with the Government's Decree No. ..../ND-CP dated .... on elaboration of some Articles of the Law on Environmental Protection**

- Registration of specific exemptions for PFOS, its salts and PFOSF:

Specific exemptions: <i>(Multiple choice is accepted)</i>	<input type="checkbox"/> Metal plating (hard metal plating) in closed-loop systems; <input type="checkbox"/> Fire-fighting foam (Class B fires) in installed systems, including both mobile and fixed systems.
CAS number, trade name: <i>(Multiple choice is accepted)</i>	<input type="checkbox"/> Either perfluorooctane sulfonic acid (CAS No: 1763-23-1); <input type="checkbox"/> Potassium perfluorooctane sulfonate (CAS No: 2795-39-3); <input type="checkbox"/> Lithium perfluorooctane sulfonate (CAS No: 29457-72-5); <input type="checkbox"/> Ammonium perfluorooctane sulfonate (CAS No: 29081-56-9); <input type="checkbox"/> Diethanolammonium perfluorooctane sulfonate (CAS No: 70225-14-8); <input type="checkbox"/> Tetraethylammonium perfluorooctane sulfonate (CAS No: 56773-42-3); <input type="checkbox"/> Didecyltrimethylammonium perfluorooctane sulfonate (CAS No: 251099-16-8); <input type="checkbox"/> Perfluorooctane sulfonyl fluoride (CAS No: 307-35-7).
Date of registration of specific exemptions <i>(required by the Stockholm Convention)</i>	

Reasons for registration	
Note	

- Registration of specific exemptions for PFOS, its salts and PFOSF by acceptable purposes:

Production	Is the production continued?: Yes <input type="checkbox"/> No <input type="checkbox"/> Expected date: from ....(dd/mm/yyyy)
Use <i>(required by the Stockholm Convention)</i>	Is the use continued?: Yes <input type="checkbox"/> No <input type="checkbox"/> Expected date: from ....(dd/mm/yyyy)
Purpose:	Acceptable purpose: <input type="checkbox"/> Insect bait with sulfluramide (CAS No. 4151-50-2) as an active ingredient for the control of <i>Atta</i> spp. and <i>Acromyrmex</i> spp.
Trade name	
Reasons for registration	
Note	

We hereby undertake that the information provided herein is truthful. In case of any violation, we will be held totally responsible to laws.

... (2)...

*(Signature, full name; position and seal (if any))*

**Note:** (1) Applicant for registration of specific exemptions for POP; (2) Ministry of Natural Resources and Environment.

## **APPENDIX XIX**

### **TEMPLATE FOR REPORT ON REGISTRATION OF SPECIFIC EXEMPTIONS FOR POPs**

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

**(NAME OF APPLICANT)**

### **REPORT ON REGISTRATION OF SPECIFIC EXEMPTIONS FOR POPs**

**(NAME OF APPLICANT) (\*)**

*(Legal representative, signature, full name, seal)*

**... (month), ... (year)**

**Note:** (\*) Only shown on the frontispiece.

## **REPORT ON REGISTRATION OF SPECIFIC EXEMPTIONS FOR POPs**

I. Brief description of the establishment of the business.

II. Detailed description of type of production, production technology; scale; demand for production and use of POPs.

III. Description of capacity for registration of specific exemptions for POPs:

1. In case of import of POPs:

- Names of imported POPs, CAS number, HS codes, Material Safety Data Sheets (MSDS) for POPs, weight of POPs to be imported annually.

- Specific description of purposes of import of POPs.

- Description of conditions for environmental protection: warehouse, firefighting equipment, area for storage and treatment of generated waste; measures for control of factors affecting the environment, etc.

- Contiguosness between POP storage area and surrounding area.

2. In case of production of POPs:

- Name of produced POPs, CAS number, HS codes, Material Safety Data Sheets (MSDS) for POPs, weight of POPs to be produced annually.

- Specific description of purposes of production of POPs.

- Description of conditions for environmental protection: warehouse, firefighting equipment, measures for collection, storage and treatment of generated waste; works and equipment for treatment of waste during production, etc.

- Plan to sign a contract with a licensed unit for treatment of waste generated during production (enclosed with a waste treatment contract).

3. In case of use of POPs:

- Names of POPs used, CAS number, HS codes, expected weight of POPs used annually.

- Specific description of uses of POPs.

- Specific description of each type and stage that generates waste.

- Description of conditions for environmental protection: warehouse, firefighting equipment, area for storage and treatment of generated waste, etc.

**APPLICANT**

*(Signature, full name; position and seal (if any))*



## APPENDIX XX

### TEMPLATE FOR NOTIFICATION OF APPROVAL FOR REGISTRATION OF SPECIFIC EXEMPTIONS FOR POP

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

**MINISTRY OF NATURAL  
RESOURCES AND  
ENVIRONMENT**  
-----

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

No. ...

*Place name, (date)...*

Re. notification of approval  
for registration of specific  
exemptions for pop

To: ...(1)...

Pursuant to the Law on Environmental Protection dated November 17, 2020;

Pursuant to the Government's Decree No. .../ND-CP dated ... on  
elaboration of some Articles of the Law on Environmental Protection;

Pursuant to the Decision No. .../QD-... dated ... of the Minister of Natural  
Resources and Environment on establishment of the inspectorate for assessment  
of applications for registration of specific exemptions for POPs of (1);

According to the record on inspection and assessment of application for  
registration of specific exemptions dated ... of the Ministry of Natural Resources  
and Environment hereby gives a notification of approval for registration of  
specific exemptions for POPs as follows:

Name of the applicant:.....

Address:.....

Phone number:..... Fax:.....

Email: .....

Business registration certificate (or Enterprise registration certificate) No.  
..... dated..... issued by .....

Scope of business: .....

Certificate of Taxpayer Identification Number registration No.....  
dated..... issued by .....

Full name of legal representative: ..... Position: .....

**1. Registration of specific exemptions for POPs (except for PFOS, its salts and PFOSF)**

Name of POP	
Date of registration of specific exemptions (required by the Stockholm Convention)	
Estimated weight of POP to be annually registered for specific exemptions	
Reasons for registration	
Note	

**2. Registration of specific exemptions for PFOS, its salts and PFOSF:**

Uses to be registered:	<i>(Assessing one or more contents according to the application)</i>
CAS number, trade name:	<i>(Assessing one or more contents according to the application)</i>
Date of registration of specific exemptions <i>(required by the Stockholm Convention)</i>	
Reasons for registration	
Note	

**3. Registration of specific exemptions for PFOS, its salts and PFOSF by acceptable purposes:**

Production <i>(required by the Stockholm Convention)</i>	Is the production continued?: Yes <input type="checkbox"/> No <input type="checkbox"/> Expected date: from ....
Use <i>(required by the Stockholm Convention)</i>	Is the use continued?: Yes <input type="checkbox"/> No <input type="checkbox"/> Expected date: from ....(dd/mm/yyyy)
Purposes:	<i>(Assessing the purposes)</i>
CAS number, trade name:	<i>(Carrying out assessment according to the application)</i>
Reasons for registration	
Note	

**POWER AND POSITION OF THE SIGNATORY**  
*(Signature of competent person, seal/digital signature of the authority/organization)*

**Full name**

**Note:** (1) Applicant for registration of specific exemptions for POPs.

## APPENDIX XXI

### TEMPLATE FOR COMMITMENT TO RE-EXPORT OR TREATMENT OF IMPORTED SCRAP FAILING TO SATISFY ENVIRONMENTAL PROTECTION REQUIREMENTS

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

(1)

-----

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

-----

No. ....

Place name, (date)...

### COMMITMENT

**To re-export or treatment of imported scrap failing to satisfy  
environmental protection works**

To: Tax authority.

#### I. General information about project:

1. Scrap importer: .....
2. Head office address:..... ; Phone number: ..... ; Fax:..... ;  
Email: .....
3. Name and address of manufacturing establishment using imported  
scrap: .....

#### II. Information about scrap to be imported:

No.	Type of scrap to be imported		Expected weight of imported scrap (tonne)
	Name of scrap	HS code	
1			
2			
....			

#### III. Commitments:

1. We are committed to only import scrap if it has clear origin and composition and content of the impurity accompanying the scrap has satisfied all prescribed technical environmental requirements.
2. We undertake that the sale contract or transaction agreement with the exporting party contains the terms requesting that the exporting party receive

scrap if the scrap fails to satisfy technical environmental requirements and Vietnam's applicable regulations on environmental protection.

3. We are committed to store and transport scrap in accordance with requirements for environmental protection in import of scrap as raw materials for production according to laws.

4. We are committed to only use imported scrap as raw materials for production at our manufacturing establishment.

5. If violating regulations on environmental protection in import of scrap as raw materials for production, we are committed to re-export the entire imported scrap shipment and incur all financial expenses for taking corrective actions.

In case of failure to re-export the scrap, we will be held responsible for dealing with the imported scrap shipment as follows:

- Correctly comply with regulations on imposition of penalties for administrative violations against regulations on environmental protection in import of scrap.

- Formulate a detailed plan to deal with the imported scrap shipment in violation of laws and submit it to an environment authority for consideration and decision.

- Incur all costs of dealing with the violating shipment of imported scrap which cannot be re-exported.

... (1)...

*(Signature, full name; position and seal (if any))*

**Note:** (1) The scrap importer.

## APPENDIX XXII

### LIST OF PRODUCTS AND PACKAGING SUBJECT TO MANDATORY RECYCLING, AND MANDATORY RECYCLING RATES AND RECYCLING SPECIFICATIONS

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

No. (1)	Categories of products and packaging (2)	List of products and packaging (3)	Mandatory recycling rates for the first 03 years (4)	Mandatory packaging specifications <i>(Recover at least 40% of weight of products and packaging recycled at mandatory recycling rates)</i> (5)
<b>A. PACKAGING</b>				
1	<b>A.1. Paper packaging</b>	A.1.1. Paper packaging and carton packaging	20%	<b><i>Selected recycling solutions:</i></b> 1. Produce commercial pulp. 2. Produce paper products such as toilet tissue paper, paperboard, paper boxes and other products.
2		A.1.2. Mixed paper packaging	15%	<b><i>Selected recycling solutions:</i></b> 1. Produce pulp, metal ingots and commercial sheet materials. 2. Produce paper products such as toilet tissue paper, paperboard, paper boxes; commercial sheet materials or other products.
3	<b>A.2. Metal packaging</b>	A.2.1. Aluminum packaging	22%	<b><i>Selected recycling solutions:</i></b> 1. Produce aluminum billets used as production raw materials for industrial use. 2. Produce other products.
4		A.2.2. Iron and other metal packaging	20%	<b><i>Selected recycling solutions:</i></b> 1. Produce into metal billets used as production raw materials for industrial use. 2. Produce other products.
5	<b>A.3. Plastic packaging</b>	A.3.1. Rigid PET packaging	22%	<b><i>Selected recycling solutions:</i></b> 1. Produce recycled plastic particles used as production raw materials for industrial use. 2. Produce other products (including PE fibers). 3. Produce chemicals (including oil).

6		A.3.2. Rigid HDPE, LDPE, PP and PS packaging	15%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce recycled plastic particles used as production raw materials for industrial use.</li> <li>2. Produce other products (including PE and PP fibers).</li> <li>3. Produce chemicals (including oil).</li> </ol>
7		A.3.3. Rigid EPS packaging	10%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce recycled plastic particles used as production raw materials for industrial use.</li> <li>2. Produce other products.</li> <li>3. Produce chemicals (including oil).</li> </ol>
8		A.3.4. Rigid PVC packaging	10%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce recycled plastic particles used as production raw materials for industrial use.</li> <li>2. Produce other products.</li> <li>3. Produce chemicals (including oil).</li> </ol>
9		A.3.5. Other rigid plastic packaging	10%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce recycled plastic particles used as production raw materials for industrial use.</li> <li>2. Produce other products.</li> <li>3. Produce chemicals (including oil).</li> </ol>
10		A.3.6. Mono-material flexible packaging	10%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce recycled plastic particles used as production raw materials for industrial use.</li> <li>2. Produce other products.</li> <li>3. Produce chemicals (including oil).</li> </ol>
11		A.3.7. Multi-material flexible packaging	10%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce recycled plastic particles used as production raw materials for industrial use.</li> <li>2. Produce other products.</li> <li>3. Produce chemicals (including oil).</li> </ol>
12	<b><i>A.4. Glass packaging</i></b>	A.4.1. Glass bottles, jars and containers	15%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Clean and reuse in accordance with the manufacturer's standards.</li> <li>2. Grind into cullets for glass production.</li> <li>3. Grind into aggregates for construction.</li> </ol>

<b>B. BATTERIES AND CELLS</b>				
13	<b>B.1. Batteries</b>	B.1.1. Lead batteries	12%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce lead used as production raw materials for industrial use.</li> <li>2. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production materials for industrial use.</li> <li>3. Produce commercial acids/sulfate salts (by-products).</li> </ol>
14		B.1.2. Other battery types	08%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce metal billets or industrial chemicals used as raw materials and fuels for industrial use.</li> <li>2. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production materials and fuels for industrial use.</li> <li>3. Produce commercial C, K and Na (by-products).</li> <li>4. Export for recycling (not exceeding 20% of total amount of products).</li> </ol>
15	<b>B.2. Rechargeable cells</b>	B.2.1. Cells of all kinds (Li, NiMH, etc.) used in vehicles	08%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce into metal billets or industrial chemicals used as production raw materials and fuels for industrial use.</li> <li>2. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>3. Produce commercial C, K and Na (by-products).</li> <li>4. Export for recycling (not exceeding 20% of total amount of products).</li> </ol>

16	<b>B.2. Rechargeable cells</b>	B.2.2. Cells of all kinds used in electrical and electronic equipment	08%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Produce into metal billets or industrial chemicals used as production raw materials and fuels for industrial use.</li> <li>2. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>3. Produce commercial C, K and Na (by-products).</li> <li>4. Export for recycling (not exceeding 20% of total amount of products).</li> </ol>
<b>C. LUBRICATING OILS</b>				
17	<b>C.1. Lubricating oils for engines</b>	C.1.1 Lubricating oils for engines	15%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Distillation and recovery of base oils or other oils.</li> <li>2. Oil recovery fractions.</li> </ol>
<b>D. TYRES AND TUBES</b>				
18	<b>D.1. Tyres and tubes of all kinds</b>	D.1.1. Tyres and tubes of all kinds	05%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Retread tyres in accordance with the manufacturer's standards.</li> <li>2. Cut, recover rubber powder, make aggregates.</li> <li>3. Fractional distillation to oil.</li> </ol>
<b>DD. ELECTRIC - ELECTRONICS</b>				
19	<b>DD.1. Refrigerating equipment</b>	DD.1.1. Refrigerators, freezers, equipment which automatically delivers cold products, vending machines	05%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's technical standards.</li> <li>2. Produce metal bars and billets usable as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce other recycled products.</li> </ol>



20		DD.1.2. Fixed and portable air conditioners	05%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce other recycled products.</li> </ol>
21	<b><i>DD.2. Screens and equipment containing screens</i></b>	DD.2.1. Laptops, notebooks	09%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas.</li> <li>4. Produce glass in the form of particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce other recycled products.</li> </ol>
22		DD.2.2. Televisions, monitors and other types of screens	07%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce glass in the form of particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce into other recycled products.</li> </ol>

23	<b>DD.3. Lamps</b>	DD.3.1. Compact lamps	08%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce and process into glass powder and particles/cullets (&lt; 5mm in size) usable as production raw materials for industrial use.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce other products.</li> </ol>
24		DD.3.2. Fluorescent lamps	08%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Produce and process into glass powder and particles/cullets (&lt; 5mm in size) usable as production raw materials for industrial use.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce other recycled products.</li> </ol>
25	<b>DD.4. Large equipment</b>	DD.4.1. Electric stoves, induction cookers, infrared cookers, ovens, microwave ovens	05%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce other recycled products.</li> </ol>
26		DD.4.2. Washing machines, dryers	09%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce into other recycled products.</li> </ol>

27	<b>DD.5. Small- and medium-sized equipment</b>	DD.5.1. Video cameras (including flash), video recorders	09%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce other recycled products.</li> </ol>
28		DD.5.2. Audio equipment: speakers, amplifiers	09%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce other recycled products.</li> </ol>
29	<b>DD.6. Information technology equipment</b>	DD.6.1. Personal computers	09%	<b><i>Selected recycling solutions:</i></b> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce other recycled products.</li> </ol>

30		DD.6.2. Printers, photocopiers	09%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce other recycled products.</li> </ol>
31		DD.6.3. Mobile phones	15%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Recover and reuse components and accessories in accordance with the manufacturer's standards.</li> <li>2. Produce metal bars and billets used as raw materials for industrial use.</li> <li>3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</li> <li>4. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>5. Produce other products.</li> </ol>
32	<b><i>DD.7. Photovoltaic panels</i></b>	DD.7.1. Photovoltaic panels	03%	<p><b><i>Selected recycling solutions:</i></b></p> <ol style="list-style-type: none"> <li>1. Recover and reuse photovoltaic glass and cells in accordance with the manufacturer's technical standards.</li> <li>2. Produce metal bars and billets used as production raw materials for industrial use.</li> <li>3. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</li> <li>4. Produce other products.</li> </ol>

<b>E. VEHICLES</b>				
33	<b>E.1. Road vehicles</b>	E.1.1. Two-wheeled motorcycles; three-wheeled motorcycles	0,5%	<b><i>Selected recycling solutions:</i></b>  1. Recover and reuse components and accessories in accordance with the manufacturer's standards.  2. Produce metal bars and billets used as raw materials for industrial use.  3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.  4. Produce rubber powder or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.  5. Produce glass particles < 5mm in size usable as production raw materials and fuels for industrial use.  6. Produce other products.
34		E.1.2. Mopeds including electrically propelled mopeds and bicycles	0,7%	
35		E.1.3. Motor vehicles designed for transport of persons (up to 09 seats)	0,5%	
36		E.1.4. Motor vehicles designed for transport of persons (more than 09 seats)	0,5%	
37		E.1.5. Commercial vehicles of all kinds	0,5%	
38	<b>E.2. Specialized mopeds</b>	E.2.1. Self-propelled construction vehicles and machines of all kinds	01%	<b><i>Selected recycling solutions:</i></b>  1. Recover and reuse components and accessories in accordance with the manufacturer's standards.  2. Produce metal bars and billets used as raw materials for industrial use.  3. Produce recycled plastic particles or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.

				<p>4. Produce rubber powder or plastic by-products such as commercial chemicals, heavy fuel oil and syngas used as production raw materials and fuels for industrial use.</p> <p>5. Produce glass particles &lt; 5mm in size usable as production raw materials and fuels for industrial use.</p> <p>6. Produce other products.</p>
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### APPENDIX XXIII

#### LIST OF PRODUCTS AND PACKAGING AND LEVELS OF FINANCIAL CONTRIBUTIONS TO WASTE TREATMENT

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

No. (1)	Types of products and packaging (2)	Format (3)	Capacity/size (4)	Levels of financial contributions to waste treatment (5)
1	Agrochemical packaging	Plastic bottles and boxes	Less than 500 ml	50 dong/piece
			500 ml or more	100 dong/piece
		Plastic bags and packages	Less than 100 g	20 dong/piece
			From 100 g to less than 500 g	50 dong/piece
			500 g or more	100 dong/piece
		Glass bottles and jars	Less than 500 ml	150 dong/piece
			500 ml or more	250 dong/piece
		Metal bottles, jars and boxes	Less than 500 ml	150 dong/piece
			500 ml or more	250 dong/piece
2	Disposable batteries of all kinds	All	All	01 % of revenue from product in case of production or 01% of import value of product in case of import
3	Disposable napkins, diapers, tampons and wet wipes	All	All	01 % of revenue from product in case of production or 01% of import value of product in case of import

4	Chewing gum	All	All	01 % of revenue from product in case of production or 01% of import value of product in case of import
5	Tobacco	All	All	60 dong/20 cigarettes
6	Products with synthetic resins			
6.1	Disposable trays, bowls, chopsticks, glasses, cups, knives, scissors, chopsticks, spoons, forks, straws, stirrers, containers and food wraps	All	All	1,500 dong/01 kg of plastics used
6.2	Balloons, duct tapes, ear buds, toothpicks; disposable toothbrushes; disposable toothpastes; disposable shampoo and conditioner; disposable razors			
6.3	Clothes of all kinds and accessories			
6.4	Leather goods, bags, shoes and sandals of all kinds			
6.5	Toys of all kinds			
6.6	Furniture of all kinds			
6.7	Building materials of all kinds			
6.8	Non-biodegradable plastic bags with dimensions less than 50 cm x 50 cm and a wall thickness of less than 50 $\mu$ m			

## APPENDIX XXIV

### TEMPLATE FOR CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

**MINISTRY OF NATURAL  
RESOURCES AND ENVIRONMENT**

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

-----  
No. ....

-----  
Hanoi, ... (date)

### **CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES MINISTER OF NATURAL RESOURCES AND ENVIRONMENT**

*Pursuant to the Law on Environmental Protection dated November 17, 2020;*

*Pursuant to the Government's Decree No. ..../ND-CP dated .... defining the  
functions, tasks, powers and organizational structure of the Ministry of Natural  
Resources and Environment;*

*Pursuant to the Government's Decree No. ..../ND-CP dated .... on  
elaboration of some Articles of the Law on Environmental Protection;*

*According to the result of appraisal of application for issuance/adjustment  
of certificate of eligibility to provide environmental monitoring services of ... (1) ...;*

*At the request of ... (2) ...*

#### **HEREBY CERTIFIES:**

1. ....(1).....

Address: .....(3) .....

Phone number: .....; Fax: .....; Email: .....

Is eligible to provide environmental monitoring services within the coverage  
specified in the Appendix hereto.

2. Certification number: VIMCERTS ....

3. This certificate comes into force from the date on which it is signed to  
..... (date)



4....(1).... is required to fully comply with certification regulations according to the Government's Decree No. ... dated ... on elaboration of some Articles of the Law on Environmental Protection and applicable regulations of law, and carry out monitoring within the coverage of the certificate.

### **POWER AND POSITION OF THE SIGNATORY**

*(Signature of competent person, seal/digital  
signature of the authority/organization)*

### **Full name**

#### ***Note:***

- (1) Full name of the applicant for issuance/adjustment of certificate of eligibility to provide environmental monitoring services;
- (2) Head of the authority assigned to process the application for issuance/adjustment of certificate of eligibility to provide environmental monitoring services;
- (3) Address of office and address of laboratory of the applicant for issuance/adjustment of certificate of eligibility to provide environmental monitoring services;
- (4) Authority assigned to process the application for issuance/adjustment of certificate of eligibility to provide environmental monitoring services.

## Appendix

### COVERAGE OF CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

For ...(1)...

*(Enclosed with the certificate No. ... dated ... of the Minister of Natural  
Resources and Environment)*

**[Name of environmental sample background]**

- Field measurement:

No.	Name of parameter	Name/code of method used	Detection limit/ measurement range
1			
2			
3			
...			

- Sample collection and preservation:

No.	Type of sample	Name/code of method used
1		
2		
3		
...		

- Environmental sample handling and analysis

No.	Parameter	Name/code of method used	Detection limit/ measurement range
1			
2			
3			
...			

## APPENDIX XXV

### TEMPLATE FOR APPLICATION FOR ISSUANCE OF CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

...(1)...  
-----

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

No. ...

..., ... (date)

### APPLICATION FOR ISSUANCE OF CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

To: Minister of Natural Resources and Environment

1. Name of the applicant:.....
2. Representative: .....Position: .....
3. Address: .....
4. Phone number:.....Fax number:  
Email: .....
5. Scope and environmental components to be certified:
  - a) Water (an appendix containing parameters and monitoring and analytical methods is enclosed)
    - Surface water: ☐
    - Groundwater: ☐
    - Rainwater: ☐
    - Seawater: ☐
    - Wastewater: ☐
    - Other:
  - b) Air (an appendix containing parameters and monitoring and analytical methods is attached)
    - Ambient air: ☐
    - Emission: ☐
    - Road motor vehicle emission ☐
    - Other:.....

c) Land (an appendix containing parameters and monitoring and analytical methods is attached)

d) Sediment (an appendix containing parameters and monitoring and analytical methods is attached)

dd) Waste (an appendix containing parameters and monitoring and analytical methods is attached)

e) Sludge (an appendix containing parameters and monitoring and analytical methods is attached)

g) Raw materials, fuels, materials, products, goods and equipment containing POPs (an appendix containing parameters and monitoring and analytical methods is attached)

6. An application, including:

- .....
- .....
- .....
- .....
- .....

... (1)... undertake that information provided herein is truthful and strictly comply with regulations of law on environmental protection and certification regulations.

... (1)... undertake to comply with all technical regulations on environmental monitoring procedures and methods prescribed by the Ministry of Natural Resources and Environment; design, execute and maintain a quality assurance and control program within the scope of environmental monitoring activities. ... (1)... will be held totally responsible to Vietnamese law in case of violating regulations on certification and environmental monitoring.

The Ministry of Natural Resources and Environment is requested to consider issuing the certificate.

**LEGAL REPRESENTATIVE OF ... (1)...**

*(Signature, full name; position and seal)*

**Note:** (1) Name of the applicant.

## APPENDIX XXVI

### TEMPLATE FOR PROFILE OF APPLICANT FOR ISSUANCE/ ADJUSTMENT OF CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

...(1)...

-----

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

-----

No. ...

..., ... (date)

### PROFILE OF APPLICANT FOR CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

#### A. GENERAL INFORMATION

##### I. Name of the applicant

Address: .....

Phone number: ..... Fax number: .....

Email: ..... Website: .....

##### II. Supervisory authority (if any)

Address: .....

Phone number: ..... Fax number: .....

Email: ..... Website: .....

##### III. Legal representative

Address: .....

Phone number: ..... Fax number: .....

Email: .....

##### IV. Contact person

Address: .....

Phone number: ..... Fax number: .....

Email: .....

(Original or certified true copy of the decision issued by a competent authority defining functions and tasks of the applicant or business registration certificate or investment certificate; if the applicant is a foreign enterprise a decision on establishment of representative office or branch in Vietnam is required).

## B. INFORMATION ABOUT CAPACITY

### I. Field monitoring

1. Number of collected samples (if the unit has been operating)

- Number of collected samples (average of the last 3 years): ... sample/year

(Listed by each environmental component to be certified)

- Source of sample (check the appropriate box):

+ Internal ☐ Accounting for %

+ External customer ☐ Accounting for %

2. Personnel

List of persons carrying out field monitoring:

No.	Full name	Year of birth	Sex	Position (within an	Qualifications, major	Number of years of seniority

(Certified true copies of degrees, diplomas, certificates and employment contracts or decision on employment).

3. List of equipment (current)

No.	Name of equipment	Main technical specifications	Purposes	Serial number	Brand/ manufacturing country	Starting date	Inspection frequency	Calibration frequency	Place of calibration	Duration of calibration

- Storage conditions:

+ Temperature: °C ± °C

+ Humidity: % ± %

+ Other conditions:

4. Parameters and methods for sampling, field measurement and analysis

a) Field measurement and analysis parameters:

No.	Name of parameter	Environmental component	Name/code of method used	Measurement range

b) Sample collection and preservation:

No.	Name of parameter/Type of sample	Environmental component	Name/code of method used

5. Conditions regarding office and area

- Working office: Yes ☐ No ☐
- Total area: .....m<sup>2</sup>;
  - + Workroom: .....m<sup>2</sup>;
  - + Room for preparation prior to field monitoring: .....m<sup>2</sup>;
  - + Equipment and tool storage room: .....m<sup>2</sup>;
  - + Data processing and storage room: .....m<sup>2</sup>;
  - + Auxiliary area: .....m<sup>2</sup>.

6. Enclosed documents

- Quality handbook
- Methods for field monitoring and analysis/calibration ☐
- Other relevant documents: (*enumeration thereof is required*) ☐

## II. Environmental analysis

1. Number of collected samples (if the unit has been operating)

- Number of collected samples (average of the last 3 years): ... sample/year  
(Listed by each environmental component to be certified)
- Source of sample (check the corresponding box):
  - + Internal ☐ Accounting for %
  - + External customer ☐ Accounting for %

2. Personnel

- List of persons carrying out laboratory analysis:

No.	Full name	Year of birth	Sex	Position:	Qualifications, major	Number of years of seniority

(Certified true copies of degrees, diplomas, certificates and employment contracts or decision on employment).

### 3. Amenities and environment

- Site plan of the laboratory and location of environmental analytical equipment.

- Environmental conditions of the laboratory:

+ Temperature: °C ± °C

+ Humidity: % ± %

### 4. List of equipment (current)

No.	Name of equipment	Main technical specifications	Purposes	Serial number	Brand/manufacturing country	Starting date	Inspection frequency	Calibration frequency	Place of calibration	Duration of calibration

### 5. Parameters and methods for sample handling and analysis

No.	Name of parameter	Type of sample	Name/code of method used	Detection limit/measurement range	Measurement uncertainty

### 6. Conditions regarding premises and area

- Working office: Yes ☐ No ☐

- Total area: ..... m<sup>2</sup>;

+ Working office:..... m<sup>2</sup>;

+ Sample treatment and analysis room: .....m<sup>2</sup>;

+ Equipment and tool storage room:.....m<sup>2</sup>;

+ Sample warehouse: .....m<sup>2</sup>;

+ Chemical warehouse:.....m<sup>2</sup>;

+ Scale room: .....m<sup>2</sup>;

- Auxiliary area:.....m<sup>2</sup>.

(Enclosed with a map and diagram of analytical equipment of the laboratory).

### 7. Enclosed documents

- Quality handbook ☐

- Latest internal laboratory assessment report ☐

- List of documents, test/calibration/assessment methods ☐



- List of procedures and documents in service of quality assurance and control ☐

- List of other relevant documents:

8. Previously certified/recognized laboratory:

Yes ☐ No ☐

(If yes, certified true copies of enclosed certificates are required)

**PREPARED BY**  
*(Signature, full name)*

**LEGAL REPRESENTATIVE OF ...(1)...**  
*(Signature, full name; position and seal)*

**Note:** (1) Name of the applicant.

## APPENDIX XXVII

### TEMPLATE FOR APPLICATION FOR ADJUSTMENT OF CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

...(1)...  
-----

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

No. ...

..., ... (date)

### APPLICATION FOR ADJUSTMENT OF CERTIFICATE OF ELIGIBILITY TO PROVIDE ENVIRONMENTAL MONITORING SERVICES

To: Minister of Natural Resources and Environment

1. Name of the applicant:.....
2. Representative: ..... Position: .....
3. Address: .....
4. Phone number:..... Fax number: .....
- Email: .....
5. Certificate of eligibility to provide environmental monitoring services  
No. .... dated .....
6. Scope and environmental components certified:
  - a) Water (an appendix containing parameters and monitoring and analytical  
methods is attached)
    - Surface water: ☐
    - Groundwater: ☐
    - Rainwater: ☐
    - Seawater: ☐
    - Wastewater: ☐
    - Other:
  - b) Air (an appendix containing parameters and monitoring and analytical  
methods is attached)
    - Ambient air: ☐

- Emission: ☐
- Road motor vehicle emission ☐
- Other:.....

c) Land (an appendix containing parameters and monitoring and analytical methods is attached)

d) Sediment (an appendix containing parameters and monitoring and analytical methods is attached)

dd) Waste (an appendix containing parameters and monitoring and analytical methods is attached)

e) Sludge (an appendix containing parameters and monitoring and analytical methods is attached)

g) Raw materials, fuels, materials, products, goods and equipment containing POPs (an appendix containing parameters and monitoring and analytical methods is attached)

#### 7. Scope and environmental components certified:

a) Water (an appendix containing parameters and monitoring and analytical methods is attached)

- Surface water: ☐
- Groundwater: ☐
- Rainwater: ☐
- Seawater: ☐
- Wastewater: ☐
- Other:.....

b) Air (an appendix containing parameters and monitoring and analytical methods is attached)

- Ambient air: ☐
- Emission: ☐
- Other:.....

c) Land (an appendix containing parameters and monitoring and analytical methods is attached)

d) Sediment (an appendix containing parameters and monitoring and analytical methods is attached)

dd) Waste (an appendix containing parameters and monitoring and analytical methods is attached)

e) Sludge (an appendix containing parameters and monitoring and analytical methods is attached)

g) Raw materials, fuels, materials, products, goods and equipment containing POPs (an appendix containing parameters and monitoring and analytical methods is attached)

8. The issued certificate comes into force from until ...

9. An application for adjustment of certificate of eligibility to provide environmental monitoring services includes:

- .....

... (1)... undertake that information provided herein is truthful and strictly comply with regulations of law on environmental protection and certification regulations.

We undertake to comply with all technical regulations on environmental monitoring procedures and methods prescribed by the Ministry of Natural Resources and Environment; design, execute and maintain a quality assurance and control program within the scope of environmental monitoring activities. We will be held totally responsible to Vietnamese law in case of violating regulations on certification and environmental monitoring.

The Ministry of Natural Resources and Environment is requested to consider issuing the certificate.

**LEGAL REPRESENTATIVE OF ...**(1)**...**

*(Signature, full name; position and seal)*

**Note:** (1) Name of the applicant for adjustment of the certificate.

## APPENDIX XXVIII

### PROJECTS, BUSINESSES, DEDICATED AREAS FOR PRODUCTION, BUSINESS OPERATION AND SERVICE PROVISION AND INDUSTRIAL CLUSTERS DISCHARGING WASTEWATER INTO ENVIRONMENT REQUIRED TO UNDERGO AUTOMATIC AND CONTINUOUS MONITORING

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

No.	Type of project, business, dedicated area for production, business operation, industrial cluster	Main monitoring parameters of automatic and continuous wastewater monitoring system	Discharge rate	
			(4)	(5)
(1)	(2)	(3)	(4)	(5)
1	Dedicated areas for production, business operation, industrial clusters (including projects and businesses therein exempted from connection directly discharging wastewater into environment); centralized wastewater treatment system of economic zone (if any)	Discharge rate (input and output), pH, temperature, TSS, COD or TOC, ammonium.	Discharging wastewater into environment	
2	Projects and businesses involved in a type of production, business or services that is likely to cause environmental pollution specified in Appendix II to this Decree	Discharge rate (input and output), pH, temperature, TSS, COD or TOC, ammonium (except where the type of production, business or service is not required to maintain ammonium control in accordance with environmental technical regulations on wastewater).	500 m <sup>3</sup> /day (24 hours) or more	From 200 to less than 500 m <sup>3</sup> /day (24 hours)
3	Projects and businesses not involved in a type of production, business or services that is likely to cause environmental pollution specified in Appendix II to this Decree	Discharge rate (input and output), pH, temperature, TSS, COD or TOC, ammonium (except where the type of production, business or service is not required to maintain ammonium control in accordance with environmental technical regulations on wastewater).	1,000 m <sup>3</sup> /day (24 hours) or more	From 500 to less than 1,000 m <sup>3</sup> /day (24 hours)

## APPENDIX XXIX

### PROJECTS AND BUSINESSES DISCHARGING DUST AND INDUSTRIAL EMISSIONS INTO ENVIRONMENT AND REQUIRED TO UNDERGO AUTOMATIC AND CONTINUOUS MONITORING AND PERIODIC MONITORING

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

No.	Name of project/business	Works and equipment discharging dust and emission	Monitoring parameters of system and equipment for automatic and continuous monitoring of dust and emissions	Discharge rate or capacity of works and equipment for dust and emission treatment	
(1)	(2)	(3)	(4)	(5)	(6)
<b>I</b>	<b>Projects and businesses involved in a type of production, business or service that is likely to cause environmental pollution discharging dust and industrial emissions at high rates into environment and required to undergo automatic and continuous monitoring and periodic monitoring</b>				
1	Production of cast iron and steel, metallurgy (except workpiece material rolling, drawing, casting)	Electric arc furnace (EAF), medium frequency induction furnaces, ladle furnace (LF)	Discharge rate, pressure, temperature, O <sub>2</sub> , Dust, NO <sub>x</sub> , SO <sub>2</sub> , CO	100,000 m <sup>3</sup> /hour or more (for total discharge rate of works and equipment of the same type)	50,000 to less than 100,000 m <sup>3</sup> /hour (for total discharge rate of works and equipment of the same type)
		Sintering machine	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub>		
		Basic oxygen furnace (BOF)	Discharge rate, pressure, temperature, dust, SO <sub>2</sub> , NO <sub>x</sub> , CO		

		Casting equipment	Discharge rate, pressure, temperature, dust		
		Other melting and heating furnaces fired by FO or coal	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub> , CO		
2	Production of basic inorganic chemicals (except industrial gases), inorganic fertilizers (except blending, division and packaging), agrochemicals (except for blending and division)	Catalyst regeneration equipment	Discharge rate, pressure, temperature, dust	100,000 m <sup>3</sup> /hour or more (for total discharge rate of works and equipment of the same type)	50,000 to less than 100,000 m <sup>3</sup> /hour (for total discharge rate of works and equipment of the same type)
		Equipment for SO <sub>2</sub> removal and sulphur recovery	Discharge rate, pressure, temperature, SO <sub>2</sub>		
		CO combustion equipment (oil cracking)	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub> , CO		
		Sulfuric acid production equipment	Discharge rate, pressure, temperature, SO <sub>2</sub>		
		Phosphoric acid production equipment	Discharge rate, pressure, temperature, HF		
		Fluorine compound production equipment	Discharge rate, pressure, temperature, HF		

		Hydrochloric acid production equipment	Discharge rate, pressure, temperature, HCl		
		Burning, heating and smelting equipment using FO and coal	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub> , CO		
		Nitrogen fertilizer production equipment	Discharge rate, pressure, temperature, dust, NH <sub>3</sub>		
		Mixed fertilizer production equipment (except for blending)	Discharge rate, pressure, temperature, dust, NH <sub>3</sub>		
		Production and recovery of nitric acid	Discharge rate, pressure, temperature, NO <sub>x</sub>		
3	Oil refinery and petrochemical	Heating equipment	Discharge rate, pressure, temperature, O <sub>2</sub> , NO <sub>x</sub> and SO <sub>2</sub> when using oil	100,000 m <sup>3</sup> /hour or more (for total discharge rate of works and equipment of the same type)	50,000 to less than 100,000 m <sup>3</sup> /hour (for total discharge rate of works and equipment of the same type)
		Tail gas treatment equipment	Discharge rate, pressure, temperature, O <sub>2</sub> , SO <sub>2</sub>		
		CO burning equipment (catalyst regeneration)	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub> , CO		



4	Recycling and treatment of domestic solid waste, normal industrial solid waste, hazardous waste; use of imported scrap as raw materials for production	Hazardous waste incinerator; biomedical waste incinerator	Discharge rate, pressure, temperature (primary and secondary incinerators and stack), O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub> , HCl, CO	Total capacity of 2,000 kg/hour or more	Total capacity of 500 kg/hour to less than 2,000 kg/hour
		Domestic solid waste incinerator, normal industrial solid waste incinerator	Discharge rate, pressure, temperature (primary and secondary incinerator and stack), O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub> , HCl, CO	Total capacity of 5,000 kg/hour or more	Total capacity of 3,000 kg/hour to less than 5,000 kg/hour
		Concrete furnace for waste co-incineration (with cement)	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, NO <sub>x</sub> , HCl	100,000 m <sup>3</sup> /hour or more (for total discharge rate of works and equipment of the same type)	50,000 to less than 100,000 m <sup>3</sup> /hour (for total discharge rate of works and equipment of the same type)
		Boiler and heating furnace fired by FO or coal	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NO <sub>x</sub> , CO		
		Plastic granulator	Discharge rate, pressure, temperature, benzene, xylene, Ethylene oxide and Propylene oxide (in plastic scrap)		

		Burning, heating and smelting equipment	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NOx, CO		
		Lead recycling furnace and equipment	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NOx, HCl, CO	Total capacity of 1,000 kg/hour or more	Total capacity of 500 kg/hour to less than 1,000 kg/hour
5	Coke production; coal gas production	Coking equipment (with technology for by-product recovery)	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NOx	100,000 m <sup>3</sup> /hour or more (for total discharge rate of works and equipment of the same type)	50,000 to less than 100,000 m <sup>3</sup> /hour (for total discharge rate of works and equipment of the same type)
		Coking equipment (with technology that does not recover by-products)	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NOx, CO		
		Coke dry quenching (CDQ)	Discharge rate, pressure, temperature, dust		
		Coal gasification equipment	Discharge rate, pressure, temperature, O <sub>2</sub> , SO <sub>2</sub> , NOx, CO		
6	Thermal power	Combustion equipment (except for thermal power plants that completely use gas and DO)	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NOx, CO	Total generation capacity of 50 MW or more	Total generation capacity of less than 50 MW

7	Cement production	Furnace	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, NOx, CO	100,000 m <sup>3</sup> /hour or more (for total discharge rate of works and equipment of the same type)	50,000 to less than 100,000 m <sup>3</sup> /hour (for total discharge rate of works and equipment of the same type)
		Clinker cooler, coal crushing and cement grinding equipment	Discharge rate, pressure, temperature, dust		
8	Other projects and businesses specified in Appendix II to this Decree	Burning, heating and smelting equipment, boiler and thermal oil boiler using FO and coal	Discharge rate, pressure, temperature, O <sub>2</sub> , dust, SO <sub>2</sub> , NOx, CO	100,000 m <sup>3</sup> /hour or more (for total discharge rate of works and equipment of the same type)	50,000 to less than 100,000 m <sup>3</sup> /hour (for total discharge rate of works and equipment of the same type)
II	<b>Projects and businesses not involved in a type of production, business or service that is likely to cause environmental pollution discharging dust and industrial emission at high rates into environment and only required to undergo periodic monitoring</b>				
9	Projects and businesses not specified in Appendix II to this Decree	Burning, heating and smelting equipment and furnaces; boiler and thermal oil boiler using FO and coal and stacks, dust and industrial emission exhaust pipes	Discharge rate, pressure, temperature and specific pollution parameters specified in environmental license.		50,000 m <sup>3</sup> /hour or more (for total discharge rate of dust and industrial emission discharge works and equipment of the same type)

## APPENDIX XXX

### LIST OF ENVIRONMENTAL PROTECTION ACTIVITIES ELIGIBLE FOR INCENTIVES AND ASSISTANCE

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

1. Investment projects involved in business lines that cover collection, treatment, recycling or reuse of waste, including:

- a) Treatment and disposal of solid waste (garbage);
- b) Collection of solid waste (garbage);
- c) Collection and treatment of wastewater;
- d) Recycling or reuse of waste.

2. Enterprises producing and providing technologies, equipment, products and services for the purpose of satisfying environmental protection requirements, including:

a) Provision of waste-to-energy technology and energy-saving technology assessed or appraised or commented in accordance with regulations of law on technology transfer;

b) Provision of domestic wastewater treatment services; co-incineration of domestic solid waste; ambient environment monitoring services;

c) Production of clean energy; renewable energy; environmental monitoring equipment;

d) Production and provision of equipment for in situ domestic wastewater treatment to household-scale business and manufacturing establishments; eco-friendly products and services awarded Vietnam Ecolabel by the Ministry of Natural Resources and Environment;

dd) Products produced from recycling and treatment of waste in accordance with regulations of law on quality of products and goods;

e) Production of public transport vehicles, except for oil-powered public transport vehicles; production of renewable energy, fuel-efficient, low emission or zero emission vehicles; public transport services using electrical energy, clean fuels and renewable fuels.

3. Environmental protection activities other than business activities, including:

a) Renovating technology, renovating and upgrading waste treatment works for the purposes of implementing the roadmaps promulgated by competent

authorities in accordance with regulations of law on environmental protection; applying the best available techniques before deadline in case of mandatory application or voluntary application where the application is not required as prescribed in this Decree; completing the installation of systems for automatic and continuous monitoring of wastewater, dust and industrial emissions before deadline in case of mandatory installation or voluntary installation where the installation is not required as prescribed in this Decree;

b) Relocating households from dedicated areas for production, business operation and industrial clusters;

c) Relocating operating businesses to maintain environmental safety distance or implement the roadmaps promulgated by competent authorities in accordance with regulations of law on environmental protection;

d) Investing in and developing natural capital that has the ability to regenerate itself and provide ecosystem services; protecting natural heritage sites;

dd) Researching and developing systems for collection and treatment of plastic waste floating at sea and in the ocean;

e) Carrying out environmental remediation and improvement in domestic solid waste landfills.

## **APPENDIX XXXI**

### **LIST OF CATEGORIES OF ENVIRONMENTAL TECHNOLOGIES, EQUIPMENT AND PRODUCTS**

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)*

1. Equipment and products for emission treatment.
2. Equipment and products for wastewater treatment and wastewater reuse.
3. Equipment for classifying, collecting, transporting, recycling and treating domestic solid waste, normal industrial solid waste, hazardous waste and other equipment for recycling of other waste and scrap.
4. Equipment for disassembly of expired road vehicles and watercraft.
5. Equipment and parts for waste treatment systems, transfer stations and other environmental protection works.
6. Environmental measuring and monitoring equipment.
7. Equipment and products serving waste-to-energy.
8. Chemicals, biological preparations, materials and supplies serving waste treatment and environmental protection.
9. Equipment and products serving biodiversity conservation.
10. Equipment and products serving environmental emergency response.
11. Other equipment and products serving compliance with environmental protection requirements.
12. Technologies for producing equipment and products specified in this Appendix.

## APPENDIX XXXII

### APPLICATION FORM FOR CERTIFICATION OF VIETNAM ECOLABEL (Enclosed with the Government's Decree No. 08/2022/ND-CP dated January 10, 2022)

...(1)...  
-----

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

No. ....

Place name, date ....

Respectfully to: The Minister of Natural Resources and Environment

Name of the applicant:.....

Representative: ..... Position: .....

Address of manufacturing establishment: .....

Phone number: ..... Fax: .....

E-mail:.....

- Hereby applies for certification of Vietnam Ecolabel for the product/  
service: .....

- The application consists of:

*(Specify the documents in the application according to the list of documents  
mentioned in Article ... of this Decree).*

(1)... undertakes to strictly comply with regulations of law on environmental  
protection and other relevant regulations of law.

The Ministry of Natural Resources and Environment is requested to  
consider and certify ...(2)... satisfactory to Vietnam Ecolabel criteria.

*(Attached documents (apart from those on the list mentioned in Article ...  
of this Decree, if any)).*

...(2)....

*(Signature, full name; position and seal (if any))*

**Note:** (1) (Name of the applicant for certification of Vietnam Ecolabel; (2) Name  
of the product/service to be certified.

## APPENDIX XXXIII

### TEMPLATE FOR REPORT ON PRODUCT/SERVICE SATISFYING VIETNAM ECOLABEL CRITERIA

*(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)*

...(1)...

-----

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

-----

No. ....

Place name, date ....

Respectfully to: The Minister of Natural Resources and Environment

Pursuant to the Government's Decree No. .../ND-CP dated.... on  
elaboration of some Articles of the Law on Environmental Protection;

According to Vietnam Ecolabel criteria applicable to the product/service...  
(2)...

(1)... kindly requests the Ministry of Natural Resources and Environment  
to consider and assess the satisfaction of product/service ...(2)... of ...(1)...  
satisfying Vietnam Ecolabel criteria. To be specific:

#### **A. GENERAL INFORMATION ABOUT ENTERPRISE AND ITS CURRENT PRODUCTION AND BUSINESS OPERATIONS**

1. Name of organization/individual:

Address:

Legal representative:

Phone number ..... Fax: ..... Email: .....

Website of organization/individual (if any): .....

Contact person: .....

2. Business registration certificate No. ... dated ... issued by ... (enclosed  
with its certified true copy and list of registered business lines)

3. Product/service satisfying Vietnam Ecolabel criteria:

Name of product/service: .....

Identification label: .....

Average production (in case of registration of eco-friendly products) ...  
tonne/year (Enclosed with the business report of the most recent year).



4. Current number of employees:

- Number of full-time officials:
- Number of employees working a seasonal basis (total number of months/person in the entire year):

5. Description of product/service characteristics:

5.1. Description of technical characteristics and production process (in case of a product):

a) Type and quotas on raw materials and main fuels for production (enumerate each type of raw material, fuel and chemical to be used with specific instructions on trade name and chemical formula (if any)).

b) Production process:

- Enumerate types of operating machinery and equipment with specific instructions on their name, place of manufacture, year of manufacture, status of equipment (new or old, if old, specify the remaining percentage).
- Provide a brief description of production/operating process with a flowchart.

5.2. Description of the service

- Purposes of the service.
- Use of raw materials and equipment, energy consumption for the purpose of providing the service (characteristics, consumption quotas, methods for handling upon discarding).
- Service provision process.

5.3. Description of the recall and recycling plan (for the product to be certified which is plastic bag with a thickness of >30 micrometer)

- Plan for recall of the product after its discarding: Plan or measure to reduce the quantity, methods for collection and treatment of waste generated after using the product; expected quantity of discarded products recalled/unit of time.
- Recycling process, weight recycled; technology line, input raw materials and technical characteristics of the recycled product.

In case of coordinating facilities cooperating in product recall or recycling, attach the written agreement/principle contract and fully specify information about the cooperating facility (general information about the facility, legal procedures, capacity of the facility and expected weight of the recalled or recycled product, etc.)

- Measures for environmental protection during recall and recycling and production of eco-friendly plastic bags.

- Plan for mobilization of resources for recall and recycling for production of eco-friendly plastic bags: human resources, equipment and estimated funding for implementation, etc.

## **B. RESULT OF ASSESSMENT OF IMPLEMENTATION OF LAW IN**

### **1. Environmental procedures:**

- Documents and environmental procedures completed: EIAR, commitment to environmental protection, environmental protection plan, detailed/simple environmental protection scheme...

(Enclosed with copies of approval decision and certificates of abovementioned documents and procedures)

### **2. Methods and level of imposition of penalties for administrative violations against regulations on environment (if any)**

### **3. Environmental protection works and measures:**

Organization of implementation of environmental protection measures and management and treatment of each type of waste generated (wastewater, emissions, solid waste, hazardous solid waste) during manufacturing process (for the product) or operation process (for the service):

- Source of waste (wastewater, emissions, solid waste, hazardous solid waste) and weight of waste generated;

- Works and measures for treatment/management of waste generated (provide a detailed description and explanation for waste treatment diagram, relevant technical documentation);

- Management of hazardous waste: hazardous waste generator registration book issued by ... on... (date); hazardous waste generator code; latest periodic hazardous waste management report.

(Enclosed with copies of such related documents as the contract with a licensed unit, hazardous waste management practicing certificate, hazardous waste manifest).

- Frequency of periodic environmental monitoring.

(Enclosed with the latest periodic environmental monitoring report and copies of related documents).

## **C. RESULT OF SELF-ASSESSMENT OF PRODUCT SATISFYING VIETNAM ECOLABEL CRITERIA**

### **1. Result of self-assessment of product/service satisfying Vietnam Ecolabel criteria**

No.	Criterion	Result of self-assessment of degree of criterion satisfaction	Testing result	Note
1	Criterion 1		Brief description of testing result (if any)	
2	Criterion 2		Brief description of testing result (if any)	
...	Criterion n		Brief description of testing result (if any)	

## 2. Other information (if any)

- Use of natural resources, eco-friendly raw materials, fuels and energy:

Plan or program applied or being applied, self-assessment of economic efficiency achieved.

- Works, measures and plan for environmental emergency prevention and response and fire prevention:

Description of measures to prevent risks of emergency, fire or explosion according to the approved scenarios or plan, determination of improvements, advantages and disadvantages in relation to fire prevention at the enterprise (specifying the schedule for implementation thereof; expected funding; responsibility for implementation thereof).

...(1)... hereby kindly requests the Ministry of Natural Resources and Environment to certify Vietnam Ecolabel for the product/service ...(2)...

...(1)...

*(Signature, full name; position and seal (if any))*

**Note:** (1) Name of the applicant; (2) Name of the product/service to be certified.

## APPENDIX XXXIV

DECISION ON CERTIFICATION OF VIETNAM ECOLABEL  
(Enclosed with the Government's Decree No. 08/2022/ND-CP dated January  
10, 2022)

MINISTRY OF NATURAL  
RESOURCES AND  
ENVIRONMENT  
-----

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

No. .../QD-...

(place name), date ...

### DECISION

**Certification of Vietnam ecolabel for eco-friendly products/services**  
**THE MINISTER OF NATURAL RESOURCES AND ENVIRONMENT**

*Pursuant to the Law on Environmental Protection dated November 17, 2020;*

*Pursuant to the Government's Decree No. .../ND-CP dated.... defining functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment; Pursuant to the Government's Decree No. .../ND-CP dated.... elaboration of some Articles of the Law on Environmental Protection;*

*Pursuant to the Decision No. .../QD-BTNMT dated ..... of the Minister of Natural Resources and Environment on promulgation of Vietnam Ecolabel criteria;*

*At the request of ...(1)... in the Official Dispatch/Document No. ... dated ... on applying for certification of Vietnam ecolabel for eco-friendly products/services;*

*At the request of .....*

### HEREBY DECIDES:

**Article 1.** (Name of the product/service) ... of ...(1)... is certified satisfactory to Vietnam Ecolabel criteria.

Legal representative: .....

Enterprise registration certificate/Business registration certificate .....

Address of head office and manufacturing establishment: .....

Certification code: VN-ECO-year of issue-ordinal number



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**Article 2.** ...(1)... is required to maintain satisfaction of Vietnam Ecolabel criteria applicable to ... (2)... as registered and certified in accordance with the Decree ... and prevailing regulations of law; prepare and submit an annual report to the Ministry of Natural Resources and Environment for instructions and inspection.

**Article 3.** This Decision is valid 03 years from the day on which it is signed.

The Chief of the Ministry Office, heads of relevant units and ...(1)... are responsible for the implementation of this Decision.

### **SIGNATORY’S POWER AND POSITION**

*(Signature of competent person, seal/digital  
signature of authority/organization)*

### **Full name**

**Note:** (1) (Name of the applicant for certification of Vietnam Ecolabel; (2) Name of the Vietnam Ecolabel certified product/service.

### ***Vietnam Ecolabel logo***



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## REDUCING POLLUTION PROJECT

*The USAID-funded Reducing Pollution Project is one of the joint efforts between Winrock International and the Vietnam Environment Administration (VEA) to address environmental pollution challenges in Vietnam through a collective impact approach.*

*The Project aims to deliver tangible and measurable pollution reduction impacts through the implementation of collective impact initiatives. As a result, each initiative will be led by a local “Backbone Organization” and establish network of stakeholders from communities, local government and private sector to identify and implement solutions for pollution challenges.*

## COLLECTIVE IMPACT APPROACH

*Collective impact approach mobilizes stakeholders including local organizations, government, private sector, research and training organizations to collaborate and agree on how to solve a complex problem. From there, actions are taken based on the roles and strengths of each stakeholder. According to this approach, for the successful implementation of environmental pollution reduction initiatives, the following five factors need to be ensured:*

- ★ *Be coordinated by a local backbone organization*
- ★ *Develop a common agenda*
- ★ *Have mutually reinforcing activities*
- ★ *Use a shared measurement*
- ★ *Maintain continuous communication*

*Acting together, reducing pollution!*



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