

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

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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 emissions 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 domestic water safeguard zones and surface 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 domestic water safeguard zones, surface 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 domestic water safeguard zones, surface 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 promulgating 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 promulgating 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 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, pesticide 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), pesticides (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 pesticides.
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 sources used for domestic water supply 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) Protection corridors of surface water sources used for domestic water supply 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 sources used for domestic water supply 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 investment in 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; the project requests

repurposing of 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 and resettlement 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 that contain the projects; regulatory bodies managing hydraulic structures with respect to projects discharging wastewater to hydraulic structure or appropriating hydraulic structures; 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 m³ 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 m³ of wastewater per day (24 hours) or at least 200,000 m³ 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 m³ or more; projects that discharge at least 10,000 m³ 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 m³ 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 emissions; 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; standards and technical regulations applied.

For a project on investment in centralized solid waste treatment and hazardous waste treatment, specify the works, equipment and vehicles for collecting and treating waste.

For an investment project that uses scrap imported abroad 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 EIA 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 scheme, biodiversity offsets scheme (if any);

dd) Proposal for change(s) to the decision on approval of EIA 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 items and waste treatment works, enclosed with an estimate of costs of construction of environmental protection works 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 those applicable 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 abroad 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 items 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 those applicable 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 are 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 projects, 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. Other 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 other 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 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 investment project owner or business owner 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 m³ 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 m³ of wastewater (except for equipment cooling water, aquaculture water) per day (24 hours) or at least 200,000 m³ 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 abroad 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 abroad 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 undergo 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 undergo 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. Replacement, adjustment, re-issuance and revocation of environmental licenses

1. Replace the environmental license as prescribed in clause 1 Article 44 of the LEP within 10 days from the receipt of application form for replacement of the investment project owner or business owner enclosed with the legal documentation relating to changes. The licensing authority shall issue a replaced environmental license which will have the same expiration date as that of the old license to the investment project owner or business owner.

The replacement of environmental license shall be applied for 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 attracting investment 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 replaced, 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 applying for issuance of 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, the 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 unconfirmable license will be revoked when another license is issued to the investment project or business.

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 those applicable 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 those applicable 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 those applicable 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 those applicable 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 replacement 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 replacement, 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 emission 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 issued component environmental license or issued environmental license.

2. The investment project owner that is not subject to EIA but is required to obtain an environmental license and has 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 that is subject to EIA and required to obtain an environmental license and has 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, the plan shall be also sent 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 owner 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 the effectiveness of the waste treatment work can be 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 undergo inspection and supervision during 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 CCTV 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 and 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 each waste treatment work;

d) Keep a logbook which fully documents information about trial operation of each 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 or equipment;

dd) Carry out evaluation themselves or hire a fully capable organization to carry out evaluation of waste treatment works of the project; 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 authorities 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 m³ of wastewater per day or less than 50 m³ of emissions per hour which are 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 accrues an interest from the date of payment at a rate equal to the borrowing interest rate of the environment protection fund to which it is paid.

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 POP, 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 raw shall send a notification to MONRE according to the from 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) Abate 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 abatement 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 abatement 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 abating asbestos. The asbestos abatement area on the shore must be located in a separate area with the same process;

c) After being abated, 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 abroad as raw materials for production

Organizations and individuals are only permitted to import scrap from abroad 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 for the 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 abroad as raw materials for production

1. Purposes and methods for payment of environmental protection deposit during import of scrap from abroad 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 abroad 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 abroad 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 abroad 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 abroad 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 abroad 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 abroad 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 abroad 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. A 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. A 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 businesses' wastewater discharging points and ensure the wastewater drainage capacity of the dedicated 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 businesses;
- 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 m² 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. A 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 provided 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 EIA approval, environmental license, environmental registration certificate and regulations on environmental protection of dedicated areas for production, business operation and service provision and industrial clusters.

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 permitted for investment attraction 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 EIA appraisal result has 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 business has been exempted from connection as prescribed;

b) The operating businesses which have connected treated wastewater to the wastewater drainage system and the businesses 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 businesses exempted from connection as prescribed in point b clause 2 Article 52 of the LEP.

c) The operating businesses 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 in fulfilling 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 businesses 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 businesses 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 family farms 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 livestock farms as organic 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) 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. The 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 water sources used for domestic water supply;

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 businesses 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 water sources used for domestic water supply; 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 set specific prices of domestic solid waste treatment, transport and collection services specified in clause 3 of this Article; determine 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 a 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 personnel, 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 units 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 pesticide 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) provide detailed guidance on collection of pesticide 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 services 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 vehicle 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 to 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 EIA 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 inspection and actions as prescribed by law. If hazardous medical waste is transferred for management according to the cluster model, the transfer record shall be used 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. Businesses 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 applicable to wastewater transfer activities:

a) The wastewater transferred for reuse shall be only transferred to a manufacturing 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 caused by the transported 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 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, 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) 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) 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) 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.

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 carries 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 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 or 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 registered information in their recycling plan and recycling result report.

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 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 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 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 Fs on each type of product and packaging and adjust Fs every 03 years.

3. Financial contribution by the producer/importer to 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 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 every year, the producer/importer shall pay financial contributions on a lump-sum basis to 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 product and packaging recycling activities

1. Financial contributions made to VEPF as prescribed in Article 81 of this Decree shall be used to support the classification, collection, transport, recycling and treatment of the products and packaging specified in Column 3 in the Appendix XXII hereof and cover administrative costs in support of the fulfillment of recycling responsibility by producers and importers.

The bank deposit interests of financial contributions made to 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 Council;

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) VEPF shall provide financial support to agencies and organizations under the signed contract specified in point d of this Clause.

4. The financial contributions to VEPF for supporting recycling must be received and used in a public and transparent manner and for their intended purposes. VEPF shall report to MONRE and National EPR Council 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 Council shall approve and submit to Minister of Natural Resources and Environment the Regulation on management and use of financial contributions to 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 VEPF to support 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 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 rate 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 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 rates 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 VEPF to support waste treatment

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 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 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.

VEPF shall report to MONRE and National EPR Council 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 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 Council shall approve and submit to Minister of Natural Resources and Environment the Regulation on management and use of financial contributions to 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 importers 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 comply with law.

2. The National EPR web portal shall be opened and privileges shall be granted according to the type of account and registering, declaring and reporting entities.

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 is tasked with advising and assisting 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 treatment service providers and representatives of social and environmental organizations concerned.

The National EPR has its assisting office located at MONRE and operates 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 BOD₅, 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, NH₄⁺, NO₃⁻, 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, NH₄, PO₄³⁻;

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 SO₂, NO₂, 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: CO₂, O₂, 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 pollution ranges from 200 m³/day (24 hours) to less than 500 m³/day (24 hours); the high wastewater discharge rate is 500 m³/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 pollution ranges from 500 m³/day (24 hours) to less than 1,000 m³/day (24 hours); the extremely high wastewater discharge rate is 1,000 m³/24 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 cleaning of tanks separated from wastewater treatment systems, facilities which discharge cooling water not containing chlorine or disinfectants to kill microorganisms 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 agrochemicals, total organophosphorus agrochemicals, 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 CCTV cameras 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 m³/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 upgradation 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 industrial dust emission and industrial 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 industrial dusts and emissions specified in the environmental license and prescribed as follows:

- a) The high industrial dust emission and industrial 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 industrial dust emission and industrial 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 industrial dust emission and industrial 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 industrial dusts and 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 industrial dusts and emissions:

a) Periodic industrial dust and emission monitoring parameters and frequency are specified in the environmental license. Industrial dust and 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: industrial dusts and 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: industrial dusts and 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), industrial dusts and 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, industrial dusts and 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), industrial dusts and 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, industrial dusts and 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 industrial dusts and emissions:

a) The date on which the installation of an automatic and continuous industrial dust and emission monitoring system (fitted with cameras) 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 industrial dusts and 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 industrial dust and emission before conducting trial operation of a waste treatment work.

The projects and businesses that discharge industrial dusts 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 which have installed an automatic and continuous dust and emission monitoring system as prescribed shall be exempted from periodic industrial dust and emission monitoring as prescribed in clause 4 of this Article until December 31, 2024; after that, they shall be only exempted from periodic industrial dust and 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 industrial dusts and 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 industrial dust and emission monitoring as prescribed in clause 4 of this Article.

The projects and businesses that voluntarily install an automatic and continuous industrial dust and 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 industrial dusts and 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 industrial dusts and 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 industrial dusts and 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 industrial dust and 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 industrial dust and emission discharge;

c) Where the projects and businesses have carried out automatic and continuous monitoring of industrial dusts and 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 their industrial dust and emission samples meeting environmental technical regulations) shows that no act of violation against regulations on industrial dust and 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 cases classified as 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 industrial dusts and 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 upgradation 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 investment project owner or business owner 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 businesses 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, organisms 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, industrial dust and 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 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 filed 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:

$T = TN + T\text{Đ} + THST + TLBV$, 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^3);

CN is the rated amount for treating 01 m^3 of water in accordance technical regulations;

c) The damage caused by pollution to soil shall be calculated according to the following formula:

$T\text{Đ} = S \times C\text{Đ}$, where:

TĐ is the damage caused by pollution or degradation to soil;

S is the volume or weight of polluted soil (m^3 or kg);

CĐ is the rated amount for treating 01 m^3 or 01 kg of soil in accordance 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 m²);

CSHT 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 x CLB, where:

TLBV is the damage to the animals and plants;

N is the number of individuals of animals and plants;

CLB 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 VEPP) 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 pollution 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 VEFP 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 VEFP. 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. Replacement 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 replace 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 upgradation 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 levels; preparing national and industry-level GHG inventory reports; formulating national and industry-level GHG mitigation plans; preparing 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 as 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 pesticide 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 upgradation 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 upgradation 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 VEPP

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 VEPP shall be decided by the Prime Minister.

b) Development investment fund;

c) Other capital under VEPP'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; VEPP'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 VEPP.

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; VEPP'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;

l) The State Bank of Vietnam shall 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 pollution 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 an 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 and 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/QD-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 water source 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 water source 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 hydraulic structure 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. For any group I investment project specified in the Appendix III hereof which has its EIAR approved by the competent authority before the effective date of this Decree with the result showing that the report was passed without any correction or addition or has its EIAR 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 water source 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 m³ 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 m³ 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 water source 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 licenses 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 investment project owner or business owner shall comply with the following regulations:

a) For the investment project that is going through construction process and satisfies the environmental criteria equivalent to those applicable 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, upgradation or addition of environmental protection works or environmental protection 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 and satisfies the environmental criteria equivalent to those applicable 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, upgradation or addition of environmental

protection works or environmental protection 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 those applicable 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, upgradation or addition of environmental protection works or environmental protection 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 those applicable 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 for 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 those applicable 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 investment project owner or business owner shall prepare an application for issuance of the environmental license for the investment project that involves review, renovation, upgradation or addition of environmental protection works or environmental protection 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 those applicable to a subject required to carry out environmental registration, the investment project owner or business owner 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 abroad 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

ATTACHED FILE



Appendix