

THE PRESIDENT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 17/2020/L-CTN

Hanoi, November 30, 2020

ORDER

On the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 88 and 91 of the Constitution of the Socialist Republic of Vietnam;

Pursuant to Article 80 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Law on Environmental Protection,

which was passed on November 17, 2020, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 10th session.

President of the Socialist Republic of Vietnam
NGUYEN PHU TRONG

LAW

On Environmental Protection¹

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

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

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

Article 2. Subjects of application

This Law applies to agencies, organizations, resident communities, households and individuals in the territory of the Socialist Republic of Vietnam, including its mainland, islands, maritime zones, underground areas and air space.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Environment* consists of closely interrelated natural and man-made physical elements that surround human beings and have effects on the life, economy, society, existence and development of human beings, living organisms and the nature.

2. *Environmental protection activities* means activities of preventing and restricting adverse impacts on the environment; responding to environmental incidents; remediating environmental pollution and degradation, improving

¹ *Công Báo Nos 1185-1186 (25/12/2020)*

environmental quality; rationally using natural resources and biodiversity, and responding to climate change.

3. *Environment components* means physical elements that make up the environment, including soil, water, air, living organisms, sound, light, and other physical forms.

4. *National environmental protection* master plan means the organization and orientation for zoning of spaces for environmental quality management, nature and biodiversity conservation, waste management, and environmental monitoring and warning in territories identified for environmental protection for the purpose of sustainable national development in a given period.

5. *Strategic environmental assessment* means a process of identifying and forecasting trends of major environmental issues to serve as grounds for integrating and incorporating environmental protection solutions in relevant policies, strategies and master plans.

6. *Preliminary environmental impact assessment* means the consideration and identification of major environmental issues of investment projects at the stage of prefeasibility study or the stage of proposal on implementation of investment projects.

7. *Environmental impact assessment* means a process of analyzing, assessing, identifying and forecasting environmental impacts of investment projects and putting forward measures to minimize adverse impacts on the environment.

8. *Environmental license* means a document granted by a competent state management agency to an organization or individual engaged in production, business or service activities allowing it/him/her to discharge wastes into the environment, manage wastes or import scraps for use as production materials while having to meet certain environmental protection requirements and conditions specified by law.

9. *Environmental registration* means registration by owners of investment projects or production, business or service establishments (below referred to as investment projects or establishments) with state management agencies of contents related to waste discharge and environmental protection measures of their investment projects or establishments.

10. *Environmental technical regulations* means regulations on compulsory application of allowable limits of parameters of environmental quality, content of pollutants in raw materials, fuels, materials, equipment, products, goods and

wastes, and technical and management requirements set out by competent state agencies in accordance with the law on standards and technical regulations.

11. *Environmental standards* means regulations on voluntary application of allowable limits of parameters of environmental quality, content of pollutants in wastes, and technical and management requirements announced by competent state agencies or organizations in accordance with the law on standards and technical regulations.

12. *Environmental pollution* means a state that physical, chemical and biological properties of environmental components have been changed to the extent making them unconformable with environmental technical regulations or environmental standards and adversely affecting human health, living organisms and the nature.

13. *Environmental degradation* means qualitative and quantitative deterioration of environmental components, adversely affecting human health, living organisms and the nature.

14. *Environmental incident* means an incident occurring in the process of human activities or due to an abnormal change of the nature that causes severe environmental pollution or degradation.

15. *Pollutants* means chemical substances or physical and biological factors that cause environmental pollution when they are present in the environment in excess of allowable limits.

16. *Persistent pollutants* means highly toxic, persistent and bioaccumulative pollutants that can spread in the environment and cause adverse impacts on the environment and human health.

17. *Persistent organic pollutants* means persistent pollutants referred to in the Stockholm Convention on Persistent Organic Pollutants (below referred to as the Stockholm Convention).

18. *Wastes* means physical substances in solid, liquid, gaseous or whatever form discharged from production, business, service, daily-life or other activities.

19. *Solid wastes* means wastes in solid form or faecal sludge.

20. *Hazardous wastes* means wastes containing toxic, radioactive, contagious, flammable, explosive, abrasive, poisonous or otherwise harmful elements.

21. *Waste co-treatment* means utilization of an existing production process to recycle or treat, or recover energy from, wastes, in which wastes are used as alternative raw materials, materials or fuels or treated.

22. *Pollution control* means a process of preventing, detecting, stopping and treating pollution.

23. *Load capacity of the environment* means the allowable limit of the environment to bear factors that affect its self-restoration.

24. *Technical infrastructure for environmental protection* includes systems for collection, storage, transportation and treatment of wastes and environmental monitoring and other environmental protection facilities.

25. *Environmental monitoring* means a process of continuous, regular or irregular, and systematic monitoring of environmental components, factors that exert impacts on the environment, and wastes in order to provide information for the assessment of the status of, changes in quality of, and adverse impacts on, the environment.

26. *Trial operation of waste treatment facilities* means operation of waste treatment facilities by owners of investment projects, concentrated production, business or service establishments or zones, or industrial clusters in order to check and assess their efficiency and conformity with environmental protection requirements.

27. *Scraps* means materials recovered, sorted or selected from materials and products discarded during the process of production, business, service provision or consumption for use as materials for another production process.

28. *Resident community* means a community of people living in the same village, hamlet or street quarter or similar residential area in the territory of the Socialist Republic of Vietnam.

29. *Greenhouse gas* means assorted gases in the atmosphere that cause the greenhouse effect.

30. *Greenhouse effect* means a phenomenon in which solar radiation energy is absorbed in the atmosphere and turned into heat that causes the global warming.

31. *Reduction of greenhouse gas emissions* means activities aiming to reduce the level or intensity of greenhouse gas emissions and increase greenhouse gas absorption.

32. *Response to climate change* means human activities aiming to adapt to climate change and reduce greenhouse gas emissions.

33. *Greenhouse gas emission limit* means a greenhouse gas volume calculated in ton of carbon dioxide (CO₂) or ton of CO₂ equivalent which a country or an organization or individual is allowed to emit during a given period.

34. *Ozone layer* means a region of the Earth's stratosphere that protects the Earth from the Sun's harmful ultraviolet radiation.

35. *Carbon credit* means any tradable certificate showing the right to emit one ton of CO₂ or one ton of CO₂ equivalent.

36. *State-of-the-art technique* means the best technical solution selected to suit practical conditions, ensure effectiveness of pollution prevention and control, and minimize adverse impacts on the environment.

37. *Concentrated production, business or service zones* include industrial parks, export processing zones, hi-tech parks and economic zones' functional areas for industrial production.

38. Investment project owner means a project owner or investor as defined by the laws on investment, public investment, investment in the form of public-private partnership, and construction.

Article 4. Environmental protection principles

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

2. Environmental protection constitutes a condition, foundation, and pivotal and prerequisite factor for sustainable socio-economic development. Environmental protection activities shall be combined with economic development and natural resource management and considered and assessed in the course of performance of development activities.

3. Environmental protection shall be harmoniously combined with social security, guarantee of the rights of the child, gender equality, and guarantee of the right to live in a clean environment for all.

4. Environmental protection activities shall be carried out in a constant, public and transparent manner; priority shall be given to forecasting and prevention of environmental pollution, incidents and degradation, management of environmental risks, reduction of waste generation, and intensification of waste reuse and recycling for utilizing wastes as a type of natural resource.

5. Environmental protection must accord with natural, cultural and historical rules and characteristics as well as market mechanism, and suit the socio-economic development level; and promote development of ethnic minority-inhabited and mountainous regions.

6. Agencies, organizations, resident communities, households and individuals that benefit from the environment are obliged to make financial contributions to environmental protection activities; and, if causing

environmental pollution, incidents or degradation, pay compensations for damage, take remedies, treat, and bear other liabilities as prescribed by law.

7. Environmental protection activities must not be detrimental to national sovereignty, security and interests, and shall be associated with regional and global environmental protection activities.

Article 5. The State's policies on environmental protection

1. To create favorable conditions for agencies, organizations, resident communities, households and individuals to participate in the performance, examination and supervision of environmental protection activities.

2. To combine communication and education with administrative, economic and other measures to enhance the observance of the law on environmental protection and build an environmental protection culture.

3. To attach importance to conserving biodiversity and protecting the environment of natural heritage sites; to rationally and economically exploit and use natural resources; to develop clean energy and renewable energy; to develop technical infrastructure for environmental protection.

4. To prioritize the treatment of environmental pollution and restoration of degraded natural ecosystems, attaching importance to protecting the environment in residential areas.

5. To diversify investment funding sources for environmental protection; to set aside state budget funds for environmental protection which can be gradually increased according to the state budget's capacity and environmental protection requirements and tasks; to use funding sources first of all for key environmental protection tasks.

6. To guarantee interests of organizations, resident communities, households and individuals that contribute to environmental protection activities; to provide incentives and support for environmental protection activities; to promote environment-friendly products and services.

7. To intensify scientific research and technology development for pollution treatment and waste recycling and treatment; to prioritize transfer and application of advanced, high and environment-friendly technologies and state-of-the-art techniques; to intensify training of human resources for environmental protection.

8. To honor, commend and award agencies, organizations, resident communities, households and individuals that actively contribute to environmental protection activities in accordance with law.

9. To expand and intensify international integration and cooperation and fulfill international commitments on environmental protection.

10. To select investment projects according to environmental criteria; to apply environmental management tools appropriate to each phase of relevant strategies, master plans, programs and investment projects.

11. To integrate and promote circular and green economic models in the formulation and implementation of socio-economic development strategies, master plans, plans, programs, schemes and projects.

Article 6. Prohibited acts in environmental protection activities

1. Transporting, burying, land-filling, dumping, discharging or burning solid wastes and hazardous wastes in contravention of technical processes and provisions of the law on environmental protection.

2. Discharging wastewater and emissions not yet treated up to environmental technical regulations into the environment.

3. Dispersing or discharging into the environment toxic substances or hazardous viruses that can transmit diseases to human beings and animals, or uninspected microorganisms, cadavers of diseased animals and other agents that are harmful to human health, living organisms and the nature.

4. Causing noise or vibration in excess of allowable limits under environmental technical regulations; emitting smoke, dust or gases containing toxic odors into the air.

5. Implementing investment projects or discharging wastes while the conditions specified by the law on environmental protection are not yet satisfied.

6. Importing, temporarily importing, re-exporting or transiting from abroad wastes in any form.

7. Illegally importing used vehicles, machinery and equipment for knocking down or recycling.

8. Failing to build facilities, take measures or carry out activities to prevent, respond to or remediate environmental incidents in accordance with the law on environmental protection and other relevant laws.

9. Covering up acts of causing environmental pollution, obstructing environmental protection activities, falsifying information or committing frauds in environmental protection activities resulting in bad environmental consequences.

10. Producing or trading in products harmful to human health, living organisms and the nature; producing or using building materials that contain toxic elements in excess of allowable limits under environmental technical regulations.

11. Producing, importing, temporarily importing, re-exporting or consuming ozone-depleting substances as specified in the treaty on substances that deplete the ozone layer to which the Socialist Republic of Vietnam is a contracting party.

12. Sabotaging or illegally encroaching upon natural heritage sites.

13. Damaging or encroaching upon works or misappropriating equipment and vehicles used to serve environmental protection activities.

14. Abusing positions and powers to act against the law on environmental protection.

Chapter II

PROTECTION OF ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGES

Section 1

PROTECTION OF WATER ENVIRONMENTS

Article 7. General provisions on protection of the surface water environment

1. Water quality, sediments and aquatic environment of the surface water sources shall be monitored and assessed; load capacity of the surface water environment shall be calculated, determined and announced.

2. Sources of wastes to be discharged into the surface water environment shall be managed to suit its use purposes and load capacity. It is not permitted to approve results of appraisal of environmental impact assessment reports or grant environmental licenses for new investment projects involving activities that discharge wastewater directly into surface water environment that can no longer accommodate wastewater as announced by a competent state agency, unless owners of such investment projects have plans on treatment of wastewater up to environmental technical regulations on quality of surface water before discharging wastewater into the receiving waters or plans on cycling and reuse of wastewater to prevent generation of more wastewater, or such investment projects are those on pollution treatment, remediation, rehabilitation or quality improvement of the environment in polluted areas.

3. Protection of the river water environment shall be based on the approach of integrated management of river basins and associated with conservation of biodiversity, protection of aquatic environment, management of water source protection corridors, and rational exploitation and use of water sources.

Article 8. Surface water environment protection activities

1. Surface water environment protection activities include:

a/ Making statistics on, assessing, reducing and treating, wastewater discharged into surface water environment;

b/ Monitoring and assessing water quality, sediments and aquatic environment of surface water sources, and publicizing information for the surface water management, exploitation and use;

c/ Surveying and assessing load capacity of the surface water environment; announcing surface water environment areas that no longer have load capacity; assessing allowable limits of wastewater volumes to be discharged into the surface water environment;

d/ Treating, remediating, rehabilitating, and improving the quality of, polluted areas of the surface water environment;

dd/ Monitoring and assessing quality of cross-border surface water environment and river sediments, and sharing information in accordance with the law on environmental protection and international law and practice.

2. The Ministry of Natural Resources and Environment shall:

a/ Guide the assessment of load capacity of the surface water environment of rivers and lakes; guide the assessment of quality of the surface water environment;

b/ Organize the assessment of quality of the surface water environment, sediments and load capacity of the surface water environment of inter-provincial rivers and lakes; organize the collection of statistics on, and assessment of, wastewater sources, pollution level and treatment of pollution in inter-provincial rivers and lakes; formulate and propose to the Prime Minister for promulgation plans on management of quality of the surface water environment of inter-provincial rivers and lakes that are important for socio-economic development and environmental protection;

c/ Examine the implementation of plans on management of quality of the surface water environment of inter-provincial rivers and lakes and solutions to prevent and reduce water environment pollution and improve water quality in inter-provincial rivers and lakes.

3. Provincial-level People's Committees shall:

a/ Determine intra-provincial rivers and lakes and other surface water sources that are important for socio-economic development and environmental protection; determine areas for protection of sanitation of areas where daily-life water is taken and establish surface water source protection corridors in their localities; and determine bio-aquatic areas;

b/ Publicize information on sources of wastes to be discharged into the surface water environment in their localities; collect information and data on actual state of the surface water environment, waste sources and total volumes of wastes discharged into the surface water environment of inter-provincial rivers and lakes under their management as guided by the Ministry of Natural Resources and Environment; direct and organize the assessment of damage caused by, and treatment of, surface water environment pollution in their localities under regulations;

c/ Organize the prevention and control of sources of wastes discharged into surface water sources in their localities; take solutions to prevent and reduce surface water environment pollution and improve surface water quality in their localities under plans on management of surface water environment quality;

d/ Organize the assessment of surface water environment quality, sediments and load capacity of, and allowable limit of wastewater volume to be discharged into, the surface water sources specified at Point a of this Clause; publicize information on the surface water environment in their localities that no longer has load capacity;

dd/ Promulgate, and organize the implementation of, plans on management of surface water environment quality as specified at Point a of this Clause; and organize the implementation of plans on management of surface water environment quality for inter-provincial rivers and lakes in their localities.

Article 9. Plans on management of surface water environment quality

1. Plans on management of surface water environment quality for inter-provincial rivers and lakes must conform to the relevant national environmental protection master plan. Plans on management of surface water environment quality for the objects specified at Point a, Clause 3, Article 8 of this Law must conform to the relevant national environmental protection master plan and environmental protection contents of relevant regional and provincial-level master plans.

2. Principal contents of a plan on management of surface water environment quality:

a/ Assessment and forecasting of possible changes in surface water environment quality; objectives and targets of the plan; determination of regions for protection of sanitation of areas where daily-life water is taken and surface water source protection corridors; determination of bio-aquatic areas;

b/ Actual distribution of point and non-point sources of pollution where water environment pollutants are generated in affected areas; danger of cross-border surface water pollution;

c/ Types and total volume of pollutants discharged into the surface water environment;

d/ Assessment of load capacity, wastewater discharge zoning and limits; identification of objectives and roadmap of reduction of wastes discharged into the surface water environment that no longer has load capacity;

dd/ Measures to prevent and reduce surface water environment pollution; solutions to undertake cooperation, share information and manage cross-border surface water pollution;

e/ Solutions to protect the surface water environment and improve surface water quality;

g/ Organization of implementation of the plan.

3. Plans on management of surface water environment quality shall be formulated once every 5 years.

4. The Government shall provide in detail contents, order and procedures for promulgation of plans on management of surface water environment quality.

Article 10. Protection of the groundwater environment

1. Groundwater sources shall be monitored and assessed so as to take prompt responsive measures in case any environmental parameters are detected exceeding allowable limits under national environmental technical regulations or there is a decline in allowable water level.

2. Groundwater exploration drilling or exploitation activities shall be carried out together with measures to prevent groundwater environment pollution.

3. Establishments that use toxic chemicals or radioactive substances shall take measures to prevent the leakage or dispersion of such chemicals or substances into groundwater sources.

4. Establishments, warehouses and yards storing and preserving materials, fuels or chemicals, and areas for waste storage and treatment shall be properly

built to ensure technical safety and not to cause groundwater environment pollution.

5. Agencies, organizations, resident communities, households and individuals that cause groundwater environment pollution shall treat and remediate the pollution.

6. The protection of the groundwater environment must comply with this Law, the law on water resources and other relevant laws.

7. The Minister of Natural Resources and Environment shall provide in detail the protection of the groundwater environment.

8. Provincial-level People's Committees shall protect the groundwater environment in their localities in accordance with law.

Article 11. Protection of the seawater environment

1. Sources of wastes to be discharged into the seawater environment shall be surveyed and assessed so as to take measures to prevent, reduce, strictly control and treat seawater environment pollution up to environmental protection requirements.

2. Areas prone to sea and island environment pollution shall be assessed, identified and announced in accordance with the law on sea and island natural resources and environment.

3. Activities of exploiting resources from the sea and islands and other socio-economic activities shall be carried out under master plans and must meet environmental protection and sustainable development requirements.

4. The protection of the seawater environment shall be carried out in close and effective coordination among related agencies, organizations and individuals as well as coordination between Vietnamese state agencies and foreign agencies and organizations in sharing information on, and assessing quality of, the seawater environment, and control of cross-border sea environment pollution.

5. The protection of the seawater environment shall be carried out in accordance with this Law, the law on sea and island natural resources and environment, and other relevant laws.

Section 2

PROTECTION OF THE AIR ENVIRONMENT

Article 12. General provisions on protection of the air environment

1. Organizations, households and individuals engaged in production, business or service activities that emit dust and exhaust gases with adverse

impacts on the environment shall reduce and treat emissions in accordance with law.

2. Quality of the air environment shall be regularly and continuously monitored and supervised and announced in accordance with law.

3. Air environment pollution shall be promptly notified and warned in order to minimize its impacts on community well-being.

4. Sources of dust and emissions shall be monitored, assessed and controlled in accordance with law.

Article 13. Plans on management of air environment quality

1. Plans on management of air environment quality include the national plan on management of air environment quality and provincial-level plans on management of air environment quality. The national plan on management of air environment quality must conform to the national environmental protection master plan. Provincial-level plans on management of air environment quality must conform to the national plan on management of air environment quality and provincial-level master plans and serve as a basis for organization of implementation and management of air environment quality.

2. The validity period of a national plan on management of air environment quality is 5 years. The validity period of a provincial-level plan on management of air environment quality shall be determined on the basis of scope and level of air pollution, measures to manage and improve air environment, and local conditions and resources for the plan implementation.

3. Principal contents of the national plan on management of air environment quality include:

a/ Assessment of the national-level management of air environment and control of air environment pollution, and identification of major causes of air environment pollution;

b/ General objectives and specific targets;

c/ Air environment quality management tasks and solutions;

d/ Priority programs and projects to implement tasks and solutions; formulation of coordination regulations and measures for inter-regional and inter-provincial management of air environment quality;

dd/ Organization of implementation of the plan.

4. Principal contents of a provincial-level plan on management of air environment quality:

- a/ Assessment of air environment quality in the locality;
- b/ Assessment of the management of air environment quality; monitoring of the air environment; identification and assessment of major emission sources; making of emission statistics; and modeling of air environment quality;
- c/ Analysis and identification of causes of air environment pollution;
- d/ Assessment of impacts of air pollution on community well-being;
- dd/ Objectives and scope of the management of air environment quality;
- e/ Air environment quality management tasks and solutions;
- g/ Organization of implementation of the plan.

5. The Government shall provide in detail contents, and order and procedures for promulgation, of plans on management of air environment quality.

Article 14. Responsibility for management of air environment quality

1. The Prime Minister shall promulgate, and direct the implementation of, national plans on management of air environment quality; direct the implementation of urgent measures in case the air environment is severely polluted on an inter-provincial, inter-regional or cross-border scale.

2. The Ministry of Natural Resources and Environment shall:

a/ Formulate and propose to the Prime Minister for promulgation national plans on management of air environment quality, and organize the implementation thereof;

b/ Guide the formulation of provincial-level plans on management of air environment quality and measures to assess air environment quality.

3. Provincial-level People's Committees shall:

a/ Promulgate, and organize the implementation of, provincial-level plans on management of air environment quality;

b/ Assess and monitor, and publicize information on, air environment quality; give warnings to resident communities about, and implement measures to address, pollution of the air environment causing adverse impacts on community well-being;

c/ Organize the implementation of urgent measures in case the air environment in their localities is severely polluted.

4. The Government shall detail this Article.

Section 3

PROTECTION OF THE SOIL ENVIRONMENT

Article 15. General provisions on protection of the soil environment

1. Master plans, plans, projects and activities involving land use must take into consideration impacts on the soil environment and have solutions to prevent pollution and degradation of and protect the soil environment.

2. Agencies, organizations, resident communities, households and individuals that use land shall protect the soil environment; treat pollution of and remediate and rehabilitate the soil environment in areas polluted by them.

3. The State shall treat pollution of and remediate and rehabilitate the soil environment in areas polluted in the past or by unidentifiable polluters.

4. The Government shall provide in detail the protection of the soil environment.

Article 16. Classification of polluted areas of the soil environment

1. A polluted area of the soil environment means a land area containing pollutants in excess of allowable limits under environmental technical regulations, causing adverse impacts on the environment and community well-being.

2. Polluted areas of the soil environment shall be classified by source, spreadability and sufferer of pollution.

3. Polluted areas of the soil environment areas shall be classified by pollution level into polluted areas, severely polluted areas and particularly severely polluted areas.

Article 17. Management of soil environment quality

1. Quality of the soil environment shall be surveyed, assessed, classified and publicized in accordance with law.

2. Areas prone to soil environment pollution shall be monitored and supervised.

3. Polluted areas of the soil environment shall be surveyed, assessed and zoned off for pollution treatment and remediation and rehabilitation of the soil environment.

4. Soil areas contaminated with dioxin used as herbicides during the war, residues of pesticides and other toxic substances shall be surveyed, assessed and zoned off for treatment up to environmental protection requirements.

Article 18. Treatment of pollution and remediation and rehabilitation of the soil environment

1. Surveying, assessing and classifying polluted areas of the soil environment for identification of pollution causes, scope and level, treatment of pollution, and remediation and rehabilitation of the soil environment.

2. Implementing measures to control polluted areas of the soil environment, including zoning off polluted soil areas, giving warnings, forbidding or limiting activities to minimize adverse impacts on human health.

3. Formulating and implementing plans on treatment of pollution, remediation and rehabilitation of the soil environment; prioritizing the treatment of severely polluted or particularly severely polluted areas.

4. Monitoring and assessing soil environment quality after treatment of pollution remediation and rehabilitation of the soil environment.

Article 19. Responsibility for protection of the soil environment

1. The Ministry of Natural Resources and Environment shall:

a/ Set out specific criteria for identification and classification of polluted areas of the soil environment by pollution level;

b/ Assume the prime responsibility for, and coordinate with other ministries, ministerial-level agencies and related agencies in, formulating, and directing the implementation of, plans on treatment, remediation and rehabilitation of particularly severely polluted areas of the soil environment in the case specified in Clause 3, Article 15 of this Law; and organize survey, assessment and publicization of information on soil environment quality;

c/ Propose to the Prime Minister for promulgation plans on treatment, remediation and rehabilitation of particularly severely polluted areas of the soil environment in the case specified in Clause 3, Article 15 of this Law;

d/ Draw up the list of polluted areas of the soil environment; develop and update the national environmental information system and database and publicize information on polluted areas of the soil environment nationwide.

2. The Ministry of National Defense and Ministry of Public Security shall assume the prime responsibility for, and coordinate with provincial-level People's Committees in, organizing the treatment of pollution and remediation and rehabilitation of polluted areas of national defense and security land areas and other areas in accordance with law.

3. Provincial-level People's Committees shall:

a/ Survey, assess, identify and zone off soil areas prone to pollution and polluted areas of the soil environment in their localities, and define responsibilities of pollution causers;

b/ Treat polluted areas and severely polluted areas of the soil environment in the case specified in Clause 3, Article 15 of this Law;

c/ Report to the Ministry of Natural Resources and Environment on polluted areas of the soil environment in more than one province and particularly severely polluted areas of the soil environment;

d/ Update information on polluted areas of the soil environment in localities to environmental information systems and databases under regulations.

Section 4

PROTECTION OF NATURAL HERITAGE ENVIRONMENT

Article 20. Natural heritages

1. Natural heritages include:

a/ Natural parks, nature reserves, species and habitat management areas, and protected landscapes established in accordance with the laws on biodiversity, forestry, and fisheries; and scenic places and beauty spots recognized as cultural heritages and established in accordance with the law on cultural heritages;

b/ Natural heritages recognized by international organizations;

c/ Other natural heritages established and recognized in accordance with this Law.

2. The establishment and recognition of a natural heritage specified at Point c, Clause 1 of this Article shall be based on one of the following criteria:

a/ It has an outstanding, unique or rare beauty of the nature;

b/ It has a typical value of ecological or biological evolution or is a natural habitat of endangered, precious, rare or endemic species or contains typical ecosystems of a natural ecological area or has another special biodiversity value that needs conservation;

c/ It has prominent or unique geological or geomorphological characteristics or contains physical traces of evolution stages of the Earth;

d/ It is critically important for climate regulation, protection of water sources, preservation of ecological balance and provision of natural ecosystem services.

3. The Government shall provide in detail criteria, order, procedures and competence for establishment and recognition of natural heritages specified at Point c, Clause 1 of this Article; and the order, procedures and competence for nomination of natural heritages for recognition specified at Point b, Clause 1 of this Article.

Article 21. Contents of protection of natural heritage environment

1. Surveying, assessing, managing and protecting natural heritage environment.

2. Incorporating protection of natural heritage environment in national environmental protection master plans, regional master plans and provincial-level master plans.

3. Agencies, organizations, resident communities, households and individuals shall protect natural heritages. Organizations, resident communities, households and individuals participating in the management and protection of natural heritage environment may enjoy benefits from paid charges for natural ecosystem services in accordance with law.

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

Chapter III

NATIONAL ENVIRONMENTAL PROTECTION STRATEGIES AND NATIONAL ENVIRONMENTAL PROTECTION MASTER PLANS; ENVIRONMENTAL PROTECTION CONTENTS IN REGIONAL MASTER PLANS AND PROVINCIAL-LEVEL MASTER PLANS

Article 22. National environmental protection strategies

1. A national environmental protection strategy serves as a basis for formulation of a national environmental protection master plan and incorporation of environmental protection requirements in socio-economic development strategies and master plans.

2. Contents of a national environmental protection strategy include:

a/ Viewpoints, visions and objectives;

b/ Tasks;

c/ Implementation solutions;

d/ Key programs, schemes and projects;

dd/ Implementation plans and resources.

3. A national environmental protection strategy shall be formulated for a 10-year period with a 30-year vision.

4. The Ministry of Natural Resources and Environment shall formulate and propose to the Prime Minister for approval national environmental protection strategies.

Article 23. National environmental protection master plans

1. A national environmental protection master plan shall be formulated on the grounds specified in the planning law and the following grounds:

a/ National environmental protection strategy for the same development period;

b/ Climate change scenario for the same development period.

2. Contents of national environmental protection master plans; formulation, appraisal, approval, adjustment and periods of national environmental protection master plans must comply with the planning law.

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

4. The Government shall provide the environmental zoning in national environmental protection master plans.

Article 24. Environmental protection contents in regional master plans and provincial-level master plans

1. Environmental protection contents in regional master plans and provincial-level master plans must be compliant with the planning law.

2. The Government shall provide the environmental zoning in provincial-level master plans. The Ministry of Natural Resources and Environment shall formulate environmental protection contents in regional master plans, and guide the formulation of environmental protection contents in provincial-level master plans.

3. Provincial-level specialized agencies in charge of environmental protection shall formulate environmental protection contents in provincial-level master plans.

Chapter IV

STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT, ENVIRONMENTAL LICENSES

Section 1

STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 25. Objects subject to strategic environmental assessment

1. National strategies for exploitation and use of natural resources.
2. National overall master plans; national marine space master plans; national land use master plans; regional master plans; provincial-level master plans; and master plans on special economic-administrative units.
3. National or regional strategies for development of sectors and fields, national master plans of sectors, and technical or specialized master plans with great environmental impacts on lists promulgated by the Government.
4. Adjustment of objectives of the master plans specified in Clauses 2 and 3 of this Article.

Article 26. Performance of strategic environmental assessment

1. Agencies or organizations assigned to formulate the strategies or master plans specified in Article 25 of this Law shall perform strategic environmental assessment simultaneously with the formulation of such strategies or master plans.
2. Results of strategic environmental assessment of the strategies specified in Clauses 1 and 3, Article 25 of this Law shall be incorporated in dossiers to be submitted for approval of such strategies.
3. Results of strategic environmental assessment of the master plans specified in Clauses 2 and 3, Article 25 of this Law shall be included in separated reports accompanying dossiers to be submitted for appraisal of such master plans.
4. Agencies assuming the prime responsibility for appraising master plans shall appraise results of strategic environment assessment in the course of appraisal. Agencies approving strategies shall consider results of strategic environmental assessment in the course of approval.
5. The Ministry of Natural Resources and Environment shall give its written opinions on contents of strategic environmental assessment of strategies and master plans.

6. Results of strategic environmental assessment serve as one of grounds for competent agencies to consider approving strategies and master plans.

Article 27. Contents of strategic environmental assessment

1. Contents of strategic environmental assessment of a strategy include:

a/ Assessment of conformity of environmental protection-related policies in the strategy with environmental protection and sustainable development viewpoints, objectives and policies, environmental protection treaties to which the Socialist Republic of Vietnam is a contracting party, and this Law;

b/ Proposal of the adjustment and improvement of contents of the strategy to conform to environmental protection and sustainable development viewpoints, objectives and policies, environmental protection treaties to which the Socialist Republic of Vietnam is a contracting party, and this Law.

2. Contents of strategic environmental assessment of a master plan include:

a/ Contents of the master plan that are likely to have environmental impacts;

b/ Scope of strategic environmental assessment;

c/ Environmental factors and natural heritages that are likely to be impacted by the master plan;

d/ Applied strategic environmental assessment methods;

dd/ Comparison and assessment of conformity of viewpoints and objectives of the master plan with environmental protection viewpoints, objectives and policies, national environmental protection strategies and master plans, and environmental protection contents in regional and provincial-level master plans;

e/ Results of identification of major positive and negative environmental issues of the master plan;

g/ Impacts of climate change;

h/ Results of forecast of positive and negative developments of major environmental issues in the course of implementation of the master plan; solutions to maintain positive developments and reduce negative developments of major environmental issues;

i/ Environmental protection orientations in the course of implementation of the master plan;

k/ Results of consultation of stakeholders in the course of performance of strategic environmental assessment;

1/ Environmental protection issues that need attention (if any), and recommendation of remedial directions and solutions.

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

Section 2

ENVIRONMENTAL CRITERIA FOR CLASSIFICATION OF INVESTMENT PROJECTS, PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT

Article 28. Environmental criteria for classification of investment projects

1. Environmental criteria for classification of investment projects include:

a/ Scale, capacity, and type of production, business or service provision;

b/ Areas of land, land with water surface and marine zones in use; scale of exploitation of natural resources;

c/ Environmentally sensitive factors, including concentrated residential areas; water sources used for supply of domestic water; nature reserves as specified in the laws on biodiversity and fisheries; forest categories as specified in the law on forestry; tangible cultural heritages and other natural heritages; wet rice land areas for 2 or more crop seasons; important wetlands; requirements on migration and resettlement of population, and other environmentally sensitive factors.

2. Based on the environmental criteria specified in Clause 1 of this Article, investment projects shall be classified into investment projects of groups I, II, III and IV.

3. Group-I investment projects are those highly likely to exert adverse environmental impacts, including:

a/ Projects on production, business or service activities of types likely to cause environmental pollution with a large scale and capacity; projects providing hazardous waste treatment services; and projects importing scraps for use as production materials;

b/ Projects on production, business or service activities of types likely to cause environmental pollution with a medium scale and capacity but involving environmentally sensitive factors; projects on production, business or service activities of types other than those likely to cause environmental pollution with a large scale and capacity but involving environmentally sensitive factors;

c/ Projects using land areas, land areas with water surface or marine zones with a large scale or with a medium scale but involving environmentally sensitive factors;

d/ Projects on exploitation of minerals or water resources with a large scale and capacity or with a medium scale and capacity but involving environmentally sensitive factors;

dd/ Projects requiring land use purpose change with a medium or higher scale but involving environmentally sensitive factors;

e/ Projects requiring migration or resettlement of population with a large scale.

4. Group-II investment projects are those likely to exert adverse environmental impacts, except those specified in Clause 3 of this Article, including:

a/ Projects on production, business or service activities of types likely to cause environmental pollution with a medium scale and capacity;

b/ Projects on production, business or service activities of types likely to cause environmental pollution with a small scale and capacity but involving environmentally sensitive factors; projects on production, business or service activities of types other than those likely to cause environmental pollution with a medium scale and capacity but involving environmentally sensitive factors;

c/ Projects using land areas, land areas with water surface or marine zones with a medium scale or with a small scale but involving environmentally sensitive factors;

d/ Projects on exploitation of minerals or water resources with a medium scale and capacity or with a small scale and capacity but involving environmentally sensitive factors;

dd/ Projects requiring land use purpose change with a small scale but involving environmentally sensitive factors;

e/ Projects requiring migration or resettlement of population with a medium scale.

5. Group-III investment projects are those unlikely to exert adverse environmental impacts, except those specified in Clauses 3 and 4 of this Article, including:

a/ Projects on production, business or service activities of types likely to cause environmental pollution with a small scale and capacity;

b/ Projects on production, business or service activities of types other than those likely to cause environmental pollution and generating wastewater, dust or emissions subject to treatment or generating hazardous wastes subject to management under regulations on waste management.

6. Group-IV investment projects are those highly unlikely to exert adverse environmental impacts, except those specified in Clauses 3, 4 and 5 of this Article.

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

Article 29. Preliminary environmental impact assessment

1. Objects subject to preliminary environmental impact assessment are group-I investment projects specified in Clause 3, Article 28 of this Law.

2. Preliminary environmental impact assessment shall be performed in the stage of construction investment prefeasibility study, investment policy proposal and request for investment policy approval, for investment projects subject to request for investment policy decision or approval in accordance with the laws on investment, public investment, investment in the public-private partnership form, and construction.

3. Contents of preliminary environmental impact assessment of an investment project include:

a/ Assessment of conformity of the location of the investment project with the national environmental protection strategy, national environmental protection master plan, and environmental protection contents in regional and provincial-level master plans and other relevant master plans;

b/ Identification and forecast of major environmental impacts of the investment project based on project scale, production technology and location;

c/ Identification of environmentally sensitive factors of the investment project location based on location options (if any);

d/ Analysis, assessment and selection of plans on scale, production technology, waste treatment technology and location of the investment project, and measures to minimize environmental impacts;

dd/ Identification of major environmental issues and scope of environmental impacts that need attention in the course of environment impact assessment.

4. Agencies, organizations and individuals that propose the investment projects specified in Clause 1 of this Article shall perform preliminary environmental impact assessment. Contents of preliminary environmental impact assessment shall be considered by competent state agencies together with dossiers of request for investment policy decision or approval.

Section 3

ENVIRONMENTAL IMPACT ASSESSMENT

Article 30. Objects subject to environmental impact assessment

1. Objects subject to environmental impact assessment include:

a/ Group-I projects specified in Clause 3, Article 28 of this Law;

b/ Group-II projects specified at Points c, d, dd and e, Clause 4, Article 28 of this Law.

2. The objects specified in Clause 1 of this Article that are classified as urgent public investment projects in accordance with the law on public investment are not subject environmental impact assessment.

Article 31. Performance of environmental impact assessment

1. Environmental impact assessment shall be performed by investment project owners or by qualified consultants. Environmental impact assessment shall be performed simultaneously with the preparation of feasibility study reports or equivalent documents of projects.

2. Results of environmental impact assessment shall be shown in environmental impact assessment reports.

3. An environmental impact assessment report shall be prepared for every investment project.

Article 32. Contents of environmental impact assessment reports

1. Principal contents of an environmental impact assessment report include:

a/ Origin and owner of, and agency competent to approve, the investment project; legal and technical grounds; environmental impact assessment method and other methods used (if any);

b/ Conformity of the investment project with the national environmental protection master plan, regional and provincial-level master plans, the law on environmental protection, and other relevant regulations;

c/ Assessment of technology selection, work items and operations of the investment project that are likely to exert adverse environmental impacts;

d/ Natural, socio-economic and biodiversity conditions; assessment of environmental status; identification of subjects to be impacted by the investment project and environmentally sensitive factors in the investment project location; explanations about appropriateness of the location selected for the investment project implementation;

dd/ Identification, assessment and forecast of major environmental impacts, and wastes generated in different stages of the investment project to be discharged into the environment; waste generation scale and characteristics; impacts on biodiversity, natural heritages, historical-cultural relics and other sensitive factors; impacts of ground clearance, migration and resettlement of population (if any); identification and assessment of environmental incidents likely to be caused by the investment project;

e/ Waste collection, storage and treatment facilities and measures;

g/ Measures to reduce other negative environmental impacts of the investment project; plans on remediation and rehabilitation of the environment (if any); plans on biodiversity offsetting (if any); plans on environmental incident prevention and response;

h/ Environmental management and supervision program;

i/ Consultation results;

k/ Conclusions, recommendations and commitments of the investment project owner.

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

Article 33. Consultation in environmental impact assessment

1. Subjects to be consulted include:

a/ Resident communities and individuals that are directly impacted by investment projects;

b/ Agencies and organizations directly related to investment projects.

2. Responsibility to carry out consultation:

a/ Investment project owners shall consult the subjects specified in Clause 1 of this Article and are encouraged to consult experts in the course of environmental impact assessment;

b/ The agencies and organizations specified at Point b, Clause 1 of this Article shall send their written replies to investment project owners about contents on which they are consulted within a law-specified time limit;

otherwise, they shall be regarded as agreeing with contents on which they are consulted.

3. Contents on which consultation is required in the course of environmental impact assessment for an investment project include:

a/ Location of the investment project;

b/ Environmental impacts of the investment project;

c/ Measures to minimize adverse environmental impacts;

d/ Environmental management and supervision program; environmental incident prevention and response plans;

dd/ Other contents related to the investment project.

4. Consultation shall be carried out by posting opinion polls on websites and in either or both of the following forms:

a/ Holding meetings to collect opinions;

b/ Collecting written opinions.

5. Consultation results serve as important information for investment project owners to study and devise measures to minimize environmental impacts of their investment projects and finalize environmental impact assessment reports. Consultation results must fully and honestly assimilate and reflect opinions and recommendations of consulted subjects and subjects interested in investment projects (if any). In case such opinions and recommendations are not assimilated, investment project owners shall fully and clearly explain reasons. Investment project owners shall take responsibility before law for consultation contents and results in environmental impact assessment reports.

6. Consultation is not required for investment projects on the list of state secrets.

7. The Government shall detail this Article.

Article 34. Appraisal of environmental impact assessment reports

1. A dossier of request for appraisal of an environmental impact assessment report must comprise:

a/ A written request for appraisal of the environmental impact assessment report;

b/ The environmental impact assessment report;

c/ A feasibility study report or an equivalent document of the investment project.

2. Owners of construction investment projects subject to appraisal of feasibility study reports by specialized agencies in charge of construction in accordance with the construction law may submit dossiers of request for appraisal of environmental impact assessment reports together with dossiers of request for appraisal of feasibility study reports. The time of dossier submission may be decided by investment project owners but must be prior to feasibility study report appraisal conclusions.

3. An environmental impact assessment report shall be appraised as follows:

a/ The appraising agency shall issue a decision to form an appraisal council composed of at least 7 members; and send such decision together with the documents specified at Points b and c, Clause 1 of this Article to every council member;

b/ At least one-third of the total members of the appraisal council must be experts who have expertise in environment or other fields related to the investment project and at least 7 years' working experience if possessing bachelor degree or equivalent or at least 3 years' working experience if possessing master degree or equivalent or at least 2 years' working experience if possessing doctoral degree or equivalent;

c/ Experts participating in environmental impact assessment for an investment project may not join the appraisal council for the environmental impact assessment report of such project;

d/ In case the investment project discharges its wastewater into a hydraulic structure, the appraisal council members must include a representative of the state agency managing such hydraulic structure. The appraising agency shall collect written opinions and obtain approval of the state agency managing such hydraulic structure before approving appraisal results.

The state agency managing the hydraulic structure shall appoint its representative to join the appraisal council and give its written opinions on approval of appraisal results within the time limit for opinion collection; otherwise, it shall be regarded as approving contents of the environmental impact assessment report;

dd/ The appraisal council members shall study the dossier of request for appraisal and write remarks on the contents of appraisal specified in Clause 7 of this Article and take responsibility before law for their remarks;

e/ The appraising agency shall consider, assess and sum up opinions of the appraisal council members and opinions of related agencies and organizations (if

any) for use as a basis for deciding on approval of environmental impact assessment report appraisal results.

4. In case of necessity, appraising agencies shall conduct field surveys and collect opinions of related agencies and organizations and experts for appraisal of environmental impact assessment reports.

5. In the course of appraisal, if requesting modification or supplementation of environmental impact assessment reports, appraising agencies shall notify such in writing to investment project owners for implementation.

6. The time limit for appraisal of an environmental impact assessment report shall be counted from the date of receipt of a complete and valid dossier, specifically as follows:

a/ Forty five days, for the group-I investment projects specified in Clause 3, Article 28 of this Law;

b/ Thirty days, for the group-II investment projects specified at Points c, d, dd and e, Clause 4, Article 28 of this Law;

c/ Within the time limit specified at Point a or b of this Clause, the appraising agency shall notify appraisal results in writing to the investment project owner. The time for the investment project owner to modify or supplement the environmental impact assessment report as requested by the appraising agency and the time for considering and deciding on approval of appraisal results under Clause 9 of this Article shall not be counted into the time limit for appraisal;

d/ The time limit for appraisal specified at Point a or b of this Clause may be extended under a decision of the Prime Minister.

7. Contents of appraisal of an environmental impact assessment report include:

a/ Conformity with the national environmental protection master plan, regional and provincial-level master plans, and the law on environmental protection;

b/ Appropriateness of the environmental impact assessment method and other methods used (if any);

c/ Appropriateness of the identification and determination of work items and operations of the investment project that are likely to exert adverse environmental impacts;

d/ Conformity of results of the environmental status and biodiversity assessment; identification of subjects by, and environmentally sensitive factors in the location of, the investment project;

dd/ Conformity of results of the identification and forecast of major environmental impacts of and wastes generated from the investment project; forecast of environmental incidents;

e/ Conformity and feasibility of environmental protection facilities and measures; environmental remediation and rehabilitation plans (if any); biodiversity offsetting plans (if any); environmental incident prevention and response plans of the investment project;

g/ Conformity of the environmental management and supervision program; adequacy and feasibility of environmental protection commitments of the investment project owner.

8. The Prime Minister shall decide on appraisal of environmental impact assessment reports of investment projects that fall beyond the capacity of domestic appraising agencies and need hiring foreign consultants for appraisal. Results of appraisal of environmental impact assessment reports obtained from foreign consultants shall serve as a basis for the competent state agencies specified in Article 35 of this Law to approve results of appraisal of environmental impact assessment reports.

9. Within 20 days after receiving environmental impact assessment reports already modified or supplemented upon request (if any) of appraising agencies, heads of appraising agencies shall issue decisions on approval of results of appraisal of environmental impact assessment reports. In case of refusal to approve such results, they shall reply in writing to investment project owners, clearly stating reasons.

10. The sending of dossiers of request for appraisal of environmental impact assessment reports, receipt and processing of dossiers, and notification of results of appraisal of environmental impact assessment reports shall be carried out directly, by post or electronic means via the online public service system as requested by investment project owners.

11. The Minister of Natural Resources and Environment shall provide in detail the organization and operation of appraisal councils; public notification of lists of appraisal council members; forms of documents to be included in dossiers of request for appraisal of environmental impact assessment reports, and decisions on approval of results of appraisal of environmental impact assessment

reports; and the time limit for collection of opinions specified at Point d, Clause 3 of this Article.

Article 35. Competence to appraise environmental impact assessment reports

1. Except the investment projects specified in Clause 2 of this Article, the Ministry of Natural Resources and Environment may appraise environmental impact assessment reports for:

a/ Group-I investment projects specified in Clause 3, Article 28 of this Law;

b/ Group-II investment projects specified at Points c, d, dd and e, Clause 4, Article 28 of this Law for which the National Assembly or Prime Minister has the competence to decide on or approve investment policy; investment projects located in 2 or more provincial-level administrative units; investment projects located in maritime zones for which the administrative management responsibility of provincial-level People's Committees has not yet been defined; and investment projects for which the Ministry of Natural Resources and Environment has the competence to grant mineral mining licenses, licenses for exploitation and use of water resources, or licenses for dumping at sea, or to decide on allocation of marine areas.

2. The Ministry of National Defense and Ministry of Public Security may appraise environmental impact assessment reports for investment projects involving state secrets on national defense and security.

3. Provincial-level People's Committees may appraise environmental impact assessment reports for investment projects in their localities other than those specified in Clauses 1 and 2 of this Article. Ministries and ministerial-level agencies shall coordinate with provincial-level People's Committees of localities where projects subject to appraisal of environmental impact assessment reports are located in appraising environmental impact assessment reports for investment projects for which they have the competence to decide on investment policy or decide on investment.

Article 36. Decisions on approval of results of appraisal of environmental impact assessment reports

1. Decisions on approval of results of appraisal of environmental impact assessment reports serve as a basis for competent agencies to:

a/ Grant or modify mineral mining licenses for investment projects on mineral mining;

b/ Approve mine exploration plans or mine development plans for investment projects on petroleum exploration and exploitation;

c/ Approve feasibility study reports for investment projects in the form of public-private partnership;

d/ Make conclusions on appraisal of feasibility study reports for construction investment projects;

dd/ Grant environmental licenses;

e/ Grant licenses for dumping at sea; decide on allocation of marine areas;

g/ Decide on investment for investment projects other than those specified at Points a, b, c, d, dd and e of this Clause.

2. Except investment projects involving state secrets, appraising agencies shall send decisions on approval of results of appraisal of environmental impact assessment reports to investment project owners and related agencies, specifically as follows:

a/ The Ministry of Natural Resources and Environment shall send such decisions to provincial-level People's Committees of localities where investment projects are implemented and other agencies in accordance with relevant laws. Provincial-level People's Committees shall send such reports to provincial-level specialized agencies in charge of environmental protection, district-level People's Committees and commune-level People's Committees of localities where investment projects are implemented, and management boards of industrial parks, export processing zones, hi-tech parks or economic zones of provinces or centrally run cities, for investment projects implemented in concentrated production, business and service zones;

b/ Provincial-level People's Committees shall send such decisions to the Ministry of Natural Resources and Environment, provincial-level specialized agencies in charge of environmental protection, district-level People's Committees and commune-level People's Committees of localities where investment projects are implemented, and management boards of industrial parks, export processing zones, hi-tech parks or economic zones of provinces or centrally run cities, for investment projects implemented in concentrated production, business and service zones.

3. In case the owner of an investment project is changed, the new owner of such project shall continue implementing the decision on approval of results of appraisal of the environmental impact assessment report and notify such change to the agency appraising the report and provincial-level specialized agency in charge of environmental protection.

Article 37. Responsibilities of investment project owners after issuance of decisions on approval of results of appraisal of environmental impact assessment reports

1. To modify and supplement contents of investment projects and environmental impact assessment reports as suitable to environmental protection contents and requirements in such decisions.

2. To fully comply with contents of such decisions.

3. Before officially commissioning projects, to send written notices on completion of environmental protection facilities to agencies that have approved results of appraisal of environmental impact assessment reports, for investment projects for which environmental licenses are not required.

4. While an investment project is prepared and implemented before operation, if there is any change compared to the decision on approval of results of appraisal of the environmental impact assessment report, the project owner shall:

a/ Carry out environmental impact assessment for the project in case of an increase in scale or capacity or a change in production technology or another change, thus increasing adverse environmental impacts;

b/ In the process of applying for an environmental license for investment projects for which such license is required, report to a competent state agency for consideration and approval a change in production technology, waste treatment technology or location where treated wastewater will be discharged into water sources, which does not fall into the case specified at Point a of this Clause; or the addition of sectors or trades for investment attraction in concentrated production, business and service zones or industrial clusters;

c/ Assess environmental impacts of the project, consider, decide on and take responsibility before law for changes other than those specified at Points a and b of this Clause; and incorporate such changes in a proposal report (if any) for application of an environmental license.

5. To publicize environmental impact assessment reports with approved appraisal results in accordance with Article 114 of this Law, except information classified as state secrets or secrets of enterprises as specified by law.

6. To fulfill other requests in accordance with the law on environmental protection.

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

Article 38. Responsibilities of agencies appraising environmental impact assessment reports

1. To take responsibility for results of appraisal of environmental impact assessment reports and decisions on approval of results of appraisal of environmental impact assessment reports.

2. To publicize on their portals decisions on approval of results of appraisal of environmental impact assessment reports, except information classified as state secrets or secrets of enterprises as specified by law.

3. To develop and integrate a database on environmental impact assessment into the national environmental database.

Section 4

ENVIRONMENTAL LICENSES

Article 39. Objects for which environmental licenses are required

1. Investment projects of groups I, II and III discharging wastewater, dust, or emissions into the environment which shall be treated or discharging hazardous wastes which shall be managed in accordance with waste management regulations before being officially commissioned.

2. Investment projects, concentrated production, business and service establishments and zones, and industrial clusters commencing their operation before the effective date of this Law and subject to environmental criteria like those specified in Clause 1 of this Article.

3. Environmental license is exempt for the objects specified in Clause 1 of this Article that are urgent public investment projects as provided by the law on public investment.

Article 40. Contents of environmental licenses

1. Contents of an environmental license must include general information about an investment project, concentrated production, business and service establishment or zone, or industrial cluster; contents subject to environmental licensing; environmental protection requirements; validity period of the license; and other contents (if any).

2. Contents subject to environmental licensing:

a/ Wastewater-generating sources; maximum flow of wastewater discharge; wastewater currents; pollutants and limit values of pollutants by wastewater current; wastewater discharge locations and methods, and receiving waters;

b/ Emission-generating sources; maximum flow of emission discharge; emission currents; pollutants and limit values of pollutants by emission current; emission discharge locations and methods;

c/ Noise and vibration generating sources and limits;

d/ Hazardous waste treatment facilities and equipment; codes of hazardous wastes and waste volumes permitted for treatment, number of hazardous waste transfer stations, and areas of operation, for investment projects and establishments providing hazardous waste treatment services;

dd/ Types and volumes of scraps permitted for import, for investment projects and establishments importing scraps for use as production materials.

3. Environmental protection requirements:

a/ Having facilities and methods for wastewater and emission collection and treatment, and noise and vibration reduction meeting law-specified requirements; meeting environmental protection requirements for water sources of hydraulic structures, in case of discharge of wastewater into hydraulic structures;

b/ Having methods, systems, facilities and equipment for waste storage, transportation, transfer, preliminary processing and treatment meeting law-specified requirements on technical and management processes, for investment projects and establishments providing hazardous waste treatment services;

c/ Having scrap warehouses and storing yards up to regulations; reprocessing equipment; impurity treatment plans; and re-export plans, for investment projects and establishments importing scraps for use as production materials;

d/ Having environment management and supervision plans and environmental incident prevention and response plans; and equipment and facilities for environmental incident prevention and response and environmental monitoring;

dd/ Meeting law-specified requirements on management of domestic solid wastes, normal industrial solid wastes and hazardous wastes; environmental remediation and rehabilitation; and biodiversity offsetting;

e/ Other environmental protection requirements (if any).

4. The validity period of an environmental license is as follows:

a/ Seven years, for group-I investment projects;

b/ Seven years, for concentrated production, business and service establishments or zones, and industrial clusters that commence their operation

before the effective date of this Law and are subject to environmental criteria like group-I investment projects;

c/ Ten years, for objects other than those specified at Points a and b of this Clause;

d/ The validity period of an environmental license may be shorter than the period specified at Point a, b or c of this Clause as requested by owners of investment projects or establishments or owners of projects on construction and commercial operation of infrastructure facilities of concentrated production, business and services zones or industrial clusters (below collectively referred to as owners of investment projects or establishments).

5. The Minister of Natural Resources and Environment shall issue the model environmental license.

Article 41. Competence to grant environmental licenses

1. Except the case specified in Clause 2 of this Article, the Ministry of Natural Resources and Environment may grant environmental licenses for:

a/ The objects specified in Article 39 of this Law for which the Ministry of Natural Resources and Environment has approved results of appraisal of environmental impact assessment reports;

b/ The objects specified in Article 39 of this Law that are located in 2 or more provincial-level administrative units or located in maritime zones for which the administrative management responsibility of provincial-level People's Committees has not yet been defined; establishments importing scraps for use as production materials, and establishments providing hazardous waste treatment services.

2. The Ministry of National Defense and Ministry of Public Security may grant environmental licenses for investment projects and establishments involving state secrets concerning national defense and security.

3. Except the cases specified in Clauses 1 and 2 of this Article, provincial-level People's Committees may grant environmental licenses for:

a/ Group-II investment projects specified in Article 39 of this Law;

b/ Group-III investment projects specified in Article 39 of this Law that are located in 2 or more district-level administrative units;

c/ The objects specified in Clause 2, Article 39 of this Law for which provincial-level People's Committees, ministries or ministerial-level agencies have approved results of appraisal of environmental impact assessment reports.

4. District-level People's Committees may grant environmental licenses for the objects specified in Article 39 of this Law, except the cases specified in Clauses 1, 2 and 3 of this Article.

Article 42. Grounds and time for grant of environmental licenses

1. Grounds for grant of an environmental license:

a/ A dossier of application for an environmental license specified in Clause 1, Article 43 of this Law;

b/ An environmental impact assessment report (if any) of which a competent state agency has approved appraisal results;

c/ The national environmental protection master plan, relevant provincial or regional environmental master plan, and load capacity of the environment as decided by a competent state agency, except the case specified at Point e of this Clause;

d/ Relevant environmental technical regulations;

dd/ Regulations on protection of the environment and water resources, and other relevant regulations;

e/ Points a, b, d and dd of this Clause if, at the time of grant of an environmental license, there is no national environmental protection master plan, relevant provincial or regional environmental master plan issued and no load capacity of the environment decided by a competent state agency.

2. The time for grant of an environmental license is specified as follows:

a/ Before trial operation of waste treatment facilities, for investment projects subject to environmental impact assessment, except the case specified at Point c of this Clause;

b/ Before issuance of the documents specified at Points a, b, c, d and g, Clause 1, Article 36 of this Law, for investment projects not subject to environmental impact assessment; or before grant or modification of construction permits, for construction investment projects not subject to appraisal of feasibility study reports by specialized agencies in charge of construction in accordance with the construction law;

c/ For the investment projects specified in Clause 2, Article 39 of this Law that commence trial operation of waste treatment facilities in accordance with law before the effective date of this Law, their owners may proceed with such trial operation in order to obtain environmental licenses after the trial operation is completed, or may make a dossier in order to obtain environmental licenses

before the expiration of the trial operation period. The project owners are not required to conduct trial operation of waste treatment facilities again but shall have trial operation results reported and evaluated in accordance with Article 46 of this Law;

d/ Within 36 months from the effective date of this Law, for the concentrated production, business and service establishments or zones and industrial clusters specified in Clause 2, Article 39 of this Law that are officially commissioned before the effective date of this Law, unless they have obtained certificates of completion of environmental protection facilities, certificates of satisfaction of environmental standards, certificates of satisfaction of environmental protection conditions in the import of scraps for use as production materials, hazardous waste treatment licenses, licenses for discharge of wastewater into water sources, or licenses for discharge of wastewater into hydraulic structures (below collectively referred to as component environmental licenses). Component environmental licenses may continue to be used as environmental licenses until they expire or used within 5 years from the effective date of this Law if their validity period is indefinite.

3. In case an investment project, a concentrated production, business and service establishment or zone or an industrial cluster is implemented in different stages or has different works or work items, an environmental license may be granted for each stage, work or work item where wastes are generated. An environmental license granted later must have the contents of the environmental license previously granted and remaining valid.

4. An environmental license serves as a basis for:

a/ Competent state agencies to carry out inspection, examination and supervision of environmental protection activities of investment projects, concentrated production, business and service establishments or zones or industrial clusters;

b/ Owners of investment projects or establishments to perform their environmental protection responsibility.

5. In case the name or owner of an investment project, a concentrated production, business and service establishment or zone or an industrial cluster is changed, the new owner shall continue complying with the environmental license and notify the change to the agency having granted the environmental license for renewal of the license.

6. When environmental licenses take effect, decisions on approval of results of appraisal of environmental impact assessment reports and component environmental licenses cease to be effective.

Article 43. Dossiers, order and procedures for grant of environmental licenses

1. A dossier of application for an environmental license must comprise:

a/ An application for an environmental license;

b/ A proposal report for grant of an environmental license;

c/ Other legal and technical documents of the investment project, concentrated production, business and service establishment or zone or industrial cluster.

2. Order and procedures for grant of an environmental license:

a/ The owner of an investment project or establishment shall send a dossier of application for an environmental license directly, by post or electronic means via the online public service system to a competent agency specified in Article 41 of this Law;

b/ The agency competent to grant environmental licenses shall receive the dossier and check its completeness and validity; publicize contents of the proposal report for grant of an environmental license, except information classified as state secrets or secrets of enterprises as specified by law; consult related agencies, organizations and individuals; carry out field inspection of the investment project, concentrated production, business and service establishment or zone or industrial cluster; and conduct appraisal and grant an environmental license.

The process of receipt of the dossier, settlement of administrative procedures, and notification of dossier-processing results shall be carried out directly, by post or electronic means via the online public service system at the proposal of the owner of the investment project or establishment;

c/ In case the investment project, concentrated production, business and service establishment or zone or industrial cluster discharges wastewater into a hydraulic structure, the agency competent to grant environmental licenses shall, before granting an environmental license, collect written opinions from and obtain the consent of the state agency managing such hydraulic structure;

d/ In case an investment project or establishment is located in a concentrated production, business and service zone or an industrial cluster, the agency competent to grant environmental licenses shall, before granting an

environmental license, collect written opinions of the owner of the project on construction and commercial operation of such zone or cluster.

3. An environmental license shall be granted on the basis of appraisal of the proposal report for grant of an environmental license. The agency competent to grant environmental licenses shall form an appraisal council and inspection team under the Government's regulations.

For an investment project, a concentrated production, business and service establishment or zone or an industrial cluster that discharges wastewater into a hydraulic structure, a council for appraisal of the proposal report for grant of an environmental license and an inspection team must have a representative of the state agency managing such hydraulic structure.

The state agency managing the hydraulic structure shall assign one of its officers to join the appraisal council and inspection team, and give written opinions on the grant of an environmental license within the law-specified time limit. If failing to give a written reply within the law-specified time limit, such agency shall be regarded as agreeing to the grant of an environmental license.

4. The time limit for grant of an environmental license shall be counted from the date of receipt of a complete and valid dossier, specifically as follows:

a/ Forty-five days, for environmental licenses to be granted by the Ministry of Natural Resources and Environment, Ministry of National Defense or Ministry of Public Security;

b/ Thirty days, for environmental licenses to be granted by provincial- or district-level People's Committees;

c/ An agency competent to grant environmental licenses may specify a time limit for granting an environmental license which is shorter than that specified at Point a or b of this Clause as suitable to the type, scale and characteristics of the concerned investment project, concentrated production, business and service establishment or zone or industrial cluster.

5. Investment projects, concentrated production, business and service establishments or zones or industrial clusters subject to environmental licensing and performing radiation jobs must comply with not only this Law but also the law on atomic energy.

6. The Government shall detail this Article.

Article 44. Renewal, modification, re-grant or revocation of, or deprivation of the right to use, environmental licenses

1. An environmental license shall be renewed in the case specified in Clause 5, Article 42 of this Law provided that other contents of the license are not changed.

2. An environmental license shall be considered for modification within its validity period in one of the following cases:

a/ There is a change in contents for environmental licensing specified in Clause 2, Article 40 of this Law as requested by owners of investment projects or establishments or as provided by law, except the case specified at Point b, Clause 3 of this Article;

b/ An investment project or establishment provides hazardous waste treatment services or imports scraps for use as production materials after completion of the trial operation period to suit its actual capacity.

3. An environmental license shall be re-granted in the following cases:

a/ It expires;

b/ An investment project, a concentrated production, business and service establishment or zone or an industrial cluster sees an increase in its scale or capacity or a change in production technology or another change, thus increasing its adverse environmental impacts, except investment projects subject to environmental impact assessment.

4. Owners of investment projects or establishments have the right to use environmental licenses deprived of when they commit administrative violations in the field of environmental protection that are serious enough for deprivation of the right to use environmental licenses in accordance with the law on handling of administrative violations.

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

a/ It is granted *ultra vires*;

b/ It has an illegal content.

6. The Government shall detail this Article.

Article 45. Appraisal charge for grant of environmental licenses

1. Owners of investment projects or establishments shall pay appraisal charge for grant, re-grant or modification of environmental licenses.

2. The Minister of Finance shall provide the collection, remittance, management and use of appraisal charge for grant, re-grant or modification of environmental licenses falling within the licensing competence of central-level state agencies.

3. Provincial-level People's Councils shall provide the collection, remittance, management and use of appraisal charge for grant, re-grant or modification of environmental licenses falling within the licensing competence of provincial- or district-level People's Committees in accordance with law.

Article 46. Environmental protection facilities and trial operation of waste treatment facilities of investment projects after their environmental licenses are granted

1. Environmental protection facilities of investment projects include:

a/ Waste treatment facilities that are wastewater, dust, emission, solid waste or hazardous waste treatment facilities or equipment;

b/ Solid waste collection and storage facilities that are normal solid waste, solid medical waste or hazardous solid waste collection and storage facilities or equipment meeting requirements on sorting, collection, storage, reuse or recycling of solid wastes, or transportation of solid wastes to waste treatment places;

c/ Other environmental protection facilities.

2. Owners of investment projects with the waste treatment facilities specified at Point a, Clause 1 of this Article shall, after being granted environmental licenses, conduct trial operation of waste treatment facilities simultaneously with trial operation of the whole investment projects or each phase of an investment project (if any) or independent items of projects' waste treatment facilities in order to assess conformity with and satisfaction of environmental technical regulations.

3. In the course of trial operation of waste treatment facilities, investment project owners shall comply with environmental protection requirements stated in environmental licenses and the law on environmental protection.

4. For investment projects involving provision of hazardous waste treatment services or import of scraps for use as production materials, at least 45 days before the completion of their trial operation, their owners shall send reports on trial operation results to agencies competent to grant their environmental licenses. Agencies granting environmental licenses shall examine, and decide on the adjustment of, types and volumes of hazardous wastes permitted for treatment or volumes of scraps permitted for import, and handle violations (if any) in accordance with law.

5. The Government shall detail this Article.

Article 47. Rights and obligations of owners of investment projects or establishments granted environmental licenses

1. Owners of investment projects or establishments granted environmental licenses have the following rights:

- a/ To carry out contents stated in environmental licenses;
- b/ To request renewal, modification or re-grant of environmental licenses;
- c/ Other rights prescribed by law.

2. Owners of investment projects or establishments granted environmental licenses have the following obligations:

a/ To properly and fully comply with environmental protection requirements stated in environmental licenses. To report any change in contents of granted licenses to agencies that have granted such licenses for consideration and settlement;

b/ To pay appraisal charge for grant, re-grant or modification of environmental licenses;

c/ To strictly comply with Article 46 of this Law regarding trial operation of waste treatment facilities of investment projects;

d/ To be held responsible for accuracy and truthfulness of dossiers of application for environmental licenses;

dd/ To publicize contents of environmental licenses, except information classified as state secrets or secrets of enterprises as prescribed by law;

e/ To provide relevant information at the request of state management agencies in charge of environmental protection in the process of examination and inspection;

g/ Other obligations prescribed by law.

Article 48. Responsibilities of agencies granting environmental licenses

1. To receive, check and appraise dossiers of application for environmental licenses and grant environmental licenses; to renew, modify and re-grant environmental licenses at the request of owners of investment projects or establishments; to take responsibility for contents of environmental licenses; to manage and store dossiers and data on environmental licenses; to partially suspend activities of investment projects, concentrated production, business and service establishments or zones or industrial clusters that cause severe environmental consequences or are likely to cause severe environmental consequences, and revoke environmental licenses.

2. To publicize on their portals contents of environmental licenses, except information classified as state secrets or secrets of enterprises prescribed by law.

3. To examine investment projects, concentrated production, business and service establishments or zones and industrial clusters in complying with environmental protection contents and requirements in accordance with law.

4. To receive and settle environmental protection recommendations with regard to contents of environmental licenses; to guide owners of investment projects to carry out trial operation of waste treatment facilities and remediate environmental pollution or incidents (if any) in the course of trial operation.

5. Agencies granting environmental licenses shall operate, and update data on environmental licenses to, environmental information systems and databases. The reporting and sharing of information, figures and data on environmental licenses shall be carried out online in the national environmental information system and database.

Article 49. Environmental registration

1. Subject to environmental registration are:

a/ Investment projects that generate wastes and are not subject to environmental licensing;

b/ Production, business and service establishments that commence their operation before the effective date of this Law, generate wastes and are not subject to environmental licensing.

2. The objects specified in Clause 1 of this Article that are exempt from environmental registration include:

a/ Investment projects and establishments involving state secrets concerning national defense and security;

b/ Operating investment projects and production, business and service establishments that generate no wastes, or generate small volumes of wastes that are treated by on-site waste treatment facilities or managed under regulations of local administrations;

c/ Other objects.

3. Commune-level People's Committees shall receive environmental registration requests for the objects specified in Clause 1 of this Article directly, by post or via the online public service system.

The owner of an investment project or establishment located in 2 or more commune-level administrative units may choose a commune-level People's Committee for making environmental registration.

4. Contents of environmental registration:

a/ General information about the concerned investment project or establishment;

b/ Type of production, business and service activities; technology, capacity and products; materials, fuels and chemicals used (if any);

c/ Types and volumes of generated wastes;

d/ Plan on waste collection, management and treatment under regulations;

dd/ Environmental protection commitments.

5. Before making a change in registered contents of an investment project or establishment in the course of its operation, its owner shall carry out environmental registration again.

In case a change in the scale or nature of an investment project or establishment makes the project or establishment subject to environmental impact assessment or environmental licensing, the owner of such project or establishment shall comply with this Law's provisions on environmental impact assessment or environmental licenses.

6. The time of environmental registration is specified as follows:

a/ Before the time of official operation, for the investment projects specified at Point a, Clause 1 of this Article and subject to environmental impact assessment;

b/ Before grant of a construction permit in case such permit is required in accordance with the construction law or before wastes are discharged into the environment in case a construction permit is not required in accordance with the construction law, for the investment projects specified at Point a, Clause 1 of this Article and not subject to environmental impact assessment;

c/ Within 24 months from the effective date of this Law, for the production, business and service establishments specified at Point b, Clause 1 of this Article.

7. Commune-level People's Committees shall:

a/ Receive environmental registration requests;

b/ Carry out examination and handle violations of the law on environmental protection for organizations and individuals making environmental registration in accordance with law;

c/ Provide guidance and settle petitions about environmental protection with regard to contents included in environmental registration;

d/ Update environmental registration data to the national environmental information system and database.

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

9. The Minister of Natural Resources and Environment shall set out environmental registration request form and guide the receipt of environmental registration requests.

Chapter V

ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS AND SERVICE ACTIVITIES, URBAN AND RURAL AREAS, AND SOME FIELDS

Section 1

ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS AND SERVICE ACTIVITIES

Article 50. Environmental protection in economic zones

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

a/ Solid waste collection and storage system;

b/ Rainwater collection and drainage system;

c/ Wastewater collection, drainage and treatment system, ensuring that treated wastewater meets environmental protection requirements; automatic and continuous wastewater monitoring system, for economic zones with centralized wastewater treatment facilities subject to automatic and continuous monitoring in accordance with this Law;

d/ Greenery area meeting requirements prescribed in the construction law.

2. The management board of an economic zone must have a specialized division in charge of environmental protection and personnel in charge of environmental protection who are trained in environmental protection major or a discipline relevant to tasks they perform.

3. The management board of an economic zone shall:

a/ Examine and supervise the construction of infrastructure facilities for environmental protection of industrial production areas within the economic zone in accordance with law;

b/ Coordinate with the state management agency in charge of environmental protection in the locality where the economic zone is located in appraising environmental impact assessment reports, granting environmental licenses, conducting environmental protection-related inspection, and carrying out other environmental protection activities within the economic zone in accordance with law;

c/ Organize environmental protection-related examination for concentrated production, business and service establishments or zones and industrial clusters within the economic zone under a plan approved by the provincial-level People's Committee;

d/ Promptly detect violations of the law on environmental protection and propose the handling thereof in accordance with law;

dd/ Perform other environmental protection tasks as authorized by the provincial-level People's Committee in accordance with law;

e/ Report on implementation of environmental protection work of the economic zone in accordance with law;

g/ Perform other responsibilities prescribed by law.

Article 51. Environmental protection in concentrated production, business and service zones

1. A concentrated production, business and service zone must have infrastructure facilities for environmental protection, including:

a/ Rainwater collection and drainage system; centralized wastewater collection, drainage and treatment system, ensuring that treated wastewater meets environmental protection requirements;

b/ Facilities and equipment for prevention of and response to environmental incidents for wastewater as prescribed by law;

c/ Automatic and continuous wastewater monitoring system, for centralized wastewater treatment systems in accordance with this Law;

d/ Greenery area meeting requirements prescribed in the construction law.

2. The management board of an industrial park, export processing zone or hi-tech park of a province or centrally run city must have a specialized division

in charge of environmental protection and personnel in charge of environmental protection who are trained in environmental protection major or a discipline relevant to tasks they perform.

3. The management board of an industrial park, export processing zone or hi-tech park of a province or centrally run city shall:

a/ Examine and supervise the construction of infrastructure facilities for environmental protection of the concentrated production, business and service zone in accordance with law;

b/ Coordinate with the state management agency in charge of environmental protection in the locality where the park or zone is located in appraising environmental impact assessment reports, granting environmental licenses, conducting environmental protection-related inspection, and carrying out other environmental protection activities of the concentrated production, business and service zone in accordance with law;

c/ Organize environmental protection-related examination for establishments in the concentrated production, business and service zone in accordance with law;

d/ Promptly detect violations of the law on environmental protection and propose the handling of violations in accordance with law;

dd/ Report on implementation of environmental protection work of the concentrated production, business and service zone in accordance with law;

e/ Perform other environmental protection tasks as authorized by the provincial-level People's Committee in accordance with law;

g/ Perform other responsibilities prescribed by law.

4. Owners of projects on construction and commercial operation of concentrated production, business and service zones shall:

a/ Comply with Clause 1 of this Article;

b/ Arrange functional zones and types of production, business and service activities meeting environmental protection requirements;

c/ Build rainwater collection and drainage systems separate from centralized wastewater collection, drainage and treatment systems;

d/ Collect wastewater and connect wastewater systems of establishments in concentrated production, business and service zones to centralized wastewater collection, drainage and treatment systems;

dd/ Request establishments that currently discharge treated wastewater into rainwater collection and drainage systems to terminate such discharge within 24 months from the effective date of this Law;

e/ Assign personnel in charge of environmental protection who are trained in environmental protection major or a discipline relevant to tasks they perform;

g/ Coordinate with state management agencies in charge of environmental protection, management boards of industrial parks, export processing zones, hi-tech parks or economic zones of provinces or centrally run cities in carrying out environmental protection activities; coordinate in organizing environmental protection-related examination and inspection for establishments in concentrated production, business and service zones in accordance with law;

h/ Examine owners of investment projects or establishments in implementing their environmental protection commitments when they register investment in concentrated production, business and service zones;

i/ Promptly detect violations of the law on environmental protection and propose the handling thereof in accordance with law;

k/ Issue environmental protection regulations applicable to concentrated production, business and service zones that meet law-prescribed environmental protection requirements;

l/ Carry out environmental monitoring in accordance with law;

m/ Make reports on environmental protection activities of concentrated production, business and service zones and send them to provincial-level specialized agencies in charge of environmental protection, agencies granting environmental licenses and management boards of industrial parks, export processing zones, hi-tech parks or economic zones of provinces or centrally run cities in accordance with law;

n/ Perform other responsibilities prescribed by law.

5. Provincial-level People's Committees shall:

a/ Support the construction and operation of infrastructure facilities for environmental protection in State-invested concentrated production, business and service zones in their localities in accordance with law;

b/ Direct specialized agencies and management boards of industrial parks, export processing zones, hi-tech parks or economic zones of provinces or centrally run cities in complying with the law on environmental protection with regard to concentrated production, business and service zones;

c/ Issue regulations to encourage and organize the mobilization of social resources for construction and commercial operation of infrastructure facilities for environmental protection in concentrated production, business and service zones;

d/ Perform other responsibilities prescribed by law.

6. The Government shall detail this Article.

Article 52. Environmental protection in industrial clusters

1. An industrial cluster must have infrastructure facilities for environmental protection specified in Clause 1, Article 51 of this Law.

2. An operating industrial cluster must:

a/ Complete infrastructure facilities for environmental protection specified in Clause 1, Article 51 of this Law within 24 months from the effective date of this Law;

b/ Ensure that treated wastewater meets environmental protection requirements before being discharged into the environment, except cases of exemption from connection of wastewater systems to centralized wastewater collection, drainage and treatment systems; and have a plan on prevention of and response to environmental incidents with regard to wastewater and an automatic and continuous wastewater monitoring system as prescribed by law.

3. Owners of projects on construction and commercial operation of industrial clusters shall:

a/ Comply with Clause 1 of this Article;

b/ Build, manage and operate infrastructure facilities for environmental protection of industrial clusters in accordance with Clause 1 of this Article;

c/ If having no centralized wastewater collection, drainage and treatment system, refrain from receiving new investment projects or increasing capacity of existing investment projects that generate wastewater in industrial clusters;

d/ Collect wastewater and connect wastewater systems of establishments in industrial clusters to centralized wastewater collection, drainage and treatment systems;

dd/ Request establishments that currently discharge treated wastewater into rainwater collection and drainage systems to stop such discharge within 24 months from the effective date of this Law;

e/ Assign at least 1 person to be in charge of environmental protection who is trained in environmental protection major or another discipline relevant to tasks he/she performs;

g/ Coordinate with state management agencies in charge of environmental protection in carrying out environmental protection activities; coordinate with such agencies in carrying out environmental protection-related examination and inspection of establishments in industrial clusters in accordance with law;

h/ Examine owners of investment projects or establishments in implementing their environmental protection commitments when they register investment in industrial clusters;

i/ Promptly detect violations of the law on environmental protection and propose the handling thereof in accordance with law;

k/ Issue environmental protection regulations applicable to industrial clusters that meet law-prescribed environmental protection requirements;

l/ Make reports on environmental protection work of industrial clusters and send them to provincial-level specialized agencies in charge of environmental protection, agencies granting environmental licenses and district-level People's Committees in accordance with law;

m/ Perform other responsibilities prescribed by law.

4. The mobilization of, and incentives and support for, organizations and individuals participating in construction and commercial operation of infrastructure facilities for environmental protection in industrial clusters must comply with regulations of the Government and provincial-level People's Committees of localities concerned.

5. District-level People's Committees shall:

a/ Build, manage and operate infrastructure facilities for environmental protection of industrial clusters in case there are no owners of projects on construction and commercial operation of infrastructure facilities of industrial clusters;

b/ Make lists of industrial clusters that have no centralized wastewater collection, drainage and treatment systems in their localities and report them to provincial-level People's Committees;

c/ Perform other responsibilities prescribed by law.

6. Provincial-level People's Committees shall:

a/ Direct specialized agencies, and district-level and commune-level People's Committees to implement regulations on environmental protection in industrial clusters;

b/ Issue regulations to encourage or organize the mobilization of social resources for construction and commercial operation of infrastructure facilities for environmental protection in industrial clusters;

c/ Draw a roadmap for migration of residents (if any) out of industrial clusters.

Article 53. Environmental protection for production, business and service establishments

1. Production, business and service establishments shall:

a/ Collect and treat wastewater meeting environmental protection requirements. For establishments operating in industrial clusters, concentrated production, business and service zones or concentrated urban areas or residential areas where centralized wastewater collection, drainage and treatment systems are available, their owners shall connect wastewater systems to centralized wastewater collection, drainage and treatment systems under regulations of owners of projects on construction and commercial operation of such centralized systems, unless they are entitled to exemption from such connection before the effective date of this Law;

b/ Establishments that operate in industrial parks or concentrated production business and service zones and discharge treated wastewater into rainwater collection and drainage systems shall comply with Point dd, Clause 4, Article 51 and Point dd, Clause 3, Article 52 of this Law;

c/ Collect, sort, store, reuse, recycle and treat wastes in accordance with this Law;

d/ Minimize, collect and treat dust, emissions and unpleasant odors; prevent the leakage and emission of hazardous gases into the environment; control noise, vibration, light and thermal radiation;

dd/ Ensure resources and equipment for environmental incident prevention and response;

e/ The production, business and service establishments specified at Point b, Clause 2, Article 111 and in Clause 2, Article 112 of this Law shall assign persons to be in charge of environmental protection who are trained in environmental protection or another relevant discipline; and must have

environment management systems up to Vietnam standard TCVN ISO 14001 or international standard ISO 14001 certified;

g/ Monitor wastewater, dust and emissions in accordance with this Law.

2. Production, business and service establishments or storehouses shall ensure an environmental safety distance from residential quarters in the following cases:

a/ They have flammables or explosives;

b/ They have radioactive substances, radioactive wastes or radiation equipment;

c/ They have substances harmful to humans and living organisms;

d/ They are likely to emit dust or unpleasant odors or make noise with adverse impacts on human health;

dd/ They are likely to pollute water sources.

3. Household- or individual-scale production, business and service establishments that generate wastewater or emissions must have on-site waste treatment facilities and equipment meeting environmental protection requirements or complying with regulations of provincial-level People's Committees.

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

5. The Minister of Natural Resources and Environment shall provide technical instructions and assess conformity of on-site waste treatment facilities and equipment with the environmental protection requirements specified in Clause 3 of this Article.

6. Provincial-level People's Committees shall draw a roadmap of implementation for the establishments specified in Clause 2 of this Article that operate in their localities and fail to satisfy the requirement on environmental safety distance.

Article 54. Recycling responsibility of producers and importers

1. Organizations and individuals that produce and import recyclable products and packings shall recycle such products and packings according to compulsory ratio and specifications, except products and packings exported or temporarily imported for re-export or produced or imported for the purpose of research, study or testing.

2. The organizations and individuals specified in Clause 1 of this Article may recycle products and packings in one of the following forms:

a/ Organizing the recycling of products and packings;

b/ Making financial contributions to the Vietnam Environment Protection Fund to support the recycling of products and packings.

3. The organizations and individuals specified in Clause 1 of this Article shall register product and packing recycling plans and send annual recycling reports to the Ministry of Natural Resources and Environment, except the case specified at Point b, Clause 2 of this Article.

4. The making and use of financial contributions to support the recycling of products and packings specified at Point b, Clause 2 of this Article must adhere to the following principles:

a/ Financial contributions and fund amounts to be used for supporting the recycling of products and packings shall be determined based on the volume or unit of products and packings;

b/ Financial contributions shall be used to support the recycling of products and packings specified in Clause 1 of this Article;

c/ The receipt and use of financial contributions must ensure publicity, transparency and proper purposes in accordance with law.

5. The Government shall detail this Article and issue a roadmap for implementation thereof.

Article 55. Waste collection and treatment responsibility of producers and importers

1. Organizations and individuals that produce and import products and packings containing toxic substances or hard to recycle, or obstruct collection and treatment activities shall make financial contributions to support the activities specified in Clause 3 of this Article, except products and packings exported or temporarily imported for re-export or produced or imported for the purpose of research, study or testing.

2. The organizations and individuals specified in Clause 1 of this Article shall make financial contributions to the Vietnam Environment Protection Fund with contribution levels to be determined based on the volume or unit of products and packings.

3. Activities eligible for support from the Vietnam Environment Protection Fund for waste treatment:

a/ Collecting, transporting and treating domestic solid wastes;

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

c/ Collecting, transporting and treating pesticide containers.

4. The receipt and use of financial contributions must ensure publicity, transparency and proper purposes in accordance with law.

5. The Government shall detail this Article.

Article 56. Environmental protection in craft villages

1. Craft villages shall formulate environmental protection plans, establish environmental protection self-management organizations and have infrastructure facilities for environmental protection. Infrastructure facilities for environmental protection of a craft village include:

a/ A wastewater and rainwater collection system meeting the craft village's demand for water drainage;

b/ A centralized wastewater collection, drainage and treatment system (if any), ensuring that treated wastewater meets environmental protection requirements;

c/ A solid waste collection place meeting technical requirements on environmental protection; a solid waste treatment zone (if any) complying with regulations on solid waste management or a plan on transportation of solid wastes to solid waste treatment zones outside the craft village.

2. Establishments and households that carry out production activities in a craft village shall devise and implement environmental protection measures in accordance with law; take measures to minimize noise, vibration, light, dust, thermal radiation, emissions and wastewater and carry out on-site treatment of pollution; and collect, sort, store and treat solid wastes in accordance with law.

3. Establishments and households that carry out production in sectors or trades not encouraged for development in craft villages shall comply with Clause 2 of this Article and implement plans on relocation or change of production lines under regulations of competent state agencies.

4. Commune-level People's Committees shall:

a/ Formulate, and organize the implementation of, environmental protection plans for craft villages;

b/ Guide operation of self-management organizations in charge of environmental protection in craft villages.

5. District-level People's Committees shall:

a/ Summarize needs for budget funds for environmental protection activities in craft villages;

b/ Direct and organize the implementation of environmental protection models for craft villages; build and operate solid waste collection and treatment models and on-site wastewater treatment systems to meet environmental protection requirements which are invested by the State from construction investment funds, funds for environmental non-business activities, and contributions of organizations and individuals in accordance with law.

6. Provincial-level People's Committees shall:

a/ Plan, build, renovate and develop craft villages and craft-village industrial clusters in association with environmental protection;

b/ Allocate budget funds for environmental protection activities in craft villages;

c/ Direct and organize assessment of pollution degree and treat environmental pollution in craft villages in their localities;

d/ Direct the construction of wastewater collection and treatment systems; and zones for collection and treatment of normal solid wastes and hazardous wastes in craft villages;

dd/ Formulate plans on relocation of establishments causing severe environmental pollution and establishments causing prolonged environmental pollution out of residential areas and craft villages.

7. The Government shall detail this Article.

Section 2

ENVIRONMENTAL PROTECTION IN URBAN CENTERS AND RURAL AREAS

Article 57. Environmental protection in urban centers and residential areas

1. Environmental protection in urban centers and concentrated residential areas must adhere to principles of sustainable development associated with maintenance of natural, cultural and historical elements, assurance of green space area, and satisfaction of landscape and environmental sanitation requirements as planned.

2. Urban centers and concentrated residential areas must meet the following environmental protection requirements:

a/ Water supply and drainage systems and public sanitation works meet environmental protection requirements; and wastewater collection and treatment

systems are conformable with approved master plans; for urban centers and concentrated residential areas established before the effective date of this Law but having no land areas for construction of wastewater collection and treatment systems, Point c, Clause 5, Article 86 of this Law shall apply;

b/ Equipment, means and places for at-source sorting, collection and storage of domestic solid wastes are suitable to volumes and types of wastes generated from households and individuals in urban centers and concentrated residential areas;

c/ Greeneries, water surface areas and open space in urban centers and concentrated residential areas comply with regulations.

3. Parks, flower gardens, greeneries, water surface areas, public roads, and natural ecosystems shall be protected, preserved and embellished to meet aesthetic and environmental protection requirements and may not be encroached upon, leveled or used for improper purposes.

4. Scattered residential areas and residential clusters must have places for temporary storage of domestic solid wastes to avoid environmental pollution before being transported to waste treatment zones under regulations.

5. Owners of investment projects on construction of urban centers and concentrated residential areas shall comply with environmental protection requirements specified in Clauses 1, 2, 3 and 4 of this Article.

Article 58. Environmental protection in rural areas

1. Requirements on environmental protection in rural areas:

a/ Organizations, households and individuals shall carry out cottage industry production, agricultural or processing activities in conformity with relevant master plans and the law on environmental protection in order to prevent such activities from causing adverse impacts on surrounding environments; wastes shall be collected and reused or treated to meet environmental protection requirements;

b/ Rural residential clusters must have water drainage systems and appropriate wastewater treatment measures and rationally arranged places for waste collection; it is not permitted to graze domestic animals affecting public sanitation; it is encouraged to carry out environmental protection self-management activities;

c/ Landscapes, greeneries, ponds and lakes, surface water ecosystems and wastewater sources shall be preserved, protected, restored and renovated;

d/ Wastes generated in rural areas shall be managed in accordance with law; organic domestic wastes, wastes from animal husbandry or processing activities, and agricultural by-products shall be recovered and reused or used as production materials;

dd/ Rural environment quality shall be monitored and evaluated; polluted areas shall be identified and zoned off together for pollution treatment and environmental remediation and rehabilitation activities with measures to improve environmental quality.

2. The responsibility to protect the rural environment is provided as follows:

a/ Commune-level People's Committees shall make statistics of and manage assorted wastes generated from households, agriculture and cottage industry in their localities; organize activities of preserving sanitation and rehabilitating landscapes in rural areas; and provide environmental protection self-management activities in rural areas;

b/ District-level People's Committees shall manage production, business and service activities in accordance with environmental protection regulations under approved master plans; manage waste collection and treatment on a district scale; build and upgrade systems for water drainage and wastewater treatment and solid waste collection and treatment in rural areas; monitor and assess changes in environmental quality; zone off and treat polluted places, rehabilitate, remediate, and improve the quality of, the environment in polluted places in rural areas;

c/ Provincial-level People's Committees shall direct, and arrange resources for, environmental protection activities in rural areas; direct and organize the treatment of wastes generated in rural areas; issue, and guide the application of, mechanisms and policies on incentives and support for waste treatment, landscape construction and environmental protection in rural areas;

d/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, guiding the implementation of contents and criteria on environmental protection in rural areas, and appropriate waste collection and treatment measures, monitoring changes in environmental quality, remediating pollution, and rehabilitating and remediating rural environment quality;

dd/ The Ministry of Agriculture and Rural Development shall guide the collection and treatment of wastes generated from animal husbandry activities and agricultural by-products for reuse for other purposes; assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and

Environment in, formulating, and organizing the implementation of, rural development programs, schemes, projects, mechanisms and policies in association with environmental protection and climate change response goals;

e/ The Prime Minister shall issue criteria on environmental protection in rural construction and development.

Article 59. Environmental protection at public places

1. Agencies, organizations, households and individuals shall comply with regulations on environmental protection and sanitation maintenance at public places; sort and put garbage in public trash bins or at designated places; and may not let domestic animals soil public places.

2. Organizations and individuals that manage parks, recreation and entertainment zones, concentrated business and service zones, marketplaces, railway stations, bus stations, wharves, harbors, ferry landing stages and other public places shall:

a/ Assign workers to collect wastes and clean the environment in the areas under their management; assign personnel for environmental protection or form environmental protection teams to carry out inspection and supervision;

b/ Build or install public sanitation facilities and on-site wastewater treatment facilities meeting environmental protection requirements; and equip vehicles and equipment for waste collection, management and treatment meeting environmental protection requirements;

c/ Issue, post up, and organize the implementation of, regulations and rules on environmental sanitation maintenance and environmental protection at public places under their management;

d/ Promptly detect violations of the law on environmental protection and propose the handling thereof in accordance with law.

3. Agencies that appraise construction designs and grant construction permits for the objects specified in Clause 2 of this Article under the construction law shall, in the process of appraising construction designs and granting construction permits, collect opinions of specialized agencies in charge of environmental protection on on-site wastewater treatment facilities and equipment, and equipment for waste collection and temporary storage in accordance with the Government's regulations.

Article 60. Environmental protection requirements for households and individuals

1. Households and individuals have the following responsibilities:

a/ To minimize and sort domestic solid wastes at source, collect and bring domestic garbage already sorted to designated places;

b/ To minimize, treat and discharge domestic wastewater at designated places; not to let their domestic animals adversely affect sanitation in residential quarters;

c/ Not to disperse emissions, make noise or vibration or cause other impacts, thus causing environmental pollution or adversely affecting resident communities in surrounding areas;

d/ To pay waste collection, transportation and treatment service charges in accordance with law;

dd/ To participate in resident community-based environmental protection activities;

e/ To have hygienic toilet facilities according to regulations. In case wastewater treatment facilities or equipment are not yet available, when building or renovating or repairing detached houses in urban areas or centralized residential quarters, to build or install on-site wastewater treatment facilities or equipment up to environmental protection requirements according to regulations.

2. Household-scale livestock breeding stables and ranches must meet sanitation requirements, and neither cause noise pollution nor emit objectionable odors; wastes generated from livestock farming shall be collected and treated in accordance with the law on environmental protection and other relevant laws.

3. Agencies that appraise construction designs of, or grant construction permits for, households' and individuals' construction works and houses in urban areas in accordance with the construction law shall appraise designs of, and grant construction permits for, construction works and houses, covering also on-site wastewater treatment facilities or equipment, thus meeting environmental protection requirements.

Section 3

ENVIRONMENTAL PROTECTION IN A NUMBER OF FIELDS

Article 61. Environmental protection in agricultural production

1. Organizations and individuals that produce, import, trade in or use chemicals, pesticides, veterinary drugs or fertilizers in agricultural production shall comply with the law on environmental protection and other relevant laws.

2. Highly toxic and persistent chemicals, pesticides and veterinary drugs that are accumulated in the environment and exert adverse impacts on the

environment and human health shall be subject to registration, inventory, control, information management, risk assessment and management, and treatment in accordance with law.

3. Expired fertilizers, products for treatment of the livestock farming environment, pesticides, veterinary drugs, aquatic feeds, and products for treatment of the aquaculture environment shall be managed in accordance with relevant laws. Empty containers of fertilizers, animal feed, aquatic feeds, pesticides, veterinary drugs, products for treatment of the aquaculture environment, and products for treatment of wastes from livestock farming, sludge and soil sediments and feeds accumulated in aquaculture ponds shall be managed according to regulations on waste management. Sludge dredged from canals, ditches and hydraulic structures shall be collected, reused, recycled and managed in accordance with law. Carcasses of animals that died from epidemics shall be collected and treated in accordance with the laws on management of hazardous wastes and hygiene and disease prevention.

4. Agricultural by-products shall be either collected for production of other products and goods, use as raw materials or fuels, production of fertilizers or generation of energy or treated according to regulations; plant by-products must not be burnt at outdoor places, causing environmental pollution.

5. The use of wastes from livestock farming for making organic fertilizers or watering plants or for other purposes must comply with regulations of the Government.

6. The State shall adopt policies to encourage renewal of agricultural production models and methods toward sustainability, climate change adaptation, water conservation, and restriction of the use of inorganic fertilizers, chemical pesticides and environmental treatment products; and develop eco-friendly agricultural models.

7. The Ministry of Agriculture and Rural Development shall direct and organize the management of sludge dredged from canals, ditches and hydraulic structures, meeting environmental protection requirements.

Article 62. Environmental protection in medical activities and control of impacts of environmental pollution to human health

1. Hospitals and other medical establishments must satisfy the following environmental protection requirements:

a/ Collecting and treating wastewater up to environmental protection requirements before discharging it into the environment;

b/ Sorting solid wastes at source; collecting, storing, transporting, and treating solid wastes up to environmental protection requirements; in case domestic solid wastes and normal solid wastes intermingle with contaminated medical wastes, they shall be managed like contaminated medical wastes;

c/ Prioritizing non-combustion, eco-friendly technologies meeting environmental protection requirements for treatment of contaminated medical wastes;

d/ Encouraging the sterilization of contaminated medical wastes to get rid of transmittable germs before transporting them to centralized treatment facilities;

dd/ Having plans and equipment for prevention of and response to environmental incidents caused by medical wastes;

e/ Treating emissions up to environmental protection requirements;

g/ Building and operating sanitation facilities and waste collection, storage and treatment systems in accordance with regulations.

2. Medical establishments that use radioactive sources or radiation equipment must satisfy requirements of the law on atomic energy.

3. Pollutants directly affecting human health shall be managed as follows:

a/ Identifying, assessing, giving warnings about, preventing and controlling pollutants likely to affect human health; and diseases and human health issues directly resulting from pollutants;

b/ Controlling and treating sources of pollutants affecting human health and diseases identified as directly resulting from pollutants;

c/ Managing, sharing and disclosing information on pollutants directly affecting human health.

4. The Minister of Natural Resources and Environment shall prescribe in detail the transportation and treatment of medical wastes.

5. The Minister of Health shall prescribe in detail the sorting, collection, storage and management of medical wastes within medical establishments' premises; identify, assess, give warnings about, monitor and detect symptoms and causes of diseases and human health issues directly related to pollutants; determine and announce limits of pollutants in the human body that are likely to affect human health; manage, make statistics of, share and disclose information on disease issues related to pollutants; assess costs and economic damage arising from diseases and health issues related to environmental pollution; formulate,

and guide and organize the implementation of, measures for surveillance and prevention of diseases and other human health issues resulting from pollutants; and manage, share, exchange and disclose information on pollutants affecting human health.

6. Provincial-level People's Committees shall prescribe the collection, transportation and treatment of medical solid wastes in conformity with local conditions; and be held responsible for management of pollutants related to diseases and human health issues in their localities.

Article 63. Environmental protection in burial and cremation

1. Burial and cremation areas must conform to master plans; have their locations and safety distances meeting requirements on assurance of environmental sanitation and landscape in residential quarters; and not cause pollution of water sources and the surrounding environment.

The Government shall prescribe environmental protection in burial and cremation activities in conformity with traditions, customs, and belief and religious characteristics.

2. The lying in repose, embalmment, removal and burial of corpses and remains must satisfy environmental sanitation requirements.

3. Burial and cremation service providers shall comply with the laws on environmental protection and contagious disease prevention and control.

4. The State shall encourage hygienic cremation and burial in cemeteries under master plans; and elimination of unsound customs in burial and cremation which cause environmental pollution.

5. The Minister of Health shall prescribe the burial and cremation of bodies of those who died from dangerous epidemics.

Article 64. Environmental protection in construction

1. Construction master plans must meet environmental protection and climate change adaptation requirements.

2. The planning of urban centers and centralized residential quarters shall be made along the line of developing ecological urban centers, applying energy conservation, using renewable energy, and ensuring the rates of greenery, water surface and landscape areas in accordance with law.

3. The State shall encourage the reuse of wastes generated from construction activities, non-baked materials and eco-friendly materials in construction.

4. When granting construction permits and appraising construction designs of investment projects in accordance with the construction law, it is required to ensure that waste treatment facilities and their items and equipment and environmental incident prevention and response facilities conform to the law on environmental protection.

5. The building, renovation, repair and dismantlement of construction works must satisfy the following environmental protection requirements:

a/ Measures shall be taken to ensure that dust, heat, noise, vibration and light do not exceed the allowable limits stated in environmental technical regulations;

b/ Building materials and wastes generated from construction activities shall be transported with appropriate vehicles so as to prevent leakage and scattering during transportation and environmental pollution;

c/ Wastewater shall be collected and treated up to environmental protection requirements;

d/ Reusable solid wastes and scraps shall be recycled and reused according to regulations; earths, stones and solid wastes generated from construction activities shall be reused as building materials or for ground leveling according to regulations;

dd/ Soil and sludge generated from soil digging, dredging of soil surface and footing excavation shall be used to consolidate land areas under trees and other land areas as appropriate;

e/ Sludge from septic tanks shall be managed according to regulations on management of normal industrial solid wastes;

g/ Solid wastes and other wastes shall be collected, stored and transported to treatment facilities according to regulations on waste management.

6. Wastes generated from renovation and dismantlement of construction works of households and individuals in urban areas shall be collected and delivered to establishments having waste treatment function according to regulations of provincial-level People's Committees, except the cases specified at Points d and dd, Clause 5 of this Article.

7. Wastes generated from renovation and dismantlement of construction works of households and individuals in rural areas where waste collection and treatment systems are not yet available shall be reused or dumped according to regulations of provincial-level People's Committees; and must not be thrown to

streets, rivers, canals, springs, ditches and other surface water sources, thus affecting the landscape and environment.

8. Provincial-level People's Committees shall prescribe the collection, transportation and treatment of construction solid wastes and plan sites for dumping wastes generated from construction activities and sludge from septic tanks and water drainage systems.

9. The Minister of Construction shall formulate standards and technical regulations on designs of solid waste collection systems in conformity with the sorting of solid wastes at source for commercial-cum-residential buildings, office-cum-residence buildings, and multifunctional high-rise complexes.

Article 65. Environmental protection in transport

1. Vehicles shall be inspected and certified by registration and inspection agencies as complying with environmental technical regulations in accordance with law and treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Vehicles carrying raw materials, materials and wastes shall be covered so as to prevent raw materials, materials and wastes from dropping during transportation and causing environmental pollution

3. Organizations and individuals transporting dangerous goods must fully satisfy conditions on, and have full capacity for ensuring, environmental protection in accordance with law.

4. Goods and materials which are likely to cause environmental pollution or incidents shall be transported by special-use equipment and vehicles to prevent leakage and dispersion into the environment.

5. The construction of transport works shall be accompanied with measures to restrict and minimize impacts to terrains, landscape, geological conditions and natural heritages.

6. Provincial-level People's Committees shall specify areas and places for dumping and sea dumping of sludge dredged from inland waterway and sea transport systems; work out traffic divergence and environmental pollution control solutions in order to minimize air environment pollution for special-grade and grade-I urban centers.

7. The Government shall adopt incentive and support policies to encourage the development of mass transit vehicles, vehicles using renewable energy, vehicles with low fuel consumption rates, and low emission or zero emission

vehicles; and prescribe the roadmap for conversion and elimination of fossil fuel-powered vehicles and polluting vehicles.

8. The Minister of Transport shall promulgate national technical regulations on technical safety and environmental protection quality requirements for means of transport in accordance with the laws on transport and product and goods quality and other relevant laws; guide and organize the dredging of water areas of seaports and inland waterways according to regulations.

Article 66. Environmental protection in culture, sports and tourism

1. Organizations and individuals that manage and operate relics, vestiges, tourist sites and destinations, tourist accommodation establishments, and sports practice, performance and competition venues, and festival organizers shall comply with Clause 2, Article 59 of this Law.

2. Individuals who visit relics, vestiges, tourist sites and destinations, stay at tourist accommodation establishments, and come to sports practice, performance and competition venues, and festivals shall perform the following obligations:

a/ Observing regulations and rules on sanitation maintenance and environmental protection;

b/ Discharging wastes at designated places; restricting the generation of plastic wastes;

c/ Maintaining public sanitation;

d/ Refraining from infringing upon environmental landscape and organisms.

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

a/ Organize the implementation of regulations on environmental protection requirements applicable to tourist accommodation and tourist service establishments; and develop eco-friendly tourist accommodation and tourist service establishments;

b/ Organize the implementation of regulations on encouragement for minimization, reuse and recycling of plastic wastes in culture, sports and tourism activities.

Article 67. Environmental protection in mineral exploration, mining and processing and petroleum activities

1. Organizations and individuals that conduct mineral exploration, mining, and processing shall work out plans for prevention of and response to environmental incidents and comply with the following requirements on environmental protection, remediation and rehabilitation:

a/ Collecting and treating wastewater according to regulations;

b/ Collecting and treating solid wastes according to regulations on management of solid wastes;

c/ Working out measures for preventing and restricting the dispersion of dust and emissions and other adverse impacts on the surrounding environment;

d/ Working out plans on environmental remediation and rehabilitation and conducting environmental remediation and rehabilitation in mineral mining in accordance with this Law and the mineral law;

dd/ Making deposits for environmental protection in accordance with Article 137 of this Law.

2. Plans on environmental remediation and rehabilitation shall be required for:

a/ Investment projects on mineral mining;

b/ Mineral mining establishments that started operating before the date this Law takes effect but have not yet had environmental remediation and rehabilitation plans or have changed environmental remediation and rehabilitation contents against approved plans;

c/ Mineral mining establishments that started operating before the date this Law takes effect and have their environmental remediation and rehabilitation plans approved but do not have sufficient funds to implement such plans in accordance with law.

3. Contents of an environmental remediation and rehabilitation plan:

a/ Environmental remediation and rehabilitation solutions; analysis, evaluation and selection of the best solution for environmental remediation and rehabilitation;

b/ List of environmental remediation and rehabilitation work items under the selected solutions and the volume of each work item;

c/ Implementation plan which is phased out by each year and each period of environmental remediation and rehabilitation; program on environmental monitoring during the period of environmental remediation and rehabilitation; plan on inspection and certification of completion of the environmental remediation and rehabilitation plan;

d/ Estimates of funds for environmental remediation and rehabilitation for each environmental remediation and rehabilitation work item; deposit amounts according to the roadmap.

4. Toxic minerals shall be stored and transported by special-used vehicles and equipment and covered so as to prevent leakage or dispersion into the environment.

5. The use of machinery and equipment with adverse impacts on the environment and toxic chemicals in mineral exploration and mining, mine closure and mineral processing must undergo environmental impact assessment and shall be declared in dossiers of application for environmental licenses.

6. The exploration, mining, transportation and processing of other minerals containing radioactive, toxic or explosive substances must comply with this Law, the laws on chemical safety and atomic energy and other relevant laws.

7. The Government shall prescribe in detail the formulation and appraisal of plans on environmental remediation and rehabilitation in mineral mining; prescribe particular requirements on environmental protection in trial operation, waste management and environmental monitoring concerning oil and gas prospecting, exploitation and transportation and provision of other related services at sea.

8. The Minister of Natural Resources and Environment shall promulgate forms and provide technical guidance for implementation of this Article.

Article 68. Environmental protection requirements for research and training institutions and laboratories

1. Research and training institutions and laboratories must satisfy the following environmental protection requirements:

a/ Collecting and treating wastewater and emissions up to environmental protection requirements;

b/ Sorting solid wastes at source; collecting and managing wastes in accordance with the law on waste management;

c/ Disposing of and destroying samples and articles for analysis and experiment and chemicals up to environmental protection requirements;

d/ Having plans and equipment for prevention of and response to environmental incidents;

dd/ Other requirements prescribed by relevant laws.

2. Research and training institutions and laboratories that have radioactive sources, radiation equipment, and nuclear materials and equipment must satisfy requirements in accordance with the law on atomic energy.

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

1. Environmental protection requirements in management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants are prescribed as follows:

a/ It is not permitted to produce, import, export and use persistent organic pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent organic pollutants listed in Annex A of the Stockholm Convention with contents exceeding the maximum allowable limits prescribed by law, except persistent organic substances already registered for exemption under the Stockholm Convention;

b/ It is required to control sources of generation of, and publicize information on, label, assess the conformity of, and inspect, persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants in accordance with law;

c/ Persistent organic pollutants and raw materials, fuels, materials products, goods and equipment containing persistent organic pollutants exceeding the maximum allowable limits prescribed by law may be recycled or destroyed on the condition that the recycling and disposal do not lead to recovery of these substances for reuse and meet environmental protection requirements;

d/ Persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants exceeding the maximum allowable limits shall be stored, recovered, managed and treated up to environmental protection requirements according to regulations, unless they are recycled or destroyed under Point c of this Clause;

dd/ Production, business and service establishments shall report on types of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants and calculate the volume of pollutants discharged into the water, air and soil environments and hand over persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants for management of information and assessment and management of environmental risks in accordance with law;

e/ It is required to assess, identify, give risk warnings about, and propose safety management, treatment and environmental remediation and rehabilitation solutions for areas where exist or are contaminated with persistent pollutants.

2. The responsibilities for environmental protection in management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants are prescribed as follows:

a/ Organizations and individuals shall comply with the requirements specified in Clause 1 of this Article;

b/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with related ministries and ministerial-level agencies in, guiding and organizing the implementation of Clause 1 of this Article; include information on monitoring of persistent pollutants in national environmental status reports in accordance with the Stockholm Convention, other relevant treaties to which the Socialist Republic of Vietnam is a contracting party and provisions of law;

c/ Related ministries and ministerial-level agencies and provincial-level People's Committees shall organize the implementation of environmental protection requirements regarding persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants under their management in accordance with the Stockholm Convention, other relevant treaties to which the Socialist Republic of Vietnam is a contracting party and provisions of law;

d/ The Government shall prescribe in detail environmental protection in management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants in accordance with the Stockholm Convention and other relevant treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 70. Environmental protection in import, temporary import, re-export and transit of goods

1. Organizations and individuals may not import:

a/ Used machinery, equipment and vehicles that are imported for dismantlement, except those specified in Clause 2 of this Article;

b/ Machinery, equipment, vehicles, goods, raw materials and scraps that are contaminated with radioactive substances, pathological germs or other toxic substances and have not yet been cleaned or cannot be cleaned.

2. The import and dismantlement of used seagoing ships must comply with environmental technical regulations. The Government shall prescribe subjects eligible and conditions for import and dismantlement of used seagoing ships.

3. The temporary import, re-export and transit of goods that are likely to cause environmental pollution must comply with the law on foreign trade management.

Article 71. Environmental protection in import of scraps

1. Scraps imported into Vietnam must comply with environmental technical regulations and be on the Prime Minister-promulgated list of scraps permitted for import for use as production materials.

2. Organizations and individuals may only import scraps for use as production materials for their own production establishments and must satisfy the following environmental protection requirements:

a/ Having production establishments with technologies and equipment for recycling and reuse of scraps and separate warehouses and storing yards which satisfy environmental protection conditions for storing scraps; having plans on disposal of impurities as suitable to imported scraps;

b/ Having environmental licenses;

c/ Having made deposits for environmental protection in accordance with Article 137 of this Law before scarp shipments are unloaded at ports, in case scraps are imported through seaports, or before scraps are imported into Vietnam, in other cases;

d/ Having made a written commitment on re-export or disposal of scraps in case imported scraps do not meet environmental protection requirements.

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

Chapter VI

MANAGEMENT OF WASTES AND CONTROL OF OTHER POLLUTANTS

Section 1

GENERAL PROVISIONS ON MANAGEMENT OF WASTES

Article 72. Requirements on management of wastes

1. General requirements on management of domestic solid wastes, hazardous wastes and normal industrial solid wastes:

a/ Wastes shall be managed throughout the process of generation, reduction, sorting, collection, storage, transshipment, transportation, reuse, recycling, treatment and destruction;

b/ Generators of hazardous wastes and normal industrial solid wastes shall reuse, recycle, treat and recover energy from, wastes or hand them over to establishments having appropriate functions and environmental licenses for treatment;

c/ Generators of industrial wastes subject to control shall identify whether their wastes are hazardous wastes or normal industrial solid wastes through the taking and analysis of samples conducted by establishments having appropriate functions and capacity in accordance with law. After being identified, industrial wastes shall be managed in accordance with law;

d/ Wastes meeting standards and technical regulations applicable to raw materials, fuels, and materials in accordance with the law on product and goods quality shall be managed like products and goods and may be used directly as raw materials, fuels or materials serving production activities;

dd/ Organizations and individuals transporting domestic solid wastes, hazardous wastes or normal industrial solid wastes subject to treatment shall transport such wastes to establishments having appropriate functions and environmental licenses or hand them over to other organizations and individuals for the latter to transport them to establishments having appropriate functions and environmental licenses;

e/ The management of radioactive wastes must comply with the law on atomic energy.

2. General requirements on management of wastewater:

a/ Wastewater shall be collected and treated up to environmental technical regulations before being discharged into receiving waters;

b/ It is encouraged to reuse wastewater if meeting environmental protection requirements and water use purposes;

c/ Wastewater with hazardous environmental parameters exceeding law-prescribed limits shall be managed according to regulations on management of hazardous wastes;

d/ The discharge of treated wastewater into the environment shall be managed in accordance with the law on environmental protection and in conformity with load capacity of receiving waters.

3. Emissions shall be collected and treated up to environmental protection requirements.

4. Waste-generating organizations and individuals shall apply natural resource and energy conservation solutions; use eco-friendly raw materials, fuels

and materials and renewable energy; apply cleaner production technologies and programs, environmental control solutions and other measures to minimize the generation of wastes; update information to the national environmental database when handing over hazardous wastes and normal industrial solid wastes subject to treatment to establishments having appropriate environmental licenses.

5. The State shall adopt policies on mobilization of social resources for waste collection, transportation, reuse, recycling and treatment and recovery of energy from waste treatment; apply advanced and eco-friendly waste treatment technologies and best available techniques so as to minimize and control the generation of secondary wastes and restrict to the utmost the volume of solid wastes subject to burial; encourage co-treatment of wastes and use of wastes as substitute raw materials, fuels and materials.

6. The Minister of Natural Resources and Environment shall promulgate the list of hazardous wastes and industrial wastes subject to control and normal industrial solid wastes; technical requirements on environmental protection applicable to vehicles carrying domestic solid wastes, normal industrial solid wastes and hazardous wastes.

7. Provincial-level People's Committees shall manage wastes in their localities; promulgate regulations on waste management and implement incentive and support policies for waste management activities in accordance with law.

8. The Government shall prescribe in detail the prevention, minimization, sorting, collection, transportation, reuse, recycling and treatment of wastes.

Article 73. Minimization, reuse, recycling and treatment of plastic wastes, prevention and control of marine plastic litter pollution

1. Organizations and individuals shall restrict the use of, minimize, sort and discharge wastes being single-use plastic products and bio-persistent plastic packaging according to regulations; and may not discharge plastic wastes directly into water drainage systems, ponds, lakes, canals, ditches, rivers and oceans.

2. Plastic wastes generated from tourist and marine service activities, marine economic activities, oil and gas and marine mineral resource exploitation, and aquaculture and fishing shall be collected, stored and handed over to establishments having waste recycling and treatment functions.

3. Certified eco-friendly products, substitute products for single-use plastic products and substitute products for bio-persistent plastic packaging will be entitled to incentives and supports in accordance with law.

4. Plastic wastes shall be collected and sorted for reuse, recycling or treatment in accordance with law. Unrecyclable plastic wastes shall be handed over to establishments having waste treatment functions according to regulations. Plastic wastes generated from marine economic activities shall be collected for reuse, recycling or treatment and must not be discharged into the sea.

5. The State shall encourage the reuse and recycling of plastic wastes serving production of goods, building materials and transport works; encourage the research and development of systems for collection and treatment of floating marine plastic litter; and adopt policies to promote the reuse and recycling of plastic wastes.

6. Provincial-level People's Committees shall direct the collection and treatment of plastic wastes in their localities; conduct communication about, and encourage restricted use of, bio-persistent plastic packaging and single-use plastic products; conduct communication about harms of discharging fishing gear directly into the sea and harms of plastic litter to the ecosystem.

7. The Government shall prescribe the roadmap for restricting the production and import of single-use plastic products, bio-persistent plastic packaging and products and goods containing microplastics.

Article 74. Environmental audit

1. Environmental audit means the systematic and comprehensive consideration and assessment of the effectiveness of environmental management and pollution control of production, business and service establishments.

2. Major contents of environmental audit of production, business and service establishments:

a/ Use of energy, chemicals, raw materials and scraps imported for use as production materials;

b/ Pollution control and waste management.

3. Production, business and service establishments are encouraged to conduct environmental audit.

4. The Minister of Natural Resources and Environment shall guide environmental self-audit techniques for production, business and service establishments.

Section 2

MANAGEMENT OF DOMESTIC SOLID WASTES

Article 75. Sorting, storage and handover of domestic solid wastes

1. Domestic solid wastes generated from households and individuals shall be sorted into:

- a/ Reusable and recyclable solid wastes;
- b/ Food wastes; and,
- c/ Other domestic solid wastes.

2. Provincial-level People's Committees shall decide on the sorting of domestic solid wastes specified at Point c, Clause 1 of this Article in their localities under the guidance of the Ministry of Natural Resources and Environment; and adopt policies to encourage the sorting of hazardous wastes in domestic solid wastes generated from households and individuals.

3. Households and individuals in urban areas shall hold domestic solid wastes already sorted according to Clause 1 of this Article in containers for handover as follows:

a/ Reusable and recyclable solid wastes shall be handed over to organizations and individuals that reuse or recycle them or establishments having domestic solid waste collection and transportation functions;

b/ Food wastes and other domestic solid wastes shall be held in containers according to regulations and handed over to establishments having domestic solid waste collection and transportation functions; food wastes may be used as organic fertilizers or animal feed.

4. After being sorted according to Clause 1 of this Article, domestic solid wastes generated by households and individuals in rural areas shall be managed as follows:

a/ It is encouraged to use food wastes as organic fertilizers or animal feed;

b/ Reusable and recyclable solid wastes shall be handed over to organizations and individuals that reuse or recycle them or establishments having domestic solid waste collection and transportation functions;

c/ Food wastes which are not used as fertilizers or animal feed as prescribed at Point a of this Clause shall be handed over to establishments having domestic solid waste collection and transportation functions;

d/ Other domestic solid wastes shall be held in containers according to regulations and handed over to establishments having domestic solid waste collection and transportation functions.

5. Households and individuals in rural areas that generate domestic solid wastes are encouraged to sort, store and hand over domestic solid wastes according to Clause 3 of this Article.

6. The sorting, collection, transportation and treatment of bulky wastes must comply with regulations of provincial-level People's Committees.

7. Vietnam Fatherland Front Committees and socio-political organizations of all levels shall mobilize resident communities, households and individuals to sort domestic solid wastes at sources. Resident communities and grassroots socio-political organizations shall supervise the sorting of domestic solid wastes by households and individuals.

Article 76. Domestic solid waste gathering places and transshipment stations

1. Domestic solid waste gathering places and transshipment stations must have different areas for storing domestic solid wastes already sorted so as to ensure that sorted wastes do not intermingle with one another.

2. People's Committees at all levels shall arrange sites for domestic solid waste gathering places and transshipment stations up to technical requirements on environmental protection according to regulations of the Ministry of Natural Resources and Environment.

Article 77. Collection and transportation of domestic solid wastes

1. People's Committees of all levels shall select domestic solid waste collection and transportation establishments through bidding in accordance with the bidding law; in case of impossibility to select such establishments through bidding, the method of order placement or task assignment may be applied in accordance with law.

2. Domestic solid waste collection and transportation establishments may refuse to collect and transport domestic solid wastes not yet sorted by households or individuals or not held in proper containers as required and shall notify thereof to competent agencies for inspection and handling of violations in accordance with law, except cases in which households or individuals use containers of other domestic solid wastes referred to at Point c, Clause 1, Article 75 of this Law.

3. Domestic solid waste collection and transportation establishments shall coordinate with commune-level People's Committees, resident communities and representatives of residential quarters in determining the time, places, frequency and routes for collection of domestic solid wastes and make public such information.

4. Domestic solid waste collection and transportation establishments shall use equipment and vehicles having designs suitable to each type of domestic solid waste already sorted and meeting technical requirements on environmental protection according to regulations of the Ministry of Natural Resources and Environment; domestic solid wastes shall be transported along the routes and at the time prescribed by provincial-level People's Committees.

5. Households and individuals shall bring domestic solid wastes already sorted to waste gathering places according to regulations or hand them over to domestic solid waste collection and transportation establishments.

6. Owners of investment projects on building, owners and management boards of new urban centers, high-rise condominiums or office buildings shall install domestic solid waste storage equipment and facilities suitable to wastes of different types referred to in Clause 1, Article 75 of this Law; organize the collection of wastes from households and individuals and hand them over to domestic solid waste collection and transportation establishments.

7. Commune-level People's Committees shall:

a/ Inspect the observance of the law on environmental protection in collection and transportation of domestic solid wastes; handle violations of the law on management of domestic solid wastes according to their competence; consider and handle recommendations and reports of organizations, resident communities, households and individuals concerning the collection and transportation of domestic solid wastes;

b/ Assume the prime responsibility for, and coordinate with domestic solid waste collection and transportation establishments, resident communities and grassroots socio-political organizations in, determining the time, places, frequency and routes for collections of domestic solid wastes;

c/ Guide households and individuals to hand over domestic solid wastes to waste collection and transportation establishments or waste gathering places according to regulations; guide resident communities to supervise and publicize information on those failing to comply with regulations on sorting and collection of domestic solid wastes.

Article 78. Treatment of domestic solid wastes

1. The State shall encourage and adopt incentive policies for organizations and individuals that invest in and provide domestic solid waste treatment services; and encourage co-treatment of domestic solid wastes.

2. People's Committees at all levels shall select domestic solid waste treatment establishments through bidding in accordance with the bidding law; in

case of impossibility to select such establishments through bidding, the method of order placement or task assignment may be applied in accordance with law.

3. Domestic solid waste treatment service providers must meet environmental protection requirements in accordance with this Law. It is not encouraged to invest in domestic solid waste treatment service establishments providing services in the geographical area of only one commune-level administrative unit.

4. Domestic solid wastes shall be treated by appropriate technologies meeting environmental technical regulations. The Government shall prescribe a roadmap for restricting the treatment of domestic solid wastes by direct burial methods.

5. The Minister of Natural Resources and Environment shall promulgate criteria on domestic solid waste treatment technologies; and guide domestic solid waste treatment models in urban and rural areas.

6. Provincial-level People's Committees shall plan and arrange land areas for construction of domestic solid waste treatment complexes; allocate land in time so as to ensure the construction and operation of domestic solid waste treatment complexes in their localities; allocate funds for the construction and operation of domestic solid waste collection, storage, transshipment, transportation and treatment systems; and systems of facilities, measures and public equipment serving the management of domestic solid wastes in their localities.

Article 79. Funds for collection, transportation and treatment of domestic solid wastes

1. Rates of service charges for collection, transportation and treatment of domestic solid wastes from households and individuals shall be calculated based on the following grounds:

a/ Conformity with the law on price;

b/ Quantity or volume of sorted wastes;

c/ Non-imposition of service charges for collection, transportation and treatment of reusable and recyclable solid wastes and hazardous wastes generated from households and individuals which have been sorted separately.

2. In case households or individuals fail to sort wastes or sort wastes not according to Points a and b, Clause 1, Article 75 of this Law, they shall pay waste collection, transportation and treatment service charges as for other domestic solid wastes.

3. Agencies, organizations, production, business and service establishments, concentrated production, business and service zones and industrial clusters that generate a small volume of domestic and office wastes as prescribed by the Government may choose to apply the form of management of domestic solid wastes like households and individuals do as specified in Article 75 of this Law or the form of management under Clause 4 of this Article.

4. Agencies, organizations, production, business and service establishments, concentrated production, business and service zones and industrial clusters that generate a large volume of domestic and office wastes as prescribed by the Government shall hand over such wastes to waste recycling, reuse or treatment establishments having appropriate functions or waste collection and transportation establishments having appropriate vehicles and equipment for the latter to transport such wastes to waste recycling, reuse or treatment establishments having appropriate functions.

5. The Minister of Natural Resources and Environment shall guide methods for determining domestic waste treatment service charge rates; prescribe economic and technical norms on domestic solid waste collection, transportation and treatment; provide technical guidance on sorting of domestic solid wastes; and guide the implementation of Clause 1 of this Article.

6. Provincial-level People's Committees shall prescribe in detail the management of domestic solid wastes of households and individuals in their localities; specify domestic solid waste collection, transportation and treatment service charge rates; specify forms and levels of payment by households and individuals for domestic solid waste collection, transportation and treatment based on the quantity or volume of sorted wastes.

7. The provisions of Clause 1, this Article and Clause 1, Article 75 of this Law shall be implemented no later than December 31, 2024.

Article 80. Treatment of pollution and environmental remediation at domestic solid waste burial sites

1. Domestic solid waste burial sites which have been closed or fail to meet sanitation requirements must undergo pollution treatment and environmental remediation to meet environmental protection requirements.

2. Owners of investment projects or establishments managing domestic solid waste burial sites shall:

a/ Conduct remediation of landscape right after closing domestic solid waste burial sites and, at the same time, take measures to prevent environmental pollution;

b/ Observe and monitor environmental developments at domestic solid waste burial sites after the closure of burial sites is completed and report thereon to provincial-level specialized agencies in charge of environmental protection according to regulations;

c/ Complete pollution treatment and environmental remediation, make dossiers and hand over sites to competent state agencies after their operation ends.

3. The Government shall issue incentive policies and encourage organizations and individuals to invest in pollution treatment and environmental remediation for domestic solid waste burial sites.

4. The Minister of Natural Resources and Environment shall guide the closure of domestic solid waste burial sites.

5. Provincial-level People's Committees shall arrange sources and funds for pollution treatment and environmental remediation for domestic solid waste burial sites managed by the State and domestic solid waste burial sites built without being included in master plans in their localities.

Section 3

MANAGEMENT OF NORMAL INDUSTRIAL SOLID WASTES

Article 81. Sorting, storage and transportation of normal industrial solid wastes

1. Normal industrial solid wastes shall be sorted into:

a/ Normal industrial solid wastes to be reused as or recycled into production materials;

b/ Normal industrial solid wastes meeting standards, technical regulations and technical instructions to be used in production of building materials and ground leveling;

c/ Normal industrial solid wastes subject to treatment.

2. Owners of production, business and service establishments, concentrated production, business and service zones, industrial clusters, and agencies and organizations generating normal industrial solid wastes shall sort wastes at source according to Clause 1 of this Article; and store wastes so as to ensure that they do not cause environmental pollution. Normal industrial solid wastes which are not sorted shall be managed like the wastes referred to at Point c, Clause 1 of this Article.

3. Normal industrial solid wastes which intermingle with hazardous wastes which are not sorted or cannot be sorted shall be managed according to regulations on management of hazardous wastes.

4. Normal industrial solid wastes shall be stored separately by type as sorted; hazardous wastes must not intermingle with normal industrial solid wastes; it is required to prevent dispersion of dust and leakage of wastewater into the environment; and normal industrial solid wastes shall be held in appropriate equipment and devices and stored in appropriate areas according to regulations of the Minister of Natural Resources and Environment.

5. The transportation of normal industrial solid wastes must meet the following requirements:

a/ Wastes shall be held in equipment and devices which can ensure that they are not dropped, leaked or dispersed into the environment during transportation, except special wastes of a large volume which are required to be held in containers of carrying vehicles;

b/ Wastes shall be transported by type as sorted according to regulations;

c/ Vehicles carrying normal industrial solid wastes subject to treatment must have tracking devices meeting technical requirements and operate along proper routes at proper time according to regulations of provincial-level People's Committees.

Article 82. Treatment of normal industrial solid wastes

1. Production, business and services establishments, concentrated production, business and service zones, industrial clusters, and agencies and organizations generating normal industrial solid wastes shall reuse or recycle such wastes, recover energy from and treat such wastes or hand them over to:

a/ Lawfully licensed production establishments that use such wastes directly as production materials or for production of building materials or ground leveling;

b/ Production establishments having appropriate waste co-treatment functions;

c/ Normal industrial solid waste treatment establishments having appropriate functions;

d/ Normal industrial solid waste transportation establishments which have signed waste handover contracts with the subjects specified at Points a, b or c of this Clause.

2. Establishments providing normal industrial solid waste treatment services must meet environmental protection requirements in accordance with this Law.

3. Owners of establishments providing normal industrial solid waste treatment services shall:

a/ Ensure that their systems, vehicles and equipment used for storage and treatment of normal industrial solid wastes, including preliminary processing, reuse, recycling, co-treatment, and treatment of, and recovery of energy from, normal industrial solid wastes, meet technical requirements and management processes as prescribed;

b/ Fulfill responsibilities of generators of hazardous wastes in case hazardous wastes are generated from establishments providing normal industrial solid waste treatment services according to regulations;

c/ Make periodical and unscheduled reports on generation and treatment of normal industrial solid wastes at the request of competent state management agencies;

d/ Make records on handover of normal industrial solid wastes subject to treatment upon each receipt of such wastes; make operation logs for systems, vehicles and equipment used for treatment of normal industrial solid wastes, including preliminary processing, reuse, recycling, co-treatment, and treatment of, and recovery of energy from, normal industrial solid waste, and books for monitoring the quantity of products recycled or recovered from normal industrial solid wastes (if any).

4. Organizations and individuals generating normal industrial solid wastes subject to treatment may themselves conduct recycling, treatment, co-treatment and energy recovery when meeting the following requirements:

a/ Using environmental protection technologies and facilities or production equipment which are available in the premises of establishments generating normal industrial solid wastes and meet environmental protection requirements according to regulations;

b/ Ensuring conformity with decisions approving results of appraisal of environmental impact assessment reports or environmental licenses;

c/ Not investing in new furnaces and burial sites for treatment of normal industrial solid wastes, unless such investment conforms with solid waste management contents of relevant master plans.

Section 4

MANAGEMENT OF HAZARDOUS WASTES

Article 83. Declaration, sorting, collection, storage and transportation of hazardous wastes

1. Hazardous waste generators shall:

a/ Declare hazardous waste volumes and types in dossiers of application for environmental licenses or in environmental registration contents;

b/ Identify, sort, collect, store hazardous waste separately and not let them intermingle with non-hazardous wastes in order not to cause environmental pollution;

c/ Reuse, recycle, treat, co-treat and recover energy from hazardous wastes by themselves in accordance with law or deliver hazardous wastes to establishments having appropriate environmental licenses for treatment.

2. The storage of hazardous wastes must satisfy the following requirements:

a/ Storing hazardous wastes by type as sorted;

b/ Not letting hazardous wastes intermingle with normal wastes;

c/ Neither emitting dust nor leaking liquid wastes to the environment;

d/ Storing hazardous wastes for a certain period of time as prescribed by law.

3. Hazardous wastes shall be held and transported by appropriate special-use equipment and vehicles to waste treatment establishments during transportation. Vehicles carrying hazardous wastes must be installed with, and operate along proper routes at proper time as specified by provincial-level People's Committees.

4. Entities permitted to transport hazardous wastes include:

a/ Hazardous waste generators that have appropriate vehicles and equipment meeting technical requirements and management processes in accordance with the law on environmental protection;

b/ Establishments that have been granted environmental licenses and have hazardous waste treatment function suitable to the types of to-be-transported wastes.

5. The Minister of Natural Resources and Environment shall provide technical guidance on, and forms used in, declaration, sorting, collection and storage of hazardous wastes; technical guidance on vehicles and equipment for storage and transportation, prevention of and response to incidents during transportation and treatment of hazardous wastes; guidance on registration and

transboundary movement of hazardous wastes under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Article 84. Hazardous waste treatment

1. Hazardous wastes shall be treated by appropriate technologies and in compliance with the law on environmental protection.

2. The State shall encourage and adopt incentive policies for organizations and individuals investing in and providing hazardous waste treatment services; encourage investment in regional-level establishments providing hazardous waste treatment services; and encourage co-treatment of hazardous wastes.

3. Establishments providing hazardous waste treatment services must meet the following requirements:

a/ Being in line with the national environmental protection master plan or master plans containing hazardous waste treatment contents, except hazardous waste co-treatment establishments;

b/ Ensuring the law-prescribed environmental safety distance;

c/ Having obtained appraisal of or expert opinions on their hazardous waste treatment technologies in accordance with the law on technology transfer; it is encouraged to apply environment-friendly technologies, state-of-the-art techniques and combined treatment and energy recovery technologies;

d/ Possessing environmental licenses;

dd/ Having staff members who are trained in environmental disciplines or other suitable professional fields to take charge of environmental protection;

e/ Having appropriate safe operation procedures for technologies, vehicles and special-use equipment;

g/ Having an environmental management plan with contents on pollution control and waste management; occupational safety and health; prevention of and response to environmental incidents; annual training and refresher training; environmental monitoring program; hazardous waste treatment efficiency assessment; and environmental pollution treatment and remediation after termination of operation;

h/ Having made deposits for environmental protection under Article 137 of this Law, in case of being engaged in waste burial activities.

4. The Minister of Natural Resources and Environment shall promulgate criteria on hazardous waste treatment technologies and guide the implementation of Point g, Clause 3 of this Clause.

5. Provincial-level People's Committees shall organize the implementation of master plans with contents on hazardous waste treatment and must not restrict the collection of hazardous wastes generated in the geographical areas of other provincial-level administrative units for treatment at establishments providing hazardous waste treatment services in their localities.

Article 85. Responsibilities of owners of establishments providing hazardous waste treatment services

1. To fully satisfy the requirements specified in Clause 3, Article 84 of this Law.

2. To collect, transport, receive and treat hazardous wastes of proper types in proper quantity as stated in their environmental licenses.

3. To ensure that their hazardous waste storage and treatment systems, vehicles and equipment satisfy technical requirements and management processes according to regulations.

4. To discharge the responsibilities of hazardous waste generators for hazardous wastes they generate during their operation but cannot treat.

5. To register with competent environmental licensing agencies to get the latter's approval when wishing to cooperate with other establishments providing hazardous waste treatment services that have appropriate functions as prescribed by the Government in transporting hazardous wastes not stated in their environmental licenses.

6. To make, use, store and manage documents on hazardous wastes, reports on hazardous waste management and files, documents and operational logs relating to hazardous waste management according to regulations.

7. To disclose and provide information on types and quantities of hazardous wastes they collect and treat and treatment methods; information on names and addresses of generators of hazardous wastes they collect and treat and other environmental information subject to disclosure and provision under Article 114 of this Law.

Section 5

WASTEWATER MANAGEMENT

Article 86. Wastewater collection and treatment

1. Urban centers, new concentrated residential areas; production, business and service establishments, concentrated production, business and service zones, and industrial clusters must have wastewater collection and treatment systems

that are separate from rainwater drainage systems, except specific cases prescribed by the Government.

2. The management of wastewater of urban centers and concentrated residential areas is specified as follows:

a/ Domestic wastewater generated from organizations and households shall be collected and discharged into wastewater collection and treatment systems;

b/ Wastewater generated from production, business and service activities in urban centers shall be collected and preliminarily treated before being discharged into wastewater collection and treatment systems; and preliminarily treated wastewater must satisfy regulations of these urban centers or concentrated residential areas or local administrations;

c/ Wastewater generated from production, business or service activities in urban centers where concentrated wastewater treatment facilities are not available shall be collected and treated up to environmental protection requirements before being discharged into receiving waters.

3. The management of wastewater discharged from production, business and service activities is specified as follows:

a/ Wastewater of production, business and service establishments in concentrated production, business and service zones or industrial clusters shall be collected and preliminarily treated before being discharged into industrial wastewater collection and treatment systems at the request of owners of projects on building concentrated production, business and service zones or industrial clusters so as to ensure that wastewater is treated up to environmental protection requirements;

b/ Wastewater of production, business and service establishments located outside urban centers, concentrated residential areas, concentrated production, business and service zones or industrial clusters which are not connected with wastewater collection and treatment systems shall be collected and treated up to environmental protection requirements before being discharged into receiving waters.

4. Domestic wastewater generated from organizations and households in scattered residential areas shall be collected and treated on site up to environmental protection requirements before being discharged into receiving waters.

5. Provincial-level People's Committees shall:

a/ Invest and encourage investment in building wastewater collection and treatment systems in urban centers and concentrated residential areas in their localities which fall within the State's investment responsibility in accordance with law;

b/ Set out roadmaps for allocation of land and funds for, or encourage investment in, building wastewater collection and treatment systems in urban centers and concentrated residential areas in case wastewater collection and treatment systems are not available;

c/ Set out roadmaps for and adopt policies to assist organizations and households in urban centers and concentrated residential areas to build and install on-site wastewater treatment facilities and equipment so as to meet environmental protection requirements before discharging wastewater into receiving waters in case of impossibility to arrange land for building wastewater collection and treatment systems in urban centers or concentrated residential areas that have been formed before the effective date of this Law;

d/ Set out roadmaps for and adopt policies to assist the collection and on-site treatment of domestic wastewater generated from organizations and households in scattered residential areas.

6. The Minister of Natural Resources and Environment shall guide on-site wastewater treatment technologies and techniques.

7. The Minister of Construction shall provide guidance on technical infrastructure facilities for collection and drainage of wastewater of urban centers and concentrated residential areas specified in this Article.

Article 87. Wastewater treatment systems

1. For a wastewater treatment system, the following requirements must be met:

a/ The system's technologies suit the types and characteristics of wastewater subject to treatment;

b/ The system's treatment capacity suits the maximum volume of generated wastewater;

c/ The system can treat wastewater up to environmental protection requirements;

d/ Wastewater treatment facilities are properly operated according to technical processes;

dd/ The system is accompanied with an environmental incident prevention and response plan; discharge points have their coordinates identified and are marked with clear signboards and signs so as to facilitate inspection and supervision of wastewater discharge.

2. Sludge discharged from wastewater treatment systems shall be managed in accordance the law on solid waste management; sludge containing hazardous elements in excess of law-prescribed limits shall be managed in accordance with the law on hazardous waste management.

Section 6

MANAGEMENT OF DUST, EMISSIONS AND OTHER POLLUTANTS

Article 88. Management and control of dust and emissions

1. Organizations and individuals engaged in production, business or service activities that disperse dust or emissions shall control and treat dust and emissions up to environmental technical regulations. Dust containing hazardous elements in excess of law-prescribed limits shall be managed in accordance with the law on hazardous waste management.

2. Means of transport, machinery, equipment or construction works that disperse dust or emissions must have emission filtration and minimization devices or sheltering devices or apply other measures to minimize dust according to environmental technical regulations.

3. Related ministries and ministerial-level agencies shall guide the prevention, inspection, supervision and treatment of sources of dust and emissions that cause air pollution.

Article 89. Management and control of noise, vibration, light, radiation and objectionable odors

1. Organizations and individuals causing noise, vibration, light or radiation shall control and deal with noise, vibration, light or radiation according to environmental technical regulations and regulations on radiation.

2. Organizations and individuals in residential areas that cause noise, vibration, light, radiation or objectionable odors shall take measures to reduce noise, vibration, light, radiation or objectionable odors so as not to adversely affect resident communities.

3. Organizations and individuals that manage routes with high traffic density causing noise, vibration, light or radiation shall take measures to reduce noise, vibration, light or radiation according to environmental technical regulations.

4. The production, import, transportation, trading and use of firecrackers are prohibited and must comply with the Government's regulations.

Chapter VII

CLIMATE CHANGE RESPONSE

Article 90. Adaptation to climate change

1. Adaptation to climate change means activities aiming to increase the resilience capacity of the natural and social systems mitigate adverse impacts of climate change and take advantage of opportunities brought by climate change.

2. Adaptation to climate change covers:

a/ Assessing impacts, vulnerability, risks, losses and damage caused by climate change to fields, regions and resident communities on the basis of climate change scenarios and socio-economic development forecasts;

b/ Implementing climate change adaptation and disaster risk mitigation, and community- and biodiversity-based climate change adaptation models; responding to sea level rise and urban flooding;

c/ Building and operating systems for surveillance and assessment of climate change adaptation activities.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with other ministries and ministerial-level agencies in:

a/ Organizing the implementation of Points a and c, Clause 2 of this Article;

b/ Submitting to the Prime Minister for promulgation a national climate change adaptation plan and periodically reviewing and updating the plan once every 5 years; a system for surveillance and assessment of national-level climate change adaptation activities; criteria for identifying climate change adaptation investment projects and climate change adaptation tasks subject to the Prime Minister's approval; and criteria for assessment of climate risks;

c/ Guiding the assessment of impacts, vulnerability, risks, losses and damage caused by climate change;

d/ Formulating, and organizing the implementation of, the national climate change adaptation plan;

dd/ Building and operating the system for surveillance and assessment of national-level climate change adaptation activities.

4. Ministries, ministerial-level agencies and provincial-level People's Committees shall:

a/ Implement Point b, Clause 2 of this Article in accordance with this Law and other relevant laws; organize the assessment of impacts, vulnerability, risks, losses and damage caused by climate change; annually summarize and send reports to the Ministry of Natural Resources and Environment;

b/ Plan and carry out surveillance and assessment of, sectoral- and local-level climate change adaptation activities under their management.

Article 91. Reduction of greenhouse gas emissions

1. The main greenhouse gases are carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). Gases which are of low concentrations but likely to cause the greenhouse effect include hydrofluorocarbons (HFC_s), perfluorocarbons (PFC_s), sulfur hexafluoride (SF₆) and nitrogen trifluoride (NF₃).

2. Reduction of greenhouse gas emissions covers:

a/ Implementing greenhouse gas emission reduction and greenhouse gas absorption activities according to roadmaps and greenhouse gas emission reduction methods in conformity with the country's conditions and international commitments;

b/ Making greenhouse gas inventories and conducting greenhouse gas emission reduction measurement, reporting and appraisal at the national, sectoral and grassroots levels;

c/ Inspecting the compliance of regulations on greenhouse gas inventories and greenhouse gas emission reduction and the implementation of mechanisms and modes of cooperation in greenhouse gas emission reduction;

d/ Formulating and implementing mechanisms and modes of cooperation in greenhouse gas emission reduction in conformity with law and treaties to which the Socialist Republic of Vietnam is a contracting party;

dd/ Organizing and developing the domestic carbon market.

3. The Prime Minister shall promulgate a list of greenhouse gas emitting fields and establishments subject to greenhouse gas inventory, which shall be biennially updated on the basis of the proportion of production, business or service establishments' greenhouse gas emissions to the total national greenhouse gas emissions; socio-economic development conditions and situation; and fuel and energy consumption per unit of product and service.

4. The Ministry of Natural Resources and Environment shall:

a/ Formulate and submit to the Prime Minister for approval a list of greenhouse gas emitting fields and establishments subject to greenhouse gas inventory; formulate a national greenhouse gas inventory system and a system for greenhouse gas emission reduction measurement, reporting and appraisal;

b/ Biennially make national greenhouse gas inventory reports;

c/ Guide and organize the appraisal of greenhouse gas inventory results and greenhouse gas emission reduction plans for fields and establishments subject to greenhouse gas inventory.

5. Ministries managing sectors and fields subject to greenhouse gas inventory shall:

a/ Organize biennial greenhouse gas inventory and send inventory results to the Ministry of Natural Resources and Environment before January 31 of the subsequent reporting period for summarization and reporting to the Prime Minister;

b/ Formulate, and organize the implementation of, annual greenhouse gas emission reduction plans in the fields of energy, agriculture, land use and forestry, waste management and industrial processes;

c/ Guide processes of and technical regulations on greenhouse gas emission reduction measurement, reporting and appraisal under the management of their sectors and fields;

d/ Summarize and make annual reports on greenhouse gas emission reduction under their management and send them to the Ministry of Natural Resources and Environment before January 15 of the subsequent reporting period for summarization and reporting to the Prime Minister;

dd/ Guide the selection and application of technological and managerial measures for greenhouse gas emission reduction in conformity with the scale and sectors and trades under their management.

6. Provincial-level People's Committees shall provide information and data serving national- and sectoral-level greenhouse gas inventories to the Ministry of Natural Resources and Environment and related ministries and ministerial-level agencies; and inspect the implementation of activities relating to the reduction of greenhouse gas emissions under their management.

7. Greenhouse gas emitting establishments on the list of those subject to greenhouse gas inventory shall:

a/ Organize greenhouse gas inventory, build and maintain a system of databases of greenhouse gas emissions and send biennial greenhouse gas

inventory results to the Ministry of Natural Resources and Environment before December 1 of the reporting period for summarization and reporting to the Prime Minister;

b/ Formulate and implement annual plans on reduction of greenhouse gas emissions; incorporate greenhouse gas emission reduction activities in their quality management programs, cleaner production programs and environmental protection programs;

c/ Make annual reports on greenhouse gas emission reduction rates to implement their greenhouse gas emission reduction plans based on the measurement, reporting and appraisal systems and send them to the Ministry of Natural Resources and Environment and other related ministries, ministerial-level agencies and provincial-level People's Committees before December 31 of the reporting period.

8. The Government shall detail this Article.

Article 92. Protection of the ozone layer

1. Protection of the ozone layer means climate change response activities which aim to prevent depletion of the ozone layer and mitigate adverse impacts of solar ultraviolet radiation.

2. Protection of the ozone layer covers:

a/ Managing the production, import, export, consumption and phaseout of controlled ozone-depleting substances and contributors to the greenhouse effect within the framework of treaties on the protection of the ozone layer to which the Socialist Republic of Vietnam is a contracting party;

b/ Collecting, recycling, reusing or destroying controlled ozone-depleting substances and contributors to the greenhouse effect under treaties on the protection of the ozone layer to which the Socialist Republic of Vietnam is a contracting party and existing in equipment that are no longer used;

c/ Developing and applying technologies and equipment using non-ozone depleting and climate-friendly substances.

3. The Ministry of Natural Resources and Environment shall:

a/ Assume the prime responsibility for, and coordinate with related ministries and ministerial-level agencies in, submitting to the Prime Minister for promulgation a national plan on management and phaseout of controlled ozone-depleting substances and contributors to the greenhouse effect under treaties on the protection of the ozone layer to which the Socialist Republic of Vietnam is a contracting party;

b/ Promulgate a list and guide the use of controlled ozone-depleting substances and contributors to the greenhouse effect according to the roadmaps for implementation of treaties on the protection of the ozone layer to which the Socialist Republic of Vietnam is a contracting party;

c/ Assume the prime responsibility for, and coordinate with related ministries and ministerial-level agencies and provincial-level People's Committees in, managing, controlling, reducing the use of, and phasing out, the substances on the list specified at Point a of this Clause; organize the implementation of the national plan on management and phaseout of ozone-depleting substances and contributors to the greenhouse effect.

4. Ministries, ministerial-level agencies, and provincial-level People's Committees shall control production, import, export and consumption of substances on the list specified at Point b, Clause 3 of this Article according to their competence. Ministers and heads of ministerial-level agencies shall promulgate regulations on management of, and adopt policies to support the transformation of technologies for phasing out and reducing the use of controlled ozone-depleting substances and contributors to the greenhouse effect.

5. Establishments manufacturing equipment and products containing or using substances on the list specified at Point b, Clause 3 of this Article shall formulate appropriate roadmaps for replacing or phasing out controlled ozone-depleting substances and contributors to the greenhouse effect under treaties on the protection of the ozone layer to which the Socialist Republic of Vietnam is a contracting party.

6. Establishments using equipment and products containing or using substances on the list specified at Point b, Clause 3 of this Article shall comply with regulations on collection, transportation, recycling, reuse and destruction of these substances according to guidance of the Ministry of Natural Resources and Environment.

7. Production, business and service establishments that use substances on the list specified at Point b, Clause 3 of this Clause and shift to apply ozone layer protection technologies will be entitled to incentives and supports in accordance with this Law and the law on technology transfer.

8. The Government shall detail this Article.

Article 93. Incorporation of climate change response contents into strategies and master plans

1. Climate change response contents to be incorporated into strategies and master plans include:

a/ Climate change scenarios and impacts which shall be used in determining long-term objectives of strategies and master plans;

b/ Climate change response solutions which shall be incorporated in contents of strategies and master plans;

c/ Results of analysis and assessment of climate change response solutions which shall be used in determining socio-economic targets of strategies and master plans.

2. Strategies and master plans specified in Article 25 of this Law shall be incorporated with climate change response contents in accordance with this Law and other relevant laws.

Article 94. National climate change database

1. The national climate change database includes the following information and data:

a/ Legal documents, policies, strategies, master plans, plans, standards, technical regulations, professional processes and techno-economic norms on climate change and ozone layer protection;

b/ Impacts of climate change on natural resources, the environment, ecosystems, living conditions and socio-economic activities;

c/ Greenhouse gas emissions and socio-economic activities relating to greenhouse gas emissions;

d/ Greenhouse gas emission reduction and climate change adaptation activities;

dd/ Protection of the ozone layer and management of ozone-depleting substances;

e/ National climate assessment results;

g/ Climate change scenarios of periods;

h/ Scientific researches on, and development and transfer of technologies for climate change response and ozone layer protection;

i/ Resources for climate change response and ozone layer protection;

k/ International cooperation in response to climate change and protection of the ozone layer.

2. The Ministry of Natural Resources and Environment shall build, update, and guide the exploitation and use of, the national climate change database.

3. Ministries, ministerial-level agencies and provincial-level People's Committees shall conduct investigations and surveys and collect information and data specified in Clause 1 of this Article in the fields and sectors under their management and send them to the Ministry of Natural Resources and Environment.

Article 95. National reports on climate change response

1. A national report on climate change response covers:

a/ Overview on developments and impacts of climate change;

b/ National greenhouse gas inventory results;

c/ Climate change response efforts and effectiveness;

d/ Domestic and international resources for climate change response;

dd/ Situation of implementation of international commitments on climate change;

e/ Projection of climate change impacts on the economy, society and environment;

g/ Recommendations on climate change response solutions.

2. Ministries, ministerial-level agencies and provincial-level People's Committee shall make annual reports on climate change response in the fields and sectors under their management and send them to the Ministry of Natural Resources and Environment.

3. The Ministry of Natural Resources and Environment shall make a national report on climate change response once every 5 years for submission to the Government for reporting to the National Assembly; and guide ministries, ministerial-level agencies and provincial-level People's Committees to make reports on climate change response.

Article 96. Implementation of international commitments on climate change and the protection of the ozone layer

1. The Ministry of Natural Resources and Environment shall:

a/ Act as the focal point in organizing the implementation of international commitments on climate change and the protection of the ozone layer under treaties to which the Socialist Republic of Vietnam is a contracting party;

b/ Formulate, update and implement Vietnam's nationally determined contributions, biennial transparency reports and other national reports on climate

change and the protection of the ozone layer under treaties to which the Socialist Republic of Vietnam is a contracting party;

c/ Formulate mechanisms and policies to mobilize and manage resources for implementation of Vietnam's nationally determined contributions and international commitments on climate change and the protection of the ozone layer under treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Ministries, ministerial-level agencies and provincial-level People's Committee shall participate in implementation of international commitments on climate change and protection of the ozone layer under treaties to which the Socialist Republic of Vietnam is a contracting party; and report implementation results to the Ministry of Natural Resources and Environment for summarization and reporting according to regulations.

Chapter VIII

ENVIRONMENTAL TECHNICAL REGULATIONS, ENVIRONMENTAL STANDARDS

Article 97. System of environmental technical regulations

1. Environmental technical regulations on quality of the surrounding environment, including:

a/ Group of environmental technical regulations on quality of soil and deposits;

b/ Group of environmental technical regulations on quality of surface water, groundwater and seawater;

c/ Group of environmental technical regulations on air quality;

d/ Group of environmental technical regulations on light and radiation;

dd/ Group of environmental technical regulations on noise and vibration.

2. Environmental technical regulations on wastes, including:

a/ Group of environmental technical regulations on wastewater;

b/ Group of environmental technical regulations on emissions of production, business and service activities and emissions of means of transport.

3. Environmental technical regulations on waste management, including:

a/ Group of environmental technical regulations on hazardous wastes;

- b/ Group of environmental technical regulations on solid waste landfills;
- c/ Group of environmental technical regulations on on-site wastewater treatment facilities and equipment;
- d/ Group of environmental technical regulations on waste incinerators;
- dd/ Group of environmental technical regulations on co-treatment of wastes;
- e/ Group of other environmental technical regulations on waste treatment and recycling equipment.

4. Environmental technical regulations on management of scraps imported for use as production materials.

5. Environmental technical regulations on limits for persistent pollutants in raw materials, fuels, materials, products, goods and equipment.

6. Other environmental technical regulations according to environmental protection requirements.

Article 98. Principles of formulation and application of environmental technical regulations on quality of the surrounding environment; environmental technical regulations on limits for persistent pollutants in raw materials, fuels, materials, products, goods and equipment

1. The formulation of environmental technical regulations on quality of the surrounding environment must adhere to the following principles:

a/ Achieving the targets of protecting, and improving the quality of, the living environment so as to ensure human health, development of living organisms and sustainable development of ecosystems and serving environmental planning and zoning and environmental quality assessment;

b/ Ensuring equivalence with developed nations and conformity with natural and socio-economic conditions of the country and each region.

2. The application of environmental technical regulations on quality of the surrounding environment must adhere to the following principles:

a/ Serving as grounds for classification and assessment of quality of the environment in a location or region;

b/ Serving as grounds for environmental zoning in conformity with management and use purposes;

c/ Serving as grounds for formulation of environmental quality management plans, consideration and grant of environmental licenses to entities discharging

wastes into the environment, thus ensuring that the discharge of wastes conforms with environmental quality management purposes in areas which have been planned, zoned off or classified.

3. Environmental technical regulations on limits for persistent pollutants in raw materials, fuels, materials, products, goods and equipment must ensure the objectives of protecting human health and preventing environmental pollution according to treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 99. Principles of formulation and application of environmental technical regulations on wastes, waste management and management of scraps imported for use as production materials

1. The formulation of environmental technical regulations on wastes, waste management and management of scraps imported for use as production materials must adhere to the following principles:

a/ Environmental technical regulations on wastes and waste management must conform with the country's technical, technological and socio-economic development levels in each period; harmonize with regulations of other countries in the region and the world; and encourage production, business and service establishments to change and apply new technologies, state-of-the-art techniques, clean technologies and environment-friendly technologies;

b/ Environmental technical regulations on wastes must conform with waste-receiving regions and areas; be formulated based on environmental planning and zoning; and serve environmental quality management and improvement purposes;

c/ Environmental technical regulations on waste management must conform with waste collection, storage and treatment purposes and requirements;

d/ Environmental technical regulations on management of scraps imported for use as production raw materials must ensure tele-prevention and staving-off the taking advantage of these activities to bring wastes to Vietnam;

dd/ Environmental technical regulations on wastes, waste management and management of scraps imported for use as production raw materials shall be reviewed, updated and adjusted once every 5 years or when necessary to be more stringent in case the environmental quality worsens, leading to failure to achieve environmental quality management purposes;

e/ Local environmental technical regulations on wastes and waste management shall be formulated to be more stringent than national environmental technical regulations.

2. The application of environmental technical regulations on wastes and waste management must adhere to the following principles:

a/ Environmental technical regulations on wastes and waste management shall be applied to control pollutants generated from production, business and service establishments so as ensure that they do not cause environmental pollution;

b/ Environmental technical regulations on wastes shall be applied based on the purposes of management of environmental quality in waste-receiving regions and areas as well as volumes and flow rates of wastes discharged;

c/ New investment projects and expanded investment projects must satisfy the latest requirements stated in environmental technical regulations on wastes and waste management;

d/ Operating production, business and service establishments shall work out plans to implement roadmaps for application of environmental technical regulations on wastes and waste management or relocation plans if failing to meet the requirements;

dd/ In case of non-availability of national environmental technical regulations on waste-generating technologies and equipment, parameters on environmental quality or pollutants in wastes, national standards on environmental protection of one of the countries in the group of industrialized nations shall be applied.

3. The application of environmental technical regulations on management of scraps imported for use as production materials must adhere to the following principles:

a/ Environmental technical regulations on management of scraps imported for use as production materials shall serve as one of the grounds for customs clearance for imported scrap shipments. Imported scrap shipments that do not meet requirements shall be re-exported in accordance with law;

b/ Environmental technical regulations on management of scraps imported for use as production materials shall be applied to imported scrap shipments registered for inspection on a case-by-case basis, except those exempted from inspection in accordance with law.

Article 100. Requirements on environmental technical regulations on quality of the surrounding environment

1. An environmental technical regulation on quality of the surrounding environment must prescribe the allowable limit values of environmental

parameters in conformity with use purposes of corresponding environmental components, including:

a/ Minimum values of environmental parameters to ensure the normal life and development of human beings and living organisms;

b/ Allowable maximum values of environmental parameters in environmental components to ensure no adverse impact on the normal life and development of human beings and living organisms.

2. An environmental technical regulation on quality of the surrounding environment must contain instructions on standard measurement, sampling and analysis methods serving the determination of environmental parameters.

Article 101. Requirements on environmental technical regulations on wastes, waste management and management of scraps imported for use as production materials

1. Environmental technical regulations on wastes must prescribe the allowable limit values of pollutants existing in wastes. The allowable limit values of pollutants existing in wastes shall be determined based on the toxicity of pollutants, volumes of wastes discharged and environmental zoning.

2. Environmental technical regulations on waste management must prescribe technical and managerial requirements for waste collection, storage and treatment so as not to cause environmental pollution.

3. Environmental technical regulations on management of scraps imported for use as production materials must prescribe technical and managerial requirements and the allowable maximum rates of impurities in imported scrap shipments.

4. Environmental technical regulations on wastes or waste management must prescribe appropriate roadmaps for application.

5. Environmental technical regulations specified in this Article must contain instructions on standard sampling, measurement and analysis methods serving the determination of technical indicators and parameters.

Article 102. Formulation, appraisal and promulgation of environmental technical regulations

1. The competence, order and procedures for the formulation and promulgation of national and local environmental technical regulations must comply with the law on standards and technical regulations.

2. The Ministry of Natural Resources and Environment shall:

a/ Formulate and promulgate national environmental technical regulations;

b/ Assume the prime responsibility for, and coordinate with the Ministry of Transport in, submitting to the Prime Minister for promulgation a roadmap for application of national standards and technical regulations on emissions of road motor vehicles in Vietnam.

3. Ministries and ministerial-level agencies shall promulgate standards and technical regulations or technical guidance on reuse, recycling and use of wastes as raw materials or materials in production, business or service activities under their management after consulting the Ministry of Natural Resources and Environment.

4. The Ministry of Science and Technology shall appraise environmental technical regulations in accordance with the law on standards and technical regulations.

5. In case the quality of the surrounding environment worsens, leading to failure to achieve environmental quality protection objectives, provincial-level People's Committees shall promulgate local environmental technical regulations on wastes within 2 years after the promulgation of national environmental technical regulations.

Article 103. Environmental standards

1. Environmental standards include standards on quality of the surrounding environment, environmental standards on waste management and other environmental standards.

2. The whole or part of an environmental standard shall become compulsorily applicable when it is referred to in a legal document or an environmental technical regulation.

3. In-house environmental standards shall be applied within the scope of management of standard-declaring institutions.

Article 104. Formulation, appraisal and declaration of environmental standards

1. The competence, order and procedures for the formulation and appraisal of environmental standards must comply with the law on standards and technical regulations.

2. The Ministry of Natural Resources and Environment shall organize the formulation and request appraisal of national environmental standards.

3. The Ministry of Science and Technology shall organize the appraisal of and declare national environmental standards.

4. Agencies and organizations shall formulate and declare their in-house environmental standards in accordance with the law on standards and technical regulations.

Article 105. Application of state-of-the-art techniques

1. Owners of investment projects and production, business and service establishments that are likely to cause environmental pollution shall study and apply state-of-the-art techniques under the roadmaps set out by the Government; and provide information as requested for formulation of technical guidance on application of state-of-the-art techniques.

2. Criteria for identifying state-of-the-art techniques include:

a/ Capacity for reducing the quantity of pollutants;

b/ Capacity for increasing the volume of recyclable wastes;

c/ Expenses for application and operation of state-of-the-art techniques;

d/ Energy conservation capacity;

dd/ Proactivity in pollution prevention and control.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Science and Technology and related ministries and ministerial-level agencies in, formulating and promulgating technical guidance on application of state-of-the-art techniques or considering and recognizing state-of-the-art techniques already applied in the group of industrialized nations for application in Vietnam; review, update and supplement the list of state-of-the-art techniques to ensure its compatibility to reality and scientific and technological development level; and guide the application of state-of-the-art techniques to each type of production, business or service activities likely to cause environmental pollution.

Chapter IX

ENVIRONMENTAL MONITORING, ENVIRONMENTAL INFORMATION AND DATABASES AND ENVIRONMENTAL REPORTS

Section 1

ENVIRONMENTAL MONITORING

Article 106. General provisions on environmental monitoring

1. Environmental monitoring covers waste monitoring and environmental monitoring which shall be conducted through automatic and continuous monitoring, regular monitoring or monitoring at the request of state competent agencies.

2. Investment projects, concentrated production, business and service establishments and zones, and industrial clusters generating wastes to the environment shall conduct monitoring under Articles 111 and 112 of this Law, ensuring compliance with environmental technical regulations.

3. Organizations and individuals are encouraged to participate in environmental monitoring and disclose information on environmental quality to the public in accordance with law. Organizations and individuals conducting environmental monitoring and disclosing information on environmental quality to the public shall take responsibility before law for the accuracy of such information.

4. Environmental monitoring activities must have their quality ensured and controlled and provide accurate and reliable monitoring results.

5. Means and devices used for environmental monitoring shall be inspected and calibrated in accordance with the law on measurement.

Article 107. Environmental monitoring systems

1. Environmental monitoring systems include:

a/ National environmental monitoring, which is a network of stations and locations for ambient and impacted environmental monitoring serving the monitoring and provision of information on the quality of the ambient environment and impacted environment in inter-regional, inter-provincial and cross-border regions;

b/ Provincial-level environmental monitoring, which is a network of stations and locations for ambient and impacted environmental monitoring serving the monitoring and provision of information on the quality of ambient environment and impacted environment in local areas;

c/ Environmental monitoring serving sectoral management prescribed in Article 109 of this Law;

d/ Environmental monitoring in investment projects, concentrated production, business and service establishments and zones, and industrial clusters;

dd/ Biodiversity monitoring in nature reserves.

2. Organizations participating in environmental monitoring systems include:
 - a/ State management agencies in charge of environmental monitoring;
 - b/ Organizations taking and measuring environmental samples on site;
 - c/ Laboratories analyzing environmental samples;
 - d/ Organizations inspecting and calibrating environmental monitoring devices;
 - dd/ Organizations managing and processing environmental monitoring data and making reports on environmental monitoring results.
3. Environmental monitoring systems shall be planned in a synchronous and connectable manner to form a unified and comprehensive network nationwide.
4. The national master plan on environmental monitoring is a specialized technical master plan covering the following principal contents:
 - a/ Analysis and assessment of the status of the national environmental monitoring network; the system of laboratories for environmental analysis and the system for environmental monitoring figure and data management;
 - b/ Viewpoints, objectives and selection of the national environmental monitoring planning scheme in conformity with environmental zoning, monitoring orientations and environmental warnings in environmental protection master plans;
 - c/ Arrangement of the national environmental monitoring network comprising orientations on locations, parameters and frequency of monitoring environmental components nationwide and automatic monitoring stations; orientations for development of the system of laboratories for environmental analysis and the system for environmental monitoring figure and data management;
 - d/ List of national environmental monitoring projects;
 - dd/ Orientations for connection of the national environmental monitoring network, database and data with provincial-level environmental monitoring networks, databases and figures and connection of environmental monitoring networks;
 - e/ Roadmap and resources for implementation of the master plan.

Article 108. Objects of environmental monitoring

1. Environmental components subject to monitoring include:

a/ Water environment, comprising surface water, groundwater and seawater;

b/ Surrounding air environment;

c/ Soil environment and sediments;

d/ Biodiversity;

dd/ Noise, vibration, radiation and light.

2. Waste sources, wastes and pollutants subject to monitoring include:

a/ Wastewater, emissions;

b/ Industrial wastes subject to control serving the identification of hazardous wastes in accordance with law;

c/ Radioactive substances;

d/ Persistent pollutants generated and accumulated in the environment;

dd/ Other pollutants.

Article 109. Environmental monitoring responsibility

1. The Ministry of Natural Resources and Environment shall:

a/ Direct, guide and inspect environmental monitoring activities nationwide; organize the implementation of national environmental monitoring programs, including environmental monitoring programs for inter-provincial rivers and lakes, sea, key economic zones, inter-regional and inter-provincial areas, cross-border regions, and areas with specific characteristics; and conduct biodiversity monitoring in nature reserves;

b/ Formulate, appraise and submit to the Prime Minister for approval the national master plan on environmental monitoring in accordance with the planning law;

c/ Provide technical guidance on building of national and provincial-level environmental monitoring systems and biodiversity monitoring.

2. The Ministry of Science and Technology shall organize the implementation of radioactive substance monitoring programs, including programs on monitoring of radioactive components in the environment.

3. The Ministry of Agriculture and Rural Development shall organize the implementation of environmental monitoring programs serving agricultural management, including programs on monitoring of water, soil and deposits serving hydraulic work, aquaculture and fishing, agriculture, forestry and salt making.

4. The Ministry of Health shall implement programs on monitoring of the occupational environment in the workplace.

5. The Ministry of National Defense shall take part in monitoring of offshore sea water and cross-border environment.

6. Provincial-level People's Committees shall organize the implementation of environmental monitoring programs in their localities and annually report environmental monitoring results to provincial-level People's Councils and the Ministry of Natural Resources and Environment.

Article 110. Conditions for environmental monitoring activities

1. National environmental monitoring programs, local environmental monitoring programs, and environmental monitoring programs of businesses or service providers as required by the law on environmental protection and other monitoring activities serving the state management of environmental protection under regulations on environmental monitoring shall be implemented by organizations certified as being eligible for provision of environmental monitoring services.

2. Organizations that meet requirements on human resources and equipment for environmental monitoring, and technical conditions for laboratories and have methodological processes for environmental monitoring may be granted certificates of eligibility for provision of environmental monitoring services. Organizations granted such certificates shall operate in conformity with the certified capacity and scope.

3. Agencies, organizations and individuals conducting regular and continuous environmental monitoring to provide and disclose information on environmental quality to the community must satisfy technical requirements on environmental monitoring in accordance with law.

4. The Government shall detail this Article.

Article 111. Wastewater monitoring

1. Objects subject to automatic and continuous wastewater monitoring:

a/ Concentrated production, business and service zones and industrial clusters which discharge wastewater into the environment;

b/ Investment projects and establishments of types likely to cause environmental pollution with an average or larger flow of wastewater discharged into the environment;

c/ Investment projects and establishments of types other than those likely to cause environmental pollution with a large flow of wastewater discharged into the environment.

2. Objects subject to regular wastewater monitoring:

a/ Concentrated production, business and service zones and industrial clusters which discharge wastewater into the environment;

b/ Investment projects and establishments that discharge wastewater with a large flow into the environment.

3. The automatic and continuous wastewater monitoring must satisfy technical regulations on environmental monitoring. Data of monitoring systems shall be transmitted directly to provincial-level specialized agencies in charge of environmental protection.

4. The regular wastewater monitoring must ensure the time, frequency and parameters in accordance with law. Regular monitoring is not required for parameters that have been monitored automatically and continuously.

5. Provincial-level specialized agencies in charge of environmental protection shall:

a/ Supervise data on automatic and continuous wastewater monitoring; assess the results of the automatic and continuous wastewater monitoring and compare them with the allowable maximum value of pollution parameters specified in environmental technical regulations on wastewater; monitor and examine the handling of interruption, if any, of the transmission of monitoring data; detect the parameters which exceed the allowable limits in environmental technical regulations and propose solutions under regulations;

b/ Synthesize and transmit data on automatic and continuous wastewater monitoring in their localities to the Ministry of Natural Resources and Environment under regulations.

6. Subjects other than those specified in Clauses 1 and 2 of this Article are encouraged to carry out wastewater monitoring for self-monitoring and supervision of their wastewater treatment systems and equipment.

7. The Government shall provide in detail objects subject to wastewater monitoring; parameters and roadmap for automatic and continuous wastewater monitoring; time and frequency of regular wastewater monitoring.

8. The Minister of Natural Resources and Environment shall promulgate technical regulations on wastewater monitoring.

Article 112. Industrial dust and emission monitoring

1. Objects subject to automatic and continuous monitoring of industrial dust and emissions include investment projects and establishments likely to cause air environment pollution with a large flow of dust and emissions discharged into the environment.

2. Objects subject to regular monitoring of industrial dust and emissions include investment projects and establishments with a large waste flow discharged into the environment.

3. The automatic and continuous monitoring of industrial dust and emissions must satisfy technical regulations on environmental monitoring. Data of monitoring systems shall be transmitted directly to provincial-level specialized agencies in charge of environmental protection.

4. The regular monitoring of industrial dust and emissions must ensure the time, frequency and parameters in accordance with law. Regular monitoring is not required for parameters that have been monitored automatically and continuously.

5. Provincial-level specialized agencies in charge of environmental protection shall:

a/ Supervise data on automatic and continuous monitoring of industrial emissions; assess results of automatic and continuous monitoring of industrial emissions and compare them with the allowable maximum value of pollution parameters specified in environmental technical regulations on emissions; monitor and examine the handling of interruption, if any, of the transmission of monitoring data; detect parameters which exceed the allowable limits in environmental technical regulations and propose solutions under regulations;

b/ Sum up and transmit data on automatic and continuous monitoring of industrial emissions in their localities to the Ministry of Natural Resources and Environment under regulations.

6. Subjects other than those specified in Clauses 1 and 2 of this Article are encouraged to conduct industrial dust and emission monitoring for self-monitoring and supervision of their dust and emission treatment systems and equipment.

7. The Government shall provide in detail objects subject to industrial dust and emission monitoring; parameters and roadmap for automatic and continuous industrial emission monitoring; and time and frequency of regular monitoring of industrial dust and emissions.

8. The Minister of Natural Resources and Environment shall promulgate technical regulations on industrial dust and emission monitoring.

Article 113. Management of figures on environmental monitoring

1. The Ministry of Natural Resources and Environment shall manage figures on national environmental monitoring; develop environmental monitoring databases of the national environmental information system and database; integrate environmental monitoring data of ministries, ministerial-level agencies and localities and disclose information on national environmental quality; and provide professional guidance and technical assistance for the management of figures on environmental monitoring of localities.

2. Ministries and ministerial-level agencies shall develop environmental monitoring databases according to their competence and integrate them into the national environmental database.

3. Provincial-level People's Committees shall manage figures on environmental monitoring; develop environmental monitoring databases of their localities, ensuring the consistency, synchrony and interoperability with the national environmental information system and database, and disclose information on environmental quality in their localities based on environmental monitoring results of their localities.

4. Investment projects, establishments, concentrated production, business and service zones and industrial clusters shall manage figures on waste monitoring and publicize waste monitoring results in accordance with law.

Section 2

ENVIRONMENTAL INFORMATION SYSTEMS AND DATABASES

Article 114. Environmental information

1. Environmental information includes:

a/ Information on pollutants, flows of pollutants discharged into the environment, pollution sources; environmental protection work of investment projects, establishments, concentrated production, business and service zones and industrial clusters;

b/ Information on solid wastes, hazardous wastes, wastewater, emissions and other types of waste in accordance with law;

c/ Information on decisions on approval of appraisal results, environmental impact assessment reports, except trade secrets, business secrets, and information classified as state secrets; contents of licensing, registration, certification and

confirmation; results of examination and inspection related to environmental protection for investment projects, establishments, concentrated production, business and service zones and industrial clusters under regulations;

d/ Information on environmental statistical indicators, environmental quality and environmental pollution;

dd/ Information on natural heritages, natural ecosystems, species of living organisms and gene sources; natural reserves and biodiversity conservation facilities; and important wetlands.

2. Receipt, storage and management of environmental information:

a/ Environmental information shall be received while ensuring accuracy, sufficiency and promptness;

b/ Owners of investment projects and establishments shall regularly receive, store and manage the environmental information specified at Points a, b and c, Clause 1 of this Article;

c/ Ministries and ministerial-level agencies shall receive, store and manage the environmental information under their management specified at Points d and dd, Clause 1 of this Article;

d/ People's Committees at all levels shall receive, store and manage environmental information in their localities according to the regulations on management decentralization;

dd/ The Ministry of Natural Resources and Environment shall receive and synthesize national environmental information.

3. Provision and publicization of environmental information:

a/ The State shall encourage organizations and individuals to provide environmental information;

b/ Ministries, ministerial-level agencies, and provincial-level People's Committees shall provide environmental information they are responsible for receiving, storing and managing to the Ministry of Natural Resources and Environment via the national environmental information system and database or by reporting it in accordance with law;

c/ Owners of investment projects and establishments shall provide the environmental information specified at Points a, b and c, Clause 1 of this Article to state management agencies in charge of environmental protection via the national environmental information system and database or by reporting in accordance with law;

d/ Agencies, organizations and individuals shall publicize environmental information under regulations on portals of agencies or organizations or in other forms, ensuring convenience for related information recipients. The publicization of environmental information must comply with this Law and other relevant laws.

4. The Government shall specify contents and management of environmental information; and order, procedures, time and forms of provision and publicization of environmental information.

Article 115. Environmental information systems and databases

1. Environmental information systems:

a/ The State shall adopt policies to invest in construction and operation of environmental information systems toward the development of environment-related digital platforms and digital economy;

b/ The Ministry of Natural Resources and Environment shall develop, manage and exploit the national environmental information system; and provide guidance on the development of ministerial, sectoral, provincial environmental information systems;

c/ Ministries, ministerial-level agencies and provincial-level People's Committees shall develop, manage and exploit ministerial, sectoral, provincial-level environmental information systems, ensuring their synchrony with the national environmental information system.

2. Environmental databases:

a/ Environmental database means a collection of environmental information that is developed, updated, stored and managed to meet requirements on access, provision and use of information from the central to local levels, serve the state management of environmental protection and provision of public services on environment;

b/ The Ministry of Natural Resources and Environment shall develop and manage the national environmental database; and guide ministries, ministerial-level agencies and provincial-level People's Committees in developing their environmental databases;

c/ Ministries, ministerial-level agencies and provincial-level People's Committees shall develop their environmental databases, ensuring integration, interconnection and interoperability with the national environmental database.

3. The Government shall detail this Article.

Article 116. Online public services on the environment

1. Online public services on the environment include public administrative services on the environment, services on provision of environmental information and other public services on the environment as specified by law.

2. Provision of online public services on the environment:

a/ Competent state management agencies shall provide public services on the environment under the Government's regulations, ensuring the interconnection, interoperability, convenience, simplicity and safety for agencies, organizations and individuals and serving the state management of the environment;

b/ The Ministry of Natural Resources and Environment and provincial-level People's Committees shall develop, organize, and guide provision of, online public services on the environment, ensuring the synchronicity and interconnection and interoperability in accordance with law.

Section 3

ENVIRONMENTAL REPORTS

Article 117. Environmental statistical indicators

1. Environmental statistical indicators constitute part of Vietnam's system of statistical indicators, which are used to measure and assess environmental protection activities toward sustainable development in conformity with the United Nations' sustainable development indicators.

2. Environmental statistical indicators, including national environmental statistical indicators and environmental statistical indicators of the natural resources and environment sector, must comply with this Law and the statistical law.

3. Ministries, ministerial-level agencies and provincial-level People's Committees shall organize the work of statistics on environmental indicators in sectors, fields and localities under their management; and annually report on environmental statistical indicators to the Ministry of Natural Resources and Environment.

4. The Minister of Natural Resources and Environment shall formulate, and guide and organize the work of, environmental statistics; and promulgate a set of environmental statistical indicators of the natural resources and environment sector.

Article 118. Reporting on environmental protection work

1. Annually, environmental protection work in the previous year shall be reported as follows:

a/ District-level People's Committees shall report on environmental protection work to district-level People's Councils and provincial-level People's Committees before January 31;

b/ Management boards of industrial parks, export processing zones, hi-tech parks and economic zones shall report on environmental protection work to provincial-level People's Committees before January 31;

c/ Provincial-level People's Committees shall report on environmental protection work to provincial-level People's Councils and the Ministry of Natural Resources and Environment before February 15;

d/ Ministries and ministerial-level agencies shall report on their performance of environmental protection tasks to the Ministry of Natural Resources and Environment before February 15;

dd/ The Ministry of Natural Resources and Environment shall make and submit a report on environmental protection work nationwide to the Government for reporting to the National Assembly at its first session of the year.

2. Principal contents of a report on environmental protection work:

a/ Status of and changes in quality of soil, water and air environments; natural heritages and biodiversity;

b/ General socio-economic context and its impacts on the environment;

c/ Results of environmental protection, including control of pollution sources; management of solid wastes and hazardous wastes; quality management of soil, water and air environments; treatment of environmental pollution and improvement of environmental quality; prevention of and response to environmental incidents; and protection of natural heritages' environment and biodiversity;

d/ Environmental monitoring and warning systems;

dd/ Formulation of policies and laws, settlement of administrative procedures, supervision, examination, inspection, handling of violations, and settlement of complaints and denunciations related to the environment;

e/ Conditions and resources for environmental protection;

g/ Results of the implementation of environmental statistical indicators;

h/ General assessment;

i/ Orientations, tasks and solutions for environmental protection in the coming time.

3. The reporting period is counted from January 1 through December 31 of the reporting year.

4. Reports on environmental protection work shall be sent in paper or electronic form in accordance with law.

5. The Minister of Natural Resources and Environment shall guide the making of reports on environmental protection work; and guide and organize the assessment of results of environmental protection work of ministries, ministerial-level agencies and provincial-level People's Committees.

Article 119. Reporting on environmental protection work in production, business and service activities

1. Owners of investment projects and establishments shall make and send reports on environmental protection work to competent state agencies in accordance with law.

2. Reports on environmental protection work include:

a/ Annual reports on environmental protection work. The reporting period is counted from January 1 through December 31 of the reporting year;

b/ Unscheduled reports on environmental protection work at the request of competent state agencies.

3. Principal contents of an annual report on environmental protection work:

a/ Results of operation of environmental protection facilities and measures regarding wastes;

b/ Results of remediation to satisfy environmental protection requirements of inspection or examination agencies and competent state agencies (if any);

c/ Results of regular environmental monitoring and supervision, and automatic and continuous monitoring;

d/ Management of solid wastes and hazardous wastes;

dd/ Management of imported scraps (if any);

e/ Environmental monitoring services (if any);

g/ Other environmental protection results, activities and measures.

4. Reports on environmental protection work shall be sent in paper or electronic form in accordance with law.

5. The Minister of Natural Resources and Environment shall specify contents, forms, modes and time of sending reports on environmental protection work in production, business and service activities.

Article 120. Environmental status reports

1. Environmental status reports include overview reports on environmental status and thematic reports on environmental status.

2. Responsibility to make environmental status reports:

a/ The Ministry of Natural Resources and Environment shall make overview reports on the national environmental status once every 5 years to serve the assessment of results of implementation of socio-economic development plans; and annually make thematic reports on national environmental status;

b/ Provincial-level People's Committees shall make overview reports on environmental status of their localities once every 5 years; annually make thematic reports on environmental status under the guidance of the Ministry of Natural Resources and Environment; and, based on pressing environmental problems of their localities, decide to make additional thematic reports on environmental status in their localities.

3. Principal contents of an environmental status report:

a/ Overview of natural, economic and social conditions;

b/ Environmental impacts;

c/ Status of and changes in environmental quality;

d/ Pressing environmental problems and causes;

dd/ Economic and social impacts of the environment;

e/ Results of implementation of environmental protection policies, laws and activities;

g/ Forecast of environmental challenges;

h/ Environmental protection orientations and solutions.

4. Forms of environmental status reports:

a/ An overview report on the national environmental status shall be submitted to the National Assembly at its session prior to the year-end session of the last year of its tenure; a provincial-level overview report on environmental status shall be submitted to the provincial-level People's Councils at its year-end regular meeting of the last year of its tenure;

b/ A thematic report on the national environmental status shall be published on the Ministry of Natural Resources and Environment's website prior to the first session of the National Assembly in the following year; a thematic report on the local environmental status shall be published on the website of the provincial-level People's Committee before the first regular meeting of the provincial-level People's Council in the following year.

5. The Minister of Natural Resources and Environment shall guide the making of environmental status reports; and guide the implementation and making of environmental status reports of ministries, ministerial-level agencies and provincial-level People's Committees.

Chapter X

PREVENTION OF AND RESPONSE TO ENVIRONMENTAL INCIDENTS AND COMPENSATION FOR ENVIRONMENTAL DAMAGE

Section 1

PREVENTION OF AND RESPONSE TO ENVIRONMENTAL INCIDENTS

Article 121. General provisions on prevention of and response to environmental incidents

1. Prevention of and response to environmental incidents must comply with processes and technical regulations on safety and environment.

2. Response to environmental incidents must comply with the guidelines: on-the-spot commanding, on-the-spot forces, on-the-spot means and supplies, and on-the-spot logistics.

3. Organizations and individuals causing environmental incidents shall respond to such environmental incidents and pay costs for response to environmental incidents.

4. The head of the establishment or locality where an environmental incident occurs shall direct and organize the response to such environmental incident. The response to environmental incidents must follow the assignment and decentralization, unified commanding and close coordination among forces, means and equipment participating in activities of response to environmental incidents.

5. The State shall encourage, and creates condition for, organizations and individuals to invest in provision of environmental incident response services.

6. The prevention of environmental incidents caused by leakage, spillage or dispersion of wastes (below referred to as waste-related incidents) must comply with this Law. The prevention of environmental incidents caused by chemicals, radioactive substances, oil spills, epidemics and other causes must comply with relevant laws.

7. The Government shall provide in detail the prevention of and response to environmental incidents.

Article 122. Responsibility to prevent environmental incidents

1. Owners of investment projects and establishments shall:

a/ Fulfill requirements on plans, measures and equipment to prevent and respond to environmental incidents in accordance with law;

b/ Conduct regular inspection and implement managerial and technical plans and measures to eliminate or minimize dangers of environmental incidents.

2. Provincial-level People's Committees shall:

a/ Investigate, make statistics of, and assess dangers of environmental incidents which are likely to occur in their localities;

b/ Develop databases, list and publicize information on sources likely to cause environmental incidents in their localities in accordance with law;

c/ Build, and direct district- and commune-level People's Committees to build capacity to prevent and warn dangers of environmental incidents in their localities.

3. Ministries and ministerial-level agencies shall prevent environmental incidents under Point a, Clause 1, Article 127 of this Law.

Article 123. Levels of environmental incidents and stages of environmental incident response

1. Levels of environmental incidents shall be determined based on the scope of environmental pollution and degradation at the time of detecting the incidents to define agencies that are responsible for directing the response to environmental incidents, including:

a/ Grassroots-level environmental incident, which means an environmental incident with the scope of environmental pollution and degradation in a production, business and service establishment;

b/ District-level environmental incident, which means an environmental incident that falls beyond the scope of a grassroots-level environmental incident

and covers the scope of environmental pollution and degradation within a district-level administrative unit;

c/ Provincial-level environmental incident, which means an environmental incident that falls beyond the scope of a district-level environmental incident and covers the scope of environmental pollution and degradation within a provincial-level administrative unit;

d/ National-level environmental incident, which means an environmental incident with the scope of environmental pollution and degradation in 2 or more provincial-level administrative units or with the transboundary scope of environmental pollution and degradation.

2. The response to environmental incidents must go through the following stages:

a/ Preparation for environmental incident response;

b/ Organization of environmental incident response;

c/ Rehabilitation of the environment after environmental incidents.

Article 124. Preparation for environmental incident response

1. Persons responsible for directing the response to environmental incidents as specified in Clause 4, Article 125 of this Law shall direct the formulation of, and approve, plans on environmental incident response under their competence and responsibility; and direct the organization of environmental incident response drills according to the plans on environmental incident response they have approved.

2. The Ministry of National Defense shall assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, government-attached agencies and provincial-level People's Committees in, guiding and building forces and allocating resources and equipment for environmental incident response to the National Committee for Incident and Disaster Response and Search and Rescue and provincial- and district-level commanding committees for disaster prevention and control and search and rescue.

3. Owners of investment projects and establishments shall have works, equipment and means for environmental incident response in accordance with law; and build and train on-the-spot forces to respond to environmental incidents.

4. Promulgation and implementation of plans on environmental incident response:

a/ The National Committee for Incident and Disaster Response and Search and Rescue shall promulgate and implement plans on response to national-level environmental incidents; and inspect the implementation of plans on environmental incident response promulgated by provincial-level commanding committees for disaster prevention and control and search and rescue;

b/ Provincial-level commanding committees for disaster prevention and control and search and rescue shall promulgate and implement plans on response to provincial-level environmental incidents; and inspect the implementation of plans on environmental incident response promulgated by district-level commanding committees for disaster prevention and control and search and rescue;

c/ District-level commanding committees for disaster prevention and control and search and rescue shall promulgate and implement plans on response to district-level environmental incidents;

d/ Owners of investment projects and establishments shall promulgate, and organize the implementation of, plans on response to grassroots-level environmental incidents.

5. An environmental incident response plan must have incident scenarios serving the formulation of corresponding response plans and shall be publicized in accordance with law.

6. Integration of environmental incident response plans:

a/ The environmental incident response plans specified at Points a, b and c, Clause 4 of this Article may be integrated into civil defense plans or other incident response plans;

b/ The environmental incident response plans specified at Point d, Clause 4 of this Article may be integrated in, and approved together with, other incident response plans.

7. Organization of environmental incident response drills:

a/ Grassroots-level environmental incident response drills shall be carried out at least once every 2 years, unless otherwise provided by law;

b/ District-, provincial- or national-level environmental incident response drills shall be carried out according to environmental incident response plans approved by competent agencies;

c/ Environmental incident response drills shall be participated by related agencies, organizations and forces, and liaison representatives of resident

communities and surrounding establishments that are likely to be affected by such incidents.

Article 125. Organization of environmental incident response

1. Information on environmental incidents shall be promptly notified to district-level commanding committees for disaster prevention and control and search and rescue and commune-level People's Committees of localities where such incidents occur.

2. District-level commanding committees for disaster prevention and control and search and rescue shall coordinate with commune-level People's Committees of localities where environmental incidents occur in directly verifying, and organizing timely response to, such incidents and reporting the incidents to district-level People's Committees for publicization or notifying the incidents to competent authorities for organizing the response to such incidents according to the levels of environmental incidents specified in Clause 1, Article 123 of this Law.

3. Response to environmental incidents must cover the following principal contents:

a/ Identifying causes of environmental incidents; types, quantity and volume of pollutants dispersed or discharged into the environment;

b/ Making preliminary assessment of the scope, objects and level of environmental incidents' impacts on soil, water and air environments, humans and living organisms;

c/ Taking measures to isolate and restrict the scope, objects and level of impacts of environmental incidents; taking urgent measures to ensure safety for humans, property, living organisms and the environment;

d/ Recovering, treating and removing pollutants or causes of pollution;

dd/ Informing and providing information on environmental incidents to the community for prevention and avoidance of adverse impacts of environmental incidents.

4. Responsibility to respond to environmental incidents:

a/ Owners of investment projects and establishments shall organize the response to environmental incidents in their establishments; in case such environmental incidents fall beyond the owners' responding capacity, they shall promptly report such to commune-level People's Committees of localities where such incidents occur and district-level commanding committees for disaster

prevention and control and search and rescue for coordination in response to the incidents;

b/ Chairpersons of district-level People's Committees and heads of district-level commanding committees for disaster prevention and control and search and rescue shall direct the response to environmental incidents, mobilize forces, equipment and means for response to the incidents, and designate commanders and spokespersons for district-level environmental incidents occurring in their localities;

c/ Chairpersons of provincial-level People's Committees and heads of provincial-level commanding committees for disaster prevention and control and search and rescue shall direct the response to environmental incidents, mobilize forces, equipment and means for response to the incidents, and designate commanders and spokespersons for provincial-level environmental incidents occurring in their localities;

d/ The Chairperson of the National Committee for Incident and Disaster Response and Search and Rescue shall direct the response to environmental incidents, mobilize forces, equipment and means for response to the incidents, and designate commanders and spokespersons for national-level environmental incidents.

5. In case an environmental incident falls beyond his/her responding capacity, the person competent to direct the response to such incident shall report it to his/her immediate superior. Agencies, organizations and individuals shall coordinate and assist in response to environmental incidents when so requested.

6. In case the scope of environmental pollution or degradation caused by an environmental incident falls beyond an establishment or administrative unit, the person competent to direct the response to such incident shall report it to his/her immediate superior for directing the response to the incident.

7. Persons responsible for directing the response to environmental incidents specified in Clause 4 of this Article shall decide to establish commanding offices for environmental incident response and working teams to identify causes of environmental incidents in case of necessary.

8. The Ministry of Health and People's Committees at all levels shall assess the scope, objects and levels of impacts of environmental incidents on human health and take measures to prevent and restrict such impacts.

Article 126. Environmental rehabilitation after environmental incidents

1. Owners of investment projects or establishments causing environmental incidents shall rehabilitate the environment within their establishments after such

environmental incidents. Commune-level People's Committees of localities where the environmental incidents occur shall inspect and supervise environmental rehabilitation activities.

2. Environmental rehabilitation after district-, provincial- or national-level environmental incidents:

a/ District-level People's Committees shall organize the survey and assessment of environmental status, formulate, approve, and direct the implementation of, plans on environmental rehabilitation for district-level environmental incidents; and shall, within 30 days after announcing the completion of the stage of organization of environmental incident response, approve environmental rehabilitation plans;

b/ Provincial-level People's Committees shall organize the survey and assessment of environmental status, formulate, approve, and direct the implementation of, plans on environmental rehabilitation for provincial-level environmental incidents; and shall, within 60 days after announcing the completion of the stage of organization of environmental incident response, approve environmental rehabilitation plans;

c/ The Ministry of Natural Resources and Environment shall organize the survey and assessment of environmental status, formulate, approve, and direct the implementation of, plans on environmental rehabilitation for national-level environmental incidents; and shall, within 90 days after announcing the completion of the stage of organization of environmental incident response, approve environmental rehabilitation plans.

3. Contents of an environmental rehabilitation plan:

a/ Description and assessment of environmental status after an environmental incident, including the level, scope and nature of environmental pollution in each area; the status of the environment, site and ecosystems (if any) before such incident occurs; requirements for environmental pollution treatment according to environmental technical regulations on quality of the surrounding environment, site restoration, and recovery of main characteristics of ecosystems;

b/ Solutions for environmental rehabilitation; analysis, assessment, selection of the optimal solution for environmental remediation and rehabilitation;

c/ List and volume of items of environmental rehabilitation of the selected solution;

d/ Implementation plan; phasing of the implementation plan according to each stage of environmental rehabilitation; programs on management, monitoring and supervision during environmental rehabilitation; a plan on acceptance of environmental rehabilitation results.

4. The inspection, supervision, and acceptance of the completion of environmental rehabilitation plans specified in Clause 2 of this Article are provided as follows:

a/ In case an environmental incident causer implements the approved environmental rehabilitation plan by itself/himself/herself, the agency that has approved such plan shall inspect and supervise the environmental rehabilitation according to the approved plan;

b/ In case the agency that has approved the environmental rehabilitation plan organizes the implementation of such plan, the environmental incident causer may participate in the supervision, appraisal, inspection and acceptance of the completion of environmental rehabilitation.

5. The environmental rehabilitation after environmental incidents must comply with environmental technical regulations on quality of the surrounding environment.

6. Agencies approving environmental rehabilitation plans shall announce the completion of the stage of environmental rehabilitation to resident communities and press and media agencies.

7. The Minister of Natural Resources and Environment shall detail this Article.

Article 127. Responsibilities of ministries, ministerial-level agencies and specialized agencies at all levels for prevention of and response to environmental incidents

1. Ministries and ministerial-level agencies shall:

a/ Guide, inspect and build capacity to prevent and warn dangers of environmental incidents in sectors and fields under their management; carry out activities of preparing environmental incident response, and organizing the response to environmental incidents under their management in accordance with law;

b/ Guide contents of environmental incident response plans falling within their scope of state management; and processes and techniques for response to environmental incidents, and scenarios of environmental incidents under their management in accordance with law;

c/ Formulate plans on response to national-level environmental incidents under their management and propose the National Committee for Incident and Disaster Response and Search and Rescue promulgate such plans;

d/ Participate in response to national-level environmental incidents under their management as assigned by the National Committee for Incident and Disaster Response and Search and Rescue.

2. Specialized agencies of provincial- or district-level People's Committees shall, within the ambit of their assigned functions, tasks and powers, advise same-level People's Committees or same-level commanding committees for disaster prevention and control and search and rescue for the latter to formulate and promulgate environmental incident response plans; and guide the preparation and organization of environmental incident response in their localities.

3. The Ministry of Natural Resources and Environment shall:

a/ Formulate and submit the Regulation on response to waste-related incidents to the Prime Minister for promulgation; and provide technical instructions for prevention of and response to waste-related incident;

b/ Participate in organization of response to national-level environmental incidents as assigned by the National Committee for Incident and Disaster Response and Search and Rescue;

c/ Direct the organization of environmental rehabilitation after national-level environmental incidents; and provide technical instructions for environmental rehabilitation after environmental incidents.

4. Provincial- or district-level specialized agencies in charge of environmental protection shall advise same-level People's Committees on environmental rehabilitation after environmental incidents in their localities.

Article 128. Funding for environmental incident response

1. Environmental incident causers shall promptly and fully pay costs for organization of environmental incident response and environmental rehabilitation; in case the State organizes environmental incident response and environmental rehabilitation, environmental incidents shall pay costs for organization of environmental incident response and environmental rehabilitation to the State in accordance with law.

2. In case the causes or causers of environmental incidents are not yet identifiable, costs for organization of environmental incident response and environmental rehabilitation shall be paid by the State.

3. Funding for organization of environmental incident response and environmental rehabilitation specified in Clause 2 of this Article shall be allocated from the state budget and other sources in accordance with law.

4. Human resources, supplies and means used and mobilized to respond to environmental incidents shall be refunded and paid in accordance with law.

Article 129. Publicization of information and participation of resident communities in environmental incident prevention and response

1. Organizations, individuals and resident communities likely to be affected by environmental incidents shall be notified of incident risks and measures to respond to environmental incidents taken by surrounding establishments; shall be informed of and may participate in and supervise activities of response to environmental incidents.

2. Owners of investment projects or establishments shall notify commune-level People's Committees of environmental incident risks and measures to respond to environmental incidents in order to inform organizations, individuals and surrounding resident communities.

3. Starting and ending time of stages of response to environmental incidents and environmental rehabilitation shall be publicized on mass media by competent agencies or persons to organizations, individuals and resident communities for knowledge, participation and supervision.

4. Persons in charge of directing response to environmental incidents and spokespersons on environmental incidents shall promptly provide and update information on environmental incidents to media and press agencies and resident communities. Information on environmental incidents provided and publicized by persons in charge of directing response to environmental incidents and spokespersons on environmental incidents is official.

5. Media and press agencies shall accurately, truthfully, fully and promptly provide information on environmental incidents and response to environmental incidents.

Section 2

COMPENSATION FOR ENVIRONMENTAL DAMAGE

Article 130. Damage caused by environmental pollution and degradation and principles of identification of liability for environmental damage

1. Damage caused by environmental pollution and degradation includes:

a/ Decrease in functions and usefulness of the environment;

b/ Damage to human life or health, property and lawful interests of organizations and individuals as a consequence of the decrease in functions and usefulness of the environment.

2. Identification of organizations and individuals causing environmental damage must be prompt, objective and equal. Organizations and individuals causing environmental damage shall pay compensation for damage caused by their acts and, at the same time, pay all expenses for identification of damage and performance of procedures for claiming compensation for damage under regulations.

3. In case at least 2 organizations and individuals cause environmental damage, payment of compensation for damage is as follows:

a/ Liability to pay compensation for environmental damage of each subject shall be identified according to types of pollutants, emission volumes and other factors;

b/ Liability to pay compensation for environmental damage, pay expenses for identification of damage and performance of procedures for claiming compensation for damage shall be identified for each subject corresponding to proportion of damage caused by such subject to total environmental damage; in case stakeholders or state management agencies in charge of the environment fail to identify the proportion of liability, an arbitrations or a court shall decide it according to its competence.

4. Organizations and individuals that fully comply with the law on environmental protection, have satisfactory waste treatment systems and can prove that they do not cause environmental damage shall not be required to pay compensation and expenses related to identification of damage and performance of procedures for claiming compensation for damage.

Article 131. Responsibility to claim compensation for damage and identify environmental damage

1. When detecting that the environment shows signs of pollution or degradation, People's Committees at all levels, organizations and individuals shall notify in-charge agencies of compensation claims and collect and appraise data and evidences for identification of environmental damage caused by pollution or degradation under Clause 2 of this Article.

2. Responsibility to claim compensation and collect and appraise data and evidences for identification of environmental damage caused by pollution or degradation is as follows:

a/ Commune-level People's Committees shall claim compensation for environmental damage in localities under their management. In this case, commune-level People's Committees shall request district-level People's Committees to collect and appraise data and evidences for identification of environmental damage caused by environmental pollution or degradation;

b/ District-level People's Committees shall claim compensation for damage and collect and appraise data and evidences for identification of environmental damage caused by environmental pollution or degradation in 2 or more commune-level administrative units; collect and appraise data and evidences for identification of environmental damage caused by environmental pollution and degradation at the request of commune-level People's Committees;

c/ Provincial-level People's Committees shall claim compensation for damage and collect and appraise data and evidences for identification of environmental damage caused by environmental pollution or degradation in 2 or more district -level administrative units;

d/ The Ministry of Natural Resources and Environment shall claim compensation for damage and assume the prime responsibility for, and coordinate with provincial-level People's Committees in, collecting and appraising data and evidences for identification of environmental damage caused by environmental pollution and degradation in 2 or more provincial-level administrative units.

3. Organizations and individuals suffering damage to their lives, health, property and lawful interests as a consequence of the decrease in functions and usefulness of the environment may identify damage on their own or authorize state agencies or other organizations and individuals to identify damage and claim compensation for environmental damage in accordance with this Law and other relevant laws.

4. The Government shall detail this Article.

Article 132. Identification of damage caused by environmental pollution or degradation

1. The identification of damage caused by the decrease in functions and usefulness of the environment covers:

a/ Identification of scope and area of the area suffering environmental pollution or degradation;

b/ Identification of the number of decreasing environmental components, types of ecosystem and species suffering damage;

c/ Identification of extent of damage to each environmental component, ecosystem and species.

2. The identification of damage caused by the decrease in functions and usefulness of the environment shall be carried out independently or with the collaboration between the damage-causing and suffering parties. At the request of either party or both parties, specialized environmental protection agencies shall guide or attest to the identification of damage.

3. The identification of damage to human health or life, property and lawful interests of organizations and individuals which is caused by the decrease in functions and usefulness of the environment must comply with law.

4. The Government shall prescribe in detail the identification of damage caused by environmental pollution or degradation.

Article 133. Settlement of claims for compensation for environmental damage

1. Claims for compensation for environmental damage is settled through negotiation between parties. In case of failure to negotiate, parties may choose to settle their dispute:

a/ By mediation;

b/ By arbitration;

c/ At court.

2. Settlement at court must comply with regulations on compensation for non-contractual civil damage and the civil procedure law, except regulations on proving of the causal relation between acts of law violation and damage. The burden of proof of the causal relation between acts of law violation and damage shall be on the violators that cause environmental pollution.

Article 134. Expenses for compensation for environmental damage

1. Compensations for environmental damage specified at Point a, Clause 1, Article 130 of this Law shall be calculated on the following bases:

a/ Immediate and long-term damage caused by decrease in functions and usefulness of environmental components;

b/ Expenses for environmental treatment and remediation;

c/ Expenses for minimization or elimination of damage-causing sources or response to environmental incidents;

d/ Expenses for identification of damage and performance of procedures for compensation for environmental damage;

dd/ Depending on practical conditions, Points a, b, c and d of this Clause may be applied to calculate environmental damage which shall serve as a basis for compensations and settlement of claims for compensation for environmental damage.

2. Organizations or individuals shall directly pay compensations for damage or remit them to the Vietnam Environment Protection Fund or provincial-level environmental protection funds for the latter to make payment.

Article 135. Assessment of damage caused by the decrease in functions and usefulness of the environment

1. The assessment of damage caused by the decrease in functions and usefulness of the environment shall be carried out at the request of damage sufferers or agencies settling claims for compensation for environmental damage.

2. Grounds for damage assessment include dossiers of claim for compensation, information, data, evidences and other grounds related to compensation and damage causers.

3. Damage assessment organizations shall be selected by damage assessment-requesting parties. If parties fail to reach an agreement, the agency settling claims for damage compensation shall select a damage assessment organization.

4. The Government shall prescribe in detail the assessment of damage caused by decrease in functions and usefulness of the environment.

Chapter XI

ECONOMIC TOOLS, POLICIES AND RESOURCES FOR ENVIRONMENTAL PROTECTION

Section 1

ECONOMIC TOOLS FOR ENVIRONMENTAL PROTECTION

Article 136. Environmental protection tax and charge policies

1. Environmental protection tax is prescribed as follows:

a/ Environmental protection tax shall be imposed on products and goods the use of which causes adverse environmental impacts or generates environmental pollutants;

b/ Environmental protection tax rates shall be determined based on extent of adverse environmental impacts;

c/ The promulgation and implementation of regulations on environmental protection tax must comply with the tax laws.

2. Environmental protection charge is prescribed as follows:

a/ Environmental protection charge shall be imposed on discharge of wastes into the environment; exploitation of minerals or exertion of adverse environmental impacts; public services in the field of environmental protection in accordance with the law on charges and fees;

b/ Environmental protection charge rates shall be determined on the basis of volume and toxicity of pollutants discharged into the environment, characteristics of waste-receiving environment; extent of adverse environmental impacts of mineral exploitation activities; characteristics of public services in the field of environmental protection;

c/ The promulgation and implementation of regulations on environmental protection charges must comply with the law on charges and fees.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for assessing level of environmental pollution and greenhouse effect of wastes or products or goods the use of which causes adverse environmental impacts, proposing a specific list of subjects liable to environmental protection tax and charges, environmental protection tax and charge rate bracket for each subject liable to environmental protection tax and charges and method of calculating environmental protection charges, then sending them to the Ministry of Finance for summarization and reporting to competent agencies for consideration and decision.

Article 137. Environmental protection deposits

1. Environmental protection deposits aim to ensure that organizations and individuals take responsibility for environmental rehabilitation and handling of environmental pollution risks arising from the activities specified in Clause 2 of this Article.

2. Organizations and individuals that carry out the following activities must make environmental protection deposits:

a/ Exploiting minerals;

b/ Burying wastes;

c/ Importing scraps from abroad for use as production raw materials.

3. Environmental protection deposits may be made in cash, precious metals, gems or valuable papers in accordance with law.

4. Organizations and individuals shall make deposits as follows:

a/ Organizations and individuals that carry out the activity specified at Point a or b, Clause 2 of this Article shall make deposits at the Vietnam Environment Protection Fund or provincial-level environmental protection funds;

b/ Organizations and individuals that carry out the activity specified at Point c, Clause 2 of this Article shall make deposits at the Vietnam Environment Protection Fund, or provincial-level environmental protection funds or financial and credit institutions in accordance with law.

5. The Government shall detail this Article and specify deposit rates and forms, principles of application of deposit interest rates and return of environmental protection deposits.

Article 138. Payment for natural ecosystem services

1. Payment for natural ecosystem services means payment by organizations or individuals that use natural ecosystem services to organizations or individuals that provide environmental and landscape value created by natural ecosystems in order to protect, maintain and develop natural ecosystems.

2. Charged natural ecosystem services include:

a/ Forest environment services of forest ecosystems in accordance with the law on forestry;

b/ Wetland ecosystem services for tourism, entertainment and aquaculture purposes;

c/ Marine ecosystem services for tourism, entertainment and aquaculture purposes;

d/ Services of rocky mountain, cave and geopark ecosystems for tourism and entertainment purposes;

dd/ Natural ecosystem services for carbon sequestration and storage, except the case specified at Point a of this Clause.

3. Principles of payment for natural ecosystem services are as follows:

a/ Organizations and individuals that use one or several natural ecosystem services shall pay charges for such services;

b/ Charges for natural ecosystem services shall be paid directly or indirectly through entrustment;

c/ Charges for natural ecosystem services shall be accounted in costs of products or services of natural ecosystem service users, ensuring offsetting of expenses for protection, maintenance and development of natural ecosystems;

d/ Natural ecosystem service providers shall use proceeds from collection of natural ecosystem service charges to protect, maintain and develop natural ecosystems.

4. Organizations and individuals shall pay charges for natural ecosystem services when:

a/ Exploiting and using water and sea surfaces of ecosystems for aquaculture or aquatic entertainment services;

b/ Exploiting and using ecosystem landscapes for tourism and entertainment services;

c/ Carrying out production or business activities with greenhouse gas emissions that must use ecosystems' carbon sequestration and storage services to reduce greenhouse gas emissions.

5. The Government shall detail this Article.

Article 139. Organization and development of the carbon market

1. Domestic carbon market accommodates activities of exchanging greenhouse gas emissions quotas and carbon credits obtained from the mechanism of exchanging and offsetting domestic and international carbon credits in accordance with law and treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Greenhouse gas-emitting establishments required to make inventory of greenhouse gases on the list specified in Clause 3, Article 91 of this Law shall be allocated their greenhouse gas emission quotas and have the right to exchange and trade on the domestic carbon market.

3. Grounds for determination of greenhouse gas emission quotas include:

a/ National strategy for climate change response and other relevant development strategies and master plans;

b/ Results of national greenhouse gas inventory and greenhouse gas inventories of fields and establishments on the list specified in Clause 3, Article 91 of this Law;

c/ Roadmap and method of greenhouse gas emission reduction suitable to the country's conditions and international commitments.

4. Greenhouse gas-emitting establishments may only emit greenhouse gases within their allocated emission quotas. If wishing to emit greenhouse gases in excess of allocated quotas, establishments shall purchase quotas of other subjects on the domestic carbon market.

5. Greenhouse gas-emitting establishments that reduce their greenhouse gas emissions or do not use up their allocated emission quotas may sell unused quotas to other subjects on the domestic carbon market.

6. Greenhouse gas-emitting establishments that participate in mechanisms of exchanging and offsetting domestic and international carbon credits in accordance with law and treaties to which the Socialist Republic of Vietnam is a contracting party may exchange carbon credits on the domestic carbon market.

7. Greenhouse gas-emitting establishments that participate in the domestic carbon market shall exchange, auction, borrow, pay, transfer quotas and carbon credits; implement mechanisms of exchanging and offsetting domestic and international carbon credits in accordance with law and treaties to which the Socialist Republic of Vietnam is a contracting party.

8. The Ministry of Natural Resources and Environment shall submit to the Prime Minister for approval total greenhouse gas emission quotas on a periodic and annual basis.

9. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and related ministries and ministerial-level agencies in, establishing the domestic carbon market.

10. The Ministry of Natural Resources and Environment shall organize the allocation of greenhouse gas emission quotas to subjects specified in Clause 2 of this Article; organize operation of the domestic carbon market and participate in the international carbon market.

11. The Government shall detail this Article, and specify expenses for allocation of greenhouse gas emission quotas, roadmap and time of organizing the domestic carbon market as suitable to the country's socio-economic conditions and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 140. Insurance for liability to pay compensation for damage caused by environmental incidents

1. To encourage insurance businesses to provide insurance for liability to pay compensation for damage caused by environmental incidents.

2. Based on investment project groups classified under Article 28 of this Law, the Government shall specify subjects that are obliged to purchase insurance for liability to pay compensation for damage caused by environmental incidents.

3. To encourage subjects other than those specified in Clause 2 of this Article to purchase insurance for liability to pay compensation for damage caused by environmental incidents.

Section 2

INCENTIVE AND SUPPORT POLICIES FOR AND DEVELOPMENT OF ENVIRONMENTAL ECONOMY

Article 141. Incentives and supports for environmental protection

1. Incentive and support policies for environmental protection are prescribed as follows:

a/ The State shall provide land and capital incentives and supports, gives exemption and reduction of taxes and charges for environmental protection activities, price and freight subsidies for environment-friendly products, and provide other incentives and supports for environmental protection activities in accordance with law;

b/ Organizations and individuals that carry out multiple environmental protection activities eligible for incentives and supports may enjoy incentives and supports corresponding to these activities;

c/ In case an environmental protection activity that is eligible for incentives and supports under this Law and other relevant laws, the documents providing higher incentive and support levels shall apply;

d/ Levels and scope of incentives and supports for environmental protection activities shall be adjusted in compliance with environmental protection policies in each period.

2. Investment and business activities related to environmental protection eligible for incentives and supports include:

a/ Investment projects in the business lines of waste collection, treatment, recycling or reuse;

b/ Enterprises producing and providing technologies, equipment, products and services meeting environmental protection requirements, including combined waste treatment and energy recovery technology; energy saving technology; centralized domestic wastewater treatment services; surrounding

environmental monitoring services; public transportation services powered by electricity or renewable energies; generation of clean and renewable energy; production and provision of environmental monitoring devices, on-site domestic wastewater treatment equipment, and environment-friendly products and services that are certified with the Vietnam Green Label.

3. Environmental protection activities other than business investment activities eligible for incentives and supports include:

a/ Technological innovation, renovation and upgrade of waste treatment facilities under roadmaps prescribed in the law on environmental protection;

b/ Relocation of households out of centralized production, business or service zones, industrial clusters or relocation of operating establishments to meet the environmental safety distance criterion;

c/ Investment in development of natural capital, and protection of natural heritages.

4. Scientific research and development and transfer of environmental protection technologies are eligible for incentives and supports in accordance with the laws on science, technology and technology transfer.

5. The Government shall detail this Article.

Article 142. Circular economy

1. Circular economy is an economic model in which designing, production, consumption and service activities aim to reduce the exploitation of raw materials and materials, extend product lifecycle, reduce generated wastes and minimize adverse environmental impacts.

2. Ministries, ministerial-level agencies and provincial-level People's Committees shall incorporate contents on circular economy in development strategies, master plans, plans, programs and projects right from the stage of formulation thereof; and in management, reuse and recycling of wastes.

3. Production, business or service establishments shall establish management systems and take measures to reduce resource exploitation and waste generation, and scale up reuse and recycling of wastes from the stage of formulation of projects or designing of products and goods to the stage of production and distribution.

4. The Government shall specify criteria, roadmap and mechanisms to encourage circular economy as suitable to the country's socio-economic conditions.

Article 143. Development of the environmental industry

1. Environmental industry means an economic sector in the system of Vietnamese economic sectors that provides technologies, equipment and products to meet environmental protection requirements.

2. The State invests in, and adopts policies to assist organizations and individuals in developing, the environmental industry, implement the roadmap to open the environmental goods market in line with international commitments.

3. The Government shall detail this Article.

Article 144. Development of environmental services

1. Environmental services means an economic sector that provides services of measuring, controlling, limiting, preventing and minimizing water, air and soil pollution, and efficiently using natural resources; treatment of wastes and other pollutants; biodiversity conservation and other related services.

2. The State adopts policies to develop the environmental service market; promote trade liberalization for environmental services under a roadmap in line with its international commitments; and encourages organizations and individuals to invest in environmental service research and provision.

3. Organizations and individuals are encouraged to provide environmental services in the following fields:

a/ Waste collection, transportation, recycling and treatment;

b/ Environmental monitoring and analysis and environmental impact assessment;

c/ Remediation and rehabilitation of the environment and ecosystems in polluted and degraded areas;

d/ Provision of counseling on and transfer of environment-friendly production technologies and environmental technologies; energy-saving technologies, clean energy and renewable energy generation;

dd/ Provision of counseling on, training in, and information on, the environment; clean energy, renewable energy and energy saving;

e/ Environmental assessment of goods, machinery, equipment and technologies;

g/ Assessment of environmental damage or biodiversity; assessment of pollutants that exert direct impact on human health;

h/ Other environmental protection services.

4. Prices of environmental services must comply with the law on price.
5. The Government shall detail this Article.

Article 145. Environment-friendly products and services

1. Environment-friendly products and services are those created from raw materials, materials, and by environment-friendly production and management technologies that reduce adverse environmental impacts in the process of use or disposal, ensuring safety for the environment and human health, and are certified or recognized by competent agencies.

2. Vietnam Green Label is a label certified by Vietnamese competent agencies for environment-friendly products and services. The monitoring, analysis and conformity assessment for comparison with the Vietnam Green Label's criteria for products and services shall be carried out by environmental monitoring organizations in accordance with this Law and conformity assessment organizations in accordance with the law on product and goods quality, law on measurement and other related laws.

3. Vietnam recognizes environment-friendly products and services that are certified by international or national organizations with which Vietnam have signed mutual recognition agreements.

4. The Government shall detail this Article.

Article 146. Green procurement

1. Green procurement means the procurement of environment-friendly products and services that are certified with Vietnam Green Label or recognized in accordance with law.

2. Green procurement is prioritized for investment projects and tasks funded by the state budget in accordance with the Government's regulations.

Article 147. Exploitation, use and development of natural capital

1. Natural capital means natural resources, including soil, water, forests, aquatic resources, minerals, fossil fuels, natural energy sources and natural ecosystem services.

2. The exploitation, use and development of natural capital must comply with the following principles:

a/ Natural capital shall be inventoried and assessed to serve socio-economic development in accordance with law;

b/ The State prioritizes investment in maintenance and development of natural capital that can regenerate and be used to provide natural ecosystem services;

c/ Revenues from natural capital shall be used first of all for reinvestment in maintenance and development of natural capital.

3. The State encourages organizations and individuals to exploit and use, and promote their advantages to invest in maintenance and development of, natural capital.

4. Ministries, ministerial-level agencies, and provincial-level People's Committees shall incorporate natural capital development investment in socio-economic development strategies, master plans, plans, programs, schemes and projects.

Section 3

RESOURCES FOR ENVIRONMENTAL PROTECTION

Article 148. Resources for environmental protection

1. The State shall allocate resources for carrying out the following environmental protection activities:

a/ Waste management and provision of support for waste treatment;

b/ Treatment, remediation and rehabilitation of environmental quality;

c/ Construction of technical infrastructure facilities for environmental protection; provision of equipment to protect the environment; environmental monitoring;

d/ Examination, inspection and supervision of environmental protection;

dd/ Conservation of nature and biodiversity; environmental protection of natural heritages; response to climate change;

e/ Scientific research, development, and transfer of environmental technology;

g/ Communication to raise awareness about environmental protection; environmental education; dissemination of knowledge and propagation of the law on environmental protection;

h/ International integration and international cooperation on environmental protection;

i/ Other activities involved in the state management of environmental protection in accordance with law.

2. Resources for carrying out environmental protection activities specified in Clause 1 of this Article include:

a/ The state budget's current and development investment expenditures for environmental protection;

b/ Various social resources mobilized for environmental protection.

3. The state budget has a separate expenditure item for environmental protection activities that may be gradually increased period after period in conformity with the state budget capacity and environmental protection requirements and tasks.

4. Owners of investment projects or establishments shall ensure funds for the following environmental protection activities:

a/ Investment in renovation of waste treatment technologies in accordance with law;

b/ Investment in construction and operation of environmental protection facilities in accordance with law;

c/ Implementation of environmental monitoring and supervision programs (if any);

d/ Implementation of environmental incident prevention and response plans (if any);

dd/ Other environmental protection activities in accordance with law.

5. Funds for environmental protection activities specified in Clause 4 of this Article shall be listed, accounted for and publicized on establishments' accounting systems and reported in accordance with law.

6. The Ministry of Natural Resources and Environment shall guide the making of statistics, monitoring and announcement of resources for environmental protection activities.

7. The Government shall detail Clauses 1 and 2 of this Article.

Article 149. Green credit

1. Green credit means credit facilities granted to the following investment projects on:

a/ Efficient use of natural resources;

b/ Response to climate change;

c/ Waste management;

- d/ Treatment of pollution and improvement of environmental quality;
- dd/ Rehabilitation of natural ecosystems;
- e/ Conservation of nature and biodiversity;
- g/ Generation of other environmental benefits.

2. Lending activities of Vietnam-based credit institutions and foreign bank branches for investment projects must comply with regulations on environmental risk management in lending activities.

3. Vietnam-based credit institutions and foreign bank branches are encouraged to finance and provide concessional loans for projects specified in Clause 1 of this Article.

4. The State Bank Governor shall guide the management of environmental risks in credit extension of Vietnam-based credit institutions and foreign bank branches.

5. The Government shall promulgate a roadmap for implementation of and mechanism for green credit extension.

Article 150. Green bonds

1. Green bonds are bonds issued by the Government, local administrations and enterprises in accordance with the law on bonds to mobilize capital for environmental protection activities and investment projects that bring about environmental benefits.

2. Proceeds from issuance of green bonds shall be accounted and monitored in accordance with the law on bonds and used for investment projects in the field of environmental protection and investment projects that bring about environmental benefits, including:

- a/ Renovation and upgrading of environmental protection works;
- b/ Renewal of technologies towards applying the state-of-the-art techniques;
- c/ Application of circular economy, green economy, and low-carbon emission;
- d/ Prevention and reduction of environmental pollution;
- dd/ Environmental remediation and rehabilitation after environmental incidents;
- e/ Efficient use of natural resources and land resource, saving of energy, and development of renewable energy sources;

g/ Construction of multi-purpose and environment-friendly infrastructure facilities;

h/ Effective management of water sources and treatment of wastewater;

i/ Adaptation to climate change, investment in development of natural capital;

k/ Other investment projects in accordance with regulations.

3. Green bond issuers shall provide information on environmental impact assessment, environmental licenses of investment projects and use of funds raised through green bond issuance for investors.

4. Green bond issuers and investors that purchase green bonds are entitled to incentives in accordance with this Law and other related laws.

5. The Government shall detail this Article.

Article 151. Environment protection funds

1. The Vietnam Environment Protection Fund and provincial-level environmental protection funds are state financial institutions established at the central and provincial levels to provide concessional loans and receive deposits, sponsorship, and financial aid and contributions for environmental protection activities.

The State encourages enterprises, organizations and individuals to establish environmental protection funds.

2. The competence to establish environmental protection funds is provided as follows:

a/ The Prime Minister shall decide on establishment, organization and operation of the Vietnam Environmental Protection Fund;

b/ Provincial-level People's Committees shall decide on establishment, organization and operation of provincial-level environmental protection funds;

c/ Organizations, enterprises and individuals may establish their own environmental protection funds that shall operate in accordance with law.

3. The Government shall specify funds for operation of the Vietnam Environmental Protection Fund and provincial-level environmental protection funds.

Article 152. Scientific research, development, application and transfer of technologies for environmental protection

1. Organizations and individuals that invest in scientific research, development, application and transfer of technologies for environmental protection are entitled to the State's incentives and supports.

2. Scientific research, development, application and transfer of technologies for environmental protection entitled to the State's incentives and supports include:

a/ Efficient use of natural resources, saving of energy, conservation of nature and biodiversity, and environment-friendly production;

b/ Reuse or recycling of wastes, treatment of wastes, remediation and rehabilitation of the environment;

c/ Control and reduction of environmental pollution; monitoring and forecast of environmental changes;

d/ Study and development of solutions to cope with climate change.

Section 4

ENVIRONMENTAL PROTECTION EDUCATION AND COMMUNICATION

Article 153. Education, training and further training on environmental protection

1. Contents and programs of the national education system shall be incorporated with environmental protection knowledge and regulations.

2. The State gives priority to training and further training of human resources for environmental protection; invests in training and further training of leading officials and civil servants, managers and technical workers in charge of environmental protection; encourages organizations and individuals to participate in environmental protection education and training and further training of human resources on environmental protection.

3. The Minister of Education and Training shall assume the prime responsibility for, and coordinate with the Minister of Natural Resources and Environment in, specifying contents and programs of education and training in environmental protection and human resource development for environmental protection.

Article 154. Communication and dissemination of knowledge and propagation about the law on environmental protection

1. Communication, dissemination of knowledge and propagation about the law on environmental protection shall be regularly and widely carried out.

2. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, socio-political organizations, communications and press agencies in, communicating and disseminating knowledge and propagating the law on environmental protection.

3. Ministries and ministerial-level agencies shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, communications and press agencies in, communicating and disseminating knowledge and propagating the law on environmental protection in fields under their management.

4. Provincial-level People's Committees shall assume the prime responsibility for, and coordinate with communications and press agencies in, communicating and disseminating knowledge and propagating the law on environmental protection in their localities.

Chapter XII

INTERNATIONAL INTEGRATION AND COOPERATION ON ENVIRONMENTAL PROTECTION

Article 155. Principles of international integration and cooperation on environmental protection

1. International integration and cooperation on environmental protection shall be carried out on the basis of equality, mutual benefit, enhancement of concerted strength and raising of national profile and prestige, respect for independence, sovereignty and territorial integrity, and compliance with laws of every party, international laws and commitments in environmental treaties and international agreements.

2. Treaties and international agreements that are conducive to national, regional and global environmental protection and compliant with Vietnam's interests and capacities shall be prioritized for conclusion.

3. International disputes related to the environment shall be resolved through peaceful means in accordance with customary law, international law and laws of concerned parties.

Article 156. Responsibility for international integration and cooperation on environmental protection

1. The State shall encourage proactive international integration on environmental protection, focusing on fields of management and protection of

environmental components, biodiversity conservation, green growth, sustainable development and response to climate change; and ensure resources and fulfill obligations committed in treaties and international agreements on environment to meet requirements of international integration and facilitate international economic integration.

2. The State shall encourage investment and international cooperation and assistance for state management, human resource training, sharing of environmental information and data, scientific research, transfer of advanced technology, conservation of nature and biodiversity and other environmental protection activities; and response to and remediation of environmental incidents and environment-related problems at national, regional, global and trans-boundary levels.

3. Organizations and individuals shall proactively comply with internationally recognized and widely applied international environmental requirements, conditions and standards in order to improve their competitiveness in international trade; prevent and limit adverse environmental impacts.

4. The Ministry of Natural Resources and Environment shall act as the focal point for summing up activities of international integration and cooperation on environmental protection. Ministries, ministerial-level agencies and provincial-level People's Committees shall, within their scope of management, organize international integration and cooperation on environmental protection.

Chapter XIII

RESPONSIBILITIES OF THE VIETNAM FATHERLAND FRONT, SOCIO-POLITICAL ORGANIZATIONS, SOCIO-POLITICAL-PROFESSIONAL ORGANIZATIONS, SOCIO-PROFESSIONAL ORGANIZATIONS AND RESIDENT COMMUNITIES IN ENVIRONMENTAL PROTECTION

Article 157. Responsibilities and powers of the Vietnam Fatherland Front

1. The Vietnam Fatherland Front shall, within the ambit of its tasks and powers, propagandize and mobilize its member organizations and the people to take part in environmental protection activities.

2. The Vietnam Fatherland Front shall provide consultancy and criticism on, and oversee, the implementation of environmental protection policies and laws in accordance with law. State management agencies at all levels shall create conditions for the Vietnam Fatherland Front to take part in environmental protection activities.

Article 158. Responsibilities and powers of socio-political organizations, socio-political-professional organizations and socio-professional organizations

1. Socio-political organizations, socio-political-professional organizations and socio-professional organizations shall:

a/ Comply with the law on environmental protection;

b/ Take part in environmental protection activities.

2. Socio-political organizations, socio-political-professional organizations and socio-professional organizations may:

a/ Be provided with, and request provision of, environmental protection information in accordance with law;

b/ Provide advices on investment projects related to their functions, tasks and powers;

c/ Provide consultancy and criticism on environmental protection to related state management agencies, investment project owners and establishments in accordance with law;

d/ Take part in examining environmental protection activities at investment projects, concentrated production, business and service establishments and zones and industrial clusters related to their functions, tasks and powers;

dd/ Propose competent state agencies to handle violations of the environmental protection law.

3. State management agencies in charge of the environment at all levels shall create conditions for socio-political organizations, socio-political-professional organizations and socio-professional organizations to exercise the rights provided in Clause 2 of this Article.

4. The Government shall detail Clause 3 of this Article.

Article 159. Rights and obligations of resident communities

1. Representatives of resident communities in localities that suffer environmental impacts caused by investment projects, concentrated production, business and service establishments and zones and industrial clusters may request owners of these investment projects or establishments to provide environmental protection information at face-to-face dialogues or in written form; learn about actual environmental protection activities of investment projects, concentrated production, business and service establishments and zones and industrial clusters; collect and provide information to competent agencies and take responsibility for provided information.

2. Representatives of resident communities in localities that suffer environmental impacts caused by investment projects, concentrated production, business and service establishments and zones and industrial clusters may request related state management agencies to provide results of inspection, examination and handling of these investment projects or establishments, unless such information is classified as state secrets or secrets of enterprises in accordance with law.

3. Representatives of resident communities may participate in assessing results of environmental protection activities of investment projects, concentrated production, business and service establishments and zones and industrial clusters; and take measures to protect the rights and interests of resident communities in accordance with law.

4. Owners of investment projects and establishments shall fulfill requests of representatives of resident communities in accordance with law.

5. State management agencies in charge of the environment at all levels shall establish online systems to receive, process and respond to reports and recommendations on environmental protection of organizations, individuals and resident communities.

Chapter XIV

EXAMINATION, INSPECTION, AUDIT AND HANDLING OF VIOLATIONS, DISPUTES, COMPLAINTS AND DENUNCIATIONS RELATED TO ENVIRONMENT

Article 160. Examination and inspection of environmental protection and environmental audit

1. The responsibility to organize and direct examination and inspection of environmental protection is as follows:

a/ The Minister of Natural Resources and Environment shall organize examination and inspection of environmental protection nationwide;

b/ The Minister of National Defense shall organize examination and inspection of environmental protection for investment projects and establishments classified as state secrets in the field of national defense;

c/ The Minister of Public Security shall organize examination and inspection of environmental protection for investment projects and establishments classified as state secrets in the field of security; and direct the

Environmental Crime Prevention and Combat Police Force to examine the implementation of the law on environmental protection;

d/ Chairpersons of provincial-level People's Committees shall organize examination and inspection of environmental protection in their localities; and direct the participation in coordination in examination and inspection of environmental protection in the cases specified at Point a of this Clause or at the request of competent agencies;

dd/ Chairpersons of district-level People's Committees shall organize examination and inspection of environmental protection in their localities; and direct the participation in coordination in examination and inspection of environmental protection in the cases specified at Point d of this Clause or at the request of competent agencies;

e/ Chairpersons of commune-level People's Committees shall organize examination of environmental protection by households, individuals and subjects under their competence to receive environmental registration requests in their localities; and direct the participation in coordination in examination and inspection of environmental protection in the cases specified at Point dd of this Clause or at the request of competent agencies.

2. Competence to carry out, organization and operation of, specialized inspection of environmental protection must comply with the inspection law and specific provisions on environmental protection, specifically as follows:

a/ Regular inspection shall be carried out based on functions and tasks of agencies assigned to perform the specialized inspection function;

b/ Unscheduled inspection shall be carried out in accordance with regulations upon detection of signs of violation of the law on environmental protection; to meet requirements of the settlement of complaints and denunciations or corruption prevention and combat, or assigned by the Minister of Natural Resources and Environment or chairpersons of provincial-level People's Committees. Unscheduled inspection may not be announced in advance in case of necessity;

c/ Except cases of unscheduled inspection specified in this Law, environmental protection inspection of an organization or individual may not be carried out more than once a year;

d/ In the course of examination or inspection, state management agencies in charge of environmental protection at all levels shall forward dossiers of cases that show signs of environmental crimes to competent agencies for investigation and settlement in accordance with law; and coordinate with the

Environmental Crime Prevention and Combat Police Force in examining observance of the law on environmental protection by organizations and individuals upon request.

3. Examination of observance of the law on environmental protection means examination carried out by competent state agencies of organizations and individuals, except cases of examination to settle administrative procedures specified in this Law, specifically as follows:

a/ Unscheduled inspection without advance announcement by state management agencies in charge of environmental protection shall be carried out when there are grounds to believe that organizations or individuals show signs of violating the law on environmental protection or it is so decided by the Minister of Natural Resources and Environment or chairpersons of provincial-level People's Committees;

b/ The Environmental Crime Prevention and Combat Police Force shall examine organizations and individuals when there are signs of criminal activities or violations of laws related to environmental crimes; or when there are criminal denunciations or reports, requests for initiation of criminal cases, or denunciations or reports on violations related to environmental crimes, and shall notify such to state management agencies in charge of environmental protection at the same level for coordination; coordinate in examining organizations and individuals' observance of the law on environmental protection in other cases under plans approved by the Minister of Natural Resources and Environment or chairpersons of provincial-level People's Committees. Annually, it shall send notices of results of examination and handling of violations of the law on environmental protection to state management agencies in charge of environmental protection at the same level for summary and monitoring.

4. Examination and inspection of environmental protection must neither overlap nor affect normal production, business or service activities of organizations and individuals; and shall be carried out with coordination of the state management agencies in charge of environmental protection, the Environmental Crime Prevention and Combat Police Force and other related agencies.

5. The State Audit Office of Vietnam shall carry out audits in the field of environmental protection in accordance with the Law on State Audit and other relevant laws.

6. The Government shall detail Clauses 2, 3 and 4 of this Article.

Article 161. Handling of violations

1. Organizations and individuals that violate the law on environmental protection, causing environmental pollution, degradation or incidents or causing damage to the State and other organizations and individuals, shall remedy pollution, rehabilitate the environment and pay compensations and be handled in accordance with this Law and other relevant laws.

2. Heads of agencies or organizations, cadres, civil servants, public employees or persons in charge of environmental protection who abuse their positions and powers to trouble or hassle organizations or individuals, cover up violators of the law on environmental protection or neglect their responsibilities, resulting in the occurrence of environmental pollution or incidents shall, depending on nature and severity of their violations, be disciplined, sanctioned for administrative violations or examined for penal liability. If causing damage, they shall pay compensations in accordance with law.

Article 162. Environmental disputes

1. Environmental disputes include:

a/ Disputes over environmental protection rights and responsibilities in the exploitation and use of environmental components;

b/ Disputes over identification of causes of environmental pollution, degradation and incidents;

c/ Disputes over responsibilities to treat and remedy consequences of environmental pollution, and pay compensations for environmental damage.

2. The settlement of environmental disputes must comply with the civil law, this Law and other relevant laws. The settlement of disputes on payment of compensations for environmental damage must comply with Article 133 of this Law and other relevant regulations.

3. The time for determination of the statute of limitations for initiation of environment-related lawsuits is the date damage sufferers with the right to claim know or should know damage caused by violations of the law on environmental protection of other organizations or individuals.

4. Environmental disputes in the territory of the Socialist Republic of Vietnam to which either party or both parties is or are foreign organization(s) or individual(s) shall be settled in accordance with laws of the Socialist Republic of Vietnam, unless otherwise provided in treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 163. Environmental complaints and denunciations

1. Organizations and individuals may file complaints about violations of the law on environmental protection committed by agencies, organizations or individuals in accordance with law.

2. Individuals may denounce violations of the law on environmental protection to competent agencies or persons in accordance with the law on denunciations.

Chapter XV

RESPONSIBILITY FOR STATE MANAGEMENT OF ENVIRONMENTAL PROTECTION

Article 164. Contents of state management of environmental protection

1. Promulgating, and organizing the implementation of, policies and laws; standards, technical regulations and technical instructions; strategies, master plans and plans; and programs, schemes and projects on environmental protection.

2. Appraising and approving results of the appraisal of environmental impact assessment reports; granting, renewing, modifying, re-granting and revoking environmental licenses; carrying out environmental registration; and granting, re-granting and revoking of environmental certificates.

3. Controlling pollution sources; managing wastes and environmental quality; remediating and rehabilitating the environment; protecting the environment of natural heritages, and conserving the nature and biodiversity; preventing and responding to environmental incidents.

4. Building and managing the environmental monitoring system; and organizing environmental monitoring.

5. Developing and updating environmental information systems and databases, and reporting on the environment.

6. Building and deploying the system to supervise and assess climate change adaptation activities; and the system to measure, report and appraise the reduction of greenhouse gas emissions.

7. Inventorying greenhouse gas emissions; developing and updating scenarios and databases on climate change, sea level rise and urban inundation; carrying out national climate assessment; guiding the use of climate change information and data and including climate change response contents in strategies and master plans.

8. Organizing the domestic carbon market; implementing the credit exchange mechanism and international commitments on reduction of greenhouse gas emissions.

9. Carrying out inspection and examination; settling complaints and denunciations about environmental protection; handling violations of the law on environmental protection; determining damage and claiming compensation for environmental damage.

10. Carrying out environmental communications and education, raising awareness about environmental protection; training and further training in professional knowledge and skills on environmental protection.

11. Organizing scientific research, developing, applying and transferring technologies, and undertaking international integration and cooperation on environmental protection.

12. Allocating state budget funds for environmental protection tasks according to current regulations on budget decentralization; making statistics on, monitoring and disclosing, sources of spending on environmental protection.

Article 165. Responsibility of the Government for state management of environmental protection

1. To perform the unified state management of environmental protection nationwide; to promulgate or submit to competent authorities for promulgation legal documents, mechanisms and policies on environmental protection.

2. To decide on policies on environmental protection, improvement and preservation; to direct the settlement and remediation of environmental pollution and degradation, improvement of environmental quality in key areas; to control environmental pollution, and respond to and remedy environmental incidents; to develop clean energy and sustainable production and consumption; to develop the environmental industry and environmental services.

3. To consolidate the system of state management agencies in charge of environmental protection to meet management requirements; to assign tasks and decentralize the state management of environmental protection; to allocate resources for environmental protection activities; to direct scientific and technological research and application; to implement international integration and cooperation on environmental protection.

4. To annually report on environmental protection to the National Assembly.

Article 166. Responsibilities of the Ministry of Natural Resources and Environment for state management of environmental protection

The Ministry of Natural Resources and Environment shall take responsibility before the Government for performing the unified state management of environmental protection, and has the following responsibilities:

1. To assume the prime responsibility for formulating and promulgating, or submitting to competent authorities for promulgation and organizing the implementation of, legal documents on environmental protection; national environmental standards and technical regulations; strategies, master plans, plans, programs, schemes and projects on environmental protection;

2. To give its opinions on strategic environmental assessment contents; to organize appraisal of environmental impact assessment reports; to grant, renew, modify, re-grant and revoke environmental licenses; to grant, renew and re-grant environmental certificates according to its competence;

3. To direct, guide, examine and organize the control of pollution sources; to manage wastes and environmental quality; to carry out environmental remediation and rehabilitation; to carry out natural heritage environment protection, and nature and biodiversity conservation; to prevent and respond to environmental incidents in accordance with the law;

4. To organize the building and management of the national environmental monitoring network; to approve, and organize the implementation of, environmental monitoring programs; to provide information and warnings about environmental pollution in accordance with law;

5. To organize the formulation of environmental protection contents in regional master plans; to guide the formulation of environmental protection contents in master plans of provinces and special administrative-economic units;

6. To organize the making of statistics, construction, maintenance and operation of environmental information systems and databases, and making of environmental reports in accordance with law;

7. To disseminate knowledge on environmental protection and propagandize the law on environmental protection; to educate and raise awareness and sense of environmental protection; to train and further train in professional knowledge and management skills on environmental protection in accordance with law;

8. To propose policies on environmental protection taxes and charges, and issue green bonds and other economic instruments to mobilize and use resources for environmental protection in accordance with law;

9. To organize the building and implementation of the national climate change adaptation monitoring and evaluation system, and national system for measuring, reporting and assessing greenhouse gas emission reduction activities;

10. To organize the national greenhouse gas inventory; to formulate and update the national database and scenarios on climate change; to guide the use of information and data on climate change and include climate change response contents in strategies and master plans;

11. To summarize before proposing the allocation of state budget fund estimates for environmental protection activities of ministries, ministerial-level agencies and provincial-level People's Committees and guide the implementation thereof in accordance with the law on the state budget; to guide the making of statistics on, monitoring and publication of, sources of spending on environmental protection;

12. To propose to the Government the participation in international organizations and conclusion of treaties and international agreements on the environment; to undertake international integration and cooperation on environmental protection in the fields under its management;

13. To inspect and examine the observance of law and the state management responsibility for environmental protection; to settle environment-related complaints and denunciations; to determine damage and file claims for compensations for environmental damage; to handle violations of the law on environmental protection in accordance with law;

14. To organize scientific research, technology development and technology application and transfer in the field of environmental protection in accordance with law;

15. To coordinate with the Vietnam Fatherland Front and central bodies of socio-political organizations in organizing the implementation of the State's guidelines, policies and laws on environmental protection, and supervising environmental protection activities;

16. To perform other environmental protection tasks assigned by the Government and Prime Minister.

Article 167. Responsibilities of ministries and ministerial-level agencies for state management of environmental protection

1. The Ministry of National Defense shall organize the implementation of the law on environmental protection in the field of national defense; build and organize forces and means to participate in responding to and remedying

environmental incidents; and participate in cross-border and offshore environmental monitoring in accordance with law.

2. The Ministry of Public Security shall organize the implementation of the law on environmental protection in activities of the People's Public Security forces; direct and organize activities to prevent and combat crimes and violations related to environmental crimes; ensure social security, order and safety in the environmental field in accordance with law; and mobilize forces to participate in responding to and remedying environmental incidents in accordance with law.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, coordinate with the Ministry of Natural Resources and Environment in performing the task of state management of environmental protection.

4. The Government shall provide in detail responsibilities of ministries and ministerial-level agencies in performing the task of state management of environmental protection in accordance with this Law.

Article 168. Responsibilities of People's Committees at all levels for state management of environmental protection

1. Provincial-level People's Committees shall, within the ambit of their tasks and powers, have the following responsibilities:

a/ To formulate and promulgate or submit to same-level People's Councils for promulgation, and organize the implementation of, legal documents on environmental protection; local environmental standards and technical regulations; local environmental protection strategies, plans, programs, schemes and projects; and environmental protection contents in provincial-level master plans;

b/ To organize appraisal and approval of results of appraisal of environmental impact assessment reports; to grant, renew, modify, re-grant and revoke environmental licenses according to their competence;

c/ To direct, guide, examine and organize the control of pollution sources; to prevent and respond to environmental incidents in their respective localities in accordance with law; to organize the management of waste sources in their localities according to task assignment and power decentralization; to take responsibility before the Government for environmental pollution occurring in their localities;

d/ To organize monitoring, supervision, warning and management of environmental quality and waste management in their localities according to their competence and under the guidance of the Ministry of Natural Resources

and Environment; to implement environmental remediation and rehabilitation; to protect natural heritages' environment and carry out nature and biodiversity conservation;

dd/ To invest in building, management and operation of the environmental monitoring network under the national master plan on environmental monitoring; to formulate and approve, and organize the implementation of, local environmental monitoring programs; to provide information and warnings about environmental pollution in accordance with law;

e/ To organize surveys, collection of statistics and updating of environmental information systems and databases, and making of environmental reports in accordance with law;

g/ To carry out communications and disseminate knowledge about environmental protection and the law on environmental protection; to educate and raise awareness and sense of environmental protection; train and further train in professional knowledge and management skills on environmental protection in accordance with law;

h/ To inspect and examine the observance of law and performance of responsibility for state management of environmental protection in their localities; to settle environmental complaints and denunciations; to assess, and make claims for compensation for, environmental damage; to handle violations of the law on environmental protection in accordance with law;

i/ To mobilize and use resources for environmental protection in accordance with law; to propose same-level People's Councils to allocate funds for performance of environmental protection tasks according to the current regulations on budget decentralization; to guide, allocate state budget funds and examine the use of state budget funds for local environmental protection activities;

k/ To organize research and application of scientific and technological advances; to participate in international cooperation on environmental protection in accordance with law;

l/ To perform other environmental protection tasks as assigned by the Government or Prime Minister.

2. District-level People's Committees shall, within the ambit of their tasks and powers, have the following responsibilities:

a/ To formulate and promulgate or submit to competent authorities for promulgation legal documents on environmental protection and environmental protection plans, programs, schemes and projects of their localities;

b/ To grant, renew, modify, re-grant and revoke environmental licenses according to their competence;

c/ To direct, guide, examine and organize the control of pollution sources; to prevent and respond to environmental incidents in their localities in accordance with law; to organize management of waste sources in the areas according to task assignment and power decentralization; to take responsibility before provincial-level People's Committees for environmental pollution occurring in their localities;

d/ To organize monitoring, supervision, warning and management of environmental quality and waste management in their localities according to their competence or power decentralization by provincial-level People's Committees; to carry out environmental remediation and rehabilitation and nature and biodiversity conservation;

dd/ To inspect, examine, and handle violations of the law on environmental protection according to their competence or forward them to competent persons for handling in accordance with law; to settle complaints, denunciations and petitions about environmental protection;

e/ To carry out communications and disseminate knowledge on environmental protection and the law on environmental protection; to educate and raise public awareness and sense of environmental protection;

g/ To provide information on the environment and make environmental reports in accordance with law;

h/ To mobilize and use resources for environmental protection in accordance with law; to propose same-level People's Councils or competent authorities to allocate funds for performance of environmental protection tasks according to the current regulations on budget decentralization;

i/ To perform other environmental protection tasks as assigned by provincial-level People's Committees.

3. Commune-level People's Committees shall, within the ambit of their tasks and powers, have the following responsibilities:

a/ To formulate and promulgate according to their competence, and organize the implementation of, legal documents, regulations and conventions on environmental sanitation and protection; to formulate, and organize the implementation of, environmental protection projects and tasks;

b/ To direct, guide, examine and organize the control of pollution sources; to receive environmental registration requests; to prevent and respond to

environmental incidents in their localities in accordance with law; to organize management of waste sources in their localities according to task assignment and power decentralization; to take responsibility before district-level People's Committees for environmental pollution occurring in their localities;

c/ To organize monitoring, supervision, warning and management of environmental quality and waste management in their localities according to their competence or power decentralization by district-level People's Committees; to carry out environmental remediation and rehabilitation and nature and biodiversity conservation;

d/ To carry out communication to raise awareness and sense of environmental protection in the community; to mobilize local people to participate in maintaining environmental sanitation and protecting the environment; to guide resident communities in their localities to incorporate environmental protection contents in their village codes and conventions, and build new countryside and cultured families;

dd/ To carry out examination and handle violations of the law on environmental protection according to their competence or forward them to competent persons for handling in accordance with law; to settle complaints, denunciations and petitions on environmental protection according to their competence;

e/ To mobilize and use resources for environmental protection in accordance with law;

g/ To organize the collection of environmental information and make environmental reports in accordance with law;

h/ To perform other environmental protection tasks as assigned by district-level People's Committees.

4. Responsibilities for environmental protection of local administrations in special administrative-economic units shall be specified by the National Assembly upon the establishment of such units, except cases specified in the law on special administrative-economic units.

Chapter XVI

IMPLEMENTATION PROVISIONS

Article 169. To amend and supplement a number of laws related to environmental protection

1. To annul or amend and supplement a number of articles of Law No. 17/2012/QH13 on Water Resources, which had a number of articles amended and supplemented under Law No. 08/2017/QH14 and Law No. 35/2018/QH14, as follows:

a/ To annul Article 37 and Point dd, Clause 1 of Article 38;

b/ To amend and supplement Clause 1 of Article 73 as follows:

“1. The Ministry of Natural Resources and Environment and provincial-level People’s Committees shall grant, extend, modify, suspend and revoke water resources licenses.

The grant of environmental licenses, including contents on discharge of wastewater into water sources, must comply with the law on environmental protection.”.

2. To annul Point d, Clause 1 of Article 44 and Article 58 of Law No. 08/2017/QH14 on Hydraulic Work, which had a number of articles amended and supplemented under Law No. 35/2018/QH14 and Law No. 59/2020/QH14.

3. To amend and supplement a number of articles of Law No. 39/2019/QH14 on Public Investment, which had a number of articles amended and supplemented under Law No. 64/2020/QH14, as follows:

a/ To amend and supplement Point g, Clause 2 of Article 30 as follows:

“g/ Preliminary analysis and assessment of social impacts; and preliminary assessment of environmental impacts (if any) in accordance with the law on environmental protection;”;

b/ To amend and supplement Clause 6 of Article 31 as follows:

“6. Preliminary analysis and assessment of social impacts; preliminary assessment of environmental impacts (if any) in accordance with the law on environmental protection; and preliminary determination of socio-economic efficiency of investment;”.

4. To annul or amend and supplement a number of points in Section IX - Charges in the field of natural resources and environment of Appendix 01 - List of charges and fees, to Law No. 97/2015/QH13 on Charges and Fees, which had a number of articles amended and supplemented under Law No. 09/2017/QH14 and Law No. 23/2018/QH14, as follows:

a/ To amend and supplement Point 1.4 as follows:

1.4	Charge for appraisal of environmental	* Ministry of Finance, for appraisal carried out by central agencies;
-----	---------------------------------------	-----------------------------------------------------------------------

	impact assessment reports	* Provincial-level People’s Councils, for appraisal carried out by local agencies.
--	---------------------------	------------------------------------------------------------------------------------

b/ To add the following Point 1.6 below Point 1.5:

1.5	Appraisal charge for grant, re-grant and modification of environmental licenses	* Ministry of Finance, for appraisal carried out by central agencies; * Provincial-level People’s Councils, for appraisal carried out by local agencies.
-----	---------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------

c/ To annul Points 5.4 and 6.3 and Sub-section 9.

Article 170. Effect

1. This Law takes effect on January 1, 2022, except the case specified in Clause 2 of this Article.

2. Clause 3, Article 29 of this Law takes effect on February 1, 2021.

3. Law No. 55/2014/QH13 on Environmental Protection, which had a number of articles amended and supplemented under Law No. 35/2018/Qh14, Law No. 39/2019/QH14 and Law No. 61/2020/QH14, ceases to be effective on the effective date of this Law.

Article 171. Transitional provisions

1. Complete and valid dossiers received by competent state agencies for processing in accordance with environmental administrative procedures before the effective date of this Law shall be processed in accordance with the law effective at the time of dossier receipt, unless organizations or individuals wish to comply with the provisions of this Law.

2. Decisions approving environmental impact assessment reports, preliminary environmental impact assessment reports, detailed environmental impact assessment reports, additional environmental impact assessment reports, re-formulated environmental impact assessment reports, detailed environmental protection schemes and certifications of simple environmental protection schemes, registrations for satisfaction of environmental standards, environmental protection commitments and environmental protection plans that are promulgated by competent state agencies before the effective date of this Law shall be considered equivalent to decisions approving results of appraisal of

environmental impact assessment reports upon consideration and grant of environmental licenses.

3. Decisions approving schemes on payment of deposits for environmental remediation and rehabilitation; environmental remediation and rehabilitation projects; environmental remediation and rehabilitation plans; and supplemented environmental remediation and rehabilitation plans that are promulgated by competent state agencies before the effective date of this Law constitute part of approval decisions or certifications specified in Clause 2 of Article for mineral exploitation projects upon consideration and grant of environmental licenses.

4. Environmental certificates or certifications with definite terms issued by competent agencies before the effective date of this Law may continue to be used until their expiration, except the case specified at Point d, Clause 2, Article 42 of this Law.

5. Licenses for discharge of wastewater into water sources, licenses for discharge of wastewater into hydraulic structures issued in accordance with the Law on Water Resources and Law on Hydraulic Work may continue to be used until their expiration and constitute part of environmental licenses specified in this Law. Organizations and individuals granted licenses for discharge of wastewater into water sources or licenses for discharge of wastewater into hydraulic structures may request competent agencies to grant environmental licenses in case they have completed their construction works and equipment for emission treatment and solid waste management in accordance with this Law.

6. The Government shall detail this Article.

This Law was passed on November 17, 2020, by the XIVth National Assembly of the Socialist Republic of Vietnam at its 10th session.-

Chairwoman of the National Assembly
NGUYEN THI KIM NGAN