

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 05/2025/ND-CP

Hanoi, January 06, 2025

DECREE

**AMENDMENTS TO CERTAIN ARTICLES OF THE GOVERNMENT’S DECREE NO.
08/2022/ND-CP DATED JANUARY 10, 2022 ON ELABORATION OF SEVERAL
ARTICLES OF THE LAW ON ENVIRONMENTAL PROTECTION**

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Law dated November 22, 2019 on amendments to some Articles of the Law on Government Organization and Law on Local Government Organization Government Organization;

Pursuant to the Law on State Budget dated June 25, 2015;

Pursuant to the Law on Public Investment dated November 29, 2024;

Pursuant to the Law on Investment dated June 17, 2020;

Pursuant to the Law on Export and Import Duties dated April 06, 2016;

Pursuant to the Law on Environmental Protection dated November 17, 2020;

Pursuant to the Law on Inspection dated November 14, 2022;

Pursuant to the Law on Civil Defense dated June 20, 2023;

Pursuant to the Law on Prices dated June 19, 2023;

At the request of the Minister of Natural Resources and Environment;

The Government hereby promulgates a Decree on amendments to certain Articles of the Government’s Decree No. 08/2022/ND-CP dated January 10, 2022 on elaboration of several Articles of the Law on Environmental Protection.

Article 1. Amendments to certain Articles of the Government’s Decree No. 08/2022/ND-CP dated January 10, 2022 on elaboration of several Articles of the Law on Environmental Protection:

1. Article 3 is amended as follows:

a) Clause 4 is amended as follows:

“4. “heat exchanging water” means water that serves the purpose of cooling (cooling water) or heating equipment and machinery during production process and does not come into direct contact with raw materials, materials, fuels and chemicals used in the production stages.”.

b) Clauses 23 through 32 are added after clause 22 as follows:

“23 . “wastewater to be treated” means wastewater which, if not treated, fails to meet environmental technical regulations, technical regulations, technical guidance and regulations for reuse. It is reused only when satisfying environmental protection requirements or regulations laid down by investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision, industrial clusters, centralized wastewater treatment systems of urban areas and high density residential areas.

24. “source of wastewater” means any system, work, machinery, equipment, stage or activity that generates wastewater. Sources of wastewater may include multiple systems, works, pieces of machinery or equipment, stages or activities that generate wastewater of the same nature and in the same area.

25. “wastewater effluent” means wastewater after being treated or wastewater that must be controlled before being discharged into a wastewater receiving body at a specified discharge location.

26. “wastewater receiving body” (also known as “receiving water body”) means any natural or artificial accumulation of water whose uses prescribed by a competent authority. Natural accumulations of water consist of rivers, streams, canals, ditches, lakes, ponds, lagoons and any other accumulation of naturally occurring water. Artificial accumulations of water encompass hydroelectric reservoirs, irrigation reservoirs, rivers, canals, ditches, lakes, ponds, lagoons and any other accumulation of water created by human beings.

Where uses of a source of water at a wastewater discharge location have not been determined by a competent authority, the wastewater receiving source shall be the nearest connected source of water whose uses have been determined.

27. “dust or emission to be treated” means any dust or emission which, if not treated, fails to meet environmental technical regulations.

28. “dust or emission source” (hereinafter referred to as “emission source”) means any system, work, machinery, equipment, stage or activity that generates dusts or emissions at a specified location. Where multiple systems, works and pieces of machinery and equipment in the same area generate dusts or emissions of the same nature and are collected and treated using the same emission treatment system, it shall be treated as an emission source.

29. “emission stream” means any emission which, after being treated, is discharged into the air through chimneys or pipes.

30. “production, business or service activity” means any organization's or individual's activity conducted for production, business or service provision, excluding public administrative service activities when considering granting environmental licenses.

31. “project using land or land with water surface” means a project to which land is allocated or leased out in accordance with law on land or a project which is executed on land or land with water surface in accordance with relevant laws.

32. “environmental impact assessment report” (EIAR) for which the appraisal result has been approved means:

a) An EIAR to which the decision on approval of appraisal result has been issued by a competent authority, except for the case specified in point b of this clause;

b) An EIAR which has been revised according to the details of and requirements for environmental protection stated in the decision on approval of EIAR appraisal result as prescribed in clause 1 Article 37 of the Law on Environmental Protection (LEP).”.

2. Point c clause 6 of Article 4 is amended as follows:

“c) Mechanisms and policies for implementing the roadmaps specified in clause 5 of this Article;”.

3. The introductory paragraph of clause 3 of Article 15 is amended as follows:

“3. According to the result of preliminary investigation and assessment, the provincial People’s Committee, Ministry of National Defense and Ministry of Public Security shall:”.

4. Points a and b clause 6 of Article 21 are amended as follows:

“a) The provincial People’s Committee shall organize formulation and approval of regulations on and plans for management and environmental protection of natural heritage sites located within its province. The Ministry of Natural Resources and Environment (MONRE) shall provide guidance on formulating regulations on and plan for management and environmental protection of natural heritage sites; organize formulation and approval of regulations on and plan for management and environmental protection of natural heritage sites located in at least 02 provincial-level administrative divisions or within the territorial waters to which responsibility of the provincial People’s Committee for administrative management are yet to be assigned.

For the natural heritage sites specified in point a clause 1 Article 20 of the LEP for which the management regulations, plan and scheme have been available before the effective date of this Decree, the authority having the power to approve such regulations, plan and scheme shall direct the adjustment in order to incorporate and update the contents prescribed in this Decree into the

regulations, plan and scheme in accordance with regulations of law on biodiversity, forestry, fisheries and cultural heritage within 06 months from the effective date of this Decree.

The adjustment made to integrate and update the contents of management and environmental protection of natural heritage into the regulations, plan and scheme for management of wildlife sanctuaries and scenic landscapes shall comply with regulations on construction, appraisal and approval of the law on biodiversity, forestry, fisheries and cultural heritage;

b) The management board or organization assigned to manage natural heritage sites shall form and mobilize forces and resources for management and environmental protection of natural heritage sites in accordance with regulations of law and approved regulations and plan; provide sources from state budget for management and environmental protection of natural heritage sites; organize supervision and promptly prevent infringement of natural heritage sites; sell tickets and collect entrance fees and service charges; manage and use revenues as prescribed by law; disseminate information, raise awareness and encourage participation of communities in the protection and management of natural heritage sites; participate in the management, connection and supervision of investment, environmental protection, nature and biodiversity conservation in natural heritage areas; perform other tasks assigned by competent authorities.

For world biosphere reserves and global geoparks located in a large area with production areas and residential areas, the provincial People's Committee shall establish an cross-sectoral management board and provide resources for management, environmental protection, nature and biodiversity conservation as prescribed in this Decree and relevant regulations of law;”.

5. Point a clause 4 of Article 23 is amended as follows:

“a) Environmental technical regulations on emissions shall provide for permissible limits of pollutants in conformity protection requirements required by environmental zoning for strict protection zones and low-emission zones; environmental technical regulations on wastewater shall provide for permissible limits of pollutants suitable for the purposes of managing and improving quality of water of receiving water bodies, except for domestic water safeguard zones managed in accordance with regulations of law on water resources;”.

6. Clause 4 of Article 25 is amended as follows:

“4. Determination of whether a project has environmentally sensitive factors specified in point c clause 1 Article 28 of the LEP is prescribed as follows:

a) The project which is involved in a type of production, business or services that is likely to cause environmental pollution specified in the Appendix II enclosed herewith is located in a ward of special grade, grade I, grade II, grade III or grade IV in accordance with regulations of law on urban area classification, except the project that connects wastewater to the centralized wastewater treatment system of a dedicated area for production, business operation and service provision or industrial cluster as prescribed without discharging dusts or emissions to be treated into the environment;

b) The project discharges wastewater to surface water sources used for domestic water supply in accordance with regulations of law on water resources, except the case specified in point b clause 2 Article 86 of the LEP or case where the project connects wastewater to the centralized wastewater treatment system of a dedicated area for production, business operation and service provision or industrial cluster as prescribed;

c) The project uses land or land with water surface of any wildlife sanctuary as prescribed by regulations of law on biodiversity, forestry and fisheries, special-use forest, protection forest or natural forest as prescribed by regulations of law on forestry, protected area of aquatic resources as prescribed by regulations of law on fisheries, significant wetland, biosphere reserve or world natural heritage site and falls into one of the cases specified in points a, b, c and d column (3).7a in the Appendix III to this Decree (except for work construction investment projects approved by competent authorities having only one or more objectives: Serving management and protection of forests; nature and biodiversity conservation; forest fire prevention and fighting; silviculture);

d) The project uses land or land with water surface of a world heritage site, historical and cultural site/monument or scenic landscape area ranked as a national or special national site/monument or scenic landscape area as prescribed by regulations of law on cultural heritage (except for the following work construction investment projects approved by competent authorities: projects which has only one or more objectives: preservation, renovation, restoration and conservation of historical and cultural sites/monuments and scenic landscapes; projects aimed at serving the environmental hygiene and management, protection of historical and cultural sites/monuments and scenic landscapes; maintenance and repair projects intended for ensuring traffic safety);

dd) The project requests repurposing of land meant for growing wet rice during 02 or more cropping seasons with regard to the area of land to be repurposed as specified in column (3).7c in the Appendix III to this Decree; the project requests repurposing of land or land with water surface of a wildlife sanctuary, world natural heritage, biosphere reserve, significant wetland, special-use forest, protection forest or land covered by natural forest and falls in to one of the cases specified in points a, b, c and d column (3).7b in the Appendix III to this Decree (except for work construction investment projects approved by competent authorities having only one or more objectives: Serving management and protection of forests; nature and biodiversity conservation; forest fire prevention and fighting; silviculture);

e) The project requests relocation and resettlement within the power prescribed by regulations of law on public investment and investment and law on construction.”.

7. Clause 26a is added before Article 26 as follows:

“Article 26a. Decentralizing the authority to appraise EIARs and applications for issuance of environmental licenses under authority of MONRE to provincial People's Committees

1. Decentralize to provincial People's Committees the authority to appraise EIARs and applications for issuance of environmental licenses (if required to obtain environmental licenses) with regard to the following investment guidelines under the MONRE's EIAR appraisal authority (except a project that falls into one of the cases: it is located in at least 02 provincial-

level administrative divisions; it is located within the territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned; the wastewater receiving body is the inter-provincial surface water source announced by MONRE in accordance with regulations of law on water resources):

a) Public investment projects not under the authority of the National Assembly and the Prime Minister to decide and approve investment guidelines, except for projects providing waste recycling and treatment services;

b) Animal husbandry projects;

c) Livestock and poultry slaughterhouse business investment projects;

d) Projects classified according to the criterion "requesting repurposing of land meant for growing wet rice during 02 or more cropping seasons" only;

dd) Projects classified according to the criterion "requesting repurposing of land or land with water surface of a wildlife sanctuary, natural heritage site, biosphere reserve, significant wetland, special-use forest, protection forest or land covered by natural forest and not subject to the authority of the National Assembly and Prime Minister to decide and approve investment guidelines;

e) Investment projects in dedicated areas for production, business operation and service provision and industrial clusters, excluding projects providing hazardous waste treatment services; projects involving the import of scrap from foreign countries as raw materials for production; other large capacity projects involved in any type of production, business or service likely to cause environmental pollution as prescribed in column (3) in the Appendix II to this Decree; expansion investment projects of operating facilities exempted from connection according to regulations of law with a flow of wastewater subject to periodic monitoring or a longer monitoring interval;

g) Hydropower projects not under the authority of the National Assembly and the Prime Minister to decide and approve investment guidelines.

2. The time limit and fees for appraisal of EIARs and applications for issuance for environmental licenses in the cases specified in clause 1 of this Article are the same as those for projects and businesses under the authority of provincial People's Committees.

3. Each provincial People's Committee shall:

a) Review, prepare and perfect the conditions concerning finance, human resources and other necessary conditions to facilitate the performance of assigned tasks and exercise of decentralized authority. The handling of administrative procedures in the cases of decentralization must be carried out in a public and transparent manner and in a way that facilitates the implementation by organizations and individuals.

- b) Be responsible to MONRE for results of appraisal of EIARs and applications for issuance of environmental licenses with regard to investment projects and facilities to which authority is decentralized;
- c) Organize examination and inspection of compliance with the law on environmental protection by projects to which the authority to appraise results of appraisal of EIARs and applications for issuance of environmental licenses is decentralized as directed by MONRE, except for surprise examination and inspection in accordance with regulations of law on environmental protection;
- d) Submit a report every 06 months (before every January 15 and July 15) or ad hoc report on the results of performance of assigned tasks to MONRE for monitoring;
- dd) Direct the construction, operation, updating, and integration of the database of environmental impact assessment and environmental licenses of entities to which authority is decentralized into the provincial environmental database, ensuring the connection with the national environmental database.

4. MONRE shall:

- a) Provide guidance on, examine and inspect the performance of tasks assigned and exercise of authority decentralized to provincial People's Committees;
- b) Direct provincial People's Committees to organize examination and inspection of compliance with the law on environmental protection by projects and facilities to which the authority is decentralized;
- c) Consolidate the results, difficulties and problems (if any) of provincial People's Committees in the process of performing assigned tasks for handling under its authority or submitting them to competent authorities for handling.”.

8. Article 26 is amended as follows:

“Article 26. Consultation during environmental impact assessment (EIA)

1. Consultees include:

- a) Residential communities and individuals under direct environmental impact of the investment project activities, consisting of communities of people including individuals permanently residing in accordance with the law on residence in villages, hamlets, population groups in areas where investment projects are executed; owners of businesses, heads of households conducting production and business activities on land, water surface and land with water surface and in sea areas where investment projects are executed.

Consultation with residential communities and individuals under direct impact shall be conducted by holding a meeting to solicit opinions or written opinions. Each investment project owner shall cooperate with the communal People's Committee in sending invitations to all

residential communities and individuals under direct impact for their attendance at the consultation meeting meant for seeking opinions. In case any residential community or individual fails to attend the meeting, their opinions shall be solicited in writing by way of sending enquiry forms as prescribed in point c clause 3 of this Article. The number of persons who attend the meeting and are consulted via the enquiry forms must take up two-thirds or more of the total number of persons under direct impact. Opinions of individuals in the same household may be solicited through a representative of that household; in case an individual receives an enquiry form but fails to express his/her opinion within 05 days from the date of receiving the enquiry form, he/she is considered to have been consulted;

b) Agencies and organizations directly related to investment projects, including communal People's Committees, Vietnamese Fatherland Front Committee of communes where the projects are executed and areas directly impacted by the projects which are determined throughout the EIA; management boards of economic zones, industrial parks, export-processing zones or hi-tech zones of central-affiliated cities and provinces, investors in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters that contain the projects; regulatory bodies managing hydraulic structures with respect to projects discharging wastewater to hydraulic structure or appropriating hydraulic structures; regulatory bodies assigned to manage areas with environmentally sensitive factors (if any) specified in points b, c, d and dd clause 4 Article 25 of this Decree; Ministry of National Defense, Ministry of Public Security or provincial Military Command, provincial Police with respect to national security and defense-related projects (if any); other organizations and individuals under direct impact that are determined throughout the EIA.

Consultation with agencies and organizations directly related to investment projects shall be held in writing.

2. Consultation contents:

Consultation contents during EIA are provided in form in the Appendix VIa to this Decree.

Other consultation contents specified in point dd clause 3 Article 33 of the LEP include plans for environmental improvement and remediation for mineral mining projects or waste burial projects; biodiversity offsets schemes for projects having biodiversity offsets schemes as prescribed by law.

3. Consultation methods:

a) Holding a consultation by publishing its contents on website:

Before submitting an EIAR to a competent authority for appraisal, the project owner shall send the EIAR of the project and consultation contents according to the form in the Appendix VIa to this Decree to the website manager of the authority appraising the EIAR to consult the consultees specified in clause 1 of this Article, except for information classified as state secrets and secrets of enterprises as prescribed by law. Within 01 day from the date of receiving the project owner's request for publishing consultation contents, the appraising authority's website manager shall

publish contents of the consultation. The consultation shall be conducted within 15 days regarding a group I investment project specified in the Appendix III, 10 days regarding a group II investment project specified in the Appendix IV to this Decree and 05 days regarding a project located in the dedicated area for production, business operation and service provision. Within 03 days from the expiry of the time limit for consultation, the website manager shall send consultation results to the project owner;

b) Holding a consultation by organizing a meeting to solicit opinions:

The investment project owner shall preside over and cooperate with the People's Committee of the commune where the project is executed in posting the EIAR at the communal People's Committee and notifying time and place of the meeting intended to solicit opinions of the consultees specified in point a clause 1 of this Article at least 05 days before the meeting. The communal People's Committee shall post the EIAR from the date of receiving the EIAR to the end of the consultation with residential communities and individuals; organize a meeting to solicit opinions of residential communities and individuals as specified in point a clause 1 of this Article within 15 days from the date of receiving the investment project owner's written request.

The investment project owner shall present consultation contents at the consultation meeting. Opinions of the attendees, feedback and commitment of the project owner must be sufficiently and truthfully shown in the minutes of consultation meeting according to the form prescribed by MONRE;

c) Holding a written consultation:

The investment project owner shall preside over and cooperate with the People's Committee of the commune where the project is executed in sending enquiry forms according to the form in the Appendix VIb to this Decree to the consultees specified in point a clause 1 of this Article that fail to attend the meeting meant for soliciting opinions.

The investment project owner shall send the EIAR of the project to the consultees as specified in point b clause 1 of this Article enclosed with the consultation document prepared using the form in the Appendix VI and consultation contents according to the form in the Appendix VIa to this Decree.

The consultees shall give their written response according to the form in the Appendix VII to this Decree within 15 days from the date of receiving the consultation document. In case no response is given within the prescribed time limit, it is considered that such consultees agree to the consultation contents.

d) The communal People's Committee shall cooperate with the project owner in holding a consultation about EIAR contents as specified in points b and c of this clause; display information on the number of enquiry forms sent and the number of enquiry forms received in the written opinions as prescribed in point c of this clause; decide to combine the consultation on the EIARs as prescribed by the law on environmental protection with the collection of residential communities' opinions on the project as prescribed by law on grassroots democracy.

4. Responsibility of every investment project owner for holding consultation:

- a) Adopt the consultation methods specified in clause 4 Article 33 of the LEP and consult the consultees specified in clause 1 of this Article, except for the cases in points e, g and h of this clause;
- b) Regarding investment projects that involve ocean dumping of materials and matter; investment projects that discharge at least 10,000 m³ of wastewater per day (24 hours) or directly discharge wastewater into an inter-provincial river or lake or a river or lake bordering provinces or directly discharge wastewater into coastal sea, the project owners shall also consult with the People's Committee of province having the inter-provincial river, the river bordering provinces or coastal sea to cooperate in dealing with environmental protection issues in the region;
- c) Regarding the projects specified in the Appendix II to this Decree that directly discharge at least 10,000 m³ of wastewater per day (24 hours) or at least 200,000 m³ of emissions per hour, the project owners are encouraged to consult with at least 05 experts, scientists related to operating field of the project and environmental experts. Regarding the remaining projects specified in the Appendix II to this Decree, the project owners are encouraged to consult with at least 03 experts, scientists related to operating fields of the projects and environmental experts;
- d) For the projects at risk of sedimentation, erosion or saltwater intrusion of which investment guidelines are decided and approved by the National Assembly or the Prime Minister; project involving ocean dumping of dredged materials and matter with a total volume of 5,000,000 m³ or more; projects that discharge at least 10,000 m³ of industrial wastewater per day (24 hours) (except for cases of connection of wastewater to the centralized wastewater treatment system, heat exchanging water and wastewater of the aquaculture project) or at least 200,000 m³ of emissions per hour, the project owners are encouraged to solicit opinions of an organization having appropriate expertise (having its scientific and technological activities certified as per the law on science and technology and its field certified suitable for the nature of the model) about the content regarding calculation results given by the applied model in the EIAR;
- dd) For the investment projects that request repurposing land of a wildlife sanctuary or core zone of a biosphere, the project owners are encouraged to solicit opinions of a professional organization (having its scientific and technological activities certified as per the law on science and technology and its field certified suitable for the field of biodiversity) about the impact of the projects on biodiversity;
- e) For projects on construction of traffic infrastructure, telecommunications infrastructure, inter-provincial and inter-district transmission lines, water drainage and supply, and renovation of inter-provincial and inter-district canals, the project owners shall only hold a consultation as prescribed in point a clause 3 of this Article and a written consultation with the provincial People's Committees if such projects are located in at least 02 provincial-level administrative divisions or district-level People's Committees if such projects are located in at least 02 district-level administrative divisions;

g) For the investment projects located within territorial waters or continental shelf to which responsibility of the communal People's Committee for administrative management are yet to be assigned, the project owners shall only hold a consultation as specified in point a clause 3 of this Article and a written consultation with the People's Committee of the province which receives the projects' waste transported ashore;

h) For the projects located within a dedicated area for production, business operation and service provision or industrial cluster, the project owners shall only hold a consultation as prescribed in point a clause 3 of this Article and also consult with the management boards of economic zones, industrial parks, export-processing zones or hi-tech zones of central-affiliated cities or provinces, investors in construction and commercial operation of infrastructure of such dedicated area for production, business operation and service provision or industrial cluster; are encouraged to hold consultations as prescribed in points c and d of this clause;

i) Each project owner shall truthfully consolidate and specify all opinions and recommendations of the consultees; receive and respond to consultation results and complete the EIAR before submitting it to a competent authority for appraisal; take legal responsibility for contents and results of the consultation mentioned in the EIAR;

k) In case the investment project owner is one of the authorities that need consulting as prescribed in this clause, such authority shall not be consulted.”.

9. Clauses 2 and 3 of Article 27 are amended; clauses 4 through 11 are added after clause 3 of Article 27 as follows:

“2. Except for the case specified in clause 10 of this Article, during the preparation and execution of an investment project before being put into operation, the investment project owner shall carry out EIA in case of change(s) to the decision on approval of EIAR appraisal result as specified in point a clause 4 Article 37 of the LEP. To be specific:

a) Cases where the increase in scale of and capacity for the production, business or services of the investment projects specified in points a and c clause 3 of this Article by at least 30% results in increasingly adverse impacts on the environment as specified in clause 5 of this Article, except for the case specified in point d of this clause; the increase in scale specified in point b clause 3 of this Article results in increasingly adverse impacts on the environment as specified in clause 5 of this Article;

b) Cases where any change of the project's production technology as specified in clause 4 of this Article results in increasingly adverse impacts on the environment as specified in clause 5 of this Article;

c) Other cases where any change results in increasingly adverse impacts on the environment as specified in clause 6 of this Article;

d) The increase in scale and capacity specified in clause 3 of this Article results in a change to the classification of investment projects according to environmental criteria (except for

investment projects for which the National Assembly's or the Prime Minister's authority to decide or approve investment guidelines is changed due to the addition of the following activities: passenger air transport business; betting or casino business; provision of telecommunications services with network infrastructure, afforestation, publication or press according to the law on investment).

3. Specific cases of increase in scale of and capacity for the production, business or services of an investment project include:

a) Increase in the capacity for production;

b) Addition of production lines, machinery, and equipment for production of raw materials and materials for production or for production of new products, except for auxiliary work items; addition of the item "lease of factory" in case where waste is received from the unit leasing factory for treatment;

c) Increase in the scale of and capacity for business or service. To be specific: Increase in the floor area for projects on construction of supermarkets, commercial areas, and shopping malls; increase in the number of hospital beds for projects on investment in medical examination and treatment facilities and other medical facilities; increase in the number of rooms for tourist accommodation establishments; increase in the population or number of households using residential area, urban area and residential estate projects; increase in the capacity for waste treatment for projects providing waste treatment services; increase in the capacity of centralized wastewater treatment systems for projects on investment in technical infrastructure of dedicated areas for production, business operation and service provision, industrial clusters; increase in the area of a factory to be leased.

4. Cases of changing production technology of investment projects include:

a) Change of product production technology; change of technology of the system and equipment for waste recycling and treatment for provision of waste recycling and treatment services;

b) Change of construction technology and methods, dumping methods for road construction investment projects or projects involving one of the following activities: Dredging, dumping, construction of power transmission lines, construction of aerial cablecars.

5. The increase in adverse impacts on the environment in the cases specified in clause 2 of this Article include:

a) Increase in the total wastewater flow or total dust and emission flow discharged into the environment when a project comes into official operation;

b) Increase in adverse impacts on biodiversity or biodiversity loss; increase in the possibility of landslides, subsidence, flooding; increase in the pollution discharge parameters under environmental technical regulations on environmental quality or change of the natural landscape in the area where a project is executed.

6. Other cases where any change results in increasingly adverse impacts on the environment include:

a) Increase by 30% or more in the volume of dredging material for projects involving dredging activities; increase by 30% or more in the volume of dredging material dumped; change in the boundary and area reserved for assignment of a sea area for dredging and dumping for projects involving dredging and dumping activities, resulting in the procedures for assignment of a new sea area of 10 hectares or more being completed according to regulations of law on natural resources, and environment of sea and islands;

b) Increase in mineral reserves or mining capacity or other changes to the extent that the mineral mining license has to be adjusted as per the law on minerals; any change to the environmental improvement and remediation content leading to a decrease in the deposits on environmental remediation and improvement calculated at the time the environmental remediation and improvement scheme was approved, except where the deposits on environmental remediation and improvement are decreased due to a decrease in the mineral mining area or reserves;

c) Increase in the scale of exploitation and use of water resources, change of water sources and aquifers exploited and used to the extent that the water resource license has to be adjusted according to regulations of law on water resources;

d) Increase in environmental sensitivity due to increase in the number and width of lanes, length of routes, change of routes for traffic infrastructure construction projects, projects involving water supply, drainage or canal renovation or due to increase in the length of routes and change of routes for power transmission line and telecommunications infrastructure construction projects;

dd) Change of location of dam or water conveyance facility or factory or operating road for hydropower projects;

e) Failure to build and install at least one treatment stage of an approved waste treatment work or replacement of the approved waste treatment technology with another technology in the following cases: wastewater treatment system with a capacity of 50 m³/day or more (except where the investment project's wastewater is connected to the centralized wastewater collection and treatment system of a dedicated area for production, business operation and service provision or industrial cluster) or emissions treatment system with a capacity of 20,000 m³/hour or more;

g) Change of the project location, except where the location of an investment project executed in the dedicated area for production, business operation and service provision or industrial cluster is changed in conformity with the planning for zoning of dedicated area for production, business operation and service provision or industrial cluster which is approved by the competent authority;

h) Change of the location of direct discharge of treated wastewater into a source of water with more stringent requirements for waste discharge or giving rise to the environmental sensitivity.

i) Change of location of columns and passenger stations, increase in the number of columns, increase in the area of a passenger station by more than 10% for projects involving the aerial cablecar construction;

k) Addition of import of scrap imported from foreign countries as raw materials for production; addition of waste co-processing for provision of hazardous waste treatment services;

l) Increase in the area of land or land with water surface used by 10% or more or by 30 hectares or more for irrigation projects, hydropower projects, projects on investment in construction and commercial operation of infrastructure of dedicated areas for production, business operation and service provision and industrial clusters, recreation area, agricultural production, forestry and aquaculture projects on, except for the case specified in point m of this clause;

m) Increase in the area of land or land with water surface used by 0.2 ha or more or increase in the area of land or land with water surface to be repurposed by 0.1 ha or more for projects in the areas specified in points c, d and dd clause 4 Article 25 of this Decree.

7. If the change in point b or c clause 4 Article 37 of the LEP is made, the investment project owner shall update the change and carry out self-assessment of the impact of the change to the environment to make any revision to the project's EIAR so as to serve the examination, inspection, supervision and issuance of environmental licenses by competent authorities.

8. In case there is a change to an investment project when it is divided into constituent projects according to regulations of law, each constituent investment project owner shall satisfy the environmental protection requirements laid down in the decision on approval of EIAR appraisal result for that constituent project. In case a constituent project is required to obtain an environmental license, the decision on approval of EIAR appraisal result shall serve as the basis for granting the environmental license to the constituent project. The authority having power to grant the environmental license is the authority that approved the EIAR appraisal result, except where the constituent project is subject to the provisions of Article 26a of this Decree. In case a constituent project is associated with changes to projects in the cases specified in clauses 2, 3, 4, 5, 6 and 7 of this Article, the provisions corresponding to that component project shall apply.

In case investment projects are merged into a joint investment project as prescribed by law, the decisions on approval of EIAR appraisal result of the merged investment projects shall serve as the basis for granting the environmental license to that joint investment project. The authority having power to grant the environmental license is the superior authority in case many different competent authorities approve the EIAR result, except where the joint investment project is subject to the provisions of Article 26a of this Decree. In case the joint investment project is associated with changes to projects in the cases specified in clauses 2, 3, 4, 5, 6 and 7 of this Article, the provisions corresponding to that joint investment project shall apply.

9. The rate of increase in scale of or capacity for production, business or services of an investment project as prescribed in point a and point c clause 3 of this Article shall be determined according to the total scale or capacity (or by the product or service with the highest rate of increase in case the total scale or capacity cannot be determined).

10. Where an investment project for which the EIAR appraisal result has been approved during the preparation and execution before its operation has any adjustment or change specified in point a, b, c or d clause 2 of this Article and an investment project has made an adjustment or change but is not required to undergo EIA, the following regulations shall be complied with:

- a) Issue the environmental license to the investment project that has made any adjustment or change if it is required to obtain an environmental license as prescribed in Article 39 of the LEP;
- b) Carry out environmental registration for the investment project that has made any adjustment or change and is required to obtain environmental registration as prescribed in Article 49 of the LEP.

11. The authority to appraise EIARs and applications for issuance of environmental licenses in the cases specified in clauses 2 and 10 of this Article shall be determined according to the investment projects to which adjustments or changes are made.”.

10. Article 28 is amended as follows:

“Article 28. Main contents of report on proposal for issuance of environmental license

1. Main contents of a report on proposal for issuance of the environmental license with respect to the investment project to which the decision on approval of EIAR appraisal result has been issued include:

- a) General information about the investment project: names of the project and project owner; location of the project; type of production, business or service of the project; current use of land by the project; investment registration certificate (if any), enterprise registration certificate (if any) of the project owner; types of environment-related licenses, project approval, written notification of feasibility study appraisal result regarding the work construction investment project, decision on approval of result of appraisal of the project’s EIAR and document about changes (if any); project execution process; scale (classified according to the criteria prescribed by regulations of law on public investment), production capacity, production technology, products (if any), amount of electricity, source and amount of water used, wastewater receiving body, raw materials, fuels, materials, scrap and chemicals used and other information relating to the project; works, work items which continue to be constructed after being issued with the environmental license (if any);
- b) Conformity of the investment project with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity under the competent authority’s decision as specified in point c clause 1 Article 42 of the LEP (if any);
- c) Results of completion of environmental protection works and measures (works transferred and accepted between the investor, contractor and construction supervision unit in accordance with regulations of law on construction): works and equipment for collecting and treating wastewater, dust and emissions; works for storing and treating normal industrial solid waste, domestic solid waste and hazardous waste; works and measures for minimizing noise and vibration; works for

environmental emergency prevention and response during trial and official operation and other environmental protection works. Primary information, including: scale, capacity and operation process; chemicals and biological preparations used for waste treatment; chemicals and catalysts used to treat dust and emissions; systems and equipment for synchronous and packaged waste treatment, automatic and continuous monitoring equipment (if installation thereof is required) and other treatment equipment (accompanied by its CO/CQ, if any); basic specifications; environmental standards and technical regulations applied.

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

For an investment project that uses scrap imported from a foreign country as raw materials for production in conformity with the decision on approval of the EIAR appraisal result, explicitly specify the conditions concerning warehouses and yards for scrap storage; recycling equipment; impurity treatment scheme; scheme for re-export of scrap that fails to satisfy technical regulations.

For an investment project that discharges wastewater into hydraulic structures, clearly specify the satisfaction of requirements for environmental protection of sources of water for hydraulic structures;

d) Plan, schedule and result of implementation of the environmental remediation and improvement scheme, biodiversity offsets scheme (if any);

dd) Change(s) to the decision on approval of EIAR appraisal result (if any) enclosed with environmental impacts of such change(s) in case such change(s) increase(s) adverse impacts on the environment but not to an extent that EIA is required;

e) Items to be licensed as specified in clause 2 Article 40 of the LEP;

g) Plan and expected time for trial operation of waste treatment works enclosed with a waste monitoring plan intended to evaluate efficiency of the works (aggregate and single sampling); if a packaged waste treatment work/equipment or waste treatment work belongs to a project with small capacity as prescribed in Appendix II enclosed herewith, only take single samples for monitoring purpose; plan to prevent and respond to environmental emergencies during trial operation and when the project is put into operation;

h) Waste monitoring program (automatic, continuous and periodic) prescribed by law and other environmental protection contents (if any).

2. Main contents of a report on proposal for issuance of the environmental license with respect to the investment project I not subject to EIA include:

a) General information about the investment project: names of the project and project owner; location of the project; type of production, business or service of the project; current use of land by the project; investment registration certificate (if any), enterprise registration certificate (if

any) of the project owner; types of environment-related licenses, project approval, written notification of feasibility study appraisal result regarding the work construction investment project (not required for group III investment projects); scale (classified according to the criteria prescribed by regulations of law on public investment), capacity, production technology, products (if any), amount of electricity, source and amount of water used, wastewater receiving body, raw materials, fuels, materials, scrap and chemicals used and other information relating to the project;

b) Conformity of the investment project with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity under the competent authority's decision (if any);

c) Evaluation of state of environment in the area where the investment project is located (except for investment projects located in dedicated areas for production, business operation and service provision and industrial clusters); evaluation of selected production and waste treatment technologies and other selected environmental protection works; evaluation and prediction of impacts of waste sources, noise and vibration; evaluation and prediction of investment project's impacts (if any) on biodiversity and natural heritage sites, sources of water for hydraulic structures (if any), flow, landslide, sedimentation, saltwater intrusion and society (if any);

Regarding a group III investment project: description of state of environment in the area where the investment project is located (not required for investment projects located in dedicated areas for production, business operation and service provision and industrial clusters); evaluation of selected production technologies;

d) Proposed plan and measures for waste treatment enclosed with a description and alternative for construction design (fundamental design or construction drawing design (if the project only requires one single design step) of environmental protection works, equipment for synchronous and packaged waste treatment, automatic and continuous monitoring equipment (if installation thereof is required) and other treatment equipment (accompanied by its CO/CQ, if any); plan for environmental emergency prevention and response during trial and official operation; plan for construction, installation, operation, maintenance and management of discharge items and waste treatment works, enclosed with an estimate of costs of construction of works; measures for environmental protection of sources of water for hydraulic structures with respect to the investment projects discharging wastewater into hydraulic structures;

dd) Specific environmental protection contents (for group II investment projects): for a project on investment in mineral mining or waste burial, the proposal report must contain an environmental improvement and remediation plan. For an investment project involving the renovation of river/lake channel, bank or terrace, construction of hydraulic structure or exploitation of sand, gravel, and other minerals on river/lake or water source protection corridor which poses a risk of destabilizing river/lake channel, bank or terrace or water source protection corridor, the proposal report must include contents of assessment of the impacts and plan to protect, prevent and control river/lake channel, bank or terrace erosion, etc. For an investment project that causes biodiversity loss or decline, the proposal report must include a biodiversity offsets scheme (if any);

e) Items to be licensed as specified in clause 2 Article 40 of the LEP;

g) Plan and expected time for trial operation of waste treatment works enclosed with a waste monitoring plan intended to evaluate efficiency of the works (aggregate and single sampling); if a packaged waste treatment work/equipment or waste treatment work belongs to a project with small capacity as prescribed in Appendix II enclosed herewith, only take single samples for monitoring purpose; plan to prevent and respond to environmental emergencies during trial operation and when the project is put into operation;

h) Waste monitoring program (automatic, continuous and periodic) prescribed by law and other environmental protection contents (if any).

3. Main contents of a report on proposal for issuance of environmental license to an operating business, dedicated area for production, business operation and service provision, industrial cluster, expansion investment project of the operating business or dedicated area for production, business operation and service provision or operating phased project (hereinafter referred to as “business upon considering issuance of an environmental license”) include:

a) General information about the business: name and owner of the business; operating location; type of production, business or service; current use of land by the business; document about appraisal of the construction design, environment-related licenses and project approval (if any); decision on approval of EIAR appraisal result and component environmental license (if any); scale (classified according to the criteria prescribed by regulations of law on public investment); production capacity, production technology, products (if any), amount of electricity, source and amount of water used, receiving body of wastewater, raw materials, fuels, materials, scrap and chemicals used and other information related to the business;

b) Conformity of the business with the national environmental protection planning, provincial planning, environmental zoning and environmental carrying capacity under the competent authority’s decision as specified in point c clause 1 Article 42 of the LEP (if any);

c) Waste generated, including: weight and type of solid waste; flow rate and pollution parameters of dusts, emissions, noise and vibration; flow rate and pollution parameters of wastewater, receiving bodies of wastewater; environmental protection works and measures completed as prescribed in point c clause 1 of this Article.

For a centralized solid waste treatment and hazardous waste treatment facility, specify the works, equipment and vehicles for collecting and treating waste.

For a business that wishes to use imported scrap from a foreign country as raw materials for production in conformity with the decision on approval of EIAR appraisal result (or a document equivalent to the decision on approval of EIAR appraisal result, including the dossier enclosed with the equivalent document according to the provisions of law), it is required to explicitly specify the conditions concerning warehouses and yards for imported and domestic scrap storage (if any); recycling equipment; impurity treatment scheme; scheme for re-export of scrap that fails to satisfy technical regulations.

For a business that discharges wastewater into hydraulic structures, it is required to clearly specify the satisfaction of requirements for environmental protection of hydraulic structures;

d) Plan, schedule and result of implementation of the environmental remediation and improvement, biodiversity offsets scheme (if any) with respect to a business that satisfies the environmental criteria equivalent to group I or group II investment project;

dd) Items to be licensed as specified in clause 2 Article 40 of the LEP;

e) Results of environmental monitoring carried out in the 02 previous years (for a business that satisfies the environmental criteria equivalent to group I or group II investment project), 01 previous year (for a business that satisfies the environmental criteria equivalent to group III investment project) in the case where waste monitoring is required as prescribed or result of additional waste sample monitoring under the guidance of MONRE in the case where waste monitoring is not required as prescribed;

g) Plan and expected time for trial operation of waste treatment works (if there is any waste treatment work required to undergo trial operation) enclosed with a waste monitoring plan intended to evaluate efficiency of the work (aggregate and single sampling); if a packaged waste treatment work/equipment or waste treatment work belongs to a business with small capacity as prescribed in Appendix II enclosed herewith, only take single samples for monitoring purpose; plan to prevent and respond to environmental emergencies during trial operation and when the project is put into operation;

h) Latest results of examination, inspection and handling of violations against regulations on environment given by the competent authority, enclosed with decisions and conclusions (if any);

i) Proposed contents of waste monitoring (automatic, continuous and periodic) prescribed by law and other environmental protection contents (if any).

4. Forms of reports on proposal for issuance of environmental license to the subjects mentioned in clauses 1, 2 and 3 of this Article are provided in the Appendix VIII, IX and X to this Decree respectively.”.

11. Article 29 is amended as follows:

“Article 29. Applications and procedures for issuing environmental licenses

Applications, procedures and time limit for issuing environmental licenses to investment projects and businesses are specified in Article 43 of the LEP. Several contents are elaborated as follows:

1. Other legal and technical documentation specified in point c clause 1 Article 43 of the LEP are prescribed as follows:

a) For an investment project or expansion investment project of an operating business not subject to EIA: a copy of the feasibility study report or document equivalent to the feasibility study

report of the investment project or expansion investment project in accordance with regulations of laws on investment, public investment, PPP investment and construction;

b) For an investment project or business other than that specified in point a of this clause, the project or business owner is not required to submit other legal and technical documentation together with the application for issuance of environmental license.

2. Time of submission of the application for issuance of environmental license is prescribed as follows:

a) The owner of the investment project (including the expansion investment project of the operating business; operating staged project) subject to EIA shall submit an application for issuance of environmental license after completing the entire project or investment phase of the project (if the project is divided into investment phases) or any work or work item that generates waste and attached environmental protection works;

b) The owner of the investment project (including the expansion investment project of the operating business) not subject to EIA shall decide the time of submission themselves after having sufficient applications prescribed in clause 1 Article 43 of the LEP and point a clause 1 of this Article; In case there are prescribed environment-related procedures applicable to an ongoing project, the investment project owner must submit an application for issuance of environmental license before it is put into operation;

c) The investment project owner shall decide when to apply for the environmental license as long as the environmental license is issued at least 45 days in advance if the environmental license is issued by a ministerial agency and 30 days in advance if the environmental license is issued by the provincial People's Committee or district-level People's Committee before the date on which the environmental license has to be obtained.

3. The investment project owner or business owner shall submit an application for issuance of environmental license to the authority issuing environmental license (hereinafter referred to as "licensing authority") and pay fees for application appraisal as prescribed. Some specific cases are prescribed as follows:

a) In case the investment project or business has the same operating location, the same owner but different decisions on approval of EIAR appraisal result or other environmental documents approved by different competent authorities, the superior authority has the power to grant environmental licenses;

b) In case multiple investment projects or businesses have adjacent operating locations, the same investor, and the same wastewater or emission treatment system, these can be integrated into a single environmental license. In case there are different decisions on approval of EIAR appraisal result or other environmental documents approved by different competent authorities, the superior authority has the power to grant environmental licenses;

c) Regarding an investment project for which the EIAR appraisal result has been approved, the project owner wishing to split up or split off the project must comply with regulations of law on EIA as prescribed in clause 8 Article 27 of this Decree before submitting an application for issuance of environmental license;

d) In case an investment project or business that has been granted an environmental license or a component environmental license as prescribed is split up or split off into multiple projects or businesses, the business is entitled to inherit the contents of the granted environmental license or component environmental license within the validity period of the license; within 06 months from the date of split-up or split-off as prescribed by law, the owner of the project or business after split-up or split-off must prepare an application for replacement of the environmental license as prescribed by law. After the split-up or split-off, the project or business shall follow procedures for issuance, replacement or re-issuance or carry out environmental registration as prescribed before the environmental license or component environmental license expires.

4. Within 10 days from the date of receiving a sufficient application (except for the case specified in clause 9 of this Article), the licensing authority shall:

a) publicize contents of the report on proposal for issuance of environmental license on the website of the licensing authority or authorized authority, except for information classified as state secrets or enterprise's secrets as prescribed by law; the time limit for publicizing the report on proposal for issuance of environmental license is at least 10 days from the date of publicization;

b) send an enquiry to the regulatory body managing hydraulic structures (in case of discharge of water into hydraulic structures), the investor in construction and commercial operation of infrastructure of the dedicated area for production, business operation and service provision or industrial cluster (if the investment project or business is located in such dedicated area for production, business operation and service provision or industrial cluster), except where the investment project has been issued with the decision on approval of EIAR appraisal result and does not change the contents related to wastewater discharge specified in the decision on approval of EIAR appraisal result. The enquired authority shall give a written response to the issuance of environmental license within 07 days from the receipt of the enquiry, except for the case specified in clause 9 of this Article. If such time limit expires and a written response fails to be given, it is considered that such body agrees to the licensing.

Regarding an investment project that directly discharges at least 10,000 m³ of wastewater (except for heat exchanging water, aquaculture water) per day (24 hours) into an inter-provincial river or lake or a river or lake bordering provinces or directly discharges wastewater into coastal sea, the licensing authority shall consult with the People's Committee of province having the inter-provincial river or lake, bordering river or lake or coastal sea of the bordering province to cooperate in dealing with environmental protection issues in the region, except where the investment project has been issued with the decision on approval of EIAR appraisal result and does not change the contents related to wastewater discharge specified in the decision on approval of EIAR appraisal result. The enquired provincial People's Committee shall give a

written response within 07 days from the receipt of the enquiry. If such time limit expires and a written response fails to be given, it is considered that such body agrees to the licensing;

Regarding an investment project that directly discharges at least 10,000 m³ of wastewater (except for equipment cooling water, aquaculture water) per day (24 hours) or at least 200,000 m³ of dust or emissions per hour, the licensing authority shall consult with a specialized organization about the calculation results given by the pollutant dispersion model or environmental emergency (if any), except where the investment project has been issued with the decision on approval of EIAR appraisal result and does not change the contents related to wastewater, dust or emission discharge specified in the decision on approval of EIAR appraisal result. The enquired specialized organization shall give a written response within 20 days from the receipt of the enquiry. If such time limit expires and a written response fails to be given, it is considered that such body agrees to the licensing;

c) Except for the case specified in clause 9 of this Article, the appraisal of the application for issuance of environmental license shall be carried out as follows:

In the cases where the investment project has been issued with the decision on approval of EIAR appraisal and there is not any change to the decision on approval of EIAR appraisal result or there is a change other than that specified in point b clause 4 Article 37 of the LEP but not to an extent that EIAR has to be made, the licensing authority shall establish an appraisal council and shall not carry out a site inspection.

For the investment project not subject to EIA, the licensing authority shall establish an appraisal council. Where necessary, the appraisal council shall carry out a site inspection in the area where the investment project is expected to be executed. Depending on the scale, nature and extent of the project, the site inspection shall be conducted by the council's representative appointed as decided by the council's president.

In the cases where the business or investment project has been issued with the decision on approval of EIAR appraisal and there is a change to the decision on approval of EIAR appraisal result according to point b clause 4 Article 37 of the LEP but not to an extent that EIAR has to be made, the licensing authority shall establish an inspectorate.

The inspectorate and appraisal council shall each be composed of at least 07 members if the environmental license is issued by a central government authority; the appraisal council and inspectorate shall each be composed of at least 05 members if the environmental license is issued by the provincial People's Committee and at least 03 members if the environmental license is issued by the district-level People's Committee, including the council's president (or inspectorate's chief) who is a representative of the appraising authority or specialized authority which is authorized or assigned tasks.

The appraisal council and inspectorate shall each be composed of 01 president or chief; 01 deputy president or deputy chief if necessary; 01 secretary; representatives of authorities and organizations concerned; representative of regulatory body managing hydraulic structures, economic zone, industrial park, export-processing zone or hi-tech zone management board of a

province (if any); experts and officials in the field of environmental protection and operating field of the investment project or business.

Every member of the appraisal council or inspectorate shall examine applications for issuance of environmental license, make remarks about the appraisal contents specified in Article 40 of the LEP and take legal responsibility for their remarks.

The expert participating in making the report on proposal for issuance of environmental license of the investment project or business shall not join the appraisal council or inspectorate responsible for appraising application for issuance of environmental license of such investment project or business.

5. According to the appraisal result of the appraisal council or result of the inspectorate, the licensing authority shall consider issuing environmental license to the investment project or business in case of eligibility to be issued with environmental license or send a notification of return of application to the project or business owner specifying reasons for ineligibility to be issued with environmental license.

If the application needs modifying to have sufficient grounds for issuing license, the licensing authority shall send a notification to the investment project owner clearly specifying the modifications. The licensing authority shall not request the project or business owner to perform tasks other than those specified in the notification. Response (final result or necessary modifications) must be provided within licensing time limit as prescribed.

Within 12 months from the receipt of the written request for modification of the licensing authority, the investment project owner or business owner shall complete and submit the application for issuance of environmental license to the licensing authority. In case the issued environmental license is expiring in 12 months or less, the investment project owner or business owner shall complete and submit the application to the licensing authority to obtain an environmental license before the expiry date of the issued environmental license. After this deadline, the licensing shall be subject to the regulations set out in Article 43 of the Law on Environmental Protection.

6. Except for the case specified in clause 9 of this Article, within 20 days if the environmental license is issued by MONRE, Ministry of National Defense or Ministry of Public Security, 15 days if the environmental license is issued by the provincial People's Committee and 10 days if the environmental license is issued by the district-level People's Committee, from the receipt of the modified application for issuance of environmental license (in case where the application has to be modified as requested by the licensing authority), the head of the licensing authority shall consider issuing the environmental license to the investment project or business; in case of failure to issue the environmental license, a written response specifying reasons therefor shall be given.

7. During the inspection serving issuance of the environmental license, the inspectorate shall monitor treated waste before being discharged into the environment with regard to the business that satisfies the environmental criteria equivalent to a group I or group II project and business

that satisfies the environmental criteria equivalent to an investment project specified in Section I.1 in the Appendix V to this Decree. The monitoring waste shall be carried out at least once (single sampling). In case the business has many dust and emission treatment works that are similar in terms of typical pollution parameters treated, treatment technology and equipment, the inspectorate shall select 01 work with the largest treatment capacity to monitor and evaluate the treatment efficiency of these similar dust and emission treatment works. The cost of waste sample collection and analysis by the inspectorate shall be covered by the fees for appraising applications for issuance of environmental license according to the provisions of law on fees and charges.

The duration of analyzing waste samples and completing an application for issuance of environmental license of the business shall not be included in the time limit for issuing the environmental license.

In case the result of waste sample analysis exceeds that specified in an environmental technical regulation, the business owner shall carry out a check, take corrective actions and conduct additional monitoring of 01 sample for the waste treatment work against which corrective actions have been taken to ensure the compliance with the environmental technical regulation before the discharge. After taking corrective actions, the business owner shall re-submit the report on proposal for issuance of environmental license for further consideration and actions as prescribed.

8. The receipt of applications and return of results specified in point c clause 4 Article 43 of the LEP must be carried out in a simplified manner that reforms administrative procedures and follows administrative procedures online in accordance with the Government's regulations.

9. The receipt of applications and return of results shall be carried out online via the wholly online public service system of the licensing authority within 20 days from the receipt of the valid applications with respect to a project not required to undergo trial operation of the waste treatment work. The online receipt of applications and return of results via the wholly online public service system specified in this clause shall be only carried out at the investment project owner's request.

10. The appraisal of application for issuance of environmental license in the case specified in clause 9 of this Article shall be carried out through the appraisal team established by the licensing authority with no more than 05 members if the environmental license is issued by MONRE, Ministry of National Defense or Ministry of Public Security; no more than 03 members if the environmental license is issued by the provincial People's Committee or district-level People's Committee. The licensing authority shall not carry out a site inspection. The time limit for seeking opinions of the authorities and organizations specified in point b clause 4 of this Article is 05 days from the receipt of the enquiry. The time limit within which the licensing authority considers issuing environmental license to the investment project or gives a written response to the project owner specifying reasons for failure to issue environmental license is 05 days.

11. The application form for issuance of environmental license of the investment project owner or business owner shall be made using the form specified in the Appendix XIII to this Decree.

12. Documents submitted online via the wholly online public service system specified in this Decree shall be electronic copies from master registers; electronic certified true copies of the originals.

13. The Minister of Natural Resources and Environment shall promulgate forms of documents relating to issuance of environmental license, except for the case specified in clause 11 of this Article.”.

12. Article 30 is amended as follows:

“Article 30. Replacement, adjustment, re-issuance and revocation of environmental licenses

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

The replacement of environmental license shall be applied for online via the wholly online public service system of the licensing authority or authorized authority and appraisal fees are not required to be paid as prescribed.

2. The investment project owner or business owner shall adjust the environmental license within its remaining effective period in any of the following circumstances:

a) There is a change as prescribed in point a clause 2 Article 44 of the LEP and changes other than those specified in clauses 4 and 5 of this Article, except for removal of items to be licensed or change to weight or type of hazardous waste generated. In case of removal of an item to be licensed, the adjustment of the environmental license shall be only made when requested by the investment project owner or business owner. In case of a change to weight or type of hazardous waste generated, the investment project owner or business owner shall specify the change in the periodic environmental protection report of the project or business;

b) An investment project, business or dedicated area for production, business operation and service provision increases its scale or production capacity or changes its production technology as specified in clauses 3 and 4 Article 27 of this Decree resulting in a change to the item to be licensed, except the case specified in point b clause 5 of this Article;

c) An operating dedicated area for production, business operation and service provision or operating industrial cluster which adds an industry or business line attracting investment is not involved in a type of business, production or service likely to cause environmental pollution as specified in the Appendix II to this Decree;

d) There is any change as specified in clause 2 Article 27 of this Decree, except the case specified in clause 5 of this Article.

The adjustment of environmental license shall be made within 25 days from the receipt of the application form for adjustment from the investment project owner or business owner and made online via the wholly online public service system of the licensing authority or authority authorized to issue environmental licenses as prescribed.

The investment project owner or business owner which applies for adjustment of the environmental license shall submit an application for adjustment of environmental license before making any change and any change may only be made after the replaced license is issued.

3. Where the wholly online public service system has not yet to be launched at the licensing authority or authority authorized to issue environmental licenses as prescribed, the applications for replacement and adjustment of the environmental license specified in clauses 1 and 2 of this Article shall be submitted in person or by post.

4. The inspection and decision on adjustment of the type and weight of hazardous waste permitted to be treated or weight of scrap permitted to be imported as raw materials for production by the licensing authority as prescribed in point b clause 2 Article 44 and clause 4 Article 46 of the LEP shall not be considered an administrative procedure. The licensing authority shall rely on the inspectorate's report on inspection of trial operation of waste treatment work of the investment project or business; results of measurement and analysis of waste samples or additional waste monitoring samples (if any) and report on results of trial operation of the investment project owner or business owner in order to adjust the environmental license as follows:

a) Notify the investment project owner or business owner of adjustments to type and weight of hazardous waste permitted to be treated or weight of scrap permitted to be imported as raw materials for production in order to suit the actual operating capacity of the investment project or business.

The investment project or business shall provide a written explanation for the adjustments (if any) specified in this point to the licensing authority;

b) The licensing authority shall issue an adjusted environmental license which will have the same expiration date as that of the old license to the investment project owner or business owner.

5. Subjects entitled to obtain re-issued environmental license are prescribed as follows:

a) The subjects specified in point a clause 3 Article 44 of the LEP;

b) Investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters changing their scale, production capacity or production technology as specified in clauses 3 and 4 Article 27 of this Decree resulting in increasingly

adverse impacts on the environment as specified in clause 5 Article 27 of this Decree, except for the regulations set out in point d clause 2 Article 27 of this Decree, or subject to EIA;

c) Operating dedicated areas for production, business operation and service provision or operating industrial clusters which add an industry or business line attracting investment and are involved in types of business, production and services likely to cause environmental pollution as specified in the Appendix II to this Decree;

d) Other changes resulting in increasingly adverse impacts on the environment as prescribed in point b clause 3 Article 44 of the LEP, including: Increase by 10% in the flow of wastewater, dust or emission, thus causing a change in the pollution discharge parameters; change of the location of direct discharge of treated wastewater into a source of water with more stringent requirements for waste discharge; addition of a method for self-recycling, treatment or co-processing of waste using available technology, environmental protection works or production equipment; addition of the activity of co-processing of normal industrial solid waste or domestic solid waste for provision of waste treatment services; replacement or addition of a work, system or equipment for waste recycling or treatment; addition of a type of hazardous waste (except for addition of a type of hazardous waste whose properties are similar to licensed hazardous waste) regarding a hazardous waste treatment service provider; addition of a type or increase in the weight of scrap imported as raw materials for production; addition of a type of scrap imported as raw materials for production; addition of a hazardous waste transfer station; change of technology of a wastewater, dust or emission treatment system or work, except for addition of treatment equipment or stage; reduction in the scale or failure to build and install any work for environmental emergency prevention and response for the wastewater treatment system.

6. The investment project owner or business owner required to obtain re-issued environmental license as set out under point a clause 5 of this Article shall submit the application for re-issuance of environmental license 06 months before its expiry date; regarding the cases specified in points b, c and d clause 5 of this Article, the application for re-issuance of environmental license shall be submitted before making any change and any change may only be made after the license is re-issued.

7. The investment project owner or business owner shall consider, decide and take legal responsibility for changes other than those specified in clauses 2, 4 and 5 of this Article; integrate the changes into the periodic environmental protection reports of the project or business as prescribed.

8. The re-issuance of environmental license specified in clause 5 of this Article shall be carried out according to the procedures mentioned in clauses 2 through 6 Article 29 of this Decree. The time limit for re-issuance of an environmental license begins on the date of receiving a valid application and is specified in points a and b clause 4 Article 43 of the LEP.

9. The investment project or business issued with the environmental license must conduct trial operation of its waste treatment work in case there is a change to the waste treatment work or raw materials or fuels leading to an increase in pollution parameters present in waste.

10. The operating business specified in point d clause 2 Article 42 of the LEP which has yet to possess an environmental license shall, upon making any adjustment or change specified in clause 2 or 5 of this Article, prepare an application for issuance of environmental license to a competent authority before making any change and any change may only be made after the environmental license is issued, except the case specified in point a clause 3 Article 44 of the LEP.

11. Where the environmental license is issued as prescribed in clause 3 Article 42 of the LEP but there is a change to a stage, item or work during the preparation and execution before operation, the investment project owner or business owner shall comply with the regulations set forth in clause 4 Article 37 of the LEP.

12. The waste monitoring by an inspectorate during the process of considering adjustment of the environmental license as prescribed in point b clause 2 Article 44 and clause 4 Article 46 of the LEP or re-issuance of the environmental license to a business shall comply with the regulations set out under clause 7 Article 29 of this Decree.

13. If it is found that the environmental license has to be revoked as prescribed in clause 5 Article 44 of the LEP during the process of imposing penalties for administrative violations, the revocation of the license shall comply with regulations of law on penalties for administrative violations. The environmental license shall be issued as follows:

a) If the environmental license is issued ultra vires, within the time limit for taking remedial measures, the investment project owner or business owner shall follow procedures for applying for issuance of environmental license as prescribed in Article 29 of this Decree;

b) If the environmental license contains any content against regulations of law, within 07 days from the receipt of such environmental license transferred by the person competent to impose penalties, the licensing authority shall consider issuing another environmental license with rectified contents to the investment project owner or business owner.

14. If it is found that the environmental license has to be revoked as prescribed in clause 5 Article 44 of the LEP but does not fall into the case specified in clause 13 of this Article, the revocation and issuance of the environmental license shall be carried out as follows:

a) The regulatory body which finds that the environmental license has to be revoked shall send a notification that the environmental license is issued ultra vires or contains a content against regulations of law on environmental protection;

b) The authority issuing the environmental license that has to be revoked shall consider and review the procedures for and contents of appraisal of the application for issuance of environmental license after receiving the notification specified in point a of this clause.

If the environmental license is issued ultra vires as prescribed, the authority issuing such environmental license shall instruct the investment project owner or business owner to prepare an application for issuance of environmental license to the licensing authority to obtain a new

environmental license as prescribed in Article 29 of this Decree. The authority issuing the environmental license shall revoke the environmental license after the investment project or business has been issued with a new environmental license as prescribed by law.

If the issued environmental license contains any content against regulations of law, the authority issuing the environmental license shall issue a new environmental license to the investment project or business in conformity with regulations of law. The unconformable license will be revoked when the new license is issued to the investment project or business.

15. The report on proposal for issuance or re-issuance of environmental license to an investment project issued with the decision on approval of EIAR appraisal result shall be made using the form in the Appendix VIII enclosed herewith; report on proposal for issuance or re-issuance of environmental license to a group II investment project not subject to EIA and group III investment project shall be made using the form specified in the Appendix IX enclosed herewith; report on proposal for issuance or re-issuance of environmental license to an operating business shall be made using the form specified in the Appendix X enclosed herewith; report on proposal for adjustment of environmental license to an operating business shall be made using the form specified in the Appendix XI enclosed herewith; application form for issuance, adjustment or re-issuance of environmental license to an investment project owner or business owner shall be made using the form in the Appendix XIII, application form for replacement of environmental license to an investment project owner or business owner shall be made using the forms in the Appendix XIV enclosed herewith.

16. The Minister of Natural Resources and Environment shall promulgate forms related to replacement, adjustment, re-issuance or revocation of environmental licenses, except for the case specified in clause 15 of this Article.”.

13. Article 31 is amended as follows:

“Article 31. Trial operation of waste treatment works after being issued with environmental license

1. Waste treatment works not required to undergo trial operation include:

- a) Sedimentation pond of a mineral mining project;
- b) Emergency pond of a wastewater treatment system (except for the emergency pond combined with stabilization pond);
- c) Dust and emission release system in the case where dust and emission treatment systems are not required, including boiler emission control systems, heating equipment and generators using fuel gas and DO; crematoria emissions treatment system; filtration system for dust generated from conveyor belts and silos containing raw materials, fuels, and materials;
- d) In situ wastewater works and equipment specified in clause 3 Article 53 of the LEP; septic tanks, grease separators of canteens and packaged wastewater treatment works and equipment

satisfying prescribed requirements; In situ wastewater works and equipment satisfying environmental technical regulations;

dd) Heat exchanging water treatment systems using chlorine or disinfectant chemicals to kill microorganisms;

e) Waste treatment works of a project on investment in expansion or increase in capacity without any change to the issued component environmental license or issued environmental license;

g) Waste treatment works of the business, dedicated area for production, business and service provision or industrial cluster specified in clause 2 Article 39 of the LEP when applying for issuance of the environmental license, except for the case specified in clause 4 of this Article;

h) Waste treatment works of a project, business, dedicated area for production, business operation and service provision or industrial cluster when applying for adjustment or reissuance of the environmental license without any change to the issued component environmental license or issued environmental license, except for the case specified in clause 9 Article 30 of this Decree;

i) A project's or business's wastewater treatment works whose treated wastewater is reused and used in a circular manner for production and not discharged into the environment.

2. The investment project owner that is not subject to EIA but is required to obtain an environmental license and has a waste treatment work other than that specified in clause 1 of this Article shall conduct trial operation of such waste treatment work together with trial operation of the entire project or for each investment phase of the project (if the project is divided into investment phases) or for the independent waste treatment work item of the project after completing the following tasks:

a) Construct waste treatment works according to the environmental license; prepare a dossier on completion of the waste treatment work in accordance with regulations of law on construction (enclosed with a transfer and commissioning record between the investor, the construction contractor and the construction supervisor of the waste treatment work) and establish an operating process which satisfies environmental protection requirements. The investment project owner shall take legal responsibility for the dossier on completion of the waste treatment work;

b) Install automatic and continuous wastewater, dust and emission equipment and systems (if the installation is required) in order to supervise quality of wastewater and emissions as prescribed in this Decree.

3. The investment project owner that is subject to EIA and required to obtain an environmental license and has a waste treatment work other than that not specified in clause 1 of this Article shall conduct trial operation of such waste treatment work together with trial operation of the entire project or for each investment phase of the project (if the project is divided into investment phases) or for the independent waste treatment work item of the project according to the issued environmental license. If there is any change to the trial operation plan according to the issued

environmental license, it is required to fulfill the responsibility specified in clause 5 of this Article.

4. The owner of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster specified in clause 2 Article 39 of the LEP that increases capacity of their waste treatment work or changes their waste treatment technology shall conduct trial operation of the waste treatment work after being issued with the environmental license.

5. The investment project owner specified in clause 2 of this Article shall notify the plan for trial operation of the waste treatment work or waste treatment work item of the project to the licensing authority at least 10 days before the date of trial operation of the waste treatment work for supervision purpose; if the licensing authority is MONRE, the plan shall be also sent to the provincial specialized environmental protection authority for cooperation in, inspection and supervision of the implementation thereof.

6. The duration of trial operation of the wastewater treatment work (including the period of time over which waste is monitored and the trial operation report is prepared) shall be decided by the investment project owner as long as regulations on time and frequency of waste monitoring laid down by MONRE and this clause are complied with. The time limit for trial operation shall not exceed 06 months from the date of commencing trial operation and shall be stated in the environmental license. To be specific:

a) From 03 to 06 months if the project is a dedicated area for production, business operation and service provision or industrial cluster and large capacity investment project involved in a type of production, business or service that is likely to cause environmental pollution specified in the Column 3 Appendix II enclosed herewith;

b) The investment project owner shall decide and be accountable for the duration of trial operation with respect to a project other than that specified in point a of this clause but such duration must not exceed 06 months and the effectiveness of the waste treatment work can be evaluated as prescribed;

c) If it is required to extend the duration of trial operation, the investment project owner shall send a notification specifying reasons for extension and the duration of extension must not exceed 06 months; in case of failure to satisfy the requirements, it is required to renovate or upgrade the waste treatment work and conduct trial operation as prescribed. For large scale investment projects divided into each investment phase, the duration of trial operation may be extended in accordance with regulations prescribed by the licensing authority.

7. During trial operation of waste treatment works, the investment project owner shall perform several tasks below:

a) Cooperate with the specialized environmental protection authority in the province (if the licensing authority is MONRE or provincial People's Committee) or in the district (if the licensing authority is the district-level People's Committee) where the project is executed in

order to undergo inspection during the trial operation. If the project is required to undergo automatic wastewater, dust or emission monitoring, carry out monitoring and supervision of result of automatic and continuous wastewater, dust or emission monitoring using cameras which connect and transmit data to the specialized environmental protection authority in the province where the project is executed;

b) Carry out monitoring themselves by following MONRE's technical guidance or cooperate with the provider eligible to provide environmental monitoring services to monitor waste and evaluate effectiveness of the waste treatment work. The waste monitoring must comply with environmental standards and environmental technical regulations and law on standards, measurement and quality of products and goods. The waste monitoring and sampling (single and aggregate sampling) with respect to types of projects shall comply with regulations of MONRE;

c) Be held accountable for contents of the trial operation plan and entire process of trial operation of each waste treatment work;

d) Keep a logbook which fully documents information about trial operation of the waste treatment work. The subjects specified in clause 4 Article 46 of the LEP shall fully document information about weight of hazardous waste and scrap used by each treatment and recycling system or equipment;

dd) Carry out evaluation themselves or hire a fully capable organization to carry out evaluation of waste treatment works of the project; aggregate and evaluate waste monitoring data, identify waste and prepare a report on results of trial operation of waste treatment works, and send it to the licensing authority 20 days before the end of trial operation, except for the case specified in clause 4 Article 46 of the LEP; if the licensing authority is MONRE, the investment project owner shall send it to the provincial specialized environmental protection authority. The report on results of trial operation of waste treatment works must fully contain waste monitoring results under the trial operation plan stated in the environmental license. After completing waste monitoring according to the quantity and frequency stated in the environmental license, the investment project owner is not required to continue waste monitoring before the trial operation ends.

8. During trial operation of waste treatment works of a project, if the waste released into the environment fails to satisfy environmental technical regulations on waste, the investment project owner shall adopt the following measures:

a) Terminate any stage generating waste or reduce capacity of the investment project to ensure the current wastewater treatment works are able to treat types of waste generated in accordance with the environmental technical regulation and environmental license;

b) Review waste treatment works and equipment and process for operating the waste treatment system to identify causes of pollution and introduce remedial measures; renovate and upgrade waste treatment works or build more waste treatment works (if any) to satisfy environmental protection requirements as prescribed;

c) In case of causing an environmental emergency or environmental pollution, the investment project owner shall immediately suspend the trial operation and promptly report it to the licensing authority for instructions; if the licensing authority is MONRE, report it to the provincial specialized environmental protection authority for cooperation in handling environmental issues; take responsibility for remediating the environmental emergency, provide compensation and incur penalties as prescribed by law;

d) Prepare and implement the plan for trial operation of waste treatment works or each waste treatment work item that fails to satisfy environmental technical regulation on waste.

9. The provincial and district-level specialized environmental protection authorities shall cooperate in inspecting and supervising the trial operation of waste treatment works regarding the investment projects located within the province and district at the request of the licensing authority.

10. Responsibilities of the licensing authority:

a) Fulfill the responsibility specified in Article 48 of the LEP;

b) Assign officials, public officials or experts (where necessary) to carry out a site inspection of trial operation of waste treatment works of investment projects in other cases; measure, collect and analyze samples of waste released into the environment. If the waste of the work required to undergo trial operation for discharge of waste into the environment fails to satisfy the environmental technical regulation on waste, request the investment project owner to adopt the measures mentioned in clause 8 of this Article; continue to measure, collect and analyze samples of waste released into the environment during resumption of trial operation by the investment project owner.

The waste monitoring by the licensing authority shall be subject to the regulations set out under clause 7 Article 29 of this Decree.

After the inspection ends, the licensing authority shall send a notification of result of trial operation inspection, explicitly stating the conformity of the environmental license and other related issues so as for the investment project owner to continue trial operation as prescribed by law;

c) For the case specified in clause 4 Article 46 of the LEP, the inspection and decision to adjust type or weight of hazardous waste permitted to be treated or weight of scrap permitted to be imported and imposition of penalties for any violation (if any) shall comply with the procedures mentioned in clause 4 Article 30 of this Decree;

d) Receive and handle propositions put forward by the investment project owner about the trial operation of waste treatment works and instruct the project owner to remediate pollution and environmental emergency (if any) during the trial operation.

11. Each investment project owner or business owner shall report results of trial operation of waste treatment works of the projects specified in clause 4 Article 46 of the LEP according to the form in the Appendix XV hereof.

12. The Minister of Natural Resources and Environment shall promulgate forms of documents relating to trial operation of waste treatment works prescribed in this Decree except for the case specified in clause 11 of this Article.”.

14. Article 32 is amended as follows:

“Article 32. Subjects exempt from environmental registration

1. Investment projects and businesses mentioned in point a clause 2 Article 49 of the LEP.

2. The investment project prescribed in point b clause 2 Article 49 of the LEP when being put into operation, and a business which does not generate waste or satisfies the following criteria:

a) Regularly generate less than 20 kg of hazardous waste per month or less than 240 kg of hazardous waste per year;

b) Regularly generate less than 100 kg of normal industrial solid waste per month or less than 1,200 kg of normal industrial solid waste per year;

c) Generate less than 300 kg of domestic solid waste per day;

d) Generate less than 05 m³ of wastewater per day or less than 50 m³ of emissions per hour which are treated using an in situ treatment work or equipment or managed in accordance with the regulations laid down by the local government.

3. The subjects specified in point c clause 2 Article 49 of the LEP are elaborated in the Appendix XVI to this Decree.”.

15. Points dd and e are added after point d clause 1 of Article 36 as follows:

“dd) In case the mineral mining facility changes any content of the approved environmental remediation and improvement scheme at the stage of mine closure, the change(s) shall be incorporated into the mine closure plan and appraised during the appraisal of the mineral mine closure plan;

e) The owner of a construction investment project that involves the recovery of minerals for use as common building materials in the area where the project is executed or a project on combined dredging and recovery of minerals in the area where the project is executed area must comply with the provisions of the law on minerals and environmental protection and is not required to prepare an environmental remediation and improvement scheme as prescribed in this clause.

In case a mineral mining project for which the environmental remediation and improvement scheme has been approved as per the law on environmental protection before the effective date of this Decree and which is not required to obtain an environmental license has made any change to its environmental remediation and improvement scheme, such change shall be submitted to the authority approving the environmental remediation and improvement scheme for re-appraisal and re-approval as prescribed in clauses 2 to 9 of this Article.”.

16. Article 37 is amended as follows:

a) Point d of clause 5 is amended as follows:

“d) The deposit accrues an interest from the date of payment at a rate equal to the borrowing interest rate of the environment protection fund to which it is paid. If the deposit recipient does not lend the deposit, the interest rate shall be equal to the lending interest rate imposed by Vietnam Environment Protection Fund (VEPF) at the time of receiving the deposit. In the event that the deposit recipient applies different interest rates to different borrowers, the rate of interest payable to the depositor shall be the arithmetic mean of those interest rates.”.

b) Point c of clause 6 is amended as follows:

“c) In case of paying deposit in instalments, from the second time onwards, the deposit shall be paid before January 31 in the year of deposit payment;”.

c) Clause 9 is amended as follows:

“9. If the organization or individual mining minerals has paid a deposit but has dissolved or goes bankrupt and has not carried out environmental remediation and improvement according to the approved environmental remediation and improvement scheme, the authority competent to approve the mine closure plan of the mineral mining project shall use their deposit including interest to carry out environmental remediation and improvement. Any adjustment to the environmental remediation and improvement scheme in this case (if any) shall constitute part of the mine closure plan of the mineral mining project and be appraised during the appraisal of the mineral mine closure plan.”.

d) Clauses 11, 12 and 13 are added after clause 10 as follows:

“11. In case the project has suspended its mineral mining activities for 12 months or more at the request or under decision of a competent authority, deposit payment and environmental remediation and improvement may be stopped until the suspension is lifted. If deposit has been paid for the suspension period, it will be deducted from the deposit payable in the next period.

12. MONRE shall manage and supervise the management and use of deposits on environmental remediation and improvement during mineral mining paid to VEPF.

13. Provincial People's Committees shall manage and supervise the management and use of deposits on environmental remediation and improvement during mineral mining paid to provincial environment protection funds.”.

17. Clause 1 of Article 42 is amended as follows:

“1. MONRE shall preside over and organize the registration of specific exemptions for POPs and supervise the termination of import, production and use of POPs as raw materials for production in accordance with regulations on registration of specific exemptions for POPs; assess demands for production and use of POPs; control sources, assess conformity and carry out inspections of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants as prescribed by law; sign agreements on mutual recognition in relation to conformity assessment of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants with sufficiently competent international and national organizations as prescribed by law; notify changes as required by the Stockholm Convention for registration.”.

18. Article 45 is added as follows:

a) Clause 4 is amended as follows:

“4. It is required to obtain an environmental license which covers the use of scrap imported as raw materials for production or component environmental license which is the certificate of eligibility for environmental protection during import of scrap as raw materials for production as prescribed in point d clause 2 Article 42 of the LEP, except for the case specified in clause 18 Article 168 of this Decree and for the import of scrap generated from activities of non-tariff zones, export-processing zones and export processing enterprises.

The environmental license must explicitly specify the permissible weight and type of scrap imported as raw material for production, which must not exceed 80% of the demand for use of scrap as raw materials for production according to the design capacity.”.

b) Clause 11 is added after clause 10 as follows:

“11. Based on the country's development situation, the demand for import of scrap as raw materials for production and the environmental protection requirements from time to time, MONRE shall preside over and cooperate with sectoral ministries and industry associations to submit a consolidated report to the Prime Minister for his consideration and adjustment of the List of scrap permitted to be imported from foreign countries as raw materials for production on the following grounds:

a) Demand for use of scrap as raw materials for production; demand for import of scrap of operating production establishments; proposal and self-assessment report of the business;

b) Economic efficiency and environmental impacts of scrap imported as raw materials for production;

c) The adaptability of recycling technology and waste treatment technology when using imported scrap;

d) International standards and regulations or standards and regulations of countries around the globe on the quality of imported scrap (if any);

dd) Not importing scrap that can be obtained domestically.”.

19. Article 48 is amended as follows:

a) Point a of clause 4 is amended as follows:

a) It may be divided into various modules suitable for the schedule of occupancy and operation of the dedicated area for production, business operation and service provision provided that the entire wastewater generated from the new project or additionally generated by the project due to expansion investment or capacity increase is collected to be treated in accordance with environmental technical regulations;”.

b) Points g and h of clause 4 are amended as follows:

“g) The operation of the centralized wastewater treatment system must be specified in an operation logbook which sufficiently documents the following: flow (input, output), typical parameters of input and output wastewater (if any); amount of electricity used; type and amount of chemicals used. The operation logbook must be written in Vietnamese language and retained for at least 02 years;

h) The input wastewater standard applicable to the centralized wastewater treatment system must be recorded in the decision on approval of EIAR result, environmental license, environmental registration certificate and regulations on environmental protection of dedicated areas for production, business operation and service provision and industrial clusters.”.

20. Article 49 is amended as follows:

a) Points a and b of clause 1 are amended as follows:

“a) The acceptance of a new project or project on investment expansion or increase in capacity of the operating business that generates wastewater in the dedicated area for production, business operation and service provision must be suitable for the wastewater receipt and treatment capacity of the centralized wastewater treatment system. The new project or project on investment expansion or increase in capacity of the operating business that generates wastewater in the dedicated area for production, business operation and service provision or industrial cluster must connect wastewater generated (for the new project) or additional generated (for the project on investment expansion or increase in capacity) to the collection point before transporting it to the centralized wastewater treatment system;

b) It is not permitted to accept a new project or project on investment in expansion of the operating project that generates wastewater in the dedicated area for production, business operation and service provision or industrial cluster in the following cases: the new project is involved in an industry or business line not included in the list of industries and business lines permitted for investment attraction of the dedicated area for production, business operation and service provision or industrial cluster; the dedicated area for production, business operation and service provision or industrial cluster fails to have or satisfy one of the requirements for environmental protection infrastructure as prescribed in Article 48 of this Decree; except for the new investment project or project on investment in expansion of the operating business that does not generate additional wastewater into the environment or is not required to invest in increasing capacity of its wastewater treatment work, the project exempted from connection according to regulations of law on environmental protection before the effective date of the LEP, additional generated industrial wastewater connected to the centralized wastewater treatment system of the dedicated area for production, business operation and service provision or industrial cluster as prescribed in point a of this clause;”.

b) Point a of clause 2 is amended as follows:

a) New investment projects in the dedicated area for production, business operation and service provision or industrial cluster must preliminarily treat and connect wastewater to the centralized wastewater treatment system of the dedicated area for production, business operation and service provision or industrial cluster, except for new investment projects or projects on investment in expansion of the operating business that does not generate additional wastewater into the environment or is not required to invest in increasing capacity of its wastewater treatment work, and projects exempted from connection according to regulations of law on environmental protection before the effective date of the LEP. Wastewater transferred for treatment must have their weight and pollution parameters not exceeding the input wastewater standard of the centralized wastewater treatment system; satisfy the conditions set out in the written agreement with the investor in construction and commercial operation of infrastructure of the dedicated area for production, business operation and service provision or industrial cluster and environmental license of such dedicated area for production, business operation and service provision or industrial cluster; except where the business has been exempted from connection as prescribed in point d of this clause.

In case of leasing out a factory in the dedicated area for production, business operation and service provision or industrial cluster, the factory lessor and factory lessee shall define the responsibility for collection and treatment of wastewater in accordance with regulations laid down by the investor in construction and commercial operation of infrastructure of the dedicated area for production, business operation and service provision or industrial cluster.”.

c) Point c is amended; point d is added after point c of clause 2 as follows:

“c) The operating businesses which discharge treated wastewater to the rainwater drainage and collection system must cooperate with the investor in construction and commercial operation of the industrial cluster’s infrastructure in fulfilling the responsibilities prescribed in point dd clause 3 Article 52 of the LEP;

d) New investment projects and projects on investment in expansion of the operating business that generates heat exchanging water discharged into the environment through separate discharge lines must have facilities and measures to reduce temperature, treat it with chlorine or other disinfectant chemicals to kill microorganisms (if used) to ensure compliance with environmental technical regulations as prescribed.”.

21. Article 51 is amended as follows:

a) Clause 2 is amended as follows:

“2. The use of organic solid waste and livestock wastewater generated from livestock farms as organic fertilizers, for plant watering or as fish feeds shall comply with the following regulations:

a) Livestock waste may be only used as fertilizers, for plant watering or as fish feeds when it satisfies the national environmental regulation specified in clause 4 of this Article;

b) Livestock waste shall be transported out of a livestock farm using a closed vehicle or equipment which does not cause any spill or leak and environmental pollution.”.

b) Clause 4 is amended as follows:

“4. The Ministry of Agriculture and Rural Development shall promulgate a national technical regulation on fertilizers derived from livestock waste; national technical regulation on organic solid livestock waste used in crops or as fish feeds; national technical regulation on livestock wastewater used in crops.”.

22. Clauses 1 and 2 of Article 53 are amended as follows:

“1. Every owner of an investment project involved in the type of production, business or services likely to cause environmental pollution shall consider applying best available techniques to at least one production activity or production stage according to the following roadmap:

a) Before January 01, 2030 for the investment project at level I in the Appendix II hereof;

b) Before January 01, 2031 for the investment project at level II in the Appendix II hereof;

c) Before January 01, 2032 for the investment project at level III in the Appendix II hereof.

2. Every owner of a business involved in the type of production, business or services likely to cause environmental pollution shall consider applying best available techniques to at least one production activity or production stage according to the following roadmap:

a) Before January 01, 2031 for the business at level I in the Appendix II hereof;

b) Before January 01, 2032 for the business at level II in the Appendix II hereof;

c) Before January 01, 2033 for the business at level III in the Appendix II hereof.”.

23. Clause 4 is added after clause 3 of Article 54 as follows:

“4. In case the oil and gas exploration project is subject to environmental registration, environmental registration must be carried out at the People's Committee of the commune which receives waste transported ashore.”.

24. Clauses 5 and 6 are added after clause 4 of Article 57 as follows:

“5. A wastewater treatment system of a business involved in a type of business, production or service likely to cause environmental pollution as prescribed in Appendix II to this Decree with a discharge flow of 50 m³/day or more must be fitted with an independent electricity meter, an output flow meter, and an operation log (fully recording the following contents: Output flow, typical parameters of input and output wastewater (if any); amount of electricity used; type and amount of chemicals used. The operation logbook must be written in Vietnamese language and retained for at least 02 years).

6. Businesses not specified in clause 5 of this Article that generate wastewater discharged into the environment must have an output flow meter; are encouraged to implement measures to control the operation of the wastewater treatment system as specified in clause 5 of this Article.”.

25. Clause 6 of Article 58 is amended as follows:

“6. The provincial People’s Committee shall set prices of domestic solid waste treatment, transport and collection services specified in clause 3 of this Article; define treatment costs and collection methods in the cases mentioned in clauses 4 and 5 of this Article following the principle that the domestic solid waste treatment costs are calculated correctly and sufficiently for a unit of weight of domestic solid waste for the treatment purpose.”.

26. Point b clause 2 of Article 59 is amended as follows:

“b) Be the owner of a technology or owner of a technology line purchased or transferred from technology manufacturers or from a party having the right to transfer technology to a technology transferee. In case of using a treatment technology originated from a European country or another industrial country which is different from the technical requirements specified in Vietnam's environmental technical regulations on waste management, then emissions and wastewater must meet the respective standards of such country and Vietnam's environmental technical regulations on emissions and wastewater;”.

27. Clauses 2 and 3 of Article 63 are amended as follows:

“2. District-level People’s Committees shall:

a) Promulgate regulations, programs and plans for domestic solid waste management within their power;

b) Organize implementation of strategies, programs, plans and tasks related to domestic solid waste management;

c) Organize the classification of domestic solid waste as prescribed;

d) Fulfill the responsibilities specified in clause 1 Article 77 of the LEP;

dd) Fulfill other responsibilities as assigned by provincial People's Committees.

3. Communal People's Committees shall:

a) Fulfill the responsibilities specified in clause 7 Article 77 of the LEP;

b) Formulate a plan, scheme or content for domestic solid waste management within their communes;

c) Organize the classification of domestic solid waste as prescribed;

d) Fulfill other responsibilities as assigned by the superior People's Committees.”.

28. Article 65 is amended as follows:

a) Point c of clause 4 is amended as follows:

“c) Elaborate on disposal of pesticide packaging after use generated from agricultural production activities.”.

b) Point b of clause 6 is amended as follows:

“b) Provide detailed guidance on collection of pesticide packaging after use generated from agricultural production activities.”.

29. Clauses 4 and 5 of Article 69 are amended as follows:

“4. In the case of complying with the regulations specified in point b clause 4 Article 83 of the LEP, holders of environmental licenses that cover hazardous waste management shall perform the following tasks:

a) Install tracking devices for vehicles transporting hazardous waste; provide an account to MONRE upon request;

b) In case of wishing to hire a vehicle to transport hazardous waste, sign a transport vehicle hiring contract and take responsibility for activities of transport vehicles during the hiring period and do not sublet such vehicle.

5. If the organizations and individuals specified in clause 4 Article 83 of the LEP hire public means of transport such as railway vehicles, inland waterways or seaway to transport hazardous waste, they shall specify this in their periodic environmental protection reports which shall be submitted to the licensing authority as prescribed.”.

30. Article 71 is amended as follows:

a) Clause 2 is amended as follows:

“2. For an investment project or business in group II, group II or group III specified in the Appendices III, IV and V enclosed herewith which regularly generates hazardous waste with a total quantity of at least 100 kg per month or at least 1,200 kg per year during its operation, it is required to prepare an application for issuance of environmental license as prescribed in Article 39 of the LEP.”.

b) Clause 4 is amended as follows:

“4. Cooperate with the owner of the hazardous waste treatment service provider in preparing a hazardous waste manifest upon transferring hazardous waste in accordance with MONRE’s regulations. 06 months after the transfer date, if the final copy of the hazardous waste manifest fails to be received without written acceptable explanation from the transferee, the hazardous waste generator shall send a report to the provincial specialized environmental protection authority or MONRE for inspection and actions as prescribed by law. If hazardous medical waste is transferred for management according to the cluster model, the transfer record shall be used instead of the hazardous waste manifest.”.

31. Article 74 is amended as follows:

a) Title of the Article is amended as follows:

“Article 74. Specific cases of wastewater and emission management”.

b) Point b of clause 3 is amended as follows:

“b) Ministries and ministerial agencies shall promulgate standards, technical regulations, technical guidance or regulations on circular use and reuse of wastewater for production, business operation and services under their management after obtaining MONRE’s opinions, except where wastewater continues, after circular use and reuse, to be collected and treated before being discharged into the environment.”.

c) Clause 4 is amended as follows:

“4. Requirements for environmental protection applicable to certain wastewater transfer activities:

a) The wastewater transferred for reuse shall be only transferred to a manufacturing establishment directly using it as input water for production activities;

b) A project or business located outside a dedicated area for production, business operation and service provision or industrial cluster that transfers wastewater shall satisfy the following requirements: Have a plan to transfer wastewater for treatment or reuse which is clearly stated in the EIAR and environmental license; enter into a wastewater transfer contract with the wastewater transferee for treatment or reuse in accordance with the requirements specified in point d of this clause; provide infrastructure and equipment for temporary storage of wastewater to prevent spill and leakage into the ambient environment;

c) A project or business located outside a dedicated area for production, business operation and service provision or industrial cluster that receives wastewater for treatment or reuse shall satisfy the following requirements: Have a plan to transfer wastewater for treatment or reuse which is clearly stated in the EIAR and environmental license; build a wastewater treatment system with technologies and capacity suitable for treating received wastewater or technology line suitable for reuse of received wastewater; have a treated wastewater flow meter; do not transfer received untreated wastewater to a third party;

d) Requirements for transport of wastewater: Wastewater shall be transferred using pipes or vehicles. Pipes shall be designed and installed in such a way that satisfies technical regulations, is leak-proof, has valves and flow meters and are clearly stated in the plan to transfer wastewater for treatment or reuse. Vehicles must conform to roadworthiness requirements in accordance with regulations of law on traffic; have storage equipment, holds or compartments which must be airtight and watertight, and prevent leakage or corrosion caused by the transported wastewater.”.

d) Clauses 5 and 6 are added after clause 4 as follows:

“5. For an investment project or business in group II, group II or group III specified in the Appendices III, IV and V enclosed herewith, it is required to prepare an application for issuance of environmental license as prescribed in Article 39 of the LEP when falling into any of the following circumstances:

a) Only generate domestic wastewater discharged into the environment to be treated with a total flow rate of 20 m³/day or more;

b) Generate industrial wastewater discharged into the environment to be treated regarding business and projects involved in a type likely to cause environmental pollution as prescribed in Appendix II to this Decree. With respect to the type of animal husbandry or slaughtering of livestock or poultry, comply with the provisions in point c of this clause;

c) Generate industrial wastewater discharged into the environment to be treated with a total flow rate of 10 m³/day or more;

d) Generate emissions released into the environment to be treated with a total flow rate of 1,000 m³/hour or more when officially put into operation.

6. The investment project owner or business owner that reuses wastewater to irrigate plants as prescribed in clause 3 of this Article must formulate a wastewater reuse plan containing the locations, area, number of plants, time and frequency and clearly state it in the decision on approval of EIAR appraisal result, environmental license, environmental registration or submit a written report to the provincial specialized environmental protection authority before implementation thereof.”.

32. Article 76 is amended as follows:

a) Point e of clause 2 is amended as follows:

“e) The environmental protection deposits shall be paid and refunded in Vietnamese dong from VEPF or provincial environment protection fund and accrues an interest from the date of payment at a rate equal to the borrowing interest rate of the environment protection fund to which it is paid. If the deposit recipient does not lend the deposit, the interest rate shall be equal to the lending interest rate imposed by VEPF at the time of receiving the deposit. In the event that the deposit recipient applies different interest rates to different borrowers, the rate of interest payable to the depositor shall be the arithmetic mean of those interest rates.”.

b) Point b of clause 4 is amended as follows:

b) VEPF or provincial environment protection fund shall manage and use deposits as prescribed by law;”.

c) Clauses 8 and 9 are added after clause 7 as follows:

“8. MONRE shall manage and supervise the management and use of deposits on environment improvement at landfills paid to VEPF.

9. Every provincial People’s Committee shall manage and supervise the management and use of deposits on environment improvement at landfills paid to the provincial environment protection fund.”.

33. Article 77 is amended as follows:

a) Clause 1 is amended as follows:

“1. Organizations and individuals that manufacture/import (hereinafter referred to as “producers and importers”) products and packaging specified in Column 3 in the Appendix XXII enclosed herewith to be put on Vietnam’s market shall fulfill their responsibility for recycling such products and packaging according to the mandatory recycling rates and specifications specified in Article 78 of this Decree.

The producers and importers specified in this clause refer to organizations and individuals responsible for quality and labelling of products and goods in Vietnam in accordance with regulations of law on quality of products and goods.”.

b) Point a of clause 2 is amended as follows:

“a) Food prescribed by regulations of law on food safety (except for chewing gum);”.

c) Point dd of clause 2 is amended as follows:

“dd) Cleansing preparations for domestic, agricultural and medical use;”.

d) Points b and c of clause 3 are amended as follows:

“b) Producers and importers having a revenue from sale of products specified in clause 2 of this Article not exceeding 30 billion dong per year;

c) Producers put on the market the packaging which are recalled or reused by the same producers to be put on the market again; the rate of recall or reuse for packaging to be put on the market again is equal to or higher than the mandatory recycling rate as prescribed in Column 4 in Appendix No. XXII to this Decree.”.

dd) Clause 4 is amended as follows:

“4. Producers and importers shall fulfill their responsibility for recycling products and packaging they produce/import according to the following roadmap:

a) Packaging, batteries, cells; lubricating oil, oil (hereinafter referred to as “lubricating oil”); tires: as of January 01, 2024;

b) Electric and electronic products: as of January 01, 2025;

c) Vehicles: as of January 01, 2027.

MONRE shall submit regulations on disposal of vehicles to the Prime Minister for promulgation before January 01, 2026.”.

34. Article 78 is amended as follows:

“Article 78. Mandatory recycling rates and specifications

1. Mandatory recycling rate is the ratio of the minimum weight of a product or packaging that must be collected and recycled according to the mandatory recycling specifications in the year in which the responsibility is fulfilled to the total weight of a manufactured or imported product or packaging put on the market in the year in which the responsibility is fulfilled.

The mandatory recycling rate of each type of product or packaging shall be determined on the basis of its life cycle, disposal rate and collection rate; national recycling target, environmental protection requirements and socio-economic conditions from time to time.

2. The mandatory recycling rate for each type of product or packaging in the first 03 years is specified in Column 4 of the Appendix XXII enclosed herewith. The mandatory recycling rate shall be adjusted every 03 years progressively order so as to meet the national recycling target and environmental protection requirements.

The Minister of Natural Resources and Environment shall adjust and promulgate mandatory recycling rate for each type of product or packaging for the next 03-year periods.

3. Producers and importers are entitled to recycle products and packaging they produce/import or to recycle products and packaging of the same type as specified in Column 3 of the Appendix XXII enclosed herewith which are produced and imported by other producers and importers to achieve the mandatory recycling rate. The recycling of imported scrap; packaging being waste generated from the industrial production process; defective products discarded during the production process shall not be included in the mandatory recycling rate applied to producers and importers.

4. If any producer/importer recycles products or packaging at a rate higher than the mandatory recycling rate specified in clauses 1 and 2 of this Article, the difference may be reserved and carried forward to subsequent years.

5. The mandatory recycling specifications are recycling solutions selected for each product or packaging specified in Column 5 of the Appendix XXII to this Decree.”

35. Article 79 is amended as follows:

a) Clause 4 is amended as follows:

“4. The recycling service provider hired by the producer/importer to recycle a product or packaging must obtain an environmental license or component environmental license which covers the recycling of such product or packaging as prescribed by law.”

b) Point c of clause 5 is amended as follows:

“c) be authorized by at least 03 producers or importers that are required to fulfill the responsibility for recycling products or packaging to organize recycling.”

c) Clause 6 is amended as follows:

“6. MONRE shall assist in posting information about product and packaging recycling service providers (including their names; addresses; full name of the legal representative; contact information; environmental license or component environmental license) and information about parties authorized to recycle products and packaging in accordance with regulations set out under clause 5 of this Article (including their names; addresses; full name of the legal representative; type of product or packaging to be recycled by authorization) on the national EPR information system; such information shall be posted within 05 working days from the date of receiving the request from the provider or party.

A producer or importer is not permitted to hire any recycling service provider or authorized party if they fail to satisfy the requirements as prescribed by law.

The party authorized to organize recycling shall collect and take responsibility for the weight of products or packaging used as materials for the recycling service provider corresponding to the weight of the products or packing to be recycled by authorization; the authorized party is not permitted to authorize a third party, unless consent from the authorizing party is obtained.”.

36. Article 80 is amended as follows:

“Article 80. Registration of recycling plans and reporting of recycling results

1. Before every March 31, each producer or importer shall register their recycling plan for manufactured or imported products and packaging put on the market in the immediate previous year and submit a report on product and packaging recycling results of the previous year using the form regulated by the Minister of Natural Resources and Environment to MONRE. The producer or importer shall take legal responsibility for the accuracy of the registered information in their recycling plan and recycling result report.

Where the producer or importer of packaging and products: batteries, cells; lubricating oil; tires registered and implemented the packaging and product recycling plan in 2024, the weight of the packaging and products recycled in accordance with regulations of law shall be included in the packaging and product recycling result in 2025.

2. The producer or importer shall declare information about their registered recycling plan and recycling result report according to the form regulated by MONRE.

3. Before every March 31, the recycling service provider and the authorized party specified in points b and c clause 2 Article 79 of this Decree shall submit to MONRE a report on recycling results of the previous year to the producer or importer; form of the report is stipulated by the Minister of Natural Resources and Environment.

4. Producers and importers are encouraged to fulfill the responsibility for recycling products and packaging by adopting any method specified in point a clause 2 Article 54 of the LEP.”.

37. Article 81 is amended as follows:

“Article 81. Making financial contributions to VEPF to support recycling of products and packaging

1. Financial contributions made to VEPF for each type of product or packaging (F) shall be determined according to the formula: $F = R \times V \times F_s$, where:

F is the total amount of money payable by the producer/importer to VEPF for each type of product or packaging (unit: dong);

R is the mandatory recycling rate for each type of product or packaging as specified in clause 1 Article 78 of this Decree (unit: %);

V is the weight of the manufactured or imported product or packaging put on the market in the year in which the responsibility is fulfilled (unit: kg);

Fs is a reasonable and valid norm of recycling cost for a unit of weight of the product or packaging (unit: dong/kg), including cost of classifying, collecting, transporting and recycling the product or packaging (referred to as recycling costs) and cost of managing, supervising and supporting the fulfillment of the recycling responsibility by the producer/importer.

The recycling cost includes an adjustment coefficient, which reflects the collection rate and recycling value of a product or packaging; the product or packaging with a high collection rate and high recycling value has a low adjustment coefficient; the product or packaging with a low collection rate and low recycling value has a high adjustment coefficient.

The cost of managing, supervising and supporting the fulfillment of the product or packaging recycling responsibility by the producer/importer is 2% of the recycling cost.

2. Fs shall be promulgated in a manner that ensures the recycling cost and cost of managing, supervising and supporting the fulfillment of the product or packaging recycling responsibility is correctly and sufficiently calculated. The Minister of Natural Resources and Environment shall promulgate Fs for each product or packaging. Fs shall be adjusted every 03 years.

3. Financial contribution by the producer/importer to VEPF shall be made as follows:

a) Every producer/importer shall themselves declare and submit to MONRE before every March 31 a declaration of financial contributions for manufactured or imported products and packaging put on the market in the immediate previous year using the form regulated by the Minister of Natural Resources and Environment. The producer or importer shall take legal responsibility for the information provided in the declaration;

b) Before every April 20, the producer or importer shall fully pay the declared financial contributions in support of product or packaging recycling specified in point a of this clause to VEPF.”.

38. Article 82 is amended as follows:

“Article 82. Supporting product and packaging recycling activities

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

The bank deposit interests of financial contributions made to VEPF may be used to cover the cost of managing, supervising and supporting the fulfillment of the product and packaging recycling responsibility by producers and importers.

2. The financial contributions to VEPF for supporting recycling must be received and used in a public and transparent manner and for their intended purposes. VEPF shall report to MONRE and National EPR Council and make publicly available the receipt and use of financial contributions for recycling support on an annual basis before March 31 of the next year.

3. The Minister of Natural Resources and Environment shall preside over and cooperate with the Minister of Finance in submitting regulations on provision of financial support for product and packaging recycling activities to the Government for promulgation.”.

39. Article 83 is amended as follows:

a) Point b of clause 1 is amended as follows:

“b) Producers and importers have a revenue from sale of pesticides and products specified in Column 2 in the Appendix XXIII to this Decree not exceeding 30 billion dong.

The producers and importers specified in this clause refer to organizations and individuals responsible for quality and labelling of products and goods in Vietnam in accordance with regulations of law on quality of products and goods.”.

b) Clause 3 is amended as follows:

“3. Specific rate of financial contributions for each product or packaging is specified in Columns 3, 4 and 5 in the Appendix XXIII to this Decree. 2% of the financial contributions paid by a producer or importer to VEPF support the waste treatment shall be used to cover the annual cost of managing, supervising and supporting the fulfillment of the waste collection and treatment responsibility.”.

c) Clause 5 is amended as follows:

“5. The Minister of Natural Resources and Environment shall adjust and introduce rates of financial contributions for each type of product or packaging and amounts used to cover the cost of managing, supervising and supporting the fulfillment of the waste collection and treatment responsibility for the next 05-year periods.”.

40. Article 84 is amended as follows:

“Article 84. Making financial contributions to VEPF to support waste treatment activities

1. Every producer/importer shall themselves declare and submit to MONRE before every March 31 a declaration of financial contributions in support of waste treatment activities for manufactured or imported products and packaging put on the market in the immediate previous year using the

form regulated by the Minister of Natural Resources and Environment. The producer or importer shall take legal responsibility for the information provided in the declaration.

2. Before every April 20, the producer or importer shall fully pay the declared financial contributions in support of waste treatment activities specified in clause 1 of this Article to VEPF.”.

Where the producer or importer declared and paid financial contributions in support of waste treatment for the quantity of products or packaging manufactured or imported in 2024, unused amount of such financial contributions may be carried forward to pay financial contributions in 2025.”.

41. Article 85 is amended as follows:

“Article 85. Supporting waste treatment activities

1. Financial contributions in support of waste treatment activities must be received and used in a public and transparent manner and for their intended purposes.

VEPF shall report to MONRE and National EPR Council and make publicly available the receipt and use of financial contributions for waste treatment activities support on an annual basis before March 31 of the next year.

2. The bank deposit interests of financial contributions made to the VEPF may be used to cover the cost of managing, supervising and supporting the fulfillment of the waste collection and treatment responsibility by producers and importers.

3. The Minister of Natural Resources and Environment shall preside over and cooperate with the Minister of Finance in submitting regulations on provision of financial support for waste treatment activities to the Government for promulgation.”.

42. Clause 1 of Article 86 is amended as follows:

“1. The producers and importers specified in Articles 77 and 83 of this Decree shall make publicly available information about the products and packaging they produce and import, including: ingredients, fuels and materials; guidelines for classification, collection, reuse, recycling and treatment thereof; risk warnings during the recycling, reuse and treatment.

Methods of making information publicly available shall be decided by the producers and importers themselves; information may be made publicly available on goods labels or websites or using another appropriate method.”.

43. Article 87 is amended as follows:

“Article 87. National EPR information system

1. The National EPR information system is connected to databases of tax, customs and enterprise registration and related databases so as to ensure that the registration, reporting and declaration by producers and importers comply with law.

2. The opening, grant of privileges and classification of accounts on the National EPR information system shall be classified based on registering, declaring and reporting entities and other relevant entities.

3. MONRE shall build, manage and operate the National EPR information system.

4. After the National EPR information system is officially operated, the information concerning the fulfillment of responsibility by producers and importers specified in this Decree shall be registered, declared, reported, consolidated and managed on the National EPR information system.”.

44. Article 88 is amended as follows:

“Article 88. National EPR Council

1. The National EPR Council is tasked with advising and assisting the Minister of Natural Resources and Environment to manage, supervise and support the fulfillment of responsibility by producers and importers.

The National EPR Council shall operate on the principle of collectives and make its decisions under the majority rule. The National EPR Council is composed of the MONRE, Ministry of Finance, Ministry of Industry and Trade; representatives of producers and importers; representatives of recycling service providers, waste treatments service providers and representatives of social and environmental organizations concerned.

2. The National EPR has its assisting office located at MONRE (hereinafter referred to as “EPR Office”). The EPR Office is an independent accounting unit which has juridical personality, seal and account, and financial autonomy; is entitled to employ some MONRE’s tenured public officials and public employees who work on a part-time basis and employees who work under employment contracts.

The EPR Office has the financial autonomy of Group 1 public service providers (those that cover their recurrent expenditures and investment expenditures).

Operating costs of the National EPR Council shall be recorded as operating costs of the EPR Office. Limits on expenditures of the National EPR Council and EPR Office shall comply with regulations of law on financial autonomy mechanism applicable of public service providers and internal spending regulation of the EPR Office.

3. The Minister of Natural Resources and Environment shall decide to establish and promulgate regulations on organization and operation of the National EPR Council; regulate functions, tasks, powers and organizational structure of the EPR Office.

4. The cost of managing, supervising and supporting the fulfillment of product and packaging recycling responsibility specified in clause 1 Article 81, clause 1 Article 82 of this Decree and cost of managing, supervising and supporting the waste collection and treatment responsibility specified in clause 3 Article 83, clause 2 Article 85 of this Decree shall be recorded as the cost of managing, supervising and supporting the fulfillment of product and packaging recycling responsibility and waste collection and treatment responsibility.

The National EPR Council shall decide the amount of funding allocated to cover the cost of managing, supervising and supporting the fulfillment of product and packaging recycling responsibility and waste collection and treatment responsibility for operation of the National EPR Council, EPR Office, and disbursement and supervision activities of VEPF as prescribed in this Decree.

The amount allocated to VEPF shall be recorded as its revenues.”.

45. Article 91 is amended as follows:

a) Point b of clause 2 is amended as follows:

“b) It must have capacity for carrying out environmental monitoring of at least one of the environmental sample backgrounds consisting of: Continental surface water; wastewater; groundwater; seawater; ambient air; emissions; soil; sediment; sludge; solid waste; raw materials, fuels, materials, products, goods and equipment containing persistent pollutants. For each environmental sample background (except for emission sample) to be certified, the organization must be fully capable of carrying out both field monitoring and environmental analysis. The capacity for environmental analysis of each sample background (except for raw material, fuel, material, product, goods and equipment sample backgrounds) to be certified shall satisfy the minimum conditions set out in points c, d, dd, e and g of this clause;”.

b) Points e and g of clause 2 are amended and point h is added after point g of clause 2 as follows:

“e) Regarding the capacity for analysis of an sample of ambient air to be certified, it must be fully capable of environmental analysis of basic parameters specified in the national environmental technical regulation, including SO₂, NO₂, CO, total suspended particulate (TSP);

g) Regarding the capacity for analysis of a sample of soil or sediment or sewage sludge or solid waste to be certified, it must be fully capable of environmental analysis of prescribed basic parameters, including pH (except sediment background); heavy metals (including: As, Cu, Zn, Pb, Ni, Cd, Cr, Hg) or organic compounds (organochlorine compounds or organophosphorus compounds);

h) Regarding the analytical parameters to be certified, it must be fully capable of collecting samples of these parameters.”.

c) Point a of clause 4 is amended as follows:

“a) There must be at least 04 full-time officials responsible for environmental analysis of environmental components and analytical parameters to be certified; full-time officials responsible for environmental analysis must be fully capable of environmental analysis of the registered parameters;”.

46. Clause 2 of Article 97 is amended as follows:

“2. Entities, wastewater discharge rates and types required to carry out automatic and continuous monitoring of wastewater and periodic monitoring of wastewater are specified in the Appendix XXVIII enclosed herewith (except for businesses which connect their wastewater to the centralized wastewater treatment system, aquaculture facilities, facilities which have a system for treating wastewater produced from periodic cleaning of tanks separated from wastewater treatment systems, facilities which discharge heat exchanging water not containing chlorine or disinfectants to kill microorganisms and facilities which discharge water to dewater the mines, overflowing rainwater or domestic water generated from the mining of minerals as ordinary building materials or limestones). To be specific:

- a) The entities specified in Column 2 with the discharge rates specified in Column 4 in the Appendix XXVIII shall carry out automatic and continuous monitoring of wastewater and periodic monitoring of wastewater as specified in clauses 3 and 4 of this Article;
- b) The entities specified in Column 2 with the discharge rates specified in Column 5 in the Appendix XXVIII shall carry out automatic and continuous monitoring of wastewater or periodic monitoring of wastewater as specified in clauses 3 and 4 of this Article.”.

47. Point c clause 5 of Article 98 is amended as follows:

“c) Where the projects and businesses have carried out automatic and continuous monitoring of industrial dusts and emissions with the main monitoring parameters satisfying the environmental technical regulation for 03 consecutive years and the latest inspection result given by the competent authority (having their industrial dust and emission samples meeting environmental technical regulations) shows that no violation against regulations on industrial dust and emission discharge is found, they shall be exempted from periodic wastewater monitoring.

The owners of the projects and businesses shall send a written notification made using the form promulgated by MONRE to the licensing authority; if the environmental license is issued by a central government authority (except cases classified as national defense and security secrets), a written notification shall be also sent to the provincial specialized environmental protection authority for supervision purpose;”.

48. Clause 5 of Article 111 is amended as follows:

“5. The Ministry of Agriculture and Rural Development shall:

- a) Provide technical guidance on prevention of and response to environmental emergencies caused by natural disasters, dyke, lake and dam breach and domesticated animal diseases;

b) Preside over advising National Steering Committee for Civil Defense on organizing response to the national environmental emergencies caused by natural disasters, dyke, lake and dam breach, forest fire, domesticated animal diseases; participate in response to the national environmental emergencies as assigned by the National Steering Committee for Civil Defense.”.

49. Article 134 is amended as follows:

“Article 134. Tax, fee and charge incentives

1. Corporate income tax incentive: corporate income obtained from an investment project on the list of environmental protection activities eligible for incentives and assistance specified in clauses 1 and 2 in the Appendix XXX hereof shall be entitled to corporate income tax incentive in accordance with regulations of law on corporate income tax.

2. Export duty incentive: Any product manufactured from waste recycling and treatment activities on the list of environmental protection activities eligible for incentives and assistance specified in point dd clause 2 in the Appendix XXX hereof shall be exempt from export duty in accordance with regulations of law on export and import duties when satisfying all criteria below:

a) The product is manufactured from waste recycling and treatment activities of a project or business in conformity with the environmental license or component environmental license issued by the competent authority as prescribed by law, except for the product manufactured from raw materials derived from waste recycling and treatment activities of other organizations and individuals;

b) The conditions for ensuring quality of exports prescribed by the law on quality of products and goods are complied with;

c) Production activities are appropriate the registered business lines and objectives of the project as specified in the investment registration certificate or investment guideline approval decision (in case the project is granted an investment registration certificate or investment guideline approval decision) or equivalent document;

d) Waste is used as raw materials for production; raw materials being scrap imported from foreign countries are not used.

The weight of a product exempted from export duty shall be calculated based on the weight obtained from recycling and treatment of waste contained in the product proposed for duty exemption (excluding: Additives; scrap imported from foreign countries for production; raw materials derived from recycling and waste treatment activities of other organizations and individuals). Organizations and individuals shall declare the weight of the product proposed for export tax exemption based on the actual recycling and waste treatment activities of enterprises and documents proving their satisfaction of the criteria specified in points a, b, c and d of this clause according to the form specified in the Appendix XXXIa to this Decree and also take legal

responsibility for the accuracy upon declaration and provision of information so as for the customs authority to consider and grant duty exemption according to regulations.

Before March 31 in the next year, the customs authority where export duty exemption procedures are followed shall report information on enterprises exempted from export duty, and the weight and type of exports obtained from recycling and waste treatment activities to the authority granting the environmental license or component environmental license to implement measures to manage and inspect the enterprises' recycling and waste treatment activities in accordance with the law on environmental protection. The tax-related inspection and examination shall be carried out as per regulations of law on tax administration.

Organizations and individuals shall specify the results of exemption of duty on exports obtained from recycling and treatment activities in the periodic environmental protection reports of projects and businesses.

3. Import duty incentive: Specialized machinery, equipment, vehicles, tools and supplies used in waste treatment and environmental protection works shall be exempt from import duty in accordance with regulations of law on export and import duty when satisfying all criteria below:

a) Specialized machinery, equipment, vehicles, tools and supplies are imported for use in waste treatment and environmental protection works of projects and businesses providing centralized domestic solid waste collection, transport and treatment services and centralized domestic wastewater treatment services approved by competent authorities in accordance with investment law;

b) Specialized machinery, equipment, vehicles, tools and supplies which are imported for use in waste treatment and environmental protection works have been written in feasibility study reports or documents equivalent to feasibility study reports of investment projects or expansion investment projects in accordance with regulations of laws on investment, public investment, PPP investment and construction;

c) Investment projects and businesses have had their EIAR appraisal results approved by competent authorities or have been granted an environmental license or component environmental license as prescribed;

d) Specialized machinery, equipment, vehicles, tools and supplies are not included in the List of machinery, equipment, replacement parts, special-purpose vehicles, raw materials, supplies and semi-finished products manufacturable domestically promulgated by the Minister of Planning and Investment.

An organization or individual may be exempt from import duty only when they import specialized machinery, equipment, vehicles, tools or supplies for any project or business providing services of collection, transport and treatment of domestic solid waste and domestic wastewater of such project or business. The organization or individual shall take legal responsibility for the accuracy upon declaration and provision of information about type and quantity of imported specialized machinery, equipment, vehicles, tools and supplies and

documents proving their satisfaction of the criteria set out under points a, b, c and d of this clause according to the form specified in the Appendix XXXIb to this Decree and also take legal responsibility for the accuracy upon declaration and provision of information so as for the customs authority to consider and grant duty exemption as prescribed.

4. Other tax, fee and charge incentives shall comply with regulations of law on tax, fees and charges.”.

50. Article 151 is amended as follows:

a) Clause 2 is amended as follows:

“2. Carry out environmental remediation and improvement, including:

a) Eliminating environmental pollution, improving and remediating environment in areas where environmental pollution caused by a historic event occurs or in the case of failure to identify the entity causing pollution, consisting of areas contaminated with chemical residues during the war; areas contaminated with agrochemical residues; other soil pollution areas within the central government’s treatment jurisdiction; eliminating inter-provincial river and lake surface water pollution;

b) Activities serving baseline survey of water resources; water resource protection activities; restoration of degraded, depleted and polluted water sources; prevention, response to and recovery from damage caused by water within the central government jurisdiction, in conformity with regulations of law on environmental protection and law on water resources;

c) Land survey and assessment activities; land protection, improvement or restoration within the central government jurisdiction, in conformity with regulations of law on environmental protection and law on land.”.

b) Point d of clause 5 is amended as follows:

“d) Investigating, surveying, aggregating operation figures serving inventory of greenhouse gas (GHG), assessing GHG emissions at the national, sectoral, industry and internal levels, making a list of industries and facilities emitting GHG which are required to inventory GHGs; building and operating systems for measurement, reporting and verification of mitigation of GHG emissions at national, sectoral, industry and internal levels; preparing national and industry-level GHG inventory reports; formulating national and industry-level GHG mitigation plans; preparing national consolidated report on GHG emissions mitigation, industry-level report on GHG emissions mitigation; allocation of GHG emissions quotas;”.

c) Point e of clause 5 is amended as follows:

“e) Formulating a national climate change adaptation plan; building national and industry-level systems for supervising and assessing climate change adaptation; establishing criteria for determining climate adaptation investment projects and tasks; establishing criteria for assessing

impacts, vulnerabilities and risks and criteria for assessing loss and damage caused by climate change; preparing national and industry-level reports on assessment of impacts, vulnerabilities, risks, loss and damaged caused by climate change;”.

d) Point b of clause 7 is amended as follows:

“b) Assessing, reviewing and supervising the compliance with the law on environmental protection and climate change adaptation;”.

dd) Point h of clause 9 is amended as follows:

“h) Managing and disclosing environmental information; operating environmental information systems, environmental databases and climate change adaptation databases (including receiving, processing and exchanging information, maintaining, repairing and replacing information and data storage devices); updating and assessing statistical indicators, making environmental reports and climate change adaptation reports; evaluating and ranking environmental protection results;”.

e) Point m of clause 9 is amended as follows:

m) Operations of the Steering Committee, Coordinating Committee, Cross-sectoral Working Group, Committees and Councils for environmental protection and adaptation to climate change established by competent authorities; organization of conferences on environmental protection and adaptation to climate change under decisions of competent authorities and other administrative tasks in support of environmental protection and adaptation to climate change;

g) Point o of clause 9 is amended as follows:

“o) Other frequent expenditure state management activities in relation to environmental protection and adaptation to climate change within the central government’s jurisdiction as prescribed by law; other environmental protection and climate change adaptation activities decided by the Prime Minister.”.

51. Article 152 is amended as follows:

a) Clause 2 is amended as follows:

“2. Carry out environmental remediation and improvement, including:

a) Eliminating environmental pollution, improving and remediating environment in areas where environmental pollution caused by a historic event occurs or in the case of failure to identify the entity causing pollution, consisting of areas contaminated with chemical residues during the war; areas contaminated with agrochemical residues; other soil pollution areas within the local government’s treatment jurisdiction; eliminating inter-provincial river and lake surface water pollution in areas within the local government’s treatment jurisdiction;

b) Activities serving baseline survey of water resources; water resource protection activities; restoration of degraded, depleted and polluted water sources; prevention, response to and recovery from damage caused by water within the local government jurisdiction, in conformity with regulations of law on environmental protection and law on water resources;

c) Land survey and assessment activities; land protection, improvement or restoration within the local government jurisdiction, in conformity with regulations of law on environmental protection and law on land.”.

b) Point d of clause 5 is amended as follows:

d) Investigating, surveying, aggregating operation figures serving inventory of greenhouse gas at the national, sectoral and industry levels; updating the list of facilities emitting GHG which are required to inventory GHGs; monitoring, supervising and appraising results of GHG inventory at facilities under management; building and operating provincial systems for measurement, reporting and verification of mitigation of GHG emissions;”.

c) Point b of clause 7 is amended as follows:

“b) Assessing, reviewing and supervising the compliance with the law on environmental protection and climate change adaptation;”.

d) Point e of clause 9 is amended as follows:

“e) Managing and disclosing environmental information; operating environmental information systems, environmental databases and climate change adaptation databases (including receiving, processing and exchanging information, maintaining, repairing and replacing information and data storage devices); updating and assessing statistical indicators, making environmental reports and climate change adaptation reports; evaluating and ranking environmental protection results;”.

dd) Points i and k of clause 9 are amended as follows:

“i) Operations of the Executive Board and the Standing Office for Environmental Protection and Climate Change Adaptation decided by the competent authority;

k) Operations of the Steering Committee, Coordinating Committee, Cross-sectoral Working Group, Committees and Councils for environmental protection and adaptation to climate change established by competent authorities; organization of conferences on environmental protection and adaptation to climate change under decisions of competent authorities and other administrative tasks in support of environmental protection and adaptation to climate change;”.

e) Point m of clause 9 is amended as follows:

“m) Other frequent expenditure state management activities in relation to environmental protection and adaptation to climate change within the local government’s jurisdiction as

prescribed by law; other environmental protection and climate change adaptation activities decided by the Prime Minister.

The provincial People's Committee shall request the provincial People's Council to make a decision on specific expenditures on environmental protection activities to be covered by local government budgets.”.

52. Article 153 is amended as follows:

a) Point a of clause 1 is amended as follows:

“a) Expenditures on environmental protection:

Expenditures on performing the central government's tasks specified in Article 151 of this Decree, including: Clause 1; point a of clause 2 including investigation, survey and assessment of degree of environmental pollution, environmental elimination; points b and c of clause 2; point a (regarding the application of information technology eligible for recurrent expenditures under the law on information technology), points b and c of clause 3; clause 4; points a and c (except for points d and g clause 3, Article 73 of the Law on Biodiversity), points d, dd, e and g of clause 5; point a of clause 7; points a and c of clause 8 (reciprocal capital for environment service projects funded by aid); points a, b, dd, e, g, h, i, k and l of clause 9.

Expenditures on performing the local government's tasks specified in Article 152 of this Decree, including: Points a and b of clause 1; point a of clause 2 including investigation, survey and assessment of degree of environmental pollution, environmental elimination; points b and c of clause 2; point b (regarding the application of information technology eligible for recurrent expenditures under the law on information technology), points c and d of clause 3; clause 4; points a and c (except for points d and g clause 3, Article 73 of the Law on Biodiversity), points d, dd, e and g of clause 5; point a of clause 7; points a and b of clause 8 (reciprocal capital for environment service projects funded by aid); points a, b, dd, e, g, h and i of clause 9.”.

b) Clause 2 is amended as follows:

“2. State budget for covering development investment expenditures on environmental protection:

a) Expenditures on performing the central government's tasks specified in Article 151 of this Decree, including: Clause 2 (according to the investment projects), point a of clause 3 (regarding the application of information technology eligible for development investment expenditures under the law on information technology), points b and h of clause 5, point c of clause 8 (reciprocal capital for investment projects funded by aid), points c and n of clause 9;

b) Expenditures on performing the local government's tasks specified in Article 152 of this Decree, including: Points c and d of clause 1, clause 2 (according to the investment projects), points a and b of clause 3 (regarding the application of information technology eligible for development investment expenditures under the law on information technology), points b and h

of clause 5, point c of clause 8 (reciprocal capital for investment projects funded by aid), points 1 of clause 9;”.

53. Article 160 is amended as follows:

a) Point i of clause 2 is amended as follows:

“i) The Ministry of Finance shall develop, promulgate or submit to competent authorities for promulgation of regulations on management and use of deposits on environmental protection, establishment of domestic carbon market and green procurement according to regulations of law; aggregate and request competent agencies to allocate state budget for covering recurrent expenditures on environmental protection activities in accordance with law; organize the implementation of policies and laws on environmental protection in the customs field;”.

b) Point l of clause 2 is amended as follows:

“l) The State Bank of Vietnam shall organize the implementation of policies for environmental risk management during grant of green credit.”.

54. Article 163 is amended as follows:

a) Points dd and e of clause 5 are amended as follows:

“dd) Duration of the inspection:

The duration of an inspection of an organization, household or individual shall not exceed 07 days from the date of commencement of the inspection at the place of inspection. If the case is complicated and requires extensive inspection, the duration can be extended once for up to 07 more days. The duration shall not include the time of analysis, assessment and inspection of environmental samples (if any).

The duration of an inspection of multiple organizations, households or individuals shall not exceed 30 days from the date of commencement of the inspection at the place of inspection. If the case is complicated and requires extensive inspection, the duration can be extended once for up to 15 more days. The duration shall not include the time of analysis, assessment and inspection of environmental samples (if any).

Form of the decision on inspectorate establishment or extension of inspection duration shall be prescribed by MONRE;

e) The inspection decision shall be sent to the inspected entity within 05 days from the date on which it is issued, except for an unscheduled inspection carried out without prior notice under the regulations set forth in point a clause 3 Article 160 of the LEP and other relevant laws. The inspectorate shall conduct the inspection within 10 days from the date on which the inspection decision is issued;”.

b) Point h of clause 5 is amended as follows:

“h) The inspection shall be made into a record bearing the signatures and seals of the inspectorate’s chief or inspectorate’s deputy chief, organization’s legal representative (if any) as prescribed by law, and signature and full name of the inspected household’s or individual’s representative;”.

c) Point k is added after point i of clause 5 as follows:

“k) Before the unexpected inspection without prior notice, members of the inspectorate, public officials and public employees concerned must not notify and provide information about the process of proposal and issuance of unexpected inspection decision to the inspected entity.”.

55. Article 168 is amended as follows:

a) Clause 9 is amended as follows:

“9. Any group I investment project specified in the Appendix III hereof which has had its EIAR approved by the competent authority is not subject to preliminary EIA in any of the following cases:

a) The project has its EIAR approved by the competent authority before the effective date of this Decree with the result showing that the report was passed without any correction or addition or has its EIAR approved within 24 months before the effective date of this Decree;

b) The project has its EIAR approved by the competent authority but is yet to have its EIAR appraisal result approved but there is a change other than that specified in clause 2 Article 27 of this Decree, except where the result is not approved.”.

b) Clause 12 is amended as follows:

“12. Where one of the component environmental licenses of a business, dedicated area for production, business operation and service provision or industrial cluster is expired, its owner shall prepare an application for issuance of the environmental license as prescribed in this Decree, except where the license to discharge wastewater into water source or license to discharge wastewater into hydraulic structure is expired but another component environmental license remains unexpired as prescribed.”.

c) Clause 14 is amended as follows:

“14. Any investment project that has gone through construction process but has not yet been put into operation (whether it is trial operation in case there are waste treatment works that have to undergo trial operation or official operation in case of no waste treatment works that have to undergo trial operation) or operating business which has not yet obtained the decision on approval of EIAR appraisal result, component environmental license or environmental license under regulations of law on environmental protection shall incur a penalty according to the

Government's regulations on penalties for administrative violations against regulations on environmental protection. If, after the penalty is imposed, the investment project or business is not contrary to the planning; is suitable for environmental zoning and carrying capacity of environment, the investment project owner or business owner shall comply with the following regulations:

- a) For the investment project that is going through construction process and satisfies the environmental criteria equivalent to a subject required to prepare an EIAR but is not specified in point b of this clause, the investment project owner shall prepare an EIAR for the investment project that involves review, renovation, upgradation or addition of environmental protection works or environmental protection measures and submit it to a competent authority for approval of appraisal result as prescribed;
- b) For the investment project that has not yet been put into operation and satisfies the environmental criteria equivalent to a subject required to prepare an EIAR and obtain an environmental license, the investment project owner or business owner shall prepare an EIAR for the investment project that involves review, renovation, upgrading or addition of environmental protection works or environmental protection measures, submit it to a competent authority for approval of appraisal result as prescribed and comply with regulations of law on environmental protection applicable to such project;
- c) For the operating business that satisfies the environmental criteria equivalent to a subject required to obtain the environmental license and prepare an EIAR but fails to have the decision on approval of EIAR appraisal result, environmental license or component environmental license, the business owner shall prepare an application for issuance of the environmental license for the business and submit it to a licensing authority (which is the authority competent to approve EIAR appraisal result with respect to the investment project that satisfies the environmental criteria equivalent to such business in case such business has not had its EIAR appraisal result approved).

Regarding form of the report on proposal for issuance of environmental license, the regulations specified in clause 3 Article 28 of this Decree shall be complied with;

- d) For the operating business that satisfies the environmental criteria equivalent to a subject required to obtain the environmental license and not required to prepare an EIAR but fails to have the component environmental license or environmental license, the business owner shall prepare an application for issuance of the environmental license for the business and submit it to the authority competent to issue the environmental license as prescribed.

Regarding form of the report on proposal for issuance of environmental license, the regulations specified in clause 3 Article 28 of this Decree shall be complied with;

- dd) For the operating business that satisfies the environmental criteria equivalent to a subject required to prepare an EIAR and not required to obtain the environmental license but fails to have the decision on approval of EIAR appraisal result, the business owner shall carry out environmental registration as prescribed;

e) For the business located in at least 02 district-level administrative divisions, the provincial People's Committee has the power to issue the environmental license, except for the cases specified in clauses 1 and 2 Article 41 of the LEP.”.

d) Clause 15 is amended as follows:

“15. Any investment project that has gone through construction process but has not yet been put into operation and has not yet obtained the certificate of registration of the environmental protection plan or equivalent environmental documents according to regulations, the following regulations shall be complied with:

a) For the investment project or business that satisfies the environmental criteria equivalent to a subject required to obtain the environmental license, it shall incur a penalty according to the Government's regulations on penalties for administrative violations against regulations on environmental protection. If the investment project or business is not contrary to the planning; is suitable for environmental zoning and carrying capacity of environment, the investment project owner or business owner shall prepare an application for issuance of environmental license and submit it to the licensing authority as prescribed.

Regarding form of the report on proposal for issuance of environmental license, the regulations specified in clause 3 Article 28 of this Decree shall be complied with;

b) For the investment project or business that satisfies the environmental criteria equivalent to a subject required to carry out environmental registration, the investment project owner or business owner shall carry out environmental registration as prescribed.”.

dd) Clause 20 is added after clause 19 as follows:

“20. In case of discrepancies between the waste monitoring program approved under the environmental documentation of an operating business, dedicated area for production, business operation and service provision or industrial cluster as prescribed by law before the effective date of this Decree and this Decree, the latter shall prevail.”.

56. The Appendices I, II, III, IV, V, VIII, IX, X, XI, XIII, XV, XVI, XVII, XVIII and XXIX are amended; Appendices VIa and VIb are added before the Appendix VI; Appendices XXXIa and XXXIb are added before the Appendix XXXI in the Appendix section of the Government's Decree No. 08/2022/ND-CP dated January 10, 2022 on elaboration of several Articles of the Law on Environmental Protection.

Article 2. Replacing and repealing certain regulations of the Government's Decree No. 08/2022/ND-CP dated January 10, 2022 on elaboration of several Articles of the Law on Environmental Protection:

1. Several Appendices are replaced:

a) Appendix XXII;

b) Appendix XXIII.

2. Several phrases are replaced:

a) The phrase “Ủy ban quốc gia ứng phó sự cố, thiên tai và Tìm kiếm cứu nạn” (“National Committee for Search and Rescue”) in clause 2 of Article 109 and clause 1 of Article 110 is replaced with the phrase “Ban chỉ đạo Phòng thủ dân sự quốc gia” (“National Steering Committee for Civil Defense”);

b) The phrase “Lực lượng Cảnh sát phòng, chống tội phạm về môi trường” (“Environmental Crime Prevention and Control Police shall”) in Article 163 and Article 164 is replaced with the phrase “Đơn vị Công an nhân dân có chức năng, nhiệm vụ phòng, chống tội phạm về môi trường” (“Public’s Security Unit having the functions and tasks of environmental crime prevention and control”).

3. Point b clause 4 Article 65, clause 7 of Article 79, point c clause of Article 83, clause 2 of Article 162, clause 1 and points a, d and dd clause 2 of Article 167, Appendix XII are repealed.

Article 3. Amending and repealing certain Articles of related Decrees

1. Several Articles of the Government’s Decree No. 134/2016/ND-CP dated September 01, 2016 on guidelines for the Law on Export and Import Duties are amended and repealed as follows:

a) Clause 3 of Article 25 is amended as follows:

“3. Criteria for identification of specialized machinery, equipment, vehicles, tools and supplies imported for environmental protection and exported products manufactured from waste recycling and treatment activities shall comply with regulations of law on environmental protection.”.

b) Clause 6 of Article 40 is repealed.

2. Several Articles of the Government’s Decree No. 31/2021/ND-CP dated March 26, 2021 on elaboration of some Articles of the Law on Investment are amended as follows:

a) Clause 4 of Article 32 is amended as follows:

“4. Within 15 days from the receipt of the Ministry of Planning and Investment’s request for opinions, the enquired authorities shall give their appraisal opinions about the contents under their state management to the Ministry of Planning and Investment.

If the project is subject to EIA as per regulations of law on environmental protection, MONRE shall fulfill the responsibility specified in this clause for contents of EIA.”.

b) Point c clause 4 of Article 33 is amended as follows:

“c) Within 15 days from the receipt of the investment registration authority’s request for opinions, the enquired authorities shall give their appraisal opinions about the contents under their state management to the investment registration authority.

If the project is subject to EIA as per regulations of law on environmental protection, the provincial specialized environmental protection authority shall fulfill the responsibility specified in this clause for contents of EIA.”.

Article 4. Implementation clause

This Decree comes into force from the date on which it is signed.

Article 5. Transitional clauses

1. Any sufficient and valid document received by the competent authority to be processed following the environmental administrative procedures before the effective date of this Decree (except for transitional clauses prescribed in Article 168 of the Decree No. 08/2022/ND-CP) shall continue to be processed according to the regulations at the time of receipt, except where an organization or individual requests that it be processed in compliance with this Decree.

The consultation dossiers used in EIA prepared in accordance with law before the effective date of this Decree shall continue to be used in the process of handling environmental administrative procedures in accordance with this Decree.

2. Any project or business granted an environmental license before the effective date of this Decree but not required to obtain an environmental license as prescribed in this Decree may choose to continue using the granted environmental license until its expiry date or comply with other regulations on environmental protection. The granted environmental license will expire in case the investment project owner or business owner follows environmental registration procedures according to regulations or expire in case the project or business is exempt from environmental registration.

3. Any project or business granted an environmental license or component environmental license which covers the import of scrap from foreign countries as raw materials for production by the competent authority before the effective date of this Decree shall continue the import until the expiry date of the environmental license or component environmental license.

4. Each provincial People's Committee shall appraise the application for issuance of environmental license and issue the environmental license to any project or business which has its EIAR appraisal result approved by MONRE in accordance with regulations of law at the time before the effective date of this Decree and falls into one of the following cases:

a) The project is not specified in the Appendix III of the Government’s Decree No. 08/2022/ND-CP amended by clause 56 Article 1 of this Decree, except for the projects that fall into one of the cases: it is located in at least 02 provincial-level administrative divisions; it is located within the territorial waters to which responsibility of the provincial People’s Committee for administrative

management are yet to be assigned; the wastewater receiving body is the inter-provincial surface water source announced by MONRE in accordance with regulations of law on water resources;

b) The project falls into the case specified in clause 1 Article 26a of the Government's Decree No. 08/2022/ND-CP amended by clause 7 Article 1 of this Decree;

c) The operating business is equivalent to the subjects specified in points a and b of this clause.

The time limit and fees for appraisal of applications for issuance for environmental license in the cases specified in this clause are the same as those for projects and business under the authority of the provincial People's Committee.

5. Any operating business which is required to obtain an environmental license within 36 months from the effective date of the Law on Environmental Protection as prescribed in point d clause 2 Article 42 of the Law on Environmental Protection but is not required to obtain an environmental license as prescribed in this Decree shall carry out environmental registration before April 01, 2025, unless it is exempt from environmental registration.

6. Any owner of the business which is operating but fails to have a component environmental license as prescribed must conduct trial operation of waste treatment works as prescribed in Article 31 of the Government's Decree No. 08/2022/ND-CP amended by clause 13 Article 1 of this Decree.

7. Where the appraisal result for the application for issuance of environmental license is available and the application is being revised and supplemented before the effective date of this Decree, the project owner or business owner shall, within 12 months from the effective date of this Decree, complete the application and submit it to the licensing authority in order to obtain the environmental license by the prescribed deadline. After this deadline, the licensing shall be subject to the regulations set out in Article 43 of the Law on Environmental Protection.

Article 6. Responsibility for implementation

1. Ministers, ministerial agencies, Governmental agencies, provincial People's Committees shall provide guidelines for implementation of Articles and clauses assigned in this Decree and review promulgated documents to amend or replace them so that they conform to this Decree.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People's Committees at all levels, organizations and individuals concerned are responsible for the implementation of this Decree.

**FOR THE GOVERNMENT
PP. THE PRIME MINISTER
THE DEPUTY PRIME MINISTER**

Tran Hong Ha