

**LAW**

**ON ENVIRONMENTAL PROTECTION**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly hereby promulgates the Law on Environmental Protection.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Governing scope**

This Law provides statutory provisions on environmental protection activities; measures and resources used for the purpose of environmental protection; rights, powers, duties and obligations of regulatory bodies, agencies, organizations, households and individuals who are tasked with the environmental protection task.

**Article 2. Applicable entities**

This Law is applied to regulatory bodies, public agencies, organizations, family households and individuals within the territory of the Socialist Republic of Vietnam, including mainland, islands, territorial waters and airspace.

**Article 3. Interpretation of terms**

In this Law, the terms shall be construed as follows:

1. *Environment* refers to a system of natural and artificial physical factors affecting the existence and development of human beings and creatures.
2. *Environment components* refer to physical constituent elements forming an integral part of the environment such as land, water, air, sound, light, organism and things in other physical forms.
3. *Environmental protection* refers to the environmental conservation, and the prevention and control of harmful impacts on environment; the response to environmental emergencies; the mitigation of environmental pollution, degradation, improvement and remediation; proper extraction and consumption of natural resources for the purpose of maintaining a pure environment.
4. *Sustainable development* refers to the formal process in which the development can help keep pace with rigorous needs that emerge at the present time without causing any harm to the likelihood of future generations' satisfying such needs on the basis of sustaining a close and harmonious cooperation amongst the economic growth, social progress and environmental protection.
5. *Technical regulations on environment* refer to a set of parameters relating to the environmental quality in surrounding areas, amount of contaminants that remain in wastes,

technical and managerial requirements which are issued by a competent regulatory authority in the form of a written document that entities involved must be binding on to serve the purpose of environmental protection.

6. *Environmental standards* refer to a set of parameters relating to the environmental quality in surrounding areas, amount of contaminants that remain in wastes, technical and managerial requirements which are issued by a competent regulatory authority in the form of a written document that entities involved may choose to follow at their discretion to serve the purpose of environmental protection.

7. *Environmental health* refers to the state of physical factors in the environment that can affect the human health and cause human diseases.

8. *Environmental pollution* refers to the change in the environment components in breach of technical regulations on environment and environmental standards, which can result in adverse impacts on human beings and creatures.

9. *Environmental degradation* refers to a reduction in the quality and amount of environment components, which can pose a threat to human beings and creatures.

10. *Environmental emergencies* refer to any unexpected event that happens as a result of human activities or environmental changes, which can seriously contaminate, degrade or disturb the environment.

11. *Environmental contaminant* refers to chemicals, physical and biological substance, when introduced into the environment, that exceed the permitted benchmark, resulting in the environmental pollution.

12. *Wastes* refer to a kind of materials emitted from activities such as manufacturing, trading, service, daily activities and others.

13. *Hazardous wastes* refer to the waste that exhibits one or more of hazardous traits such as toxicity, reactivity, infectivity, ignitability, corrosivity or other poisonous characteristics.

14. *Environmental industry* refers to an economic sector that involves the supplying of technological solutions, equipment, services and products used to suit the requirements for environmental protection.

15. *Waste management* refers to the process of prevention, control, minimization, monitoring, classification, collection, transportation, reuse, recycling and disposition of wastes.

16. *Scrap* refers to materials that are collected, classified and selected from discarded materials and products during the manufacturing or consumption process, which can be then reused as materials for another manufacturing process.

17. *Environment's maximal load* refers to the maximum resistance of the environment against influential factors which can enable the environment itself to be remediated.

18. *Pollution control* refers to the process for preventing, detecting, controlling and removal of pollutants or contaminants.

19. *Environmental regulatory dossier* refers to a combination of documents on the environment and environmental protection processes and activities performed by agencies, organizations, and businesses in accordance with laws.

20. *Environmental monitoring* refers to the formal processes and activities that need to take place to monitor the quality and components of the environment in a systematic manner as well as factors affecting the environment in order to provide necessary information to prepare the assessment on current status and change of the environment quality, and harmful impacts on the environment.

21. *Planning for environmental protection* refers to the environmental zoning scheme to conserve, develop and establish technical infrastructural systems for the environmental protection in line with a range of measures to be taken to protect the environment, which must be closely connected with the general planning for socio-economic development to aim for the sustainable development.

22. *Strategic environmental assessment* refers to the analysis and forecast of existing or potential impacts on the environment, which have been described in the development strategy, planning and proposal, in order to provide measures to control and reduce adverse impacts on the environment, and to serve as a ground for and to be incorporated in such development strategy, planning and proposal with the objective of ensuring the sustainable development.

23. *Environmental impact assessment* refers to the analysis and prediction of environmental impacts of specific investment projects in order to take preventive measures to protect the environment during the implementation of such projects.

24. *Environmental protection infrastructure* refers to the system for collecting, storing, transporting, recycling, reusing and disposing waste substances and monitoring the environment.

25. *Greenhouse gas* refers to a gas in an atmosphere causing the global warming and climate change.

26. *Response to climate change* refers to actions that human beings may take to adapt to and mitigate the climate change.

27. *Carbon credit* refers to any tradable certificate or permit relating to a reduction in greenhouse gas emission.

28. *Environmental security* refers to the assurance about none of significant threats posed by environmental events and trends to the politic and social stability as well as the economic growth in a country.

29. *Environmental information* refers to environmental figures and data represented in the form of signs, letters, numbers, images, sounds or the like.

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

1. Environmental protection is the responsibilities and obligations of every agency, organization, family household and individual.

2. Environmental protection must harmonize with the economic growth, social security, assurance about the children's right, promotion of gender equality, development and conservation of biodiversity, response to climate changes, in order to ensure the human right to live in a pure environment.

3. Environmental protection must be performed on the basis that natural resources are properly consumed and amount of waste substances are reduced to a minimum.

4. National environmental protection must conform to the regional and global environmental protection; environmental protection must ensure no harm to the national sovereignty and security.
5. Environmental protection must comply with the natural laws and characteristics, cultural and historical identities as well as the level of socio-economic development of the country.
6. Environmental protection activities must be carried out in a regular manner, and prioritize the prevention and control of environmental pollution, emergencies and degradation.
7. Any organization, family household or individual, who uses environment components and profits from the environment, is obliged to make their financial contribution to the environmental protection task.
8. Any organization, family household or individual, who causes environmental pollution, emergencies and degradation, is responsible to find remedial solutions, pay damages and assumes other responsibilities as stipulated by laws.

#### **Article 5. Regulatory policies on the environmental protection**

1. Facilitate the involvement of organizations, family households and individuals in the environmental protection activities; inspect and supervise the performance of environmental protection activities in accordance with laws.
2. Propagate, raise people's awareness of environmental protection in association with impose administrative punishments; introduce economic measure and others to reinforce statutes and etiquettes of the environmental protection.
3. Conserve the biological diversity; extract and use natural resources in a proper and economical manner; develop green and renewable energy; strengthen recycling, reuse and reduce waste substances to a minimum.
4. Prioritize the solutions to pressing environmental problems, serious environmental pollution and water contamination; enhance the environmental protection at residential areas and improve the environmental protection infrastructure.
5. Diversify investment funds for the environmental protection; reserve a specified amount of expenditures allocated from the government budget for the environmental protection, which equals to a gradual increase in the growth rate; perform the consistent management of funds for the environmental protection and prioritize the utilization of these funds for key industries in the environmental protection.
6. Provide financial and land preferences and supports for the environmental protection activities, environment-friendly manufacturers and businesses.
7. Intensify the training for workforce involved in the environmental protection task.
8. Increase the development of environmental technology and science; prioritize the study, transfer and application of technological advances, high and eco-friendly technologies; introduce environmental standards to better meet the requirements for the environmental protection.
9. Combine environmental and natural resource protection activities with the response to climate change and environmental security assurance.

10. Commend and reward agencies, organizations, family households and individuals for their active role in environmental protection activities.

11. Seek and enter into more international cooperation in the environmental protection; fulfill the international commitment to the environmental protection.

#### **Article 6. Course of actions that are advised to take to protect the environment**

1. Communicate, educate and mobilize people to participate in the environmental protection, keep the environment clean, protect natural landscapes and biodiversity.

2. Protect and use natural resources in an appropriate and cost-efficient manner.

3. Control, collect, reuse and recycle wastes.

4. Bring forth the response to climate change; develop and use green and renewable energy sources; make a reduction in the greenhouse gas emission and gases causing the ozone layer depletion.

5. File an application for registration as eco-friendly establishments and products; manufacture, trade and consume eco-friendly products.

6. Conduct scientific researches, technology transfer and apply the technology for the disposal and recycling of wastes, and environment-friendly technologies.

7. Invest in establishing plants for the production of devices and equipment used for the environmental protection; supply environmental protection services; carry out the environmental auditing; provide green credits and investments.

8. Conserve and develop indigenous genes; produce and import genetic resources which are of high economic value and environmental benefit.

9. Erect eco-friendly villages and hamlets at mountainous areas and minority communities, and residential zones.

10. Develop organizations and environmental sanitation services in various forms, which shall be autonomously managed by the residential community.

11. Form good life styles and habits towards the environmental sanitation; eradicate depraved customs that can pose risks to the environment.

12. Contribute intellectual, effort and financial contribution to environmental protection activities; enter into public-private partnership in the environmental protection.

#### **Article 7. Prohibited acts**

1. Ruin and illegally extract natural resources.

2. Obtain biotic resources by means of mass-killing equipment, devices and methods; carry out such production process in wrong seasons and in breach of legal regulations on the permitted productivity.

3. Obtain, trade and consume wild plants and animals identified in the list of preferentially-protected endangered, precious and scarce species, regulated by the competent authority.

4. Transport and bury poisons, radioactive substances, wastes and other hazardous substances in violation of technical process of the environmental protection.

5. Get rid of untreated wastes or sewage to meet the rigorous standards stipulated in technical regulations on environment; spread toxics, radioactive substances and other hazardous substances out to the land, water and air.
6. Discharge hazardous wastewater, waste substances and microorganisms and other poisonous agents which can impose risks to human beings and creatures into water sources.
7. Discharge smoke, dirt and gas containing toxic agents or smells into the air; emit the radiation, discharge the radioactivity and get substances to be exposed to the ionization, which exceeds the acceptable level stipulated in the technical regulations on environment.
8. Generate noises and vibrations in excess of the acceptable level stipulated in the technical regulations on environment.
9. Import and transit waste substances from overseas countries in any form.
10. Import and transit untested animals, plants, and microorganisms that are not identified in the list of permitted species.
11. Manufacture and trade products likely to pose risks to human beings, creatures and ecology; manufacture and utilize raw materials and building materials containing toxic agents in excess of the acceptable level prescribed in the technical regulations on environment.
12. Sabotage or infringe upon natural heritage sites and wildlife sanctuaries.
13. Wreck structures, equipment and facilities used for environmental protection activities.
14. Carry out illegal operations and live in areas defined as banned areas by the competent authority due to their seriously dangerous environment for human beings.
15. Conceal acts of environmental depletion as well as interfere with the environmental protection and misrepresent the information that can cause bad effects on the environment.
16. Abuse the power or authority, or overuse powers or lack responsibilities of the competent entities to infringe upon the regulations on environmental management.

## **Chapter II**

### **PLANNING FOR ENVIRONMENTAL PROTECTION, STRATEGIC ENVIRONMENT ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL PROTECTION PLAN**

#### **Section 1. PLANNING FOR ENVIRONMENTAL PROTECTION**

##### **Article 8. Principle, level and term of the planning for environmental protection**

1. Planning for environmental protection must comply with the following principles:
  - a) Conform to the natural, socio-economic conditions; the general strategy and planning for the socio-economic development, and national defense and security maintenance; the national environment protection strategy with the aim of ensuring the sustainable development;
  - b) Ensure the conformity to the planning for land use; keep basic contents given in the planning for environmental protection consistent;
  - c) Ensure the conformity to principles of environmental protection as prescribed in Article 4 of this Law.

2. Planning for environmental protection shall include 02 levels such as the planning for environmental protection at the national and provincial level.
3. The planning period of environmental protection is 10 years with a vision to 20 years later.

#### **Article 9. Basic contents of the planning for environmental protection**

1. The national-level planning for environmental protection consists of the basic contents as follows:
  - a) Assessment on current environmental status, environmental management, prediction for trends towards environmental and climate changes;
  - b) Environmental zoning;
  - c) Biodiversity and forest conservation;
  - d) Environmental management of sea, islands and river basins;
  - dd) Waste management;
  - e) Environmental protection infrastructure; environmental monitoring system;
  - g) Planning maps representing contents prescribed at Points b, c, d, dd and e of this Clause;
  - h) Resources required for the implementation;
  - i) Implementation.
2. The provincial-level planning for environmental protection must align with the specific conditions that exist in each locality through a separate or integrated planning as per the general planning for the socio-economic development.
3. Details of this Article shall be regulated by the Government.

#### **Article 10. Responsibility for preparing the planning for environmental protection**

1. The Ministry of Natural Resources and Environment shall prepare the national-level planning for environmental protection.
2. People's Committees of centrally-governed cities and provinces (hereinafter referred to as provincial People's Committee) shall take charge of formulating processes or preparing the local planning for environmental protection.

#### **Article 11. Consultation on, inspection and approval of the planning for environmental protection**

1. Consultation on the preparation of the planning for environmental protection is regulated as follows:
  - a) The Ministry of Natural Resources and Environment shall consult with Ministries, regulatory agencies and provincial People's Committees in writing and hold an official consultation with relevant regulatory agencies and organizations during the preparation of the national-level planning for environmental protection;
  - b) Provincial People's Committees shall consult with departments, regulatory agencies and People's Committees of a district, town or city (hereinafter referred to as district-level People's Committee) in writing and hold an official consultation with relevant regulatory agencies and

organizations during the preparation of the provincial-level planning for environmental protection.

2. Inspection and approval of the planning for environmental protection shall be required as follows:

- a) The Ministry of Natural Resources and Environment shall establish a Council for interdisciplinary inspection and prepare the national-level planning for environmental protection for submission to the Prime Minister with the intent to seeking the approval for that planning.
- b) Provincial People's Committee shall inspect and approve the report on the provincial-level planning for environmental protection after obtaining written advice from the Ministry of Natural Resources and Environment.

3. Details of this Article shall be regulated by the Government.

### **Article 12. Review and modification of the planning for environmental protection**

1. The planning for environmental protection must be periodically rechecked, revised and assessed in terms of the developmental process of that planning in order to make any proper adjustment thereto for the purpose of enabling the planning to conform to the socio-economic development conditions in each period. Time span for the periodical review of the planning for environmental protection shall be within a period of 5 years that begins with the approval date.

2. Adjustment and revision to the planning for environmental protection shall be commenced whenever the strategy for socio-economic development, national defense and security maintenance at national level or provincial level is adjusted. Such efforts shall be made in accordance with regulations specified in Articles 8, 9, 10 and 11 enshrined in this Law and other legal instruments.

## **Section 2. STRATEGIC ENVIRONMENT ASSESSMENT**

### **Article 13. Strategic environment assessment objects**

1. Strategic environment assessment objects include:

- a) General strategy and planning for socio-economic development of socio-economic regions, key economic regions, corridors and belts;
- b) General planning for socio-economic development of centrally-governed cities and provinces and special administrative – economic units;
- c) Strategy and planning for development of economic, processing and exporting, high technology, and industrial zones;
- d) Strategy and planning for extraction and utilization of natural resources that require an inclusion of 02 or more provinces;
- dd) Strategy, planning and proposal for industrial and sectoral development at the national, local and provincial level that can significantly affect the environment;
- e) Adjustment to the strategy, planning and proposal for specified objects described at Points a, b, c, d and dd of this Clause.

2. List of strategic environment assessment objects shall be regulated by the Government.

### **Article 14. Carrying out the strategic environment assessment**

1. The regulatory agencies tasked with the preparation of strategy, planning and proposal as stipulated in Clause 1 Article 13 of this Law shall assume their responsibility for preparing or hiring an advisory organization to prepare the report on strategic environment assessment.
2. The strategic environment assessment must be carried out simultaneously with the process for preparing the strategy, planning and proposal.
3. The final result of the strategic environment assessment must be checked and incorporated into the strategy, planning and proposal.
4. On the basis of carrying out the strategic environment assessment, the regulatory agencies tasked with the preparation of strategy, planning and proposal shall assume their responsibility for preparing the report on strategic environment assessment for submission to the competent authority for the inspection purpose.

#### **Article 15. Main subject-matters of the report on strategic environment assessment**

1. Necessity and legal grounds for the task of preparing the strategy, planning and proposal.
2. Method for carrying out the strategic environment assessment.
3. Summary of subject-matters included in the strategy, planning and proposal.
4. Natural and socio-economic environment of an area which is affected by the strategy, planning and proposal.
5. Assessment on the conformity of the strategy, planning and proposal to environmental protection viewpoints and objectives.
6. Assessment and prediction with reference to the positive and negative trend towards environmental issues to be provided in the case of implementing the strategy, planning and proposal.
7. Assessment and prediction with reference to the trend in climate change impacts in the course of implementing the strategy, planning and proposal.
8. Consultation to be required in the process of the strategic environment assessment.
9. Measures for sustaining the positive trends, controlling and mitigating negative trends towards environmental issues in the process of the strategy, planning and proposal.
10. Issues that need to be further researched in the process of implementing the strategy, planning, proposal, and recommended solutions.

#### **Article 16. Verification of the report on strategic environment assessment**

1. Responsibility for verifying the report on strategic environment assessment shall be specified as follows:
  - a) The Ministry of Natural Resources and Environment shall carry out the verification of the report on strategic environment assessment in respect of the strategy, planning and proposal decided by the National Assembly, Government and the Prime Minister;
  - b) Ministries and quasi-ministerial agencies shall arrange to verify the report on strategic environment assessment in respect of the strategy, planning and proposal within their jurisdiction;

c) Provincial People's Committees shall verify the report on strategic environment assessment in respect of the strategy, planning and proposal within their authority to grant approval and within the jurisdiction of People's Council at the same administrative level.

2. The verification of the report on strategic environment assessment must be performed by an inspection council established by the head or the person who takes over as a leader of the agency in charge of preparing the report on strategic environment assessment.

3. The agency in charge of verifying the report on strategic environment assessment shall arrange to inspect and assess the information given in the report on strategic environment assessment; conduct a poll to collect opinions from regulatory agencies, organizations and experts involved.

#### **Article 17. Receiving the verification comments and reporting the conclusive result of verification of the report on the strategic environment assessment**

1. The regulatory agencies in charge of developing the strategy, planning and proposal shall assume their responsibility for completing the report on strategic environment assessment and preparing a written draft of the strategy, planning and proposal on the basis of conducting proper researches and referring to responses from the inspection council.

2. The regulatory in charge of verifying the report on strategic environment assessment shall send a written report on the verification result to the competent authority to obtain the approval for the strategy, planning and proposal.

3. The conclusive result of verification of the report on strategic environment assessment shall serve as the ground for the approval of strategy, planning and proposal granted by the competent authority.

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

#### **Article 18. Environmental impact assessment objects**

1. Environmental impact assessment objects consist of:

a) Projects subject to the decision on investment intentions made by the National Assembly, Government and the Prime Minister;

b) Projects that use land parcels situated in wildlife sanctuaries, national parks, historical – cultural monuments, world heritage sites, biosphere reserves, scenic beauty areas that have been ranked;

c) Projects that can cause bad effects on the environment.

2. List of projects mentioned at Points b and c Clause 1 of this Article shall be regulated by the Government.

#### **Article 19. Carrying out the environment impact assessment**

1. Owners of projects regulated in Clause 1 Article 18 of this Law shall carry out, on his own, or hire an advisory organization to carry out the environmental impact assessment and take statutory responsibility for the conclusive result after carrying out such assessment.

2. The environment impact assessment must be performed in the preparatory stage of the project.

3. The conclusive result yielded after carrying out the environment impact assessment shall be expressed in the form of the report on environmental impact assessment.

4. Expenses incurred from the formulation and inspection of the report on environmental impact assessment, and included in total investment budget shall be covered by the project owner.

#### **Article 20. Remaking the report on the environment impact assessment**

1. Project owners must repeat the report on the environment impact assessment when:

- a) The project is not executed within a period of 24 months as from the date on which the decision on approving the report on environmental impact assessment is made;
- b) Project location has been changed as against the approved plan specified in the report on environmental impact assessment;
- c) An increase in the size, capacity and technological changes can cause adverse impacts on the environment in comparison with the approved alternatives identified in the report on environmental impact assessment.

2. Details of Point c Clause 1 in this Article shall be regulated by the Government.

#### **Article 21. Consultation to be required in the process of the strategic environment assessment**

1. The consultation to be required in the process of environmental impact assessment is aimed at completing the report on environmental impact assessment, helps minimize the bad impacts on the environment and human beings and ensure the sustainable development of the project.

2. Project owners are obliged to consult with regulatory agencies, organizations and communities that are directly affected by the project.

3. Projects that do not require the consultation include:

- a) Those in conformity with the planning for concentrated manufacturing, trading and service provision areas under the approval of the report on environmental impact assessment at the infrastructural construction stage for the project;
- b) Those specified in the list of state secret projects.

#### **Article 22. Main subject-matters of the report on environmental impact assessment**

1. Origin of the project, project owners, and the competent authority's approval of the project; method of the environmental impact assessment.

2. Evaluation of technological choice, work items and any activity relating to the project which can cause bad effects on the environment.

3. Assessment of current status of natural and socio-economic environment carried out at areas where the project is located, adjacent areas and demonstration of the suitability of the selected project site.

4. Assessment and forecast of waste sources, and the impact of the project on the environment and community health.

5. Assessment, forecast and determination of measures for managing the risks of the project posed to the environment and community health.

6. Waste disposal measures.

7. Measures for minimizing the impact of the project on the environment and community health.

8. Consultation result.

9. Environmental management and supervision programs.

10. Budget estimate for the construction of environmental protection facilities and measures to be taken to minimize the environmental impact.

11. Alternatives to the application of measures for the environment protection.

### **Article 23. Authority to verify the report on environmental impact assessment**

1. The Ministry of Natural Resources and Environment shall arrange to verify the report on environmental impact assessment in respect of the following projects:

a) Projects subject to the decision on investment intentions made by the National Assembly, Government and the Prime Minister;

b) Interdisciplinary or inter-provincial projects stipulated at Points b and c Clause 1 Article 18 in this Law, exclusive of those classified as the secret projects in the field of national defense and security;

c) Projects verified by the Government's authorized entities.

2. Ministries and quasi-ministerial agencies shall inspect the report on environmental impact assessment in respect of projects that shall be permitted under their decision and approval, but are not specified in regulations mentioned at Points b and c Clause 1 of this Article.

3. The Ministry of National Defense and the Ministry of Public Security shall arrange to verify the report on environmental impact assessment in respect of projects that shall be permitted under their decision and approval, and those classified as the secret projects in the field of national defense and security.

4. Provincial People's Committees shall arrange to verify the report on environmental impact assessment in respect of investment projects within their territories that are not regulated at Clause 1, 2 and 3 of this Article.

### **Article 24. Verification of the report on environmental impact assessment**

1. The Head or the person who takes over as a leader of the agency in charge of the verification task shall arrange to carry out the verification of the report on environmental impact assessment by means of seeking the permission from the inspection council or obtaining advisory opinions from relevant agencies and organizations, and concurrently bear legal responsibility for their verification result.

2. Members of the inspection council and entities that are requested to contribute their advisory opinions shall be legally responsible for such of their opinions.

3. When necessary, the agency in charge of verification shall arrange to conduct a poll to obtain the critical opinions from other institutions, organizations and experts in relation to the verification of the report on environmental impact assessment.

4. Within a verification period, where any adjustment or supplementation is required, the inspection agency is responsible to send a written notification thereof to the project owner.

### **Article 25. Approval of the report on the environmental impact assessment**

1. Within a period of 20 days which begins with the date when the report on environmental impact assessment is received after being adjusted at the request of the verification agency, the head or the person who takes over as the leader of the inspection agency shall be responsible to approve the report on environmental impact assessment; if the report is rejected, the project owner must be notified in writing in which the reasons for such rejection must be clearly explained.

2. Decision on verifying the report on environmental impact assessment shall serve as the ground for the competent authority's following tasks:

a) Decision on the intention to invest in the projects specified in Article 18 of this Law must be granted if the project is required to obtain such decision in accordance with laws.

b) Issuing and revising the prospecting permit, mineral extraction permit in respect of the mineral exploration and extraction projects;

c) Approving the plan for prospecting or exploration, and the plan for mine development in respect of petroleum exploration and extraction;

d) Issue and revising the construction permit in respect of the projects on the development of works or structures that are required to obtain the construction permit before commencement;

dd) Issuing the investment certificate with reference to projects that are not regulated at Points a, b, c and d in this Clause.

#### **Article 26. Responsibility assumed by the project owner after being granted the approval of their report on the environmental impact assessment**

1. Comply with the requests specified in the approval of their report on environmental impact assessment.

2. Where any change in the project size, capacity and technology applied in the project execution is blamed for the bad impact on the environment in comparison with the alternatives given in the approved report on environmental impact assessment, but is not too serious to make another report as stipulated at Point c Clause 1 Article 20 pf this Law, the project owner must send their explanation to the agency who grants the approval of the report on environmental impact assessment, and the project shall be commenced only after obtaining the permission from such agency.

#### **Article 27. Responsibility assumed by the project owner before bringing the project into operation.**

1. Apply measures for the environmental protection under the decision on the approval of their report on environmental impact assessment.

2. Notify the agency who grants the approval of the report on environmental impact assessment of the developmental process of environmental protection works functioning as an ancillary part of major projects that can cause bad impacts on the environment in accordance with the Governmental regulations. These projects will be commenced only after the agency in charge of the approval of the report on environmental impact assessment has inspected and certified the completion of environmental protection works.

#### **Article 28. Responsibility of the agency in charge of approving the report on the environmental impact assessment**

1. Bear the statutory responsibility for their conclusive result and decision on the approval of the report on environmental impact assessment.
2. Within a period of 15 days as from the date on which the project owner's report on the completion of environmental protection works under the regulations specified in Clause 2 Article 27 of this Law, the agency in charge of approving the report on environmental impact assessment must examine and issue the certificate of completion of environmental protection works. Where an analysis of complicated environmental criteria is required, the time span for the issuance of the certificate of completion of environmental protection works can be extended for less than 30 days.

#### **Section 4. ENVIRONMENTAL PROTECTION PLAN**

##### **Article 29. Objects that require the formulation of environmental protection plan**

1. Investment projects that are not identified as objects that require the environmental impact assessment.
2. Alternatives for the production, trading and services that are not identified as objects that require the formulation of investment projects in accordance with the law on investment.
3. Details of this Article shall be regulated by the Government.

##### **Article 30. Subject-matters of the environmental protection plan**

1. Project site.
2. Type, technology and scale of production, trading and service.
3. Required raw materials and fuels.
4. Forecast of wastes and any other substances affecting the environment.
5. Measures for disposing of wastes and mitigating the bad environmental impact.
6. Measures to be applied for the environment protection.

##### **Article 31. Time of registration and certification of the environmental protection plan**

Owners of projects, alternatives for production, trading and service provision as regulated in Article 29 of this Law must prepare the environmental protection plan for submission to competent authorities, according to regulations specified in Article 32 of this Law, for the purpose of consideration and certification before the project is commenced and alternatives for production, trading and service provision are put into operation.

##### **Article 32. Responsibility for confirmation of the environmental protection plan**

1. The environment protection agency affiliated to provincial People's Committees must certify the environmental protection plan in respect of the following projects:
  - a) Those that shall be executed in more than 02 districts;
  - b) Those that shall be executed on polluted marine zones with waste substances to be shipped for the purpose of inland treatment in a province;
  - c) Those that are designed at a large scale and can cause bad impacts on the environment of a province in accordance with the Minister of Natural Resources and Environment.

2. District-level People's Committee shall certify the environmental protection plan of projects and alternatives for production, trading and service provision within the vicinity of a specified district, except for those regulated in Clause 1 of this Article; district-level People's Committee is entitled to authorize People's Committee of a commune, ward or town (hereinafter referred to as communal People's Committee) to certify the environmental protection plan for projects, alternatives for production, trading and service provision managed by family households within the territory of a specific commune.

3. Within a period of 10 days as from the receipt of the environmental protection plan, competent authorities stipulated in Clause 1 and 2 of this Article must certify the registration of the environmental protection plan; where the certification of registration of the environmental protection plan is refused, the competent authority must send a written notification in which the reasons for this refusal must be clearly stated.

**Article 33. Responsibility assumed by the project owner and owner of manufacturing or business establishment upon completion of certification of the environmental protection plan**

1. Measures to be applied for the environment protection according to the approved plan for environmental protection.

2. Where an environmental emergency occurs, all operations must be suspended, take remedial measures and promptly notify the communal or People's Committee of a commune or district where the project is executed, or the environmental protection agency affiliated to the provincial People's Committee as well as relevant competent agencies.

3. Cooperate with and provide all required information for governmental bodies in charge of State management of the environmental protection, which serve the purpose of examination and inspection.

4. Prepare another plan and repeat the registration of the plan for environmental protection for investment projects, alternatives for production, trading and service provision in the following cases:

a) Relocation;

b) Failure to put the approved plan for environmental protection into operation within a period of 24 months as from the date on which the approval is granted.

5. Where projects and alternatives for production, trading and service provision have been changed in respect of their size and characteristics so significantly that another report on the environmental impact assessment must be in place, owners of such manufacturing or business establishments must prepare the report on environmental impact assessment for submission to the competent authority for the purpose of verification and approval.

**Article 34. Responsibility of the agency in charge of certifying the environmental protection plan**

1. Examine the application of measures for the environment protection according to the approved environmental protection plan.

2. Receive and deal with environmental protection recommendations of project owners and owners of manufacturing or business establishments, individuals participating in the project and alternatives for production, trading and service provision.
3. Cooperate with project owners and owners of manufacturing or business establishments, and any relevant entity in settling environmental emergencies that take place during the implementation of projects and alternatives for production, trading and service provision.

### **Chapter III**

#### **ENVIRONMENTAL PROTECTION CONCERNS DURING THE EXTRACTION AND UTILIZATION OF NATURAL RESOURCES**

##### **Article 35. Environmental protection concerns during the inspection, assessment and preparation of the planning for utilization of natural resources and biodiversity**

1. The current status, recyclability and economic value of natural resources and biodiversity must be investigated and evaluated to serve as a basis for the preparation of the plan for proper utilization; define the limit on permitted extraction levels, severance tax rates, environmental protection fees, environmental remediation deposits, biodiversity reimbursable costs, environmental damages and other measures for the environmental protection.
2. The inspection, assessment and preparation of the planning for utilization of natural resources must be performed in accordance with laws.

##### **Article 36. Protection and sustainable development of forest resources**

All activities relating to production, trading and service provision as well as others that cause impacts on land, water, air resources and forest-related biodiversity must comply with regulations set out in this Law and the law on biodiversity, protection and development of forests, and other relevant laws.

##### **Article 37. Environmental protection concerns during the basic survey, exploration, extraction and utilization of natural resources**

1. The basic survey, exploration, extraction and utilization of natural resources must comply with the planning approved by competent regulatory agencies.
2. A permit for exploration, extraction and utilization of natural resources must enclose the information about environmental protection in accordance with laws.
3. In course of basic survey, exploration, extraction and utilization of natural resources, interested organizations and individuals bear responsibility for fulfilling the requirements for environmental protection; must carry out the environmental remediation in accordance with this Law and other relevant laws.

##### **Article 38. Environmental protection concerns during the exploration, extraction and processing of minerals**

1. In course of prospecting, extraction and processing of minerals, interested organizations or individuals must find preventive measures and responses to environmental emergencies and meet requirements for environmental protection, rehabilitation and remediation as follows:
  - a) Collect and dispose of wastewater in accordance with laws;

- b) Collect and dispose of solid wastes in accordance with the regulations on solid waste management;
  - c) Take measures to prevent and control the spread of hazardous waste dusts and emissions that can pose threats to the surroundings;
  - d) Draw up a plan for environmental rehabilitation and remediation for all processes of exploration, extraction and processing of minerals, and take ongoing action to rehabilitate and restore the environment in course of exploration, extraction and processing of minerals;
  - dd) Provide environmental remediation deposits in accordance with laws.
2. Minerals with hazardous properties must be handled and shipped by dedicated transports and properly covered to prevent being spread out to the environment.
  3. Employment of machinery and equipment that can cause harmful impacts on the environment, hazardous chemicals in the mineral exploration and extraction is subject to the examination and inspection carried out by the agency in charge of State management of environmental protection.
  4. Prospecting, extraction, shipping and processing of petroleum and minerals that contain radioactive, toxic and explosive agents must conform to regulations set out in this Law and the law on chemical safety, radiation safety and nuclear safety.
  5. The Ministry of Natural Resources and Environment shall direct and cooperate with the Ministry of Industry and Trade, other relevant Ministries, quasi-ministerial organs, Governmental bodies and provincial People's Committees in jointly providing guidance on the statistical report on waste discharges, assessment of environmental contamination level of mineral extraction and processing sites; examine and inspect the compliance with laws on the environmental protection thereof.

## **Chapter IV**

### **RESPONSE TO CLIMATE CHANGE**

#### **Article 39. General provisions on the response to climate change**

1. All activities relating to the environmental protection must be harmoniously connected with the response to climate change.
2. Organizations or individuals shall be responsible to fulfill requirements for the environmental protection and response to climate change during their production, trading and service provision as stipulated in this Law and other relevant laws.
3. Ministries, quasi-ministerial organs and People's Committees at all administrative levels shall design and develop the action plan for the environmental protection and response to climate change within their area of competence.
4. The Ministry of Natural Resources and Environment shall assist the Government in designing, implementing and providing guidelines for the responses to climate change.

#### **Article 40. Integration of main contents of responses to climate change with the strategy, planning and proposal for socio-economic development**

1. Main contents of response to climate change must be included in the strategy, planning, proposal for socio-economic development as well as planning for industrial and sectoral

development, which is applicable to objects required to make a report on strategic environment assessment as prescribed in Article 13 of this Law.

2. The integration of main contents of responses to climate change into the strategy, planning and proposal for socio-economic development as well as planning for industrial and sectoral development must rely on the assessment of correlation of activities described in the strategy, planning and proposal with the environment, climate change, and a range of measures to be taken for the environmental protection and response to climate change.

#### **Article 41. Management of greenhouse gas emissions**

1. Management of greenhouse gas emissions shall be described as follows:

- a) Setting the national regulations on the inventorying of greenhouse gases;
- b) Taking action to reduce the harmful impact of greenhouse gases in conformity with socio-economic conditions;
- c) Managing the forest resources in a sustainable manner, conserving and increasing forest carbon stock, protecting and fostering ecosystems;
- d) Examining and inspecting the compliance with regulations on inventorying and reducing greenhouse gas emissions;
- dd) Creating and developing carbon credit markets in the country, and participating in carbon credit markets in the globe;
- e) Entering into the international cooperation in an effort to reduce greenhouse gases.

2. The Ministry of Natural Resources and Environment shall direct and cooperate with relevant Ministries and industries in carrying out the inventorying of greenhouse gases, compile a national report on the management of greenhouse gas emission which meet the rigorous standards set out in the international agreements to which the Socialist Republic of Vietnam is a signatory.

#### **Article 42. Management of ozone-depleting substances**

1. Prioritize the introduction and implementation of policies on and plans for management, mitigation and elimination of ozone-depleting substances.

2. Prohibit the production, importation, temporary importation and re-exportation as well as consumption of ozone-depleting substances in uniformity with the regulations set out in the international agreements to which the Socialist Republic of Vietnam is a signatory.

#### **Article 43. Renewable energy development**

1. Renewable energy refers to energy that comes from resources such as water, wind, sunlight, geothermal heat, tides, waves, biological fuels and other resources that can generate renewable energy.

2. Promote the production, importation and employment of renewable energy-driven machinery, equipment and means of transport.

#### **Article 44. Eco-friendly production and consumption**

1. Agencies, organizations, family households or individuals shall be responsible to manufacture and consume eco-friendly products and services.

2. The Head of state budget-funded institutions shall bear their responsibility for preferring eco-friendly products and services that have been recognized as ecolabels under legal regulations.
3. The Ministry of Natural Resources and Environment shall direct and cooperate with communications agencies in performing the advertisement and promotion activities for such eco-friendly products and services.

#### **Article 45. Waste-to-energy process**

1. Owner of manufacturing or business establishments must be responsible for reducing, reusing and recycling wastes, and generating the energy from wastes.
2. The Government shall provide preferential policies on the mitigation, reuse and recycling of wastes, and generation of the energy from wastes.

#### **Article 46. Rights and responsibilities of the human community for the response to climate change**

1. Human community shall be vested with the right to provide and request the provision of information about climate change issues, exclusive of information specified in the list of state secret information.
2. Human community shall be responsible for participating in activities relating to the response to climate change.
3. The regulatory agency in charge of climate change issues shall bear responsibility for providing information and create events to raise people's awareness of climate change as well as provide better supports to human communities to get involved in activities relating to the response to climate change.

#### **Article 47. Development and application of technological and scientific advances for the response to climate change**

1. All activities relating to the study, transfer and application of technological and scientific advances for the response to climate change shall be given priority, including:
  - a) Developing a single scientific discipline or a combination of scientific disciplines of the management, assessment, supervision and prediction of impacts caused by climate change on the socio-economic growth, environmental issues and community health;
  - b) Conduct basic and applied scientific investigation and research; develop and transfer technological advances in reducing greenhouse gases and coping with climate change; enhance the competitiveness of the economy, key manufacturing industries; promote the development of low carbon economy and green growth.
2. Agencies, organizations and manufacturing or business establishment shall be responsible for conducting or engaging in scientific and technological researches, transfer and application with the aim of responding to the climate change.

#### **Article 48. International cooperation in the response to climate change**

1. The State shall introduce policies on international cooperation in attracting more investments, financial aids, develop and transfer technologies, and enhance its competence in taking measures to respond to the climate change with the aim of building a green economy in the future.

2. The Government shall regulate the roadmap and modality for their participation in reducing global greenhouse gases in conformity with socio-economic conditions and commitments made in the international agreements to which the Socialist Republic of Vietnam is a signatory.

## **Chapter V**

### **PROTECTION OF MARINE AND ISLAND ENVIRONMENT**

#### **Article 49. General provisions on the protection of marine and island environment**

1. Strategy, planning and proposal for the socio-economic development, national defense and security relating to sea and islands must include environmental protection and response to climate change.
2. Waste sources discharged from mainland, islands and marine activities must be controlled, prevented, mitigated and disposed in accordance with laws.
3. Prevention and response to environmental emergencies that take place on the sea and islands require the close cooperation between regulatory bodies, rescue teams and other relevant entities.
4. Organizations or individuals operating on the sea and islands must take the initiative in responding to environmental emergencies and bear their responsibility for working with regulatory bodies and other interested entities to respond to environmental emergencies that occur on the sea and islands.
5. Strategy, planning and proposal for the extraction of natural resources from marine zones, islands, wildlife sanctuaries, mangrove forest, natural and island heritage sites must align with the strategy and planning for environmental protection.

#### **Article 50. Controlling and processing of marine and island environment pollution**

1. Waste substances discharged from the mainland to the seas and derived from the sea and islands must be statistically reported, assessed and subject to any measure to be taken to prevent, reduce and dispose them to achieve accepted standards set out in the technical regulations on environment.
2. Oil, fat, drilling fluids, ballast water, chemicals and other hazardous substances after being used for activities on the sea and islands must be collected, stored, transported and disposed in accordance with regulations on waste management.
3. Dumping and discharge of wastes on the marine zones and islands must be based on the specific features and attributes of wastes and must be permitted by the competent regulatory agencies.
4. Preventive and remedial measures against marine and island environmental pollution must comply with International Agreements on sea and islands to which the Socialist Republic of Vietnam is a signatory.

#### **Article 51. Prevention of and response to marine and island environmental emergencies**

1. Organizations or individuals whose activities on the sea and islands can pose a threat to causing environmental emergencies must set up plan and prepare resources to prevent and respond to environmental emergencies as well as send a report to regulatory agencies.
2. Ministries, quasi-ministerial agencies, Governmental organs and provincial People's Committees within their powers and jurisdiction must be responsible for promptly alerting and

notifying any marine environmental emergency as well as take responsive and remedial measures.

## **Chapter VI**

### **ENVIRONMENTAL PROTECTION FOR WATER, LAND AND AIR**

#### **Section 1. ENVIRONMENTAL PROTECTION FOR RIVER WATER**

##### **Article 52. General provisions on the environmental protection for river water**

1. The environmental protection for river water is one of basic requirements set out in the planning and proposal for extraction and utilization of river water.
2. Waste discharges drained out to the river basin must be managed to meet the accepted standards of river's maximal load.
3. The quality of river water and sediments must be monitored and assessed.
4. The environmental protection for the river basin must be closely connected with the biodiversity conservation, river water extraction and utilization.
5. Owners of manufacturing or business establishments, family households and individuals must be responsible for reducing and disposing of waste substances before being discharged to the river basin as stipulated by laws.

##### **Article 53. Processes for monitoring and controlling the river-water environmental pollution**

1. Make a statistical report, assess, mitigate and dispose of wastes discharged to the river basin.
2. Carry out the periodical monitoring and assessment of the quality of river water and sediments.
3. Investigate and assess the river's maximal load; publicize river sections or rivers that are no longer capable of loading waste substances; determine the limited amount of wastes discharged to the river.
4. Control pollution conditions and improve the environmental condition for contaminated river sections or rivers.
5. Conduct the trans-border monitoring and assessment of the environmental quality of river water and sediments, and share necessary information on the basis of complying with international laws and practices.
6. Develop and become involved in the initiative for the river environmental protection.
7. Disclose the information about river water and sediment environment to the organization specializing in the management, extraction and utilization of river water.

##### **Article 54. Responsibility of provincial People's Committees for the environmental protection for water derived from provincial rivers**

1. Disclose the information about waste discharges into rivers.
2. Direct and arrange activities to prevent and control waste discharges drained to the river.

3. Conduct the assessment of the river's maximal load; determine the limited amount of wastes discharged to the river; publicize river sections or rivers that are no longer capable of loading waste substances.
4. Carry out the assessment of loss incurred by the river-water environmental pollution and the control of such pollution conditions.
5. Direct the formulation and development of the initiative for the river environmental protection.

#### **Article 55. Responsibility of the Ministry of Natural Resources and Environment for the river-water environmental protection**

1. Assess the quality of river water and sediments at inter-provincial and trans-border rivers.
2. Investigate and assess the river's maximal load, determine the limited amount of waste discharges which corresponds to the objective of using water and making the related information known to the public.
3. Issue and provide guidance for the implementation of technical regulations on river-water and sediment environment.
4. Issue and provide guidance for the assessment of the river's maximal load and quota of sewage discharged to the inter-provincial rivers, control the pollution condition and improve the environmental health for contaminated river and river sections.
5. Arrange and direct activities that should be performed for the purpose of the environmental protection for inter-provincial river water.
6. Conduct the assessment of the polluting waste discharges, damaging levels and take measures to control the pollution condition for inter-provincial rivers.
7. Make a final report on the information about the quality of river water and sediments and send an annual report on this matter to the Prime Minister.
8. Prepare and submit the initiative for the water environmental protection for inter-provincial rivers to the Prime Minister to seek an approval.

#### **Section 2. ENVIRONMENTAL PROTECTION FOR OTHER SOURCES OF WATER**

##### **Section 56. Environmental protection for lake, pond, canal and ditch water**

1. The reserve and quality of lake, pond, canal and ditch water sources must be investigated, assessed and protected for the purpose of water moderation.
2. Lake, pond, canal and ditch located in the urban and residential area must be renovated and protected to meet the requirements set out in the planning.
3. Organizations or individuals do not allow to encroach upon and illegally erect houses and structures on the water surface or near lake, pond, canal and ditch; restrict the sand-filling of lake and pond in the urban and residential area.
4. Provincial People's Committees take responsibility for investigating and assessing the reserve and quality of water as well as set up plans for protection and moderation of water flows on lake, pond, canal and ditch; formulate and develop the plan for renovation or relocation of residential zones, clusters and structures built on the lake, pond, canal and ditch that can cause

environmental pollution and block the water current as well as degrade the wetland environment and ruin urban landscapes.

#### **Article 57. Environmental protection for water reservoirs or lakes for the purpose of irrigation and hydropower**

1. The construction, management and operation of water reservoirs or lakes for the purpose of irrigation and hydropower must meet the requirement for the environmental protection.
2. Do not encroach upon the land area and dump solid wastes, lands and stones out to lakes; drain wastewater that has not been treated properly as required by the technical regulations on environment into the lake.
3. The agency in charge of water reservoirs or lakes for the purpose of irrigation and hydropower shall be responsible to conduct the tri-monthly environmental monitoring for lake water.

#### **Article 58. Environmental protection for underground water**

1. Only allow to use permitted chemical in the approved list released by the competent regulatory agency in course of prospecting and extraction of underground water.
2. Take preventive measures against the pollution of underground water through prospecting and extraction wells. Underground water facilities must be responsible for environmental remediation at prospecting and extraction sites. Abandoned exploration and extraction drill holes must be refilled in compliance with proper technical process.
3. Production, trading and service provision facilities that employ harmful chemicals and radioactive substances must apply preventive measures against leakage and spread out to the underground water.
4. Chemical sheds, treatment facilities and landfills of hazardous wastes must be developed to ensure technical safety, and apply necessary measures to barricade harmful chemicals absorbed into the underground water in accordance with legal regulations.
5. Organizations or individuals who contaminate the underground water must assume their responsibility for dealing with the underground water pollution.

### **Section 3. Protection of land environment**

#### **Article 59. General provisions on the environmental protection for land**

1. The environmental protection is one of fundamental requirements for the management of land resource.
2. Sketch out the planning, proposal, project and action plan for the land utilization must consider the impact on land environment and introduce measures to protect the land environment.
3. Organization, family household and individual who is vested with the land ownership is obliged to perform the land environmental protection.
4. Organization, family household and individual who pollutes the land environment shall be liable to carry out the treatment, renovation and remediation of land environment.

#### **Article 60. Management of land environmental quality**

1. Land environmental quality must be investigated, assessed, classified and managed as well as disclose relevant information to organizations and individuals involved.
2. Wastes discharged into the land environment are not allowed to exceed the land's maximal load.
3. Land areas faced with the degradation must be confined to being expanded, tracked and monitored.
4. Degraded land areas must be rehabilitated and restored.
5. The regulatory agency in charge of the environmental protection must be responsible for investigating, assessing and disclosing relevant information about the land environmental quality.

#### **Article 61. Controlling of land environmental pollution**

1. Elements that can pose a risk of polluting the land environment must be defined, statistically reported, assessed and controlled.
2. The regulatory agencies in charge of the environmental protection shall be responsible for taking necessary measures to control the land pollution.
3. Manufacturing or business establishments shall be responsible for applying measures to control the environmental pollution thereat.
4. Land areas containing soil and mud exposed to the dioxin agent which is derived from the herbicide used in the war time, remains of plant pesticides and other hazardous substances must be investigated, assessed, restricted and disposed in order to meet the required standards set out in the environmental protection regulations.
5. Details of this Article shall be regulated by the Government.

#### **Section 4. PROTECTION OF AIR ENVIRONMENT**

##### **Article 62. General provisions on the aerial environment protection**

1. All waste gases discharged into the aerial environment must be assessed and controlled.
2. Organizations or individuals involving in the harmful gas emission that causes bad effects on the environment during their production, trading and service provision activities must be responsible for reducing and disposing of such waste gases in order to meet the accepted standards for aerial environment as stipulated by laws.

##### **Article 63. Management of aerial environment quality**

The regulatory agency in charge of the environmental protection shall take their responsibility for monitoring and assessing the quality of aerial environment as well as disclose relevant information hereof; where the air pollution is detected, a prompt alert and solution must be in place.

##### **Article 64. Controlling of aerial environment pollution**

1. Waste gas emission source must be determined in respect of amount, properties and features of these emissions.

2. The examination and approval of projects and operations that emit waste gases must depend on the aerial environment's maximal load and ensure none of threats to human and environmental health.
3. Manufacturing or business establishments that are likely to emit a large amount of industrial waste gases must register polluting sources, measure, statistically report, inventory and set up database relating to the amount, characteristics and properties of waste emissions.
4. Manufacturing or business establishments that are own the large source of industrial emissions must install the automatic and non-stop waste-gas monitoring equipment and must be licensed by the relevant competent authority.
5. Details of this Article shall be regulated by the Government.

## **Chapter VII**

### **ENVIRONMENTAL PROTECTION IN MANUFACTURING, TRADING, AND SERVICE PROVISION**

#### **Article 65. Environmental protection in economic zones**

1. Every economic zone must have infrastructure works serving environmental protection as prescribed by law.
2. Every management board of economic zones must have a unit specialized in environmental protection.
3. The management boards of economic zones shall cooperate with local regulatory bodies in organizing environmental protection and shall report the environmental protection tasks in economic zones as prescribed by law.
4. The Minister of Natural Resources and Environment shall elaborate this Article.

#### **Article 66. Environmental protection in industrial parks, export-processing zones, and hi-tech zones**

1. Management boards of industrial parks, export-processing zones, and hi-tech zones shall cooperate with local regulatory bodies in inspecting environmental protection tasks and report the environmental protection tasks in their industrial parks, export-processing zones, and hi-tech zones as prescribed by law.
2. Management boards of industrial parks, export-processing zones, and hi-tech zones must have units specialized in environmental protection.
3. Investors in industrial parks, export-processing zones, and hi-tech zones must satisfy the requirements below:
  - a) The zoning and operations must be suitable for environmental protection tasks;
  - b) The concentrated wastewater collection and treatment system are conformable with environmental regulations; there is an automatic and continuous wastewater monitoring system as well as wastewater flow rate meters.
  - c) Appropriate units are assigned to take charge of environmental protection tasks.
4. The Minister of Natural Resources and Environment shall elaborate this Article.

## **Article 67. Environmental protection in industrial complexes and concentrated business zones**

1. Investors in industrial complexes and concentrated business zones must perform the following environmental protection tasks:

- a) Formulate an environmental protection plan;
- b) Invest in a wastewater collection and treatment system that meet environmental standards;
- c) Carry out environmental monitoring as prescribed by law;
- d) Assign employees in charge of environmental protection.

2. Management boards of concentrated business zones shall perform the environmental protection tasks below:

- a) Formulate an environmental protection plan;
- b) Invest in a wastewater and solid waste collection and treatment system that meet environmental standards;
- c) Assign employees in charge of environmental protection.

3. The People's Committees of districts are obliged to:

- a) Inspect the formulation and implementation of environmental protection plans in industrial complexes and concentrated business zones;
- b) Submit reports on environmental protection in industrial complexes and concentrated business zones to competent authorities.

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

## **Article 68. Environmental protection in manufacturing and business establishments**

1. Manufacturing and business establishments are obliged to:

- a) Collect and treat wastewater in accordance with environmental standards;
- b) Collect, classify, store, treat, and discharge solid waste in accordance with law;
- c) Minimize, collect, treat dust and exhaust gases in accordance with law; ensure no leakage and discharge of noxious gases into the environment; limit noise, vibration, light and heat emission that negatively affects the surrounding environment and employees;
- d) Provide sufficient resources and equipment for prevention and response to environmental emergencies;
- dd) Formulate and implement environmental protection plans;

2. Manufacturing establishments or warehouses must ensure that there are no negative impacts on residential areas if they:

- a) Have inflammable and/or explosive substances;
- b) Have radioactive substances or strongly radiating substances;
- c) Have substances that are harmful to humans and animals;
- d) Emit dust, smell, noise that negatively affect human health;

dd) Cause pollution to water sources.

3. Manufacturing and business establishments that produce a large amount of waste that is likely to seriously affect the environment must have specialized units or employees specialized in environmental protection; the environmental management systems of which must be certified as prescribed by the government.

4. Owners of manufacturing and business establishments are responsible for fulfilling the environmental protection requirements in Clauses 1, 2, and 3 of this Article and relevant regulations of law.

#### **Article 69. Environmental protection in agricultural production**

1. Every entity that produces, imports, sells, and/or uses pesticides and veterinary medicines must comply with environmental protection regulations in Clause 1 and Clause 2 Article 78 of this Article.

2. Expired fertilizers, products for breeding environment remediation; containers of fertilizers, pesticides and veterinary medicine must be treated after use in accordance with waste management regulations.

3. Every concentrated breeding zone must have an environmental protection plan and:

- a) Ensure environmental hygienic of the residential areas;
- b) Collect, treat wastewater and solid wastes in accordance with waste management regulations;
- c) Periodically clean the farms, pens to prevent, and response to epidemics;
- d) Deal with dead animals in accordance with regulations on hazardous waste management and preventive medicine.

#### **Article 70. Environmental protection in trade villages**

1. Every trade villages are obliged to:

- a) Have an environmental protection plan;
- b) Have infrastructure works for collecting, classifying, storing, treating, and discharging wastes in accordance with environmental standards;
- c) Has an autonomous unit in charge of environmental protection.

2. Manufacturing establishments involved in the trades encouraged by the government in trade villages are obliged to:

- a) Formulate and implement environmental protection plans as prescribed by law;
- b) Take measures to minimize noise, vibration, light, dust, heat, exhaust gases, wastewater; tackle pollution on the spot; collect, classify, store, and treat solid wastes as prescribed by law.

3. Manufacturing establishments other than those mentioned in Clause 2 of this Article are obliged to:

- a) Comply with regulations in Clause 1 Article 68 of this Law;
- b) Comply with the plans for relocation or trade conversion made by competent authorities.

4. The People's Committees of communes that have trade villages are obliged to:

- a) Formulate and implement environmental protection plans in local trade villages;
  - c) Provide instructions on operation of autonomous units in charge of environmental protection in trade villages;
  - c) Submit annual reports on environmental protection in trade villages to the People's Committee of the district.
5. The People's Committees of districts that have trade villages are obliged to:
- a) Direct and inspect environmental protection in local trade villages;
  - b) Submit annual reports on environmental protection in trade villages to the People's Committee of the province.
6. The People's Committees of provinces that have trade villages are obliged to:
- a) Attach environmental protection to development and renovation of trade villages;
  - b) Provide funding for environmental protection in trade villages;
  - c) Direct and organize assessment of pollution levels and deal with environmental pollution in local trade villages;
  - d) Direct the development of wastewater collection and treatment systems; gathering sites for conventional solid wastes and hazardous wastes produced by trade villages.
  - dd) Make planning for trade villages complexes; move establishments causing serious environmental pollution from residential areas.
7. The government shall elaborate this Article.

#### **Article 71. Environmental protection in aquaculture**

1. Every entity that produces, imports, and/or sells aquacultural medicines or chemicals must comply with environmental protection regulations and relevant regulations of law.
2. Do not use aquacultural medicines or chemicals that are expired or not on the list of permissible substances in aquaculture.
3. Expired aquaculture medicines and chemicals; used containers of aquaculture medicines and chemicals, mud and feed that deposit while cleaning must be collected and treated in accordance with waste management regulations.
4. Concentrated aquaculture zones must be conformable with planning and satisfy the following requirements:
  - b) Wastes are collected and treated in accordance with law;
  - b) The environment is remedied after aquaculture is terminated;
  - c) Environmental hygiene condition and prevention of aquacultural epidemics are ensured; no harmful chemicals or deposits are used.
5. The concentrated aquaculture zone is not built on an alluvial ground that is forming an estuary.
6. Mangrove forests are not destroyed to serve aquaculture.

#### **Article 72. Environmental protection in hospitals and medical facilities**

1. Hospitals and medical facilities are obliged to:
  - a) Collect and treat medical wastewater in accordance with environmental standards;
  - b) Classify solid biomedical waste at source; collect, transport, store, and treat medical solid waste in accordance with environmental standards;
  - c) There are plans and equipment for prevention and response to environmental emergencies;
  - d) Biomedical wastes must be preliminarily treated to eliminate pathogens that are likely to spread before wastes are stored, treated, or destroyed at a gathering site.
  - dd) Exhaust gases are treated in accordance with environmental standards;
2. Radiation facilities and medical equipment using radioactive substances must comply with regulations of law on radiation safety and nuclear safety.
3. Investors in hospitals and medical facilities shall provide sufficient funding to build sanitary works, waste collection, storage, and treatment systems that satisfy environmental protection requirements.
4. Heads of hospitals and medical facilities are responsible for fulfilling the environmental protection requirements in Clauses 1, 2, and 3 of this Article and relevant regulations of law.

#### **Article 73. Environmental protection in construction**

1. Construction planning must comply with regulations on environmental protection.
2. Waste treatment works must be included in the construction design and budget of the construction of manufacturing and business establishments that produce wastes negatively impact the environment.
3. Construction must satisfy the following environmental protection requirements:
  - a) Measures are taken to ensure that the construction sites in residential areas do not produce dust, heat, noise, vibration, and light beyond environmental standards;
  - b) Building materials are transported with suitable vehicles that ensure no leakage or environmental pollution;
  - c) Solid wastes and other wastes are collected and treated in accordance with environmental standards.

#### **Article 74. Environmental protection in transport**

1. Traffic planning must comply with regulations on environmental protection.
2. Motor vehicles must be certified as conformable with environmental standards by registry authorities before they are put into operation.
3. Vehicles used for transporting raw materials and wastes must be covered while they are using public roads in order to avoid leakage and pollution.
4. Organizations and individuals involved in transport of dangerous goods must have qualifications in environmental protection as prescribed by law.
5. The transport of goods at risk of environmental emergencies must satisfy the following requirements:

- a) Specialized equipment and vehicles are used to ensure no leakage or discharge;
- b) A license to transport is issued by a competent authority;
- c) The route and time are conformable with the license.

#### **Article 75. Environmental protection in goods import and transit**

1. Machinery, equipment, vehicles, raw materials, fuel, chemicals, and goods imported or in transit must satisfy environmental protection requirements.

2. The following machinery, equipment, vehicles, raw materials, fuel, chemicals, and goods are banned from import:

- a) Machinery, equipment, and vehicles that fail to comply with environmental protection requirements;
- b) Machinery, equipment, and vehicles that are used and intended to be disassembled, except for the case in Clause 3 of this Article;
- c) Raw materials, fuel, chemicals, and goods on the list of goods banned from import;
- d) Machinery, equipment, and vehicles contaminated with radioactive substances, bacteria, and other poisonous substances that have not been cleaned or cannot be cleaned;
- dd) Food, food ingredients, food additives, food containers that are expired or not conformable with food safety regulations;
- e) Medicines, ingredients of medicines used for human, veterinary medicines, pesticides that are expired or not conformable with food safety regulations.

3. The import of used ships must comply with environmental standards. The Government shall specify the permissible importers and conditions for importing, disassembling used ships.

#### **Article 76. Environmental protection during import of scrap**

1. Scrap imported into Vietnam must satisfy environmental standards and on the list of permissible scrap materials compiled by the Prime Minister.

2. Scrap importer must:

- a) Have separate warehouses and areas that meet environmental protection requirements for gathering scrap;
- b) Have technologies and equipment that meet environmental protection requirements for recycling scrap and treating impurities in scrap.

3. Scrap importers are obliged to:

- a) Only import scrap as raw materials;
- b) Impurities in scrap must be treated in accordance with environmental standards and must not be given or sold;
- c) Scrap that fails to meet environmental standards must be re-exported. Otherwise, they must be treated in accordance with regulations of law on waste management;
- d) Deposits shall be paid to import scrap as prescribed by the Government.

4. The People's Committees of provinces shall:

- a) Carry out inspections, find and stop violations against regulations of law on imported scrap;
- b) Submit annual reports to the Ministry of Natural Resources and Environment on import and use of scrap and environmental issues pertaining to imported scrap locally.

**Article 77. Environmental protection during festivals and in the tourism industry**

1. Every entity that manages or operates tourist attractions, resorts, and lodging establishments must:

- a) Post the regulations on environmental protection at the tourist attractions and provide instructions;
- b) Adequately and rationally install sanitary facilities and waste collection systems;
- c) Appoint employees in charge of environmental hygiene.

2. Visitors to tourist attractions, lodging establishments, and festivals must:

- a) Comply with the regulations on environmental protection at the tourist attractions or lodging establishments;
- b) Discard wastes properly;
- c) Keep public hygiene;
- d) Not to infringe upon the landscape, relics and animals at the tourist attractions or lodging establishments.

**Article 78. Environmental protection with regard to chemicals, pesticides, and veterinary medicines**

1. Every entity that produces, imports, sells, uses, transports, stores, transfers, and/or processes chemicals, pesticides, and/or veterinary medicines must comply with environmental protection regulations and relevant regulations of law.

2. Chemicals, pesticides, and veterinary medicines with high toxicity, stability, likely to spread or agglomerate in the environment and negatively impact the environment and human health must be registered, managed, assessed, and processed in accordance with law.

3. The Minister of Natural Resources and Environment shall take charge and cooperate with the Minister of Industry and Trade and the Minister of Agriculture and Rural development in elaborating this Article.

**Article 79. Environmental protection by research institutes and laboratories**

1. Research institutes and laboratories must:

- a) Collect and treat medical wastewater in accordance with environmental standards;
- b) Classify solid wastes at sources; collect and treat solid wastes in accordance with regulations of law on solid waste management;
- c) Process, destroy test specimens and chemicals in accordance with environmental standards;
- d) Make plans and provide equipment for prevention and response to environmental emergencies.

2. Every research institute and laboratory that uses radioactive substances must comply with regulations of law on radiation safety and nuclear safety.
3. Heads of research institutes and laboratories are responsible for fulfilling the environmental protection requirements in Clause 1 and Clause 2 of this Article and relevant regulations of law.

## **Chapter VIII**

### **ENVIRONMENTAL PROTECTION IN URBAN AREAS AND RESIDENTIAL AREAS**

#### **Article 80. Environmental protection requirements applied to urban areas and residential areas**

1. Urban environmental protection must ensure sustainable development associated with sustention of natural, cultural, historical elements and the proportion of green space according to planning.
2. The infrastructural works serving environmental protection are uniform and conformable with the urban planning approved by a competent authority.
3. There are adequate equipment, vehicles and places for classifying wastes at source, collecting, gathering domestic solid wastes, and receiving wastes classified by households therein.
4. Ensure urban landscape, environmental hygiene; public sanitation works are installed.
5. Investors in concentrated residential area projects and apartment buildings shall fulfill the environmental protection requirements prescribed in Clause 2 and Clause 3 of this Article.
6. Scattered residential areas must have places and system for collecting and treating wastes, clean water supply systems, and activities to develop a green, clean, and safe environment.

#### **Article 81. Environmental protection in public places**

1. Organizations, households, and individuals are responsible for complying with environmental protection regulations and keep public hygiene; classify wastes and put them into public trashcans or permissible dumpsites; do not let domestic animals spoil public hygiene.
2. Managers of parks, amusement parks, tourist resorts, markets, train stations, bus stations, ports, ferry terminals, and other public places shall:
  - a) Appoint employees to collect wastes and clean the environment under their management;
  - b) Provide public sanitation works; equipment and vehicles for collecting wastes to ensure environmental hygiene;
  - c) Post public hygiene regulations.

#### **Article 82. Environmental protection requirements applied to households**

1. Minimize, classify wastes at source; collect and take wastes to proper places.
2. Minimize, process, and discharge domestic sewages at proper places.
3. Do not emit exhaust gases, make noises, vibration, and other impacts beyond the limits in environmental standards, which cause negative impacts to the local community.
4. Pay environmental protection fees sufficiently and punctually; pay fees for wastes collection and waste treatment services as prescribed by law;

5. Participate in public environmental protection tasks.
6. The sanitation works and breeding farms must ensure hygiene and safety.

### **Article 83. Autonomous environmental protection organizations**

1. Communities are encouraged by the State to establish local autonomous environmental protection organizations.
2. Autonomous environmental protection organizations are established and operated voluntarily in accordance with law to perform the following tasks:
  - a) Urge households and individuals to comply with regulations on hygiene and environmental protection;
  - b) Organize the collection, gathering, and treatment of wastes;
  - c) Keep environmental hygiene in the residential area and public places;
  - d) Formulate and organize the implementation of environmental protection commitments; encourage the people to give up unsound customs and bad habits that are harmful for health and the environment;
  - d) Participate in supervision of adherence to regulations of law on environmental protection of local manufacturing and business establishments.
3. The People's Committees of communes shall specify the organization, operation of autonomous environmental protection organizations, and facilitate their operation.

### **Article 84. Environmental protection during burial and cremation**

1. Every burial and cremation site must:
  - a) Comply with the planning;
  - b) Its location and distance satisfy the requirements with regard to environmental hygiene and landscape of the residential area;
  - c) Not pollute water sources and the surroundings.
2. Dead bodies and remains shall be treated, transported, and buried in accordance with environmental hygiene requirements.
3. The burial of people who die of dangerous epidemics shall comply with regulations of the Ministry of Health.
4. Provider of burial services must comply with regulations of law on environmental protection and infection control.
5. The State recommends that cremation and burial be carried out in cemeteries according to planning and unsound customs that cause environmental pollution be given up.

## **Chapter IX**

### **WASTE MANAGEMENT**

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

##### **Article 85. Requirements applied to waste management**

1. Wastes must be managed throughout the process of generation, minimization, classification, collection, transport, recycling, and destruction.
2. Conventional wastes that contain hazardous wastes beyond permissible limits and cannot be classified shall be managed in accordance with hazardous waste.
3. The Government shall elaborate regulations on waste management.

#### **Article 86. Minimization and recycling of wastes**

1. Wastes that can be recycled and used as energy must be classified.
2. Owners of manufacturing and business organizations that produce wastes are responsible for minimizing, recycling wastes, or transfer wastes to the organizations capable of recycling such wastes.

#### **Article 87. Collecting and treating discarded products**

1. Owners manufacturing and business establishments must collect and treat discarded products.
2. Users are responsible for taking discarded products to proper places.
3. The People's Committees and environment authorities shall facilitate manufacturing and business establishments to collect discarded products.
4. Discarded products shall be collected and treated in accordance with decisions of the Prime Minister.

#### **Article 88. Responsibilities of the People's Committees for waste management**

The People's Committees, within the area of their competence, are obliged to:

1. Formulate, approve and implement planning for local waste treatment infrastructure.
2. Invest in and operate public works serving local waste management.
3. Introduce incentive policies to support waste management as prescribed by law.

#### **Article 89. Responsibilities of investors in industrial parks, export-processing zones, hi-tech zones for waste management**

1. Provide sufficient areas for gathering wastes under their management.
2. Develop and operate concentrated sewage treatment systems.

### **Section 2. MANAGEMENT of HAZARDOUS WASTES**

#### **Article 90. Document compilation, registration and licensing of hazardous waste treatment**

1. Every entity that discharges hazardous wastes shall compile documents about hazardous wastes and apply for registration with an environment authority.
2. Only capable and licensed entities may process hazardous wastes.
3. The Ministry of Natural Resources and Environment shall compile a list of hazardous wastes and issue licenses to process hazardous waste.

#### **Article 91. Classification, collection, and storage of hazardous wastes prior to processing**

1. Every entity that discharges hazardous wastes must collect, store, and process hazardous wastes in accordance with environmental standards; if the entity that discharges hazardous

wastes fails to process hazardous wastes in accordance with environmental standards, hazardous wastes shall be transferred to an entity licensed to process hazardous wastes.

2. Hazardous wastes must be kept in specialized containers that ensure no negative impacts on humans and the environment.

#### **Article 92. Transport of hazardous wastes**

1. Hazardous wastes must be transported with suitable vehicles and equipment which are specified in the license to process hazardous wastes.

2. Hazardous wastes transported to another country must comply with the international agreements to which the Socialist Republic of Vietnam is a signatory.

#### **Article 93. Conditions of facilities that process hazardous wastes**

1. Its location is approved by a competent authority.

2. Its distance ensures no negative impacts on the environment and human.

3. There are technologies and specialized equipment for storing and processing hazardous waste in accordance with environmental standards.

4. There are constructions and measures for environmental protection.

5. There are managers granted certificates and qualified technicians.

6. There are procedures for safe operation of specialized equipment.

7. There is an environmental protection plan.

8. There is a plan for environmental remediation after shutdown.

9. There is an environmental impact assessment report approved by the Ministry of Natural Resources and Environment.

#### **Article 94. Waste management contents in environmental protection planning**

1. Assessment and forecast for sources and amount of hazardous wastes.

2. Ability to collect and classify at source.

3. Ability to recycle.

4. Locations and scale of the gathering, recycling, and processing sites.

5. Hazardous waste processing technologies.

6. Resources

7. Schedule.

8. Task assignment.

### **Section 3. MANAGEMENT CONVENTIONAL SOLID WASTES**

#### **Article 95. Responsibility to classify conventional solid wastes**

Owners of manufacturing and business establishments, organizations, households, and individuals that produce conventional solid wastes are responsible for classifying them at source to facilitate their recycling and processing.

#### **Article 96. Collection and transport of conventional solid wastes**

1. Conventional solid wastes shall be collected, stored, and transported with specialized vehicles and equipment.
2. Environment authorities shall organize the collection, storage, and transport of conventional solid wastes locally.

#### **Article 97. Recycling and treating conventional solid wastes**

Owners of manufacturing and business establishments, organizations, households, and individuals that produce conventional solid wastes are responsible for recycling and treating them. If conventional solid wastes cannot be recycled or treated, they shall be sent to the organizations capable of recycling such or processing such wastes.

#### **Article 98. Conventional solid waste management contents in environmental protection planning**

1. Assessment and forecast for sources and amount of conventional solid wastes.
2. Ability to collect and classify at source.
3. Ability to recycle.
4. Location and scale of the gathering, recycling, and processing sites.
5. Conventional solid waste treatment technologies
6. Resources
7. Schedule.
8. Task assignment.

### **Section 4. WASTEWATER MANAGEMENT**

#### **Article 99. GENERAL REGULATIONS ON WASTEWATER MANAGEMENT**

1. Wastewater shall be collected and treated in accordance with environmental standards.
2. Wastewater that contains hazardous elements beyond the permissible limits shall be managed in accordance with regulations on hazardous wastes

#### **Article 100. Collection and treatment of wastewater**

1. Every urban area and concentrated residential area must have a system for separating rainwater and wastewater.
2. Wastewater produced by manufacturing and business establishments must be collected and treated in accordance with environmental standards.
3. Waste sludge from wastewater treatment systems shall be managed in accordance with regulations of law on solid waste management; waste sludge that contains hazardous wastes beyond permissible limits and shall be managed in accordance with hazardous wastes.

#### **Article 101. Sewage treatment system**

1. The following entities must have sewage treatment systems:
  - a) Concentrated manufacturing/business zones;

- b) Trade villages complexes;
  - c) Manufacturing and business establishments that are not connected to any concentrated sewage treatment systems.
2. Every sewage treatment system must:
- a) Have a technology process suitable for the type of wastewater that needs treating;
  - b) Have a treatment capacity that is sufficient for the amount of wastewater produced;
  - c) Treat wastewater according to environmental standards;
  - d) Has the wastewater discharge outlets located at positions convenient for inspection and supervision;
  - dd) Be operated regularly.
3. The manager of the sewage treatment system shall carry out periodic monitoring before and after the treatment. Monitoring data shall be kept as the basis for sewage treatment system inspection.
4. Manufacturing and business establishments that produce a large amount of wastewater that is likely to harm the environment must carry out automatic environmental monitoring and send data to competent authorities as prescribed by the Ministry of Natural Resources and Environment.

## **Section 5. MANAGEMENT AND CONTROL OF DUST, EXHAUST GASES, NOISE, VIBRATION, LIGHT, AND RADIATION**

### **Article 102. Management and control of dust and exhaust gases**

1. Any entity that produces dust and/or exhaust gases during their business operation shall take measures to control and treat dust/exhaust gases in accordance with environmental standards.
2. Vehicles, machinery, equipment, constructions that produce dust and/or exhaust gases must have filters, covers, or other parts to minimize exhaust gases and reduce dust in accordance with environmental standards.
3. Dust and exhaust gases that contain hazardous elements beyond the permissible limits shall be managed in accordance with regulations on hazardous wastes.

### **Article 103. Management and control of noise, vibration, light, and radiation**

1. Any entity that creates noise, vibration, light, and/or radiation must take measures to control and treat them in accordance with environmental standards.
2. Manufacturing and business establishments in residential areas that create noise must take measures to minimize them to avoid affecting the local community.
3. Managers of the routes with heavy traffic that produces noise, vibration, light, and radiation must take measures to minimize them in accordance with environmental standards.
4. It is prohibited to manufacture, import, transport, sell, and use firecrackers. The Prime Minister shall decide the manufacture, import, transport, sale, and use of fireworks.

## **Chapter X**

## **POLLUTION CONTROL, ENVIRONMENTAL REMEDIATION AND IMPROVEMENT**

### **Section 1. ACTIONS AGAINST ESTABLISHMENTS CAUSING SERIOUS ENVIRONMENTAL POLLUTION**

#### **Article 104. Actions against establishments causing serious environmental pollution**

1. An establishment causing serious environmental pollution means any establishment that discharges wastewater, exhaust gases, dust, solid wastes, noise, vibration, and other pollutants beyond the permissible limits to a serious extent.
2. Establishments causing serious environmental pollution shall incur penalties for administrative violations, be compelled to take measures for pollution removal, and be put on the list of establishments causing serious environmental pollution.
3. Establishments causing serious environmental pollution shall be determined annually in the following order:
  - a) The People's Committees of provinces shall cooperate with Ministries, ministerial agencies, Governmental agencies in compiling lists of local establishments causing environmental pollution, except for the case in Point b of this Clause, and proposing remedial measures, then submit them to the Ministry of Natural Resources and Environment; the Ministry of Natural Resources and Environment shall request the Prime Minister to make a decision;
  - b) The Ministry of National Defense and the Ministry of Public Security shall cooperate with the People's Committees of provinces in making lists of national defense and security establishments causing serious environmental pollution, proposing remedial measures, and submit them to the Ministry of Natural Resources and Environment; The Ministry of Natural Resources and Environment shall request the Prime Minister to make a decision.
  - c) The Ministry of Natural Resources and Environment shall cooperate with other Ministries, ministerial agencies, Governmental agencies, and the People's Committee of the provinces in submitting the lists of establishments causing serious environmental pollution and proposed remedial measures;
  - d) The decisions to take actions against establishments causing serious environmental pollution shall be notified to the People's Committees of the districts and communes where such establishments are located, and announced to the local community for the purpose of inspection and supervision.
4. Responsibility for taking actions against establishments causing serious environmental pollution:
  - a) The People's Committees of provinces shall cooperate with Ministries, ministerial agencies, and Governmental agencies in taking actions against local establishments causing serious environmental pollution;
  - b) The Ministry of National Defense and the Ministry of Public Security shall cooperate with the People's Committees of provinces in taking actions against national defense and security establishments causing serious environmental pollution;

c) Ministries, ministerial agencies, and Governmental agencies shall cooperate with the People's Committees of provinces in taking actions against local establishments causing serious environmental pollution;

d) Ministries, ministerial agencies, Governmental agencies, the People's Committees of provinces shall submit annual reports on actions against establishments causing serious environmental pollution to the Ministry of Natural Resources and Environment.

5. The government shall elaborate this Article.

## **Section 2. ENVIRONMENTAL REMEDIATION**

### **Article 105. General regulations on environmental pollution reduction and classification of polluted areas**

1. Pollution reduction means minimization of impacts of pollution on the environment and humans, improvement of environmental quality in the polluted area.

2. Polluted areas shall be classified as pollution, serious pollution, and particularly serious pollution

### **Article 106. Pollution reduction and environmental remediation**

1. Determination of a polluted area includes:

- a) Determine the boundary of the polluted area;
- b) Determination of the pollution level and risk assessment;
- c) Determination of causes and accountability of relevant parties;
- d) Solutions for pollution removal and environmental remediation;
- dd) Determination of damage as the basis for claiming compensation.

2. Environment improvement and remediation plan of mining projects must be approved before such projects are put into operation; environmental remediation deposit shall be paid. An environment improvement and remediation plan consists of:

- a) Ability, scale, and level of environmental pollution;
- b) Risk assessment;
- c) Feasible solution for environmental remediation;
- d) Plan and budget for environmental remediation.

### **Article 107. Pollution reduction and environmental remediation**

1. Organizations and individuals are obliged to:

- a) Find a feasible solution for environmental remediation when executing projects likely to cause environmental pollution;
- b) Take measures for pollution reduction and environmental improvement when causing environmental pollution;

c) If environmental pollution is caused by multiple entities without responsibility attributed, the environment authority shall cooperate with relevant entities to attribute responsibility for pollution reduction and environmental remediation of each entity.

2. The People's Committee of the province shall determine local polluted areas and submit annual reports the Ministry of Natural Resources and Environment.

3. The Ministry of Natural Resources and Environment is obliged to:

a) Establish criteria for classifying polluted areas;

b) Provide instructions on environmental remediation and improvement; inspect and verify completion of pollution reduction and environmental remediation;

c) Carry out surveys, assessments of pollution reduction and environmental remediation in interprovincial polluted areas.

4. If the environment is polluted due to natural disaster or an unknown cause, competent authorities shall mobilize forces to carry out pollution reduction and environmental remediation.

### **Section 3. Preventing and responding to environmental emergencies**

#### **Section 108. Preventing environmental emergencies**

1. Owners of manufacturing establishments, business establishments or vehicles at risk of causing environmental emergencies shall take the following measures:

a) Make plans for preventing and responding to environmental emergencies;

b) Install equipment and devices serving response to environmental emergencies;

c) Provide training for intramural environmental emergency response teams;

d) Carry out regular inspections and implement safety measures as prescribed by law;

d) Take measures to eliminate the causes of environmental emergencies when finding any sign of environmental emergencies.

2. Ministries, ministerial agencies, the People's Committees, within the area of their competence, shall:

a) Carry out surveys and assessments of the risk of environmental emergencies nationwide and in each region/administrative division;

b) Make plans for environmental emergency prevention, warning, and response;

c) Make annual and 5 years plans for environmental emergency prevention and response.

#### **Article 109. Environmental emergency response**

1. Responsibility for environmental emergency response

a) Any entity that causes an environmental emergency shall take emergency measures to ensure safety of people and property; rescue people and property, then notify the local government or a local agency specialized in environmental protection;

b) The head of the establishment and administrative division where the environmental emergency occurs shall promptly mobilize forces, equipment and vehicles to emergency response;

c) If an environmental emergency occurs to many establishments or administrative divisions, the heads of such establishments and administrative divisions shall cooperate with each other in emergency response;

d) If the situation is beyond the capability of them, the heads shall request the superior agency to mobilize forces from other establishments or administrative divisions to environmental emergency response; the requested establishments or administrative divisions shall implement the emergency response measures within their competence.

2. Response to particularly serious environmental emergencies shall be carried out in accordance with regulations of law on state of emergencies.

3. Manpower, supplies, and vehicles for environmental emergency response shall be reimbursed in accordance with law.

4. This Law and relevant regulations of law shall apply to responsibility for paying compensation for environmental emergencies.

#### **Article 110. Developing environmental emergency response forces**

1. Manufacturing and business establishments shall improve their ability to prevent and respond to environmental emergencies.

2. The State shall develop environmental emergency response forces and environmental emergency warning system.

3. Investment in emergency response services is encouraged.

#### **Article 111. Determination of damage caused by environmental emergencies**

1. The investigation into damage caused by an environmental emergency shall deal with:

a) Determine the boundary of the area polluted because of the environmental emergency;

b) Pollution levels;

c) Causes and accountability or relevant parties;

d) Measures for pollution reduction and environmental remediation;

dd) Damage to the environment as the basis for claiming compensation.

2. Responsibility for investigation into damage caused by environmental emergencies:

a) The People's Committee of the province shall carry out investigation into damage caused by local environmental emergencies;

b) The Ministry of Natural Resources and Environment shall instruct the People's Committees of provinces to determine the scale of pollution and damage caused by interprovincial environmental emergencies.

3. Investigation results must be announced.

#### **Article 112. Responsibility for environmental remediation**

1. Any entity that causes an environmental emergency is obliged to:

a) Comply with the requests of environment authorities during the investigations to determine the pollution scale, levels, and remedial measures.

- b) Immediately take measures to prevent the pollution sources, stop the pollution from spreading and affecting local people's health;
  - c) Take measures for pollution reduction environmental remediation at the request of environment authorities.
  - d) Pay damages in accordance with this Law and relevant regulations;
  - dd) Submit reports on environmental emergency response and environmental remediation to environment authorities.
2. If the environmental emergency is caused by multiple entities and they fail to reach an agreement on responsibility, the environment authority shall cooperate with relevant entities to attribute responsibility for pollution reduction and environmental remediation of each entity.
  3. If the environmental emergency is caused by a natural disaster or an unknown cause, competent authorities shall mobilize forces to carry out pollution reduction and environmental remediation.
  4. If an environmental emergency occurs in multiple provinces, the Prime Minister shall direct the pollution reduction and environmental remediation.

## **Chapter XI**

### **ENVIRONMENTAL TECHNICAL REGULATIONS, ENVIRONMENTAL STANDARDS**

#### **Article 113. Environmental technical regulation system**

1. Technical regulations on surrounding environment quality include:
  - a) Environmental technical regulations on soil
  - b) Environmental technical regulations on surface water and underground water;
  - c) Environmental technical regulations on sea water;
  - d) Environmental technical regulations on air;
  - đ) Environmental technical regulations on sound, light, and radiation;
  - e) Environmental technical regulations on noise, vibration;
2. Technical regulations on waste:
  - a) Technical regulations on wastewater from industries, services, breeding, aquatic production, domestic, traffic and other activities;
  - b) Technical regulations on exhaust gas from mobile and fixed sources;
  - c) Technical regulations on hazardous waste
3. Other technical regulations

#### **Article 114. Principles of constructing environmental technical regulations**

1. Meeting goals of environmental protection; preventing, remedying environmental pollution, degradation and problem.

2. Being feasible, suitable for socio-economic development, technological level of the country, and meeting requirements of international economic integration.
3. Being suitable for characteristics of area, regions and production industries
4. Local technical regulations must be stricter than national technical regulations or meet requirements of specifically designed environmental management.

#### **Article 115. Symbols of environmental technical regulations**

1. National environmental technical regulations, symbolized as QCVN, ordinal number MT: Issuing year/BTNMT.
2. Local environmental technical regulations, symbolized as QCĐP, ordinal number MT:

#### **Article 116. Requirements for technical regulations on surrounding environment quality**

1. Technical regulations on surrounding environmental quality which regulates the threshold limit value of the environmental factor suitable for use of environmental components include:
  - a) Minimum value of the environmental factors that ensures life and normal growth of human and living beings;
  - b) Permissible maximum value of the environmental factors that serves not to cause any negative effect on life and normal growth of human and living beings.
2. Technical regulations on surrounding environmental quality must provide guidance on standard method for measuring, sampling and analysis to determine environmental factors.

#### **Article 117. Requirements for technical regulations on waste**

1. Technical regulations on waste must specifically regulate maximum amount of pollutants contained in the waste ensuring that they can not cause environmental pollution.
2. Amount of pollutants contained in the waste is determined by relying on the nature of toxicity, quantity of generated waste and loading capacity of the waste receiving environment.
3. Technical regulations on waste must provide guidance on standard method for sampling, measurement and analysis to determine amount of pollutants.

#### **Article 118. Construction and promulgation of environmental technical regulations**

1. Authorities, sequences and procedures of constructing, promulgating and endorsing compatibility of national, local environmental technical regulations must follow regulations of the law on technical standard and regulations.
2. The Minister of Natural Resources and Environment promulgate national technical regulations on environment.
3. People's committees of provinces promulgate local technical regulations on environment.

#### **Article 119. Environmental standards**

1. Environmental standards include standards on surrounding environmental quality, waste and other standards.
2. Whole or part of the environmental technical regulations becomes compulsorily applicable when it is cited from legal documents and environmental technical regulations.

3. Applicable entity standards within management of the standard promulgating agency.

#### **Article 120. Construction, appraisal and promulgation of environmental standards**

1. Authorities, sequence and procedures of constructing, appraising environmental standards must follow regulations of the law on technical standards and regulations.

2. The Minister of Natural Resources and Environment shall organize construction of the draft and propose appraisal of the national environmental standards.

3. The Minister of Science and Technology shall organize appraisal of the draft and promulgate the national environmental standards.

4. Agencies and organizations shall organize construction and promulgation of the entity standards of the law on technical standards and regulations.

### **Chapter XII**

#### **ENVIRONMENTAL MONITORING**

##### **Article 121. Environmental monitoring**

1. Environmental protection agencies and organizations organize the implementation of surrounding environmental monitoring.

2. The Ministry of Natural Resources and Environment promulgates the list and guides the implementation of emission monitoring with respect to production, business and service entities at risk of imposing effects on the environment.

3. Production, business and service entities which are not on the list of entities responsible for emission monitoring must ensure their compliance with environmental technical regulations and relevant regulations.

##### **Article 122. Environmental components and emissions to be monitored**

1. Water includes surface water, underground water and sea water.

2. Air includes indoor and outdoor air.

3. Noise, vibration, radiation and light.

4. Soil and deposits

5. Nuclear radiation

6. Wastewater, exhaust gas and solid waste.

7. Hazardous chemicals emitted and built up in the environment.

8. Biological diversity.

##### **Article 123. Environmental monitoring program**

1. National environmental monitoring program includes environmental monitoring programs at inter-provincial river and lake basins, key economic zones, trans-border, and geographically distinct zones.

2. Provincial environmental monitoring program includes monitoring programs on environmental components in the area.

3. Environmental monitoring program of industrial parks, export processing zones, high-tech zones, industrial complex, trade villages and production, business and service facilities includes monitoring programs on emissions and environmental components in accordance with the law.

#### **Article 124. Environmental monitoring system**

1. Environmental monitoring system includes:

- a) National environmental monitoring;
- b) Provincial environmental monitoring;
- c) Intramural environmental monitoring.

2. Organizations involved in the environmental monitoring system include:

- a) Organizations in charge of on-site sampling and measurements;
- b) Sample analyzing laboratories;
- c) Monitoring equipment inspecting and standardizing organizations;
- d) Data management and handling, monitoring result establishing and reporting organizations.

3. Environmental monitoring system must be synchronized and interconnected to create a consistent and comprehensive network.

#### **Article 125. Environmental monitoring responsibilities**

1. The Ministry of Natural Resources and Environment directs, instructs and monitors environmental monitoring on national level; organizes the implementation of national environmental monitoring.

2. People's committees of provinces organizes an environmental monitoring program in the area, reports to the People's Council of the same level and the Ministry of Natural Resources and Environment on monitoring results.

3. Industrial parks, export processing zones, high-tech zones, industrial complex, trade villages and production, business and service bases must implement the monitoring program on emissions and environmental components; report to regulatory agencies on environmental protection in accordance with the law.

#### **Article 126. Conditions of environmental monitoring**

1. Any organization that is fully staffed in environmental monitoring and equipped with necessary facilities is permitted to participate in the environmental monitoring.

2. The government shall detail this Article.

#### **Article 127. Environmental monitoring data management**

1. The Ministry of Natural Resources and Environment manages environmental monitoring data; constructs national database on environmental monitoring; promulgate results of national monitoring; provides professional training and technical supports for the management of environmental monitoring.

2. People's committees of provinces manage environmental monitoring data and promulgate results of local monitoring.

3. Industrial parks, export processing zones, high-tech zones, industrial complex, trade villages and production, business and service bases shall manage environmental monitoring data and promulgate results of environmental monitoring in accordance with the law.

## **Chapter XIII**

### **ENVIRONMENTAL INFORMATION, DIRECTIVE, STATISTICS AND REPORTING**

#### **Section 1. ENVIRONMENTAL INFORMATION**

##### **Article 128. Environmental information**

1. Environmental information includes figures, data about environmental components, environmental impacts, policies and law on environment and environmental protection.
2. Environmental database is a collection of information about the environment being constructed, updated and maintained to meet the demands for access and use of information for environmental protection tasks and for the public interests.

##### **Article 129. Collection and management of environmental information**

1. The Ministry of Natural Resources and Environment actively coordinates with the ministerial, departmental and local levels to collect and manage environmental information, construct national environmental database.
2. Ministries, departments and people's committees of all levels, within their own duties and authorities, collect and manage environmental information, construct ministerial, departmental and local environmental database and integrate them into the national environmental database.
3. Industrial parks, export processing zones, high-tech zones, industrial complex, trade villages and production, business and service bases prepare environmental dossiers; manage information of environmental impacts from activities of production, business and service.

##### **Article 130. Announcement and supply of environmental information**

1. Organizations, individuals managing industrial parks, export processing zones, high-tech zones, industrial complexes, trade villages and production, business and service facilities and being subject to the list responsible for the preparation of environmental impact assessment reports are responsible for reporting to the environmental management agencies under people's committees of provinces on environmental information within their authorities.
2. Production, business and service bases which are not subject to the list as stipulated in Paragraph 1 of this Article are responsible for supplying environmental information in relation to their operation to the people's committees of districts and communes.
3. Annually, the ministries, departments are responsible for supplying environmental information relating to branches and areas under their management to the Ministry of Natural Resources and Environment.
4. The Ministry of Natural Resources and Environment shall detail this Article.

##### **Article 131. Publishing of environmental information**

1. Environmental information to be made known in public includes:
  - a) Strategic environmental assessment report, environmental impact assessment report and environmental protection plan;

- b) Information of emission sources, emissions and treatment of waste;
  - c) Areas suffering from serious and particularly serious pollution, degradation, areas at risk of environmental incident;
  - d) Environmental reports;
  - đ) Results of environment inspections.
1. Information stipulated in this Paragraph and classified as state secrets is not permitted to be published.
  2. The publishing method must ensure convenience for information recipients
  3. Information-publishing agencies are legally responsible for accuracy of the information.

## **Section 2. Environmental indicators and statistics**

### **Article 132. Environmental indicators**

1. Environmental indicators are quantities that reflect specific characters of the environment for the purpose of evaluating and monitoring the developments of environmental quality, preparation of report on current environmental condition.
2. The Ministry of Natural Resources and Environment shall construct, promulgate and instruct the implementation of the national environmental directive.
2. People's committees of provinces shall construct, promulgate and develop the implementation of local environmental directive based on the national environmental directive.

### **Article 133. Environmental statistics**

1. Environmental statistics are an activity of enquiry, reporting, compilation, analysis and promulgation of basic criteria reflecting nature and situation of environmental matters according to space and time.
2. The Ministry of Natural Resources and Environment shall promulgate the system of environmental statistics criteria, organizes the implementation of national environmental statistics tasks; instructs tasks of environmental statistics; construct national environmental statistics database.
3. Ministries, departments shall organize the implementation of environmental statistics tasks within their management; construct environmental statistics database of branches and areas; make annual reports to the Ministry of Natural Resources and Environment on criteria of environmental statistics.
4. People's committees of provinces shall organize the implementation of local environmental statistics tasks; construct database of local environmental statistics; make annual reports to the Ministry of Natural Resources and Environment on criteria of environmental statistics.

## **Section 3. Environmental reporting**

### **Article 134. Annual environmental protection reporting responsibilities**

1. The People's Committees of communes shall submit reports on local environmental protection tasks to the People's Council of the same commune and the People's Committee of districts. .

2. People's Committees of districts shall submit reports on local environmental protection tasks to the People's Council of the same district and the People's Committee of provinces.
3. People's committees of provinces report on local environmental protection to the People's Councils of the same province and the Ministry of Natural Resources and Environment.
4. Management boards of economic, industrial, export processing, high-tech zones, industrial complexes must report to people's committees of provinces on environmental protection.
5. Ministries, departments shall report on the tasks of environmental protection in management to the Ministry of Natural Resources and Environment.
5. Ministry of Natural Resources and Environment reports on environmental protection on the national scale to the Government and National Assembly
6. Ministry of Natural Resources and Environment shall instruct the construction of environmental protection report.

#### **Article 135. Report of environmental protection tasks**

1. Quo status, happening of environmental components.
2. Scale, nature and impacts of emission sources.
3. Adherence to regulations of law on environmental protection; results of investigation, inspection.
4. List of entities causing serious pollution to the environment and disciplinary/remedial actions
5. Resources for environmental protection
6. Evaluation of environmental protection management and operation
7. Environmental protection plan and solutions

#### **Article 136. Annual socio-economic report on environmental protection**

Annual socio-economic reports by the Government and People's committees of all levels must specify the implementation of environmental protection criteria and environmental protection tasks.

#### **Article 137. Environmental quo status reporting responsibilities**

1. The Ministry of Natural Resources and Environment prepares national environmental quo status report every five years; prepares annual thematic report on national environment.
2. People's committees of provinces prepares local environmental quo status report every five years; based on local environmental pressing issues, shall decide to prepare thematic report on environment.
3. The Minister of Natural Resources and Environment instructs the preparation of environmental quo status report.

#### **Article 138. Environmental quo status report**

1. Overview of natural, economic and social conditions
2. Environmental impacts

3. Quo status and happening of environmental components
4. Environmental pressing issues and causes
5. Environmental impacts on economy and society
6. Implementation of policies, law and environmental protection activities
7. Forecasting of environmental challenges
8. Environmental protection plan and solutions

#### **Chapter XIV**

### **RESPONSIBILITIES OF REGULATORY AGENCIES FOR ENVIRONMENTAL PROTECTION**

#### **Article 139. State management on environmental protection**

1. Constructing, promulgating by authority and organizing the implementation of legal documents on environmental protection, promulgating environmental standard, technical process system.
2. Constructing, directing the implementation of strategies, policies, programs, projects, planning and plans on environment.
3. Organizing, constructing, managing monitoring system; carrying out regular evaluation of environmental conditions, forecasting environmental happenings.
4. Constructing, appraising and approving environmental protection planning; appraising strategic environmental assessment report; appraising, approving environmental impact assessment report and inspecting, endorsing environmental protection works; organizing and endorsing environmental protection plan;
5. Directing, instructing and organizing the implementation of biological diversity preserving activities; managing waste; controlling pollution; improving and restoring the environment.
6. Awarding, extending, revoking environmental licenses, certificates.
7. Investigating, inspecting the execution of the law on environmental protection; Investigating state management responsibilities on environmental protection;
8. Training human force in charge of scientific and environmental management, educating and propagandizing knowledge and law on environmental protection.
9. Organizing study and application of scientific and technological advances in environmental protection.
10. Directing, instructing, inspecting and evaluating the implementation of state budget on environmental protection.
11. Furthering international cooperation in environmental protection.

#### **Article 140. State management responsibilities of the Government for environmental protection**

The government is unanimous in state management on environmental protection throughout the country.

## **Article 141. State management responsibilities of the Minister of Natural Resources and Environment to environmental protection**

The Minister of Natural Resources and Environment is responsible to the Government for unifying state management on environmental protection and takes the following responsibilities:

1. Constructing and submitting to the Government, the Prime Minister legal documents, policies, strategies, planning, plans, programs, and national projects on environmental protection.
2. Constructing and promulgating legal documents by authority, national technical regulations on environment; promulgating technical instruction documents.
3. Self-handling or sending proposal to the Government, the Prime Minister for handling of inter-branch, inter-provincial environmental issues.
4. Directing, instructing and constructing national environmental monitoring system, environmental information and reporting system; directing, organizing national and local environmental actual state assessment.
5. Directing, instructing and organizing the implementation of construction activities by authority, appraising, approving environmental protection planning; appraising strategic environmental assessment report; appraising, approving environmental impact assessment report; endorsing environmental protection plan; inspecting, endorsing completion of environmental protection works.
6. Directing, instructing and organizing the implementation of awarding, extending and revoking environmental licenses, certificates by authority.
7. Directing, instructing and organizing the implementation of biological diversity preserving activities, biological safety; carrying out waste management; controlling pollution; improving and restoring the environment.
8. Constructing and organizing the implementation of policies, programs, sustainable and environmental friendly production and consumption models, instructing and endorsing environmental friendly product, institution; directing, instructing environmental health improving activities.
9. Inspecting, investigating and handling violations of the law on environmental protection; settling claims, accusations, petitions in relation to environmental protection according to the law.
10. Directing and instructing the insertion of environmental protection contents into national land use planning and plan, national strategy on water natural resources and general planning of inter-provincial river valley; national overall strategy on basic investigation, survey, exploitation and processing of mineral resources.
11. Constructing and organizing the implementation of assessment criteria system, following up the compliance with the law on environmental protection across the country; communicating, popularizing and educating environmental protection law.
12. Submitting to the Government the participation into international organizations, signing or applying for membership of the international treaty on environmental protection; chairing activities of international cooperation on environmental protection.

## **Article 142. State management responsibilities of Ministers, heads of ministerial level bodies on environmental protection**

1. Ministers, heads of ministerial level bodies shall take charge of and cooperate with the Minister of Natural Resources and Environment in constructing and promulgating circulars, joint circulars on environmental protection in the areas managed by ministries and departments.

2. Ministers, heads of ministerial level bodies shall carry out the duties stipulated in this law and coordinate with the Minister of Natural Resources and Environment to organize the execution of the law on environmental protection within its own management; carrying out annual reporting to the Government on state management activities on environmental protection in the areas managed by ministers and departments.

3. Responsibilities of ministers, heads of ministerial level bodies are defined as follows:

a) The Minister of Planning and Investment shall actively coordinate with The Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's committees of provinces to meet requirements of environmental protection in the strategy, general planning and plan of social-economic development of the country, region, project, works under authorities of the National Assembly, Government, Prime Minister, working to attract investment and organizing the implementation of law enforcement on environmental protection in the area of management.

b) The Minister of Agriculture and Rural Development shall actively coordinate with the Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's committees of provinces to organize the implementation of law enforcement on environmental protection in production, importing, exporting, use of chemicals, plant protection chemicals, veterinary drugs, fertilizers, waste substances in agriculture and other activities in management;

c) The Minister of Trade and Industry shall actively coordinate with the Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's committees of provinces to handle industrial establishments causing serious environmental pollution under management authority, develop environmental industries and organize the implementation of law enforcement on environmental protection in management;

d) The Minister of Construction shall actively coordinate with the Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's committees of provinces to organize the implementation of law enforcement on environmental protection in such construction activities as infrastructural structures of water supply, water drainage, solid waste and urban waste water treatment, centralized service production area, construction material production bases, trade villages, centralized rural residential area and other activities in the area of management;

đ) The Minister of Transport shall actively coordinate with the Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's committees of provinces to organize the implementation of law enforcement on environmental protection in such construction activities as infrastructural structures of traffic, traffic vehicle management and other activities in the area of management;

e) The Minister of Health shall actively coordinate with the Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's

committees of provinces to organize the implementation of law enforcement on environmental protection in the areas of health, food hygiene safety, burial and cremation activities; organizing statistics of waste sources, evaluation of pollution degree, treatment of medical waste from hospitals, medical institutions and other activities in the area of management;

g) The Minister of Culture, Sports and Tourism actively coordinates with the Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's committees of provinces to organize the implementation of law enforcement on environmental protection in activities of culture, festivals, sports, tourism, and other activities in the area of management;

h) The Minister of National Defense actively coordinates with the Minister of Natural Resources and Environment, Ministers, heads of ministerial level bodies and chairpersons of the people's committees of provinces to organize the implementation of law enforcement on environmental protection in the area of national defense in accordance with the law; mobilize forces to engage in activities of coping, remedying the incident in accordance with the law; direct, instruct, examine, and investigate the environmental protection tasks by the armed forces within authorities of management;

i) The Minister of Public Security is responsible for organizing, directing activities of environmental crime fighting and ensuring security in the area of environment; mobilizing forces to engage in the activity of coping with environmental incidents in accordance with the law; direct, instruct, examine and investigate the environmental protection tasks by the armed forces within authorities of management;

k) Ministers, heads of ministerial level bodies execute the duties stipulated in this Law and coordinates with the Minister of Natural Resources and Environment to organize the implementation of law enforcement on environmental protection in the area of management.

### **Article 143. State management responsibilities of the people' committees of all levels on environmental protection**

1. The people's committees of provinces take the following responsibilities:

a) Constructing, promulgating by authority legal documents, policies, programs, planning, plans on environmental protection;

b) Organizing the implementation of law, strategies, programs, plans and duties on environmental protection;

c) Constructing, managing environmental monitoring system in the locality in suitability with general planning of national environmental monitoring;

d) Organizing appraisal and establishment of environmental report. Communicating, popularizing and educating policies and law on environmental protection;

đ) Organizing appraisal, approval of environmental protection planning, environmental impact assessment report, endorsing completion of environmental protection works, instructing and organizing the inspection of environmental protection plan by authority;

e) Awarding, extending, revoking licenses, certificates of environmental protection by authorities;

g) Inspecting, investigating, handling law violations of environmental protection; settling claims, accusations, petitions concerning environment in accordance with the law on complaints and denunciations.

h) Being responsible to the Government for any serious environmental pollution in the area.

2. The people's committees of communes take the following responsibilities:

a) Promulgating by authorities regulations, programs, and plans on environmental protection;

b) Organizing the implementation of strategies, programs, plans and duties on environmental protection;

c) Endorsing, inspecting the implementation of environmental protection plan by authorities;

d) Organizing appraisal and establishment of environmental protection tasks on a yearly basis;

đ) Communicating, popularizing and educating policies and laws on environmental protection;

e) Inspecting, investigating, handling law violations on environmental protection; settling claims, accusations, petitions on environmental protection according to the law on complaints and denunciations,

g) Coordinating with the people's committees of districts concerned to settle inter-district environmental problems

h) Directing state management tasks of the People's committees of communes on environmental protection

i) Being responsible to the People's committees of provincial levels for any serious environmental pollution in the area.

3. The People's committees of communes take the following responsibilities:

a) Constructing plan, carrying out the duties of environmental protection, environmental hygiene preservation in the area; mobilizing people to construct the contents of environmental protection in the village regulation; providing guidance on putting the criteria of environmental protection into evaluation of hamlets, villages, and small villages (normally inhabited by mountainous ethnic minorities), neighborhoods and courteous families;

b) Endorsing, inspecting the implementation of environmental protection plans by authorities; inspecting compliance with the law on environmental protection by households, individuals;

c) Detecting and handling by authorities violations of the law on environmental protection or reporting direct to state management agencies of higher levels on environmental protection;

d) Reconciling environmental disputes arising in the area in accordance with the law on reconciliation;

đ) Managing activities of hamlets, villages, small villages (mountainous ethnic minorities), neighborhoods and organizations to self-govern environmental hygiene preservation and protection in the area;

e) Organizing appraisal and establishment of environmental protection tasks on a yearly basis;

g) Actively coordinating with production, business, and service entities in the area to popularize information of environmental protection of the institutions to the residential community;

h) Being responsible to the People's committees of districts for any serious environmental pollution in the area.

## **Chapter XV**

### **RESPONSIBILITIES OF VIETNAM FATHERLAND FRONT, SOCIO-POLITICAL ORGANIZATIONS, SOCIO-OCCUPATIONAL ORGANIZATIONS AND RESIDENTIAL COMMUNITY FOR ENVIRONMENTAL PROTECTION**

#### **Article 144. Responsibilities and rights of Vietnam Fatherland Front**

1. Vietnam Fatherland Front, within its duties and powers, is responsible for propagandizing and mobilizing membership organizations and people to engage in environmental protection activity.
2. Vietnam Father Front carries out giving advice, responding and observing the implementation of policies, law on environmental protection according to the law. State management agencies of all levels are responsible for creating favorable conditions for Vietnam Fatherland Front to take part in environmental protection.

#### **Article 145. Responsibilities and rights of socio-political organizations, socio-occupational organizations**

1. Socio-political organizations, socio-occupational organizations take the following responsibilities:
  - a) Complying with the law on environmental protection;
  - b) Taking part in activities of environmental protection.
2. Socio-political organizations, socio-occupational organizations have the following rights:
  - a) Being granted access to and the right to ask for information of environmental protection in accordance with the law;
  - b) Consulting about projects in relation to its functions, duties and authorities;
  - c) Consulting, responding on environmental protection to state management agencies and owners of production, business and service entities concerned in accordance with the law;
  - d) Engaging in activities of investigation into environmental protection at production, business and service entities in relation to its functions, duties and authorities;
  - đ) Submitting petition to competent authorities for handling violations of the law on environmental protection.
3. Environmental management agencies of all levels are responsible for creating favorable conditions for socio-political organizations, socio-occupational organizations to exercise the rights as stipulated in Paragraph 2 of this Article.

#### **Article 146. Rights and obligations of local communities**

1. Representatives of local communities under environmental effects of production, business and service entities have the right to ask the owners of those production, business and service entities to provide information of environmental protection through direct dialogs or in writing; organize practical enquiry into environmental protection tasks by production, business and service entities; collect, supply information to competent agencies and take responsibility for the information supplied.

2. Representatives of residential community in the area under environmental effects of production, business and service entities have the right to ask state management agencies concerned to supply results of investigation, inspection and handling of the entities.
3. Representatives of residential community have the right to take part in the evaluation of environmental protection tasks by production, business and service entities; implementing all the measures to protect rights and interests of residential community in accordance with the law.
4. Owners of production, business and service entities must fulfill the requirements of residential community.

## **Chapter XVI**

### **RESOURCES FOR ENVIRONMENTAL PROTECTION**

#### **Article 147. Expenditure of state budget on environmental protection**

1. Expenditure on environmental protection includes:
  - a) Constructing strategies, planning, plans, technical processes, technical instructions, technical economic norms, technical regulations on environment, programs and projects on environmental protection;
  - b) Appraising environmental protection planning, strategic environmental assessment report;
  - c) Carrying out environmental monitoring; constructing environmental information and reporting system;
  - d) Providing supports to tasks of investigation and inspection; controlling and treating environmental pollution, preventing, coping and remedying environmental incidents; managing wastes and preserving biological diversity; Training, communicating about environmental protection; popularizing and evaluating the exercising of the law on environmental protection; furthering international cooperation on environmental protection;
  - đ) Other environmental protection management activities.
2. Expenditures on the development of environmental protection includes those for construction projects, reformation of waste treatment works, constructing and equipping environmental observing and analyzing stations managed by regulatory agencies; investing in equipment, facilities for preventing, coping and remedying environmental pollution, degradation and incident; coping with climate change; preserving biological diversity; reforming polluted water sources, growing and caring green trees in public places, public utility areas.
3. Developing cost estimation and managing use of state budget for environmental protection are done in accordance with the law on state budget.

#### **Article 148. Cost of environmental protection**

1. Organizations, individuals discharging waste into the environment or causing negative effects on the environment shall pay an environment protection fee.
2. Rate of environmental protection fee depends on:
  - a) Amount of waste discharged into the environment, scale of negative effects on the environment;
  - b) Levels of toxicity, levels of hazard for the environment;

c) Capacity of waste-receiving environment.

3. The rate of environmental protection is adjusted to requirements of environmental protection and socio-economic conditions of the country in each stage.

4. Collected environmental protection fees shall be used for environmental protection activities.

#### **Article 149. Environmental protection fund**

1. The Environmental Protection Funds include the central environment protection fund, environment protection funds of Ministries and specialized authorities, and provincial environment protection funds that are established to support environmental protection activities.

The state has encouraged enterprises, organizations, individuals to establish their own environmental protection funds.

2. Capital for national and provincial environmental protection funds is derived from the following sources:

a) State budget;

b) Environmental protection fees:

c) Compensations to the state for environmental damages;

d) Grants, aids, and entrusted investments from domestic and overseas entities.

3. The authority to establish environmental protection fund are regulated as follows:

a) The Prime Minister decides the establishment, organization and operation of environmental protection funds on national, ministerial, ministerial-level body, economic corporate and state corporate levels

b) Provincial People's committees decide the establishment, organization and operation of their own environmental protection funds;

c) Organizations, individuals shall establish their own environmental protection funds and operation in accordance with the statute of the fund.

#### **Article 150. Environmental service development**

1. The state encourages organizations, individuals to establish environmental service business through bidding, public-private partnership (PPP) in the following areas:

a) Collecting, transporting, recycling and treating waste;

b) Observing, analyzing environmental, assessing environmental treatment;

c) Developing, transferring environmental friendly production technology, environmental technology;

d) Providing environmental consultancy, training, and information;

đ) Carrying out environmental appraisal towards goods, machinery, equipment, and technology;

e) Appraising environmental damage and health;

g) Other environmental protection services

2. The Minister of Natural Resources and Environment shall actively coordinates with Ministers, heads of ministerial level bodies to provide guidance on the implementation of the regulations mentioned in Paragraph 1 of this Article.

#### **Article 151. Incentives and support for environmental protection tasks**

1. The state shall provide favors, supports to environmental protection tasks below

- a) Constructing domestic wastewater treatment systems;
- b) Constructing plants for recycling, treating conventional solid waste, hazardous waste, and waste landfill sites;
- c) Constructing environmental monitoring stations;
- d) Constructing environmental industrial bases, environmental protection works for the benefits of public interests;
- đ) Manufacturing and trading eco-friendly products;
- e) Transforming operation of industrial parks, industrial complex, and entities causing serious pollution to the environment.

2. The Government shall detail this Article.

#### **Article 152. Development and application of science and technology to environmental protection**

1. Organizations, individuals involved in the study, transfer, development and application of science and technology to environmental protection shall enjoy favors and supports.

2. Favored activities of study, transfer, development and application of technology to environmental protection include:

- a) Studying, transferring, developing and applying technology of waste recycling;
- b) Studying, transferring, developing and applying environmental friendly technology and exploiting technology, making effective use of natural resources, saving energy, preserving nature and biological diversity;
- c) Studying, transferring, developing and applying waste treatment technology, preventing, minimizing pollution; reforming, restoring and improving environmental quality;
- d) Studying, transferring, developing and applying pollution control technology, environmental change forecasting and warning technology; observing and assessing environmental quality;
- đ) Studying and constructing facilities to cope with climate change;
- e) Studying and applying measures to improve environmental health, minimize environmental impact on people.

#### **Article 153. Environmental industry development**

The state shall invest and provide favors and supports to individuals, organizations being involved in the development of environmental industry; in the construction and upgrading of technical infrastructure for waste treatment and recycling; in the establishment and development of centralized waste treatment and recycling sites; in the production and supply of equipment, products in service of environmental protection.

#### **Article 154. Communicating and popularizing the law on environmental protection**

1. Dissemination and education of the law on environmental protection shall be done regularly and extensively.
2. Any agency, organization, and individual whose performance in environmental protection is excellent shall be commended and rewarded in accordance with the law on emulation and commendation.
3. The Ministry of Natural Resources and Environment shall coordinate with press agencies responsible for spreading the law on environmental protection.
4. Ministries, ministerial level bodies shall coordinate with the Ministry of Natural Resources and Environment, and the media responsible to communicate the law on environmental protection under the management.

#### **Article 155. Provision of environmental education and provision of training for environmental protection forces**

1. Curriculum of general education levels shall convey environmental content.
2. The state put priority on training human resource for environmental protection; encouraging every organization, individual to participate in the education of environment and training human resource for environmental protection.
3. The Ministry of Education and Training shall actively coordinate with the Minister of Natural Resources and Environment to detail the educational program of environment and provide training to human resource on environmental protection.

### **Chapter XVII**

#### **INTERNATIONAL COOPERATION ON ENVIRONMENTAL PROTECTION**

#### **Article 156. Signing and becoming a member in the international treaty of environmental protection**

The international treaty which is beneficial to global, regional and national environmental protection and is suitable for the interests and capabilities of The Socialist Republic of Vietnam shall be considered for signing and participation.

#### **Article 157. Environmental protection during international economic integration**

1. The state shall encourage bodies, organizations, and individuals to actively meet the requirements of environment in order to enhance competitiveness of goods and services on regional and international markets.
2. Agencies, organizations, and individuals participating in international economic integration shall be responsible for preventing and minimizing negative impact on domestic environment.

#### **Article 158. Expanding international cooperation on environmental protection**

1. The state shall encourage organizations, individuals to cooperate with foreign organizations, individuals, and overseas Vietnamese in order to enhance capacity and efficiency of environmental protection in the country; enhance position and role of the Socialist Republic of Vietnam in environmental protection in the region and in the world.

2. The state shall create favorable conditions for foreign organizations, individuals and overseas Vietnamese to invest and support training of human resource, scientific study, technological transfer, natural preservation and other activities in environmental protection; to develop and make appropriate and effective use of resources of international cooperation in environmental protection.

3. The state shall further cooperation with neighboring and regional countries to settle issues of management and exploitation of natural resources and environmental protection.

## **Chapter XVIII**

### **INVESTIGATING, INSPECTING AND HANDLING VIOLATIONS, SETTLING ENVIRONMENTAL DISPUTES, CLAIMS AND ACCUSATIONS**

#### **Article 159. Responsibilities for organizing and directing the investigation and inspection of environmental protection tasks**

1. The Minister of Natural Resources and Environment shall organize and direct the investigation and inspection of environmental protection in accordance with the law on a national scale.

2. The Minister of National Defense, Minister of Public Security shall organize and direct the investigation and inspection of environmental protection with respect to establishments, projects and works under national secrecy in defense and security.

3. Chairpersons of the Provincial People's committees shall organize and direct the investigation and inspection of environmental protection in accordance with the law in the area.

#### **Article 160. Actions against violations**

1. Any organization and individual who violates the law on environmental protection causing pollution and degradation to the environment, causing losses to other organizations and individuals shall be responsible for remedying the consequences, restoring the environment, compensating for the damages in accordance with the regulation of this Law and relevant laws.

2. Heads of agencies, organizations, officials and public servants who misuse their titles and powers to cause troubles and harassment to organizations, individuals, be involved in cover-ups on violators of environmental protection or show lack of responsibility for environmental pollution and problem, depending on the nature and seriousness of violations, shall incur penalties according to applicable regulations of the law.

#### **Article 161. Environmental disputes**

1. Environmental disputes include:

a) Disputes concerning rights and responsibilities for environmental protection in exploitation and use of environmental components;

b) Disputes concerning determination of causes to environmental pollution, degradation and problem;

c) Disputes concerning responsibilities for handling and remedying consequences, compensating for losses caused by environmental pollution, degradation and problem.

2. Parties in dispute over environment

a) Organizations, individuals using environmental components in dispute:

b) Organizations, individuals who exploit and use environmental components and organizations, individuals who are responsible for reforming and restoring the polluted and degraded environmental area, and compensating for environmental damages.

3. Settlement of environmental disputes shall be done in accordance with the law on non-contractual civil dispute settlement and the regulation of relevant law.

4. Environmental disputes that take place within the Socialist Republic of Vietnam in which either or both of the parties are foreign organization, individual shall be settled in accordance with the law by the Socialist Republic of Vietnam except otherwise as stipulated in the international treaty of which the Socialist Republic of Vietnam is a member.

#### **Article 162. Complaints, accusations and lawsuits**

1. Organizations, individuals are entitled to file a complaint and lawsuit against any breach of environmental protection in accordance with the law.

2. Individuals are entitled to report any breach of environmental protection to the authorities according to the law on claims and denunciations.

3. Time limit for filing a lawsuit over environment shall begin when the aggrieved individual's detection of the damage caused by the breach of environmental protection regulations by other organizations, individuals.

### **Chapter XIX**

#### **COMPENSATIONS FOR ENVIRONMENTAL DAMAGES**

##### **Article 163. Damages caused by environmental pollution and degradation**

Damages caused by environmental pollution and degradation include:

1. Deterioration in environmental function and productivity

2. Loss of human life and health, properties and legal interests of the organizations, individuals due to the deterioration.

##### **Article 164. Principles of handling responsibilities of organizations, individuals causing environmental pollution**

1. Environmental pollution and its consequences shall be studied, investigated and concluded opportunely by regulatory authorities.

2. Any act causing environmental pollution, degradation committed by organizations, individuals shall be handled opportunely according to the law.

3. Principles of handling responsibilities shall be defined as follows:

a) Head of the organization shall take responsibility for any breach of environmental protection relating to activity of his/her organization.

b) Organizations, individuals causing environmental pollution, degradation shall be responsible for remedying the consequences and compensating for the damages caused.

c) In case any individual that causes environmental pollution, degradation during the execution of the tasks assigned by his/her organization, the organization shall be responsible for compensating for damages caused according to the law.

## **Article 165. Determination of damages caused by environmental pollution, degradation**

1. Degrees of deterioration in environmental function and productivity are as below:

- a) Mild
- b) Serious
- c) Alarming level

2. Determination of scope, area of the environment under deterioration in function and productivity includes:

- a) Scope and area of zone and core zone under critical and particularly critical deterioration;
- b) Scope, area of buffer zone under direct deterioration;
- c) Scope, area of other areas under the impact of core zone and buffer zone.

3. Determination of environmental components under deterioration includes:

- a) Determination of number of environmental components under deterioration, categories of ecosystem similar to damaged one;
- b) Degree of damage to each environmental component, ecosystem and categories.

4. Calculation of environmental damages is defined as follows:

- a) Initial and lasting damages due to deterioration in function and productivity of environmental components;
- b) Cost for environmental treatment, reformation and restoration;
- c) Cost for minimizing or eliminating damage-causing sources
- d) Making enquiries from relevant entities;
- đ) Depending on specific condition, one of the measures mentioned in Points a, b, c and d of this Paragraph may be applied to calculate environmental damages, and served as a foundation for compensation and damage compensation settlement.

5. Calculation of damages due to deterioration in environmental function and productivity is done independently or with coordination of the damage causing party and affected party.

In case either or both of the parties have requests, environmental protection agencies are responsible for instructing the calculation to determine the damages or witnessing determination of damages.

6. Determination of damages to human life and health, properties and legal interests of organizations, individuals caused by environmental pollution and degradation is done in accordance with the law.

7. The Government shall detail this Article.

## **Article 166. Determination of damages caused by deterioration in environmental function and productivity**

1. Appraisal of damages caused by deterioration in environmental function and productivity is done at the request of organizations, individuals affected or the agency involved in settling damage compensation.
2. Foundations for appraising damages include a written proposal for damage compensation, information, data, evidence and others in relation to the compensation and damage causing subject.
3. Deciding on a damage appraising organization shall be jointly agreed by both parties; in case both parties fail to come to an agreement, the decision on the damage appraising organization shall be made by the agency assigned for settling damage compensation.

#### **Article 167. Liability insurance for environmental damages**

4. The State encourages insurance businesses to undertake liability insurance for environmental damages.
2. The State encourages organizations, individuals operating in production, business and service to buy liability insurance for environmental damages.
3. Organizations, individuals operating in production, business and service who are at risk of causing significant damage to the environment must buy liability insurance for environmental damages in accordance with the law of the Government.

#### **Chapter XX**

### **EXECUTION PROVISIONS**

#### **Article 168. Transitional clause**

1. The dossier which has been received the competent authorities in accordance with the administrative procedures on environment before the effective date of this Law shall be processed in accordance with the law at the time of receiving.
2. Every license or certificate issued under the Law on Environmental Protection No. 52/2005/QH11 shall remain valid until its expiry date.

#### **Article 169. Effect**

This law is effective from January 01, 2015.

The Law on Environmental Protection No. 52/2005/QH11 shall become invalid since the effective date of this Law.

#### **Article 170. Detailed regulations**

The Government shall detail articles, paragraphs stated in the Law.

*This Law has been ratified on June 23, 2014 at the 8<sup>th</sup> National Assembly, 7<sup>th</sup> session of the Socialist Republic of Vietnam.*

**CHAIRMAN OF NATIONAL  
ASSEMBLY**

**Nguyen Sinh Hung**

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