GOVERNMENT	SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness
No: 08/2022/ND-CP	*Hanoi, 10 January 2022*

DECREE
Detailing a number of articles of the Law on Environmental Protection

Pursuant to the June 19, 2015 Law on Government Organization; Law amending and supplementing a document of the Law on Government Organization and the Law on Organization of Local Government dated November 22, 2019;

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

Pursuant to the June 13, 2019 Law on Public Investment;

Pursuant to the June 17, 2020 Investment Law;

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

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

The Government promulgates a Decree detailing a number of articles of the Law on Environmental Protection.

Chapter I
GENERAL PROVISIONS

Article 1. Scope

This Decree details Clause 4, Article 9; Clause 5 Article 13; Clause 4 Article 14; Clause 4 Article 15; Clause 3, Article 20; Clause 4 Article 21; Clause 4 Article 23; Clause 2 Article 24; Clause 3 Article 25; Clause 7 Article 28; Clause 7 Article 33; Clause 7 Article 37; Clause 6 Article 43; Clause 6 Article 44; Clause 5, Article 46; Clause 8 Article 49; Clause 6 Article 51; Clause 4 Article 52; Clause 4 Article 53; Clause 5, Article 54; Clause 5 Article 55; Clause 7 Article 56; Clause 3 Article 59; Clause 5 Article 61; Clause 1, Article 63; Clause 7 Article 65; Clause 7 Article 67; Point d Clause 2 Article 69; Clause 2 Article 70; Clause 3, Article 71; Clause 8 Article 72; Clause 7 Article 73; Clause 4, Article 78; Clause 3, Clause 4, Article 79; Clause 3 Article 80; Clause 5, Article 85; Clause 1, Article 86; Clause 1, Article 105; Clause 4, Article 110; Clause 7 Article 111; Clause 7 Article 112; Clause 4, Article 114; Clause 3, Article 115; Point a, Clause 2, Article 116; Clause 7 Article 121; Clause 4, Article 131; Clause 4, Article 132; Clause 4, Article 135; Clause 5, Article 137; Clause 5 Article 138; Clause 2 Article 140; Clause 5, Article 141; Clause 4, Article 142; Clause 3 Article 143; Clause 5, Article 144;

Clause 4, Article 145; Clause 2 Article 146; Clause 7 Article 148; Clause 5, Article 149; Clause 5 Article 150; Clause 3, Article 151; Clause 4, Article 158; Clause 6 Article 160; Clause 4, Article 167; Clause 6, Article 171 of the Law on Environmental Protection on the protection of environmental components; environmental zoning, strategic environmental assessment, environmental impact assessment; environmental license, environmental registration; environmental protection in production, business, service, urban, rural and a number of fields; waste management; responsibility for recycling and handling products and packages of manufacturing or importing organizations and individuals; environmental monitoring; environmental information system and database; prevention and response to environmental incidents, compensation for environmental damage; economic tools and resources for environmental protection; State management, inspection, inspection and provision of online public services on environmental protection.

Article 2. Subjects of application

This Decree applies to agencies, organizations, residential communities, households and individuals that have activities related to the contents specified in Article 1 of this Decree in the territory of the Socialist Republic of Vietnam. meaning Vietnam, including the mainland, islands, waters, loose land and airspace.

Article 3. Interpretation of terms

In this Decree, the following terms are construed as follows:

1. The rainwater collection and drainage system of production, business and service establishments includes a water collection and drainage network (pipes, manholes, culverts, canals, ditches, and reservoirs), water pumping stations and drainage systems. rainwater and other ancillary works for the purpose of collecting, conveying, draining rainwater and preventing flooding.

2. The wastewater collection, treatment and drainage system of production, business and service establishments includes a wastewater collection network (pipes, manholes, culverts), wastewater pumping stations, treatment works. wastewater and other ancillary works for the purpose of collecting and treating wastewater and draining treated wastewater into the receiving environment.

3. On-site waste treatment works and equipment are works and equipment that are manufactured, pre-assembled or built on-site to treat wastewater and emissions of production, business and service establishments. household size; parks, amusement parks, entertainment areas, business zones, concentrated services, markets, railway stations, bus stations, docks, harbors, ferry terminals and other public areas; Households and individuals that generate waste water and gas must be treated according to the provisions of the law on environmental protection.

4. Cooling water is water that serves the purpose of cooling equipment and machinery in the production process, not in direct contact with raw materials, materials, fuels and chemicals used in the production stages.

5. Self-disposal of waste means a waste treatment activity performed by a waste source owner in the premises of a waste-generating facility with environmental protection items, production lines or works that meet the requirements of environmental protection. environment.

6. Waste reuse is the reuse of waste directly or use it after it has been preliminarily processed. Preliminary processing of waste is the use of mechanical and physical techniques to change physical properties such as size, moisture, and temperature to create favorable conditions for the classification, storage and transportation of waste. , reuse, recycle, co-process, treat to mix or separate components of waste to suit different management processes.

7. Waste recycling is the process of using technological solutions and techniques to recover valuable components from waste.

8. Waste treatment is the process of using technological and technical solutions (other than preliminary processing) to reduce, eliminate, isolate, isolate, incinerate, destroy, bury waste and other elements. harmful in waste.

9. Wastewater is water with changed characteristics and properties discharged from production, business, service, daily life or other activities.

10. Ordinary solid waste is solid waste that is not on the list of hazardous wastes and not on the list of industrial wastes subject to control with hazardous elements exceeding the hazardous waste threshold.

11. Domestic solid waste (also known as domestic waste) is solid waste generated in daily activities of people.

12. Industrial waste is waste generated from production, business and service activities, which includes hazardous waste, industrial waste that must be controlled and ordinary industrial solid waste.

13. Microplastics in products and goods are solid, insoluble plastic particles with a diameter of less than 05 mm with the main component being synthetic or semi-synthetic polymers, purposefully mixed in products and goods. Chemical products include: toothpaste, washing powder, soap, cosmetics, shampoo, shower gel, facial cleanser and other skin bleaching products.

14. Single-use plastic products are products (other than non-replaceable attachments) including trays, food containers, bowls, chopsticks, glasses, cups, knives, spoons, forks, straws, utensils, utensils. eating utensils with plastic components that are designed and marketed with the intention to be used once before being disposed of in the environment.

15. Non-biodegradable plastic packaging is a packaging that has a main component of polymers derived from petroleum such as Polymer Ethylene (PE), Polypropylene (PP), Polymer Styrene (PS), Polymer Vinyl Chloride (PVC), Polyethylene Terephthalate (PET) and is often difficult to degrade, takes a long time to decompose in the disposal environment (water environment, soil environment or at a solid waste landfill).

16. Nature reserves include national parks, nature reserves, species and habitat conservation areas and landscape protection areas established in accordance with the provisions of the law on biodiversity, forestry and fisheries. .

17. Environmental goods are technologies, equipment and products used to protect the environment.

18. An environmental information system is a synchronous system that follows an overall architecture including people, machinery, equipment, techniques, data, and programs that are responsible for collecting, processing, storing and analyzing data. information about the environment to users in a given environment.

19. Wastewater discharge quota is the amount of each pollutant parameter that can continue to be discharged into the water environment.

20. Point pollution source is a source of direct discharge of pollutants into the environment that must be treated and has a single nature and has a definite location.

21. The source of surface pollution is the source of pollutant discharge into the environment, which is dispersed in nature and has no definite location.

22. Waste treatment service provider means an establishment that conducts waste treatment activities (including recycling and co-treatment activities) for households, individuals, agencies, organizations, production, business, service establishments, concentrated production, business and service zones, industrial clusters.

Chapter II
PROTECTION OF ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGE

Section 1
WATER ENVIRONMENT PROTECTION

Article 4. Contents of surface water environment quality management plan

The main content of the surface water quality management plan is specified in Clause 2, Article 9 of the Law on Environmental Protection. Some of the details are specified as follows:

1. on the assessment of surface water quality; determine the sanitary protection zone of the area where daily-life water is taken, the corridor for protection of surface water sources; determine the aquatic area:

a) Current status and evolution of surface water quality for rivers and lakes for at least the last 3 years;

b) Summary of the current status of sanitary protection zones, areas for domestic water intake, corridors for protection of surface water and aquatic resources, have been determined in accordance with the law on water resources.

2. type and total amount of pollutants discharged into the surface water environment:

a) The results of summarizing and evaluating the total load of each pollutant selected to assess the load carrying capacity of the surface water environment from point pollution sources, surface pollution sources have been investigated and evaluated according to the following criteria: specified at Point b, Clause 2, Article 9 of the Law on Environmental Protection;

b) Forecasting the generation of pollutant loads from point pollution sources and area pollution sources during the planning period.

3. on assessment of load capacity, discharge zoning, wastewater discharge quota:

a) Summarize the results of the assessment of the load capacity of the surface water environment on the basis of the results obtained within the last 03 years and the results of additional assessment and adjustment; determine the roadmap for assessing the load carrying capacity of the surface water environment during the implementation phase of the surface water environment quality management plan;

b) Discharge zoning for the purpose of protecting and improving the quality of surface water environment on the basis of results of assessment of load capacity of surface water environment and environmental zoning (if any);

c) Determine the wastewater discharge quota for each river and lake section on the basis of the results of the assessment of the load capacity of the surface water environment and the zoning of the discharge.

4. Forecast the trend of changes in surface water quality on the basis of the following contents:

a) Forecasting the generation of pollutant loads from point and surface pollution sources in the next 5 years;

b) Results of implementation of the contents specified in Clauses 1,2 and 3 of this Article.

5. about the goals and objectives of the plan:

a) Objectives and targets on surface water quality to be achieved for a period of 5 years for each river and lake section are based on practical needs for socio-economic development and environmental protection; water quality targets of rivers and lakes within the province must be consistent with the water quality objectives of inter-provincial rivers and lakes;

b) Objectives and roadmap to reduce discharge into rivers and lakes that are no longer able to bear the load in order to improve water quality, specifically: the total pollutant load needs to be reduced for each pollutant parameter that the water environment the face is no longer able to bear the load; allocate the load to be reduced according to the group of pollution sources and the implementation schedule.

6. on measures to prevent and reduce surface water pollution; solutions for cooperation, information sharing and cross-border surface water pollution management:

a) Measures specified in Clause 2, Article 7 of the Law on Environmental Protection for river and lake sections that are no longer capable of carrying loads;

b) Measures and solutions to protect sanitary protection zones in areas receiving daily-life water, corridors for protection of surface water and aquatic resources in accordance with the law on water resources;

c) Measures and solutions on mechanisms and policies to implement the roadmap specified at Points a and b, Clause 4 of this Article;

d) Measures and solutions to control discharge sources into the surface water environment;

dd) Establish a system of monitoring and warning of changes in surface water quality, including transboundary surface water quality, in line with the national environmental monitoring master plan and important contents. environmental monitoring in regional and provincial planning;

e) Measures and solutions for cooperation and information sharing on transboundary surface water quality;

g) Other measures and solutions.

7. on solutions to protect and improve surface water quality:

a) Scientific and technological solutions to treat and improve the quality of surface water environment;

b) Solutions on mechanisms and policies;

c) Organizational solutions, mobilizing the participation of agencies, organizations and communities;

d) Other construction and non-structural solutions.

8. Implementation organization:

a) Assign responsibilities to the agency in charge and agencies coordinating the implementation of the plan;

b) Mechanism for monitoring, reporting and urging the implementation;

c) List of projects and prioritized tasks to achieve the objectives of the plan;

d) Mechanism of resource allocation implemented.

Article 5. Order and procedures for promulgating the surface water environment quality management plan

1. The plan for management of surface water environment quality for inter-provincial rivers and lakes which plays an important role in socio-economic development and environmental protection is promulgated for each inter-provincial river and lake in accordance with regulations. after:

a) The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministries, ministerial-level agencies and provincial-level People's Committees in, formulating, approving and implementing a project on investigation, assessment and drafting of a draft plan. management of surface water quality for each inter-provincial river and lake;

b) The Ministry of Natural Resources and Environment shall send the draft plan for surface water environment quality management for each inter-provincial river and lake to the provincial-level People's Committee and relevant ministries and ministerial-level agencies for opinions. document; study, absorb and explain suggestions, complete the draft plan, and submit it to the Prime Minister for consideration and promulgation. A dossier to be submitted to the Prime Minister includes: a report; draft plan; draft decision to issue the plan; report, explain, receive comments; written comments of relevant agencies;

c) Based on the requirements of state management and the proposal of the People's Committee of the province, the Ministry of Natural Resources and Environment shall consider and decide on the assignment of the task of developing a plan for surface water quality management for each river and lake. Inter-provincial People's Committees of provinces to assume the prime responsibility for, and coordinate with relevant localities and agencies in, implementation.

Provincial-level People's Committees are assigned to assume the prime responsibility for performing the responsibilities of the Ministry of Natural Resources and Environment in formulating, collecting opinions and completing the draft plan according to the provisions of Points a and b of this Clause; send the dossiers specified at Point b of this Clause to the Ministry of Natural Resources and Environment for consideration and submission to the Prime Minister for promulgation.

2. The plan for surface water quality management for rivers and lakes in the province, which plays an important role in socio-economic development and environmental protection, is developed in common for the entire river and lake within the province or for the entire province. each river and lake within the province and according to the following regulations:

a) The provincial-level specialized environmental protection agency shall assume the prime responsibility for, and coordinate with relevant departments, agencies, branches and district-level People's Committees in formulating, approving and implementing projects on investigation, assessment, and construction. draft plan for environmental quality management of river and lake surface water in the province;

b) Provincial-level specialized environmental protection agencies shall send draft plans for environmental management of surface water quality in rivers and lakes in the province to district-level People's Committees, relevant departments, agencies and specialized agencies. environmental protection subjects at the provincial level of the neighboring provinces and centrally-run cities for written opinions; study, absorb and explain comments and suggestions, complete the draft plan, and submit it to the provincial People's Committee for consideration and promulgation. A dossier to be submitted to the People's Committee of the province includes: a report; draft plan; draft decision to issue the plan; report, explain, receive comments; written comments from relevant agencies.

3. The identification of rivers and lakes that play an important role in socio-economic development and environmental protection is based on the current state of surface water quality, current status of waste sources, and demand for water sources for different industries. the purpose of socio-economic development, the objective of protecting and improving the quality of surface water environment and other requirements for state management of environmental protection.

4. The plan for surface water environment quality management for inter-provincial rivers and lakes must be consistent with the national environmental protection planning. In case the national environmental protection planning has not been issued yet, the surface water quality management plan for inter-provincial rivers and lakes must conform to state management requirements and must be reviewed and updated. updated in accordance with the national environmental protection plan when it is promulgated.

5. The plan for surface water environment quality management for rivers and lakes within the province must be consistent with the national environmental protection planning, the environmental protection content in the regional and provincial plannings. In case the national environmental protection planning, the environmental protection content in the regional planning, the provincial planning has not been promulgated, the plan for the management of surface water environment quality for the rivers and lakes within the province must be in accordance with the regulations. meeting with state management requirements and must be reviewed and updated in accordance with the national environmental protection planning, regional planning, and provincial planning when promulgated.

6. The surface water environment quality management plan specified in Clauses 1 and 2 of this Article must be formulated in accordance with the 5-year socio-economic development plan. Before June 30 of the fourth year of the medium-term public investment plan of the previous period, the agency approving the plan shall direct the organization to review and evaluate the implementation of the plan of the previous period, develop and approve the plan. for the next period as a basis for proposing a medium-term public investment plan.

Section 2
ENVIRONMENTAL PROTECTION AIR

Article 6. Contents of the national plan on air quality management

The main contents of the national plan on air quality management are specified in Clause 3, Article 13 of the Law on Environmental Protection. Some of the details are specified as follows:

1. on the assessment of the management and control of air pollution at the national level; Identify the main causes of air pollution:

a) Current status and evolution of national air quality over the last 3 years; the total amount of emissions causing air pollution and the spatial distribution of emissions from point pollution sources, mobile pollution sources, and surface pollution sources; effects of air pollution on public health;

b) Results of the implementation of air quality monitoring programs, automatic and continuous monitoring stations for air quality and industrial emissions; the use of monitoring data for the assessment of changes and management of air quality in the last 3 years;

c) Current status of national air quality management for at least the last 3 years; inadequacies and existing problems in the management of air quality;

d) Identify the main causes of air pollution.

2. Objectives of air quality management:

a) Overall objective: to increase the effectiveness and efficiency of air quality management in accordance with the plan for socio-economic development and environmental protection according to the plan period;

b) Specific objectives: quantification of targets to reduce the total emissions generated from the main emission sources; improve air quality.

3. Tasks and solutions for air quality management:

a) on mechanisms and policies;

b) on science and technology to improve air quality;

c) management and control of air quality.

4. Priority programs and projects to perform the tasks and solutions specified in Clause 3 of this Article.

5. Regulations on coordination and measures to manage inter-regional and inter-provincial air environment quality must fully show contents and measures to coordinate in handling and managing air quality; responsibilities of relevant agencies and organizations in inter-regional and inter-provincial air quality management, collection, reporting, and disclosure of information in case of polluted air environment quality. infected.

6. Organize the implementation of the national plan on air quality management, including:

a) Assigning responsibilities of the lead agency and coordinating agencies in the implementation of the plan;

b) Mechanism for monitoring, reporting and urging the implementation;

c) The list of priority programs and projects to perform the tasks and solutions of the plan;

d) Mechanism of resource allocation implemented.

Article 7. Order and procedures for promulgating the national plan on air quality management

1. The national plan on air quality management is promulgated according to the following provisions:

a) The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministries, ministerial-level agencies and provincial-level People's Committees in, organizing the formulation, approval, and implementation of an investigation, evaluation and draft project. national plan on air quality management;

b) The Ministry of Natural Resources and Environment shall send the draft national plan on air environment quality management to the provincial-level People's Committees and relevant ministries and ministerial-level agencies for written comments; study, absorb and explain comments and suggestions, complete the draft plan, and submit it to the Prime Minister for consideration and promulgation. A dossier to be submitted to the Prime Minister includes: report, draft plan, draft decision on promulgation of the plan; general report, explanation on acceptance of the draft plan; written comments from relevant agencies.

2. The national plan on air quality management must be consistent with the national environmental protection plan. In case the national environmental protection planning has not been issued, the national plan on air quality management must conform to the requirements of state management of environmental protection and must be reviewed and updated. updated in accordance with the national environmental protection plan when it is promulgated.

3. The national plan on air quality management is formulated in accordance with the 5-year socio-economic development plan. Before June 30 of the fourth year of the medium-term public investment plan of the previous period, the agency approving the plan shall direct the organization to review and evaluate the implementation of the plan of the previous period, develop and approve the plan. for the next period as a basis for proposing a medium-term public investment plan.

Article 8. Contents of provincial-level air quality management plan

The main content of the provincial air quality management plan is specified in Clause 4, Article 13 of the Law on Environmental Protection. Some of the details are specified as follows:

1. on assessment of local air quality: current status of air quality in urban, rural and other areas.

2. on assessment of air quality management; air environment monitoring; identification and assessment of the main emission sources; emissions inventory; modeling air quality; current status and effectiveness of air quality management solutions being implemented; status of monitoring programs and systems; synthesize, identify and evaluate the main emission sources (point pollution sources, mobile pollution sources, surface pollution sources); conduct inventory of key emission sources and model air quality.

3. Analyze and identify the causes of air pollution: objective causes from meteorological, weather, seasonal factors, inter-provincial and cross-border pollution problems (if any); subjective causes from socio-economic development activities that give rise to sources of air pollution (point pollution sources, mobile pollution sources, surface pollution sources).

4. on the assessment of the effects of air pollution on public health: information and data on the number of cases of diseases caused by the effects of air pollution (if any); results of assessing the effects of air pollution on the health of local people.

5. Objectives and scope of air quality management: current status and evolution of air quality, current status of local air quality management.

6. Tasks and solutions for air quality management:

a) on mechanisms and policies;

b) on science and technology to improve air quality;

c) management and control of air quality.

7. Organize the implementation of the provincial air quality management plan, including:

a) Assign responsibilities of the lead agency and the coordinating agencies in the implementation of the plan;

b) Mechanism for monitoring, reporting and urging the implementation;

c) Mechanism of resource allocation implemented.

8. Provincial-level People's Committees shall organize the formulation of provincial-level air quality management plans according to the technical guidance of the Ministry of Natural Resources and Environment.

Article 9. Order and procedures for promulgating provincial-level air quality management plan

1. The provincial air quality management plan is issued according to the following regulations:

a) The specialized environmental protection agency of the province shall assume the prime responsibility for, and coordinate with the relevant departments, agencies, branches and district-level People's Committees in formulating, approving and implementing the investigation, assessment and construction project. draft provincial air quality management plan;

b) The provincial-level specialized environmental protection agency shall send the draft provincial-level air environment quality management plan to relevant departments, boards, branches, district-level People's Committees and specialized agencies in charge of environmental protection. environmental protection of the neighboring provinces and centrally-run cities in case of necessity to collect opinions in writing; study, absorb and explain comments and suggestions, complete the draft plan, and submit it to the provincial People's Committee for consideration and promulgation.

Dossiers submitted for promulgation of provincial air quality management plans include: report; draft plan; draft decision to promulgate the plan; summary report, explanation for acceptance and completion of the draft plan; written comments from relevant agencies.

2. The provincial air quality management plan must be consistent with the national environmental protection planning, the environmental protection content in the regional and provincial planning. In case the national environmental protection planning, the environmental protection content in the regional planning, the provincial planning has not been promulgated, the provincial air quality management plan must conform to the requirements of the house management. on environmental protection and must be reviewed and updated in accordance with the national environmental protection planning, regional planning, and provincial planning when promulgated.

3. The provincial air quality management plan is built in accordance with the 5-year socio-economic development plan. Before June 30 of the fourth year of the medium-term public investment plan of the previous period, the agency approving the plan shall direct the organization to review and evaluate the implementation of the plan of the previous period, develop and approve the plan. for the next period as a basis for proposing a medium-term public investment plan.

Article 10. Taking urgent measures in case the air quality is seriously polluted

1. In case the air quality is seriously polluted due to an environmental incident, the response to the environmental incident shall comply with the provisions of Section 1, Chapter X of the Law on Environmental Protection.

2. In case the air quality is seriously polluted not specified in Clause 1 of this Article, the competent agency specified in Clauses 1 and 3, Article 14 of the Law on Environmental Protection shall direct the implementation of measures. the following emergency measures:

a) Limiting, suspending or adjusting the operating time of production facilities that discharge dust and gas with large volume into the environment and are in the form of production that poses a risk of causing environmental pollution;

b) Limiting and channeling activities of road transport means;

c) Suspend or adjust the working time of agencies, organizations and schools;

d) Temporarily suspend activities that gather in large numbers of people outdoors.

3. In case the air quality is seriously polluted on an inter-regional, inter-provincial or cross-border scale as prescribed at Point a, Clause 5 of this Article, the Ministry of Natural Resources and Environment shall report to the Prime Minister for guidance. direct the implementation of emergency measures specified in Clause 2 of this Article. Provincial-level People's Committees are responsible for organizing the implementation of emergency measures in their respective areas under the direction of the Prime Minister.

4. In case the air quality is seriously polluted within the province as prescribed at Point b, Clause 5 of this Article, the People's Committee of the province shall organize the implementation of measures specified in Clause 2 of this Article.

5. The seriously polluted air environment is determined as follows:

a) The air environment is seriously polluted at inter-regional and inter-provincial levels when the Vietnam Air Quality Index (VN_AQI) is valid from 301 or more per day according to monitoring results of national environmental monitoring stations, localities in the area of two or more contiguous provinces or centrally-run cities for a period of 03 consecutive days;

b) The air environment is seriously polluted at the provincial level when the Vietnam Air Quality Index (VN_AQI) is valued at 301 or more per day according to the monitoring results of national and local environmental monitoring stations in the province. table for 3 consecutive days.

Section 3
ENVIRONMENTAL PROTECTION DAT

Article 11. Responsibilities of agencies, organizations, residential communities, households and individuals in land environment protection

1. The implementation of investment projects, establishments, concentrated production, business and service zones, industrial clusters, agricultural production activities, the use of land for cemeteries and graveyards, the use of land in rivers and streams Special-use canals, canals, streams and water surfaces must take measures to prevent and minimize adverse impacts on the soil environment, ensuring that they do not pollute, degrade or degrade land quality, do not lose or reduce the ability to use the land for the specified purpose.

2. The conversion of rice land to annual and perennial crops or rice cultivation combined with aquaculture must ensure that the land does not pollute or degrade the land and comply with the provisions of the law on land.

3. The use of land for mineral activities, production of building materials, and making pottery must ensure that it does not cause adverse impacts on the landscape and environment, obstructing the flow; return the land in accordance with the ground state at the request of the land allocation or land lease agency in accordance with the provisions of the law on land.

Article 12. Areas subject to investigation, assessment and classification of land environment quality

1. Areas subject to investigation, assessment and classification of soil environmental quality include:

a) Areas contaminated with chemicals during the war;

b) Areas with concentrated production, business and service zones, industrial clusters, chemical warehouses, plant protection drug warehouses, craft villages that have been closed or relocated;

c) Areas with closed or relocated production facilities in one of the following categories: mining and processing of toxic minerals, metallic minerals; mineral processing using harmful chemicals; production of cast iron, steel, metallurgy (except rolling, drawing, casting from raw materials); production of basic inorganic chemicals (except for industrial gases), inorganic fertilizers (except for mixing, extraction and packaging), chemical plant protection drugs (except for mixing and extraction); oil refinery; thermal power (except using gas, DO oil); recycle and treat daily-life solid waste, ordinary industrial solid waste, and hazardous waste; there is a stage of plating, cleaning metal surfaces with dangerous chemicals; manufacture of batteries and accumulators;

d) Areas contaminated with chemicals and pesticides.

2. Investigation and assessment of soil environment quality includes investigation, preliminary assessment and detailed investigation and assessment.

Article 13. Investigating, assessing, treating, renovating and restoring the land environment polluting by organizations and individuals

1. Agencies, organizations, residential communities, households and individuals that cause land pollution are responsible for carrying out a detailed investigation and assessment according to the provisions of Article 16 of this Decree; formulate and implement a plan to treat, renovate and rehabilitate areas contaminated with land environment according to the provisions of Article 17 of this Decree.

2. The plan for treatment, improvement and restoration of the land environment must be sent to the specialized environmental protection agency of the province for inspection and supervision.

Article 14. Investigation, assessment, treatment, improvement and restoration of the land environment is the responsibility of the State

1. Provincial-level People's Committees shall direct provincial-level specialized agencies in charge of environmental protection to conduct a preliminary investigation and assessment of the subjects specified in Clause 1, Article 12 of this Decree; Investigate, evaluate in detail, develop a plan for environmental treatment, improvement and restoration for the area of land environmental pollution left by the history or the organization or individual causing pollution on the land cannot be identified. the geographical areas specified in Articles 16 and 17 of this Decree as a basis for formulation of projects specified in Clause 2 of this Article.

2. Provincial-level People's Committees shall approve projects on environmental treatment, renovation and restoration of polluted areas in the cases specified in Clause 1 of this Article in accordance with the law on state budget.

3. The Ministry of National Defense and the Ministry of Public Security shall direct the organization of preliminary investigation and assessment of defense and security land according to the provisions of Article 15; investigate and evaluate in detail the areas of environmental pollution of defense land and security land according to the provisions of Article 16 of this Decree; approve projects on environmental treatment, renovation and restoration of environmentally polluted areas of national defense and security land which have been investigated and assessed according to the provisions of Article 16 of this Decree and the law on housing budget country.

4. Provincial-level People's Committees, the Ministry of National Defense and the Ministry of Public Security shall send to the Ministry of Natural Resources and Environment the results of environmental treatment, renovation and restoration for the subjects specified in Clauses 2 and 3 of this Article.

5. Encourage the diversification of capital sources to treat, improve and restore the land environment in accordance with the law.

Article 15. Preliminary investigation and assessment of land environment quality

1. The preliminary investigation and assessment of the land area specified in Clause 1, Article 12 of this Decree aims to assess and detect pollutants with concentrations exceeding the environmental technical regulations on soil quality, causes, cause object

Environmental pollution. Preliminary investigation and assessment results are the basis for identifying, zoning and managing areas at risk of land environment pollution, areas of land environment pollution as prescribed in Clauses 2, 3 and 3. 4 Article 17 of the Law on Environmental Protection.

2. Contents of preliminary investigation and assessment include:

a) Synthesize and review documents related to the land area to be investigated and evaluated;

b) Surveying the site of soil pollution areas;

c) Carry out sampling and analysis of samples to determine the content of pollutants, pollution sources and preliminary assessment and classification of pollution levels;

d) Make a report on preliminary investigation and assessment results according to the form promulgated by the Ministry of Natural Resources and Environment.

3. Based on the results of preliminary investigation and assessment, the agency specified in Clause 4 of this Article is responsible for:

a) Disclosure of information and preliminary zoning of contaminated areas to conduct detailed investigation and assessment;

b) Disclosure of information and zoning of land at risk of contamination for monitoring and supervision.

Article 16. Detailed investigation and assessment of areas of land environment pollution

1. The detailed investigation and assessment of the land environment pollution area in order to determine the residual pollutants, the residual pollutant content; residual pollution sources; classify the level, scale and impact of pollution on the environment; propose measures to treat, improve and restore the environment.

2. Detailed investigation and evaluation contents include:

a) Making detailed plans for field surveys;

b) Investigate, survey, and take detailed samples at the site according to the distribution of content of residual pollutants; analyze, evaluate in detail, determine the composition and nature of the residual pollutant, the extent, scale and impact on the environment;

c) Build a map of the area of land pollution with information on pollutants, pollution levels, and pollution scopes;

d) Make a report on the results of investigation and detailed assessment of the area of land environment pollution according to the form promulgated by the Ministry of Natural Resources and Environment.

3. The results of detailed investigation and assessment are the basis for formulating plans for environmental treatment, improvement and restoration and determining responsibility for handling, renovating and restoring contaminated areas.

4. The Ministry of Natural Resources and Environment provides technical guidance on methods, methods and networks for taking samples for preliminary analysis and detailed analysis of soil environment quality at the field.

Article 17. Environmental treatment, renovation and restoration

1. The environmental treatment, improvement and restoration of areas contaminated with land environment shall be based on the report on results of investigation, preliminary assessment, detailed investigation and assessment specified in Articles 15 and 16 of the Decree. and plans for environmental treatment, improvement and restoration.

2. The main contents of the plan for environmental treatment, improvement and restoration include:

a) General information on the area of land pollution;

b) Results of investigation and assessment of the pollution level of the land environment pollution area;

c) Select the method of on-site treatment or transport to the specified disposal site;

d) Works, technical measures and technologies to reduce or eliminate residual pollutants in areas of land environment pollution; comparison table of technical measures, together with analysis to select the optimal solution;

dd) Roadmap and plan for implementation of the pollution treatment plan;

e) Monitoring and control during and after treatment.

3. After completing the treatment, improvement and restoration of the land environment, the subjects specified in Clause 1, Article 13 of this Decree are responsible for reporting to the provincial specialized environmental protection agency on the results of the treatment. , improvement and restoration of the soil environment.

4. For areas with soil environmental pollution left behind by history or where the polluting organizations or individuals cannot be identified, after completing the treatment, renovation and restoration of the land environment, the People's Committees of The province publishes or authorizes the provincial environmental protection agency to publish information to the community on the results of treatment, rehabilitation and restoration.

5. The Minister of Natural Resources and Environment shall promulgate the form of the plan for environmental treatment, renovation and restoration specified in Clause 2 of this Article.

6. The Ministry of Agriculture and Rural Development is responsible for directing and guiding the implementation of solutions and technical advances in agricultural production in order to protect, improve, restore and raise the fertility of agricultural land.

Article 18. Plans to treat, renovate and restore areas with particularly serious soil environment pollution

1. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministries, ministerial-level agencies and provincial-level People's Committees in, formulating and submitting to the Prime Minister for promulgation a plan on treatment, renovation and restoration of the area. particularly serious land environment pollution as prescribed in point c, clause 1, article 19 of the Law on Environmental Protection; organize the implementation of the contents of the assigned plan; monitor, summarize and report to the Prime Minister on the implementation of the plan.

2. The contents of a plan to treat, renovate and restore areas of particularly serious soil environmental pollution include:

a) Overall assessment of the current state of soil environmental pollution; identify the main causes of land environment pollution; inadequacies, problems and causes in the management of soil environmental quality;

b) Determine the overall and specific objectives of the plan to treat, renovate and restore areas of particularly serious soil environmental pollution, in line with the national 5-year socio-economic development plan. family;

c) Proposing tasks and solutions to handle, renovate and restore areas with particularly serious soil environment pollution;

d) Formulate priority programs and projects to perform tasks and solutions;

d) Allocate funding sources to implement the plan;

e) Implementation organization, including: responsibilities of the lead agency and coordinating agencies; mechanism for monitoring, reporting and urging the implementation; resource allocation mechanism.

3. Based on the investigation results, before December 25 of each year, the People's Committee of the province, the Ministry of National Defense and the Ministry of Public Security shall summarize and report to the Ministry of Natural Resources and Environment on the list of areas particularly serious soil environmental pollution according to the form prescribed by the Ministry of Natural Resources and Environment.

Section 4
PROTECTION OF THE ENVIRONMENT OF NATURAL HERITAGE

Article 19. Criteria, order, procedures and competence for establishment and recognition of other natural heritages prescribed in the Law on Environmental Protection

1. The establishment and recognition of natural heritage specified at Point c, Clause 1, Article 20 of the Law on Environmental Protection shall be based on one of the criteria specified in Clause 2, Article 20 of the Law on Environmental Protection and assessed according to the level of environmental protection. positive and meaningful influence on the community, locally, nationally, regionally and globally. Criteria for a number of specific natural heritage objects are specified in Clauses 2 and 3 of this Article.

2. Biosphere reserve is an area that meets the criteria of having special biodiversity value to be conserved as prescribed at Point b, Clause 2, Article 20 of the Law on Environmental Protection and is detailed as follows:

a) Areas gathering ecosystems representing a biogeographic region;

b) Having clear boundaries to implement the management zoning as prescribed in this Decree and ensuring the implementation of activities, building and piloting a model combining biodiversity conservation, using system services. ecology, sustainable socio-economic development, support to promote scientific and technological research, propaganda and education on environmental protection, nature conservation and biodiversity.

3. Geopark is an area that meets the criteria specified at Point c, Clause 2, Article 20 of the Law on Environmental Protection and is detailed as follows:

a) Having clear and seamless geographical and administrative boundaries, which contains a collection of geological heritages of scientific, educational and economic value;

b) It has outstanding and unique features that demonstrate important geological processes in the evolutionary and development history of the Earth. be researched, evaluated, conserved and exploited and used in a holistic and sustainable manner.

4. The order and procedures for establishment and recognition of other natural heritages are as follows:

a) To organize the investigation and assessment of the area expected to establish other natural heritages;

b) Building projects to establish natural heritage;

c) Organize consultations with relevant agencies and organizations and consult the community on projects to establish natural heritage;

For natural heritages whose boundaries are within an area of two or more provinces or centrally run cities, the Ministry of Natural Resources and Environment shall organize consultations with ministries, ministerial-level agencies, and the People's Committee of the province. relevant province;

d) Organizing the appraisal of project documents for establishing natural heritage;

dd) Complete the application file and submit it to the competent authority to issue a decision on recognition of the natural heritage.

5. Responsibility for formulation and appraisal of projects on establishment and authority to recognize other natural heritages

a) For natural heritage at provincial level as prescribed at Point a, Clause 4, Article 21 of this Decree:

Provincial-level People's Committees shall organize the formulation of projects on establishment, appraisal and recognition of provincial-level natural heritages in their respective management areas; encourage organizations, individuals and communities to propose the establishment of a natural heritage according to the provisions of this point.

Presidents of provincial-level People's Committees shall establish provincial-level project appraisal councils for establishing natural heritage projects, including representatives of provincial-level People's Committees, relevant departments, agencies, and district-level People's Committees. have boundaries belonging to natural heritage and experts and scientists in related fields;

b) For the national-level natural heritage as prescribed at Point b, Clause 4, Article 21 of this Decree:

Provincial-level People's Committees shall organize the formulation of projects on establishment of national natural heritage in the area under their management and send them to the Ministry of Natural Resources and Environment for appraisal and submission to the Prime Minister for recognition of natural heritages granted. nation;

The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the provincial-level People's Committees in, organizing the formulation of projects on establishment, appraisal and submission to the Prime Minister for approval and recognition of natural heritages located in the area from 02 months onwards. provinces or centrally-run cities or higher or located on sea areas where the administrative management responsibilities of the provincial-level People's Committees have not been determined;

The appraisal council consists of members who are representatives of the Ministry of Foreign Affairs, the Ministry of Culture, Sports and Tourism, the Ministry of Agriculture and Rural Development, relevant ministries, ministerial-level agencies, and representatives of the committee. the people of the provinces and centrally-run cities with area boundaries to be nominated for natural heritage and a number of organizations, experts and scientists in related fields.

6. Dossiers and contents of appraisal of other natural heritage establishment projects

a) A dossier of appraisal of a project to establish a natural heritage includes: a report on a project to establish a natural heritage; written comments of relevant agencies for the project of establishing natural heritage; a written request for appraisal of a project to establish natural heritage;

b) Contents of appraisal of projects to establish natural heritage include: degree of satisfaction of criteria for establishing natural heritage; geographical location, boundary and area of natural heritage, natural heritage management zones; natural heritage management objectives; management contents and plans for environmental protection of natural heritage; management organization model; management resources and implementation of natural heritage management.

7. The Ministry of Natural Resources and Environment shall promulgate the forms of written request for appraisal and report on other natural heritage establishment projects specified at Point c, Clause 1, Article 20 of the Law on Environmental Protection; technical guidance on formulation and recognition of other natural heritages specified in this Article.

Article 20. Order, procedures and competence to nominate for recognition of natural heritage recognized by international organizations

1. The management board (if any) or the organization assigned to manage the natural heritage shall compile a dossier to request the international organization's recognition of the international title and submit it to the competent authority for consideration and appraisal as prescribed in Article 2 of this Article. this.

The technical guidance, appraisal and nomination for recognition of a natural heritage recognized by an international organization according to the provisions of Clause 2, Article 31 of the Law on Cultural Heritage shall comply with the provisions of the law on cultural heritage. .

2. Organization to appraise and submit for approval the policy of nominating a natural heritage recognized by an international organization:

a) For natural heritage sites located in 01 province or centrally run city: the dossier shall be sent to the provincial-level People's Committee for consideration, and to the Ministry of Natural Resources and Environment to organize the appraisal.

In case the natural heritage is located in the area of 02 or more provinces or centrally-run cities or located in the sea area, the administrative management responsibilities of the provincial-level People's Committees, management boards or organizations have not been determined. The organization assigned to manage the natural heritage shall submit it to the Ministry of Natural Resources and Environment for appraisal after obtaining the written consent of the People's Committee of the province whose boundaries belong to the nominated natural heritage;

b) The appraisal council consists of members who are representatives of the Ministry of Foreign Affairs, the Ministry of Culture, Sports and Tourism, the Ministry of Agriculture and Rural Development, relevant ministries, ministerial-level agencies, and representatives of the committee. the people of the province where the natural heritage is nominated, representatives of a number of organizations, experts and scientists in relevant fields;

c) Contents of appraisal include: meeting the criteria for natural heritage to be nominated for international titles; geographical location, boundary and area of natural heritage, natural heritage zoning; natural heritage management objectives; management contents and plans for environmental protection of natural heritage; management organization model; resources to manage and organize the implementation of natural heritage management after being recognized;

d) The Ministry of Natural Resources and Environment shall coordinate with the People's Committee of the province to complete the dossier after the meeting of the Appraisal Council and submit it to the Prime Minister for approval of the policy of nominating an international organization to recognize the international title for the heritage site. natural product.

3. After the policy is approved by the Prime Minister, the Ministry of Natural Resources and Environment will coordinate with the Ministry of Foreign Affairs and the People's Committee of the province to complete and send the dossier for nomination for recognition according to the regulations of international organizations.

4. The Ministry of Natural Resources and Environment provides technical guidance on the nomination and recognition of international titles for Vietnam's natural heritage according to regulations of international organizations; designate a focal point for information and communication with international organizations to provide guidance and technical support on management, environmental protection, nature conservation and biodiversity for organized natural heritage Internationally recognized.

Article 21. Investigation, assessment, management and environmental protection of natural heritage

1. Investigating and evaluating natural heritage includes investigation and assessment every 5 years and other investigation and evaluation activities in accordance with relevant laws. Periodic investigation and assessment includes the following contents:

a) Environmental developments and natural values that need to be protected and preserved according to the criteria for establishing and recognizing natural heritage;

b) Socio-economic development activities have adverse impacts on the natural heritage environment; exploitation and use of natural heritage resources and ecosystem services;

c) Activities to restore natural ecosystems, protect and preserve the values of nature and biodiversity of natural heritage; implement solutions on environmental protection of natural heritage according to the provisions of law;

d) Other contents as prescribed by relevant grass law.

2. The management board or organization assigned to manage the natural heritage shall periodically investigate and evaluate the natural heritage according to the contents specified in Clause 1 of this Article; send a report to the People's Committee of the province having the natural heritage and update the results of the investigation and assessment according to the content specified in Clause 1 of this Article into the national biodiversity database and other facilities. specialized data in accordance with relevant laws.

The Minister of Natural Resources and Environment shall issue the report form specified in this Clause.

3. Based on the outstanding value of nature to be protected and preserved, natural heritage is classified into the following groups and organizes management and prioritizes resources for environmental protection, nature conservation and biodiversity. biological diversity as prescribed in this Decree and relevant laws:

a) The group of important ecological and natural landscape heritages includes: natural heritage established and recognized when meeting the criteria specified at Point a, Clause 2, Article 20 of the Law on Environmental Protection; landscape protection zone

established under the law on biodiversity, forestry and fisheries; scenic spots recognized as cultural heritage in accordance with the law on cultural heritage;

b) The group of heritages with high biodiversity includes: natural heritages established and recognized when meeting the criteria specified at Point b, Clause 2, Article 20 of the Law on Environmental Protection; nature reserves and species - habitat conservation zones established according to the provisions of the law on biodiversity, forestry and fisheries; biosphere reserve as prescribed in Clause 2, Article 19 of this Decree;

c) A typical group of geological and geomorphological heritage includes: natural heritages that are awarded when meeting the criteria specified at point c, clause 2, Article 20 of the Law on Environmental Protection, and geoparks as prescribed in Clause 2 of this Article. 3 Article 19 of this Decree;

d) The group of important ecological environment heritage includes: natural heritages when meeting the criteria specified at point d, clause 2, Article 20 of the Law on Environmental Protection;

dd) A group of natural heritage gardens, including: natural heritage is established and recognized when meeting two or more of the criteria specified in Clause 2, Article 20 of the Law on Environmental Protection; national parks according to the provisions of the law on biodiversity, forestry and fisheries.

4. Based on the size of the area, the scope of influence, the meaning and importance of the values of nature to be protected and preserved, natural heritage is classified as follows:

a) Provincial-level natural heritage, including: provincial-level nature reserve according to the provisions of the law on biodiversity, forestry and fisheries; scenic spots that are provincial-level relic in accordance with the law on cultural heritage; important wetlands at the provincial level according to the provisions of the law on biodiversity; natural heritage specified in Article 19 of this Decree and having a positive, meaningful, valuable and important influence on environmental protection, nature conservation and local biodiversity;

b) National-level natural heritage, including: national-level nature reserve according to the provisions of the law on biodiversity, forestry and fisheries; scenic spots that are national-level relic in accordance with the law on cultural heritage; nationally important wetlands in accordance with the law on biodiversity; the natural heritage specified in Article 19 of this Decree and its positive, meaningful, valuable and important influence on environmental protection, nature conservation and national biodiversity;

c) Special national-level natural heritage, including: scenic beauty as a special national-level relic in accordance with the law on cultural heritage, world natural heritage, and world biosphere reserve world, global geopark has been recognized by the United Nations Educational, Scientific and Cultural Organization (UNESCO); wetlands of international importance (the Ramsar site) recognized by the Secretariat of the Convention on Wetlands (the Ramsar Convention); ASEAN heritage gardens are recognized by the ASEAN Secretariat and natural heritage sites are recognized by international organizations.

5. The location, area and boundaries of the core zone, buffer zone and transition zone (if any) are determined according to the following regulations:

a) Core zone is an area containing core values according to the criteria of establishing and recognizing natural heritage and effectively managed and protected, including: nature reserve; protection zone I of scenic spots recognized as cultural heritage in accordance with the law on cultural heritage; areas with core values that need to be preserved intact, preserving the pristine natural features of the natural heritage specified in Articles 19 and 20 of this Decree.

The functional zoning of nature reserves must comply with the provisions of the law on biodiversity, forestry and fisheries;

b) Buffer zones, including: areas with value to be protected at a lower level than the core zone of the natural heritage; protected area II of scenic spots recognized as cultural heritage according to the provisions of the law on cultural heritage; and the area adjacent to the boundary of the core zone has the effect of preventing and mitigating the negative impacts of socio-economic development activities outside the natural heritage on the core area of the natural heritage;

c) The transitional zone, including the areas associated with the buffer zone, where socio-economic development activities take place, should be controlled in order to be consistent with, and harmonize with, the protection and conservation objectives of the afforestation. establishment and recognition of natural heritage.

6. The management and protection of the environment of natural heritage are prioritized using resources and comply with international treaties to which Vietnam is a signatory, relevant laws and regulations and the following provisions:

a) Regulations and plans for environmental management and protection:

Provincial People's Committees organize the formulation and approval of regulations and plans on environmental management and protection of natural heritage located in the province. The Ministry of Natural Resources and Environment shall guide the formulation of plans for environmental management and protection of natural heritage; organize the formulation and approval of regulations and plans on management and environmental protection of natural heritage for natural heritage located in the area of 02 or more provinces or centrally run cities or located in the sea The administrative management responsibility of the provincial People's Committee has not been determined.

For the natural heritages specified at Point a, Clause 1, Article 20 of the Law on Environmental Protection, which have management regulations, plans and plans before this Decree takes effect, the competent authority shall approve the following: Those who approve such management regulations, plans and plans are responsible for integrating and updating the contents as prescribed in this Decree into the regulations, plans and plans in accordance with the law on biodiversity. , forestry, fisheries, cultural heritage within 06 months from the effective date of this Decree;

b) The management board or organization assigned to manage the natural heritage must meet the criteria of environmental protection and management capacity, be responsible for organizing, mobilizing forces and resources, managing and protecting the environment. natural heritage sites according to the provisions of law, regulations and approved plans; to allocate resources from the state budget for activities of environmental management and protection of natural heritage; organize the monitoring and timely prevention of acts of infringing upon natural heritage; organizing ticket sales, collection of entrance fees and services; manage and use revenue sources as prescribed by law; propaganda to raise awareness and participation of the community in the protection and management of natural heritage; participate in the management, association and supervision of investment activities, environmental protection, nature conservation, biodiversity in natural heritage areas; perform other tasks assigned by competent authorities.

For the world biosphere reserve and global geopark located on a large area, with production areas and residential areas, the provincial-level People's Committees shall establish an interdisciplinary management board and ensure natural resources. operational force to manage and protect the environment, conserve nature and biodiversity according to the provisions of this Decree and relevant laws;

c) The establishment of a management board or assignment of an organization to manage natural heritage in case the natural heritage is a nature reserve must comply with the provisions of the law on biodiversity, forestry and fisheries. The establishment of a management board or assignment of a management organization in case the natural heritage is a scenic spot shall comply with the provisions of the law on cultural heritage.

In case the natural heritage has nature reserves or scenic spots managed by different management boards or assigned to different organizations to manage, the provincial-level People's Committees shall decide the arrangement. arrange or assign only a management board or an organization that has the capacity and resources to manage that natural heritage.

In case the natural heritage is located in the area of 02 or more provinces or centrally-run cities or is located in the sea where the administrative management responsibility of the provincial-level People's Committee has not been determined, the Ministry of Natural Resources and Environment shall The school shall reach agreement with relevant ministries and ministerial-level agencies to submit to the Prime Minister for decision on merger or assignment of a management board or assignment of an organization to manage such natural heritage;

d) The provincial-level People's Committees shall decide on the model of the management board or assign the organization to manage the natural heritage located in the management area that is not in the case specified at Point c of this Clause. In case the natural heritage that is not specified at point c of this clause is located in the area of 02 provinces or centrally-run cities or more or is located in the sea where the administrative management responsibility of the People's Committee has not yet been determined. provincial people, the Ministry of Natural Resources and Environment shall submit to the Prime Minister for decision the management model or assign the organization to manage such natural heritage;

d) Encourage organizations, businesses, individuals and communities to invest, establish, manage, use and develop sustainably natural heritages.

7. Environmental protection for natural heritage shall comply with the following provisions:

a) Production, business and service activities in the core zone of the natural heritage are controlled as in a strictly protected area according to the regulations on environmental zoning of the law on environmental protection; production, business and service activities in the buffer zone of the natural heritage are controlled as in the emission-restricted zone according to the regulations on environmental zoning of the law on environmental protection;

b) The natural ecosystems in the natural heritage must be prioritized to preserve and restore the natural status quo; contaminated or degraded natural heritage land and water environment must be rehabilitated and restored;

c) The core values of nature and biodiversity of the natural heritage must be protected and preserved intact; natural ecosystem services of natural heritage must be maintained, developed and used sustainably;

d) The specific geological, landscape, ecological and biodiversity indicators of the natural heritage must be investigated, evaluated, monitored, monitored, inventoryed and reported according to regulations;

dd) Comply with other requirements on environmental protection, prevention and control of impacts on the environment and biodiversity of natural heritage as prescribed in this Decree and relevant laws. and regulations of international treaties on environment and biodiversity that Vietnam has signed.

In the event of an urgent risk of seriously affecting the natural heritage environment, the Ministry of Natural Resources and Environment shall submit it to the Prime Minister for consideration and decision on the application of urgent and temporary measures to limit environmental protection. limit the total amount of discharge into the natural heritage environment, clearly defining the area of application, the time of application;

e) The Ministry of Natural Resources and Environment and the provincial-level People's Committees shall organize the formulation and approval of projects on environmental restoration of polluted and degraded natural heritages in accordance with the law on state budget. .

8. Responsibilities for environmental management and protection of natural heritage are specified as follows:

a) The Ministry of Natural Resources and Environment assists the Government in the unified implementation of environmental management and protection of natural heritage; elaborating, promulgating and submitting to promulgate legal documents; organize the implementation, inspection and examination of the observance of the law, and provide technical guidance on the management and protection of the environment of natural heritage;

b) Provincial-level People's Committees shall uniformly manage and protect the environment of natural heritage in their respective management areas; comply with regulations on management and environmental protection of natural heritage as prescribed in this Decree and relevant laws;

c) The Ministry of Agriculture and Rural Development is responsible for organizing the implementation of requirements for protection of natural heritage in forestry, fishery and agricultural activities according to the provisions of this Decree and relevant laws;

d) The Ministry of Culture, Sports and Tourism is responsible for organizing the implementation of requirements on protection of natural heritage in cultural, sports and tourism activities;

dd) Ministries and ministerial-level agencies shall organize the protection of the natural heritage environment in accordance with law.

Chapter HIGH
ENVIRONMENTAL CLASSIFICATION, STRATEGIC ENVIRONMENTAL ASSESSMENT , ENVIRONMENTAL IMPACT ASSESSMENT, ENVIRONMENTAL LICENSE, ENVIRONMENTAL REGISTRATION

Section 1
STRATEGIC ENVIRONMENTAL ASSESSMENT , ENVIRONMENTAL IMPACT ASSESSMENT

Article 22. General provisions on environmental zoning

1. The zoning of the environment according to strict protection zones, emission-restricted zones and other zones is carried out according to the criteria of environmentally sensitive factors and vulnerable to the impact of environmental pollution in order to reduce environmental pollution. minimize the impact of environmental pollution on the life and normal development of humans and organisms.

2. Strictly protected areas include:

a) Concentrated residential areas in urban areas include: inner cities and inner cities of special urban centers, of grades I, II and III according to the provisions of the law on urban classification;

b) Surface water sources are used for domestic water supply purposes in accordance with the law on water resources;

c) The nature reserve according to the provisions of the law on biodiversity, forestry and fisheries;

d) Protected zone 1 of historical - cultural relic in accordance with the law on cultural heritage;

e) The core area of the natural heritage (if any) in accordance with the law on environmental protection.

3. Emission restricted areas include:

a) Buffer zones of strictly protected areas specified in Clause 2 of this Article (if any);

b) Important wetlands have been identified in accordance with the law;

c) The surface water protection corridor is used for domestic water supply purposes in accordance with the law on water resources;

d) Concentrated residential areas are inner cities and inner cities of grade IV and V urban centers according to the provisions of the law on urban classification;

dd) Aquatic entertainment area under the decision of the provincial People's Committee;

e) Areas with environmentally sensitive factors that are vulnerable to the effects of other environmental pollution should be protected.

4. The other area is the remaining area in the area.

Article 23. Determination of strictly protected and restricted emission zones

1. The determination of strictly protected areas and restricted emission zones in the national environmental protection planning is prescribed as follows:

a) Investigate and assess the overview of areas with environmentally sensitive factors that are vulnerable to the impact of environmental pollution specified in Clauses 2 and 3, Article 22 of this Decree;

b) Target orientation on environmental protection for areas with environmentally sensitive factors that are vulnerable to the impact of environmental pollution specified in Clauses 2 and 3, Article 22 of this Decree;

c) Orientation on location, scale and boundaries of strictly protected areas and restricted emission zones.

2. The determination of strictly protected areas and restricted emission zones in the provincial planning is regulated as follows:

a) Investigate and evaluate areas with environmentally sensitive factors that are vulnerable to the impact of environmental pollution specified in Clauses 2 and 3, Article 22 of this Decree in their respective management areas;

b) Determination of environmental protection objectives for areas with environmentally sensitive factors that are vulnerable to the impact of environmental pollution specified in Clauses 2 and 3, Article 22 of this Decree in their respective management areas. ;

c) Determine the plan on location, scale and boundaries of strictly protected areas and restricted emission zones in the management area.

3. Provincial-level People's Committees shall issue decisions on determining the location and boundaries of strict protection zones and emission-restricted zones within their respective management areas that have been identified in the provincial planning in the planning period.

4. Requirements on environmental protection according to environmental zoning are specified as follows:

a) The technical regulation on wastewater and emissions stipulates the allowable limit values of pollutants in accordance with the protection requirements of the environmental zoning for strictly protected areas, restricted emission zones, and protected areas. ensure that it does not adversely affect the life and normal development of humans and animals;

b) New investment projects, investment projects to expand scale, increase capacity in strictly protected areas and restricted emission zones must comply with environmental protection requirements specified at Point a of this Clause;

c) Production, business or service establishments that fail to satisfy the requirements for environmental protection specified at Point a of this Clause must change the form of production, business or service, renew technology, implement other environmental protection measures to ensure the satisfaction of environmental protection requirements according to environmental zoning.

5. Provincial-level People's Committees shall promulgate the implementation roadmap for establishments, production, business and service areas operating in strict protection zones and defined emission-limited zones in their respective management areas. in accordance with the provisions of Clause 4 of this Article.

Article 24. List of strategies for development of sectors and fields of national and regional scales, national sector master plans, and master plans of technical and specialized nature subject to strategic environmental assessment.

The list of national, regional and regional development strategies for sectors and fields, national sectoral master plans and master plans of technical and specialized nature requiring strategic environmental assessment is specified in Appendix I to this Circular. accompanying this Decree.

Article 25. Environmental criteria and classification of investment projects

1. The size of the investment project is specified as follows:

a) Sizes of investment projects are classified according to the criteria prescribed by the law on public investment, including projects of national importance, group A, group B and group c, except for the case specified at Point b, c and d of this clause;

b) The scale of land use area, land with water surface of the project is classified into 03 types: large, medium and small;

c) The scale of use of the sea area is classified into 2 groups according to the competence to issue dumping permits at sea, to allocate sea areas and to allocate variable areas for sea reclamation in accordance with the law on marine and marine resources and environment. Island;

d) The scale of exploitation of natural resources is classified into 2 groups according to the competence to grant licenses for mineral exploitation, exploitation and use of water resources according to the provisions of the law on minerals and water resources.

2. The capacity of an investment project in the form of production, business or service with risks of causing environmental pollution specified in Appendix II issued with this Decree shall be determined in the investment project proposal. Investment projects, feasibility study reports, economic - technical reports or equivalent documents of the project are classified into 03 categories: large, medium and small.

3. Types of production, business and services include:

a) The list of types of production, business and services that are likely to cause environmental pollution is specified in Appendix II issued together with this Decree;

b) Other types of production, business or service that are not in the form of production, business or service are likely to cause environmental pollution.

4. The identification of projects with environmentally sensitive elements specified at Point c, Clause 1, Article 28 of the Law on Environmental Protection is prescribed as follows:

a) Projects of the type of production, business or service that pose a risk of causing environmental pollution specified in Appendix II issued together with this Decree are located in the inner city or the inner city of the city according to the provisions of law. on urban classification;

b) Projects that discharge wastewater into surface water sources used for domestic water supply purposes in accordance with the law on water resources;

c) Projects using land, land with water surface of the nature reserve in accordance with the provisions of the law on biodiversity, forestry and fisheries; special-use forests, protection forests and natural forests according to the provisions of the law on forestry; marine conservation zones, aquatic resource protection zones in accordance with the law on fisheries; Important wetlands and other natural heritages established and recognized in accordance with the provisions of this Decree (except for investment projects on construction of works in service of forest management and protection, nature conservation and biodiversity). biodiversity, forest fire prevention and fighting, silviculture approved by competent authorities);

d) Projects that use land, land with water surface of historical - cultural relics, scenic spots that have been ranked according to the provisions of the law on cultural heritage (except for projects on preservation, renovation, restoration and embellishment of historical - cultural relics, scenic spots, construction of works in service of environmental sanitation and management, protection of historical - cultural relics, scenic spots and other maintenance and repair projects to ensure traffic safety);

dd) The project requires conversion of the land use purpose for wet rice cultivation for 02 or more crops according to the competence prescribed by the land law; projects that require conversion of land use purposes, land with water surface of nature reserves, natural heritage sites, biosphere reserves, important wetlands, natural forests, protection forests (except for investment projects on construction of works in service of forest management and protection, nature and biodiversity conservation, forest fire prevention and fighting, and silviculture approved by competent authorities);

e) The project requires migration and resettlement according to the competence prescribed by the law on public investment, investment and the law on construction.

5. The detailed list of investment projects in groups I, II and III are specified in Appendix III, Appendix IV and Appendix V issued with this Decree, respectively.

Article 26. Consultation in environmental impact assessment

1. Consulting object:

a) Residential communities and individuals directly affected by environmental impacts caused by project activities, including: residential communities, individuals living, producing and doing business in the land area, water surface, land with water surface, sea area occupied for project investment; residential communities and individuals within the direct impact of wastewater, exhaust gas, dust, noise, solid waste, and hazardous waste caused by the project; residential communities and individuals affected by subsidence, landslides, riverbank and coastal sedimentation caused by the project; communities and other affected individuals, identified through the process of environmental impact assessment.

The consultation with the population community and individuals directly affected is carried out in the form of consultation meetings;

b) Agencies and organizations directly related to the investment project, including: commune-level People's Committee, commune-level Vietnam Fatherland Front Committee where the project is implemented; Management board, investor in construction and infrastructure business of concentrated production, business and service zones, industrial clusters where the project is within the management boundaries; State agencies managing irrigation works, for projects that discharge wastewater into irrigation works or occupy irrigation works; State management agencies assigned to manage environmentally sensitive areas (if any); The Ministry of National Defense, the Ministry of Public Security or the provincial-level Military Command, the provincial-level Public Security, for projects related to security - defense factors (if any).

The consultation with agencies and organizations directly related to the investment project is carried out in the form of written consultation.

2. Other consultation contents specified at Point dd, Clause 3, Article 33 of the Law on Environmental Protection include: plans for environmental reclamation and restoration for projects of mineral extraction or waste burial, and diversified compensation plans. biological diversity for projects with biodiversity compensation plans as prescribed by law.

3. Consultation form:

a) Consultation through posting on the website:

Before submitting to competent authorities for appraisal of the environmental impact assessment report, the project owner shall send the consultation contents of the environmental impact assessment report specified in Clause 3, Article 33 of the Law on Environmental Protection to the management unit. manage the website of the agency appraising the environmental impact assessment report to consult the subjects specified in Clause 1 of this Article, except for information classified as state secret or enterprise secret according to regulations. under the law. Within 5 days from the date of receipt of the project owner's request for publication, the unit managing the website of the appraisal agency is responsible for posting the consultation content. The consultation is carried out within 15 days; At the end of the consultation period, the website management unit is responsible for sending the consultation results to the project owner;

b) Consultation by holding a meeting to collect opinions:

The project owner shall assume the prime responsibility for, and coordinate with the commune-level People's Committee of the locality where the project is implemented, to post up the environmental impact assessment report at the headquarters of the commune-level People's Committee and notify the time and place of the meeting. At least 05 days before the meeting time, the commune-level People's Committee is responsible for posting up the environmental impact assessment report from the time of receiving the consultation and collecting opinions of the subjects specified at Point a, Clause 1 of this Article. be reported on the environmental impact assessment until the end of the consultation meeting.

The project owner is responsible for presenting the contents of the environmental impact assessment report at the consultation meeting. Opinions of the participants in the meeting and the responses and commitments of the project owner must be fully and honestly expressed in the minutes of the public consultation meeting according to the form prescribed by the Ministry of Natural Resources and Environment;

c) Written consultation:

The project owner shall send the environmental impact assessment report of the project to the entities specified at Point b, Clause 1 of this Article, enclosed with a written consultation, made according to the form specified in Appendix VI issued with this Decree. .

Subjects subject to written consultations are responsible for giving written feedback according to the form specified in Appendix VII issued with this Decree within 15 days from the date of receipt of the consultation document. If there is no response within the specified time limit, it is considered to be in agreement with the consultation content.

4. Responsibilities of investment project owners in consulting:

a) Carry out the consultation forms as prescribed in Clause 4, Article 33 of the Law on Environmental Protection and consult with the subjects specified in Clause 1 of this Article, except for the case specified at Points e, g and h. this clause;

b) For investment projects involving dumping of materials and substances in the sea; investment projects with a total wastewater flow of 10,000 m^3/day (24 hours) or more, directly discharging wastewater into inter-provincial rivers, rivers bordering between provinces or directly discharging wastewater into the coastal sea, the project owner shall consult with the People's Committee of the province adjacent to the inter-provincial river, bordering river or coastal sea to coordinate to solve environmental problems in the area;

c) For projects specified in Appendix II issued together with this Decree, with a wastewater volume discharged directly into the environment of 10,000 m^3/day (24 hours) or more or an exhaust gas flow of 200,000 m^3/hour or more, the project owner consults at least 05 experts, scientists related to the field of operation of the project and environmental experts. For the remaining projects specified in Appendix II issued together with this Decree, the project owner shall consult with at least 03 experts and scientists related to the project's field of operation and experts. environment;

d) For projects at risk of sedimentation, erosion or saline intrusion, the investment policy shall be decided by the National Assembly or the Prime Minister; projects involving dumping of dredged materials and substances into the sea with a total volume of 5,000,000 m3 or more; projects with industrial wastewater flow of 10,000 m^3/day (24 hours) or more (except for cases of connecting wastewater to the wastewater treatment system).

concentration, cooling water and wastewater of the aquaculture project) or the exhaust gas flow is from 200,000 m^3/hour or more, the project owner must consult a professional organization on the calculation results of the model. figure is applied;

dd) For construction investment projects that require conversion of land use purposes of a nature reserve or core zone of a biosphere reserve of 1 ha or more, the project owner must obtain opinions of specialized organization on the impact of project implementation on biodiversity;

e) For projects on construction of traffic infrastructure, telecommunications infrastructure, and inter-provincial and inter-district power transmission lines, the project owner only conducts consultations according to the provisions of Point a, Clause 3 of this Article and participates in the consultation. consult in writing with the People's Committee of the province if the project is located in the area of two or more provinces or the People's Committee of the district if the project is located in the area of two or more districts;

g) For investment projects located on the sea or continental shelf for which the administrative responsibility of the commune-level People's Committee has not been determined, the project owner shall only conduct consultations according to the provisions of Point a, Clause 3 of this Article. and consult in writing with the People's Committee of the province in charge of receiving the waste ashore of the project;

h) For projects located in concentrated production, business and service zones, industrial clusters, project owners only conduct consultations according to the provisions of Point a, Clause 3 of this Article and additional consultations with the Management Board, invest in the construction and business of infrastructure of such concentrated production, business and service zones and industrial clusters;

i) The project owner is responsible for honestly summarizing and fully expressing the opinions and recommendations of the consulted subjects; receive and explain the results of consultation and complete the environmental impact assessment report before submitting to the competent authority for appraisal; take responsibility before law for the contents and results of consultation in the environmental impact assessment report.

Article 27. Responsibilities of investment project owners in the process of finalizing the environmental impact assessment report after receiving a written request for amendment and supplementation; Preparing and implementing the project before operation in case of changes compared with the decision approving the appraisal results of the environmental impact assessment report.

1. Within a maximum period of 12 months from the date of a written request for amendment and supplementation from the agency appraising the environmental impact assessment The investment project completes the environmental impact assessment report and sends it to the

The determination of the environmental impact assessment report shall comply with the provisions of Article 34 of the Law on Environmental Protection.

2. During the preparation and implementation of an investment project before its operation, the owner of the investment project is responsible for carrying out an environmental impact assessment when there is one or more changes compared to the decision approving the results. appraise the environmental impact assessment report as prescribed at Point a, Clause 4, Article 37 of the Law on Environmental Protection and detailed as follows:

a) To increase the scale and capacity of the project to the point where it is necessary to carry out the procedures for approving the adjustment of investment policies or the procedures for adjusting the investment registration certificate according to the provisions of the law on investment;

b) Changing the production technology of the project generates waste that exceeds the waste treatment capacity of environmental protection works compared to the plan in the decision approving the appraisal results of the environmental impact assessment report. school;

c) Changing the project's waste treatment technology that is likely to have adverse effects on the environment compared with the plan in the decision approving the appraisal results of the environmental impact assessment report;

d) Change of location for project implementation, except for investment projects in concentrated production, business and service zones or industrial clusters where the project implementation location is changed in accordance with the functional zoning planning of concentrated production, business and service zones, industrial clusters approved by competent authorities;

dd) Changing the location of direct discharge of treated wastewater into water sources with higher requirements on discharge standards or changing receiving sources, leading to increased pollution, landslides and subsidence.

3. To perform the responsibilities specified at Point b or Point c, Clause 4, Article 37 of the Law on Environmental Protection.

Section 2
ENVIRONMENTAL LICENSE, ENVIRONMENTAL REGISTRATION

Article 28. Main contents of the report requesting the grant of an environmental permit

1. The main contents of the report on proposal to issue an environmental permit for an investment project for which a decision has been made to approve the appraisal results of the environmental impact assessment report before it is put into trial operation, includes:

a) General information about the investment project: project name, project owner; project implementation location; agencies that appraise construction designs, issue all kinds of permits related to the environment, approve projects; decide to approve the appraisal results of the project's environmental impact assessment report; change text (if any); project implementation process; scale (classified according to criteria prescribed by law

on public investment), capacity, technology, products produced, amount of electricity, source and quantity of water used, receiving source of wastewater, raw materials, fuel, materials, scrap, chemicals used and other information relevant to the project;

b) The conformity of the investment project with the national environmental protection planning, provincial planning, environmental zoning, environmental load capacity (if any);

c) Results of completion of works, environmental protection measures (works are handed over and accepted between the investor, contractor and construction supervision unit in accordance with the law on construction): process and equipment for collecting and treating waste water, dust and exhaust gas; works for storing and treating ordinary industrial solid waste, daily-life solid waste and hazardous waste; works, measures to reduce noise and vibration; works for prevention and response to environmental incidents and other environmental protection works. The main information includes: scale, capacity, operating process; chemicals and biological products used for wastewater treatment; chemicals and catalysts used to treat dust and exhaust gases; systems of waste treatment equipment synchronously, mass meeting, automatic and continuous monitoring equipment (for cases where installation is required) and other treatment equipment (attached to the CO/CQ of the equipment); basic technical parameters; applicable standards and regulations.

For investment projects on concentrated solid waste treatment, hazardous waste must clearly state the works, equipment and means of waste collection and treatment.

For investment projects using scrap imported from abroad as raw production materials, the production technology must be clearly stated; conditions of warehouses and storage yards; recycling equipment system; impurity treatment plan; the plan for re-exporting scrap is consistent with the decision approving the appraisal results of the environmental impact assessment report.

For investment projects involving discharge of wastewater into irrigation works, the observance of requirements on environmental protection for irrigation works must be clearly stated;

d) Planning, progress and results of implementation of the plan for environmental improvement and restoration, the plan for compensation for biodiversity (if any);

dd) Propose changes to the decision approving the appraisal results of the environmental impact assessment report (if any) together with the environmental impact assessment from this change;

e) The contents of the application for an environmental permit are specified in Clause 2, Article 40 of the Law on Environmental Protection;

g) Plan, estimated time to carry out the test operation, together with the waste monitoring plan to evaluate the efficiency of the waste treatment facility (collection and single sampling); construction case, block meeting handling equipment

or waste treatment works under projects with small capacity as prescribed in Appendix II issued together with this Decree, only taking samples for monitoring; plans to prevent and respond to environmental incidents during trial operation and when the project is put into operation;

h) Proposing waste monitoring (automatically, continuously and periodically) according to the provisions of law and other environmental protection contents (if any).

2. The main contents of the report on proposal to issue an environmental permit for investment projects of group n that are not subject to environmental impact assessment include:

a) General information about the investment project: project name, project owner; project implementation location; agencies that appraise construction designs, issue all kinds of permits related to the environment, approve projects; scale (classified according to criteria prescribed by the law on public investment), capacity, technology, manufactured products, amount of electricity, source and amount of water used, receiving source of wastewater, raw materials, fuel raw materials, materials, scrap, chemicals used and other information related to the project;

b) The conformity of the investment project with the national environmental protection planning, provincial planning, environmental zoning, environmental load capacity (if any);

c) Assessment of the current state of the environment where investment projects are implemented (except for investment projects in concentrated production, business and service zones, and industrial clusters that are not required to be implemented); evaluate the selection of production technology, waste treatment technology and other environmental protection works; assess and forecast impacts of waste, noise and vibration sources; assess and forecast the project's impact on biodiversity, natural heritage, flow, landslide, sedimentation, saltwater intrusion and society (if any);

d) Proposing the plan, waste treatment measures together with explanation and construction design plan (basic design or construction drawing design for projects requiring only one-step design) of the construction works. environmental protection process, waste treatment works items, systems of synchronous and integrated waste treatment equipment, automatic and continuous monitoring equipment (for cases where installation is required) and equipment for environmental protection. other treatment equipment (together with CO/CQ, if any), plans for prevention and response to environmental incidents, waste storage facilities and related works and equipment; plan for construction, installation, operation, maintenance and management of waste discharge levels and waste treatment works, together with cost estimates for construction of environmental protection works and implementation of mitigation measures. adverse impact on the environment;

dd) Specific environmental protection contents: For investment projects on mineral exploitation and waste burial, there must be a plan for environmental improvement and restoration in the proposed report. For investment projects on mining sand, gravel and minerals

Other properties on rivers, streams, canals, canals, reservoirs and estuaries and coastal areas, the proposed report must contain the assessment of impacts on riverbeds, banks, riverbanks and flows as prescribed by law. . For investment projects that cause loss or decline in biodiversity, the proposed report must include a biodiversity compensation plan. For investment projects that discharge wastewater into irrigation works, the proposed report must include impact assessment and environmental protection measures on water sources of irrigation works;

e) The contents of the application for an environmental permit are specified in Clause 2, Article 40 of the Law on Environmental Protection;

g) The plan and expected time for trial operation, together with the waste monitoring plan to evaluate the efficiency of the waste treatment facility (collection and single sampling); in case of mass meeting treatment works, equipment or waste treatment works under projects with small capacity as prescribed in Appendix II issued together with this Decree, only sample samples shall be taken for monitoring; plans to prevent and respond to environmental incidents during trial operation and when the project is put into operation;

h) Proposing the content of waste monitoring (automatically, continuously and periodically) in accordance with the law and other contents on environmental protection (if any).

3. The main content of the report proposing the issuance of an environmental permit for establishments, concentrated production, business, service centers, and industrial clusters that are operating with environmental criteria equivalent to those of a group I project or Group II includes:

a) General information about establishments, concentrated production, business and service zones, industrial clusters: name, address, location of implementation; documents on appraisal of construction designs, types of permits related to the environment, project approval; decide to approve the results of appraisal of the environmental impact assessment report as prescribed in Clause 2, Article 171 of the Law on Environmental Protection and the component environmental license (if any); scale (classified according to criteria prescribed by the law on public investment), capacity, technology, products produced, amount of electricity, source and amount of water used, receiving wastewater, raw materials, fuel materials, materials, scrap, chemicals used, and other information relevant to the facility. For establishments that use scrap imported from abroad as raw production materials, they must clearly state production technology, conditions of warehouses and storage yards, system of recycling equipment, plans for treatment of impurities and methods of production. a project for re-exporting scrap that does not meet the standards in accordance with the decision approving the appraisal results of the environmental impact assessment report or a document equivalent to the decision approving the appraisal result of the environmental impact assessment report. school as prescribed in Clause 2, Article 171 of the Law on Environmental Protection (including dossiers enclosed with equivalent documents);

b) Conformity of establishments, concentrated production, business and service areas, industrial clusters with national environmental protection planning, provincial planning, environmental zoning, environmental load capacity (if applicable) Yes);

c) Sources of waste generated, including: scale, volume and type of solid waste; scale, flow, parameters of dust pollution, exhaust gas, noise, vibration; scale, flow, parameters of wastewater pollution, wastewater receiving source; completed works and measures for environmental protection as specified at Point c, Clause 1 of this Article;

d) Planning, progress and results of implementation of the plan for environmental improvement and restoration, the plan for compensation for biodiversity (if any);

dd) The application for an environmental permit is specified in Clause 2, Article 40 of the Law on Environmental Protection;

e) Results of environmental monitoring in the previous 02 years, for cases where waste monitoring is required according to regulations, or results of additional waste sample monitoring according to the guidance of the Ministry of Natural Resources and Environment, for cases where waste monitoring is required. having obtained a component environmental permit, they are not required to conduct waste monitoring according to regulations;

g) Results of inspection, inspection and handling of environmental violations by the nearest competent state agency, together with decisions and conclusions (if any);

h) Proposing the content of waste monitoring (automatically, continuously and periodically) in accordance with the law and other contents on environmental protection (if any).

4. The main contents of the report proposing to grant an environmental permit for a group III project include:

a) General information about the investment project: project name, project owner; project implementation location; scale (classified according to criteria prescribed by the law on public investment), capacity, technology, manufactured products, amount of electricity, source and amount of water used, receiving source of wastewater, raw materials, fuel raw materials, materials, scrap, chemicals used and other information related to the project;

b) The conformity of the investment project with the national environmental protection planning, the provincial planning, the environmental zoning, the load capacity of the environment (if any);

c) Description of the current state of the environment where the investment project is implemented (except for investment projects in concentrated production, business and service zones, and industrial clusters that are not required to be implemented); description of the proposed production technology to be selected;

d) Proposing the plan, waste treatment measures together with explanation and construction design plan (basic design or construction drawing design for projects requiring only one-step design) of the construction works. environmental protection process, waste treatment works items, synchronous waste treatment equipment systems, block meetings, automatic and continuous monitoring equipment (for cases where installation is required) and equipment other treatment equipment (together with CO/CQ, if any), plans for prevention and response to environmental incidents, waste storage facilities and related works and equipment; plans for construction, installation, operation, maintenance and management of waste discharge items and waste treatment works; measures to protect the environment for water sources of irrigation works, for investment projects that discharge wastewater into irrigation works;

dd) The application for an environmental permit is specified in Clause 2, Article 40 of the Law on Environmental Protection;

e) The plan and expected time of trial operation, together with the waste monitoring plan to evaluate the effectiveness of the waste treatment works as prescribed; plans for prevention and response to environmental incidents; propose contents of waste monitoring according to the provisions of law.

5. The main contents of the report on proposal to issue an environmental permit for an operating establishment with environmental criteria equivalent to that of a group ni project include:

a) General information about the establishment: name, address, place of implementation; relevant environmental records; scale (classified according to criteria prescribed by the law on public investment), capacity, technology, manufactured products, amount of electricity, source and amount of water used, receiving source of wastewater, raw materials, fuel raw materials, materials, scrap, chemicals used and other information relevant to the establishment;

b) The suitability of the facility with the national environmental protection planning, the provincial planning, the environmental zoning, the load capacity of the environment (if any);

c) Sources of waste generated, including: scale, volume and type of solid waste; scale, flow, parameters of dust pollution, exhaust gas, noise, vibration; scale, flow, parameters of wastewater pollution, wastewater receiving source; completed works and measures for environmental protection as specified at Point c, Clause 1 of this Article;

d) The contents of the application for an environmental permit are specified in Clause 2, Article 40 of the Law on Environmental Protection;

dd) Results of environmental monitoring in the preceding year, for cases where waste monitoring is required as prescribed, or results of additional waste sample monitoring under the guidance of the Ministry of Natural Resources and Environment for cases where environmental permits have been obtained but are not required to conduct waste monitoring according to regulations; results of inspection, inspection and handling of environmental violations by the nearest competent state agency, together with decisions and conclusions (if any);

e) Proposing the content of waste monitoring in accordance with the law.

6. The report on the proposal for the issuance of an environmental permit for each entity specified in Clauses 1, 2, 3,4 and 5 of this Article is respectively specified in Appendix VIII, IX, X, XI and XII issued. accompanying this Decree.

Article 29. Dossier, order and procedures for grant of environmental permits

Dossier, order, procedures and time limit for grant of environmental permits for investment projects, establishments, production, business, concentrated services, industrial clusters (hereinafter referred to as investment projects collectively) investment, establishments) comply with the provisions of Article 43 of the Law on Environmental Protection. Some specific contents are specified as follows:

1. Other legal and technical documents specified at Point c, Clause 1, Article 43 of the Law on Environmental Protection are prescribed as follows:

a) For investment projects that are not subject to environmental impact assessment: a copy of the feasibility study report or a document equivalent to the investment project's feasibility study report as prescribed by law. law on investment, public investment, public-private partnership investment, construction;

b) For investment projects and establishments other than those specified at Point a of this Clause: project owners and establishments are not required to submit other legal and technical documents in the application for an environmental permit.

2. The time for submitting an application for an environmental permit is prescribed as follows:

a) Owners of investment projects subject to environmental impact assessment shall submit an application for an environmental permit after completing the waste treatment works for the entire project or for each investment phase. of the project (if the project has a phased investment phase) or for an independent waste treatment work item of the project;

b) Investment project owners who are not subject to environmental impact assessment shall decide on their own the time of submitting the application for an environmental permit after having sufficient documents as prescribed;

c) The owner of the investment project specified in Clause 2, Article 39 of the Law on Environmental Protection who is operating a trial waste treatment facility in accordance with the law before the effective date of the Law on Environmental Protection shall decide the time limit for the implementation of the Law on Environmental Protection. Submission of an application for an environmental permit to ensure that the time to obtain an environmental permit is after the end of the trial operation, but no later than 45 days before sometimes in the case of falling under the authority of the authority to grant the environmental permit of the granting authority. Ministries, 30 days in advance for cases falling under the authority to grant environmental permits of the People's Committees of the province or the People's Committee of the district, up to the time when the environmental permit is required.

In case the time of submission of the application for an environmental license is not guaranteed as prescribed at this point, the investment project owner must issue a notice of extension of the trial operation period as prescribed at Point c, Clause 6 of this Article. 31 of this Decree to obtain an environmental license after the trial operation is completed;

d) Owners of establishments, concentrated production, business and service zones and industrial clusters shall decide for themselves when to submit an application for an environmental permit in order to ensure the time when an environmental permit is required in accordance with the Law. Environmental protection and this Decree, but not later than 45 days for cases falling under the authority to grant environmental permits of the ministerial level, and 30 days before for cases falling under the environmental licensing competence of the People's Committees. At the provincial level, the People's Committee of the district, up to the time of match, must have an environmental permit.

3. Owners of investment projects and establishments shall submit an application for an environmental permit to an environmental permit-granting agency and pay a fixed fee for the grant of an environmental permit as prescribed.

4. Within 05 days from the day on which the complete and valid application is received (except for the case specified in Clause 8 of this Article), the environmental licensing agency shall perform the following contents:

a) Publish the contents of the report on the proposal for an environmental permit on the website of the licensing agency or authorized agency, except for information classified as state secret or enterprise secret as prescribed by law. the law;

b) Send written consultations to the state management agency in charge of irrigation works (if wastewater is discharged into the irrigation works), the investor in the construction and business of infrastructure of the production, business and service zones. concentrated services, industrial clusters (if the investment project or establishment is located in such concentrated production, business or service zone or industrial cluster), unless the investment project has already had a decision approving the outcome of the project. the appraisal results of the environmental impact assessment report and does not change the content related to wastewater discharge activities compared to the decision approving the appraisal results of the environmental impact assessment report. The agency or organization that is consulted shall reply in writing on the issuance of an environmental permit within 07 days from the date of receipt of the written opinion, except for the case specified in Clause 9 of this Article. ; If the above time limit is exceeded, there is no written reply, then it is considered to agree with the issuance of the environmental permit.

For investment projects, the facility directly discharges at least 10,000 m3 / day (24 hours) of wastewater (except for equipment cooling water, aquaculture water) into inter-provincial rivers, lakes, rivers and lakes. bordering provinces or directly discharging wastewater into the coastal sea, the environmental licensing agency consults with the People's Committee of the adjacent province with adjacent rivers, lakes, rivers or lakes, or coastal areas of the adjoining province to coordinate in solving environmental protection issues in the

area, unless the investment project already has a decision approving the appraisal results of the environmental impact assessment report and does not change the content related to wastewater discharge compared to the decision approving the results. Appraisal of the environmental impact assessment report, the People's Committee of the province that is consulted is responsible for replying in writing on the contents of the opinion poll within 07 days from the date of receipt of the written opinion. If after the above time limit, there is no written reply, it is considered as agreeing with the issuance of the environmental permit.

For investment projects that discharge directly into the environment from 10,000 m^3/day (24 hours) or more of wastewater (except for equipment cooling water, aquaculture water) or discharge dust and waste gas with a flow rate from 200,000 m^3/hour or more, the environmental licensing agency consults with a professional organization on the calculation results of the pollutant dispersion model, environmental incidents (if any), except for the following cases: In case the investment project has already had a decision approving the appraisal results of the environmental impact assessment report and has not changed the contents related to the discharge of wastewater, dust and gas compared to the decision approving the results. assessment of environmental impact assessment reports. The consulted professional organization shall reply in writing to the opinions collected within 20 days from the date of receipt of the written opinion;

c) Except for the case specified in Clause 9 of this Article, the appraisal organization shall issue an environmental permit according to the following provisions:

In case the investment project has a decision approving the results of appraisal of the environmental impact assessment report, there is no content to use scrap imported from abroad as raw production materials or implementation content. hazardous waste treatment services, and in the case specified at Point b, Clause 4, Article 37 of the Law on Environmental Protection, the agency competent to issue environmental permits establishes an appraisal council, does not organize an inspection. fact check.

In case the investment project has a decision approving the results of appraisal of the environmental impact assessment report and is not in the case specified at Point b, Clause 4, Article 37 of the Law on Environmental Protection, the investment project If using scrap imported from abroad as raw materials for production, investment projects provide hazardous waste treatment services, the agency competent to issue environmental permits shall set up a team to appraise and issue environmental permits. school, does not organize the actual test.

For investment projects that are not subject to environmental impact assessment, the agency competent to grant environmental permits shall set up an appraisal council for cases falling within the competence of granting environmental permits. of the Ministry of Natural Resources and Environment, the Ministry of Public Security, the Ministry of National Defense, the provincial People's Committees; establish an appraisal team for cases falling under the environmental permit-granting competence of the district-level People's Committees. The appraisal council and the appraisal team are responsible for organizing the actual survey in the area where the investment project is expected to be implemented.

For cases where establishments, concentrated production, business and service establishments, industrial clusters are operating, the agency competent to issue environmental permits shall not set up an appraisal council or assessment team, but only form an assessment team. establish an inspection team for cases falling under the authority of the Ministry of Natural Resources and Environment to issue environmental permits, the Ministry of Public Security, the Ministry of National Defense, and the provincial-level People's Committees; organize the actual inspection of the cases falling under the authority to grant environmental permits of the district-level People's Committees.

The appraisal council and inspection team must have at least 07 members, for cases falling under the authority of the central authority to issue environmental permits, and at least 5 members, for cases falling under the environmental licensing authority of the central authority. Provincial People's Committee. The appraisal team has at least 03 members, of which the team leader is the representative of the appraisal agency.

The structure and composition of the appraisal council and the inspection team include: 01 chairperson or head of the inspection team; 01 vice chairman of the council or deputy head of the inspection team in case of necessity; 01 secretary member; representatives of relevant agencies and organizations; representatives of state agencies managing irrigation works, investors in construction and infrastructure business of production, business, and service centers, industrial clusters (if any); experts, officials and civil servants in the field of environmental protection and the field of operation of investment projects and establishments.

Members of the appraisal council, inspection team, and appraisal team are responsible for studying the application for an environmental permit, writing comments and evaluations on the contents specified in Article 40 of the Law on Environmental Protection. and take responsibility before law for their comments and assessments.

Experts involved in elaboration of reports on proposal for environmental licensing of investment projects, establishments are not allowed to participate in appraisal councils, appraisal teams, inspection teams for environmental licensing of investment projects, that establishment;

5. Based on the appraisal results of the appraisal council, the appraisal team or the results of the inspection team, the actual inspection results, the agency competent to grant environmental permits considers and issues an environmental permit for the project. If the conditions for the issuance of an environmental permit are satisfied, the investment project or establishment shall send a written notice to the owner of the project or establishment, clearly stating the reason in case of ineligibility for the grant of an environmental permit. .

In case the dossier must be amended or supplemented to ensure sufficient grounds for the licensing, the agency competent to grant environmental permits shall notify in writing the project owner and clearly state the contents to be corrected. supplement. The environmental licensing agency does not require the project owner or establishment to perform other tasks other than the contents of the written request to amend and supplement this 110 profile.

Time for returning results or for notification of modification and supplementation of documents must be within the prescribed time limit for licensing.

6. Except for the case specified in Clause 9 of this Article, within 15 days for cases falling under the licensing competence of the Ministry of Natural Resources and Environment, the Ministry of National Defense and the Ministry of Public Security, 10 days for cases falling under the licensing competence of the Ministry of National Defense and the Ministry of Public Security. License issued by the People's Committee of the province and 05 days, for cases falling under the licensing authority of the People's Committee of the district, from the date of receipt of the revised and supplemented environmental permit application (for in case the dossier must be amended or supplemented at the request of the environmental licensing agency), the head of the environmental licensing agency shall consider and grant an environmental permit for the investment project or facility; in case of refusal to issue an environmental permit, a written reply must be given to the project owner and facility, clearly stating the reason.

7. The receipt and return of results of environmental permits as prescribed at Point c, Clause 4, Article 43 of the Law on Environmental Protection must ensure simplification and reform of administrative procedures and implementation of administrative procedures in the electric environment. according to the regulations of the Government.

8. The receipt and return of environmental permit results are carried out in the electronic environment through the online public service system level 4 of the licensing agency within 15 days from the date of receipt of complete legal documents. rates for the following cases:

a) Investment projects, establishments that are not subject to trial operation of waste treatment works;

b) Investment projects, facilities connecting wastewater to centralized wastewater collection and treatment systems of concentrated production, business and service zones, industrial clusters and satisfying the following requirements: types of production, business and services that are likely to cause environmental pollution; are not subject to automatic, continuous or periodical emission monitoring as prescribed in this Decree.

9. The appraisal and issuance of environmental permits for the cases specified in Clause 8 of this Article shall be carried out through an appraisal team established by the agency competent to issue environmental permits with no more than 05 members for the project. cases falling under the authority to issue environmental permits of the Ministry of Natural Resources and Environment, the Ministry of National Defense, the Ministry of Public Security; no more than 03 members, for cases falling under the environmental permit-granting competence of the provincial-level People's Committees and the district-level People's Committees. The environmental licensing agency does not organize the actual inspection. The time limit for collecting opinions from agencies and organizations specified at Point b, Clause 4 of this Article is 05 days from the date of receipt of the written opinion collection. The time limit for the agency competent to grant environmental permits to consider and issue an environmental permit for an investment project, facility or send a written reply to the project owner or establishment for the refusal to grant an environmental permit is specified in Clause 1 of this Article. Clause 6 of this Article is 05 days.

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10. A written request for an environmental permit issued by the owner of the investment project or establishment shall be made according to the form specified in Appendix XIII to this Decree.

11. The Minister of Natural Resources and Environment shall promulgate samples of documents related to the process of granting environmental permits, except for the case specified in Clause 10 of this Article.

Article 30. Issuance, modification, re-issuance and revocation of environmental permits

1. Issuance and renewal of environmental permits according to the provisions of Clause 1, Article 44 of the Law on Environmental Protection shall be effected within 10 days from the date of receipt of the written request for renewal of the investment project owner, the establishment, and enclosed with it. according to the legal records related to the change. The environmental licensing agency issues an environmental permit to the owner of an investment project or establishment with the remaining term of the permit.

The renewal of environmental permits is carried out in the electronic environment through the online public service system level 4 of the licensing agency or an authorized agency and does not have to pay the prescribed appraisal fee.

2. The owner of the investment project or establishment must make adjustments to the environmental permit during the remaining term of the permit when there is a change specified at Point a, Clause 2, Article 44 of the Law on Environmental Protection and other changes not falling within the scope of the Law on Environmental Protection. the cases specified at Point b, Clause 3 and Clause 4 of this Article, except for the case of a decrease in the contents of the environmental permit or the change in the volume or type of hazardous waste generated. In case of change or reduction of the content of the environmental permit, the change of the environmental permit shall be made at the request of the owner of the investment project or establishment. In case of change in the volume or type of hazardous waste generated, the project owner or facility is responsible for reporting the change in the project's or facility's periodic environmental protection work report.

The adjustment of the environmental permit shall be effected within 15 days from the date of receipt of the written request for adjustment of the environmental permit from the investor, the facility, and in the electronic environment through the through the online public service system level 4 of the licensing agency or the agency authorized to issue environmental permits according to regulations.

3. The consideration and adjustment of environmental permits specified at Point b, Clause 2, Article 44 and Clause 4, Article 46 of the Law on Environmental Protection shall be carried out within 25 days from the date of receipt of the report on test operation results. experience of investment project owners, facilities. The environmental licensing agency, based on the report of inspection results of the inspection team on the trial operation of waste treatment works of investment projects, production, business and service establishments; results of measurement and analysis of control waste samples, additional waste monitoring samples (if any) and report on test operation results of the investment project owner and the basis for adjustment of environmental permits. field as follows:

a) To consult the specialized environmental protection agency of the province, the Management Board of industrial zones of the province (specify annual investment projects in the concentrated production, business and service zones); opinions of a number of environmental experts, including experts who have participated in the appraisal council, the inspection team for the issuance of environmental permits on the adjustment contents of investment projects, production and business establishments, service;

b) Notify investment project owners and facilities about the contents of adjustment of hazardous waste types and volumes permitted for waste treatment or volumes of scraps permitted to be imported as raw production materials to suit the energy requirements. actual operational capacity of investment projects, production, business and service establishments;

The owner of the investment project or establishment shall send a written explanation or supplement to the adjusted contents specified at this Point to the environmental licensing agency (if any);

c) The environmental licensing agency shall issue an (adjusted) environmental permit to the owner of the investment project or establishment with the remaining term of the license to be suitable for the actual operation capacity of the investment project or facility. production, business and service establishments.

4. Subjects for re-issuance of an environmental permit and the time when the investment project owner or establishment sends an application for re-grant of an environmental permit is specified as follows:

a) The subjects specified at Point a, Clause 3, Article 44 of the Law on Environmental Protection shall submit an application for re-grant of an environmental permit 6 months before its expiration;

b) Investment projects, establishments, concentrated production, business and service zones, industrial clusters that increase in scale, capacity, or change production technology, except for cases where the changed investment projects are subject to carry out environmental impact assessment, submit an application for re-issuance of an environmental permit before the increase or change is made, and can only be implemented after an environmental permit is granted;

c) Concentrated production, business and service zones, industrial clusters with additional industries and trades to attract investment, submit an application for re-issuance of environmental permits before attracting investment in those industries and trades. (unless the industry, trade or investment project belongs to that industry or trade, when it comes into operation, it does not generate industrial wastewater that must be treated to ensure that it meets the conditions for receiving wastewater from the centralized wastewater treatment system). central);

d) Investment projects, establishments, concentrated production, business and service zones, industrial clusters have changes to increase the number of sources of wastewater, dust, and emissions, resulting in pollution parameters exceeding the standards. environmental engineering on waste; new pollutant parameters are generated that exceed the environmental technical regulations on waste; increasing the flow of wastewater, dust, and exhaust gas, which increases the content of pollution parameters in excess of environmental technical regulations on waste; increase level

noise pollution, vibration; change the wastewater receiving source and the method of discharge into water sources with stricter protection requirements, submit an application for re-issuance of an environmental permit before making the change and only implement it after when an environmental permit is issued.

5. The re-issuance of environmental permits specified in Clause 4 of this Article shall be carried out as follows:

1. The owner, the investor in the construction and business of infrastructure of the concentrated production, business and service zones and industrial clusters specified at Points a and c, Clause 4 of this Article shall submit a written request for re-issuance of the license. environment and the report on the proposal for the grant of an environmental permit specified in Clause 3, Article 28 of this Decree (except for the contents specified at Points a and c, Clause 3, Article 28 of this Decree) or Clause 5, Article 28 of this Decree. (except for the contents specified at Points a and c, Clause 5, Article 28 of this Decree) to competent state agencies to grant environmental permits. The order and procedures for re-issuance of environmental permits comply with the provisions of Article 29 of this Decree.

The time limit for re-issuance of an environmental permit shall not exceed 30 days for cases falling under the licensing authority of the Ministry of Natural Resources and Environment, the Ministry of National Defense and the Ministry of Public Security, and no more than 20 days for cases falling under the licensing authority. of the People's Committee of the province and the People's Committee of the district, from the day on which the complete and valid dossier is received;

2. Note to the investment project, the facility specified at Points b and d Clause 4 of this Article shall submit a written request for re-grant of an environmental permit and a report on the proposal for an environmental permit as specified in one of Clause 2, 3, 4 or 5 Article 28 of this Decree (including only changes in the report on the initial environmental permit application) to the state agency competent to grant environmental permits. Time, order and procedures for re-issuance of environmental permits comply with the provisions of Article 29 of this Decree.

6. Investment projects, establishments that are granted, changed, adjusted or re-granted environmental permits are not required to test-operate the waste treatment works, except for the cases specified at Points b and d, Clause 4 of this Article. .

7. In case it is discovered that an environmental permit must be revoked according to the provisions of Clause 5, Article 44 of the Law on Environmental Protection during the course of handling administrative violations, the revocation of the license shall comply with the provisions of the law on environmental protection. handle administrative violations. The issuance of environmental permits shall comply with the following provisions:

a) In case an environmental permit is granted improperly, within the time limit for redressing the consequences of the violation, the investment project owner or establishment shall carry out the procedures for applying for an environmental permit as prescribed in Article 29 of this Decree. ;

b) In case the environmental permit contains contents contrary to the provisions of the law, within 07 days from the date of receipt of the environmental permit with contents contrary to the provisions of the law, sent by a person with expertise in sanctioning, the The agency competent to issue environmental permits shall consider and grant alternative environmental permits to investment project owners and establishments, including adjustments to illegal contents.

8. In case it is discovered that an environmental permit must be revoked as prescribed in Clause 5, Article 44 of the Law on Environmental Protection but not in the case specified in Clause 7 of this Article, the revocation and issuance of an environmental permit shall be carried out as follows: after:

a) A state agency that detects that an environmental permit must be revoked shall send a written notice to the agency that has issued the environmental permit to notify the granting of a license that is not within its competence or contains content that is contrary to the provisions of the law on environmental protection. environmental protection;

b) The agency that has issued the environmental permit that must be revoked is responsible for reviewing and reviewing the order, procedures and contents of the appraisal and issuance of the environmental permit after receiving the written notice specified at Point a, Clause 1 of this Article. this.

In case the environmental permit is not properly granted as prescribed, the agency that has granted the democracy-oriented environmental permit for the investment project and the establishment shall make an application for an environmental permit and send it to the competent authority for issuance. permit to be granted a new environmental permit according to the provisions of Article 29 of this Decree. The agency that has granted the environmental license shall recover the environmental permit after the investment project or establishment has been granted a new environmental license by the competent authority in accordance with the law.

In case the issued environmental permit contains contents contrary to the provisions of law, the agency that has issued the environmental permit shall issue an alternative to the environmental permit for the investment project or facility, including adjustments to the contents of the environmental permit. content contrary to the provisions of the law. The revocation of environmental permits with contents contrary to the provisions of law shall be carried out concurrently with the time of granting replacement of environmental permits for investment projects and establishments.

9. Report on proposal for re-issuance of environmental permits of establishments, concentrated production, business, service centers, industrial clusters that are operating with environmental criteria equivalent to those of Group I or Group II projects. according to the form specified in Appendix X issued together with this Decree; a report on the proposal for re-issuance of an environmental permit of an operating production, business or service establishment with environmental criteria equivalent to that of a group III project, made according to the form specified in Appendix XII issued with this Circular. under this Decree; report on proposal for re-issuance of an environmental permit of an investment project specified at Points b and d, Clause 4 of this Article with environmental criteria equivalent to that of a group II project.

according to the form specified in Appendix IX issued together with this Decree; a report on proposal for re-issuance of an environmental permit of an investment project specified at Points b and d, Clause 4 of this Article with environmental criteria equivalent to that of a group III project, made according to the form specified in Appendix XI. promulgated together with this Decree; A written request for an adjustment or re-grant of an environmental permit from the owner of an investment project or establishment, and a sample of a request for an environmental permit change from an investment project owner. corresponding regulations in Appendix XIII and Appendix xrv issued together with this Decree.

10. The Minister of Natural Resources and Environment shall promulgate forms related to the process of granting, renewing, adjusting, re-granting and withdrawing environmental permits, except for the case specified in Clause 9 of this Article.

Article 31. Trial operation of waste treatment works after being granted environmental permits

1. Waste treatment works that are not subject to trial operation include:

a) Sedimentation lake of projects to exploit minerals as common building materials, limestone;

b) Incident lake of wastewater treatment system (except for incident lake and biological lake);

c) Dust and exhaust exhaust systems for cases where dust and exhaust treatment systems are not required, including boiler emission control systems using fuel gas and DO oil; crematorium flue gas treatment system;

d) On-site wastewater treatment facilities and equipment as prescribed in Clause 3, Article 53 of the Law on Environmental Protection (including septic tanks, grease-separating tanks for canteens and other buildings and equipment meeting the requirements of: regulatory requirements);

dd) Cooling water treatment system that uses chlorine or disinfectant chemicals to kill microorganisms;

e) Waste treatment works of the project to expand and increase capacity but not change compared to the issued environmental permit;

g) Waste treatment works of the subjects specified in Clause 2, Article 39 of the Law on Environmental Protection when applying for an environmental permit adjustment;

h) Waste treatment works of establishments, concentrated production, business, service centers or industrial clusters when applying for re-issuance of an environmental permit but there is no change in the composition of the environmental permit or the permit. provided environment.

2. Owners of investment projects that are not subject to environmental impact assessment but must have an environmental permit and have a waste treatment facility other than those specified in Clause 1 of this Article shall be responsible for commissioning the project. that waste treatment process is concurrent with the trial operation of the entire project or for each investment phase of the project (if the project has a phased investment phase) or for a treatment work item. independent waste management of the project when the implementation of the following contents has been completed:

a) Construction of waste treatment works according to environmental permits; make a dossier of completion of the waste treatment work in accordance with the provisions of the law on construction (with a record of handover and acceptance between the investor, the construction contractor, and the construction supervisor of the waste treatment work) and have an operating process that meets the requirements of environmental protection. The owner of the investment project shall take responsibility before law for the dossier of completion of the waste treatment work;

b) Install automatic and continuous monitoring equipment and systems for wastewater, dust and emissions (for cases where installation is required) to monitor the quality of wastewater and emissions according to the provisions of this Decree.

3. Owners of investment projects that are subject to environmental impact assessment and must have an environmental permit and have a waste treatment facility other than those specified in Clause 1 of this Article shall be responsible for trial operation of the works. treat such waste simultaneously with the trial operation of the entire project or for each investment phase of the project (if the project has a phased investment phase) or for a treatment work item. the project's independent waste in accordance with the issued environmental permit. In case there is a change in the test operation plan according to the issued environmental permit, the responsibilities specified in Clause 5 of this Article must be fulfilled.

4. Owners of establishments, concentrated production, business and service zones, and industrial clusters specified in Clause 2, Article 39 of the Law on Environmental Protection must carry out trial operation of the waste treatment works of the establishments and production zones. production, business, concentrated services, and industrial clusters as prescribed in this Article after being granted an environmental permit, unless a component environmental permit is obtained.

5. The owner of the investment project specified in Clause 2 of this Article shall notify the plan for trial operation of the project's waste treatment works and work items to the environmental licensing agency at least 10 days in advance from the date of operation. trial operation of waste treatment works for monitoring and supervision; in case the environmental licensing agency is the Ministry of Natural Resources and Environment, it must send it to the provincial specialized environmental protection agency for coordination, inspection and supervision of the implementation.

6. The time of trial operation of a waste treatment facility, calculated from the time of commencement of trial operation, is specified as follows:

a) From 3 to 6 months in case the project is a concentrated production, business and service zone, industrial cluster and investment project in the form of production, business or service with risks of causing environmental pollution field with large capacity specified in Column 3, Appendix n issued together with this Decree;

b) The duration of trial operation for other projects is decided by the investment project owner and is solely responsible for but must not exceed 6 months and must ensure the evaluation of the effectiveness of the waste treatment works as prescribed;

c) In case the trial operation process must be extended, the investment project owner must send a written notice clearly stating the reason for the extension and the extension period must not exceed 06 months. For large-scale investment projects, investment in phases, the operation time may be extended according to the regulations of the licensing agency.

7. During the trial operation of waste treatment works, investment project owners are responsible for the following:

a) Coordinate with the provincial environmental protection agency where the project is implemented to inspect and supervise the trial operation process. In case the project is subject to automatic monitoring of wastewater, dust and emissions, the monitoring and monitoring results of wastewater, dust and gas emissions must be organized automatically, continuously monitored and connected by cameras. , transmit data to the specialized environmental protection agency of the province where the project is implemented;

b) Carry out self-monitoring when meeting the technical guidance of the Ministry of Natural Resources and Environment or cooperate with an organization qualified to operate environmental monitoring services to monitor waste, assess the effectiveness of the project. waste treatment. Waste monitoring must comply with environmental standards and technical regulations and the law on standards, measurement and quality. Waste monitoring, waste sampling (single form, combined sample) for different types of projects shall comply with regulations of the Ministry of Natural Resources and Environment;

c) To be solely responsible for the content of the test operation plan and the entire process of trial operation of the waste treatment facility;

d) There is an operation log book, which records all information of the trial operation of the waste treatment facility. The subjects specified in Clause 4, Article 46 of the Law on Environmental Protection must fully record the volume of hazardous waste and scrap used for each treatment and recycling system and equipment;

dd) Self-assess or hire a qualified organization to evaluate the treatment efficiency of the project's waste treatment works; synthesize, evaluate data of waste monitoring, waste identification and make a report on test operation results of the waste treatment work, and send it to the environmental licensing agency within 10 days from the date of completion. End of trial operation of waste treatment works, except

the case specified in Clause 4, Article 46 of the Law on Environmental Protection; In case the environmental licensing agency is the Ministry of Natural Resources and Environment, the investment project owner shall send additional documents to the provincial-level specialized environmental protection agency.

8. During the trial operation of the project's waste treatment facilities, if the waste discharged into the environment does not meet the environmental technical regulations on waste, the investment project owner must take the following measures: :

a) Stop operation or reduce the capacity of investment projects to ensure that existing waste treatment works can treat generated wastes up to environmental technical regulations on waste and environmental permits;

b) Reviewing waste treatment facilities, equipment and operating procedures of the waste treatment system to determine the causes of pollution and provide remedial solutions; renovating, upgrading and building additionally (if any) waste treatment works to meet the requirements of environmental protection as prescribed;

c) In case of causing environmental incidents or causing environmental pollution, the owner of the investment project must immediately stop the trial operation and promptly report it to the environmental licensing agency for instructions on handling; in case the environmental licensing agency is the Ministry of Natural Resources and Environment, it must send additional documents to the specialized environmental protection agency of the province to coordinate in solving environmental problems; take responsibility for remedying environmental incidents, compensate for damage and be handled for violations according to the provisions of law;

d) Plan for trial operation of waste treatment works or each item of waste treatment works that fail to meet environmental technical regulations on waste for re-operation. The order, procedures, and time for re-testing the waste treatment works are the same as those for the first-time test operations.

9. Environmental protection agencies at provincial and district levels are responsible for coordinating to inspect and supervise the process of trial operation of waste treatment works for investment projects in their respective localities at the request of the local authority. environmental licensing authority.

10. Responsibilities of environmental licensing agency:

a) To perform the responsibilities specified in Article 48 of the Law on Environmental Protection;

b) Set up a team to inspect the actual process of trial operation - waste treatment works of investment projects in the cases specified in Clause 4, Article 46 of the Law on Field Protection, or appoint officials and civil servants to conduct actual inspection. economic trial operation of waste treatment works of investment projects for other cases; conduct measurement, take and analyze samples of waste discharged into the environment. In case the waste discharged into the environment does not meet the standards

environmental engineering on waste, treat or transfer the file to a person competent to handle violations as prescribed and request the investment project owner to take the measures specified in Clause 8 of this Article; continue to organize the measurement, collection and analysis of waste samples discharged into the environment during the re-trial operation of the investment project owner;

c) For the case specified in Clause 4, Article 46 of the Law on Environmental Protection, the inspection and decision to adjust the type and quantity of hazardous waste permitted to be treated or the volume of scrap permitted to be imported and handled in accordance with the Law on Environmental Protection. violations (if any) shall comply with the order specified in Clause 3, Article 30 of this Decree;

d) Receive and handle recommendations of investment project owners related to the trial operation of waste treatment works and democratic direction of projects to overcome pollution and environmental incidents (if any) during the process. test operation.

11. The report on the results of trial operation of the project's waste treatment facilities specified in Clause 4, Article 46 of the Law on Environmental Protection shall be made according to the form specified in Appendix XV issued with this Decree.

12. The Minister of Natural Resources and Environment shall issue samples of documents related to the trial operation of waste treatment works as prescribed in this Decree, except for the case specified in Clause 11 of this Article.

Article 32. Subjects exempt from environmental registration

1. Investment projects, facilities specified at Point a, Clause 2, Article 49 of the Law on Environmental Protection.

2. Investment projects when put into operation and production, business and service establishments that do not generate waste or generate daily-life solid waste of less than 300 kg/day shall be managed according to regulations of local authorities. ; or generating less than 05 m3 of wastewater per day, less than 50 m3 of waste water per hour, shall be treated by on-site treatment equipment or managed according to regulations of local authorities.

3. The list of investment projects and establishments exempt from environmental registration is specified in Appendix XVI issued with this Decree.

Chapter IV
ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS ACTIVITIES ^ SERVICES, URBAN, RURAL AND SOME SECTORS

Section 1
PROTECTION OF ENVIRONMENT OF TRADE VILLAGES

Article 33. Conditions on environmental protection of craft villages

1. A recognized craft village must meet the requirements specified in Clause 1, Article 56 of the Law on Environmental Protection.

2. The commune-level People's Committees shall develop and submit to the district-level People's Committees for approval a plan on environmental protection of trade villages, ensuring that it is suitable to the actual situation in the locality and the plan to change industries and occupations that are not recommended. development in craft villages, plans to relocate establishments and households out of craft villages have been approved by the provincial-level People's Committees.

3. Contents of the craft village environmental protection plan include:

a) General information about craft villages;

b) Type and scale of production of craft villages;

c) The generation of waste gas, wastewater, daily-life solid waste, ordinary industrial solid waste, and hazardous waste; environmental protection works of craft villages;

d) Plans for construction, implementation and operation of works, measures to protect the environment: treatment of waste gas, wastewater, solid waste collection areas, solid waste treatment zones (if any) and other facilities. other environmental protection processes and measures;

dd) Waste monitoring and supervision program according to regulations;

e) Organize the implementation of the environmental protection plan; need for funding to implement the plan for environmental protection of craft villages;

g) The plan to implement the conversion of production lines and production lines of production establishments and households in industries that are not encouraged to develop in the locality or to relocate production establishments and households in accordance with regulations of the Human Resources Committee. provincial people.

4. Self-governing organizations on environmental protection of craft villages established by commune-level People's Committees; operates according to regulations promulgated by the commune-level People's Committees and has the following responsibilities:

a) Participating in the management, operation, maintenance and renovation of works belonging to the environmental protection infrastructure of craft villages as assigned by the commune-level People's Committees;

b) Disseminate, monitor and urge production establishments and households in craft villages to comply with regulations on environmental protection specified in Article 34 of this Decree;

c) Participating in the formulation and implementation of plans on environmental protection for craft villages; environmental protection content in village conventions and conventions; propagating and mobilizing people to eliminate unsanitary customs and habits that are harmful to the environment;

d) Participating in and coordinating in inspecting the implementation of regulations on environmental protection by establishments in craft villages when requested by competent authorities;

dd) Report to the commune-level People's Committee on the current operation status, the situation of waste collection, transportation and treatment; when detecting signs of environmental pollution, environmental incidents or violations of the law on environmental protection in trade villages;

e) Perform other tasks on environmental protection at the request of the commune-level People's Committee.

Article 34. Requirements on environmental protection for production establishments and households in craft villages

Production establishments and households in craft villages must comply with regulations on environmental impact assessment, grant environmental permits or register for the environment in accordance with the law on environmental protection. Environmental protection works of production establishments and households in craft villages must satisfy the following requirements:

1. There is a system of collecting and draining rain water and wastewater according to the regulations of the local government, ensuring it is suitable with the environmental protection infrastructure of the craft village.

2. There are wastewater treatment works or on-site wastewater treatment facilities and equipment that meet environmental technical regulations in case the environmental protection infrastructure of the craft village does not have a centralized wastewater treatment system.

3. Having an emission treatment facility or an on-site exhaust gas treatment facility and equipment that meets environmental technical regulations in the event that emissions are generated must be handled in accordance with law.

4. Implement technical solutions to minimize noise, vibration, light, dust, heat radiation to ensure no pollution to the surrounding environment.

5. Take measures and works to collect and store solid waste in accordance with law.

Article 35. Relocating production facilities and households out of craft villages and changing industries and trades that do not encourage development in craft villages

1. Manufacturing industries and trades that are not encouraged to develop in craft villages include:

a) Production lines and trades not belonging to rural industries according to the Government's regulations on rural industry development;

b) Industries and trades in the type of production that pose a risk of causing environmental pollution specified in Appendix II issued together with this Decree;

c) Sectors and trades that use flammable and explosive fuels, materials or chemicals, dangerous chemicals, and chemicals restricted from trading in accordance with the law on chemicals;

d) Industry and trade using outdated technology lines, machinery and equipment on the list of technologies restricted from transfer according to the law on technology transfer.

2. Production establishments and households in trade villages in industries or trades that are not encouraged to develop in such craft villages as prescribed in Clause 1 of this Article are responsible for implementing the provisions of Article 34 of this Decree and complying with the plan. change production lines or trades or relocate in the craft village environmental protection plan specified at Point g, Clause 3, Article 33 of this Decree.

3. Establishments causing serious environmental pollution in craft villages are production, business and service establishments in trade villages that commit acts of violating regulations on discharge of wastewater, discharge of dust and gas, causing noise pollution, The vibration exceeds the technical regulations on waste or burying, burying, dumping and discharging solid waste and hazardous waste contrary to regulations on environmental protection, to the point of being applied the additional sanction of suspension of operation. Act in accordance with the law on sanctioning of administrative violations in the field of environmental protection.

4. Establishments causing persistent environmental pollution in craft villages are production, business and service establishments in trade villages that commit acts of violating regulations on discharge of wastewater, discharge of dust and emissions, causing noise pollution, vibration exceeding technical regulations on waste or burying, burying, dumping, discharging solid waste, hazardous waste contrary to regulations on environmental protection, has been administratively sanctioned but continues to commit the offence, and ceases to exist. the time limit for remedial violations has not yet been remedied.

5. The formulation and approval of a plan to change occupations that discourage development in craft villages, and to relocate production establishments and households out of craft villages is done as follows:

a) the commune-level People's Committees shall review and report to the district-level People's Committees the list of production establishments and households in industries and trades that are not encouraged to develop in trade villages; establishments or households that fail to implement the plan for changing industries and occupations and the cases specified in Clauses 3 and 4 of this Article;

b) The district-level People's Committees shall submit them to the provincial-level People's Committees for consideration and approval of plans to change industries and trades that are not encouraged for development in craft villages, and to relocate establishments and households out of trade villages;

c) Provincial-level People's Committees shall approve plans to change industries and trades that are not encouraged to develop in craft villages, relocate establishments and households out of craft villages, ensuring that it is suitable to the actual situation in the locality.

Section 2
ENVIRONMENTAL RENOVATION AND RESTOREMENT IN MINERAL MINING ACTIVITIES

Article 36. Formulation and appraisal of plans for environmental improvement and restoration in mineral extraction activities

1. The formulation and appraisal of plans for environmental improvement and restoration in mineral extraction activities are prescribed as follows:

a) The owner of the mining investment project specified at Point a, Clause 2, Article 67 of the Law on Environmental Protection prepares a plan for environmental renovation and restoration during the course of environmental impact assessment and is appraised during the process. submit the appraisal of the environmental impact assessment report;

b) Owners of mineral mining establishments specified at Point b, Clause 2, Article 67 of the Law on Environmental Protection that operate before the effective date of this Decree but do not have plans for environmental renovation and restoration as prescribed, shall be subject to a penalty. sanction administrative violations on environmental protection. In case the establishment is subject to the issuance of an environmental permit, it is required to make an application for an environmental permit, including the plan for environmental renovation and restoration, and appraised during the appraisal of the application file. environmental licensing; in case the establishment is not subject to the issuance of an environmental permit, it is forced to make a plan for environmental renovation and restoration and has it appraised according to the provisions of Clauses 2, 3, 4, 5, 6, 7, 8 and 9 This;

c) The owner of the mineral mining establishment specified at Point b, Clause 2, Article 67 of the Law on Environmental Protection subject to the issuance of an environmental permit has changed the contents of environmental renovation and restoration compared to the approved plan. then compile a dossier of application for an environmental permit, including a plan for environmental renovation and restoration with changed contents and appraised during the appraisal of the dossier of application for an environmental permit; In case the establishment is not subject to the issuance of an environmental permit, a plan for environmental renovation and restoration must be prepared and assessed according to the provisions of Clauses 2, 3, 4, 5, 6, 7, 8 and 9. This;

d) The owner of the mineral mining establishment specified at Point c, Clause 2, Article 67 of the Law on Environmental Protection prepares a plan for environmental renovation and restoration as part of the mine closure project of the mining project and appraised during the appraisal of the mine closure project.

2. A dossier of request for appraisal of the plan for environmental renovation and restoration, for the case the establishment is not subject to the issuance of an environmental permit specified at Points b and c, Clause 1 of this Article, includes:

a) 01 written request for appraisal of the establishment owner;

b) 01 plan for environmental improvement and restoration;

c) 01 copy of the environmental impact assessment report or the environmental protection plan or the commitment to environmental protection or the registration of meeting environmental standards or the simple environmental protection project or the environmental protection project The detailed field has been approved or confirmed.

3. The time limit for appraising the plan for environmental renovation and restoration for the case specified in Clause 2 of this Article is not more than 30 days from the date of receipt of a complete and valid dossier. Within the time limit specified in this Clause, the appraisal agency is responsible for notifying the establishment owner in writing of the appraisal results. The time limit for the establishment owner to amend and supplement the plan for environmental renovation and restoration at the request of the appraisal agency and the time to consider and issue an approval decision specified in Clause 6 of this Article is not included in the time limit. expertise.

4. Contents of appraisal of the plan for environmental renovation and restoration include:

a) Legal basis, the compatibility of structure and content of the plan for environmental renovation and restoration with current regulations;

b) Conformity of the content of the plan for environmental improvement and restoration with requirements on environmental protection, national sector planning, provincial planning (if any), relevant land use planning;

c) Calculation of the volume of environmental renovation and restoration items and the cost of environmental rehabilitation and restoration; the accuracy and completeness of the volume and cost estimates, the suitability of the deposit method.

5. The appraisal of the plan for environmental renovation and restoration for the case specified in Clause 2 of this Article shall be carried out through an appraisal council set up by a competent agency specified in Clause 8 of this Article. The appraisal council has at least 07 members, including: the chairman of the council, the vice president of the council (in case of necessity) and must have at least one third of the total members who are experts. Experts who are members of the council must have expertise in the environment, minerals or other related fields and have working experience meeting the requirements at Point b, Clause 3, Article 34 of the Law on Environmental Protection.

Experts participating in the formulation of plans for environmental improvement and restoration may not participate in the council for appraisal of such plans.

In case of necessity, the appraising agency shall organize the actual survey, collect opinions from agencies, organizations and experts to serve the appraisal of the plan for environmental renovation and restoration.

During the appraisal period, if there is a request to amend or supplement the plan for environmental renovation and restoration, the agency appraising the plan for environmental renovation and restoration is responsible for notifying the project owner in writing. investment project to implement. Within a maximum period of 12 months from the date of a written request for amendment and supplementation from the agency appraising the environmental improvement and restoration plan, the establishment owner is responsible for completing the plan for environmental renovation and restoration. The environment shall be sent to the agency appraising the plan for environmental renovation and restoration, enclosed with a written explanation, and receiving appraisal opinions. After this time limit, the appraisal of the plan for environmental renovation and restoration shall comply with the provisions of Clause 2 of this Article.

6. The appraisal result of the plan for environmental improvement and restoration is shown by the decision approving the intended result. Within no more than 15 days from the date of receipt of the revised and supplemented environmental renovation and restoration plan dossier (if any), the appraising agency is responsible for issuing a decision to approve it. evaluation results; in case of disapproval, the applicant must reply in writing to the establishment owner and clearly state the reason. The dossier of the plan for environmental renovation and restoration, which has been modified or supplemented upon request (if any), includes:

a) 01 written explanation of appraisal opinions;

b) 01 version of the plan for environmental improvement and restoration has been revised and supplemented.

7. The submission of dossiers of request for appraisal of the plan for environmental renovation and restoration, notification of the results of the appraisal of the plan shall be done through one of the forms of direct delivery, by post or the public service system. online according to the roadmap of the competent state agency.

8. The competence to appraise the plan for environmental renovation and restoration for the case specified in Clause 2 of this Article is prescribed as follows:

a) The Ministry of Natural Resources and Environment shall organize the appraisal of plans for environmental renovation and restoration of mineral mining establishments under the competence of the Ministry of Natural Resources and Environment to issue mining licenses;

b) Provincial-level People's Committees shall organize the appraisal of plans for environmental improvement and restoration for mineral mining establishments under the jurisdiction of the provincial-level People's Committees to issue mining licenses.

9. The Minister of Natural Resources and Environment shall promulgate a sample of a written request for appraisal, and prescribe the operation of the council for assessment of the plan for environmental renovation and restoration specified in this Article.

Article 37. Deposits for environmental rehabilitation and restoration and refund of deposits for environmental rehabilitation in mineral mining activities

1. The deposit amount must be calculated to ensure sufficient funds for environmental renovation and restoration based on the environmental renovation and restoration contents already approved by the competent authority.

2. The calculation of the deposit amount must apply the norms and unit prices of the locality at the time of making the plan for environmental renovation and restoration. In case the locality does not have norms and unit prices, the norms and unit prices of the respective ministries or branches shall apply. In case a ministry or branch does not have a unit price, the market price shall apply.

3. Calculation of the deposit amount:

a) The total amount of the deposit (excluding the price slippage factor) is equal to the total cost of the environmental rehabilitation and restoration work items. Methods of calculating and estimating costs for environmental renovation and restoration shall comply with the guidance of the Ministry of Natural Resources and Environment;

b) The annual deposit amount (excluding slippage factor) is calculated by the total amount of the deposit minus the first deposit amount then divided equally among the remaining years according to the time in the investment project or paper. mining license;

c) Organizations and individuals that pay the annual deposit must take into account the price slippage factor and it is determined by the annual deposit amount specified at Point b of this Clause multiplied by the consumer price index of the previous years. from the time the additional plan or plan is approved. The annual consumer price index is applied according to the announcement of the General Statistics Office for the locality where the mineral is mined or the competent authority.

4. Deposit time:

a) In case an organization or individual applies for a new mineral mining license, the deposit period is determined according to the investment project appraised by a competent authority, but must not exceed 30 years;

b) In case organizations or individuals already have a mineral mining license: the deposit period is determined according to the remaining term in the mining license from the time of approval of the plan;

c) In case the mining license has a mining term different from the time calculated in the approved plan, the organization or individual shall adjust the content and calculate the deposit amount over time in the mining license. issued and sent to the competent authority to approve the plan for consideration and adjustment.

5. Deposit method: .

a) In case an organization or individual has a mineral mining license with a term of less than or equal to 1 year, a one-time deposit shall be made. The margin level is equal to 100% of the approved amount, taking into account slippage at the time of deposit;

b) In case an organization or individual has a mineral mining license with a term of 1 year or more, they are allowed to make multiple deposits. The first deposit amount must take into account the slippage factor at the time of deposit and is determined as follows:

Mining license has a term of less than 10 years: the first deposit is equal to 25% of the total deposit.

Mining license has a term from 10 years to less than 20 years: the first deposit is equal to 20% of the total deposit.

Mining license has a term of 20 years or more: the first deposit is equal to 15% of the total deposit;

c) The deposit amount taking into account the price slippage factor shall be declared and paid by the organization or individual by themselves and notified to the environmental protection fund where the deposit is made;

d) The deposit is entitled to an interest rate equal to the lending interest rate of the environmental protection fund where the deposit is made and is calculated from the time of deposit.

6. Time of deposit and receipt of deposit:

a) Organizations and individuals currently mining minerals shall make their first deposit within 30 days from the date of approval of additional plans or plans;

b) Organizations and individuals that have been granted a new mineral mining license shall make their first deposit before the registration date for the commencement of the basic construction of the mine;

c) In case of multiple deposits, the deposit from the second time onward must be made within a period not exceeding 07 days from the date the competent authority publishes the consumer price index of the year preceding the year of deposit;

d) The place to receive the deposit is specified at Point a, Clause 4, Article 137 of the Law on Environmental Protection;

d) The place where the deposit is received is responsible for checking the accuracy of the deposit and issuing a certificate of deposit confirmation to the organization or individual.

7. The refund of the deposit is based on the progress of organizations and individuals that have completed the contents of environmental renovation and restoration. The agency competent to approve the mine closure project of the mining project shall inspect the completion of the mine

into a plan for environmental improvement and restoration in the period of strict collection of the results of the mine closure project. The content of completing the plan for environmental renovation and restoration is part of the content of the decision to close the mineral mine:

a) Within 90 days from the date of receiving the decision to close the mineral mine, where the deposit is received, the deposit shall be refunded to the organization or individual;

b) Organizations and individuals are only allowed to withdraw profits once after a decision is made to close the mine;

c) The refund of the deposit to organizations or individuals that return or have their mining licenses revoked is made after a decision is made to close the mine.

8. In case there is a change in the organization or individual that has been granted a mineral mining license, the new organization or individual shall continue to perform the obligations of environmental renovation and restoration and deposit for the renovation and restoration of the environment. restore the environment and notify the agency appraising the plan for environmental renovation and restoration, the specialized agency in charge of environmental protection at the provincial level.

9. In case the mineral mining organization or individual has deposited a deposit but is dissolved or goes bankrupt and has not yet carried out the environmental renovation and restoration according to the approved plan for environmental renovation and restoration, the competent agency shall The right to approve the mine closure project of the mining project is responsible for using the deposited money, including interest, for environmental renovation and restoration.

10. The Ministry of Finance shall guide the management and use of deposits for environmental improvement and restoration in mineral mining activities at environmental protection funds.

Section 3
ENVIRONMENTAL PROTECTION IN THE MANAGEMENT OF DON'T DEBUGATE POLLUTION AND MATERIALS, FUEL, MATERIAL , PRODUCTS, GOODS, AND EQUIPMENT CONTAINS DIFFICIENT POLLUTIONS

Article 38. Registration of exemption from persistent organic pollutants according to the provisions of the Stockholm Convention

1. Persistent organic pollutants (hereinafter referred to as POPs for short) must be registered for exemption under the provisions of the Stockholm Convention promulgated in Appendix XVII to this Decree.

The Ministry of Natural Resources and Environment is responsible for registering POP exemption with the Stockholm Convention Secretariat at the request of the Stockholm Convention on the basis of summarizing, assessing the current status, and forecasting POP exemption registration of the following countries. relevant agencies, organizations and individuals. In the event that the Stockholm Convention changes the requirements for registration of exemptions, these changes shall be followed.

2. Organizations and individuals that import, produce and use POPs listed in Appendix XVII issued together with this Decree as raw production materials, shall register for POP exemption and submit dossiers of registration for exemption from POPs. POP on the Ministry of Natural Resources and Environment. Registration documents include:

a) 01 written registration of exemption from POPs made according to the form specified in Appendix XVIII issued with this Decree;

b) 01 report on registration of exemption from POPs made according to the form specified in Appendix XIX issued with this Decree;

c) The latest environmental monitoring and monitoring results as prescribed by law.

3. Order and procedures for registration of exemption from POPs:

a) Organizations and individuals shall compile a dossier of registration for POP exemption as prescribed in Clause 2 of this Article and send it directly or by post or send an electronic copy through the online public service system of the Ministry of Natural Resources and Environment. school;

b) Within 05 days from the day on which the application for registration of exemption is received, the Ministry of Natural Resources and Environment shall consider the completeness and validity of the application; notify in writing the completeness and validity of the dossier to the organization or individual;

c) After receiving a complete and valid application, the Ministry of Natural Resources and Environment shall set up an inspection team to evaluate the registration dossier for POP exemption according to regulations;

d) Within 45 days from the time of receiving the complete and valid dossier, based on the test results, the Ministry of Natural Resources and Environment shall notify the approval of POP exemption registration to organizations and individuals according to the regulations of the Ministry of Natural Resources and Environment. the form specified in Appendix XX issued together with this Decree; in case of disapproval of registration for POP exemption, a written reply must be given to the organization or individual, clearly stating the reason.

4. From January 1, 2023, the Ministry of Natural Resources and Environment's notification of approval of POP exemption registration is the basis for customs authorities to consider and allow customs procedures for POPs.

5. Organizations and individuals that are entrusted with the import of POPs listed in Appendix XVII issued together with this Decree for organizations and individuals that have been approved by the Ministry of Natural Resources and Environment for registration of exemption from POPs as raw materials Direct producers are only allowed to import the right type and volume of POPs according to the notice of approval for registration of POP exemption for organizations and individuals that have registered for exemption from POPs. Organizations and individuals entrusted with importing POPs listed in Appendix XVII issued together with this Decree must transfer all imported POPs to the importing organizations or individuals in accordance with the entrustment contract. .

6. After the expiration of the time limit for registration of exemptions as required by the Stockholm Convention, POPs listed in Appendix XVII issued together with this Decree must be managed in accordance with regulations on hazardous waste management.

Article 39. Labeling and publication of information on raw materials, fuels, materials, products, goods and equipment containing persistent pollutants

1. Pursuant to environmental technical regulations on limitation of persistent pollutants in raw materials, fuels, materials, products, goods, equipment, organizations and individuals importing, producing and trading Raw materials, fuel, materials, products, goods and equipment containing persistent pollutants must be labeled and announced according to the provisions of Clauses 2 and 3 of this Article.

2. Labeling raw materials, fuel, materials, products, goods and equipment containing persistent pollutants must satisfy the following requirements:

a) Position, size, color, image, symbol, language of labels of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants must comply with regulations. of the law on trademarks;

b) Contents shown on labels of raw materials, fuels, materials, products, goods and equipment containing persistent pollutants, including: name and content of persistent pollutant specified in regulations environmental technical standards on limits of persistent pollutants in raw materials, fuels, materials, products, goods, equipment or information on meeting international standards related to pollutants persistent contamination and other information in accordance with the law on goods labels.

3. For raw materials, fuels, materials and finished products without commercial packaging, organizations and individuals importing, producing and trading must send a notice to the Ministry of Natural Resources and Environment according to the form set by the Ministry of Natural Resources and Environment. Natural Resources and Environment stipulates and publishes information on persistent pollutants in raw materials, fuels and materials according to the content specified at Point b, Clause 2 of this Article on the organization's website. organizations and individuals.

4. Organizations and individuals producing raw materials, fuels, materials, products, goods and equipment containing persistent pollutants must label and disclose information about persistent pollutants in raw materials. fuel, materials, products, goods and equipment as prescribed in Clauses 2 and 3 of this Article, after conducting conformity assessment as prescribed in Clause 3, Article 40 of this Decree and before issuing circulation in the market.

5. Organizations and individuals that produce, import or trade do not strictly comply with regulations on labeling and information disclosure for raw materials, fuels, materials, products, goods and equipment containing Persistent pollutants must take remedial measures, recover and handle them in accordance with the law on environmental protection and the law on product and goods quality management.

Article 40. Assessment of conformity and examination of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants

1. Organizations and individuals that import or produce must send a document to the Ministry of Natural Resources and Environment together with the results of conformity assessment for raw materials, fuels, materials, products, goods and equipment that can be imported or exported. contain persistent pollutants after customs clearance and before being put on the market.

2. Vietnam recognizes and acknowledges the results of conformity assessment for raw materials, fuels, materials, products, goods and equipment containing persistent pollutants issued by international and national organizations. capacity to comply with the provisions of the law.

3. Organizations and individuals that import or produce persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants before labeling and publicizing information Information must select a conformity assessment organization to test, verify, assess and certify the quality in conformity with the respective environmental technical regulations.

4. Conformity assessment organization means an organization that has been granted a certificate by the Ministry of Natural Resources and Environment to receive a certificate of eligibility to provide environmental monitoring services for persistent pollutants and raw materials, fuels, materials, etc. products, goods and equipment containing pollutants that are difficult to decompose.

5. The inspection for persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants shall be carried out in accordance with the law on environmental protection. market and the law on product and goods quality management. To decide on the establishment of an inspection team, the inspection minutes and the results of conformity assessment shall be prescribed by the Ministry of Natural Resources and Environment. In case a persistent pollutant is detected and raw materials, fuel, materials, products, goods and equipment containing persistent pollutants do not meet the relevant environmental technical regulations, the organization Importing, manufacturing and trading individuals must be administratively sanctioned for environmental protection and product and goods quality management and publicizing information in accordance with the law on quality management. Commodity products.

Article 41. Responsibilities of organizations and individuals importing, producing, trading and using persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing pollutants persistent contamination

1. Organizations and individuals that import, produce and trade in persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants must ensure that they do not exceed exceed the maximum allowable limit prescribed by law; be responsible for the safe destruction and treatment of persistent pollutants and raw materials, fuels, materials, products, goods and services.

chemicals, equipment containing persistent pollutants exceeding the maximum allowable limit by self-treatment according to appropriate technology to meet the requirements of environmental protection or bear the full responsibility and cost of consumption. destroy, handle according to the provisions of current law.

2. Organizations and individuals importing POPs listed in Appendix XVII issued together with this Decree must send a written notice to the Ministry of Natural Resources and Environment about the volume and name of POPs before carrying out import activities for POPs. find the shipment.

3. Organizations and individuals that produce persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants and organizations and individuals that use pollutants hard to decompose and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants as raw production materials have the following responsibilities:

a) Annually, report to the Ministry of Natural Resources and Environment on the volume and types of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants. regulations in environmental technical regulations on limits of persistent pollutants in raw materials, fuels, materials, products, goods and equipment. The report content is integrated in the environmental protection work report;

b) Having a plan to stop production and use of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants in case the maximum limit is exceeded. permitted by regulations;

c) Implement measures to collect, store, treat and safely manage persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants. according to the law;

d) Transfer waste containing persistent pollutants to organizations and individuals that are capable of handling according to regulations.

4. Organizations and individuals that cause land pollution are responsible for assessing, warning of risks and handling, renovating and restoring the environment for the land area contaminated with persistent pollutants as prescribed in Article 2 of this Law. 13 this Decree.

Article 42. Responsibilities of ministries, ministerial-level agencies and provincial-level People's Committees in the management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment of high quality persistent pollution

1. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and organize the implementation of, registration for exemption from POPs and inspect and supervise the cessation of importation, production and use of POPs as raw production materials in accordance with regulations on registration of POPs. free sign

except for POPs; assessment of demand for production and use of POPs; Controlling generation sources, assessing conformity and testing for persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants according to regulations. provisions of law; signed an agreement on recognition and mutual recognition of results of conformity assessment for raw materials, fuels, materials, products, goods and equipment containing persistent pollutants with international organizations. international and national capacity as prescribed by law.

2. Responsibilities of relevant ministries, ministerial-level agencies and provincial-level People's Committees:

a) The Ministry of Industry and Trade, the Ministry of Finance (the General Department of Customs), ministries, ministerial-level agencies and provincial-level People's Committees are responsible for coordinating with the Ministry of Natural Resources and Environment to organize the implementation of requirements on protection of goods. environment and provide and share information in the fields of industry and locality in charge of export, import, production, business and use of persistent pollutants and raw materials and fuels. raw materials, materials, products, goods and equipment containing pollutants that are difficult to decompose according to the provisions of Articles 38, 39 and 40 of this Decree and relevant laws;

b) The Ministry of National Defense, the Ministry of Public Security, and the provincial-level People's Committees are responsible for assessing, identifying, warning of risks, handling, renovating and restoring land contaminated with persistent pollutants. due to history or unidentifiable organizations or individuals causing pollution as prescribed in Article 14 of this Decree.

Section 4
ENVIRONMENTAL PROTECTION IN IMPORTING, BREAKING USE OF VEHICLES, IMPORTING SCRAP

Article 43. Objects and conditions on environmental protection for CO' imported used ships for demolition

1. Subjects permitted to import used ships for demolition must comply with the Government's regulations on import and demolition of used ships.

2. Conditions on physical facilities and technical infrastructure for environmental protection for ship breaking facilities:

a) There are specialized ship breaking areas and equipment suitable for each type and tonnage of ships, ensuring no leakage or dispersal of untreated waste. pollution of water, soil and air environment;

b) Having an area to store materials and equipment after demolition has a ground level to ensure that it is not flooded; the floor is tight, not cracked, made of waterproof materials, durable enough to withstand the load of the highest amount of materials and equipment as calculated. In case of use of storage yards, there must be a system to collect and treat overflowing rainwater in accordance with environmental technical regulations;

c) There is a hazardous waste storage area; the area for storing ordinary industrial solid waste and daily-life solid waste generated in the process of ship demolition must meet the requirements as prescribed.

3. There are measures to manage waste and scrap in used ship breaking activities as follows:

a) Collect fuel, oil, bilge water, ballast water, other liquids and potentially flammable and explosive materials. Take measures to ventilate and supply enough oxygen to enclosed spaces on the ship (such as cargo hold, double bottom, tank tanks) to ensure safe working conditions. This operation must be carried out during the entire demolition process;

b) Removal of asbestos and PCBs: Before cutting the ship into parts, it is necessary to remove, collect and transport asbestos and PCBs from the cutting position. After parts of the ship have been brought ashore, all remaining asbestos and PCBs must continue to be collected when more easily accessible. The asbestos removal and collection area must be enclosed to reduce the dispersion of asbestos fibers into the surrounding environment, unauthorized persons are exempt from entry. Asbestos must be moistened before and during removal. Must arrange at least 02 employees who are fully equipped with labor protection equipment to remove asbestos, of which 01 person is responsible for humidification and 01 person is responsible for asbestos removal. The onshore asbestos removal area should be located in a separate area with the same procedure;

c) Asbestos after being removed must be stored in sealed specialized packages with at least 02 layers, then transported to hazardous waste storage and transferred for treatment in accordance with regulations;

d) Liquid waste containing PCBs must be stored in rigid containers or storage devices placed on raised platforms and not allowed to be stacked. Waste storage area containing PCBs (solid and liquid form) must be isolated from other wastes and ensure safety before transferring for proper treatment;

dd) Oil and fuel must be pumped to separate tanks or containers (not mixed) before being transferred to the storage and transfer area for treatment in accordance with regulations;

e) Non-metallic materials extracted from metal must be identified, classified and treated according to regulations on waste management;

g) Radioactive waste arising from the demolition process must be collected, stored, treated and managed in strict accordance with regulations on management of radioactive waste and used radioactive sources in accordance with the law on radioactive waste. atomic energy;

h) After completing the demolition of the ship, within 45 days, the facility must transfer all hazardous wastes and industrial wastes to be treated to the competent units as prescribed.

4. Ship breaking facilities must have an environmental management system according to the national standard ISO 14001 or the international standard ISO 14001 certified.

Article 44. Conditions on environmental protection for used transformers imported for demolition

1. Used seagoing ships imported for demolition must meet the requirements on categories permitted to be imported according to the Government's regulations on importation and demolition of used ships.

2. Ships imported for demolition must meet the following requirements:

a) To ensure that radioactive waste and radioactive sources do not exceed the threshold prescribed by the law on atomic energy;

b) All CFCs must be recovered in the equipment before being imported into Vietnam;

c) Ballast water must not contain invasive alien species or potentially invasive species on the list promulgated by the Ministry of Natural Resources and Environment;

d) Free of weapons, ammunition and explosives;

d) All goods stored on board have been removed.

3. Satisfying national technical regulations on environment for used seagoing ships imported for demolition. The certification of conformity with national technical regulations on environment for used ships imported for demolition is carried out by a conformity certification organization in accordance with the law on product quality. , goods.

Article 45. Requirements on environmental protection and responsibilities of organizations and individuals importing scrap from abroad as raw production materials

Organizations and individuals may only import scrap from abroad as raw production materials for their investment projects and production facilities and must satisfy the requirements for environmental protection specified in Clause 2, Article 71. Environmental Protection law. Some specific requirements and conditions for environmental protection are specified as follows:

1. Having a production facility with technology and equipment for recycling and reusing scrap that meets environmental protection requirements as prescribed.

2. Having technology and equipment to handle impurities accompanying imported scrap meeting environmental technical regulations. In case there is no technology or equipment to handle impurities attached, it must be transferred to a person with suitable functions for treatment.

3. Conditions for warehouse or storage yard for imported scrap:

a) Warehouse for storing imported scrap:

Having its own rainwater collection system; have a system to collect and treat all kinds of wastewater generated during the storage of scraps to ensure that they meet environmental technical regulations on wastewater as prescribed;

Having a high ground level to ensure that there is no flooding; the floor in the scrap storage area is designed to prevent rainwater from overflowing from the outside; the floor must be sealed, waterproof, withstand the load of the highest amount of scrap according to the calculation;

Having walls and partitions made of non-combustible materials; there is a roof to cover the sun and rain for the entire waste storage area with non-combustible materials; take measures or designs to limit the direct entry of wind into the interior;

b) Imported scrap storage yard:

Having a system to collect and treat rainwater that overflows through the imported scrap yard and other types of wastewater generated in the process of storing scrap, ensuring that it meets environmental technical regulations on wastewater as prescribed;

Having a high ground level to ensure that there is no flooding; the floor must be sealed, waterproof, withstand the load of the highest amount of scrap according to the calculation;

There are measures to minimize dust generated from the scrap storage yard.

4. Having an environmental permit, which contains the content of using imported scrap as raw production materials, or the component environmental permit, which is a certificate of satisfaction of conditions for environmental protection in the import of scrap as raw production materials. Exported according to the provisions of Point d, Clause 2, Article 42 of the Law on Environmental Protection, except for the case specified in Clause 18, Article 168 of this Decree and the case of import of scrap arising from the operation of a non-tariff zone or processing zone. export, export processing enterprises.

5. Deposit for environmental protection as prescribed in Article 46 of this Decree.

6. Organizations and individuals that import scrap may choose to carry out customs procedures at the customs office managing the import border gate or the customs office where there are production facilities using imported scrap; may choose a location for quality inspection of imported scrap at the border gate of importation or at the customs office where there is a production establishment using imported scrap or at a production establishment using imported scrap. Imported scrap is only allowed to be unloaded at the port when it meets the following requirements:

a) Organizations and individuals that receive goods on the Manifest of Goods (E-Manifest) have an environmental permit or an environmental permit with components specified in Clause 4 of this Article that is still valid and has a remaining volume of imported scrap;

b) Organizations and individuals receiving goods on the E-Manifest have a written certification that they have deposited a security deposit for imported scrap for the scrap stated on the E-Manifest according to the provisions of Point b, Clause 3, Article 46 of this Decree.

The customs authority is responsible for checking the information specified at Points a and b of this Clause before allowing scrap to be unloaded at the port.

7. Assessment of conformity with environmental technical regulations for imported scrap as raw production materials

a) Organizations assessing the conformity with environmental technical regulations for imported scrap for use as raw production materials include: Appointed assessment organizations in accordance with law; recognized foreign assessment organizations according to the provisions of law;

b) Organizations assessing the conformity with environmental technical regulations may provide services in the Vietnamese territory after meeting the conditions prescribed by the law on product and goods quality and the Government's regulations. on business conditions, assess the suitability and regulations of the law on specialized knowledge.

8. Organizations and individuals importing scrap from abroad as raw production materials shall declare information, submit electronic documents and carry out import procedures in accordance with the law on customs. In addition to the documents prescribed by law on customs, the import scrap dossier must contain the following documents:

a) Quality certificate of the exporting country (if any); certificate of origin (if any); scrap photo or description;

b) Written confirmation of security deposit for imported scrap (scanned from the original with authenticated electronic signature of the importing organization or individual);

c) Certificate of quality inspection of imported scrap shipments;

d) A written commitment on the re-export or treatment of scrap in case the imported scrap does not meet the requirements for environmental protection, made according to the form specified in Appendix XXI issued with this Decree.

9. Organizations and individuals that import and use imported scrap as raw production materials have the following responsibilities:

a) Importing the right type and volume of scrap permitted for import specified in the environmental permit or the environmental permit with the components specified in Clause 4 of this Article;

b) Using all imported scrap as production materials for the production of floor products and goods as prescribed in this Decree;

c) Identify and classify wastes arising from the use of imported scrap in order to have a suitable waste treatment plan;

d) To take responsibility before law for the import and use of imported scrap as raw production materials; coordinate with professional associations in carrying out environmental protection work according to regulations; pay all expenses for handling imported scrap in violation.

10. The Ministry of Natural Resources and Environment provides technical guidance on conformity assessment and certification, recognizes organizations that assess conformity with environmental technical regulations, and assesses the quality of imported scrap as specified production materials. at this Article.

Article 46. Environmental protection deposit in the import of scrap from abroad as raw production materials

1. Purpose and method of deposit for environmental protection in importing scrap from abroad as raw production materials:

a) The environmental protection deposit in the import of scrap from abroad as raw production materials is to ensure that the organization or individual importing the scrap is responsible for handling risks and risks of environmental pollution that may arise from shipments of imported scrap;

b) Organizations and individuals importing scrap shall deposit at the Vietnam Environmental Protection Fund or the provincial environmental protection fund or the credit institution where the organization or individual opens a transaction account (hereinafter referred to as the is an escrow organization). The deposit is made according to each shipment or each contract with information and value of the imported scrap shipment;

c) The deposit is paid and refunded in Vietnam Dong and enjoys the agreed interest rate in accordance with the law.

2. Deposit for environmental protection in the import of scrap from abroad as raw production materials:

a) Organizations and individuals importing scrap iron and steel must make an environmental protection deposit in the import of scrap from abroad as raw production materials with the amount specified as follows:

Import volume of less than 500 tons must make a deposit of 10% of the total value of imported scrap shipments;

Import volumes from 500 tons to less than 1,000 tons must pay a deposit of 15% of the total value of imported scrap shipments;

Import volume of 1,000 tons or more must make a deposit of 20% of the total value of imported scrap shipments;

b) Organizations and individuals importing scrap paper and scrap plastic must make an environmental protection deposit in the import of scrap from abroad as raw production materials with the amount specified as follows:

Import volume of less than 100 tons must pay a deposit of 15% of the total value of imported scrap shipments;

Import volume from 100 tons to less than 500 tons must make a deposit of 18% of the total value of imported scrap shipments;

Import volume of 500 tons or more must make a deposit of 20% of the total value of imported scrap shipments;

c) Organizations and individuals importing scrap not specified at Points a and b of this Clause shall make an environmental protection deposit in the import of scrap from abroad as raw materials for production floor with the specified amount of 10 % of total value of imported scrap shipments.

3. The process of depositing for environmental protection in importing scrap from abroad as raw production materials:

a) Organizations and individuals importing scrap must make an escrow deposit before the scrap is unloaded at the port in the case of import through a sea border gate or into the Vietnamese territory in other cases;

b) Immediately after receiving the deposit, the escrow-receiving organization shall certify the deposit of the scrap-importing organization or individual in the written request for deposit of the organization or individual. Contents of confirmation of deposit must fully show the following information: blockade account name; the total amount of the deposit calculated according to the provisions of this Decree; the time limit for refund of the deposit shall be made immediately after the goods are cleared; account blockade period (if any);

c) The organization receiving escrow deposit shall send 02 originals to the organization or individual importing scrap of the written certification of having deposited the security deposit for imported scrap. Organizations and individuals importing scrap shall send 01 original written confirmation of deposit to the customs office where customs clearance procedures are carried out.

4. Management and use of the deposit for environmental protection in importing scrap from abroad as raw production materials:

a) The organization receiving the deposit where the organization or individual importing scrap makes an environmental protection deposit in the import of scrap from abroad as raw production materials is responsible for freezing the deposit according to the provisions of law. the law;

b) The escrow-receiving organization that has received the deposit is responsible for returning the deposit to the scrap-importing organization or individual after receiving a written request from the scrap-importing organization or individual, enclosed with information. about the number of import customs declarations for imported scrap shipments that have been cleared or information about the cancellation of the import customs declarations by the customs authorities or the completion of the decision on re-export or destruction according to regulations. regulations on waste management;

c) In case imported scrap is not cleared for customs clearance and cannot be re-exported, the deposit shall be used to pay the cost of handling and destruction of infringing scrap. If the deposit amount for importing scrap is not enough to pay all expenses for handling and destroying infringing imported scrap, the organization or individual importing scrap is responsible for paying the expenses. this. Products after treatment and destruction of infringing imported scrap with value will be confiscated according to the provisions of law (excluding products made from other raw materials, additives or scraps that are mixed according to the provisions of law). production process of the unit designated to handle the infringing imported scrap) and cannot be accounted into the cost of handling and destroying the infringing imported scrap.

The treatment and destruction of imported scrap in violation must comply with regulations on waste management. Violating organizations and individuals are responsible for making agreements with competent units to treat and destroy infringing wastes and scraps; the unit handling and destroying imported scrap in violation must be recorded in the sanctioning decision of the person competent to sanction administrative violations as prescribed by law. In case it is not possible to identify the violating organization or individual importing scrap, the handling and destruction of the violating imported scrap shall be carried out by the State in accordance with law;

d) In case the deposit is left over after payment for handling the infringing shipment of imported scrap, within 5 days from the date of receipt of written comments on the completion of the handling and disposal process. To destroy scrap of the sanctioned competent authority in accordance with the law on sanctioning of administrative violations in the field of environmental protection, the organization receiving the escrow is responsible for returning the remaining deposit to the owner. organizations and individuals importing scrap.

Section 5
ENVIRONMENTAL PROTECTION FOR PRODUCTION, BUSINESS ZONES, SERVICES , INDUSTRIAL Clusters, AND SOME OTHER INDUSTRY

Article 47. General provisions on environmental protection for concentrated production, business and service zones

1. Functional subdivisions in concentrated production, business and service zones must be planned in accordance with the following conditions: minimizing the influence of various types of production, business and services that are likely to cause pollution each

market with other types of production, business and services; favorable for the prevention and response of environmental incidents; enhancing reuse, waste recycling, energy saving and industrial symbiosis.

2. Projects in concentrated production, business and service areas must have an environmental safety distance according to national technical regulations on technical infrastructure works to minimize the possibility of affecting other facilities and socio-economic objects around the concentrated production, business and service zones.

3. Promotion of waste reuse, application of cleaner production technology, energy saving, industrial symbiosis and circular economy.

4. To encourage the establishment of new or transformation of concentrated production, business and service zones according to the model of eco-industrial parks.

Article 48. Requirements on technical infrastructure for environmental protection of concentrated production, business and service zones and industrial clusters

1. Technical infrastructure for environmental protection shall be arranged in accordance with the types of investment in concentrated production, business and service zones, industrial clusters, ensuring to minimize adverse impacts on the surrounding environment and the environment. must be built and completed before the facilities in the concentrated production, business, service and industrial clusters come into operation.

2. The rainwater collection and drainage system must satisfy the following requirements:

a) Separate the rainwater drainage system from the wastewater collection and drainage system;

b) There must be a manhole for sedimentation and separation of oil scum before discharging into the general rainwater drainage system of the area;

c) It is regularly dredged, maintained, and periodically maintained to ensure it is always in normal operating conditions.

3. The wastewater collection and drainage system after treatment must satisfy the following environmental protection requirements:

a) The location and core of manholes must be appropriately arranged to connect with wastewater discharge points of establishments, ensuring the wastewater drainage capacity of concentrated production, business and service zones; the wastewater connection location is located on the collection route of the drainage system of the concentrated production, business and service zones and located outside the land of the establishments;

b) The wastewater collection and drainage system after treatment must be solid, waterproof, and prevent leakage of wastewater into the environment according to standards, construction design regulations or product and goods quality standards;

c) The point of discharge of treated wastewater must have a signboard, a working floor with an area of at least 01 m^2 and a walkway to facilitate the inspection and control of waste sources;

d) It is regularly dredged, maintained, and maintained periodically to ensure it is always in normal operating conditions.

4. The centralized wastewater treatment system must satisfy the following environmental protection requirements:

a) It is allowed to divide into many units (modules) in accordance with the filling schedule and operation of the concentrated production, business and service zones, and industrial clusters, but must ensure to treat all the wastewater generated. students meet environmental technical regulations and conform to the issued environmental permits;

b) Having an independent electric meter;

c) Having an automatic and continuous monitoring system as prescribed in Clause 4, Article 97 of this Decree;

d) To be regularly operated in accordance with technological processes to ensure that wastewater is treated up to environmental technical standards before being discharged into the receiving source; must be maintained and maintained periodically to ensure normal operation;

dd) The sludge of the centralized wastewater treatment system must be collected, transported and treated or reused in accordance with the law on waste management;

e) The equipment for collection and storage of daily-life solid waste, ordinary solid waste, hazardous waste, and exhaust gas treatment (if any) must satisfy corresponding requirements on environmental protection as prescribed. in Chapter V of this Decree;

g) The operation of the centralized wastewater treatment system must have an operation log that fully records the contents: flow (input, output), characteristic parameters of input and output wastewater (if applicable). Yes); electricity consumption; type and amount of chemicals used, sludge generated. Operation log written in Vietnamese and kept for at least 02 years;

h) The input wastewater standards of the centralized wastewater treatment system must be recorded in the decision approving the environmental impact assessment report, the environmental permit, the environmental registration certificate and the regulations on environmental protection. of concentrated production, business and service zones and industrial clusters.

5. Having facilities and equipment to prevent and respond to environmental incidents according to regulations

provisions of the law.

Article 49. Responsibilities of officials, organizations and individuals in environmental protection in concentrated production, business and service zones and industrial clusters

1. Investors in the construction and business of infrastructure of concentrated production, business and service zones shall have to comply with the provisions of Clause 4, Article 51 of the Law on Environmental Protection; Investors in the construction and business of infrastructure of industrial clusters are responsible for complying with the provisions of Clause 3, Article 52 of the Law on Environmental Protection. Some specific contents are specified as follows:

a) The receipt of a new project or an increase in the capacity of an existing project that generates wastewater into concentrated production, business and service zones or industrial clusters must be compatible with the wastewater receiving and treatment capacity of the country. centralized wastewater treatment system. New projects in concentrated production, business and service zones, industrial clusters must connect wastewater to the collection point before being sent to the centralized wastewater treatment system;

b) Do not accept any new projects or increase the capacity of existing projects that generate production wastewater in concentrated production, business and service zones or industrial clusters in the following cases: occupations not on the list of industries permitted to attract investment of concentrated production, business and service zones or industrial clusters; concentrated production, business and service zones, industrial clusters that do not have or do not meet one of the requirements for environmental protection infrastructure specified in Article 48 of this Decree;

c) Waste water must not be diluted before the wastewater discharge point of concentrated production, business and service zones, industrial clusters;

d) Concentrated production, business and service zones, industrial clusters operating before the effective date of this Decree without a centralized wastewater treatment system and production and business establishments, Internal services that have been exempted from connection in accordance with the law are only allowed to receive new investment projects after meeting the provisions of Article 48 of this Decree, unless new investment projects do not arise. industrial wastewater discharged into the environment when officially put into operation;

dd) The investor in the construction and operation of infrastructure of the concentrated production, business and service zone has approved the results of appraisal of the environmental impact assessment report or is granted an environmental permit, before construction. the plan for registration of certification of an eco-industrial park shall review, evaluate and make adjustments according to the provisions of Articles 27 and 30 of this Decree (if any);

e) Perform other specific responsibilities as prescribed in this Decree.

2. Owners of establishments operating in concentrated production, business and service zones or industrial clusters are responsible for complying with the provisions of Clause 1, Article 53 of the Law on Environmental Protection. Some of the contents are specified as follows:

a) New investment projects in concentrated production, business and service zones, industrial clusters must preliminarily treat and connect wastewater to the centralized wastewater treatment system of production, business and service zones. industrial clusters. Wastewater transferred for treatment must have the volume and pollution parameters not exceeding the input wastewater standard of the centralized wastewater treatment system; meet the conditions in the written agreement with the investor to build and operate the infrastructure of the production, business and service concentration zone, the industrial cluster, and the environmental permit of the production, business and service zone. such concentration or cluster of industries; except for the case where the establishment has been exempted from the crib according to regulations;

b) Operating establishments have connected wastewater after treatment to the wastewater drainage system and facilities have been exempted from connecting to the centralized wastewater collection, drainage and treatment system of the production area, business, service concentration, industrial cluster according to the previous regulations, must fulfill the responsibility for establishments exempted from connection according to the provisions of Point b, Clause 2, Article 52 of the Law on Environmental Protection.

c) Operating establishments that discharge treated wastewater into the rainwater collection and drainage system must coordinate with the investor in the construction and business of infrastructure of the industrial cluster to fulfill the responsibilities specified at Point a, Clause 2. Article 51 of the Law on Environmental Protection.

3. Management boards of industrial parks, export processing zones and high-tech zones of provinces and centrally run cities shall have to comply with the provisions of Clauses 2 and 3, Article 51 of the Law on Environmental Protection and have other responsibilities. The following:

a) To guide and inspect the infrastructure business investors in the production, business and concentrated service zones, and the owners of establishments inside in performing the responsibilities specified in Clauses 1 and 2 of this Article;

b) In the process of approving and approving investment policies or making investment decisions according to their authority for new projects or projects in operation to increase capacity, which generates wastewater in production, business and service zones, The center must consider compliance with the requirements on environmental protection infrastructure specified in Article 48 of this Decree.

4. The district-level People's Committee is responsible for implementing the provisions of Clause 5, Article 52 of the Law on Environmental Protection and has the following other responsibilities:

a) To guide and inspect industrial cluster infrastructure business investors and establishment owners in industrial clusters in performing the responsibilities specified in Clauses 1 and 2 of this Article;

b) In the process of receiving, handling or coordinating the handling of initial procedures

To request the competent authority to consider new projects or projects in operation to increase capacity that generate wastewater in concentrated production, business and service zones, and industrial clusters, which must be suitable with the following regulations: requirements on environmental protection infrastructure are specified in Article 48 of this Decree.

5. Provincial-level People's Committees are responsible for implementing the provisions of Clause 5, Article 51, Clause 6, Article 52 of the Law on Environmental Protection and have the following other responsibilities:

a) In the process of directing the approval of investment decisions according to its competence for new projects or projects in operation to increase capacity that generate wastewater in concentrated production, business and service zones, it is required to: request specialized agencies to consider compliance with the requirements on environmental protection infrastructure specified in Article 48 of this Decree;

b) To guide and deal with requests of investors in construction and business of infrastructure in production, business, service centers and industrial clusters on the layout of the land location of the incident lake and approve adjustments to regulations. planning of concentrated production, business and service zones, industrial clusters;

c) Formulate a roadmap for relocation of population living in concentrated production, business and service zones, industrial clusters (if any); the roadmap for transforming craft villages into industrial clusters, concentrated production, business and service zones according to the provisions of Point c, Clause 6, Article 52 of the Law on Environmental Protection.

Article 50. Collecting opinions from specialized agencies in charge of environmental protection for on-site wastewater treatment works and equipment

1. The agency that appraises the construction design and issues the construction permit in the cases specified in Clause 2, Article 59 and Clause 1, Article 66 of the Law on Environmental Protection collects written opinions from the agency specialized in environmental protection. the same-level institution, for the project's documents, on-site wastewater treatment equipment, and equipment for temporary collection and storage of waste under the provisions of Clause 2 of this Article, unless the project has been approved by the Government. approve appraisal results of environmental impact assessment reports or issue environmental permits.

2. Dossiers for collecting opinions on works, on-site wastewater treatment equipment, equipment for collection and temporary storage of waste include:

a) Document of the agency appraising construction design, granting construction permit to the specialized environmental protection agency of the same level, requesting comments on the works, on-site wastewater treatment equipment, collection equipment, etc. collection and temporary storage of waste;

b) Report on the plan, basic design documents, explanation of treatment technology

On-site wastewater treatment equipment meets technical regulations on environmental protection for on-site wastewater treatment equipment, including a plan to discharge treated wastewater into the receiving environment. , waste water reuse plan, sludge and residue treatment plan arising from the wastewater treatment process, plan to treat odors, emissions and toxic chemicals (if any); The plan is enclosed with a detailed description of the area, equipment for collection and temporary storage of waste.

3. The project investor is responsible for providing the composition of the application for comments on the work, the on-site wastewater treatment equipment, the equipment for collecting and temporarily storing the project's waste specified at Point b, Clause 1 of this Article. 2 This is for the construction design appraisal agency and construction permit issuance.

4. Within 07 days from the date of receipt of the written request for opinions from the agency appraising construction design and granting construction permit, the environmental protection agency shall send a written reply on the work, equipment for on-site wastewater treatment, equipment for temporary collection and storage of waste for construction design appraisal agencies and construction permit issuance. In case of disagreement, the reason must be clearly stated.

Article 51. Use of livestock waste as organic fertilizer, water for crop irrigation or other purposes

1. Solid waste of organic origin and livestock wastewater arising from livestock farming activities of households and used as fertilizer, irrigation water for crops or other purposes must not cause environmental pollution.

2. The use of solid wastes of organic origin and livestock wastewater generated from farm animals as organic fertilizers, water for irrigation or as feed for aquatic animals is done as follows:

a) Livestock waste can only be used as fertilizer, water for crop irrigation or as feed for aquatic animals when it meets the national technical regulations specified in Clause 4 of this Article;

b) The transportation of livestock waste out of the livestock farm must use means and equipment that is tight-fitting, does not spill, leak, and does not pollute the environment.

3. The use of livestock solid waste of organic origin arising from livestock farming activities for use as raw materials, fuel and materials for production activities must satisfy the provisions of Point b, Clause 2 of this Article. and does not pollute the environment during use.

4. The Ministry of Agriculture and Rural Development is responsible for promulgating national technical regulations on livestock solid waste of organic origin used for plants or as feed for aquatic animals; National technical regulation on livestock wastewater used for crops.

Article 52. Environmental safety distance from residential areas

1. Environmentally safe distance:

a) For production, business, service and warehouse establishments specified at Points a, b, c and d, Clause 2, Article 53 of the Law on Environmental Protection, the environmental safety distance is the minimum distance from production, business, service establishments and warehouses to existing and lawful works of residential areas, including separate houses, apartment buildings, educational and medical facilities, to ensure environmental safety. ;

b) For production, business, service and warehouse establishments that pose a risk of polluting water sources specified at Point dd, Clause 2, Article 53 of the Law on Environmental Protection, the environmentally safe distance is the minimum distance. prison - match discharge wastewater of production, business, service establishments and warehouses to water intake points, urban water supply works.

2. Determining the environmental safety distance from residential areas:

a) Environmentally safe distances from production, business, service establishments and warehouses specified at Points a, b and c, Clause 2, Article 53 of the Law on Environmental Protection to residential areas are determined based on: scale, capacity of production, business, service and warehouse facilities and characteristics of flammable, explosive, radioactive substances, radioactive wastes or radioactive equipment, substances toxic to humans and creatures;

b) Environmentally safe distances from production, business, service establishments and warehouses specified at Points d and dd Clause 2 Article 53 of the Law on Environmental Protection to residential areas are determined based on the size of the residential area. , capacity of production, business, service and storage facilities and nature of dust, unpleasant odors, noise levels and risk of polluting water sources used for domestic water supply purposes;

c) In case production, business, service establishments and warehouses have many emission sources, the safe environmental distance is determined from the nearest emission source of production, business, service establishments and warehouses. to residential areas. In case the emission source cannot be identified or there is no emission source, the environmental safety distance is determined from the position of the wall of the production, business, service establishment and the warehouse, house or construction work. contain sources of pollution, flammable, explosive substances, radioactive substances, radioactive waste or radioactive equipment, substances that are toxic to humans and living things;

d) Production, business, service establishments and warehouses that fall into two or more cases at the same time as prescribed at Points a, b, c and d, Clause 2, Article 53 of the Law on Environmental Protection must apply the prices. value the largest distance.

3. Environmentally safe distances from production, business, service establishments and warehouses to residential areas specified at Points a, b, c and dd, Clause 2, Article 53 of the Law on Environmental Protection shall comply with regulations on environmental protection. regulations on safe distances of the law on fire prevention and fighting safety, explosives management, radiation safety, chemical safety, water resources and other relevant laws.

4. The Ministry of Natural Resources and Environment shall assume the prime responsibility for developing and promulgating environmental technical regulations on environmental safety distances from residential areas of production, business, service establishments and warehouses specified at Point a. d Clause 2 Article 53 of the Law on Environmental Protection, except for the provisions in Clause 3 of this Article.

5. The environmental safety distance of investment projects in production, business, service establishments and warehouses shall be considered and applied by the competent authority when approving the planning study sites or introducing locations. position to execute investment projects; or when approving, deciding on investment policies, making investment decisions, or granting investment registration certificates.

Article 53. The best roadmap for applying existing techniques

1. Owners of investment projects in the form of production, business or service that pose a risk of causing environmental pollution are responsible for researching and applying the best available techniques to at least one activity or production stage. according to the following route:

a) Before January 1, 2027, for investment projects under Level I, Appendix II issued together with this Decree;

b) Before January 1, 2028, for investment projects under Level II, Appendix II issued together with this Decree;

c) Before January 1, 2029, for investment projects under Level III, Appendix II issued together with this Decree.

2. Owners of establishments of the type of production, business or service that are at risk of causing environmental pollution are responsible for researching and applying the best available techniques to at least one activity or production stage along the route. program as follows:

a) Before January 1, 2028, for establishments belonging to Level I, Appendix II issued together with this Decree;

b) Before January 1, 2029, for establishments belonging to Level II, Appendix II issued together with this Decree;

c) Before January 1, 2030 for establishments belonging to Level III of Appendix II

promulgated together with this Decree.

3. To encourage project owners and establishments of the type of production, business or service that are at risk of causing environmental pollution to apply the best available techniques to at least one activity or production stage earlier than planned. procedures specified in Clauses 1 and 2 of this Article in order to enjoy incentives and support as prescribed in this Decree.

Article 54. Specific requirements for environmental protection in trial operation, waste management, use of waterless ground drilling fluids, and environmental monitoring for oil and gas exploration, extraction and transportation activities. and related services at sea

1. Regulations on test operation:

a) Environmental protection works of oil and gas exploitation projects at sea are not subject to trial operation;

b) If the project specified in point a of this clause is subject to the grant of an environmental permit, a dossier of application for an environmental permit must be made (including waste treatment works and other environmental protection works) before at the start of mining;

c) Oil and gas projects and facilities that have waste water connected to a centralized wastewater treatment system for which this system has been granted an environmental license or a component environmental permit is not required to make a dossier. application for an environmental permit.

2. Regulations on waste management:

a) Hazardous and non-hazardous waste arising from oil and gas exploration and production activities shall be brought back to the mainland by ships with certificates of dangerous goods transportation issued by competent state management agencies. Hazardous wastes must and after being transported to the shore be transferred to a unit with treatment function;

b) The management of waste from oil and gas exploration and exploitation activities not specified at Point a of this Clause shall comply with the guidance of the Ministry of Natural Resources and Environment and relevant laws.

3. Regulations on environmental monitoring:

a) Organizations and individuals, when conducting oil and gas activities at sea, are not required to perform automatic wastewater monitoring for extracted water; the frequency of double periodic monitoring of the extracted water at least every 3 months with the parameters complying with the specific environmental technical regulations for the extracted water from oil and gas works at sea;

b) The environmental monitoring for oil and gas exploration and production activities other than those specified at Point a of this Clause must comply with the guidance of the Ministry of Natural Resources and Environment and relevant laws.

Article 55. Environmental protection in burial and cremation activities

1. Burial and cremation areas must comply with the Government's regulations on construction, management and use of cemeteries and cremation facilities, except for the special cases specified in Clause 3 of this Article.

2. Investment projects in burial and cremation service establishments must satisfy the following environmental protection requirements:

a) The burial site does not affect the water supply for daily life; cremation establishments must be located at the end of the prevailing wind direction compared to residential areas;

b) Investment projects in cremation service establishments must have their opinions on technology in accordance with the law on technology transfer;

c) Emissions arising from cremation must be treated to meet environmental technical regulations;

d) Solid waste generated from burial and cremation establishments must be collected and treated to ensure environmental protection requirements;

dd) Cemeteries and cremation establishments must ensure the proportion of trees and grass in accordance with the law on construction; have a separate collection and drainage system for rainwater;

e) The environmental safety distance from the fence of the cemetery, crematorium to residential areas and public works must ensure technical regulations on construction planning.

3. The burial and cremation of ethnic minorities and religious followers at the premises of churches, pagodas, religious sanctuaries and other religious establishments shall comply with the provisions of the law on beliefs. , religion and must meet the requirements for environmental protection specified at Points c and d, Clause 2 of this Article. Provincial-level People's Committees shall guide burial and cremation activities in accordance with customs, practices and beliefs and ensure environmental sanitation.

Chuong Vuong
WASTE MANAGEMENT

Section 1
GENERAL PROVISIONS ON WASTE MANAGEMENT

Article 56. General requirements for solid waste management

The prevention, reduction, classification, collection, transportation, reuse, re-covering and treatment of solid waste must satisfy the requirements specified in Clause 1, Article 72 of the Law on Environmental Protection and a number of regulations. specify the following:

1. Discarded products and solid waste must be managed to reduce exploitation and use of natural resources and minimize adverse impacts on the environment according to the criteria of the circular economy specified in Article 138 of this Decree.

2. Minimizing solid waste generated through the application of solutions to increase production efficiency or product use efficiency.

3. The use of discarded products and solid waste generated in production, business, service and consumption activities must follow the principle of making the most of the value of discarded products and solid waste through the application of Use the solutions in the following order of preference:

a) Reuse waste products;

b) Repair, maintain, maintain or upgrade defective products, old products to prolong the use time;

c) Make use of components and components of discarded products;

d) Recycling solid waste to recover raw materials, fuel and materials in service of production activities according to the provisions of law;

dd) Treating solid waste in combination with energy recovery in accordance with law;

e) Bury solid waste according to the provisions of law.

4. Encourage the application of digital transformation solutions, develop and apply digital-based business models to promote generation reduction, reuse, classification, collection, transportation, recycling and disposal solid waste.

5. The collection and transportation of solid waste arising from activities of non-tariff zones, export processing zones and export processing enterprises into the inland shall comply with this Decree on collection and transportation of waste outside the country. non-tariff zones, export processing zones, export processing enterprises.

Article 57. General requirements for wastewater management

The prevention, reduction, collection, reuse and treatment of wastewater must satisfy the requirements specified in Clause 2, Article 72 of the Law on Environmental Protection and some specific regulations as follows:

1. Wastewater must be managed to reduce exploitation, increase the efficiency of water resource use, and minimize adverse impacts on the environment.

2. Maximize use of the value of wastewater arising from production, business, service and daily life activities through the application of solutions in the following order of priority:

a) Treat and reuse wastewater directly for production, business and service activities in accordance with law;

b) Treat and transfer to reuse wastewater for other production, business and service activities in accordance with law;

c) Transferring to another unit for processing and reuse in accordance with law;

d) Treat and discharge wastewater to meet technical regulations on environment.

3. Works and equipment for prevention and response to environmental incidents for wastewater are part of the wastewater treatment system to ensure that untreated wastewater is not discharged into the environment in the case of a water treatment system. discharge accident. Incident prevention and response works must be solid, waterproof, and prevent leakage of wastewater into the environment according to construction design standards and regulations or product and goods quality standards; having the ability to store or recycle wastewater on a scale suitable to the plan for prevention and response to environmental incidents of investment projects, facilities, production, business and service centers. , industrial clusters. Do not share facilities and equipment for prevention and response to environmental incidents for wastewater with rainwater collection, storage and drainage works, fire and fire fighting water storage facilities.

Equipment for prevention and response to environmental incidents with wastewater is equipment that is prepared according to the plan on prevention and response to environmental incidents in order to prevent, warn and respond promptly in the field. There was a problem with the wastewater treatment system. Equipment for prevention and response to environmental incidents with wastewater must meet standards, design regulations on construction or standards on product and goods quality.

4. The collection and transportation of wastewater and liquid waste arising from the operation of non-tariff zones, export processing zones and export processing enterprises into the inland shall comply with the provisions of this Decree on collection and transportation of waste water. wastewater, liquid waste outside non-tariff zones, export processing zones, and export processing enterprises.

Section 2
MANAGEMENT OF WASTE OF LIVESTOCK WASTE

Article 58. Daily-life solid waste management of agencies, organizations, departments, production, business and service zones, industrial clusters

1. Agencies, organizations, production, business and service establishments, investors in the construction and business of infrastructure in production, business and service centers, industrial clusters that generate prison waste activities, offices with total

with a volume of less than 300 kg/day, they may choose the form of daily-life solid waste management like households and individuals specified in Article 75 of the Law on Environmental Protection or manage according to the provisions of Clause 2 of this Article.

2. Agencies, organizations, production, business and service establishments, investors in the construction and business of infrastructure in concentrated production, business and service zones, industrial clusters that generate daily-life solid waste , except for the case specified in Clause 1 of this Article, daily-life solid waste must be transferred to the following entities:

a) Establishments providing collection and transportation services selected by local authorities according to the provisions of Clause 1, Article 77 of the Law on Environmental Protection;

b) Establishments providing collection and transportation services that are not subject to the provisions of Point a of this Clause but have a contract to transfer domestic solid waste to a transport facility selected by the local government according to the provisions of Clause 1 of this Article. 1 Article 77 of the Law on Environmental Protection;

c) Establishments providing collection and transportation services that are not specified at Point a of this Clause but have a transfer contract with a domestic solid waste reuse, recycling and treatment facility specified at Point d. this clause;

d) Establishments providing waste collection, transportation and treatment services other than those specified in Clause 2, Article 78 of the Law on Environmental Protection;

dd) The treatment facility is selected by the local government according to the provisions of Clause 2, Article 78 of the Law on Environmental Protection. The transportation of daily-life solid waste in this case must be by means of transport that meet environmental protection requirements as prescribed by the Ministry of Natural Resources and Environment;

e) Establishments producing animal feed, aqua feed or producing fertilizers suitable for food waste.

3. Agencies, organizations, production, business and service establishments, investors in the construction and business of infrastructure of concentrated production, business and service zones, industrial clusters as prescribed in Clause 2 of this Article be responsible for signing a contract for collection, transportation and treatment services; pay the service price according to the service contract and according to the specific regulations of the local government.

4. Establishments providing collection and transportation services as prescribed at Point a, Clause 2 of this Article have the following responsibilities:

a) Signing service contracts for collection, transportation and treatment with agencies, organizations, production, business and service establishments, investors in construction and infrastructure business of production, business and service zones concentrated, industrial clusters that generate daily-life solid waste;

b) Collection and transportation of domestic solid waste to treatment facilities run by the governm

selected by the locality according to the provisions of Clause 2, Article 78 of the Law on Environmental Protection;

c) To pay the costs of treating daily-life solid waste according to regulations of the local government, except for waste capable of being reused or recycled, which is classified according to the provisions of Clause 1, Article 75 of the Law on Environmental Protection.

5. Establishments providing collection and transportation services as prescribed at Point b, Clause 2 of this Article have the following responsibilities:

a) Signing service contracts for collection, transportation and treatment with agencies, organizations, production, business, service establishments, concentrated production, business and service zones, and industrial clusters with arising substances daily-life solid waste;

b) Collect and transport daily-life solid waste to gathering points and transfer stations by means and equipment meeting technical requirements on environmental protection as prescribed by law;

c) Pay the costs of transportation and treatment of daily-life solid waste according to the regulations of the local government, except for waste capable of being reused and recycled, which is classified according to the provisions of Clause 1, Article 75 of the Law on Protection. environment.

6. Provincial-level People's Committees shall prescribe specific prices for daily-life solid waste collection, transportation and treatment services specified in Clause 3 of this Article; treatment costs and forms of collection for the cases specified in Clauses 4 and 5 of this Article on the principle that daily-life solid waste treatment costs are correctly and fully calculated for a unit volume of solid waste. activities to perform treatment.

Article 59. Selection of investors, daily-life solid waste treaters

1. The selection of investors in daily-life solid waste treatment facilities shall comply with the provisions of the law on investment, public investment, investment in the form of public-private partnership, construction and bidding. In case daily-life solid waste treatment facilities are invested outside the budget, the investor shall directly manage and operate the solid waste treatment facility invested by him or her or hire another organization or individual as the owner. treat daily-life solid waste according to the provisions of law.

2. Investors and service providers of daily-life solid waste treatment must fulfill the following environmental protection requirements:

a) Operate daily-life solid waste treatment facilities that meet Vietnam's environmental technical regulations; comply with signed treatment contracts and commitments with local authorities;

b) Being a technology owner or having a technology transfer contract as prescribed. In case of using treatment technology originating from European countries or a group of industrialized countries that are different from the technical regulations of Vietnam's environmental technical regulations on waste management, the emissions , wastewater must meet the respective standards of those countries and

environmental technical regulations on emissions and wastewater of Vietnam;

c) Must return the premises and be responsible for all construction investment costs, work dismantling costs and other related costs in case the environmental protection requirements are not met during the construction process. operation process of domestic solid waste treatment facilities according to the contract signed with the local government.

3. The selection of daily-life solid waste treaters to manage and operate domestic solid waste treatment facilities funded with state budget capital must comply with the law on product supply, public services using the state budget from recurrent expenditures.

Article 60. Roadmap to limit the treatment of daily-life solid waste by direct burial technology

1. Direct burial technology is the burying of waste directly in a prescribed landfill without being treated by other methods.

2. Provinces and cities directly under the Central Government, when investing in new or putting into operation domestic solid waste treatment facilities, prioritize investment in modern and environmentally friendly technologies; to ensure the gradual reduction of the proportion of daily-life solid waste that is treated by direct burial to meet the objectives of integrated solid waste management prescribed by the Prime Minister in each development period.

Article 61. Responsibilities of daily-life solid waste collection and transport facilities

1. To perform the responsibilities specified in Clauses 3 and 4, Article 77 of the Law on Environmental Protection, and Clauses 4 and 5, Article 58 of this Decree.

2. To ensure sufficient requirements for human resources, vehicles and specialized equipment to collect and transport all domestic solid waste at the specified locations.

3. Collect and transport daily-life solid waste to the gathering point, transfer station or treatment facility by means and equipment meeting technical requirements on environmental protection as prescribed; arrange means and equipment to collect and store leachate at transfer stations to treat it up to technical standards or transfer it together with daily-life solid waste to the treatment unit.

4. Do not let domestic solid waste drop, cause dust, odor or water leakage to adversely affect the environment during collection and transportation.

5. Professional training, labor protection equipment for workers collecting and transporting daily-life solid waste.

Article 62. Rights and responsibilities of daily-life solid waste treatment facilities

1. Daily-life solid waste treatment facilities have the following responsibilities:

a) Fully comply with the requirements on environmental protection as prescribed by law;

b) To perform the responsibility of hazardous waste source owners as prescribed for hazardous wastes from daily-life solid wastes or generated from daily-life solid waste treatment facilities, to fulfill the responsibilities of waste source owners. hazardous waste according to regulations;

c) Operate daily-life solid waste treatment facilities in compliance with environmental technical regulations, ensuring treatment of all received daily solid waste according to signed contracts.

2. Daily-life solid waste treatment facilities are paid correctly and at the same price for domestic solid waste treatment services according to signed contracts.

Article 63. Responsibilities of People's Committees at all levels in daily-life solid waste management

1. Provincial-level People's Committees have the following responsibilities:

a) To perform the responsibilities specified in Clauses 2 and 6 of Article 75, Clause 2 of Article 76, Clause 1 of Article 77, Clauses 2 and 6 of Article 78, Clause 6 of Article 79, and Clause 5 of Article 80 of the Law on Environmental Protection;

b) Organize daily-life solid waste management in the province; assign management responsibilities to specialized agencies on environmental protection and decentralize management to lower-level People's Committees on daily-life solid waste management according to regulations;

c) Promulgate measures to implement preferential and supportive mechanisms and policies to encourage organizations and individuals to invest in and provide services of collection, transport and investment in biological solid waste treatment facilities. activities suitable to the local socio-economic development conditions;

d) Organize and direct the implementation of solid waste management contents in relevant plannings according to their competence; make annual plans for the collection, transportation and treatment of daily-life solid waste and allocate funds for implementation in accordance with the local socio-economic development plans;

dd) Organize propaganda, education and fostering of legal knowledge on daily-life solid waste management; direct the inspection, examination and handling of violations of the law on daily-life solid waste management in the locality.

2. District-level People's Committees have the following responsibilities:

a) To promulgate according to its competence regulations, programs and plans on daily-life solid waste management;

b) Organize the implementation of strategies, programs, plans and tasks on daily-life solid waste management;

c) Organize activities of classifying domestic solid waste at source according to regulations.

3. Commune-level People's Committees have the following responsibilities:

a) To perform the responsibilities specified in Clause 7 Article 77 of the Law on Environmental Protection;

b) Formulate plans, plans or contents for the implementation of daily-life solid waste management in the locality;

c) Organize activities of classifying domestic solid waste at source according to regulations.

Article 64. Roadmap to restrict the production and import of single-use plastic products, non-biodegradable plastic packaging and products and goods containing microplastics

1. From January 1, 2026, not to manufacture and import non-biodegradable plastic bags with dimensions smaller than 50 cm X 50 cm and a film thickness of less than 50 pm, except in the case of production for export. import or manufacture or import to pack products and goods for sale to the market.

2. Organizations and individuals that manufacture and import single-use plastic products and non-biodegradable plastic packaging must carry out the responsibility for recycling and handling according to the provisions of this Decree.

3. Gradually reduce the production and import of single-use plastic products, non-biodegradable plastic packaging and products and goods containing microplastics. After December 31, 2030, stop production and import of single-use plastic products (except for products certified with Vietnam's eco-label), non-biodegradable plastic packaging (including non-biodegradable plastic bags). biodegradable, styrofoam plastic containers for packaging and food storage) and products and goods containing microplastics, except in case of production for export and in case of production and import of difficult-to-biodegradable plastic packaging for packaging products, goods sold to the market.

4. Provincial People's Committees promulgate regulations and organize the implementation of plastic waste management activities; ensure that after 2025, do not circulate and use single-use plastic products, and difficult-to-biodegradable plastic packaging (including non-biodegradable plastic bags, styrofoam packaging and food containers) at commercial centers, supermarkets, hotels, tourist resorts, except for products and goods with difficult-to-biodegradable plastic packaging; organize inspection and examination

inspect the production units of single-use plastic products and non-biodegradable plastic packaging in the locality.

Section 3
NORMAL INDUSTRIAL SOLID WASTE MANAGEMENT

Article 65. Reuse, direct use and treatment of common industrial solid waste

1. Ordinary industrial solid waste is recovered, classified, selected for reuse, used directly as raw materials, fuel and materials for managed production activities such as products and goods.

2. Ash, slag, and gypsum are classified as ordinary industrial solid waste and other common industrial solid wastes meeting the standards, technical regulations and technical guidelines for use as raw materials for the production of materials. Construction materials, ground leveling issued by competent agencies are managed like products and goods of construction materials. In case there are no standards, technical regulations or technical guidelines, the standards of one of the countries in the Group of industrialized countries shall apply.

3. Production, business, service establishments, concentrated production, business and service zones, industrial clusters, agencies and organizations that generate ordinary industrial solid waste specified in Clause 2 of this Article shall: perform the management according to the provisions of Article 82 of the Law on Environmental Protection.

4. The Ministry of Natural Resources and Environment is responsible for:

a) Specifying the waste group in Clause 1 of this Article in the list of ordinary industrial solid waste; review, update and supplement the list based on the situation of socio-economic development and environmental protection in each period;

b) To promulgate technical regulations and technical guidelines on the treatment and use of ash, slag, gypsum and other common industrial wastes to restore areas where mineral exploitation has ended in accordance with law. about minerals and meet environmental protection requirements. In case technical regulations and guidelines have not yet been promulgated, the standards of one of the countries in the Group of industrialized countries shall apply;

c) Detailed regulations on handling and packaging of plant protection drugs arising in agricultural activities.

5. The Ministry of Construction promulgates technical regulations and technical guidelines for the use of ordinary industrial waste as raw materials for the production of building materials, for leveling and for use in construction works; develop national standards on the use of ordinary industrial solid waste as raw materials for the production of construction materials, ice leveling and use in

construction works submitted to the Ministry of Science and Technology for publication. In case standards, technical regulations and technical guidelines have not been issued, the standards of one of the countries in the Group of industrialized countries shall apply.

6. The Ministry of Agriculture and Rural Development is responsible for:

a) Issue technical regulations, technical guidelines or regulations when using sewage sludge as fertilizer for seedlings; using other common industrial solid waste as raw materials and materials in irrigation works;

b) Detailed instructions on the collection of plant protection drug packages arising in agricultural production activities.

7. The Ministry of Transport and other ministries and ministerial-level agencies shall issue technical regulations, technical guidelines or regulations on the use of ordinary industrial solid waste as raw materials and materials in traffic works. and other works, ensuring compliance with environmental technical regulations.

Article 66. Responsibilities of ordinary industrial solid waste generators

1. Classify ordinary industrial solid waste according to the provisions of Clause 1, Article 81 of the Law on Environmental Protection; have equipment, tools, and common industrial solid waste storage areas according to regulations of the Ministry of Natural Resources and Environment.

2. Transfer of ordinary industrial solid waste according to the provisions of Clause 1, Article 82 of the Law on Environmental Protection; be allowed to transfer ordinary industrial solid waste specified in Clause 1, Article 65 of this Decree after classification according to regulations to organizations and individuals that have demand.

3. Using the minutes of ordinary industrial solid waste handover according to the form promulgated by the Ministry of Natural Resources and Environment when transferring the group of ordinary industrial solid wastes that must be handled as prescribed at Point c, Clause 1, Article 81 of the Law on Protection environment.

Article 67. Responsibilities of ordinary industrial solid waste collectors and transporters

1. Only collect and transport contracts for the group of common industrial solid wastes that must be treated as prescribed at Point c, Clause 1, Article 81 of the Law on Environmental Protection with the waste source owners when they have signed a transfer contract to the waste generators. the subjects specified at Points b and c, Clause 1, Article 82 of the Law on Environmental Protection.

2. Use the minutes of ordinary industrial solid waste handover according to the form issued by the Ministry of Natural Resources and Environment when the transfer of ordinary industrial solid waste must be treated as prescribed at Point c, Clause 1, Article 81 of the Law on Environmental Protection. school.

3. To ensure that the means of transport, storage equipment, transfer stations and temporary storage areas for ordinary industrial solid waste must meet technical requirements as prescribed by the Ministry of Natural Resources and Environment.

Section 4
HAZARDOUS WASTE MANAGEMENT

Article 68. Identification and classification of hazardous waste

1. Hazardous waste delineation is done according to hazardous waste codes, categories and thresholds.

2. Hazardous wastes must be classified according to hazardous waste codes for storage in suitable containers or storage devices. To use the same packaging or storage equipment for hazardous waste codes of the same nature, not being able to react, interact with each other and be able to handle them by the same method.

3. Hazardous wastewater that is treated up to environmental technical standards in the wastewater treatment system at the generating facility shall be managed according to regulations on wastewater management.

4. Hazardous waste must be classified starting from the time it is put into storage or when it is transferred for treatment in the case of non-storage.

Article 69. Collection, storage and transportation of hazardous waste

1. The transportation of hazardous waste is carried out as follows:

a) Conducted by organizations and individuals as prescribed in Clause 4, Article 83 of the Law on Environmental Protection;

b) Organizations and individuals that collect products and packages arising from households, individuals, state agencies' offices, schools, and public places on the list of products and packages specified in Clause 1 of this Article. Appendix XXII promulgated together with this Decree and the list of hazardous wastes promulgated by the Minister of Natural Resources and Environment in order to carry out the responsibility for recycling according to the provisions of Section 1, Chapter VI of this Decree, does not require a license. Environmental permits have the content of hazardous waste treatment but must fulfill the responsibilities of the hazardous waste source owner as prescribed in Article 71 of this Decree.

2. Means and equipment for collecting, storing and transporting hazardous waste must meet the requirements for environmental protection according to regulations of the Ministry of Natural Resources and Environment.

3. In case of complying with the provisions of Point a, Clause 4, Article 83 of the Law on Environmental Protection, the hazardous waste source owner may only transport hazardous waste generated at the establishment by the owner's own means of transport, except

the case specified in Clause 5 of this Article. Waste source owners must install locating devices for vehicles transporting hazardous waste and provide accounts for provincial-level specialized environmental protection agencies for supervision and management.

4. In case of complying with the provisions of Point b, Clause 4, Article 83 of the Law on Environmental Protection, the organization or individual that has been granted an environmental license with the content of hazardous waste treatment services shall have to perform the following contents: the following content:

a) Install positioning devices for vehicles transporting hazardous waste and provide accounts for the Ministry of Natural Resources and Environment to monitor and manage;

b) In case there is a need to hire a means of transporting hazardous waste, they must sign a contract to hire the means of transport, be responsible for the operation of the means of transport during the rental period and may not sublease the vehicle. that transport.

5. Organizations and individuals specified in Clause 4, Article 83 of the Law on Environmental Protection that hire public means of transport such as railway vehicles, inland waterways or seaways to transport hazardous wastes must notify in writing. report to the environmental licensing agency before implementation.

Article 70. Hazardous waste treatment

1. Establishments providing hazardous waste treatment services must have an environmental permit, which contains the content of hazardous waste treatment services as prescribed, or an environmental license with the component being a license to treat hazardous waste. as prescribed at Point d, Clause 2, Article 42 of the Law on Environmental Protection, except for the case specified in Clause 19, Article 168 of this Decree.

2. Organizations and individuals that generate hazardous waste are entitled to self-treat hazardous waste within the premises of waste-generating establishments when meeting the following requirements:

a) Using technology, environmental protection works and production equipment available in the premises of the waste-generating facility and must meet the requirements for environmental protection as prescribed;

b) It must be consistent with the decision approving the final result of the environmental impact assessment report, the environmental permit or the component environmental permit specified in Clause 1 of this Article;

c) Do not invest in new incinerators and landfills for hazardous waste treatment, unless it is consistent with the content of solid waste management in relevant plannings.

3. Medical facilities that generate hazardous medical wastes shall treat hazardous medical wastes generated on their premises by themselves when meeting the requirements in Clause 2 of this Article.

4. A medical facility that has a hazardous medical waste treatment facility located on its premises to self-treat and treat hazardous medical waste for neighboring medical facilities (cluster model) according to regulations. The decision of the provincial People's Committee is not considered as an establishment providing hazardous waste treatment services. The transportation of hazardous medical wastes from neighboring medical facilities for treatment according to the cluster model shall be carried out by organizations and individuals according to the provisions of Clause 4, Article 83 of the Law on Environmental Protection or according to regulations of law on environmental protection. decision of the People's Committee of the province.

5. The Ministry of Natural Resources and Environment promulgates technical regulations and guidelines on hazardous waste treatment, use and reuse. In case technical regulations and guidelines have not yet been promulgated, the standards of one of the countries in the Group of industrialized countries shall apply.

Article 71. Responsibilities of hazardous waste generators

The main responsibilities of hazardous waste generators are specified in Clause 1, Article 83 of the Law on Environmental Protection. Some specific provisions are as follows:

1. Identification, classification and storage of hazardous waste:

a) Self-responsibility for the identification, classification and determination of the amount of hazardous waste to be declared and managed;

b) There is an area for temporary storage of hazardous waste; storing hazardous wastes in packages or storage devices that meet technical requirements on environmental protection as prescribed by the Ministry of Natural Resources and Environment;

c) Only hazardous waste may be stored for no more than 1 year from the time it is generated. In case of storing beyond the above time limit because there is no feasible transportation and treatment plan or a suitable hazardous waste treatment facility has not been found, an annual report on the storage of hazardous wastes must be made. keep hazardous wastes at generating establishments with specialized agencies in charge of environmental protection in separate documents or in combination in periodical environmental reports.

2. For investment projects, establishments belonging to groups I, II, and III specified in Annexes III, IV and V issued together with this Decree generate hazardous waste with a total volume of from 1,200 kg. /year or more or 100 kg/month or more during operation, a dossier of application for an environmental permit must be made according to the provisions of Article 39 of the Law on Environmental Protection.

3. Treat hazardous waste yourself at the generating facility or sign a contract to transfer hazardous waste to an appropriate hazardous waste treatment service provider.

4. Coordinate with the owner of the facility providing hazardous waste treatment services to prepare hazardous waste documents when transferring hazardous waste according to regulations of the Ministry of Natural Resources and Environment. After 06 months from the date of delivery of hazardous waste, if the last two copies of the document are not received

hazardous waste without a reasonable written reason from the organization or individual receiving the hazardous waste, the hazardous waste source owner must report it to the provincial-level specialized environmental protection agency or the Ministry of Health. Natural Resources and Environment for inspection and handling according to the provisions of law. In case of specializing in the delivery of hazardous medical waste for treatment according to the cluster model, the handover record shall be used instead of hazardous waste documents.

Article 72. Responsibilities of owners of hazardous waste treatment facilities

The main responsibilities of the facility owner providing hazardous waste treatment services are specified in Article 85 of the Law on Environmental Protection. Some specific provisions are as follows:

1. Sign a contract for hazardous waste collection, transportation and treatment with hazardous waste generators in the area of operation in accordance with the environmental permit or environmental permit for composting as prescribed in Clause 1. Article 70 of this Decree.

2. Collect, transport, receive and treat the quantity and type of hazardous waste in accordance with the contents of the environmental permit or the classified environmental permit specified in Clause 1, Article 70 of this Decree. contract with hazardous waste collection, transportation and treatment with hazardous waste generators.

3. Only hazardous wastes may be received from hazardous waste generators transported to or from hazardous waste treaters in accordance with the provisions of Article 73 of this Decree.

4. To notify in writing the hazardous waste source owner and report to the Ministry of Natural Resources and Environment in case there is a reason to temporarily store hazardous waste but not put it into treatment after 06 months from the date of delivery. carry out the transfer stated on the hazardous waste document.

5. Treat pollution, renovate and restore the environment after finishing operations according to the technical guidance of the Ministry of Natural Resources and Environment.

Article 73. Requirements on association and transfer of hazardous wastes not included in environmental permits

1. When 02 organizations or individuals that have an environmental permit or a component environmental permit granted as specified in Clause 1, Article 70 of this Decree, have a need to link up, in which one party only carries out the transportation of hazardous wastes. and transfer responsibility for handling to the other party, the transferor or receiver must send a written request together with the association contract to the environmental licensing agency for consideration and approval before implementation. The time limit for the environmental licensing agency to reply in writing is 15 days.

2. The party receiving the transfer of hazardous waste for treatment under the association contract specified in Clause 1 of this Article must directly treat the hazardous waste and must not transfer the hazardous waste to a third party for treatment. The party receiving the transfer of hazardous waste from the waste source owner in the case of an association contract for hazardous waste treatment as prescribed in Clause 1 of this Article must be able to treat at least one type of hazardous waste that has been received and must obtain the written consent of the waste source owner or have a tripartite contract on the collection, transportation and treatment of hazardous waste.

Section 5
MANAGEMENT OF WASTE WATER, DUST, READ WASTE GAS; ESCROW FOR PROTECTION OF THE ENVIRONMENT OF HUNGRY WITH WASTE BURNING

Article 74. Special cases of wastewater management

1. Facilities and projects that exploit minerals for construction materials are not required to have wastewater collection and treatment systems separate from rainwater drainage systems.

2. Non-hazardous liquid waste is a product, solution, or material in a liquid state that has expired or is discharged from the process of use, production, business, service, daily life or other activities. Where liquid waste is discharged together with wastewater, it shall be managed according to regulations on wastewater management; In case of handover for treatment, it shall be managed according to the same regulations as for normal industrial solid waste to be treated.

3. Waste water is reused when it meets the requirements of environmental protection and meets the standards and specialized regulations suitable for the purpose of water use. Wastewater, when transferred to the dike for reuse, must meet the requirements in Clause 4 of this Article. Responsibilities of ministries and ministerial-level agencies in stipulating and guiding wastewater reuse are as follows:

a) The Ministry of Agriculture and Rural Development shall promulgate technical regulations, technical guidelines or regulations when using treated wastewater to meet the requirements of environmental protection as water for watering plants; Wastewater from animal husbandry activities, processing agricultural by-products to be reused for other purposes. Where standards, technical regulations and technical guidelines have not yet been promulgated, the standards of one of the countries in the Group of industrialized countries shall apply;

b) Ministries and ministerial-level agencies shall promulgate standards, technical regulations, technical guidelines or regulations on reuse of wastewater as input water for production, business and service activities under the following management scope: upon consultation of the Ministry of Natural Resources and Environment.

4. Requirements on environmental protection for wastewater transfer:

a) Wastewater transferred for reuse may only be transferred to production facilities for direct use as input water for production activities;

b) Waste water transfer facilities must meet the following requirements: have a plan to transfer wastewater for treatment or reuse and clearly stated in the environmental impact assessment report and environmental permit; have a meeting specializing in the delivery of wastewater with the wastewater receiving facility for treatment or reuse, ensuring the requirements specified at Point d of this Clause; have infrastructure and temporary wastewater storage equipment to prevent spillage, spillage and leakage into the surrounding environment;

c) Establishments receiving wastewater for treatment or reuse must meet the following requirements: have a plan to receive wastewater for treatment or reuse and clearly stated in the environmental impact assessment report, paper environmental permits; have a wastewater treatment system with suitable technology and capacity to treat receiving wastewater or have an appropriate technological production line to reuse the receiving wastewater; there is a meter to measure the flow of wastewater after treatment; not transfer the received wastewater to a third party;

d) Requirements for the transportation of wastewater: wastewater is transferred by pipelines or vehicles. The pipeline must be designed and installed to ensure technical regulations, not leak to the surrounding environment, must have valves, flow meters and be fully shown in the wastewater transfer plan for treatment. disposal or reuse. Means of transport must meet all conditions for participating in traffic according to the provisions of the law on traffic; there must be equipment, sealed waste water tank, waterproof, anti-leakage, anti-odor, anti-corrosion caused by transported wastewater.

Article 75. Policies in favor of, support and encouragement for the development of public transport, means of transport using renewable energy, low fuel consumption, low emission or no emission; a roadmap for converting and eliminating fossil fuel-using vehicles and polluting vehicles

1. Policies in favor of, support and encouragement for the development of public transport (except for vehicles using fossil fuels), means of transport using renewable energy, low fuel consumption and emissions low or zero emissions comply with the provisions of Article 131 of this Decree and relevant laws.

2. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, formulating and submitting to the Prime Minister for approval a plan to implement the roadmap for converting and eliminating fossil fuel-powered vehicles. means of transport cause environmental pollution, in line with international commitments and national plans on air quality management.

3. Provincial-level People's Committees, based on the plan approved by the Prime Minister specified in Clause 2 of this Article, formulate and submit to the People's Council of the province a plan for promulgation and organize the implementation of the plan to transform, eliminate abolition of transport means using fossil fuels, means of transport causing environmental pollution with the following main contents:

a) Converting motorized vehicles to use fossil fuels that pose a risk of causing air pollution and greenhouse gas emissions;

b) Eliminate motor vehicles using fossil fuels that do not meet environmental technical regulations on emissions as prescribed; old motorized vehicles, which have been used for many years, cause environmental pollution;

c) Limit and proceed to eliminate two-wheeled and three-wheeled motorcycles using fossil fuels to participate in traffic in inner cities of large cities to reduce air pollution and protect people's health;

d) Organize traffic flow in urban areas to control and limit air pollution caused by means of transport;

dd) Build technical infrastructure to ensure the transition from transport using fossil fuels to means of transport using renewable energy, low fuel consumption, low emission or no emissions. ;

e) Development of transport infrastructure for public transport; have policies to support people when using public transport.

Article 76. Environmental protection deposit for waste burial activities

1. Environmental protection deposit for waste burial activities means an organization or individual investing in the construction of a new waste landfill depositing a sum of money to secure the fulfillment of the obligation to treat pollution and improve the environment. after closing the yard according to the environmental improvement plan in the environmental impact assessment report approved by the competent state agency.

2. Environmental protection deposit for waste burial:

a) The deposit must be calculated to ensure sufficient funds for environmental improvement at the waste landfill, based on the environmental improvement contents already approved by the competent authority;

b) The calculation of the deposit amount must apply the norms and unit prices of the locality at the time of making the plan for environmental improvement. In case the locality does not have norms and unit prices, the norms and unit prices of the respective ministries or branches shall apply. In case the ministry or branch does not have a unit price, the market price shall apply;

c) The total amount of the deposit (excluding the price slippage factor) is equal to the total cost of the renovation and closure works for the waste landfill, the cost of pollution treatment, environmental monitoring and transportation. waste treatment works. Methods of calculating and estimating costs of pollution treatment and environmental improvement must comply with the guidance of the Ministry of Natural Resources and Environment;

d) The annual deposit amount (excluding price slippage) is calculated as the total amount of the deposit divided equally over the years by time in the investment project;

dd) Organizations and individuals that pay the annual deposit must take into account the price slippage requirement and are determined by the amount of the annual deposit multiplied by the consumer price index of the previous years from the time of the plan. approved. Annual consumer price index applied according to the announcement of the General Statistics Office for the locality where the project is implemented or the authorized agency;

e) The deposit for environmental protection shall be paid and refunded in Vietnam Dong at the Vietnam Environmental Protection Fund or the provincial environmental protection fund and enjoy the interest rate prescribed by law from the date of deposit.

3. Deposit time, deposit confirmation:

a) The deposit period is counted from the date the investment project on waste treatment with burial activities is granted an environmental license until the end of the burial operation;

b) Immediately after receiving the deposit, the Vietnam Environmental Protection Fund or the provincial environmental protection fund shall certify the deposit of the organization or individual investing in the construction of a waste landfill into the deposit requesting office of the organization or individual. organizations and individuals. The content of the confirmation of deposit for environmental protection must fully show the following information: the total amount of the deposit to be calculated; the time limit for refunding the deposit shall be effected immediately after the handover of the renovated environmental protection works; account blockade period (if any).

4. Management and use of the deposit:

a) The Vietnam Environmental Protection Fund or the provincial-level environmental protection fund that has received the deposit is responsible for returning the deposit amount and the deposit interest rate to the organization or individual investing in the construction of a waste landfill after upon receipt of a written request from the owner of the investment project, enclosed with the completed application for the treatment of pollution and environmental improvement, for the waste landfill;

b) The Vietnam Environmental Protection Fund or the provincial environmental protection fund shall manage and use the deposit in accordance with the provisions of law. Annually, report to the People's Committee of the province, the Ministry of Natural Resources and Environment and the Ministry of Finance on the management and use of the deposit;

c) The Vietnam Environmental Protection Fund or the provincial environmental protection fund urges organizations and individuals operating and managing waste landfills to make deposits for environmental improvement on time; propose competent authorities to handle violations of organizations and individuals in case of delay in deposit as prescribed;

d) In case the project owner invests in the construction of a waste landfill, goes bankrupt, or closes the waste landfill, the deposit shall be used to pay the costs of pollution treatment and environmental improvement of the landfill. waste.

5. The refund of the deposit is based on the progress of the organization or individual that has completed the environmental renovation and is done as follows:

a) After completing part or all of the waste landfill renovation, the owner of the waste landfill shall make a dossier of request for inspection and certification of completion of the environmental improvement plan;

b) Components of the application for inspection and certification of completion of the environmental improvement plan include 01 application for completed acceptance test and 01 completion report (finding part or the whole) of the environmental improvement plan;

c) The time limit for inspecting and certifying the completion of the environmental improvement plan is 30 days from the date of receipt of a complete and valid dossier;

d) The process of checking and confirming the completion of the environmental improvement plan is as follows:

The agency inspecting and certifying establishes a team to inspect and certify the completion of the environmental improvement plan consisting of at least 07 members; send the decision to establish the council together with documents to each member of the inspection team;

The team inspecting and certifying the completion of the environmental improvement plan will conduct a physical inspection at the waste burial facility. After completing the inspection, if the environmental renovation meets the requirements as prescribed, the inspection and certification agency shall issue a certificate of completion of the environmental renovation content according to the form provided by the Ministry of Natural Resources and Environment. promulgate. If the conditions for certification are not met, the inspection and certification agency shall notify the owner of the waste landfill facility and clearly state the reasons therefor;

dd) Within 90 days from the date of receipt of the certificate of completion of the environmental renovation, the place where the deposit is received shall return the deposit to the organization or individual;

e) Organizations and individuals are only allowed to withdraw profits once after receiving a certificate of completion of environmental improvement contents;

g) The refund of the deposit is made after the certification of completion of the environmental improvement content is obtained.

6. In case an organization or individual licensed to invest in, build and operate a waste landfill transfers the right or buys, sells, renames, merges, or consolidates an enterprise, the transferee or organization Organizations and individuals that are the new owners of the enterprise must continue to perform the environmental improvement obligations and deposit for environmental improvement.

7. The Ministry of Finance guides the management and use of deposit for environmental improvement for waste landfills.

Chapter VI
RESPONSIBILITIES FOR RECYCLING, PRODUCTS HANDLING AND PACKAGING OF PRODUCING AND IMPORTANT ORGANIZATIONS AND INDIVIDUAL

Section 1
RESPONSIBILITIES FOR RECYCLING PRODUCTS AND PACKAGING OF PRODUCING AND IMPORTANT ORGANIZATIONS AND INDIVIDUAL

Article 77. Objects, roadmap for implementation of recycling responsibility

1. Organizations and individuals that produce and import (hereinafter referred to as manufacturers
and importers) of the products and packages specified in Column 3 of Appendix XXII
issued together with this Decree to bring to the Vietnamese market. Men must carry out the responsibility to recycle such products and packages according to the compulsory recycling rates and specifications specified in Article 78 of this Decree.

2. The packaging specified in Clause 1 of this Article is the product packaging (including direct packaging and outer packaging) of the following products and goods:

a) Food according to the provisions of the law on food safety;

b) Cosmetics in accordance with the law on cosmetic production conditions;

c) Drugs in accordance with the law on pharmacy;

d) Fertilizers, animal feeds, veterinary drugs according to the provisions of the law on fertilizers, animal feeds and veterinary drugs;

dd) Detergents, preparations used in household, agricultural and medical fields;

e) Cement.

3. The following entities are not subject to recycling responsibility:

a) Manufacturers or importers of products and packages for export or temporary import for re-export or production or import for research, study or testing purposes as prescribed in Clause 1, Article 54 of the Law on Environmental Protection .

b) The manufacturer of packaging specified in Clause 1 of this Article has revenue from sales
and service provision of less than VND 30 billion in the previous year;

c) The importer of packaging specified in Clause 1 of this Article has a total import value (according to customs value) of less than VND 20 billion in the previous year .

4. Manufacturers and importers carry out the responsibility to recycle products and packages they manufacture or import according to the following route:

a) Packaging and products for batteries and batteries; lubricating oil; tires: from January
1 year 2024;

b) Electrical and electronic products: from January 1, 2025;

c) Means of transport: from January 1, 2027.

The Ministry of Natural Resources and Environment shall submit to the Prime Minister for promulgation regulations on the disposal of vehicles before January 1, 2025.

Article 78. Mandatory recycling rates and specifications

1. Compulsory recycling rate is the ratio of the minimum volume of products and packages that must be recycled according to the mandatory recycling standards to the total volume of manufactured products and packaging that are put on the market and imported in a year. carry out responsibility.

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

2. The mandatory recycling rate for each type of product and packaging in the first 3 years is specified in Column 4, Appendix XXII issued with this Decree. The compulsory recycling rate is adjusted every 3 years gradually to fulfill the national recycling target and environmental protection requirements.

3. Manufacturers and importers may recycle products and packages they manufacture, import or recycle products and packages of the same type specified in Column 3 of Appendix XXII to this Decree issued by the manufacturer. export and import other production and import to achieve the mandatory recycling rate. The re-covering of imported scrap as raw production materials is not included in the mandatory recycling rate of manufacturers and importers.

4. In case the manufacturer or importer recycles higher than the compulsory recycling rate specified in Clauses 1 and 2 of this Article, the difference shall be reserved for calculation in the compulsory recycling rate of the manufacturers or importers. next year.

5. The compulsory recycling rate for each type of product and packaging after the first 03 years of implementation of the provisions of Clause 2 of this Article shall be adjusted and promulgated by the Prime Minister before September 30 of the last year of the 03 cycle. years to apply for the next three-year cycle.

6. Mandatory recycling specifications are selected recycling solutions with minimum requirements on the amount of materials and fuel recovered for product and packaging recycling. Compulsory specifications for each product and package are specified in Column 5, Appendix XXII issued with this Decree.

Article 79. Forms of implementing recycling responsibility • • •

1. Manufacturers and importers choose a form of carrying out the recycling responsibility specified in Clause 2, Article 54 of the Law on Environmental Protection for one or a group of products and packages specified in Column 3, Appendix XXII attached to this Circular. under this Decree.

2. In case the manufacturer or importer chooses the form of organization for recycling according to the provisions of Point a, Clause 2, Article 54 of the Law on Environmental Protection, the manufacturer or importer shall decide on their own the recycling in the following ways: :

a) Do-it-yourself recycling;

b) Hire a recycler to do the recycling;

c) authorize an intermediary organization to organize the recycling (hereinafter referred to as the authorized party);

d) The meeting shall be held in the manner specified at points a, b and c of this clause.

3. Manufacturers and importers that carry out self-recycling must ensure environmental protection requirements as prescribed by law; do not carry out self-recycling when failing to meet the requirements for environmental protection as prescribed by law.

4. Recycling units hired by manufacturers or importers to carry out the recycling specified at Point b, Clause 2 of this Article must satisfy environmental protection requirements as prescribed by law.

5. The party authorized to organize the recycling specified at Point c, Clause 2 of this Article must satisfy the following requirements:

a) Having legal status and established in accordance with the law;

b) Do not recycle directly and have no affiliation with any recyclers in connection with the authorized scope;

c) Have at least 03 manufacturers and importers agree to authorize recycling organization.

6. The Ministry of Natural Resources and Environment shall publish the list of organizations and units specified in Clauses 4 and 5 of this Article for manufacturers and importers to know and choose. Manufacturers and importers do not hire recyclers or authorized parties when they fail to meet the requirements as prescribed by law.

7. Manufacturers and importers that choose to make financial contributions to the Vietnam Environmental Protection Fund according to the provisions of Point b, Clause 2, Article 54 of the Law on Environmental Protection, are not required to follow the recycling methods specified in Clause 2 of this Article. Clause 2 of this Article.

8. People's Committees at all levels, organizations, individuals and consumers have the responsibility to create conditions and support manufacturers, importers, recyclers and authorized parties in the classification and collection of products. , post-consumer packaging in the locality.

Article 80. Registration of recycling plans and reports on recycling results

1. Manufacturers and importers register their annual recycling plans and report the previous year's recycling results to the Ministry of Natural Resources and Environment before March 31 of each year; In case the manufacturer or importer fully authorizes the authorized party, the authorized party is responsible for registering and reporting on behalf of the manufacturer or importer.

The registration of the recycling plan is calculated according to the volume of products and bags produced on the market in the previous year. The manufacturer, importer or authorized party is responsible before the law for the accuracy of the information on the registration of the recycling plan and the reporting of the results of the recycling.

The Minister of Natural Resources and Environment shall prescribe the form for registration of a recycling plan and the form of a report on recycling results specified in this Clause.

2. In case the volume of products and packages actually produced to the market and imported is more than the registered recycling plan, the manufacturer or importer must add the difference in the recycling plan to the recycling plan. regime of the following year.

In case the actual volume of products and packaging that are brought to the market and imported to the market is less than the registered recycling plan, the manufacturer or importer may carry out and report the recycling results. According to the volume of products, the actual packaging produced is marketed and imported.

3. In case the recycling plan or report on recycling results is unsatisfactory, the Ministry of Natural Resources and Environment shall notify in writing the manufacturer, importer or authorized party to complete the plan and report. within 30 working days from the date of notification. Failure to register the recycling plan, report the recycling results for imported scrap as raw production materials.

4. Manufacturers and importers that choose the form of financial contribution to the Vietnam Environmental Protection Fund according to the provisions of Point b, Clause 2, Article 54 of the Law on Environmental Protection are not required to register, implement the recycling plan and report report on recycling results specified in Clause 1 of this Article.

Article 81. Financial contributions to the Vietnam Environmental Protection Fund

1. Financial contribution to the Vietnam Environmental Protection Fund of each type of product and packaging (F) is determined by the formula: F = RXVX Fs, in which:

F is the total amount that manufacturers and importers must pay to the Vietnam Environmental Protection Fund for each type of product or package (unit: VND);

R is the compulsory recycling rate of each type of product and packaging specified in Clause 1, Article 78 of this Decree (unit: %);

V is the volume of products and bags produced, marketed and imported in the year of implementing the recycling responsibility (unit: kg);

Fs is a reasonable and valid rate of recycling cost for a unit volume of product or packaging, including costs of sorting, collection, transportation, product re-covering, packaging and burial costs. Administrative management to support manufacturers and importers' recycling responsibility (unit: VND/kg).

2. The Ministry of Natural Resources and Environment submits to the Prime Minister for promulgation the Fs for each product and packaging and adjusts the Fs every three years.

3. Financial contributions to the Vietnam Environmental Protection Fund by manufacturers and importers are made as follows:

a) Manufacturers and importers self-declare and send a declaration of the amount of financial contributions according to the form guided by the Ministry of Natural Resources and Environment to the Vietnam Environmental Protection Fund before March 31 of each year. The declaration of the financial contribution is calculated according to the volume of production, market and import of products and packages of the previous year. The manufacturer, importer or an authorized party is responsible before the law for the accuracy of the information in the declaration;

b) Before April 20 each year, manufacturers and importers must pay a one-time financial contribution to support recycling to the Vietnam Environmental Protection Fund or can choose to pay the money in two installments: the first time to pay the maximum amount. at least 50% of the total amount before April 20 and the second time to pay the remaining amount before October 20 of the same year;

c) In case the declared volume of products and packages is lower than that of actual production, brought to the market and imported, the difference must be paid in the following year; In case the declared quantity of products and packages is more than actually produced for the market or imported, the paid amount will be deducted for the difference in the following year.

Article 82. Support for product and packaging recycling

1. Financial contributions to the Vietnam Environment Protection Fund specified in Article 81 of this Decree are used to support activities of classification, collection, transportation, recycling, product treatment and packaging. specified in Column 3 of Appendix XXII issued together with this Decree and administrative costs to support the implementation of recycling responsibilities of manufacturers and importers.

Interest on bank deposits of financial contributions to the Vietnam Environmental Protection Fund is used for administrative expenses for management, supervision and support for the manufacturer's recycling responsibility. , import.

2. Agencies and organizations wishing to receive financial support for recycling activities specified in Clause 1 of this Article shall make an application according to the form guided by the Ministry of Natural Resources and Environment and send it to the Ministry of Natural Resources and Environment in advance. October 30 of each year to be considered for support.

3. The financial support for product and packaging recycling activities specified in Column 3 of Appendix XXII issued with this Decree is specified as follows:

a) Before September 30 every year, the Ministry of Natural Resources and Environment shall publicly announce the criteria, priority, and level of financial support for the following year's activities and recycled products according to the proposal of the National EPR Council. ;

b) The National EPR Council appraises, votes to approve financial support proposals of agencies and organizations and submits them to the Ministry of Natural Resources and Environment;

c) The Ministry of Natural Resources and Environment approves appraisal results and financial support proposals at the request of the National EPR Council;

d) Organizations assigned by the Ministry of Natural Resources and Environment to notify and sign support contracts with agencies and organizations receiving financial support;

dd) The Vietnam Environment Protection Fund shall pay the support amount to the agencies or organizations under the contract signed under Point d of this Clause.

4. The receipt and use of financial contributions to the Vietnam Environmental Protection Fund to support recycling must be public, transparent and for the right purposes. The Vietnam Environmental Protection Fund is responsible for reporting to the Ministry of Natural Resources and Environment, the National EPR Council and publicizing the receipt and use of annual financial contributions to support recycling before March 31 of this year. next year.

5. The National EPR Council approved and submitted to the Minister of Natural Resources and Environment for promulgation the Regulation on management and use of financial contributions to the Vietnam Environmental Protection Fund to support recycling of manufacturers, importers and exporters. password.

Section 2
RESPONSIBILITIES FOR COLLECTION, WASTE DISPOSAL OF PERSONS AND PERSONS

Article 83. Subjects and levels of financial contributions to the Vietnam Environmental Protection Fund to support waste treatment activities

1. Manufacturers and importers of products and packages specified in Column 2 of Appendix XXIII issued together with this Decree to bring to the Vietnamese market are responsible for making financial contributions to the Vietnam Environmental Protection Fund to protect the environment. support waste treatment activities, except for the following cases:

a) Manufacturers or importers of products and packages for export or temporary import for re-export or production or import for research, study and testing purposes as prescribed in Clause 1, Article 55 of the Law on Environmental Protection ;

b) Manufacturers whose revenue from sales and service provision of the previous year is less than VND 30 billion;

c) Importers whose total import value (calculated by customs value) of the previous year is less than 20 billion VND.

2. Packaging specified in Clause 1 of this Article is commercial packaging (direct packaging) of products and goods.

3. The specific level of financial contribution for each product and package is specified in Columns 3, 4 and 5 of Appendix XXIII issued together with this Decree.

4. The level of financial contribution to the Vietnam Environmental Protection Fund to support waste treatment activities is adjusted every five years and gradually increased according to the requirements of environmental protection.

5. The Prime Minister shall decide to adjust and promulgate the gradually increasing level of financial contributions as proposed by the Ministry of Natural Resources and Environment; administrative expenses for management, supervision and support in performing the waste collection and treatment responsibilities of manufacturers and importers.

Article 84. Order of making financial contributions to the Vietnam Environmental Protection Fund to support waste treatment

1. Manufacturers and importers self-declare and send a declaration of the amount of contributions to support waste treatment according to the form guided by the Ministry of Natural Resources and Environment to the Vietnam Environmental Protection Fund before March 31 of each year. . The declaration of the contribution to support waste treatment is calculated according to the volume of products and packaging produced to the market and imported in the previous year. Manufacturers and importers are responsible before law for the accuracy of information in the declaration.

2. Before April 20 every year, manufacturers and importers are responsible for making a one-time contribution to the Vietnam Environmental Protection Fund or can choose to pay in two installments: the first time to pay at least 50% of the total amount before April 20, and the second time to pay the remaining amount before October 20 of the same year.

3. In case the declared volume of products and packages is lower than the actual quantity of products and packages brought to the market and imported, the manufacturer or importer must pay the difference in the following year; In case the quantity of products and packages is declared more than it is actually produced for the market or imported, the paid amount will be deducted for the difference in the following year.

Article 85. Support for waste treatment activities

1. Agencies and organizations wishing to receive financial support for waste treatment activities specified in Clause 3, Article 55 of the Law on Environmental Protection shall make an application file according to the form guided by the Ministry of Natural Resources and Environment and send it to the Ministry of Natural Resources and Environment. Ministry of Natural Resources and Environment before October 30 of each year to be considered for support.

2. Financial support for waste treatment activities shall comply with the process specified in Clause 3, Article 82 of this Decree.

3. The receipt and use of financial contributions to support waste treatment must be public, transparent and for the right purposes.

The Vietnam Environmental Protection Fund is responsible for reporting to the Ministry of Natural Resources and Environment, the National EPR Council and publicizing the receipt and use of financial contributions to support waste treatment activities every year. March 31 of the following year.

4. Interests on bank deposits of financial contributions to the Vietnam Environmental Protection Fund are used for administrative expenses in service of management, supervision and support in performing waste collection and treatment responsibilities. of manufacturers and importers.

5. The National EPR Council approved and submitted to the Minister of Natural Resources and Environment for promulgation the Regulation on management and use of financial contributions to the Vietnam Environmental Protection Fund to support waste treatment of manufacturers. , import.

Section 3
SUPPLYING, INFORMATION MANAGEMENT AND MANAGEMENT, SUPERVISION OF IMPLEMENTATION OF RESPONSIBILITIES , PERSONAL MANUFACTURERS, IMPORTERS

Article 86. Provision of information about products and packages

1. Manufacturers and importers specified in Articles 77 and 83 of this Decree are responsible for disclosing information about products and packages they manufacture or import, including: ingredients, fuel and materials; guiding the classification, collection, reuse, recycling and treatment; warning of risks in the process of recycling, reuse, and treatment.

2. Tax offices, customs offices, business registration offices and related agencies and organizations are responsible for providing and sharing tax, customs, business registration and other information related to the tax authorities. related to the production and import of products and packages specified in Appendix XXII and Appendix XXIII issued together with this Decree at the request of the Ministry of Natural Resources and Environment.

Article 87. National EPR portal

1. The national EPR portal is connected to tax, customs, business registration and related databases to ensure the registration, reporting and declaration of manufacturers. export and import stages in accordance with the provisions of law.

2. The national EPR portal is opened and decentralized according to account types and registered, declared and reported subjects.

3. The Ministry of Natural Resources and Environment builds, manages and operates the national EPR web portal.

4. After the national EPR portal is officially operated, the obligations of manufacturers and importers specified in this Decree must be registered, declared, reported, consolidated and managed. on the national EPR portal.

Article 88. National EPR Council

1. The National EPR Council has the task of advising and assisting the Minister of Natural Resources and Environment in managing, supervising and supporting the performance of responsibilities of manufacturers and importers as prescribed in this Decree. The National EPR Council works on a collective basis, deciding by majority.

2. The composition of the National EPR Council includes representatives of the Ministries of Natural Resources and Environment, Finance, Industry and Trade, Health, Agriculture and Rural Development; representatives of manufacturers and importers; representatives of recycling units, waste treatment units and representatives of relevant social and environmental organizations.

The National EPR Council has an assisting office located at the Ministry of Natural Resources and Environment, working on a part-time basis.

3. The Minister of Natural Resources and Environment decides to establish the National EPR Council; promulgate regulations on organization and operation of the National EPR Council and prescribe the functions, duties, powers and organizational structure of the assisting office of the National EPR Council.

Chapter VII
ENVIRONMENTAL OVERVIEW

Section 1
CONDITIONS FOR PARTICIPATION IN ENVIRONMENTAL MONITORING ACTIVITIES

Article 89. Monitoring activities in service of state management of environmental protection

1. National environmental monitoring program.

2. Local environmental monitoring program.

3. Environmental monitoring program of production, business and service establishments according to the requirements of the law on environmental protection.

4. Emission monitoring service activities of road motor vehicles, except for the inspection of technical safety quality and environmental protection, are under the state management responsibility of the Ministry of Transport.

5. Environmental monitoring activities serve the inspection, examination, supervision, prevention and combat of crimes, violations of the law on environmental protection and other state management of environmental protection.

6. Environmental monitoring activities serving the management purposes of the sector or field specified in Clauses 2, 3 and 4, Article 109 of the Law on Environmental Protection shall comply with the law provisions of the sector or field.

Article 90. Subjects who are granted certificates of eligibility for environmental monitoring services

Certificates of eligibility for environmental monitoring services are granted to organizations providing environmental monitoring services as prescribed, including:

1. Enterprises are established under the provisions of the Law on Enterprises.

2. Organizations engaged in scientific and technological activities in the field of testing shall be established in accordance with the Law on Science and Technology.

3. Public non-business organizations with the function of operating in the field of environment are established and operate according to the Government's regulations on the establishment, reorganization and dissolution of public non-business units.

Article 91. Conditions for issuance of certificates of eligibility for environmental monitoring services

1. An organization that is granted a certificate of eligibility to provide environmental monitoring services, except for the subjects specified in Clause 5 of this Article, must satisfy the conditions specified in Clauses 2, 3 and 4 of this Article.

2. Conditions on environmental monitoring capacity for organizations specified in Clause 1 of this Article include:

a) Having an establishment decision or a certificate of registration of scientific and technological activities or a business registration certificate or an investment certificate issued by a competent state management agency, including important activities. environmental monitoring;

b) Capable of carrying out environmental monitoring for at least one of the environmental samples, including: continental surface water; wastewater; Groundwater; seawater; ambient air; emissions; soil; sediment' mud; solid waste; raw materials, fuel, materials, products, goods and equipment containing persistent organic pollutants. For each environmental sample matrix (except emissions sample) for which the organization applies for certification, the organization must be capable of performing both field monitoring and environmental analysis. Environmental analysis capacity for each matrix (except for raw materials, fuel, materials, products, goods and equipment) for which the organization requesting certification must satisfy the minimum conditions at the following points: c, d, dd, e and g of this clause;

c) For the capacity to analyze samples of continental surface water or wastewater that the organization requests for certification: the organization must have sufficient environmental analysis capacity for basic parameters as prescribed in the national technical regulations. on the environment including: BOD5, COD, total suspended solids (TSS), phosphorus tone (TP), total nitrogen (TN);

d) For the capacity to analyze groundwater samples for which the organization applies for certification: the organization must have sufficient environmental analysis capacity for basic parameters as prescribed in the national technical regulations on the environment, including: including: permanganate index, $NH4^{+}$, NO3', Fe;

dd) For the capacity to analyze seawater samples for which the organization applies for certification: the organization must have sufficient capacity to analyze the environment for basic parameters as prescribed in the national technical regulations on the environment. including: TSS, NH?, PO_4^{3}-;

e) For the capacity to analyze air samples (ambient air or industrial emissions) that the organization proposes to receive: the organization must have sufficient environmental analysis capacity for the basic parameters as specified in National technical regulations on environment include: SO2, NO2, co, total suspended dust (TSP);

g) For the ability to analyze soil or sediment samples or sludge from a water or solid waste treatment system for which the organization applies for certification: the organization must have sufficient environmental analysis capacity for the basic parameters regulations include: pH; metals (including: As, Cu, Zn, Pb, Ni, Cd, Cr, Hg) or organic compounds (organochlorine compounds or organophosphorus compounds).

3. Conditions for field monitoring activities:

a) There are at least 02 full-time staff to carry out field monitoring activities. In case the organization registers field sampling activities for pollution parameters in the form of PM (a mixture of solid particles and liquid droplets) or volatile organic compounds (VOCs) in the exhaust gas, they must have at least 04 full-time staff to carry out field monitoring activities; qualified staff to carry out field observations of registered parameters;

b) Must have a person directly in charge of the field monitoring team with a university degree or higher with one of the majors in environment, chemistry, biology, forestry, and soil and have at least 02 years of experience in the field. the field of environmental monitoring;

c) Persons conducting field observations must have at least elementary qualifications corresponding to the rank of class IV natural resource and environment observer. In which, the number of people with qualifications corresponding to the rank of class IV natural and environmental observers accounted for no more than 30% of the contingent of people performing field observations;

d) The equipment must be inspected and calibrated according to regulations, ensuring accuracy according to the monitoring techniques prescribed by the Ministry of Natural Resources and Environment; have standard operating procedures for all monitoring equipment in the field; fully equipped with protective equipment and labor safety for staff conducting field observations.

4. Conditions for environmental analysis activities:

a) There are at least 04 full-time staff to carry out environmental analysis activities according to environmental components and analytical parameters requested for certification; the staff in charge of carrying out environmental analysis activities must be capable of performing field observations for the registered parameters;

b) The laboratory manager must have a university degree or higher with one of the majors in chemistry, environment, biology and must have at least 5 years of experience in the case of a university degree, 3 years experience in case of master's degree, 02 years of experience in case of doctoral degree in environmental analysis;

c) The person in charge of quality assurance and quality control of the laboratory must have a university degree or higher with one of the majors in chemistry, environment, biology and must have at least 03 years of experience in the field. environmental analysis;

d) The person performing the analysis at the laboratory, except for the laboratory manager and the person in charge of quality assurance and quality control, must have an intermediate degree or higher, trained in the field of environmental analysis. certification request;

dd) Environmental analysis equipment must be inspected and calibrated according to regulations, ensuring accuracy according to analysis techniques prescribed by the Ministry of Natural Resources and Environment; have procedures for using and operating all equipment; have adequate means of labor protection and safety for environmental analysts;

e) Having standard operating procedures, reporting analytical methods approved by the organization for registered environmental parameters;

g) The laboratory must be separated into areas as required, including: sample storage and sample storage area, sample processing and physicochemical analysis area, microbiological analysis area, weighing area; must be ensured to maintain good experimental conditions (in terms of light, power, humidity, temperature, sterility, ventilation) and enough space to perform analytical activities required by the method. analysis;

h) Implement measures to ensure industrial hygiene, safety of fire prevention and fighting, collection, management and treatment of waste in accordance with law.

5. Environmental monitoring conditions for organizations providing emission monitoring services for road motor vehicles:

a) Having an establishment decision or a certificate of registration of scientific and technological activities or a business registration certificate or an investment certificate issued by a competent state management agency, including important activities. environmental monitoring;

b) Having the capacity to observe and measure basic parameters according to national technical regulations on environment for basic parameters co, HC; for organizations implementing automobile emission monitoring, in addition to co and HC parameters, they must have the capacity to monitor parameters of CO2, 02, Lamda, smog, N (%HSU), light absorption coefficient bright of exhaust gas;

c) The manager or person in charge of ensuring the quality of the organization's vehicle emission monitoring activities must have an intermediate or higher degree and have been trained in one of the fields of automotive engineering, mechanics aerodynamics, traffic mechanics, environment and must have at least 01 year of experience in the field of road motor vehicle emissions;

d) There are at least 02 people performing emission monitoring activities of road motor vehicles. Persons performing emission monitoring must have a high school diploma or higher, have been trained in automotive engineering, dynamic mechanics, traffic mechanics, and environment;

dd) The equipment must be tested, calibrated, ensuring accuracy according to the monitoring technique as prescribed; have standard operating procedures for all traffic emission monitoring devices; fully equipped with protective equipment and labor safety for staff.

Article 92. Certificate of eligibility for environmental monitoring services

1. A certificate of eligibility for environmental monitoring services shall be granted to an organization that meets the requirements specified in Clauses 2, 3 and 4, Article 91 of this Decree; Organizations that monitor, measure and test vehicle emissions

Motorcycles and motorbikes in circulation that meet the requirements specified in Clause 5, Article 91 of this Decree, except for the vehicle registration agency or unit that is granted a certificate of eligibility for vehicle identification as prescribed. of relevant legislation.

2. The Ministry of Natural Resources and Environment shall issue and adjust the certificate of eligibility for environmental monitoring services specified in Clause 1 of this Article.

3. The certificate of eligibility for environmental monitoring service activities shall replace the certificate of registration of experimental activities in the field of environmental monitoring under the management competence of the Ministry of Natural Resources and Environment in accordance with the Government's regulations. Government on business conditions for conformity assessment services.

4. The certificate of eligibility for environmental monitoring services is valid for 36 months from the date of issue and can be re-issued many times, each re-issuance is valid for no more than 36 months.

5. In case of modification of the content of the certificate, the validity period of the certificate of content adjustment is unchanged compared to the issued certificate.

6. A certificate of eligibility to provide environmental monitoring services includes the following main contents:

a) Organization name, address;

b) Areas and scopes of certification;

c) The date of issue and validity of the certificate they receive;

d) Certification authority.

7. The certificate of eligibility for environmental monitoring services shall be made according to the form specified in Appendix XXIV to this Decree.

Article 93. Order and procedures for granting certificates of eligibility for environmental monitoring services

1. Procedures for granting a certificate of eligibility for environmental monitoring services shall be carried out for organizations that apply for a certificate for the first time or that wish to re-issue the certificate.

2. An application for a certificate of eligibility for environmental monitoring services shall be made in 1 set, including:

a) A written request for issuance of a certificate of eligibility for environmental monitoring services, made according to the form specified in Appendix XXV issued with this Decree;

b) The organization's capacity profile shall be made according to the form specified in Appendix XXVI issued together with this Decree.

3. The order and procedures for granting a certificate of eligibility for environmental monitoring services are as follows:

a) Organizations applying for a certificate send dossiers as prescribed in Clause 2 of this Article by sending a paper copy directly, sending a paper copy by post or sending an electronic copy through the online public service system. ;

b) Within 03 days from the day on which the complete and valid application is received, the certificate-issuing agency shall send a notice of assessment fee collection to the organization. The organization pays the appraisal fee and sends the documents proving the payment of the appraisal fee (receipt, receipt or other document) to the certification body. The time for the organization to pay the fee is not included in the appraisal time of the certificate-issuing agency. In case the dossier is incomplete or invalid, the certificate-granting agency shall return the dossier to the certification-requesting organization and request additional documents as prescribed;

c) Within 45 days from the day on which the fee for assessment of conditions for environmental monitoring services is received, the certificate-issuing agency shall appraise and issue a certificate of eligibility for monitoring service operation. environment for the organization to request them to receive (not including the time to correct and supplement the organization's records). The appraisal of environmental monitoring service operating conditions in service of granting certificates of eligibility for environmental monitoring services shall be carried out through the appraisal council specified in Clause 4 of this Article on the basis of: results of assessment and review on records; the results of the assessment, the actual inspection at the organization and the results of the meeting of the council to appraise the operating conditions for environmental monitoring services.

For organizations measuring road motor vehicle emissions, depending on the specific school, the agency that issues them can decide to test in the form of direct or online.

In case of failure to issue a certificate of eligibility for environmental monitoring services, the certification body is responsible for notifying the certification body and clearly stating the reasons therefor.

4. The Council for assessing conditions for operating environmental monitoring services consists of at least 05 members, with the composition of which includes: 01 Chairman of the council; 01 Vice Chairman of the Board of Directors when weighing; 01 secretary and other members are experts with expertise and experience in the field of environmental monitoring. Members of the appraisal council are responsible for studying dossiers and conducting actual inspection at the organization; write comments and evaluation sheets on certification contents and take responsibility before law for their comments and assessments.

5. The Ministry of Natural Resources and Environment shall detail the appraisal and issuance of certificates of eligibility for environmental monitoring services specified in Clauses 3 and 4 of this Article.

Article 94. Order and procedures for adjusting the contents of certificates of eligibility for environmental monitoring services

1. Procedures for adjusting the certificate of eligibility for environmental monitoring services shall be carried out for organizations that have a certificate of environmental monitoring services that is valid for at least 06 months.

2. Organizations operating in environmental monitoring services that want to change the field and scope of field monitoring and environmental analysis compared with the content of the issued certificate must carry out procedures for adjusting the content of the certificate. operating conditions for environmental monitoring services.

3. An application for modification of the certificate of eligibility to provide environmental monitoring services shall be made in 1 set, including:

a) A written request for modification of the certificate of eligibility for environmental monitoring services, made according to the form specified in Appendix XXVII- promulgated together with this Decree;

b) The organization's capacity profile shall be made according to the form specified in Appendix XXVI issued together with this Decree.

4. Order and procedures for adjusting the certificate of eligibility for environmental monitoring services:

a) Organizations requesting amendments to the certificate of submission of documents as prescribed in Clause 2 of this Article by sending a paper copy directly, sending a paper copy by post or sending an electronic copy through the service system. online public;

b) Within 03 days from the date of receipt of complete and valid dossiers, the certificate-issuing agency shall send a notice of assessment fee collection to the organization. The organization pays the appraisal fee and sends documents proving that it has paid the appraisal fee (receipt, receipt or other document) to the certification agency. The time for the organization to pay the fee is not included in the appraisal time of the certificate-issuing agency. If the application is incomplete or invalid, the certification body shall return the application form to the organization requesting certification and request additional documents as prescribed;

c) Within 30 days after receiving the fee for assessment of environmental monitoring service conditions, the certificate-issuing agency is responsible for assessing and adjusting the content of the certificate of eligibility for environmental monitoring services. environmental monitoring service for the organization that requests to adjust the certificate content (excluding the time to correct and supplement the organization's profile). The appraisal of conditions for operating environmental monitoring services in service of adjusting the content of the certificate of eligibility for environmental monitoring services shall be carried out through the appraisal council specified in Clause 5 of this Article.

this on the basis of: evaluation results, review of records; the results of the assessment, the actual inspection at the organization and the results of the meeting of the council to appraise the operating conditions for environmental monitoring services.

In case of refusal to accept modification of the certificate of eligibility to provide environmental monitoring services, the certificate-issuing agency shall notify in writing the organization and clearly state the reasons therefor.

5. The Council for appraisal of conditions for operating environmental monitoring services shall comply with the provisions of Clause 4, Article 93 of this Decree.

6. The Ministry of Natural Resources and Environment shall promulgate the form of application form and the capacity profile of the organization specified in Clause 3 of this Article; detailing the appraisal, granting, and adjustment of certificates of eligibility for environmental monitoring services specified in Clause 4 of this Article.

Article 95. Responsibilities of organizations granted certificates of eligibility to provide environmental monitoring services

1. Organizations granted certificates of eligibility for environmental monitoring services must ensure to maintain the conditions of competence in accordance with the issued certificates. When there is a change related to the conditions specified in Article 91 of this Decree, the organization must notify in writing the Ministry of Natural Resources and Environment within 07 days from the date of the change.

2. Organizations granted certificates of eligibility to provide environmental monitoring services must make paper or electronic records for storage and separate monitoring of environmental monitoring activities that the organization performs to serve the purposes of environmental monitoring. inspection and examination services.

Records related to the organization's environmental monitoring activities include: chemical monitoring books; the results returns; management records on the use of environmental monitoring equipment, records or systems for monitoring and receiving laboratory samples, records on quality assurance and quality control in environmental monitoring, in data management according to regulations of the Ministry of Natural Resources and Environment on environmental monitoring techniques, liquidation minutes and other forms of contract with customers according to the provisions of civil law and other relevant documents.

3. When participating in providing environmental monitoring services, in case an organization signs a service provision contract with a customer, the contract must have its own symbol to identify and clearly state the date, month and year. of the contract. The organization's own symbol must be numbered. ordinal numbers are marked starting from the time of signing the first contract of the calendar year and ending at the last contract of the year, ensuring the correct order of contract signing time.

4. Return results to customers through observable results sheets

The authorized person of the organization shall sign and seal. The monitoring result sheet is designed in a separate page, which must show the information specified in Clause 5 of this Article.

5. Information on monitoring results sheet:

a) Name of the organization;

b) Name of customer paying the voucher;

c) Number of VIMCERTS certificates issued;

d) Date, month and year of issue of the ballot;

dd) Symbol of the ticket: The sign must be numbered ordinal by year and number of years. ordinal numbers are denoted starting from the time of issuing the first ballot of the calendar year and ending at the last issue of the year, ensuring the correct order of issuance time. The organization can add its own set of symbols in the symbols part of the ballot to serve the classification and internal management in the organization, but must ensure the rule of numbering the votes in the correct chronological order. set piece taking;

e) Analytical results: parameters, methods of use, measurement results and reference standards, standards or specifications (if any);

g) In case of hiring another organization to perform monitoring for parameters for which they are not certified, the name of the implementing organization must be clearly noted together with the monitoring result sheet provided by that organization;

h) The organization must have a book or system to keep track of the monitoring result sheets returned to customers, which must contain at least the following information: ticket symbol, including ordinal number of votes; date, month, year of issue and name of customer paying the voucher.

6. In case an organization conducts environmental monitoring by itself to serve its research activities, conducts the monitoring for internal monitoring without signing a contract and without issuing a report of monitoring results to an organization. the second party is not obliged to apply the provisions of Clauses 2, 3 and 4 of this Article.

7. The organization must keep records and original monitoring data for all monitoring service activities performed in the last 3 years, until the case specified in Clause 6 of this Article.

8. An organization that has been granted a certificate of eligibility for environmental monitoring services, in case of hiring another organization to perform monitoring for uncertified parameters, must select an organization that has been granted the certificate. receive the conditions for operating environmental monitoring services for that parameter to directly carry out monitoring. Sample handover minutes between organizations

must be kept in the records of each organization.

Article 96. Technical requirements for organizations and individuals observing the environment in order to provide and disclose information on environmental quality to the community

1. The Ministry of Natural Resources and Environment organizes the implementation of the national environmental quality monitoring program and is responsible for disclosing information to the community in the forms of information disclosure specified in Clause 6, Article 102 of the Decree. this.

2. Provincial-level People's Committees organize the implementation of the environmental quality monitoring program in their respective localities and are responsible for disclosing information to the community in the forms of information disclosure specified in Clause 6, Article 102. this Decree.

3. Agencies, organizations and individuals carry out periodical and regular monitoring of environmental quality for environmental components and use environmental quality monitoring results to directly provide and publicize information on environmental quality. environmental quality for the community must meet the technical requirements specified in Clauses 2, 3 and 4, Article 91 of this Decree.

4. Agencies, organizations and individuals perform automatic and continuous monitoring of environmental quality for environmental components and use the results of automatic monitoring of environmental quality to directly provide and announce information about environmental quality. Information on environmental quality for the community must meet technical requirements for environmental quality monitoring, including:

a) Technical requirements for continuous automatic monitoring equipment;

b) Technical requirements on installation location of monitoring stations;

c) Management and operation human resources;

d) Verification and calibration of automatic monitoring equipment continuously in accordance with the law on measurement;

d) Quality control process.

5. Agencies, organizations and individuals performing environmental monitoring specified in Clauses 3 and 4 of this Article, when disclosing environmental quality information to the community, must include information on monitoring locations, monitoring methods, and information on environmental monitoring. monitoring and accuracy of the equipment or reporting limits of the method and responsible for the results of its own environmental quality information disclosure.

6. The subjects specified in Clause 4 of this Article are responsible for reporting to the state management agency on the satisfaction of technical requirements on environmental monitoring.

before disclosing information to the community according to the form promulgated by the Ministry of Natural Resources and Environment. The Ministry of Natural Resources and Environment receives reports from agencies, organizations and individuals that conduct automatic and continuous environmental quality monitoring in two or more provinces. Provincial-level specialized environmental protection agencies receive reports from agencies, organizations and individuals that perform automatic and continuous environmental monitoring of environmental quality within a province.

7. The Ministry of Natural Resources and Environment shall inspect the satisfaction of technical requirements on environmental quality monitoring for the subjects specified in Clause 4 of this Article when performing automatic and continuous environmental quality monitoring. in two or more provinces. The specialized environmental protection agency of the province shall inspect the satisfaction of technical requirements on environmental quality monitoring for the subjects specified in Clause 4 of this Article when conducting environmental quality monitoring. automatically, continuously within a province.

8. The Ministry of Natural Resources and Environment shall detail technical requirements for environmental monitoring in Clause 4 of this Article.

Section 2
MONITORING WASTE WATER, DUST, WASTE GAS

Article 97. Wastewater monitoring

1. The level of wastewater discharge volume is calculated according to the total design capacity of all works and equipment discharging wastewater into the environment stated in the environmental permit and is regulated as follows:

a) The average discharge volume of wastewater of projects and establishments of the type of production, business or service with the risk of causing environmental pollution is from 200 m^3/day (24 hours) to less than 500 m^3/day (24 hours); large volume of wastewater discharge from 500 m^3/day (24 hours) or more;

b) The large volume of wastewater discharge of projects and establishments that are not of the type of production, business or service with the risk of causing environmental pollution is from 500 m3/day (24 hours) to less than 1,000 m3/day (24 hours); wastewater discharge volume is very large from 1,000 m^3/day and night or more.

2. Subjects, level of wastewater discharge volume and form of automatic and continuous monitoring of wastewater and periodic monitoring of wastewater are specified in Appendix XXVIII issued together with this Decree (except for case: facility connected to centralized wastewater treatment system, aquaculture facility, facility

have a wastewater treatment system generated from the process of periodic tank cleaning separate from the wastewater treatment system, the cooling water discharge facility does not use chlorine or disinfectant chemicals to kill microorganisms and facilities for discharging water to dry mines exploiting minerals as common building materials, limestone). As follows:

a) The subjects specified in Column 2 with the flow rate specified in Column 4, Appendix XXVIII shall conduct automatic and continuous wastewater monitoring and periodical wastewater monitoring according to the provisions of Clauses 3 and 4 of this Article;

b) The subjects specified in Column 2 with the flow rate specified in Column 5 of Appendix XXVIII shall perform automatic and continuous monitoring of wastewater or periodic monitoring of wastewater according to the provisions of Clauses 3 and 4 of this Article.

3. Periodic monitoring of wastewater:

a) Monitoring parameters and frequency of periodic wastewater monitoring are specified in the environmental permit. Monitoring parameters are determined according to the following bases: environmental technical regulations on wastewater; production, business and service types; fuels, raw materials and chemicals used; production technology, waste treatment technology; parameters exceeding environmental technical regulations are detected through inspection, inspection and handling of violations of environmental laws; at the request of the project owner or facility.

The environmental licensing agency may not require additional monitoring of other parameters that are not based on the grounds specified at this point;

b) For projects, production, business and service establishments operating continuously: The frequency of periodical wastewater monitoring is every 3 months for cases where environmental impact assessment is required and every 6 months/ times for the remaining meeting.

For seasonal projects, production, business and service establishments subject to environmental impact assessment: the periodic monitoring frequency is 01 time in case of seasonal activities from 03 month or less; 02 times in case of seasonal activities longer than 03 to 06 months; 03 times in case of seasonal activities longer than 06 months to less than 09 months; 04 times in case of seasonal activities longer than 09 months; ensure that the time between two monitoring times is at least 03 months.

For projects, production, business and service establishments operating on a seasonal basis that are not subject to environmental impact assessment: the frequency of periodical monitoring is 01 time in case of seasonal activities from 06 months or less; 02 times in case of seasonal activities longer than 06 months; ensure that the time between two monitoring times is at least 06 months.

Particularly for the parameters of total organochlorine pesticides, total organophosphorus pesticides, total easily absorbed Polychlorinated Biphenyls (PCBs), Dioxins, and easily absorbed organic halogens (if any), frequency is once a year for all of the above-mentioned meetings.

4. Automatic and continuous wastewater monitoring:

a) Time limit for completing the installation of automatic wastewater monitoring system,

continuously (with monitoring camera and automatic sampling device) and connect and transmit data directly to the provincial environmental protection agency no later than December 31, 2024 for the project, establishments, concentrated production, business and service zones, and industrial clusters with the discharge volume of wastewater to the environment specified in Column 4 of Appendix XXVIII to this Decree.

From January 1, 2025, investment projects with the discharge volume of wastewater into the environment specified in Column 4 of Appendix XXVIII issued together with this Decree must install an automatic wastewater monitoring system, continuously procedure before the trial operation of the waste treatment works.

Projects, establishments, concentrated production, business and service zones and industrial clusters with the discharge volume of wastewater to the environment specified in Column 4 of Appendix xxvin issued together with this Decree have installed the system. automatic and continuous wastewater monitoring systems as prescribed are exempted from performing periodic wastewater monitoring specified in Clause 3 of this Article until the end of December 31, 2024; After this time, only the periodical wastewater monitoring specified in Clause 3 of this Article is exempted from automatic and continuous monitoring of parameters.

Projects and establishments with a large volume of wastewater discharge into the environment specified in ordinal number 3, column 5, Appendix XXVIII issued together with this Decree have installed and continue to maintain a natural wastewater monitoring system. continuously and continuously according to regulations are exempted from periodic wastewater monitoring specified in Clause 3 of this Article.

Projects and facilities with average discharge volume of wastewater into the environment specified in ordinal number 2, column 5, Appendix XXVIII issued together with this Decree have installed and continue to maintain a wastewater monitoring system. automatic, continuous or other projects or establishments that are not required to be installed according to regulations but have installed or voluntarily installed an automatic wastewater monitoring system, are continuously entitled to preferential policies and support. support as prescribed in this Decree and other relevant laws.

Automatic and continuous wastewater monitoring equipment must be tested, verified and calibrated according to the provisions of the law on standards, measurement and quality. The connection and transmission of wastewater monitoring data automatically and continuously is carried out in accordance with regulations on environmental monitoring techniques. Within 03 days from the date of receipt of the written request for connection and transmission of data from the project owner, the facility, the concentrated production, business and service zone, the industrial cluster, the specialized agency in charge of data communication Environmental protection at the provincial level or an authorized agency must provide an FTP account to connect and transmit monitoring data. Immediately after completing the connection and transmission of automatic and continuous wastewater monitoring data, the specialized environmental protection agency of the province or an authorized agency must issue a written notice of completion of the connection. connect and transmit data to project owners, establishments, concentrated production, business and service zones, and industrial clusters to know and perform;

b) Automatic and continuous wastewater monitoring parameters are specified in Column 3 of Appendix XXVIII issued together with this Decree, except for the case specified at point c of this clause and the case where organizations and individuals violate to the extent that they violate the regulations. may be subject to the additional sanction of suspension of operation for a definite term or deprivation of the right to use environmental permits or component environmental permits with a definite term for the act of discharging wastewater approved by a competent state agency. the right to decide on automatic monitoring, continuously adding a number of specific parameters to control environmental pollution;

c) If a project or establishment discharges cooling water that uses chlorine or disinfectant chemicals to kill microorganisms into the environment with a flow rate of 1,000 m3 / day (24 hours) or more, the project owner or establishment shall install it. automatic and continuous monitoring parameters including: flow, temperature and chlorine for that source of cooling water;

d) Projects, facilities, concentrated production, business and service zones, industrial clusters have performed automatic and continuous monitoring of wastewater with key monitoring parameters meeting environmental technical standards for 3 consecutive years. and the results of inspection and approval of the nearest competent state agency (whose wastewater samples meet environmental technical regulations) and have no violations in the act of discharging wastewater, they are exempted from conducting water monitoring. periodic discharge.

Owners of projects, establishments, concentrated production, business and service zones or industrial clusters shall send a written notice made according to the form promulgated by the Ministry of Natural Resources and Environment to the agency that has issued the environmental permit; In the case of environmental permits issued by central agencies (except for cases under national defense and security secrets), they must be sent to provincial-level specialized agencies in charge of environmental protection to monitor and supervise the implementation process. presently;

dd) The automatic and continuous wastewater monitoring parameter value is determined according to the daily average value (24 hours) of the measurement results (according to the technical characteristics of each type of equipment) for that parameter. . For the case of discharging wastewater after batch treatment (battery wastewater treatment technology), the values of automatic and continuous wastewater monitoring parameters are determined according to the average value of 01 hour, in case of Wastewater discharge time under 01 hour is determined according to the average value of measurement results during that discharge period. Values of automatic and continuous wastewater monitoring parameters are compared with the maximum allowable values of pollution parameters according to environmental technical regulations on wastewater;

e) The Government shall decide on the time to install the automatic and continuous wastewater monitoring system for projects and establishments with the discharge volume of wastewater into the environment specified in ordinal numbers 2 and 3, Column 5. Appendix XXVIII issued together with this Decree meets the requirements of environmental protection from time to time.

5. Results of periodic wastewater monitoring, automatic and continuous wastewater monitoring are used to monitor and evaluate the efficiency and suitability of the wastewater treatment plant, and is used to declare and pay maintenance fees. environmental protection for wastewater and

sanction administrative violations in the field of environmental protection (if any).

6. Provincial environmental protection agencies, when detecting monitoring parameters exceeding environmental technical regulations through periodic self-monitoring, automatic and continuous monitoring, must take one of the following measures: after:

a) There is a written notice made according to the form promulgated by the Ministry of Natural Resources and Environment to the project owner, establishment, concentrated production, business, service area, and industrial cluster about the results of wastewater monitoring (periodically). or automatically, continuously) exceed environmental technical regulations and require remedial measures as prescribed. After a written notice specified at this point is issued, if the monitoring results still exceed the environmental technical regulations, the provincial environmental protection agency shall organize a working session with the project owner, the establishments, concentrated production, business and service zones, industrial clusters, and compile dossiers on handling of violations in accordance with law;

b) Take a field sample or collect a sample from an autosampler for analysis. The analysis results of wastewater samples are the basis for considering and handling violations (if any) according to the provisions of law. Funds for taking and analyzing samples shall be allocated from environmental non-business expenditures to provincial-level specialized environmental protection agencies.

7. In case the owner of a project, establishment, concentrated production, business or service zone or industrial cluster reports incorrect data on pollution or commits a violation of the act of discharging wastewater in excess of environmental technical regulations, schools (including those exempted from periodic wastewater monitoring), project owners, establishments, concentrated production, business, service areas, industrial clusters must be handled for violations according to regulations. prescribed by law and take the following measures:

a) Reviewing wastewater treatment works to determine the causes of pollution;

b) To renovate and upgrade wastewater treatment works (if any);

c) Re-operating wastewater treatment works in case of having to renovate and upgrade wastewater treatment works; conduct wastewater monitoring according to the guidance of the Ministry of Natural Resources and Environment, ensure that it is treated to meet environmental technical regulations on wastewater before being discharged into the environment.

8. The monitoring organization is responsible before law for the accuracy of wastewater monitoring results for investment project owners, establishments, production, business, concentrated services, and industrial clusters according to regulations. provisions of law.

Article 98. Industrial emission monitoring

1. The level of discharge volume of dust and industrial emissions of a project or facility is calculated according to the designed flow or capacity of the work, dust and exhaust treatment equipment.

industry specified in the environmental permit and is regulated as follows:

a) The volume of large industrial dust and gas emissions of projects and establishments of the type of production, business or service that are likely to cause environmental pollution is specified in ordinal numbers from 1 to 8 Column 6 Appendix Appendix XXIX promulgated together with this Decree;

b) The very large volume of industrial dust and exhaust gas discharge of projects and establishments of the type of production, business or service with the risk of causing environmental pollution is specified in ordinal numbers from 1 to 8 Column 5. Appendix XXIX issued together with this Decree;

c) The volume of large industrial dust and gas emissions of projects and establishments that are not of the type of production, business or service that are likely to cause environmental pollution is specified in ordinal number 9 Column 6 Appendix XXIX promulgated together with this Decree.

2. Objects and types of works, equipment for discharging dust and exhaust gases and the level of flow or capacity of the works, equipment to treat dust and exhaust gases that must be monitored automatically and continuously are specified in Appendix XXIX. promulgated together with this Decree. The implementation of automatic, continuous, and periodical monitoring of dust and industrial emissions of projects and establishments of the type of production, business or service that are likely to cause environmental pollution is regulated as follows: after:

a) The subjects specified in Column 2 who have works, dust and exhaust gas discharge equipment specified in Column 3 with the flow rate or capacity of the works, dust and exhaust treatment equipment specified in Column 5 shall perform the following duties: automatic and continuous monitoring of dust and gas emissions for such works and equipment as prescribed in Clause 5 of this Article and periodical monitoring of dust and gas emissions as prescribed in Clause 4 of this Article;

b) The subjects specified in Column 2 who have works, dust and exhaust gas discharge equipment specified in Column 3 and the flow rate or capacity of the works, dust and exhaust treatment equipment specified in Column 6 shall perform the following duties: automatic and continuous monitoring of dust and gas emissions for such works and equipment as prescribed in Clause 5 of this Article or periodical monitoring of dust and gas emissions as prescribed in Clause 4 of this Article.

3. The subjects specified at Point c, Clause 1 of this Article must periodically observe dust and gas emissions as prescribed in Clause 4 of this Article.

4. Periodic monitoring of dust and industrial emissions:

a) Monitoring parameters and frequency of periodic industrial dust and gas monitoring are specified in the environmental permit. Industrial dust and gas emission monitoring parameters are determined according to the following bases: environmental technical regulations

school; types of production, business and services; fuels, raw materials and chemicals used; production technology, waste treatment technology; parameters exceeding environmental technical regulations are detected through inspection, inspection and handling of violations of environmental laws; at the request of the project owner or facility.

The environmental licensing agency may not require additional monitoring of other parameters that are not based on the grounds specified at this point;

b) For projects, production, business and service establishments that operate continuously and are subject to environmental impact assessment: the frequency of periodical monitoring of industrial dust and gas emissions is every 6 months for parameters: heavy metals, organic compounds (if any), once a year for Dioxin/Furan parameters (if any) and every three months for the remaining parameters.

For projects, production, business and service establishments operating continuously that are not subject to environmental impact assessment: the frequency of periodic monitoring of industrial dust and gas emissions is once a year for each project. with parameters: heavy metals, organic compounds (if any), Dioxin/Furan (if any) and every 6 months for the remaining parameters.

For projects, seasonal production, business and service establishments subject to environmental impact assessment: frequency of periodical dust and industrial emissions monitoring for metal parameters heavy and organic compounds (if any) is once in case of seasonal operation for 06 months or less, 02 times in case of seasonal operation for more than 06 months; Dioxin/Furan monitoring frequency (if any) is once/year. For the remaining parameters, the monitoring frequency is 01 time in case of seasonal activities of 03 months or less; 02 times in case of seasonal activities longer than 03 to 06 months; 03 times in case of seasonal activities longer than 06 months to less than 09 months; 04 times in case of seasonal activities longer than 09 months; ensure that the time between two monitoring times is at least 03 months.

For projects, production, business and service establishments operating on a seasonal basis that are not subject to environmental impact assessment: frequency of periodical monitoring of dust and industrial emissions for parameters heavy metals, organic compounds (if any) is once in case of seasonal operation for 06 months or less, 02 times in case of seasonal operation for more than 06 months; Dioxin/Furan monitoring frequency (if any) is once/year. For the remaining parameters, the periodic monitoring frequency is 01 time in case of seasonal operation from 06 months or less; 02 times in case of seasonal activities longer than 06 months; ensure that the time between two monitoring times is at least 06 months.

5. Automatic and continuous industrial dust and gas monitoring:

a) Time limit for completing the installation of automatic and continuous industrial dust and gas monitoring system (with monitoring camera) and connecting and transmitting live data

to the provincial environmental protection agency no later than December 31, 2024, for projects and facilities that discharge industrial dust and gas into the environment with the flow rate or capacity of the works, equipment dust and exhaust gas treatment equipment specified in Column 5 of Appendix XXIX issued together with this Decree.

From January 1, 2025, investment projects to discharge dust and industrial emissions into the environment with the flow rate or capacity of the works, dust and exhaust treatment equipment specified in Column 5 of Appendix XXIX issued The regulations attached to this Decree must install an automatic and continuous industrial dust and gas monitoring system before the trial operation of the waste treatment works.

Projects and establishments discharging industrial dust and gas into the environment with the flow rate or capacity of the works, dust and exhaust treatment equipment specified in Column 5, Appendix XXIX issued together with this Decree. install an automatic and continuous industrial dust and gas monitoring system according to regulations, and be exempted from carrying out periodical monitoring of industrial dust and gas emissions specified in Clause 4 of this Article until the end of December 31, 2024 ; After this time, only periodic monitoring of industrial dust and gas emissions specified in Clause 4 of this Article is exempted with parameters already monitored automatically and continuously.

Projects and establishments discharging industrial dust and gas into the environment with the flow rate or capacity of the works, dust and exhaust treatment equipment specified in Column 6, Appendix XXIX issued together with this Decree. installation of automatic and continuous industrial dust and gas monitoring systems according to regulations are exempted from performing periodical monitoring of industrial dust and gas emissions specified in Clause 4 of this Article.

Projects and establishments that voluntarily install automatic and continuous industrial dust and gas monitoring systems, in case they do not have to install them according to regulations, are entitled to preferential policies and support as prescribed in Decree No. this and other relevant laws.

Automatic and continuous industrial dust and gas monitoring equipment must be tested, verified and calibrated according to the provisions of the law on standards, measurement and quality. The connection and transmission of dust and industrial emissions monitoring data automatically and continuously is carried out in accordance with regulations on environmental monitoring techniques. Within 03 days from the date of receipt of a written request for connection and transmission of data from the project owner, the facility, the provincial-level specialized environmental protection agency or an authorized agency must provide an account. FTP to connect and transmit monitoring data. Immediately after completing the connection and transmission of automatic and continuous industrial dust and gas monitoring data, the provincial environmental protection agency or an authorized agency must issue a written notice of its approval. complete the connection and transmission of data to the project owner and facility for knowledge and implementation;

b) Automatic and continuous monitoring parameters of industrial dust and gas emissions are specified in Column 4 of Appendix XXIX issued with this Decree, except for cases where organizations and individuals commit violations to the extent that penalties may be imposed. additional punishment

suspension of operation for a definite period or deprivation of the right to use environmental permits or component environmental permits for a definite period on acts of industrial dust and gas discharge, which are automatically monitored by decision of competent state agencies. , continuously adding a number of specific parameters to control environmental pollution;

c) The project, the facility has carried out automatic and continuous monitoring of industrial dust and gas emissions, the main monitoring parameters meeting the environmental technical regulations for 3 consecutive years and the inspection and inspection results of the agency. The nearest competent state (whose samples of industrial dust and emissions meet environmental technical regulations) and have not committed any violation of the act of discharging industrial dust or gas in excess of the prescribed technical regulations shall be exempted from the practice. periodically monitor wastewater.

The project owner or establishment shall send a written notice, made according to the form promulgated by the Ministry of Natural Resources and Environment, to the agency that has issued the environmental permit; In the case of environmental permits issued by the central authority (except in the case of national defense and security secrets), it must be sent to the provincial specialized environmental protection agency for information to monitor and supervise the implementation process. presently;

d) The value of automatic and continuous dust and gas monitoring parameters is determined according to the daily average value (24 hours) of the measurement results (according to the technical characteristics of each type of equipment) for that parameter. . For the case of discharging dust and gas in batches (from time to time), the values of automatic and continuous dust and exhaust monitoring parameters are determined according to the average value of 01 hour, in case the discharge time less than 1 hour is determined according to the average value of the measurement results during that discharge period. The automatic and continuous values of dust and exhaust gas monitoring parameters are compared with the maximum allowable values of pollution parameters according to environmental technical regulations on emissions;

dd) The Government shall decide on the time to install the automatic and continuous dust and emission monitoring system for projects and establishments with the discharge volume of industrial dust and gas to the environment specified in Clause 1 of this Article. Column 6, Appendix XXIX promulgated together with this Decree according to environmental protection requirements from time to time.

6. The results of periodical dust and gas monitoring, automatic and continuous monitoring of dust and emissions are used to monitor and evaluate the effectiveness and suitability of dust and exhaust treatment works, used to declare and pay environmental protection fees (if any) and sanction administrative violations in the field of environmental protection (if any).

7. Provincial environmental protection agencies, when detecting monitoring parameters exceeding environmental technical regulations through periodic self-monitoring, automatic and continuous monitoring, must take one of the following measures: after:

a) There is a written notice, made according to the form issued by the Ministry of Natural Resources and Environment, to the project owner or facility knowing about the results of dust and gas emission monitoring (periodically or periodically).

automatically, continuously) exceed environmental technical regulations and require remedial measures as prescribed. After a written notice specified at this point is issued, if the monitoring results still exceed the environmental technical regulations, the provincial-level specialized environmental protection agency shall organize a working session with the project owner, the and make records of handling of violations according to the provisions of law;

b) Organize measurements and take field samples to analyze pollution parameters in dust and exhaust gases. The results of analysis of exhaust gas samples are the basis for considering and handling violations (if any) according to the provisions of law. Funding for the measurement, transmission and analysis of samples shall be arranged from environmental non-business spending sources for specialized agencies in charge of environmental protection at the provincial level.

8. In case the project owner or establishment reports incorrect pollution data or commits a violation of the act of discharging dust and gas in excess of the prescribed technical regulations (including cases exempted from monitoring periodic dust and emissions), project owners and establishments must be handled for violations in accordance with law and take the following measures:

a) Reviewing dust and gas treatment works to determine the causes of pollution;

b) To renovate and upgrade dust and exhaust treatment works (if any);

c) Re-operate dust and gas treatment works in case of having to renovate and upgrade dust and exhaust gas treatment works; conduct dust and gas emission monitoring under the guidance of the Ministry of Natural Resources and Environment, ensure that dust and exhaust gas must be treated up to environmental technical regulations on emissions before being released into the environment.

9. The monitoring organization is responsible before law for the accuracy of dust and industrial emissions monitoring results for investment project owners and establishments in accordance with law.

Chapter VIII
INFORMATION SYSTEM, ENVIRONMENTAL DATABASE

Section 1
ENVIRONMENTAL INFORMATION

Article 99. Management of environmental information

1. The content of environmental information is specified in Clause 1, Article 114 of the Law on Environmental Protection. Some of the details are specified as follows:

a) Information on waste sources includes: information on investment project owners, establishments, investors in infrastructure construction and business in production, business and concentrated service zones, industrial clusters; information on generation and receiving sources of wastewater, exhaust gas, noise, vibration, solid waste, hazardous waste; information on materials permitted to be imported as production materials for establishments using

using imported scrap as raw production materials; information on hazardous waste received and treated for hazardous waste treatment service providers; environmental protection technical infrastructure; environmental monitoring and management program; plans for environmental improvement and restoration, compensation for biodiversity, prevention and response to environmental incidents and other environmental protection measures; information on emission sources from traffic activities, agricultural production, and daily-life activities;

b) Information on waste includes: volume generated, collected, treated, recycled, reused with each type of domestic solid waste, common industrial solid waste, hazardous waste, water domestic waste, production wastewater, dust, exhaust gas and other types of waste as prescribed by law; waste treatment technologies and works, results of monitoring of various types of waste;

c) Information on the current state of environmental quality includes information and data on the current state, developments and forecasts of air, soil, continental surface water, sediment, groundwater, and sea water; zoning for water use purposes, quotas for discharge into the water environment; locations and areas contaminated with the environment, information on environmental incidents, areas of residual pollution; plans and measures to remedy, treat and restore the environment, solutions to protect and improve surface water quality;

d) Information on nature conservation and biodiversity includes information on natural heritage sites, nature conservation areas and biodiversity conservation facilities; important wetlands; information on natural ecosystems, biological species and genetic resources; information on pressures on biodiversity; measures to manage and conserve biodiversity; permits in management and conservation of biodiversity.

2. Environmental information management includes activities:

a) Organizations collect environmental information and information about agencies, organizations and individuals providing and generating information; the time to provide and create information in accordance with the law;

b) Integrating and storing environmental information into the environmental database through application platforms, digital data services on the environment, and other records and document management systems according to regulations;

c) Provide environmental information, descriptive information about environmental information to environmental management agencies as prescribed in Article 100 of this Decree;

d) Provide environmental information at the request of organizations and individuals and publicize environmental information as prescribed in Articles 101 and 102 of this Decree;

e) Processing and synthesizing environmental information to serve the requirements of state management of environmental protection.

Article 100. Provision of environmental information to environmental information management agencies

1. Environmental information and accompanying information shall be provided to the environmental management agency in one of the following forms:

a) Through the environmental information system and database at all levels as prescribed in Article 106 of this Decree;

b) Approve reports in accordance with the law;

c) Other forms as prescribed by law.

2. The time to provide information for each type of environmental information shall comply with the provisions of law on reporting regime, update the information system and database on the environment and upon request of the agency. State management agency for environmental protection.

3. Agencies, organizations and individuals providing environmental information must be responsible for the completeness, accuracy and timeliness of the information.

Article 101. Provision of environmental information at the request of organizations and individuals

1. The provision of environmental information at the request of organizations and individuals must comply with the provisions of the law on access to information, the law on intellectual property and this Decree.

2. The provision of environmental information at the request of organizations and individuals shall be carried out as follows:

a) Through online public services, digital data services;

b) According to the agreement between the organization or individual and the environmental information management agency;

c) Other forms as prescribed by the law on access to information.

3. Order and procedures for providing environmental information at the request of organizations and individuals:

a) The order, procedures, dossiers and forms of documents requesting the provision of environmental information as prescribed at Points a and c, Clause 2 of this Article shall comply with the provisions of the law on access to information. Where the supply

For environmental information for which a fee is charged, organizations and individuals requesting the provision of information must pay fees in accordance with law;

b) In case of request for provision of environmental information as prescribed at Point b, Clause 2 of this Article, the order, procedures and time limit for providing environmental information shall be determined according to the agreement between the environmental information management agency. and organizations and individuals that request to provide information.

Article 102. Disclosure of environmental information

1. Owners of investment projects, establishments, investors in the construction and business of infrastructure in production, business and service zones, and industrial clusters shall publicize the approved environmental impact assessment report. The results of assessment and environmental permits according to the provisions of the Law on Environmental Protection are as follows:

a) Publicize on the website of investment project owners, establishments, investors in infrastructure construction and trading in production, business, concentrated services, industrial clusters or at the headquarters of the Human Resources Committee. commune-level people where investment projects are implemented, establishments, concentrated production, business and service zones, industrial clusters;

b) The time of publication is no later than 10 days after the decision on approval of the report appraisal results is issued or after the environmental permit is granted.

2. Owners of investment projects, establishments, investors in construction and infrastructure business of concentrated production, business and service zones, industrial clusters are subject to automatic and continuous monitoring of wastewater, dust, Industrial emissions or monitoring of industrial waste water, dust and emissions periodically publicize monitoring results according to the provisions of the Law on Environmental Protection as follows:

a) Publish the results of automatic and continuous waste monitoring (including comparison with the limit values of licensed pollutants) on the website of the investor, facility, and owner. invest in the construction and business of infrastructure in production, business and service zones, industrial clusters, or publicize it on electronic information boards located at project portals and facilities. The location of electronic information boards must be convenient for people to monitor and supervise. The time to publicize immediately after the monitoring results are available and the results are announced continuously for a period of 30 days;

b) Publish the waste monitoring result sheet of the latest monitoring period on the website of the investor, establishment, investor in the construction and infrastructure business of production, business and service zones. concentrated, industrial clusters or publicly on electronic information boards located at project portals or facilities. The time of publication is at least 10 days after the results of periodical waste monitoring are available until the time of publicizing the new periodic monitoring results according to regulations.

3. Owners of facilities providing hazardous waste treatment services shall publicize information on types and quantities of hazardous wastes collected, treated, and treatment methods; information on the name and address of the hazardous waste source owner to be collected and treated and other environmental information in accordance with the Law on Environmental Protection as follows:

a) Publicize it on the website of the establishment's owner or at the headquarters of the commune-level People's Committee where the establishment operates;

b) The time to publicize is 05 days after the release of the annual report on environmental protection work, continuously annually throughout the operation period of the establishment.

4. The agency appraising the environmental impact assessment report and the environmental licensing agency shall publicly issue the decision approving the appraisal results of the environmental impact assessment report and environmental permit in accordance with the Law. Protect the environment as follows:

a) Publicize it on its website, except for information belonging to state secrets or business secrets of enterprises as prescribed by law;

b) The time of publication is no later than 5 days after the issuance of the decision approving the appraisal results of the environmental impact assessment report and the environmental permit.

5. The environmental licensing agency shall publicly report the proposal for granting an environmental license in accordance with the Law on Environmental Protection as follows:

a) Publicize on the website of the appraisal agency;

b) The time to publicize is no later than 5 days after the valid dossier is received, until the environmental permit is issued.

6. The Ministry of Natural Resources and Environment and the People's Committees of the province shall publicize the results of monitoring the quality of the environment of the land, air, surface water, underground water, sea water, sediments and aquatic environment of water sources. according to the provisions of the Law on Environmental Protection as follows:

a) Publicize it on the website or the electronic bulletin board of the agency specialized in environmental protection under its authority;

b) For automatic and continuous monitoring, the time of publicity shall be made immediately after the results of monitoring are available and the results shall be publicized within 30 days;

c) For periodical monitoring, the time to publicize is no later than 5 days after the report on monitoring results is available until the deadline for publicizing the new periodic monitoring results as prescribed.

7. Provincial-level People's Committees make public information about sources

discharged into the surface water environment and sources that are likely to cause environmental incidents in the area according to the provisions of the Law on Environmental Protection as follows:

a) Publicize it on the website of a specialized environmental agency of the province;

b) Information must be disclosed annually, at the latest, within 5 days after receiving a written approval from a competent authority on the list of pollution sources or sources likely to cause environmental incidents. , until the new text updates, replace.

8. State management agencies in charge of environmental protection at all levels shall publicize plans to respond to environmental incidents; Information on environmental incidents as prescribed by the Law on Environmental Protection is as follows:

a) Publicize on the website of specialized agencies in charge of environmental protection affiliated to;

b) The time to publicize is no later than 5 days after the plan or report is issued until there is a new update or replacement document or until the problem is rectified for information about the environmental incident.

9. Organizations and individuals providing and receiving payment for natural ecosystem services shall publicize the scheme on payment for natural ecosystem services, enclosed with a map describing the boundaries, landmarks, and area of the natural ecosystem. natural ecosystem service provision; list of organizations and individuals using and paying for natural ecosystem services; the list of beneficiaries, the amount to be paid, and the payment plan according to the provisions of the Law on Environmental Protection are as follows:

a) Publicize on the website of organizations and individuals that provide and are paid for natural ecosystem services, or on the website of provincial-level state management agencies in charge of environmental protection, or posted up at the headquarters of the commune-level People's Committee;

b) Information must be disclosed quarterly and annually. The time to publicize is 05 days after the project or the list of organizations and individuals is approved.

10. Environmental information that is required to be disclosed in accordance with other relevant laws shall be disclosed in accordance with such law.

Section 2
INFORMATION SYSTEM, excuse ENVIRONMENTAL DATABASE

Article 103. Policy on investment in construction, use of information systems, and environmental data collection

The State has a policy of prioritizing investment in the implementation of construction and transportation projects

environmental information system as follows:

1. Developing digital data and environmental digital technology platforms for state management, policy making, decision support, inspection and monitoring of environmental protection activities, and analysis. forecasting and early warning on the environment.

2. Connecting and communicating environmental data and information from ministries, ministerial-level agencies and localities, connecting with national data portals for e-Government operation, digital government development, digital economy, digital society and smart city.

3. Innovate, create and apply new technological achievements and smart devices to acquire, manage, analyze, process, share, exploit, use and ensure information safety and security. all environmental data.

4. Transforming operation modes of state agencies, between state agencies and people and businesses in the digital environment and digital technology.

5. Encourage organizations, individuals and communities to participate in collecting, contributing, sharing and exploiting, providing services, added value, creating a digital content market for data and information about environment.

Article 104. Ensuring the operation of information systems and environmental databases at all levels

1. The Ministry of Natural Resources and Environment, ministries, ministerial-level agencies, and provincial-level People's Committees are responsible for allocating funds for investment, construction, management and operation of the environmental information system and database. regulated environment; ensuring conditions for people, technical infrastructure of information technology and information security so that information systems and environmental databases at all levels operate stably and effectively, ensuring network information safety. and comply with the provisions of the law.

2. Human resources to operate and manage information systems and environmental databases are utilized from local human resources or hired information technology services or other forms as prescribed by law.

3. Prioritize and encourage investment in the form of cooperation with the private sector, forms of hiring information technology services, taking advantage of the resources of all economic sectors.

4. The Ministry of Natural Resources and Environment shall develop technical regulations and guidelines for the construction, management and operation of environmental information systems and databases at all levels; inspect and supervise the process of connecting and sharing data with environmental databases in accordance with the law.

Article 105. Requirements for environmental databases at all levels

1. The national environmental database manages environmental information specified in Clause 1, Article 114 of the Law on Environmental Protection at the national scale; linking and integrating from specialized environmental databases and environmental databases of ministries, ministerial-level agencies and provinces nationwide; operated and managed by the Ministry of Natural Resources and Environment, through its specialized agency on construction environmental protection, to meet the requirements of the national database as prescribed.

2. Provincial-level environmental database manages environmental information specified in Clause 1, Article 114 of the Law on Environmental Protection according to geographical areas and management decentralization; built, operated and managed by a specialized environmental protection agency of the province; ensure communication and provide and update information on the environment into the national environmental database.

3. Environmental databases of ministries and ministerial-level agencies that manage environmental information specified at Points d and dd, Clause 1, Article 114 of the Law on Environmental Protection, by sector or field; built, operated and managed by ministries and ministerial-level agencies; ensure communication and provide and update information on the environment into the national environmental database.

4. Specialized environmental database is a database on a specialized environmental field; is built, operated and managed according to the actual management requirements of the state management agency in charge of environmental protection; provide information and data for the national environmental database.

5. Environmental databases at all levels must comply with relevant legal provisions; comply with the Vietnam e-Government architectural framework and the current ministerial-level e-Government architecture or the current provincial-level e-Government architecture; meet technical standards and regulations as prescribed; using the most up-to-date lists of shared data and master data in the national environmental database.

6. The connection, sharing and communication between environmental databases at all levels must comply with the Government's regulations on management, connection and sharing of digital data in state agencies; regulations of the Ministry of Information and Communications and the Ministry of Natural Resources and Environment.

Article 106. Providing and updating information and data for the environmental database

1. Investment project owners and facilities are responsible for providing and updating environmental information specified at Points a, b and c, Clause 1, Article 114 of the Law on Environmental Protection and other relevant laws. related to the national and provincial environmental databases according to the management decentralization and guidance of the environmental information management agency.

2. Ministries and ministerial-level agencies are responsible for providing and updating environmental information under their management specified at Points d and dd, Clause 1, Article 114 of the Law on Environmental Protection and other relevant laws. into the national environmental database.

3. Provincial-level People's Committees are responsible for providing and updating environmental information in the locality and according to management decentralization into the national environmental database.

4. The form of providing and updating information and data into environmental databases at all levels is prescribed as follows:

a) Through the connection, sharing and communication of data between environmental databases at all levels;

b) Declare and update data directly through application software; automatic and intelligent devices and systems;

c) To provide information and data electronically in case the state management agency in charge of environmental protection has not provided the forms specified at Points a and b of this Clause.

Article 107. Construction, operation and management of environmental database

The operation and management of the environmental database includes the following tasks:

1. Building an environmental database under the guidance of the Ministry of Natural Resources and Environment.

2. Acquire, create, import, integrate, connect data to the database.

3. Check and evaluate the quality management of data in the environmental database.

4. Analyzing data, synthesizing data to support state management and publicizing information and environmental data.

5. Promulgating a list of open data in the field of environment, organizing the formulation and publication of open data in the field of environment within the scope of their management according to regulations.

6. Operate and ensure information technology technical infrastructure, ensure information safety and network security for the operation of environmental databases.

7. Develop and implement backup and backup solutions to ensure data integrity and safety. In the event that the data is damaged or destroyed,

destruction due to unauthorized acts must have a mechanism to ensure data recovery.

Chapter IX
PREVENTION, RESPONSE TO ENVIRONMENTAL FUNCTIONS; COMPENSATION FOR ENVIRONMENTAL DAMAGES

Section 1
PREVENTION AND RESPONSE OF ENVIRONMENTAL FUNCTIONS

Article 108. Environmental incident response plan

1. An environmental incident response plan is a document identifying the risks of an environmental incident, an expected scenario of an environmental incident along with corresponding response plans to ensure readiness and timeliness. respond when environmental incidents occur in reality.

2. The grassroots environmental incident response plan includes the following contents:

a) Identify and assess the risk of environmental incidents occurring during the operation of the establishment, scenarios for each type of risk that may occur environmental incidents;

b) The plan for prevention and response to environmental incidents includes: works, equipment and securing necessary supplies, tools and means to respond to environmental incidents; arrange forces on site to ensure readiness to respond to each environmental incident scenario;

c) Develop training plans, training and drills on environmental incident response for the incident response force on the spot;

d) Methods of notification and alarm when environmental incidents occur and mobilization of human resources and equipment to respond to environmental incidents;

e) Measures to organize response to environmental incidents with respect to the contents specified in Clause 3, Article 125 of the Law on Environmental Protection.

3. Plans to respond to environmental incidents at district, provincial and national levels include the following contents:

a) Identify and assess the risk of environmental incidents occurring in the locality; scenarios for each type of risk of environmental incidents; response plans for environmental contraction scenarios;

b) Plan for arrangement of equipment, supplies and means to ensure response to environmental incidents according to incident levels;

c) Assigning specialized forces, concurrently serving as deputy assistants

environmental damage; determine the contents and organize training) training, training and rehearsals on response to environmental incidents in the annual civil defense plan program at the same level;

d) The process of receiving and processing information, the method of notification and alarm about environmental incidents and the mechanism for mobilizing human resources and equipment to respond according to the level of environmental incidents;

e) Measures to organize response to environmental incidents with respect to the contents specified in Clause 3, Article 125 of the Law on Environmental Protection.

Article 109. Promulgating and approving plans for prevention and response to environmental incidents

1. Investment project owners and facilities are responsible for promulgating and organizing the implementation of plans to prevent and respond to environmental incidents consistent with the content of prevention and response to environmental incidents in the decision approving the results. Designate an environmental impact assessment report or an environmental permit.

In case the environmental incident response plan is integrated, integrated and approved together with the other emergency response plan as prescribed in point b, clause 6, Article 124 of the Law on Environmental Protection, it must be fully present. the contents specified in Clause 2, Article 108 of this Decree.

2. The National Committee for Incident and Disaster Response and Search and Rescue shall issue a national environmental incident response plan; The provincial commanding committee for natural disaster prevention and control and search and rescue shall issue the provincial plan to respond to environmental incidents; The district-level commanding committee for natural disaster prevention and control and search and rescue shall issue a district-level plan to respond to environmental incidents.

Plans to respond to environmental incidents at the national, provincial and district levels are formulated and promulgated on a five-year cycle.

In case the national, provincial and district plan for prevention and response to environmental incidents is integrated with the civil defense plan of the same level, the civil defense plan must ensure adequate the contents specified in Clause 3, Article 108 of this Decree.

Article 110. Publication of environmental incident response plans

1. The National Committee for Incident and Disaster Response and Search and Rescue shall publicize the national environmental incident response plan on the web portal of the National Committee for Incident and Disaster Response. and Search and Rescue and send it to ministries, ministerial-level agencies, Governmental agencies and provincial-level People's Committees.

2. People's Committees of provinces and districts are responsible for publicizing the plan

respond to environmental incidents at provincial and district levels on the web portals of provinces and districts; send it to local authorities and immediate superiors.

3. Owners of investment projects and facilities are responsible for publicizing their environmental incident response plans; send the environmental incident response plan to the lieutenant of the commune-level People's Committee and the district-level Commanding Committee for Natural Disaster Prevention and Control and Search and Rescue.

Owners of investment projects and establishments are responsible for providing the planning contents to the Management Boards of industrial parks, export processing zones, economic zones, and high-tech zones in case the project or establishment is located in an industrial park. , export processing zones, economic zones, high-tech zones.

Article 111. Responsibilities for preventing and responding to environmental incidents of ministries and ministerial-level agencies

1. The Ministry of National Defense is responsible for:

a) To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies and provincial-level People's Committees in, guiding, building forces, and allocating resources and equipment to respond to environmental incidents for the National Committee to respond to environmental incidents. incidents, natural disasters and Search and Rescue, Provincial and District Commanding Committees for Natural Disaster Prevention and Control and Search and Rescue;

b) Take the lead in advising the National Committee for Incident and Disaster Response and Search and Rescue to organize activities to respond to national-level environmental incidents caused by oil spills; participate in responding to environmental incidents at the national level as assigned by the National Committee for Incident and Disaster Response and Search and Rescue;

c) Direct military zones and local military agencies at all levels to advise the People's Committees of the same level in responding to environmental incidents.

2. The Ministry of Natural Resources and Environment is responsible for:

a) Technical guidance on prevention and response to waste incidents; technical guidance on environmental recovery after environmental incidents;

b) Take the lead in advising the National Committee for Incident and Disaster Response and Search and Rescue to organize activities to respond to national environmental incidents caused by wastes; participate in responding to environmental incidents at the national level as assigned by the National Committee for Incident and Disaster Response and Search and Rescue.

3. The Ministry of Industry and Trade is responsible for:

a) Technical guidance on prevention and response to environmental incidents caused by leakage and distribution of toxic chemicals in the industrial field;

b) Chairman of the advisory committee. national incident and disaster response and Search and Rescue organize national-level environmental incident response activities due to the leakage and distribution of toxic chemicals in the industrial sector; participate in responding to environmental incidents at the national level as assigned by the National Committee for Incident and Disaster Response and Search and Rescue.

4. The Ministry of Science and Technology is responsible for:

a) Technical guidance on prevention and response to environmental incidents caused by radiation and nuclear leaks;

b) To assume the prime responsibility for advising the National Committee for Incident and Disaster Response and Search and Rescue to organize activities to respond to national environmental incidents caused by radiation or nuclear leaks; participate in responding to environmental incidents at the national level as assigned by the National Committee for Incident and Disaster Response and Search and Rescue.

5. The Ministry of Agriculture and Rural Development is responsible for:

a) Provide technical guidance on prevention and response to environmental incidents caused by natural disasters, broken dykes, lakes, dams, forest fires and diseases on livestock;

b) Preside over advising the National Committee to Respond to Antiquities and Natural Disasters and Search and Rescue to organize national-level activities to respond to environmental incidents caused by natural disasters, broken dykes, lakes, dams, forest fires, and epidemics in the region. caused by pets; participate in the national environmental incident response team as assigned by the National Committee for Incident and Disaster Response and Search and Rescue.

6. The Ministry of Public Security is responsible for:

a) Technical guidance on prevention and response to environmental incidents caused by fire;

b) Preside over advising the National Committee for Incident and Disaster Response and Search and Rescue to organize activities to respond to national environmental incidents caused by fires;

c) Directing the police force for fire prevention, fighting and rescue; environmental crime prevention and combat police and police agencies at all levels participate in responding to environmental incidents at the request of competent agencies and levels;

d) Direct and ensure political security, social order and safety in the area where environmental incidents occur; investigate and clarify the causes of environmental incidents in accordance with the law.

7. The Ministry of Health is responsible for:

a) Guidelines for prevention and response to environmental incidents caused by dangerous infectious diseases;

b) Take the lead in advising the National Committee for Incident and Disaster Response and Search and Rescue to organize activities to respond to national-level environmental incidents caused by dangerous infectious diseases; participate in responding to environmental incidents at the national level as assigned by the National Committee for Incident and Disaster Response and Search and Rescue;

c) The organization assesses the scope and extent of impacts of national environmental incidents on human health.

8. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of National Defense, relevant ministries, ministerial-level agencies and provincial-level People's Committees in, implementing plans on the use of traffic infrastructure, equipment, means and transport materials within the scope of responsibility to participate in responding to environmental incidents under the direction of the National Committee for incident and disaster response and search and rescue.

9. The Ministry of Finance shall guide the contents of budget expenditure for environmental incident response activities.

10. Ministries and ministerial-level agencies are responsible for advising the National Committee for Incident and Disaster Response and Search and Rescue to organize activities to respond to environmental incidents according to their assigned functions, tasks and powers; participate in responding to environmental incidents at the national level as assigned by the National Committee for Incident and Disaster Response and Search and Rescue.

Section 2
RESPONSIBILITIES FOR CLAIM FOR DAMAGE TO THE ENVIRONMENT

Article 112. Notification of damage to the environment

1. The notification to the agency claiming compensation for damage when detecting signs of environmental pollution or degradation as prescribed in Clause 1, Article 131 of the Law on Environmental Protection must be made in writing, including the following contents: content as follows:

a) Information of organizations and individuals detecting signs of environmental pollution or degradation;

b) Signs and locations about the environment being polluted or degraded;

c) Sources suspected of causing pollution and degradation;

d) The original damage occurred (if any);

dd) Other relevant evidences (if any);

e) Other relevant documents attached (if any).

2. The provisions of Clause 1 of this Article do not apply to environmental

The environment is polluted or degraded due to one of the following reasons:

a) Caused by natural disasters;

b) In exceptional circumstances, in an urgent situation that must comply with the request of a competent state management agency;

c) Other cases as prescribed by law.

Article 113. Responsibilities of agencies claiming compensation for environmental damage

1. Receive notifications about the environment showing signs of pollution or degradation. In case it is not within its jurisdiction, the receiving agency must immediately transfer the notice and attached documents to the competent agency claiming compensation for environmental damage for settlement.

2. Check, verify information, make minutes on signs of environmental pollution or degradation. The minutes must be certified by the verifier, the representative of the population where the pollution or degradation occurs, the representative of the commune-level People's Committee, in case the settlement agency is the district-level or higher-level People's Committee. .

3. Identify organizations and individuals causing environmental pollution or degradation.

4. Organize the collection and appraisal of data and evidence to determine damage to the environment and claim compensation for environmental damage according to the provisions of Clause 2, Article 131 of the Law on Environmental Protection, specifically as follows:

a) Organize the implementation or hire a unit with appropriate functions and capacity to collect data and evidence; determine liability to compensate for damage; calculation of damage to the environment due to pollution and degradation;

b) Establish a council to appraise data and evidence to determine damage to the environment as prescribed in Article 114 of this Decree;

c) Make a claim for damages based on the consultation results of the data and evidence appraisal panel.

5. Carry out damage determination and claim for loss of life, human health, property and legitimate interests of organizations and individuals due to the decline in the function and usefulness of the environment in the school. authorized by an organization or individual in accordance with the civil law.

Article 114. Data and evidence appraisal council

1. The Data and Evidence Appraisal Council is responsible for studying, reviewing, verifying and evaluating the collected data and evidence in order to determine and calculate damage to the environment; ensure accuracy, completeness, customer

Mandarin; take responsibility before the compensation-claiming agency for the results of data and evidence appraisal.

2. Council structure and composition:

a) The Council must have at least 07 members with the structure and composition including: 01 Chairman of the Council, in case of necessity, 01 Vice-Chairman of the Council, 01 secretary member who is a civil servant or official of the agency. organize the collection and appraisal of data and evidence; representatives of relevant agencies and organizations; representatives of state management agencies in charge of environmental protection; experts with expertise in the field of environment and related fields;

b) Experts who are members of the council must have at least 07 years' working experience if they have a university degree, at least 5 years if they have a master's degree, and at least 3 years if they have a doctoral degree;

c) The council established by the Ministry of Natural Resources and Environment must have a representative of the specialized environmental protection agency of the province where the pollution or degradation occurs;

d) The council established by the People's Committee of the province must have a representative of the specialized environmental protection agency at the district level where the pollution or degradation occurs; have representatives of the Management Board of economic zones, industrial parks, export processing zones, high-tech zones where pollution or degradation occurs in case of necessity;

e) The council established by the district-level People's Committee must have a representative of the commune-level People's Committee where the pollution or degradation occurs; with representatives of the Management Boards of economic zones, industrial parks, export processing zones and high-tech zones where pollution or degradation occurs in case of necessity).

3. The Council works on the principle of public discussion among its members and between the appraisal council and relevant organizations and individuals.

4. An official meeting of the Council may only be held when the following conditions are satisfied:

a) Having direct presence at the meeting or participating in online meetings of at least 2/3 of the members, including the Chairman of the Council (or the Vice Chairman authorized by the Chairman) and members of the Board of Directors. secretary;

b) With the participation of organizations and individuals causing environmental pollution or degradation. This regulation does not apply if the organization or individual causing environmental pollution or degradation is absent for the 3rd time when there is a written request from the competent authority;

c) With the participation of data and evidence collection units; determine liability to compensate for damage; calculation of damage to the environment due to pollution and degradation specified at point a, clause 4, Article 113 of this Decree (if any).

5. An absent board member may submit comments prior to the official meeting of the board and is considered the opinion of a member who attended the official meeting of the board but may not participate.

6. Council members, agencies, organizations and experts who are consulted are responsible before the compensation claimant for the comments and assessments made on the contents of their assigned work in the course of their work. the appraisal of data and evidence; receive remuneration according to the provisions of the law.

Section 3
DETERMINATION OF DAMAGE TO THE ENVIRONMENT

Article 115. Objects of determination of damage caused by environmental pollution or degradation

1. Objects of determination of damage caused by environmental pollution and degradation:

a) Environmental composition: surface water environment, soil environment;

b) Ecosystems include: forests (terrestrial and mangrove); coral ecosystem; seagrass ecosystem;

c) Dead animals and plants distributed in Vietnam are on the list of endangered, precious and rare species prioritized for protection; endangered, precious and rare species of forest plants and animals; endangered species of wild fauna and flora in the CITES Appendices.

2. The determination of damage to human life, health, property and legitimate interests of organizations and individuals as a result of the deterioration of the function and usefulness of the environment is carried out according to provisions of the civil law.

Article 116. Data and evidence to determine damage caused by environmental pollution or degradation

1. Data and evidence to be collected to identify organizations and individuals that pollute or degrade the environment include:

a) Agents that cause environmental incidents or directly harm the environment or areas where the environment is polluted or degraded;

b) Basic information on organizations and individuals related to polluted or degraded environmental areas includes: types of activities; products, capacity, input materials; production process; waste stream; location and method of discharge of waste; waste treatment measures; monitoring and analysis of environmental parameters;

c) Data and other relevant evidence.

2. Data and evidence to be collected or estimated to determine the scope and extent of

Areas and areas of water environment polluted or degraded include:

a) Information and data on the current environmental status of the area before environmental pollution or degradation occurs;

b) Decisions, permits and documents of the competent state management agency regulating the use or approving the planning on the use of water environment components at the place where pollution or degradation occurs;

c) Ket (Uuuuuuuuuuuuuuut; oen-eni-en; ouuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuuening, the place where the pollution, degradation occurs;

d) Area of water surface, volume of polluted water;

d) Pollutants and their content in water;

e) Data and other relevant evidence.

3. Data and evidences that need to be collected or estimated to determine the extent, area, and area of polluted or degraded land environment include:

a) Information and data on the current environmental status of the area before environmental pollution or degradation occurs;

b) Decisions, permits and documents of competent state management agencies regulating the use or approval of planning on the use of soil environmental components at the places where pollution or degradation occurs;

c) Monitoring results; investigate; inspect; inspection by competent authorities related to the soil environment at the place where pollution or degradation occurs;

d) Information, documents, maps and data on natural, socio-economic conditions, management and use of land and natural resources related to land quality and land potential in the province. the area need to determine the pollution;

dd) Area, volume and volume of contaminated land;

e) Pollutants and their content in the soil;

g) Data and other relevant evidence.

4. Data and evidence to be collected or estimated to determine the area, quantity and composition of degraded ecosystems include:

a) Information and data on the current environmental status of the area before environmental pollution or degradation occurs;

b) Decisions and documents of competent state management agencies

determine the conservation level of the natural ecosystem;

c) Investigation results; inspect; inspection by competent authorities related to the natural ecosystem at the place where pollution or degradation occurs;

d) Forest status map, forest evolution database over time (in digital form) (wood volume, forest structure, area, forest growth); Environmental pollution maps interpreted by images, specialized software (digital maps);

dd) Information on database on natural conditions, hydrometeorology, hydrology, environment (water, sediment), current status map of scope, boundary, area, structure, distribution according to depth, coverage, current status of coral ecosystems, seagrass ecosystems, wetland ecosystems in coastal areas and islands;

e) Information on current status of discharge, discharge points into areas with ecosystems of coral reefs, seagrasses, mangroves in coastal wetlands and islands;

g) Data and other relevant evidence.

5. Data and evidence to be collected or estimated to determine the quantity and composition of animals and plants specified at Point c, Clause 1, Article 115 of this Decree include:

a) Document of a competent state management agency specifying the list and management regime of animals and plants;

b) Results of investigation, inspection and examination by competent agencies related to species of animals and plants;

c) Area affected by pollution, environmental degradation, time of impact and cost of species restoration are kept to a minimum;

d) Data and other relevant evidence.

6. Data and evidence to determine damage caused by pollution and degradation can be in the form of: images, magnetic tapes, data obtained from observation, measurement, analysis, remote sensing, and geographic information systems. management and other forms.

7. Data, which are used to determine damage caused by pollution and environmental degradation, must be accurate, have a full scientific and practical basis.

Article 117. Methods and methods of determining the scope, area and area of the environment being polluted or degraded; The number of environmental components is reduced, types of ecosystems are damaged, animals and plants are killed.

1. Methods and methods to determine the extent and area of water surface and areas of polluted water environment are as follows:

a) Investigate, survey and determine the natural and environmental conditions of the place where the pollution occurs;

b) Using appropriate hydrodynamic and environmental computational models to predict and determine the extent of pollution;

c) The field survey relies on a computational model to determine the extent, area, and volume of pollution.

2. Methods and methods of determining the scope, area and area of the contaminated soil environment are as follows:

a) Investigate and survey the field based on the current land use status map corresponding to all levels;

b) Sampling and analyzing soil samples as prescribed by law to identify contaminated soil sites; the extent, area, volume, and volume of contaminated land are determined through the demarcation of contaminated land on the map of the current land use status according to levels.

3. Methods and methods to determine the extent, area, quantity and composition of degraded forest ecosystems (terrestrial and mangrove) are as follows:

a) Concatenate forest status maps and pollution maps to determine the extent and area affected by pollution;

b) Investigate the current status of forest plots in the field after the pollution incident to determine the quantity, volume and composition of damaged forest;

c) In case there is no map of the current status or map of forest changes, equivalent forest ecosystem databases should be used.

4. Methods and methods of determining the scope, area and quantity of coral ecosystems and seagrass ecosystems are prescribed as follows:

a) Field investigation, information collection, calculation of area and coverage of damaged coral reefs and seagrasses;

b) In case there are no maps and current data, equivalent ecosystem databases should be used.

5. Methods and methods of determining damage, quantity and composition of species of animals and plants specified at Point c, Clause 1, Article 115 of this Decree are as follows:

a) Field investigation, collection of field information in areas where the environment is polluted or degraded in terms of the number of individuals and the composition of animal and plant species;

b) Collecting and analyzing, calculating by actual measurement methods, using computational models, technical measures to assess the change in species composition, the number of individuals of animal species, plants before and after the pollution incident.

Article 118. Determination of damage level of each environmental component, ecosystem or species

1. Principles of determining the extent of damage:

a) The extent of damage to each environmental component, ecosystem, animal and plant species as prescribed in Article 115 of this Decree is determined according to the cost of treatment and restoration of the environment, ecosystem and rearing, preserving, rehabilitating and re-releasing animals into natural habitats, rearing plants meeting environmental technical standards or equal to or equivalent to the original state of ecosystems and species animals and plants specified at Points b and c, Clause 1, Article 115 of this Decree before pollution or degradation occurs;

b) Damage to the environment of a geographical area is equal to the sum of damages to each environmental component of that geographical area.

2. Method of determining the extent of damage:

Depending on each specific case, competent authorities and organizations and individuals that cause environmental pollution or degradation may choose one of the methods to determine the cost of environmental treatment and restoration and conservation. conservation, restoration, and re-release of animals into natural habitats, and culturing plants that meet environmental technical standards, equal to or equivalent to the original state of the ecosystem and regulated animal species. Points b and c, Clause 1, Article 115 of this Decree are as follows:

a) Organizations and individuals that pollute the environment, degrade the ecosystem and cause the death of animals and plants specified in Clause 1, Article 115 of this Decree can do it themselves or hire a unit with appropriate functions and capacity to do this. environmental treatment and restoration and plant rearing, conservation rearing, rehabilitation, and reintroduction of animals into natural habitats, and plant rearing meeting environmental technical standards, equal to or equivalent to with the initial state of the ecosystem and the animals and plants specified at Points b and c, Clause 1, Article 115 of this Decree, meeting the environmental technical regulations or equal or equivalent to before the occurrence. pollution and degradation.

In this case, organizations and individuals must pay their own costs to treat and restore the environment, and raise, conserve, restore, and re-release animals into natural habitats and grow plants up to standards. environmental engineering, equal to or equivalent to the initial state of the ecosystem and the species of animals and plants specified at Points b and c, Clause 1, Article 115 of this Decree, within the prescribed time limit, with supervision and supervision. monitor and certify implementation results in accordance with law;

b) In case organizations or individuals cause environmental pollution; ecosystem degradation

If the destruction and death of animals and plants specified in Clause 1, Article 115 of this Decree cannot be done by themselves, the competent state agency shall organize the determination of costs for environmental treatment and restoration. and rearing, conserving, rehabilitating, and re-releasing animals into natural habitats, cultivating plants that meet environmental technical standards, or equivalent to the original state of ecosystems and species. animals and plants specified at Points b and c, Clause 1, Article 115 of this Decree according to the formula specified in Clause 4 of this Article;

c) In case it is not possible to determine the cost of environmental treatment and restoration to meet environmental technical regulations, rearing, conservation, rehabilitation, and re-release of animals into natural habitats, or culturing plants with or equivalent to equivalent to the initial state of the ecosystem and the species of animals and plants specified at Points b and c, Clause 1, Article 115 of this Decree, the results of calculation of damage to the environment, degradation of the system and the environment shall be applied. ecology and death of animals and plants specified in Clause 1, Article 115 of this Decree of previous incidents of equivalent scope and nature recognized or simulated by a competent authority. the current state of the environment when it has not been polluted, the ecosystem when it has not been degraded, and the animals and plants that have not died; make a plan to calculate costs for treatment and restoration of the polluted, degraded environment, ecosystems, animal and plant species specified in Clause 1, Article 115 of this Decree in order to restore it to its original state. or equivalent;

d) Another solution.

3. In case of carrying out environmental treatment and restoration, and planting, rearing, preserving, restoring and re-releasing animals into natural habitats for animals specified at Point c, Clause 1 of this Article. 115 This Decree, by the methods specified at Points b, c and d, Clause 2 of this Article, organizations and individuals cause pollution and degradation of the environment and ecosystem, and kill animal and plant species. have to pay the cost to do so.

4. The formula for calculating the cost of compensation for damage:

a) Total damage caused by pollution and degradation to the environment of a geographical area is calculated according to the following formula:

T = TN + TD + THST + TLBV, in which:

T is the damage caused by pollution or degradation to the environment of a geographical area;

TN is the damage caused by pollution and degradation to the water environment;

Earthquake is damage caused by pollution and degradation to the land environment;

Ecological damage is damage caused by pollution and degradation to the ecosystem;

BV is damage caused to species of animals and plants specified at point c, clause 1, Article 115 of this Decree;

b) Damage caused by pollution to the water environment is calculated according to the following formula:

TN =s X CN, where:

TN: damage caused by pollution and degradation to the water environment;

S: volume of contaminated water (m^3);

CN: norm to treat 01 m3 of water up to technical regulations;

c) Damage caused by pollution to the soil environment is calculated according to the following formula:

TD = s X TD, where:

Earth: damage caused by pollution and degradation to the land environment;

S: volume or mass of contaminated soil (m^3 or kg);

TD: norm for treatment of 01 m^3 or 01 kg of soil up to technical regulations;

d) Damage due to degradation of forest ecosystems (terrestrial and mangroves), coral ecosystems; Seagrass ecosystem is calculated according to the following formula:

THST = s X 3 X CHST, where:

THST: damage caused by degradation to ecosystems including forest ecosystems (terrestrial and mangroves), coral ecosystems; seagrass ecosystem;

5: forest area (terrestrial and mangrove), degraded ecosystems, coral reefs, seagrass ecosystems (in m^2);

CHST: norms for planting and restoring forests (on land and mangroves), degraded coral and seagrass ecosystems;

dd) Damage caused by animals and plants specified at Point c, Clause 1, Article 115 of this Decree is calculated according to the following formula:

TLBV = NX CLBV, where:

TLBV: damage to animals and plants;

N: number of animals and plants;

CLBV: norms for plant cultivation, breeding, conservation, rehabilitation, and re-release of animals into natural habitats, vegetative cultivation equal to or equivalent to the original state of regulated animals at point c, clause 1, Article 115 of this Decree;

e) Norms to treat a unit volume of water, volume or volume of soil meeting technical regulations on environment, cost of reforestation (terrestrial and mangrove), coral ecosystem, ecosystem seagrasses and costs for plant cultivation, conservation rearing, rehabilitation, and re-release of animals into natural habitats, culturing plants equal to or equivalent to the original state of the regulated animals. specified at Point c, Clause 1, Article 115 of this Decree, the norms shall be applied according to current regulations;

g) In the absence of norms, competent agencies shall, within the ambit of their responsibilities, elaborate and promulgate norms for environmental treatment and restoration; Ecosystem; breeding, conservation, rehabilitation and re-release of animals and plants specified in Clause 1, Article 115 of this Decree.

Section 4
ENVIRONMENTAL FUNCTIONAL AND USEFULLY DAMAGE ASSESSMENT

Article 119. Organization of assessment of damage due to deterioration of the function and usefulness of the environment

1. The damage assessment organization due to deterioration of the function and usefulness of the environment shall be selected according to the provisions of Clause 3, Article 135 of the Law on Environmental Protection.

2. Damage assessment organization due to deterioration of environmental function and usefulness is a judicial assessment organization on a case-by-case basis in the environmental field as announced in accordance with regulations or another organization that fully meets the following conditions:

a) Have legal status;

b) Having professional activities suitable to the requested expertise;

c) Having conditions for professional staff and material facilities to ensure the assessment.

Article 120. Carrying out assessment of damage due to deterioration of environmental functions and usefulness

1. Organizations and individuals that suffer damage or the agency dealing with environmental damage that do not agree with the results of damage determination may request assessment of damage due to deterioration in the function and usefulness of the environment. school.

2. The order and procedures for assessment of damage due to deterioration of the function and usefulness of the environment shall comply with the provisions of judicial expertise in the field of law.

environment and relevant laws.

3. The results of assessment of damage due to deterioration of the function and usefulness of the environment are the basis for the agency dealing with environmental damage to make a decision to claim compensation before choosing to deal with it. through the forms specified in Clause 1, Article 133 of the Law on Environmental Protection.

Chapter X
ECONOMIC TOOLS IN ENVIRONMENTAL PROTECTION

Section 1
PAYING FOR NATURAL ECOSYSTEM SERVICES

Article 121. Covered natural ecosystem services

1. The forest environmental services of the forest ecosystem shall be applied in accordance with the provisions of the law on forestry. Organizations and individuals that have paid for forest environment services of forest ecosystems in accordance with the law on forestry before the date of entry into force of this Decree shall not have to pay for natural ecosystem services according to regulations. provisions of this Decree.

2. Natural ecosystem services that are eligible for payment under the provisions of Points b, c and d, Clause 2, Article 138 of the Law on Environmental Protection include:

a) Wetland ecosystem services for tourism, entertainment and aquaculture business purposes of important wetlands and mixed ecological zones in accordance with the law on biodiversity;

b) Marine ecosystem services for tourism, entertainment and aquaculture purposes of marine conservation zones and aquatic resource protection zones;

c) Ecosystem services of rocky mountains and caves belonging to natural heritage for tourism and entertainment purposes; geopark ecosystem services for tourism and entertainment business purposes; except for the case where payment for forest environment services of the forest ecosystem has been made as prescribed in Clause 1 of this Article.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies in, submitting to the Prime Minister for decision the organization of pilot application of payment for carbon sequestration and storage services of marine ecosystems. , wetland ecosystem, as a basis for reporting the Government to decide on the official application.

Article 122. Organizations and individuals providing and receiving payment for natural ecosystem services

1. Management board of nature reserve.

2. Organizations and individuals assigned to manage, protect, maintain and develop natural ecosystems specified in Clause 2, Article 121 of this Decree.

Article 123. Organizations and individuals using and paying for natural ecosystem services

1. Organizations and individuals that use services of natural ecosystems in the areas of natural ecosystem service provision specified in Clause 6, Article 124 of this Decree must pay for natural ecosystem services when available. the following activities:

a) Exploiting and using water and sea surface of natural ecosystems for aquaculture purposes, providing aquatic entertainment services;

b) Exploiting and using the landscape of the natural ecosystem for the purpose of doing business in tourism and entertainment services.

2. Exemptions for using natural ecosystem services include:

a) Organizations and individuals in areas with difficult economic conditions, poor households, and near-poor households certified by local authorities;

b) Individuals engaged in production and business activities lose their civil act capacity, die or are declared dead, missing, have no property to pay, or their guardians or heirs are unable to repay debts on behalf of individuals. By the way;

c) The production and business organization has a decision on dissolution or bankruptcy issued by a competent authority in accordance with law, and no longer has capital or assets to pay debts to organizations or individuals providing system services. natural ecology;

d) Organizations and individuals using natural ecosystem services are also organizations and individuals providing natural ecosystem services. Organizations and individuals are obliged to account the expenses for the protection, maintenance and development of natural ecosystems.

Article 124. Scheme of payment for natural ecosystem services

1. The provincial-level specialized environmental protection agency shall assume the prime responsibility for, and coordinate with relevant agencies in, formulating a provincial-level payment scheme for natural ecosystem services specified in Clause 2, Article 121 of this Decree in their respective localities. Provincial People's Committee for approval.

2. The main content of the project on payment for natural ecosystem services at the provincial level includes:

a) General information on areas providing natural ecosystem services; list, map of areas providing services of natural ecosystems. The capital map includes printed and digital maps at scale 1:25,000 - 1:100,000 (depending on the shape and area of the province);

b) Organizations and individuals that provide and get paid for natural ecosystem services;

c) Types of natural ecosystem services provided; types of activities using natural ecosystem services and measures to minimize adverse impacts on natural ecosystems;

d) The form of payment and the minimum level of payment for natural ecosystem services are specified in Article 125 and Clause 1, Article 126 of this Decree;

dd) Implementation plan and responsibilities of relevant agencies, organizations and individuals;

e) Check and monitor payments for natural ecosystem services.

3. In case the locality has not yet developed or approved the provincial-level scheme on payment for natural ecosystem services, the provincial-level specialized agency in charge of environmental protection shall assume the prime responsibility for, and coordinate with relevant agencies in, elaborating the scheme. for one or several natural ecosystems.

4. Organizations and individuals providing natural ecosystem services are responsible for formulating a grassroots level natural ecosystem service payment scheme for the area where payment for natural ecosystem services is applied in accordance with the proposal. Provincial-level payment for natural ecosystem services projects specified in Clauses 2 and 3 of this Article.

5. The main contents of the grassroots natural ecosystem service payment scheme include:

a) Names and places of natural ecosystems;

b) General information about the area providing natural ecosystem services; a map describing the boundaries, landmarks, and area of natural ecosystem service provision at the scale of 1:5,000 to 1:25,000 (depending on the shape and area of the natural ecosystem service provision area). course);

c) Types of natural ecosystem services provided;

d) List of organizations and individuals using natural ecosystem services;

dd) Measures to conserve, maintain and develop natural ecosystems;

e) Expected payment levels and forms of payment;

g) The plan to use the revenue from paying for natural ecosystem services.

6. The identification of regulated natural ecosystem service areas

Clause 2, Article 121 of this Decree shall comply with the following principles:

a) Wetland ecosystem service delivery areas include important wetlands, waters in the buffer zone of wetland conservation areas, and other areas where tourism, recreation, aquaculture businesses are located. aquaculture using services provided by wetland ecosystems (if any);

b) The marine ecosystem service provision area includes the marine protected area and the water area in the buffer zone of the marine protected area; aquatic resource protection zone; other areas with tourism, entertainment and aquaculture business activities using services provided by marine ecosystems (if any);

c) The area providing services for rocky mountain ecosystems, caves and geoparks for tourism and entertainment business purposes covers the entire area of rocky mountains, caves and geoparks.

Article 125. Forms of payment for natural ecosystem services • • • •

1. Organizations and individuals using natural ecosystem services pay directly to organizations and individuals providing natural ecosystem services through a contract agreement between the two parties. In case of non-payment in the form of direct payment, organizations or individuals using natural ecosystem services shall pay to organizations and individuals providing natural ecosystem services in the form of entrustment through the provincial environmental protection fund or the Vietnam Environmental Protection Fund in case there is no provincial environmental protection fund in the locality.

2. Organizations and individuals using natural ecosystem services shall pay for natural ecosystem services from the date of using natural ecosystem services. For the use of natural ecosystem services performed before the effective date of this Decree, the payment for the use of natural ecosystem services shall be calculated from the effective date of this Decree. enforce.

3. Payment for natural ecosystem services in the form of entrustment is made as follows:

a) The contract of payment for natural ecosystem services in the form of entrustment must be compatible with the scheme of payment for natural ecosystem services for the entire area of application of payment for natural ecosystem services specified in Clause 1 of this Article. Clause 4, Article 128 of this Decree;

b) Before October 15 of each year, organizations and individuals using natural ecosystem services shall send a plan to pay for natural ecosystem services to the entrustment environmental protection fund;

c) No later than December 15 of each year, organizations and individuals using natural ecosystem services shall make a statement of payment for natural ecosystem services and send them to the environmental protection fund to receive entrustment;

d) Organizations and individuals using natural ecosystem services pay money quarterly or annually. The time limit for payment is 10 days at the latest from the end of the quarter for the case of quarterly payment and 10 days at the latest from the end of the first quarter for the case of annual payment.

4. The Ministry of Natural Resources and Environment issues a form of contract for payment for natural ecosystem services; sample payment plan for natural ecosystem services; the form of payment statement for payment for natural ecosystem services specified in Clause 3 of this Article.

Article 126. Payment for natural ecosystem services • • • •

1. The level of payment for natural ecosystem services for tourism, entertainment and aquaculture businesses is determined on the basis of voluntary agreements between organizations and individuals providing natural ecosystem services and organizations and individuals using natural ecosystem services in accordance with the scheme on payment for natural ecosystem services specified in Article 124 of this Decree and must at the same time ensure at least 01% of the revenue generated. in the period arising from tourism, entertainment and aquaculture business activities in the area of natural ecosystem service provision specified in Clause 6, Article 124 of this Decree.

2. Organizations and individuals whose production and business activities are affected by natural disasters, fires or epidemics, causing direct damage to their capital and properties, leading to incapacity or having to stop their production and business activities. reduce payments for natural ecosystem services. The reduction in payment for natural ecosystem services shall be agreed and decided by organizations and individuals providing natural ecosystem services and by organizations and individuals using natural ecosystem services.

Article 127. Use and management of payment for natural ecosystem services

1. Organizations and individuals providing natural ecosystem services have the right to decide on the use of proceeds from natural ecosystem services after fulfilling financial obligations to the State in accordance with the provisions of law. the law.

2. In case the subject specified in Article 122 of this Decree is the Management Board of a nature reserve or an organization assigned to manage, protect, maintain and develop the natural ecosystem in accordance with law, money obtained from natural ecosystem services, after deducting reasonable expenses for protecting, maintaining and developing the natural ecosystem as prescribed in Clause 3 of this Article, the remainder shall be transferred to the fund. Provincial-level environmental protection fund or the Vietnam Environmental Protection Fund for localities that have not yet established a provincial-level environmental protection fund to coordinate and use for the purpose of protecting, maintaining and developing natural ecosystems other in the province.

3. Reasonable costs to protect, maintain and develop natural ecosystems include:

a) Organize the implementation of the policy of payment for natural ecosystem services;

b) Pay the contracted party to protect, maintain and develop the natural ecosystem;

c) Inspect, monitor, make statistics, inventory and evaluate natural ecosystems;

d) Restoration of natural ecosystems;

dd) Expenses for the entrustment of the environmental protection fund according to the provisions of Point c, Clause 5 of this Article;

e) Other expenses are directly used for the protection, maintenance and development of natural ecosystems in accordance with the law.

4. The entrusting environmental protection fund is responsible for making plans on revenue and expenditure and estimates of management expenditures for payments for natural ecosystem services in the form of entrustment as follows:

a) Check the accuracy of the area of natural ecosystem service provision; make a list of organizations and individuals providing natural ecosystem services;

b) To convene a plan to pay for natural ecosystem services by organizations and individuals using natural ecosystem services;

c) Make a plan to collect and spend money to pay for natural ecosystem services; estimates of management expenditures for payments for natural ecosystem services in the first quarter of each year; submit it to the Ministry of Finance and the Ministry of Natural Resources and Environment (in the case where the environmental protection fund is entrusted with the Vietnam Environmental Protection Fund) or submit it to the provincial People's Committee (in the case where the environmental protection fund receives entrustment is the granting environmental protection fund) to decide;

d) Notify revenue and expenditure plans to organizations and individuals providing natural ecosystem services in accordance with law.

5. The determination and coordination of payments for natural ecosystem services to organizations and individuals providing natural ecosystem services in the form of entrustment shall be carried out as follows:

a) Before March 31 of each year, based on the amount of payment for natural ecosystem services actually collected in the previous year and the results of determining the area to be paid, the director of the entrustment environmental protection fund shall determine the money to pay organizations and individuals providing natural ecosystem services in the previous year for coordination and payment to organizations and individuals providing natural ecosystem services;

b) Before April 15 every year, the entrusted environmental protection fund shall notify organizations and individuals providing natural ecosystem services of the payment for natural ecosystem services;

c) The entrusting environmental protection fund may deduct no more than 10% of the total payment for natural ecosystem services in the form of entrustment to serve the activities specified in Clause 6 of this Article.

6. Funds deducted for entrusting environmental protection funds are used

to supplement expenditures for activities of the environmental protection fund apparatus entrusted with direct service of payment for natural ecosystem services under the guidance of the Ministry of Finance.

7. The Ministry of Natural Resources and Environment promulgates a general form of the payment plan for natural ecosystem services by organizations and individuals using natural ecosystem services; sample plan for collection and payment of natural ecosystem services; sample management expenditure estimates for payments for natural ecosystem services; Notice of the environmental protection fund that entrusts organizations and individuals to provide natural ecosystem services with the payment for natural ecosystem services specified at Points b and c, Clause 4, Point a and b, Clause 5 of this Article.

Article 128. Rights and obligations of organizations and individuals providing natural ecosystem services

1. Have the right to request organizations and individuals using natural ecosystem services to pay for using natural ecosystem services according to the provisions of this Decree and other relevant laws.

2. Have the obligation to use money to pay for natural ecosystem services according to the purposes specified in Clauses 1, 2 and 3, Article 127 of this Decree.

3. Having the obligation to maintain the area, protect the quality of natural ecosystem services provided in accordance with the law and the signed contract of payment for natural ecosystem services.

4. The grassroots level natural ecosystem service payment scheme must be made according to the provisions of Clauses 4 and 5, Article 124 of this Decree before signing contracts with organizations and individuals using system services. natural ecology; send 01 set of projects to the provincial environmental protection agency for monitoring and management.

5. Exercise other rights and obligations as prescribed by law.

Article 129. Rights and obligations of organizations and individuals using natural ecosystem services

1. To be informed of the implementation status and results of the maintenance, protection and development of natural ecosystems within the area where natural ecosystem services are provided; a notice on the area and state of the natural ecosystem assessed by an organization or individual providing natural ecosystem services.

2. To participate in the process of planning, implementing, inspecting and monitoring the protection and development of natural ecosystems within the area where natural ecosystem services are provided.

3. Proposing organizations and individuals providing natural ecosystem services to adjust the payment for natural ecosystem services in cases where organizations and individuals providing ecosystem services are not guaranteed to be correct. signed agreement on the area or status of the natural ecosystem that has been organized,

individuals using natural ecosystem services pay the corresponding amount.

4. Sign a contract, declare the amount of natural ecosystem services to be paid with the entrusting environmental protection fund in case of payment in the form of entrustment.

5. To take responsibility before the law for the accuracy of the information provided as a basis for determining the level of payment for natural ecosystem services.

6. Pay for the use of natural ecosystem services in full and on time according to the signed contract of payment for natural ecosystem services.

7. Participating in the protection of natural ecosystems in the area where natural ecosystem services are provided; take measures to prevent and control impacts from production and business activities that may affect the natural ecosystem and take responsibility for recovery if they cause harm to the natural ecosystem.

8. To be entrusted by the environmental protection fund to notify the payment results in the form of entrustment to organizations and individuals providing natural ecosystem services in the case of payment in the form of entrustment.

Section 2
DAMAGE LIABILITY INSURANCE ENVIRONMENTAL DECORATION; PRIVILEGES, HO CHI MINH CITY PROTECTION

Article 130. Subjects to purchase liability insurance for damage caused by environmental incidents

Owners of investment projects and establishments on the list of types of production, business and service that pose a risk of causing environmental pollution with large capacity specified in Column 3, Appendix II issued together with this Decree shall have the responsibility to: Buy a limited liability insurance for damage caused by environmental incidents.

Article 131. Subjects eligible for incentives and support for environmental protection

1. Subjects eligible for incentives and support include organizations and individuals investing in environmental protection works; environmental protection production, business and service activities in projects, industries and trades eligible for investment incentives are specified in Appendix XXX issued together with this Decree.

2. The principles of incentives and support comply with the provisions of Clause 1, Article 141 of the Law on Environmental Protection.

Article 132. Land support

1. Investors of projects on construction of environmental protection works specified in Clauses 1 and 3 of Appendix XXX issued together with this Decree are entitled to support for investment in construction of infrastructure works as follows:

a) The State prioritizes allocating the land fund associated with the available works, technical infrastructure works (roads, electricity, water supply and drainage, communication, energy) outside the project scope connected to the project. the area's general technical infrastructure system is not through the form of land use right pricing;

b) In case the State cannot arrange the land fund associated with existing technical infrastructure works and work items outside the scope of the project connected to the general technical infrastructure system of the region, the project investor may enjoy policies such as investment support for infrastructure construction in accordance with the law on investment.

2. Owners of investment projects specified at Point b, Clause 3, Appendix XXX issued together with this Decree are entitled to incentives for exemption and reduction of land use levy and land rent according to the provisions of the land law as are the subjects of investment projects. belonging to projects, industries and professions with special investment incentives.

3. Owners of investment projects that carry out investment activities in the construction of production facilities specified at Points c, d and dd, Clause 2, and Point d, Clause 3 of Appendix XXX issued together with this Decree are entitled to incentives. on exemption and reduction of land use levy and land rent according to the provisions of the land law, such as those in projects, industries and professions eligible for investment incentives.

In case the project investor has advanced compensation and site clearance according to the plan approved by the competent authority, the deduction will be deducted in accordance with the provisions of the land law.

4. Projects on relocation of households out of concentrated production, business and service zones, industrial clusters or relocation of operating establishments in the case of land recovery by the State, compensation, support and resettlement residence shall comply with the provisions of the land law.

Article 133. Investment capital incentives and support

1. Incentives from the Vietnam Environmental Protection Fund, the elite environmental protection fund:

a) The project investor that performs the activities specified at Point a, Clause 1, Appendix XXX issued together with this Decree, if applying waste treatment technology, the proportion of waste that must be buried after treatment is less than 30% calculated. on the total amount of solid waste collected, they are entitled to a loan with a maximum preferential interest rate of not more than 50% of the state investment credit interest rate announced by the competent authority at the time of lending. capital does not exceed 80% of the total work construction investment; be prioritized for post-investment support from the annual revenue and expenditure difference;

b) Project investors that perform the activities specified in Clause 3, Article 55 of the Law on Environmental Protection and Appendix XXX issued together with this Decree, but are not the subjects specified at Point a of this Clause, may borrow capital at interest rates. The maximum preferential interest rate does not exceed 50% of the state investment credit interest rate due to

The competent authority shall announce that at the time of lending, the total loan amount does not exceed 70% of the total investment in construction of the work; Priority is given to post-investment support from the annual revenue and expenditure difference.

2. Incentives from Vietnam Development Bank: comply with the Government's regulations on State investment credit.

3. The Ministry of Natural Resources and Environment shall guide the loan, post-investment interest rate support specified in Clause 1 of this Article; sponsor, co-sponsor and other support for environmental protection activities from Vietnam Environment Protection Fund. Provincial-level People's Committees shall guide the lending of capital and post-investment interest rate support specified in Clause 1 of this Article; sponsor, co-sponsor and other support for environmental protection activities of the province from the provincial environmental protection fund.

4. The granting of credit guarantees to small and medium-sized enterprises borrowing capital from lending institutions in accordance with the provisions of the law on credit guarantee.

5. The state budget provides direct interest rate support to investors after finalizing medium and long-term credits to carry out environmental protection activities according to Appendix XXX issued together with this Decree and the project. be granted green credit at credit institutions, foreign bank branches in Vietnam. The investor shall provide complete project documentation and take responsibility before law for the effectiveness and accuracy of beneficiaries of interest rate support.

Article 134. Tax, fee and fee incentives

1. Incentives on corporate income tax: incomes of enterprises from the implementation of investment projects on the list of environmental protection activities eligible for incentives and support specified in Clauses 1 and 2 of Appendix XXX attached to this Circular. under this Decree are entitled to corporate income tax incentives in accordance with the law on corporate income tax.

2. Incentives for other tax, fee and charge policies are implemented in accordance with the law on taxes, fees and charges.

Article 135. Subsidies on environmental protection products and services

1. The list of public products and services on environmental protection includes:

a) Services of collection and treatment of domestic wastewater in urban areas and concentrated residential areas;

b) Services of collecting and transporting daily-life solid waste from households and individuals;

c) Public transport services, excluding services using public transport using oil.

2. The price subsidy for public products and services specified in Clause 1 of this Article shall comply with the Government's regulations on assigning tasks, ordering or bidding for the provision of public products and services using the state budget. water from recurrent expenditures.

Article 136. Green procurement for investment projects and tasks using the state budget

1. Items of public procurement or investment in investment projects and tasks funded by the state budget according to the Government's regulations, prioritizing the use and consumption of certified eco-friendly products and services. receive the Vietnam Eco-label.

2. When developing the bidding documents for public procurement, the requirements for procurement and use of environmentally friendly products and services certified by the Vietnam Ecolabel should be included in the selection criteria. collector.

3. Encourage domestic and foreign organizations and individuals to shop green and use environmentally friendly products and services certified with the Vietnam Ecolabel.

4. The Ministry of Planning and Investment shall promulgate according to its competence or submit to competent authorities for promulgation detailed regulations on prioritizing the procurement of environmentally friendly products and services in bidding activities for the implementation of projects and tasks. for contractors and investors using products and services certified with the Vietnam Ecolabel.

5. The Ministry of Finance shall promulgate according to its competence or submit to competent authorities for promulgation detailed regulations on implementation of green procurement for projects and tasks using the state budget.

Article 137. Support for promoting environmental protection activities is encouraged

1. The State encourages organizations, individuals, enterprises and cooperatives to carry out the following activities:

a) Promote products from environmental protection activities, recall and treatment of discarded products;

b) Producing and disseminating films and television programs on environmental protection in order to raise people's awareness of environmental protection and use of environmentally friendly products;

c) Provide free tools for households and individuals to classify waste in daily-life solid waste.

2. Expenses for performing activities specified in Clause 1 of this Article shall be accounted into production expenses of organizations, individuals, enterprises and cooperatives.

according to regulations of the Law.

Section 3
ECONOMIC DEVELOPMENT MECHANISM

Article 138. General provisions on circular economy

1. General criteria for circular economy

a) Reduce exploitation and use of non-renewable resources and water resources; increase efficiency in the use of resources, raw materials and materials; energy saving;

b) Extend the use time of materials, equipment, products, goods, components and components;

c) Limiting waste generation and minimizing adverse impacts on the environment, including: reducing solid waste, wastewater, emissions; reduce the use of harmful chemicals; waste recycling, energy recovery; reduce single-use products; green shopping.

2. Owners of investment projects, production and service establishments, based on the action plans specified at Point a, Clause 3, Clause 4 and Clause 5, Article 139 of this Decree, shall take one or more measures in order of priority. following steps to achieve the circular economy criterion:

a) Limit the use of environmentally unfriendly products; optimize the use of equipment and products; increase production efficiency, efficiently use resources, raw materials and materials;

b) Extend the life cycle of products and their components and components, including: reuse (products are reused by other consumers); repair (repair or maintain defective products to prolong their service life); refurbishment (restore and upgrade old products); remanufacturing (using components, components, components of waste products for similar functions); change the purpose of use (using discarded products or components and components for new products with other functions);

c) Waste reduction includes: waste recycling (treatment and processing of waste to convert it into raw materials, fuel and useful materials); Energy recovery through waste incineration.

3. Owners of investment projects, establishments, concentrated production, business and service zones, and industrial clusters, based on the action plans specified at Point a, Clause 3, Clause 4 and Clause 5, Article 139 of this Decree, implement one or more of the following measures to achieve circular economy criteria:

a) Optimum overall layout design, linkage between investment projects, production, business and service facilities to improve the efficiency of use and reduce the consumption norms of land, water, mineral resources, energy; improve the recycling rate and reduce the total amount of waste generated; other solutions specified in Clause 2 of this Article;

b) Develop and use clean energy and renewable energy according to the provisions of law;

c) Collect and store for reuse of rainwater; collect, treat and reuse wastewater;

d) Carry out industrial symbiosis activities in accordance with the law on management of industrial parks and economic zones.

4. The owner of investment projects in urban areas and concentrated residential areas shall, based on the plans specified at Point a, Clause 3, Clause 4 and Clause 5, Article 139 of this Decree, design, organize, manage and implement the following measures: the following methods to achieve the circular economy criterion:

a) Optimal overall layout design to improve efficiency and reduce consumption of land, water, and energy resources;

b) Applying environmentally friendly transportation solutions, reducing greenhouse gas emissions;

c) Develop and use clean energy and renewable energy according to the provisions of law;

d) Take other measures for environmental protection as prescribed by law.

Article 139. Roadmap and responsibilities for implementing circular economy

1. The Ministry of Natural Resources and Environment is responsible for:

a) Assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, and provincial-level People's Committees in, formulating and submitting to the Prime Minister for promulgation a national action plan to implement the circular economy as prescribed in Clause 5 of this Article. before December 31, 2023;

b) Building and operating a platform to connect information and share data on applying the circular economy model;

c) Develop and issue a framework to guide the application and assessment of the circular economy;

d) To perform the responsibilities specified in Clause 2 of this Article within the scope of their assigned management sectors or domains.

2. Ministries and ministerial-level agencies, based on their assigned state management functions, tasks and domains, have the following responsibilities:

a) Formulate and approve action plans to implement circular economy of sectors, fields and products in accordance with the national action plan specified in Clause 5 of this Article;

b) Organizing propaganda and dissemination of legal knowledge, education and training on circular economy contents;

c) Integrate specific criteria for the implementation of the circular economy right in the process of formulating development strategies, master plans, plans, programs and projects; waste management, reuse and recycling;

d) Manage and update information and data on implementation of the circular economy and integrate with the information and data system of the Ministry of Natural Resources and Environment;

dd) Organize pilot application of the circular economy model to energy, raw materials and waste sectors according to the action plan specified in Clauses 4 and 5 of this Article;

e) Perform other responsibilities related to the circular economy as prescribed in this Decree.

3. Provincial-level People's Committees are responsible for:

a) Develop and consult with relevant ministries and ministerial-level agencies and approve action plans to implement circular economy at provincial level in line with national action plans for circular economy implementation as prescribed. in Clause 4 of this Article;

b) To perform the responsibilities specified at Points b, c, d and e, Clause 2 of this Article in the area under their management;

c) Organize pilot application of the circular economy model to energy, raw materials and waste sectors according to the action plan specified at Point a of this Clause, Clause 4 and Clause 5 of this Article.

4. The national action plan to implement the circular economy includes the following main contents:

a) An overview analysis of the current status of resource exploitation and use; production and consumption; situation and forecast of waste generation; domestic and international context of circular economy implementation;

b) Develop viewpoints, general goals, specific goals and expenditures for the implementation of the circular economy in the 10-year national action plan period;

c) Determining the tasks and roadmap for implementing the circular economy for sectors and fields, in which priority sectors and fields are identified in each period; develop a list of specific industries and fields that must have guidance on the application of circular economy;

d) Determining the types of investment projects, production and business establishments, services and products that must be designed to achieve circular economy criteria; apply cleaner production, produce environmentally friendly products, produce using recycled materials, manage the life cycle of chemicals and waste;

d) Orientation on solutions to implement the circular economy, including: propaganda, education, training, training, knowledge and law dissemination; science and technology development; human resource development; technical infrastructure development; connecting and sharing information and data; mobilize capital sources; international cooperation and other solutions;

e) Implementation organization includes: assigning responsibilities of the lead agency and coordinating agencies; monitoring and reporting regime; allocating resources for implementation.

5. Action plans for implementing circular economy of sectors, fields and products must be consistent with the national action plan specified in Clause 4 of this Article. Based on the characteristics of each industry, field or product, the action plan must identify solutions to implement the circular economy in accordance with the provisions of Clauses 2, 3 and 4, Article 138 of this Decree.

6. Owners of investment projects, establishments, concentrated production, business and service zones, and industrial clusters are responsible for implementing the circular economy according to the action plan specified at Point a, Clause 3, Clause 4, and Clause 3 of this Article. 5 This.

7. Encourage project owners, establishments, investors to build and trade infrastructure in production, business and service zones, and industrial clusters to apply the circular economy earlier than the roadmap determined in the Circular No. action plan specified in point a, clause 3, clause 4 and clause 5 of this article.

8. To encourage project owners, establishments, investors to build and trade in infrastructure of concentrated production, business and service zones and industrial clusters that operate before the effective date of this Decree to continue. maintain the application of one or more measures specified in Clauses 2, 3 and 4, Article 138 of this Decree (if any).

Article 140. Mechanism to encourage the implementation of the circular economy

1. The State gives priority to investment in the development of the circular economy in the following activities:

a) Scientific research, application development, technology transfer and equipment production, human resource training to implement circular economy;

b) Provide a platform to share information and data about the circular economy.

2. Organizations and individuals that have activities and projects applying the circular economy model that are eligible for incentives and support for environmental protection, projects granted green credit in accordance with the law are entitled to the following benefits: incentives and support as prescribed in Articles 131, 132, 133, 134, 135 and 137 of this Decree and other relevant laws and regulations and incentive mechanisms for green credits and green bonds according to regulations specified in Articles 154, 155,156 and 157 of this Decree.

3. The State encourages the following circular economy development activities:

a) Research and develop technology, technical solutions, provide consulting services, design and evaluate economic performance in compliance with the law;

b) Development of linkage models, sharing the use of products and waste; to establish cooperative groups, cooperatives, cooperative unions, recycling alliances, regional linkage models, urban-rural linkages and other models as prescribed by law to implement investment, production, business and service activities meet the criteria of the circular economy;

c) Apply industrial symbiosis measures in accordance with the law on management of industrial parks and economic zones;

d) To develop the market for reuse of discarded products and recycling of waste;

dd) Mobilize resources in society to implement the circular economy in accordance with law;

e) International cooperation, exchange of experience, knowledge and technology on the circular economy in accordance with the law.

Section 4
ENVIRONMENTAL INDUSTRY DEVELOPMENT, ENVIRONMENTAL SERVICES

Article 141. Environmental industry technology, equipment and products

1. The list of groups of technologies, equipment and products specified in Clause 1, Article 143 of the Law on Environmental Protection is specified in Appendix XXXI issued together with this Decree.

2. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, the Ministry of Science and Technology with, relevant ministries and ministerial-level agencies in formulating,

submit to the Prime Minister for promulgation a specific list of technologies, equipment and products of the environmental industry specified in Clause 1 of this Article.

3. The Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with the Ministry of Industry and Trade in, submitting to the Prime Minister the addition of statistical indicators on the environmental industry to the system of national statistical indicators; organize and direct periodically the implementation of social publication of statistical information on the environmental industry.

Article 142. Policy on development of environmental industry

1. The State prioritizes investment in the development of technologies, equipment and products specified in Clauses 1 and 2, Article 141 of this Decree to meet the requirements of dealing with important, long-term, and serious environmental issues. regional, national and international influences on the country's sustainable development; preventing and responding to environmental incidents and environmental disasters.

2. Organizations and individuals that invest in the production of equipment, products and goods, and develop technology that are eligible for incentives and support for environmental protection are entitled to incentives and support as prescribed. in Articles 131, 132,133, 134,135 and 137 of this Decree and other relevant laws.

3. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies and provincial-level People's Committees in, formulating and submitting to the Prime Minister for approval the program on development of the environmental industry.

4. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Industry and Trade in, stipulating identification codes for environmental goods of the Harmonized Tariff List (HS code) in order to implement a roadmap for opening environmental goods stores in accordance with the international connection.

Article 143. Objects of development of environmental services

1. Environmental services as prescribed in Clause 3, Article 144 of the Law on Environmental Protection.

2. Services of treatment and environmental improvement of domestic solid waste landfills; Collect and treat plastic waste floating in the sea and ocean.

3. Transport services use means of transport using renewable energy, low fuel consumption, low emissions or no emissions as prescribed by law.

Article 144. Promotion of development of environmental services

1. Organizations and individuals may participate in providing environmental services in the fields specified in Article 143 of this Decree.

2. Organizations and individuals participating in the provision of environmental services specified in Clause 1 of this Article satisfy the requirements prescribed by law.

3. Investment projects in the fields of waste collection, recycling and treatment are eligible for incentives and support according to the provisions of Article 141 of the Law on Environmental Protection.

4. Provincial-level People's Committees shall prepare, appraise, approve or submit to competent authorities for approval, organize the implementation of approved investment projects under the mode of public-private partnership on collection and treatment of biological wastewater. concentrated operation and treatment of daily-life solid waste in accordance with the law on investment in the form of public-private partnership.

5. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment and relevant agencies in, implementing the following contents:

a) Formulate, appraise, approve or submit to competent authorities for approval, organize the implementation of investment projects in the form of public-private partnership in centralized domestic wastewater collection and treatment, associated solid waste treatment. regional and inter-provincial according to the provisions of the law on investment under the mode of public-private partnership;

b) Formulate investment project proposals and submit them to competent authorities for decision on investment policy in inter-regional and inter-regional hazardous waste recycling and treatment zones in accordance with relevant laws.

c) The Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with other ministries and ministerial-level agencies in:

a) Completing mechanisms and policies to guide the implementation and encourage the implementation of the eco-industrial park model;

b) To assume the prime responsibility for, and coordinate with ministries, branches and localities in, building and perfecting a database system on resource efficiency in industrial parks, towards general application to production, business and service zones. concentrate.

Section 5
ECO-FRIENDLY PRODUCTS AND SERVICES

Article 145. Environmentally friendly products and services

1. The Ministry of Natural Resources and Environment stipulates criteria and certification of Vietnam Eco-label for environmentally friendly products and services; guide and inspect the implementation of the criteria of the Vietnam Ecolabel for organizations and individuals whose products and services are accepted.

2. Organizations and individuals that produce products and provide services that are certified with the Vietnam Eco-label are entitled to preferential policies as prescribed in Clause 1 of this Article.

Section 2 This Chapter.

3. The decision on certification of Vietnam Eco-label for environmentally friendly products and services is valid for 36 months from the date of issue.

4. Certificates of environmentally friendly plastic bags, decisions on certification of products meeting Vietnam's green label criteria issued by competent state agencies before the effective date of this Decree will continue to be valid until expiry date stated in the certificate.

5. Ministries and ministerial-level agencies are encouraged to integrate environmental criteria in accordance with Vietnam's Eco-label criteria in product and service certification activities in accordance with relevant laws.

Article 146. Dossier of application for certification of Vietnam Ecolabel

1. A written request for certification of Vietnam's Eco-label for environmentally friendly products and services shall be made according to the form specified in Appendix XXXII issued together with this Decree.

2. A report on products and services meeting the criteria of Vietnam's Eco-label must be made according to the form specified in Appendix XXXIII issued together with this Decree.

3. Product testing results are valid for no more than 6 months, until the date the Ministry of Natural Resources and Environment receives a valid registration dossier enclosed with the product sample for registration for certification. Product testing must be conducted by testing organizations that meet the requirements of Article 149 of this Decree.

4. The drawing or photo of the industrial design has the size 21 cm X 29 cm and explains the technical specifications of the product.

5. Dossier of application for certification of Vietnam Eco-label is only valid for a period of 6 months from the date of receipt of the document. If it is more than 06 months, the organization or individual must make a new set of documents to request the certification.

Article 147. Order and procedures for receiving Vietnam's eco-label

1. Within 05 days from the date of receiving the application for registration of certification, the Ministry of Natural Resources and Environment is responsible for reviewing the completeness and validity of the application; In case, the dossier is incomplete or invalid, a written notice must be sent to the registrant organization or individual to complete the dossier. Within 30 days from the date of receipt of a complete and valid dossier, the Ministry of Natural Resources and Environment shall organize an assessment according to the order of certification of the Vietnam Ecolabel specified in Clause 2 of this Article.

2. The Vietnam Ecolabel certification process includes the following activities: setting up an evaluation board; conduct field surveys; evaluation board meeting; in case of necessity, conduct solicitation of expertise to assess the conformity with the set of criteria of Vietnam Ecolabel. After the results of the meeting of the product and service evaluation council meeting the Vietnamese Ecolabel criteria are obtained, the Ministry of Natural Resources and Environment issues a decision on certification of the Vietnam Ecolabel for products and services. . In case the assessment results of a product or service fail to meet the criteria set for the Vietnam Eco-label, the Ministry of Natural Resources and Environment shall notify in writing the organization or individual and clearly state the reason for the unsatisfactoriness. .

3. In case they wish to continue to be certified with the Vietnam Ecolabel, at the earliest 03 months before the decision on certification of the Vietnam Ecolabel expires, the organization or individual that has been granted the decision on certification of the Vietnam Ecolabel The Vietnamese state shall make a dossier of application for certification according to the provisions of Article 146 of this Decree.

4. In case an organization or individual has changes in technical specifications, characteristics of products or services or other changes related to the criteria for certification of the Vietnam Ecolabel, they shall send a dossier to request the Ministry of Industry and Trade. Natural resources and environment assessment and certification according to the provisions of Article 148 of this Decree.

5. The decision on certification of Vietnam's eco-label for products and services shall be made according to the form specified in Appendix XXXIV issued together with this Decree.

6. The Ministry of Natural Resources and Environment shall detail the evaluation of products and services that satisfy the set of criteria for the Vietnam Ecolabel; sample report on assessment results of dossiers of registration for certification of products and services meeting the criteria of Vietnam Ecolabel.

Article 148. Issuance, change, and withdrawal of decisions on receipt of Vietnam Eco-labels

1. Within the duration of the certification decision, in case the organization or individual changes information compared to the content in the decision on certification of the Vietnam Ecolabel, including: name, address, legal representative, The enterprise's business registration number, identification mark and other changes, but the satisfaction of the criteria for certification of the Vietnam Ecolabel of products and services is not changed, the following provisions shall be applied:

a) Organizations and individuals shall send a written request for adjustment of the content of the decision on certification of the Vietnam Ecolabel to the Ministry of Natural Resources and Environment, enclosed with documents related to the change (if any);

b) Within 15 days from the date of receipt of the written proposal

amend the content of the decision on certification of the Vietnam Ecolabel of the organization or individual, if so agreed, the Ministry of Natural Resources and Environment shall grant and change the decision on certification of the Vietnam Ecolabel for products and services.

2. The decision on certification of Vietnam's eco-label will be revoked for a product or service in one of the following cases:

a) Products and services no longer meet the set of criteria for the Vietnam Ecolabel;

b) Organizations and individuals that manufacture products or provide services do not maintain their commitments in the application file for certification of the Vietnam Ecolabel.

3. Within 15 days from the date of determining that the products or services are subject to the provisions of Clause 2 of this Article, the Ministry of Natural Resources and Environment shall issue a decision to revoke the certificate of the Vietnam Ecolabel.

Article 149. Organization of monitoring, analysis and assessment of conformity of products and services with the criteria of Vietnam Eco-label

The monitoring, analysis and evaluation of conformity of products and services with the criteria of Vietnam Ecolabel is carried out by a competent organization, including:

1. Agencies and organizations certified by the Ministry of Natural Resources and Environment to be eligible to provide environmental monitoring services.

2. Conformity assessment organizations have been certified in accordance with the law on science and technology.

3. The domestic and foreign testing organizations are accredited in accordance with the international standard ISO/IEC 17025 by an accreditation body that is a contracting party to the mutual recognition agreement of the International Accreditation Forum (IAF), Asia Pacific Accreditation Association (APAC), International Laboratory Accreditation Association (ILAC).

Article 150. Publication and mutual recognition for certification of environmentally friendly products and services

1. The Ministry of Natural Resources and Environment shall announce and update the list of products and services certified with the Vietnam Ecolabel on the website of the Ministry of Natural Resources and Environment.

2. The Ministry of Natural Resources and Environment signed an agreement and announced the contents of the mutual recognition agreement on the receipt of products and services certified with the Vietnam Ecolabel with international ecolabel certification organizations.

Chapter XI
RESOURCES FOR ENVIRONMENTAL PROTECTION

Article 151. Environmental protection activities fall under the responsibility of the central government

1. Waste management, support for waste treatment, including: investigation, assessment and control of waste sources causing environmental pollution on an inter-regional and inter-regional scale; make a list of wastes; formulating criteria on waste treatment technology and techniques under the responsibility of the central government.

2. Treatment, improvement and restoration of environmental quality, including:

Pollution treatment, environmental improvement and restoration for areas contaminated with soil environment due to history or unidentified organizations and individuals causing pollution, including: areas with residual and vulcanized pollution. substance in war; contaminated areas with residues of plant protection chemicals; other contaminated land areas under the central handling responsibility; treatment of environmental pollution of river and lake surface water in inter-provincial provinces.

3. Construction of technical infrastructure for environmental protection; equipment for environmental protection; environmental monitoring, including:

a) Invest in building technical infrastructure for information systems and databases on environment and climate change; reduce central environmental monitoring techniques; procurement, repair and upgrade of equipment and means for environmental protection work under the responsibility of the central government according to investment projects;

b) Procurement of replacement equipment; maintaining and operating equipment and means in service of environmental protection is the responsibility of the central government;

c) The operation of the environmental monitoring system according to the national environmental monitoring master plan, serving the management of sectors and fields (including operation, maintenance, maintenance, repair and efficiency) standards, testing).

4. Examination, inspection and supervision on environmental protection and response to climate change fall under the responsibility of the central government and under decisions of competent authorities.

5. Conservation of nature and biodiversity; environmental protection of natural heritage; respond to climate change, including:

a) Investigate, survey, evaluate, manage and protect the environment of natural heritage; establishment, appraisal and recognition of natural heritage; support the management and environmental protection of natural heritage areas under the responsibility of the central government;

b) Invest in the conservation and sustainable development of biodiversity according to regulations

in Clause 2, Article 73 of the Law on Biodiversity under the central responsibility;

c) The activities of conservation and sustainable development of biodiversity according to the provisions of Clause 3, Article 73 of the Law on Biodiversity fall under the responsibility of the central government (except for the formulation and appraisal of biodiversity conservation planning);

d) Investigate, survey, make statistics of activity data, inventory of greenhouse gas emissions, assess the current state of greenhouse gas emissions at the national, sector and facility levels, make a list of sectors and facilities that emit gas greenhouse gas inventory; building and operating a system of measuring, reporting and appraising GHG emission reduction at national, branch, field and grassroots level; prepare national and sectoral GHG inventory reports; develop national and sectoral mitigation plans for greenhouse gas emissions; develop general report on mitigation of national greenhouse gas emissions, report on mitigation of greenhouse gas emissions in the field; allocation of greenhouse gas emission quotas;

dd) Development of the domestic carbon market;

e) Develop a national plan to adapt to climate change; building a monitoring and evaluation system for climate adaptation activities at the national and regional levels; develop criteria for determining investment projects and tasks to adapt to climate change; develop criteria for assessing climate risks; develop reports on assessment of impacts, vulnerabilities, risks, losses and damages caused by climate change at national and sectoral levels;

g) Investigate, make statistics, monitor, evaluate and make a list of substances that deplete the ozone layer and cause greenhouse effects under the tasks of the central government;

h) Investing in projects to restore degraded natural ecosystems and conserve biodiversity; investment in technology conversion projects to eliminate and reduce the use of ozone-depleting substances, controlled greenhouse gases, adapt to climate change and mitigate greenhouse gas emissions under the central mandate.

6. Scientific research, development, transfer and application of environmental technology, response to climate change and protection of the ozone layer must comply with the provisions of the law on science and technology, the law on science and technology. Technology transfer.

7. Communication, raising awareness of environmental protection; Environmental Education; disseminating knowledge and propagating the law on environmental protection, including:

a) Communication, training and fostering to raise awareness, awareness and knowledge on environmental protection; disseminating and propagating legislation on environmental protection and response to climate change; organize and award prizes on environmental protection and climate change response to individuals, organizations and communities in accordance with the law;

b) Evaluate, summarize and monitor the enforcement of the law on environmental protection;

c) Education and training on environmental protection and response to climate change fall under the responsibility of the central government.

8. Activities of international integration and international cooperation on environmental protection, including:

a) Signing and implementing international treaties and agreements on environmental protection, response to climate change and protection of the ozone layer;

b) Annual contributions and other contributions (if any) in accordance with Vietnamese law, international law and commitments in international treaties, international agreements on environment, response to changes climate and ozone layer protection in line with Vietnam's international commitments;

c) Reciprocal capital for programs and projects using ODA loans and aid for environmental protection, response to climate change and ozone layer protection in accordance with the law.

9. Other state management activities on environmental protection fall within the central mandate in accordance with law, including:

a) Develop and adjust strategies, plans, technical regulations, processes, technical guidelines, economic-technical norms, programs, schemes and projects on environmental protection, response to climate change climate change;

b) Formulate, appraise, approve and adjust the national environmental monitoring master plan; evaluate the national environmental protection planning, the national biodiversity conservation planning and the national environmental monitoring master plan; evaluate the direction of environmental protection and biodiversity conservation in the regional planning in accordance with the law on planning;

c) Formulate, determine, approve, announce and adjust national environmental protection planning and national biodiversity conservation planning according to the provisions of law on planning;

d) Implement national environmental protection planning, national biodiversity conservation planning and national environmental monitoring master plan;

dd) Assessment and forecast of surface water and sediment quality, load-bearing capacity of surface water environment for inter-provincial rivers and lakes; inventory and assessment of natural resources and pollution levels of inter-provincial rivers and lakes; assessment and forecast of inter-provincial, inter-regional and cross-border air environment quality; investigate, evaluate, classify, warn, control areas of land environment pollution under the responsibility of the central government;

e) Receive, verify and handle feedbacks and recommendations of organizations, individuals and the population community on environmental protection;

g) Preventing, responding to and overcoming environmental incidents at the national level;

h) Management and disclosure of information on the environment; operating information systems, environmental databases, responding to climate change (including acquiring, processing, exchanging information, maintaining, repairing and replacing system storage devices information, data); update, evaluate statistical indicators, and develop reports on the environment and climate adaptation; evaluate and rank environmental protection gifts;

i) Piloting, summarizing and evaluating in service of guiding models on environmental protection and climate change response;

k) Assessment activities serving the certification and certification of environmental protection according to the provisions of law;

l) The activities of the Executive Board, the Standing Office on environmental protection shall be decided by the competent authorities;

m) Activities of the Steering Committee, organization of conferences on environmental protection and response to climate change according to decisions of competent authorities and other tasks of administrative management in service of environmental protection activities. environmental protection, response to climate change;

n) Provide charter capital, supplement charter capital for Vietnam Environmental Protection Fund;

o) Other state management activities on environmental protection and response to climate change are recurrent expenditures under the responsibility of the central government in accordance with law; other environmental protection activities decided by the Prime Minister.

Article 152. Environmental protection activities fall under the responsibility of the locality

1. Waste management, waste treatment support, including:

a) Investigate, make statistics and assess the level of environmental pollution, monitor environmental quality developments, make a list of pollutants, solid waste and pollution sources; assess and forecast the situation of generation, collection and treatment of daily-life solid waste under the responsibility of the locality;

b) Support to classify at source, collect, transport, treat domestic solid waste and treat other types of waste generated in the locality under the responsibility of the locality;

c) Building and supporting the construction of public sanitation works, vehicles,

equipment for collecting, managing and treating waste in public areas; works and equipment for on-site wastewater and waste treatment;

d) Building, repairing and renovating the environmental protection infrastructure of the craft village is the responsibility of the locality.

2. Treatment, improvement and restoration of environmental quality, including:

Pollution treatment, environmental reclamation and restoration for areas contaminated with land environment due to dyke history or unidentifiable organizations and individuals causing pollution, including: areas with residual and vulcanized pollution substance in war; contaminated areas with residues of plant protection chemicals; other contaminated land areas in the area under the responsibility of local handling; handling environmental pollution of river and lake surface water in the locality falls under the responsibility of the locality.

3. Building technical infrastructure for environmental protection; equipment for environmental protection; environmental monitoring, including:

a) Investment projects on construction, renovation and upgrading of collection and storage systems, transfer stations, gathering areas, technical infrastructure of concentrated solid waste and hazardous waste treatment zones, and systems wastewater treatment, domestic waste landfill in the area; the system of public works and equipment in service of daily-life solid waste management in the locality; invest in public sanitation works, on-site wastewater treatment works to meet the requirements of environmental protection managed by the locality. For projects under the responsibility of enterprises, organizations and individuals to manage, the funds for implementation shall be paid by enterprises, organizations and individuals, without support from the state budget;

b) Invest in building technical infrastructure for information systems and databases on environment and climate change; local environmental monitoring technical infrastructure; procurement, repair and upgrade of equipment and means in service of environmental protection under the responsibility of the locality according to the investment project;

c) Procurement of replacement equipment; maintaining and operating equipment and means in service of environmental protection under the responsibility of the locality;

d) Operation of the environmental monitoring system according to the provincial planning (including operation, maintenance, maintenance, repair, calibration, inspection).

4. Examination, inspection and supervision on environmental protection and response to climate change fall under the tasks of localities and under decisions of competent authorities.

5. Conservation of nature and biodiversity; environmental protection of natural heritage; respond to climate change, including:

a) Investigate, survey, evaluate, manage and protect the environment of natural heritage; The establishment, appraisal and recognition of natural heritage fall within the mandate of the

local;

b) Investing in the conservation and sustainable development of biodiversity according to the provisions of Clause 2, Article 73 of the Law on Biodiversity is the responsibility of the locality;

c) The activities of conservation and sustainable development of biodiversity according to the provisions of Clause 3, Article 73 of the Law on Biodiversity (except for the formulation and regulation of biodiversity conservation planning) are the responsibility of the locality;

d) Investigate, survey, and make statistics of activity data in service of national and sectoral greenhouse gas inventories; update the list of greenhouse gas-emitting facilities that must carry out a greenhouse gas inventory; building and operating a system of measuring, reporting and appraising the mitigation of greenhouse gas emissions at the provincial level;

dd) Development of the domestic carbon market;

e) Develop a monitoring and evaluation system for adaptation to acute climate change; develop reports on assessment of impacts, vulnerability, risks, losses and damages due to climate change at provincial level;

g) Investigate, make statistics, monitor, evaluate and make a list of substances that deplete the ozone layer and cause greenhouse effects in the area;

h) Investing in projects to restore degraded natural ecosystems and conserve biodiversity; invest in projects on technology conversion to eliminate and reduce the use of substances that deplete the ozone layer, control greenhouse gases, adapt to climate change and mitigate greenhouse gas emissions local responsibility.

b) Scientific research, development, transfer and application of environmental technology, response to climate change and protection of the ozone layer shall comply with the provisions of the law on science and technology, the law on science and technology. Technology transfer.

c) Communication, raising awareness of environmental protection; Environmental Education; disseminating knowledge and propagating the law on environmental protection, including:

a) Communication, training and fostering to raise awareness, awareness and knowledge on environmental protection; disseminating and propagating legislation on environmental protection and response to climate change; organize and award prizes on environmental protection and climate change response to individuals, organizations and communities in accordance with law;

b) Evaluate, summarize and monitor the enforcement of the law on environmental protection;

c) Education and training on environmental protection and response to climate change fall under the responsibility of the locality.

d) Activities of international integration and international cooperation on environmental protection, including:

a) Coordinating in the signing and implementation of international treaties to which Vietnam is a contracting party at the proposal of a competent central authority; signing and implementing international agreements on environmental protection, conservation of nature and biodiversity, response to climate change and protection of the ozone layer;

b) Reciprocal capital for programs and projects using ODA loans and aid for environmental protection, response to climate change and protection of the ozone layer in accordance with law.

e) Other state management activities to protect the environment are the responsibility of the locality according to the provisions of law, including:

a) Develop and adjust strategies, plans, technical regulations, processes, technical guidelines, economic-technical norms, programs, schemes and projects on environmental protection, response to climate change climate change;

b) Evaluate the implementation of the plan for environmental protection and conservation of nature and biodiversity in the provincial planning;

c) Assess and forecast the quality of surface water, sediment, and load capacity of the surface water environment for rivers and lakes in the area; inventory and assessment of waste sources and pollution levels in rivers and lakes in the area; assessment and forecast of air quality in the locality; investigate, evaluate, identify and zone areas at risk of land environment pollution, areas of land environment pollution in the locality;

d) Receive, verify and handle feedbacks and recommendations of organizations, individuals and the population community on environmental protection; seminars for environmental protection activities, response to climate change;

d) Preventing, responding to and overcoming environmental incidents;

e) Management and disclosure of information on the environment; operating information systems, environmental databases, responding to climate change (including acquiring, processing, exchanging information, maintaining, repairing and replacing system storage devices) information, data); update, evaluate statistical indicators, and develop reports on the environment, in response to climate change; assess and rank environmental protection results;

g) Building models on environmental protection and climate change response;

a)) Assessment activities serving the certification of environmental protection according to the provisions of law;

i) The activities of the Executive Board, the Standing Office on environmental protection shall be decided by the competent authorities;

k) Activities of the Steering Committee, organization of conferences on environmental protection, response to climate change according to decisions of competent authorities and other tasks of administrative management in service of environmental protection activities. environmental protection, response to climate change;

l) Provide charter capital, supplement charter capital for the provincial environmental protection fund;

m) Other state management activities on environmental protection and response to climate change of the nature of recurrent expenditure are the responsibility of the locality as prescribed by law; other environmental protection activities decided by the Prime Minister.

The specific allocation of the above-mentioned environmental protection spending tasks of the local budget to the local budget levels shall be submitted by the provincial-level People's Committees to the People's Councils of the same level for decision.

Article 153. Resources for performing environmental protection tasks

1. State budget recurrent expenditure for environmental protection:

a) Spending on environmental protection:

Expenses for performing central tasks specified in Article 151 of this Decree, including: Clause 1; Clause 2 includes investigation, survey and assessment of environmental pollution levels, environmental pollution treatment (excluding investment projects under the Law on Public Investment); point b and point c clause 3; Clause 4; points a and c (except for points d and g, Clause 3, Article 73 of the Law on Biodiversity), d, dd, e and g, Clause 5; point a, clause 7; Points a and c (reciprocal aid projects of environmental non-business sources) Clause 8; points a, b, dd, e, g, h, i, k and 1 clause 9.

Expenses for performing local tasks specified in Article 152 of this Decree, including: Points a and b, Clause 1; Clause 2 covers investigation, survey and assessment of the level of environmental pollution, treatment of environmental pollution (excluding investment projects under the provisions of the Law on Public Investment); point c and point d clause 3; Clause 4; points a and c (except for points d and g, Clause 3, Article 73 of the Law on Biodiversity), points d, dd, e and g, Clause 5; point a, clause 7; Points a and b (reciprocal aid projects of environmental non-business sources) Clause 8; points a, b, c, d, dd, e, g, h and i, Clause 9;

b) Spending on economic activities:

Expenses for performing central tasks specified at point c (point d, clause 3, Article 73 of the Law on Biodiversity) Clause 5, Article 151 of this Decree and

local tasks specified at point c (point d, clause 3, Article 73 of the Law on Biodiversity) Clause 5, Article 152 of this Decree;

c) Spending on education and training:

Expenses for performing central tasks specified in Article 151 of this Decree, including: point c (point g, clause 3, Article 73 of the Law on Biodiversity) Clause 5 and point c, Clause 7.

Expenses for performing local tasks specified in Article 152 of this Decree, including: Point c (Point g Clause 3, Article 73 of the Law on Biodiversity) Clause 5 and Point c Clause 7;

d) Spending on science and technology career:

Expenses for performing central tasks specified in Clause 6, Article 151 of this Decree and local tasks specified in Clause 6, Article 152 of this Decree;

dd) Administrative management expenses:

Expenses for performing central tasks specified in Article 151 of this Decree, including: Point b, Clause 7; point b clause 8 and point m clause 9.

Expenses for performing local tasks specified in Article 152 of this Decree, including: Point b, Clause 7 and Point k, Clause 9.

2. State budget for development investment for environmental protection:

a) Expenses for performing central tasks specified in Article 15 of this Decree, including: Clause 2 (according to investment projects -), Point a, Clause 3, Points b and h, Clause 5, and Point c, Clause 8 (for respond to aid projects under investment sources), points c and matches n Clause 9;

b) Expenses for performing local tasks specified in Article 152 of this Decree, including: Points c and d, Clause 1, Clause 2 (according to investment projects), Points a and b, Clause 3, and Points b and h Clause 5, Point b, Clause 8 (reciprocal aid projects under investment sources), Point 1, Clause 9.

3. The resources for the implementation of the planning specified at Point d, Clause 9, Article 151 of this Decree shall be decided by the competent authorities in accordance with the law on public investment and the law on the state budget; the tasks specified at point 0 clause 9 Article 151 and point m clause 9 Article 152 of this Decree shall be decided by the Prime Minister.

4. Social capital for environmental protection:

a) Capital sources of enterprises, organizations and individuals participating in environmental protection activities;

b) Sources of contributions, sponsorships and aids from organizations and individuals as prescribed by law;

c) Other revenue sources as prescribed by law (if any).

The mobilization of socialized capital to perform environmental protection tasks specified in Articles 151 and 152 of this Decree shall comply with the provisions of the law on environmental protection and other relevant laws. , except for the tasks specified at Points a, b and c, Clause 9, Article 151, Points a and b, Clause 9, Article 152, environmental protection tasks in the field of national security and defense, and necessary performance tasks. guarantee state secrets.

5. The Ministry of Finance shall issue or submit to competent authorities for promulgation guidance on the preparation and allocation of state budget estimates for environmental protection in accordance with the law on state budget and the law on environmental protection. ; provide guidance on spending levels and methods of making estimates for spending tasks from non-business sources of environmental protection.

Article 154. Projects granted green credits and issuing green bonds

1. Investment projects in the field of environmental protection, investment projects with environmental benefits specified in Clause 1, Article 149 or Clause 2, Article 150 of the Law on Environmental Protection and in accordance with this Decree, shall be granted a license. green credit, green bond issuance.

2. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with relevant ministries and ministerial-level agencies in, formulating and submitting to the Prime Minister for promulgation environmental criteria and certification for projects granted green credits, green onion (hereinafter referred to as the green classification list) before December 31, 2022.

3. The certification of a project on the list of green classification according to the provisions of Clause 2 of this Article shall be carried out at the request of the investor of the investment project or green bond issuer who needs certification in order to enjoy preferential policies. State incentives and support for green credits and green bonds according to the provisions of this Decree.

Article 155. Incentive mechanism for granting green credit

1. To encourage credit institutions and foreign bank branches in Vietnam to prioritize allocating capital sources for financing and giving preferential loans to projects on the green classification list.

2. Credit institutions, foreign bank branches in Vietnam granting credit

Green users enjoy the following incentive mechanisms:

a) Prioritize access to concessional loans from the Government, international organizations and development partners;

b) Supported by competent state agencies in training and granting green credit.

Article 156. Green credit implementation roadmap

1. Based on the task of supporting socio-economic development, the State Bank of Vietnam shall direct and guide credit institutions and foreign bank branches in Vietnam to concentrate and arrange appropriate capital sources for the concessional loans to encourage investors to implement projects on the list of green classification specified in Clause 2, Article 154 of this Decree.

2. The Ministry of Finance, the Ministry of Planning and Investment and the State Bank of Vietnam, based on their assigned functions and tasks, support credit institutions and foreign bank branches in Vietnam to receive aid capital. , foreign preferential loans to finance projects on the green classification list specified in Clause 2, Article 154 of this Decree in accordance with the law on state budget, public investment and other relevant laws. Mandarin.

3. Based on the state budget balance and the actual credit granting of the banking system for projects on the list of green classifications, the Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with relevant ministries and ministerial-level agencies in. related to the formulation and submission to the Prime Minister for consideration and decision on interest rate support for projects on the green-classified list after the end of medium- and long-term loan contracts at credit institutions, bank branches, etc. foreign goods in Vietnam for implementation from January 1, 2026.

Article 157. Green bonds

1. Green bonds are bonds issued by the Government, local authorities and enterprises to raise capital for projects on the list of green classification specified in Article 154 of this Decree.

2. The issuance of green bonds shall comply with the provisions of the law on bond issuance, the Law on Environmental Protection and this Decree.

3. The proceeds from the issuance of green bonds must be used to implement projects on the list of green classifications as prescribed in Clause 2, Article 150 of the Law on Environmental Protection.

4. Pursuant to the regulations on projects on the list of green classification in Clauses 1 and 2, Article 154 of this Decree, the Ministry of Planning and Investment shall guide the classification of projects on the list of green classification for inclusion in the investment list. when formulating medium-term public investment plans and annual public investment plans

serve as a basis for the Government and local authorities to choose when issuing green bonds.

5. The issuer of green bonds is responsible for providing and disclosing information in accordance with the law on bond issuance and providing information as prescribed in Clauses 6 and 7 of this Article.

6. Annually until the bond's maturity, the issuer of green bonds shall announce and provide information on the impact assessment of projects using capital from green bonds on the environment as follows:

a) Information provided includes the decision to approve the appraisal results of the environmental impact assessment report (if any), the environmental permit (if any); information on assessment results of environmental benefits of green bond-funded projects specified in Clause 2, Article 150 of the Law on Environmental Protection and Clause 2, Article 154 of this Decree;

b) Enterprises issuing green bonds shall disclose information in accordance with the provisions of the law on corporate bond issuance and the contents specified in point a of this clause;

c) Owners of investment projects funded by green bonds issued by the Government or local authorities are responsible for providing information according to the contents specified at Point a of this Clause to the State Treasury (for green bonds, etc.). issued by the Government), the People's Committee of the province (for green bonds issued by the local government) for publication on the website of the State Treasury and the People's Committee of the province.

7. The regime of information disclosure, reporting on management and disbursement of capital mobilized from green bond issuance is as follows:

a) Bond issuer is an enterprise that shall report and disclose information on the management and disbursement of funds mobilized from the issuance of green bonds in accordance with the law on issuance of corporate bonds. Karma;

b) Annually, the State Treasury and provincial-level People's Committees publish information on the disbursement situation for projects on the list of green classifications using capital mobilized from the issuance of green bonds issued by the Government. , the local government publishes on the website of the State Treasury, the provincial People's Committee.

8. Green bond issuers and green bond investors are entitled to the following preferential policies:

a) To enjoy service price incentives in accordance with the law on service prices in the securities sector and other support and incentive policies as prescribed by law;

b) Public investment projects using capital from the issuance of green bonds issued by the Government or local authorities are given priority in allocating adequate capital according to the project implementation progress in the medium-term and annual public investment plans. .

Article 158. Operating capital of Vietnam Environmental Protection Fund

1. Equity includes:

a) The Fund's minimum charter capital is 3,000 billion VND, formed from the following sources: charter capital already allocated by the state budget and development investment fund before the effective date of this Decree; supplement from the development investment fund; The state budget shall be allocated from self-employment sources according to the provisions of law.

The change of charter capital of the Vietnam Environmental Protection Fund shall be decided by the Prime Minister.

b) Development Fund;

c) Other capital owned by the Fund as prescribed by law.

2. Other capital includes: grants, support, voluntary contributions, investment trusts of domestic and foreign organizations and individuals for the field of environmental protection and response to climate change; the Fund's operating capital has been granted by a competent authority before the effective date of this Decree; other capital sources as prescribed by law.

3. The Prime Minister shall decide on the organization, operation, and financial mechanism for the Vietnam Environmental Protection Fund.

Article 159. Operational capital of the provincial environmental protection fund

1. Equity includes:

a) The minimum charter capital of the Fund is VND 30 billion. For operating funds with a charter capital of less than VND 30 billion, there must be a roadmap to increase charter capital within 5 years from the effective date of this Decree. The Fund's charter capital is formed from the following sources: charter capital already allocated by the state budget and development investment fund before the effective date of this Decree; supplement from the development investment fund; The state budget is allocated from public investment in accordance with the provisions of law.

The change of charter capital of the provincial-level environmental protection fund shall be decided by the chairperson of the provincial-level People's Committee.

b) Development Fund;

c) Other capital is owned by the Fund as prescribed by law.

2. Other capital includes: Grants, supports, voluntary contributions, investment trusts of domestic and foreign organizations and individuals for the field of environmental protection.

environment and respond to climate change; the Fund's operating capital has been granted by a competent authority before the effective date of this Decree; other capital sources as prescribed by law.

3. Presidents of provincial-level People's Committees shall decide on the organization and operation, and financial mechanisms for provincial-level environmental protection funds.

Bell XII
STATE MANAGEMENT, INSPECTION, INSPECTION AND ONLINE PUBLIC SERVICE PROVIDER VE ENVIRONMENTAL PROTECTION

Section 1
STATE MANAGEMENT VE ENVIRONMENTAL PROTECTION

Article 160. Responsibilities of ministries and ministerial-level agencies in performing the task of state management of environmental protection

Ministries and ministerial-level agencies shall assume the prime responsibility for, and coordinate with, the performance of assigned tasks of state management of environmental protection in accordance with the Law on Environmental Protection and this Decree, specifically as follows:

1. General responsibilities for state management of environmental protection of ministries and ministerial-level agencies:

a) To assume the prime responsibility for elaborating, promulgating according to its competence and organizing the implementation of technical regulations and technical instructions on reuse, recycling and use of waste as raw materials and materials for production and business activities. business and service under the management of the industry or field according to the provisions of law; assume the prime responsibility for formulating and implementing programs, schemes and projects on environmental protection within the scope of management of branches and domains as assigned by competent agencies; coordinate in formulating, guiding and organizing the implementation of legal documents on environmental protection, national standards and technical regulations on environment, strategies, master plans and plans on environmental protection;

b) Guiding, building capacity and organizing the implementation of prevention, warning of environmental risks and response to environmental incidents; organize the reuse and recycling of waste, protect the environment for persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants. destruction under the management of the sector or field according to the provisions of law;

c) To organize the inspection of the implementation of legal documents assigned by the owner to develop and promulgate according to the provisions of the Law on Environmental Protection and this Decree in inspection activities within the scope of management of the sector or field; coordinate in inspecting the observance of the law on environmental protection in accordance with the law;

d) Integrating and organizing the implementation of circular economy content,

invest in the development of natural capital in development strategies, master plans, plans, programs and projects under the management of industries and fields as prescribed by law; integrate requirements on environmental protection in strategies, planning and investment activities within the scope of management of sectors and fields;

dd) Organize environmental monitoring in service of industry and field management according to the provisions of law; develop or coordinate in building an environmental database according to its authority and integrating it into the national environmental database;

e) Invest in, build, manage, operate, provide and update environmental information and environmental databases within the scope of management of the sector or field as prescribed by law;

g) Organizing communication, disseminating knowledge and propagating the law on environmental protection under the management of the sector or field;

h) To organize international integration and cooperation on environmental protection, to integrate environmental protection requirements in international trade agreements and agreements under the management of sectors and fields;

i) Coordinating in formulating and implementing the plan for the management of surface water and air quality, the plan for treatment, improvement and restoration of polluted areas in accordance with the law;

k) Other duties as prescribed by the Law on Environmental Protection and this Decree.

2. Specific responsibilities for state management of environmental protection of a number of ministries and ministerial-level agencies:

a) The Ministry of Industry and Trade directs the development of the environmental industry; coordinate to organize the implementation of requirements on environmental protection in chemical management, export, import, production, business and use of persistent pollutants and raw materials, fuels and materials materials, products, goods and equipment containing pollutants that are difficult to decompose according to the provisions of law;

b) The Ministry of Construction shall organize the formulation and promulgate according to its competence and guide the implementation of standards and technical regulations on the design of solid waste collection systems suitable to the classification of solid waste at source of the central area. commercial combination with apartments, apartment buildings combined with offices, high-rise building complexes with mixed functions; provide guidance on technical infrastructure works for wastewater collection and drainage in urban areas and concentrated residential areas;

c) The Ministry of Agriculture and Rural Development shall organize the formulation and promulgation according to its authority and guide the implementation of technical standards and regulations; lead and organize the management of sludge dredged from canals, ditches and irrigation works to meet requirements on environmental protection; guide the collection and treatment of waste

animal husbandry, reused agricultural by-products for other purposes; formulate, promulgate or submit to competent authorities for promulgation and organize the implementation of mechanisms and policies for rural development in association with environmental protection and response to climate change; organize the implementation of the environmental monitoring program in service of industry and field management according to the provisions of law;

d) The Ministry of Transport shall elaborate and promulgate national technical regulations on quality, technical safety and environmental protection for means of transport in accordance with law; direct and organize the implementation of dredging activities in seaport waters and inland waterway waters in accordance with law; promulgate or submit to competent authorities for promulgation and organize the implementation of mechanisms and policies on conversion and elimination of fossil fuel-using means of transport, and means of transport that cause environmental pollution; organize the implementation of environmental protection, response to climate change, protection of the ozone layer in maritime and aviation activities in accordance with international treaties to which Vietnam is a member and in other fields. under its management;

dd) The Ministry of Health gradually guides and organizes the implementation of the law on waste management and environmental protection within the hospital premises and medical facilities; environmental protection in disease prevention and control; regulations on burial and cremation of people who die due to dangerous epidemics; guide and organize the implementation of contents of controlling the impact of environmental pollution on human health according to the provisions of law; guide, collect information, build database and report on the use of chemicals, insecticidal and germicidal preparations for household and medical use in accordance with law; organize the implementation of the environmental monitoring program in service of industry and field management according to the provisions of law;

e) The Ministry of Culture, Sports and Tourism shall organize the implementation of regulations on environmental protection in cultural, sports and tourism activities; develop tourist accommodation establishments and eco-friendly tourism services;

g) The Ministry of Science and Technology appraises environmental technical regulations, publishes national environmental standards in accordance with the law on technical standards and regulations and the law on environmental protection; coordinate in formulating, promulgating and implementing the best available technical guidance in accordance with the law; organize the implementation of environmental monitoring programs in service of industry and field management according to the provisions of law;

h) The Ministry of Education and Training shall organize the integration of knowledge about the environment and environmental protection in the formulation and implementation of educational and training programs at all levels of education and training; develop human resources for environmental protection according to the provisions of law; organize the implementation of policies and laws on environmental protection in schools, educational and training institutions;

i) The Ministry of Finance shall elaborate, issue or submit to competent authorities for promulgation regulations on management and use of deposits for environmental protection,

establish a domestic carbon market, a financial management mechanism for the environmental protection fund, and green procurement in accordance with the law; summarize and submit to competent agencies to allocate state budget recurrent expenditures for environmental protection activities in accordance with law; organize the implementation of policies and laws on environmental protection in the customs domain;

1. The Ministry of Planning and Investment synthesizes and submits to competent authorities to allocate development investment capital to ensure requirements, objectives, tasks and solutions and resources for environmental protection in strategies, master plans, plans, programs, schemes and projects for socio-economic development and environmental protection in accordance with law; formulating, promulgating or submitting to competent authorities for promulgation mechanisms and policies on green procurement;

2. The State Bank of Vietnam guides and organizes the implementation of policies on environmental risk management in green credit granting activities; encourage financing and preferential loans for projects granted green credit in accordance with the law.

Article 161. Responsibility to create conditions for socio-political organizations, socio-political-professional organizations, socio-professional organizations to participate in environmental protection

3. State management agencies in charge of environmental protection at all levels are responsible for creating conditions for socio-political organizations, socio-political-professional organizations, socio-professional organizations to exercise their rights as prescribed in law. specified in Clause 2, Article 158 of the Law on Environmental Protection.

4. In addition to the provisions of Clause 1 of this Article, state management agencies in charge of environmental protection at all levels shall consider and create conditions for socio-political organizations to exercise the following rights in environmental protection:

a) Access to financial resources in the use of environmental non-business funds;

b) Fostering and improving legal knowledge on environmental protection for socio-political organizations.

Section 2
INSPECTION AND INSPECTION ON ENVIRONMENTAL PROTECTION

Article 162. Specialized inspection activities on environmental protection

1. Specialized inspection activities on environmental protection shall comply with the provisions of the law on inspection and specific regulations in the field of environmental protection in Clauses 2 and 3 of this Article.

2. Regular inspection of environmental protection means an inspection of the observance of the law on environmental protection by an organization or individual.

employees for a period of 03 consecutive years in order to prevent, detect and handle illegal acts; help organizations and individuals comply with the law on environmental protection.

Regular inspection activities are organized by the agency assigned to perform the specialized inspection function on environmental protection at the request of the head of the immediate superior state management agency in charge of environmental protection and ensure the following requirements and contents:

a) Subjects of regular inspection are organizations and individuals whose production, business and service activities are of the type of production, business or service that are at risk of causing environmental pollution at level I, Column 3. Appendix II promulgated together with this Decree and at the same time falls into the case of recidivism or repeated violations as prescribed by the law on handling of administrative violations;

b) Regular inspection activities must be planned for a period of 3 consecutive years or less, decided by the head of a competent state management agency. Regular inspection plans are integrated in the process of formulating and approving environmental protection inspection and testing plans; ensure that it does not overlap with inspection and examination activities as planned by the Ministry of Natural Resources and Environment and the provincial-level People's Committees;

c) The establishment, organization and deployment of regular inspection teams are carried out in the same way as for planned inspection activities in accordance with the law on inspection.

3. Unscheduled inspection on environmental protection shall be carried out in accordance with the law on inspection; In case the decision on establishment of the inspection team is not announced in advance as prescribed at Point b, Clause 2, Article 160 of the Law on Environmental Protection, the following procedures shall be followed:

a) Failing to announce in advance the decision to establish an inspection team when there are grounds to believe that the prior announcement leads the inspected subject to conceal or disperse documents and evidences related to illegal acts, reducing the effectiveness of the inspection team. results of the inspection team's activities or at the request of the inspection decision issuer;

b) After presenting the inspection decision, the head of the inspection team is entitled to immediately access the waste generation area, the area with construction works, equipment for collecting and treating wastewater, exhaust gas and discharge points and other areas. other areas within the scope of inspection decisions to carry out inspection activities according to their competence;

c) In case the inspected subject acts uncooperatively or obstructs unscheduled inspection activities, the head of the inspection team shall coordinate with the People's Public Security force or the commune-level People's Committee in using professional measures according to law. regulations for accessing the scene for inspection activities and making minutes of the incident;

d) The legal representative of the organization or fisherman is responsible for signing the working minutes and the minutes of environmental sampling; In case the legal representative is not present, the representative of the inspected organization or individual present at the scene shall sign the minutes. In case there is no representative of the inspected organization or individual, or the representative of the inspected organization or individual does not sign the minutes, the representative of the commune-level People's Committee or the commune-level police office is requested to sign the minutes. version with the role of an eyewitness;

dd) After taking actions to ensure that the inspected subjects do not disperse documents and evidences related to illegal acts or reduce the operation efficiency of the inspection team, within a period of no After 03 days, the head of the inspection team shall have to organize the announcement of the inspection decision, unless the legal representative of the inspected subject is not present at the request. The order and procedures for announcing the inspection decision shall comply with the law on inspection;

e) Organizations and individuals have the responsibility to create necessary conditions for the inspection team to perform its tasks after presenting the inspection decision; depending on the severity, to be handled for violations when there are acts of obstructing the operation of the irregular inspection team;

g) The members of the inspection team, relevant civil servants and public employees are not allowed to disclose or provide information on the process of proposing or issuing unscheduled inspection decisions, formulating and approving the inspection plan. prepare to announce the inspection decision to the inspected subjects for the case specified in this clause.

Article 163. Examination of the observance of the law on environmental protection

1. Responsibilities and forms of inspecting the observance of the law on environmental protection are prescribed as follows:

a) Competent agencies specified in Clause 1, Article 160 of the Law on Environmental Protection shall organize and direct the inspection of the observance of the law on environmental protection by organizations, households and individuals. core;

b) Forms of checking the observance of the law on environmental protection: periodical inspection or unexpected inspection.

Periodic inspection activities are carried out according to the plan approved by the competent authority.

Unscheduled inspection by the state management agency in charge of environmental protection shall comply with the provisions of Point a, Clause 3, Article 160 of the Law on Environmental Protection. Failure to notify the decision to establish an inspection team in advance when there are grounds to believe that the prior notification leads the examiner to disperse documents and evidences related to illegal acts, reducing the operation efficiency of the inspection team.

inspection or at the request of the decision maker.

The Environmental Crime Prevention and Control Police Force shall conduct unscheduled inspections when there are grounds specified at Point b, Clause 3, Article 160 of the Law on Environmental Protection.

2. The competence to inspect the observance of the law on environmental protection is prescribed as follows:

a) The Minister of Natural Resources and Environment shall set up an unannounced unannounced inspection team according to the provisions of Point a, Clause 3, Article 160 of the Law on Environmental Protection;

b) The head of the agency with the function of inspecting the observance of the law on environmental protection under the Ministry of Natural Resources and Environment shall establish a team to inspect the observance of the law on environmental protection, except for the case specified at Point a. this clause;

c) The head of the agency with the function of inspecting the observance of the law on environmental protection under the Ministry of National Defense shall establish and organize a delegation to inspect the observance of the law on environmental protection for investment projects and agencies. Department of national defense secrets;

d) The head of the agency with the function of inspecting the observance of the law on environmental protection under the Ministry of Public Security shall establish and organize a delegation to inspect the observance of the law on environmental protection for investment projects and agencies. facilities belonging to state secrets on security;

dd) The head of the police agency or the police unit for environmental crime prevention and control has the authority to establish and organize a team to inspect the observance of the law on environmental protection according to the provisions of this Decree and the law on police to prevent and combat environmental crimes, except for the inspection cases specified at Point d of this Clause;

e) Presidents of provincial and district People's Committees shall establish unannounced unannounced inspection teams according to the provisions of Point a, Clause 3, Article 160 of the Law on Environmental Protection;

g) Heads of agencies with the function of inspecting the observance of the law on environmental protection of the People's Committees of the province or district shall set up a team to inspect the observance of the law on environmental protection in their respective localities, except for schools. in accordance with the provisions of Point e of this Clause;

h) The chairperson of the commune-level People's Committee shall establish and organize the inspection of the observance of the law on environmental protection by households, individuals and subjects under the competence to receive environmental registration in the locality.

3. The authority to approve periodic inspection plans is prescribed as follows:

a) The Minister of Natural Resources and Environment approves the plan to inspect the observance of the law on environmental protection by the Ministry of Natural Resources and Environment;

b) The Minister of National Defense shall approve the plan to inspect the observance of the law on environmental protection for investment projects and facilities classified as state secrets on national defense;

c) The Minister of Public Security of the Ministry of Public Security approves the plan to inspect the observance of the law on environmental protection for investment projects and facilities that are classified as state secrets on security;

d) The President of the People's Committee of the elite level approves the plan to inspect the observance of the law on environmental protection by the agencies with the function of inspecting the observance of the law on environmental protection under the People's Committee of the district level. conscious;

dd) The chairperson of the district-level People's Committee approves the plan to inspect the observance of the law on environmental protection by the agencies with the function of inspecting the observance of the law on environmental protection under the People's Committee of the district. district-level people's committees and commune-level People's Committees.

4. The plan to check the observance of the law on environmental protection is integrated in the process of developing and approving the inspection plan on environmental protection; ensure that there is no overlap with the inspection plan, between the inspection plan of the Ministry of Natural Resources and Environment and the inspection plan of the provincial People's Committee; except for the case of unexpected inspection and examination specified in Clause 3, Article 162 of this Decree and Point b, Clause 1 of this Article.

5. The order and procedures for inspecting the observance of the law on environmental protection are prescribed as follows:

a) Ministers, Presidents of People's Committees at all levels specified in Clause 1, Article 160 of the Law on Environmental Protection or heads of agencies or competent persons as prescribed by law shall issue decisions to inspect law observance. on environmental protection;

b) The inspection decision must clearly state the following main contents: date, month and year of issuance of the inspection decision; grounds for issuing inspection decisions; form of inspection (specify periodic inspection or unexpected inspection); full name, individual name, name of organization, representative of household; test site; full name and position of the School Union and members of the inspection team; full name and position of the person issuing the inspection decision; test content; test deadline.

When deeming that it is necessary to have an assessment of professional and technical contents as a basis for conclusions, the head of the inspection team shall request the decision maker to examine the decision to solicit a functional organization to supervise the investigation. environmental assessment, testing, monitoring, measurement and analysis. The solicitation of expertise must be in writing, clearly stating the requirements, contents, implementation time, assessment agency or organization, or right in the inspection decision specified in this Clause. Organizations of environmental assessment, assessment, observation, measurement and analysis must take responsibility before law for the accuracy, objectivity and timeliness of their assessment results;

c) Inspection team composition:

The composition of the inspection team of the Ministry of Natural Resources and Environment, the provincial-level People's Committee and the district-level People's Committee includes: cadres, civil servants and public employees of the inspection decision-making agency; experts in necessary cases and other members decided by the person competent to establish the inspection team; representatives of the coordinating agency where the inspection is carried out, representatives of the police force for prevention and control of environmental crimes, representatives of specialized agencies at the same level in the sectors and fields related to the content, against inspection subjects, except for unexpected inspection meetings or these agencies have a document not to send representatives to participate in the inspection team. The professional agencies of the same level in the relevant branches and fields must appoint representatives to participate in the inspection and inspection teams of the observance of the law on environmental protection at the request of competent state agencies. If the meeting cannot appoint an official, within 03 days from the date of receipt of the request, a written reply must be made.

The composition of the inspection team of the commune-level People's Committee includes: cadres, civil servants and public employees of the inspection decision-making agency, representatives of the superior environmental protection agency and other members appointed by the owner. the commune-level People's Committee presidents to decide.

The composition of the inspection team of the Environmental Crime Prevention and Control Police force shall be decided by the head of the agency or the competent person specified at Point dd, Clause 2 of this Article; invite representatives of specialized agencies on environmental protection of the same level to participate. The environmental protection agency is responsible for appointing officers to coordinate with the inspection team when it receives the request from the Environmental Crime Prevention and Control Police force on the deployment of the inspection team, the case If they do not send officials to participate, they must promptly reply in writing to the police force for prevention and combat of environmental crimes. The composition of the first working session of the inspection team is decided by the head of the inspection team.

The members of the inspection team as prescribed in this Clause who do not participate must make a written report to the inspection team;

d) Test content:

Check the observance of the law on environmental protection at the request of

the state management of environmental protection; examine activities related to signs of criminal activities and violations of laws related to environmental crimes; activities related to denunciations, information on crimes, petitions for prosecution or reports or reports on violations of the law related to environmental crimes;

d) Time limit for inspection:

The time limit for an inspection of an organization, household or individual shall not exceed 07 days from the date of commencement of the inspection at the inspected place. In case the case is complicated and the inspection scope is wide, the time limit for inspection is 15 days from the date of commencement of inspection. The inspection period does not include the time for analysis, assessment and verification of environmental samples (if any).

The color of the decision to establish the inspection team shall be prescribed by the Ministry of Natural Resources and Environment;

e) The inspection decision must be sent to the inspected subjects within 05 days from the date of issuance, except for the case of unannounced unexpected inspection as prescribed at Point a, Clause 3, Article 160 of the Law on Environmental Protection and legislation. law on police to prevent and combat environmental crimes and other relevant laws. The head of the inspection team must conduct the inspection within 10 days from the date of issuance of the inspection decision;

g) In case of unannounced unannounced inspection, after presenting the inspection decision, the head of the inspection team is entitled to immediately access the waste generation area, the area where the water collection and treatment facilities and equipment are located. emissions, emissions and discharge points and other areas within the scope of the inspection decision to carry out inspection activities according to the authority. Organizations, households and individuals that are subject to inspection must appoint a representative to be present immediately to work with the inspection team and comply with the requirements of the inspection team to ensure that the inspection is carried out in accordance with the requirements of the inspection team. contents, requirements, order and procedures are specified in legal documents and in inspection decisions.

In case the subject of inspection fails to cooperate or obstructs unscheduled inspection activities, the head of the inspection team shall coordinate with the People's Police force or the commune-level People's Committee to use professional measures according to law. regulations to access the scene for inspection and record the incident.

The legal representative of the inspected organization, household or individual is responsible for recording the working minutes, the minutes of environmental sampling, in case the legal representative is not present. of organizations, households and individuals present at the scene are responsible for signing the minutes. In case there is no representative of the organization, household or individual, or the representative of the organization, household or individual does not sign the minutes, the representative of the Human Resources Committee is requested to

Commune-level people or representatives of the Commune Police sign the minutes in the role of witnesses;

h) The inspection must be recorded in writing, signed by the head of the inspection team, the legal representative of the organization, stamped according to the provisions of law, and signed by the representative of the household or individual being inspected. Name;

i) During the inspection, based on the actual situation, the inspection team shall propose the head of the agency or the person competent to issue an inspection decision to promulgate it according to his/her competence or propose the competent person to organize a sudden inspection. exports to organizations, households and individuals shall be inspected according to the provisions of Clause 3, Article 162 of this Decree.

b) Processing test results:

a) During the inspection, if detecting violations of the law on environmental protection by organizations, households or individuals, the competent person on duty shall make a record of administrative violations and transfer persons competent to handle violations in accordance with the law on handling of administrative violations;

b) The inspection results must be notified in writing by the Head or the person competent to issue the inspection decision and must be sent to the inspected organization, household, individual and relevant agencies and units. The maximum time limit for notification of test results is 15 days from the date of completion of inspection activities and results of environmental sample analysis (if any) for cases not specified at Point a of this Clause or within 15 days from the date the person competent to sanction administrative violations decides to handle the violation in accordance with the law on handling of administrative violations, for the case specified at Point a of this Clause;

c) Notification of results of inspection of the observance of the law on environmental protection must be sent to the specialized environmental protection agency of the same level, except for the results of inspection of the observance of the law on environmental protection for the environmental protection agencies. projects and establishments in the field of state secrets on national defense and security;

c) The Minister of National Defense and the Minister of Public Security shall stipulate a number of peculiarities in the order and procedures for deploying the inspection team on environmental protection for projects and establishments in the field of state secrets on environmental protection. defence security.

Article 164. Coordination mechanism in examination and inspection activities

1. The inspection, inspection and sanctioning of administrative violations in the field of environmental protection must ensure the principle of non-overlapping, not affecting the normal production, business and service activities of the organization. individuals as prescribed in Clause 4, Article 160 of the Law on Environmental Protection and other regulations

specified in Articles 162 and 163 of this Decree.

2. The Ministry of Natural Resources and Environment uniformly directs and organizes the inspection and examination of environmental protection nationwide, ensuring a coordination mechanism between inspection and examination forces through the following contents: the following content:

a) To guide and orient the provincial-level People's Committees to make and approve the organization and implementation of plans to inspect and inspect the observance of the law on environmental protection; guide the process and professional activities in inspection, inspection and sanctioning of administrative violations in the field of environmental protection, except for inspection and inspection activities for investment projects and facilities under secret. the state on national defense and security;

b) Coordinate and direct state management agencies in charge of environmental protection at all levels to coordinate with the People's Public Security force in detecting, preventing, fighting and preventing crimes and violations of the law on environmental protection. school; provide timely information on signs of crimes in the field of environmental protection of individuals and organizations to the People's Public Security force in accordance with law; provide information on inspection and examination plans on environmental protection to the Environmental Crime Prevention and Control Police force of the same level for proactive coordination;

c) Take charge of handling overlapping cases in inspection, inspection and handling of violations of the law in the field of environmental protection; summarize and direct the publicity of results of handling of violations of the law in the field of environmental protection according to the provisions of law;

d) Direct the agency assigned the inspection function, the agency with the function of inspecting the observance of the law on environmental protection, to appoint a representative to participate in the inspection team when receiving the request of the Preventive Police force. combating environmental crimes on the deployment of the inspection team; in case of not appointing officials, it must promptly reply in writing;

dd) Perform other coordination responsibilities as prescribed at Point d, Clause 2, Article 160 of the Law on Environmental Protection.

3. The Ministry of Public Security is responsible for ensuring a meeting mechanism between the Environmental Crime Prevention and Control Police force and the forces that inspect and inspect the observance of the law on environmental protection by competent state agencies. authority through the following contents:

a) Direct the Environmental Crime Prevention and Control Police force to inspect the observance of the law on environmental protection by organizations and individuals according to the provisions of Point b, Clause 3, Article 160 of the Law on Environmental Protection. ;

do not inspect objects under the annual inspection and examination plan approved by the Ministry of Natural Resources and Environment, the People's Committees of provinces and districts, unless detecting signs of criminal activities related to protection. environment, or comply with the legal provisions on criminal proceedings or immediately stop the ongoing violations of the law causing environmental pollution; coordinate with other agencies in charge of inspecting the observance of the law on environmental protection as prescribed in this Decree;

b) Providing and directing the Environmental Crime Prevention and Control Police force to provide information on violations of the law on environmental protection by subjects in the annual inspection and examination plan of the management agency. State management of environmental protection;

c) During the implementation of environmental protection inspection activities according to its competence, the Environmental Crime Prevention and Control Police force must notify in writing the specialized environmental protection agency of the same level for coordination. well suited;

d) Before December 20 of each year, the Environmental Crime Prevention and Control Police force shall send a document summarizing the results of inspection and handling of violations of the law on environmental protection to the state management agency in charge of environmental protection. environmental protection at the same level to summarize and monitor.

4. People's Committees at all levels are responsible for:

a) Direct the environmental protection agency to promptly provide information on signs of criminal activities in the field of environmental protection of individuals and organizations to the Environmental Crime Prevention and Control Police force. ; coordinate with the police force for environmental crime prevention and control in inspecting the observance of the law on environmental protection as prescribed in this Decree; provide information on inspection and examination plans on environmental protection to the Environmental Crime Prevention and Control Police force of the same level for proactive coordination;

b) Lead the agency assigned the inspection function, the agency with the function of inspecting the observance of the law on environmental protection, to appoint a representative to participate in the inspection team when receiving the request of the Preventive Police force, combating environmental crimes on the deployment of the inspection team; in case of not appointing officials, it must promptly reply in writing;

c) Before December 20 of each year, the agency assigned the inspection function, the agency with the function of inspecting the observance of the law on environmental protection at all levels shall send a report summarizing the inspection results and handling of violations. legislation on environmental protection to the superior state management agency in charge of environmental protection for review and monitoring.

Section 3
PROVIDED ONLINE ENVIRONMENTAL PRIVATE SERVICES

Article 165. Principles of providing online public services on environment

1. State agencies are responsible for developing, providing and performing online public services on the environment according to the provisions of this Decree and the plans and roadmaps of competent state agencies, ensuring the connection with the environment. connecting, connecting and integrating between the National Single Window Portal and the National Public Service Portal. Encourage organizations and individuals to perform public environmental services online.

2. Environmental online public services related to export, import and transit goods comply with regulations on administrative procedures under the national single window, ASEAN single window and specialized inspection. for imported and exported goods, and other online public services, they must comply with regulations on implementing administrative procedures in the electronic environment.

3. In case of returning the results of administrative procedures in paper form, the administrative procedure-settling agency must digitize the results to store them in the electronic one-stop information system as prescribed and communicate with the translation portal. public services of higher authorities. In case of returning results of administrative procedure settlement in electronic form, if organizations or individuals request to return results in paper form, the administrative procedure settlement agency shall convert the results into paper documents. according to the Government's regulations on carrying out administrative procedures in the electronic environment.

Article 166. Responsibility to provide online public services on environment

1. The Ministry of Natural Resources and Environment organizes the development and implementation of online public service provision for environmental administrative procedures at the central level and administrative procedures implemented according to the solution of centralized provision according to decisions. of the Prime Minister; coordinate with the Ministry of Finance and the Government Office to establish requirements and implement connection and communication.

2. Provincial-level People's Committees shall organize the construction and provision of online public services for environmental administrative procedures in their localities, except for administrative procedures that comply with regulations on centralized provision of services. in Clause 1 of this Article, ensuring the synchronization, connection and connection with the online public service provision system on environment of the Ministry of Natural Resources and Environment.

Chapter XIII
TERMS ENFORCEMENT

Article 167. Amendment, supplementation and annulment of a number of legal documents related to environmental protection

1. Amending and supplementing a number of articles of the Government's Decree No. 201/2013/ND-CP dated November 27, 2013 detailing the implementation of a number of articles of the Government's Decree No.

The Law on Water Resources is as follows:

a) To amend and supplement Clause 8, Article 2 as follows:

"8. The cost of organizing the opinion collection shall be paid by the investment project owner. The collection of opinions from representatives of the residential community, organizations and individuals involved in the discharge of wastewater into water sources that have great impacts on production and people's lives in the locality shall comply with regulations on consultation in environmental impact assessment in the Law on Environmental Protection and this Decree";

b) To amend and supplement Article 15 as follows:

"Article 15. Water resource permit

1. Permits on water resources include: Permits to explore underground water; license to exploit and use surface water; permits for exploitation and use of underground water; license to exploit and use sea water.

2. A water resource permit has the following main contents:

a) Name and address of the licensed organization or individual;

b) Name and location of water exploration and exploitation works;

c) Exploration and exploitation of water sources;

d) Scale, capacity, flow, main parameters of water exploration and exploitation works; the use purpose for the license to exploit and use water;

dd) Modes and methods of water exploitation and use;

e) Term of the license;

g) Specific requirements and conditions for each case of exploration, exploitation and use of water resources shall be prescribed by the environmental licensing agency for the purpose of protecting water sources and ensuring lawful rights and interests. of other relevant organizations and individuals;

h) Rights and obligations of the license holder.";

c) Amending and supplementing Clause 2, Article 20:

"2. Having a project or report consistent with the approved master plan on water resources or with the capacity of water sources if there is no master plan on water resources. Projects and reports must be made by an organization or individual that fully meets the conditions prescribed by the Ministry of Natural Resources and Environment; Information and data used to make plans and reports must be complete, clear, accurate and truthful.

The design plan of the work or work for exploitation of water resources must be suitable to the scale and subject of exploitation and meet the requirements for protection of water resources.";

d) Amending and supplementing Clause 4, Article 23:

“4. The contents of the license are not modified:

a) Water sources for exploitation and use;

b) The amount of water exploited or used exceeds 25% specified in the issued permit;

In case it is necessary to adjust the contents specified in this Clause, the permit holder must compile a dossier of application for a new license.”;

d) Replace the phrase in the following articles, clauses and points:

Replace the phrase "exploitation and use of water resources, discharge of wastewater into water sources" with the phrase "exploitation and use of water resources" in Article 1, Article name and point e, Clause 3, Article 2, Clause 1. Article 3, Article 16, Clause 4 Article 18, Point d Clause 1 Article 19, Article 22, Point b Clause 2 Article 24, Point b Clause 1 Article 27, Article 35, Article 36, Clause 4 Article 44, Clause 4 Article 45 .

Replace the phrase "exploitation and use of inter-provincial water sources, discharge of wastewater into inter-provincial water sources" with the phrase "exploitation and use of inter-provincial water sources" at Point b, Clause 4, Article 2.

Replace the phrase "water extraction and use, discharge of wastewater" with the phrase "water exploitation and use" at Point dd, Clause 1, Article 19;

e) Articles, clauses and points: Point d, Clause 1, Article 2; Point b, Clause 1, Article 3; Clause 3 Article 16; Clause 2 Article 19; Clause 3, Article 20; Point d Clause 1 Article 21; Clause 3 Article 23; Points g and h, Clause 1, Article 28; Article 33;

g) The regulations on the order and procedures for granting, renewing and adjusting wastewater discharge permits are annulled in Articles 35 and 36.

2. Amending and supplementing a number of articles of Decree No. 67/2018/ND-CP dated May 14, 2018 of the Government detailing a number of articles of the Law on Irrigation as follows:

a) To amend and supplement Point a, Clause 1, Article 16 as follows:

“a) The Ministry of Agriculture and Rural Development shall grant, re-issue, extend, adjust, suspend and revoke permits for the activities specified in Clauses 1, 2, 3, 6, and 6. 9, Clause 10, Article 13 of this Decree within the scope of protection of works managed by the Ministry;”;

b) To amend and supplement Clause 2, Article 18 as follows:

"2. The licensing agency shall decide to change the term of the permit in case the irrigation works are at risk of unsafety; operating within the protection scope of the works affecting the operation of the works.”;

c) To amend and supplement Clauses 3 and 4, Article 19 as follows:

“3. Scope of application for license for operation.

4. Scale, capacity, key parameters of the activities to be licensed.”;

d) To amend and supplement Clause 2, Article 28 as follows:

"2. Additional construction design drawings or additional investment projects, for the case of request for adjustment of permit contents specified in Clauses 1, 2, 3, 6 and 10, Article 13 of this Decree; ";

dd) To amend and supplement Clause 3, Article 29 as follows:

“3. Time limit for grant of license to extend and adjust content:

a) For activities specified in Clauses 1, 2, 3 and 10, Article 13 of this Decree:

Within 15 days from the date of receipt of complete and valid dossiers, the licensing agency shall organize the appraisal of the dossiers and, if conditions are satisfied, grant permits for extension or modification of contents; if the conditions are not met, the reason for not granting the license shall be notified.”;

e) The following articles, clauses and points are annulled: Clause 5, Article 3; Clause 4 Article 13; Clause 2 Article 15; Point c, Clause 1, Article 20; Point b, Clause 2, Article 21; Article 23; Clause 2, Article 37.

3. Amending and supplementing a number of articles of the Government's Decree No. 23/2020/ND-CP dated February 24, 2020 stipulating the management of sand and gravel in river beds and protection of riverbeds and banks as follows:

a) Point a, Clause 2, Article 21 is amended as follows:

“a) The Ministry of Natural Resources and Environment approves the implementation plan for projects falling under the competence of appraisal and approval of environmental impact assessment reports of the Ministry of Natural Resources and Environment”;

b) Clause 5 of Article 33 is annulled.

4. Annulling Decision No. 16/2015/QD-TTg dated May 22, 2015 of the Prime Minister on regulations on recall and treatment of discarded products.

5. The Government's Decree No. 03/2015/ND-CP dated January 6, 2015 on the determination of damage to the environment is annulled.

6. The Government's Decree No. 18/2015/ND-CP dated February 14, 2015 is annulled, providing for environmental protection planning, strategic environmental assessment, environmental impact assessment and environmental protection plan. school.

7. Annul the Government's Decree No. 19/2015/ND-CP dated February 14, 2015 detailing the implementation of a book of articles of the Law on Environmental Protection.

8. Annul the Government's Decree No. 38/2015/ND-CP dated April 24, 2015 on waste management and materials.

9. Annulling Decree No. 127/2014/ND-CP dated December 31, 2014 of the Government stipulating conditions for organizations operating in environmental monitoring services.

10. Annulling Decree No. 40/2019/ND-CP dated May 13, 2019 of the Government amending and supplementing a number of articles of decrees detailing and guiding the implementation of the Law on Environmental Protection.

11. Annul the Government's Decree No. 54/2021/ND-CP dated May 21, 2021 on preliminary environmental impact assessment.

12. To annul, amend and supplement a number of articles of the Government's Decree No. 82/2019/ND-CP dated November 12, 2019 on import and demolition of used transformers as follows:

a) Amend Clause 2, Article 7 as follows: “Meet conditions on environmental protection and obtain an environmental license from the Ministry of Natural Resources and Environment”;

b) Clause 1 is annulled; Point a, Clause 2, Article 16.

13. Article 4, Article 24 and Clause 3 Article 45 of the Government's Decree No. 80/2014/ND-CP dated August 6, 2014 on regulations on water drainage and wastewater treatment are annulled.

Article 168. Transitional provisions

1. Dossier of application for grant, extension or modification of a permit to discharge wastewater into water sources that have been received before the effective date of this Decree shall continue to be processed according to the provisions of Decree No. 201/2013/ Decree-CP dated November 27, 2013 of the Government detailing the implementation of a number of articles of the Law on Water Resources, except for cases where organizations and individuals apply for an environmental permit according to the provisions of this Decree.

In case an organization or individual applies for an environmental permit under the provisions of this Decree, the agency competent to grant environmental permits is responsible for inheriting the results made during the consideration of the application file. request for issuance, extension and adjustment of permits for discharge of wastewater into water sources from competent agencies for assessment and grant of environmental permits according to the provisions of this Decree. Organizations and individuals are entitled to a refund or a deduction of the fee for appraisal of the project on discharge of wastewater into water sources already paid into the fee for environmental assessment and grant of an environmental permit, which must be paid in accordance with law.

2. Dossier of application for grant, extension or modification of a permit to discharge wastewater into irrigation works received before the effective date of this Decree shall continue to be processed according to the provisions of Decree No. 67/ 2018/ND-CP dated May 14, 2018 of the Government detailing a number of articles of the Law on Irrigation, except for cases where organizations and individuals apply for an environmental permit according to the provisions of this Decree.

Where an organization or individual applies for an environmental permit as prescribed in this Decree, the agency competent to grant environmental permits shall be responsible for inheriting the results made during the consideration of the application for environmental permits. request for grant, extension and adjustment of permits for discharge of wastewater into irrigation works by competent agencies for assessment and issuance of environmental permits according to the provisions of this Decree. Organizations and individuals shall be refunded or deducted the amount of fees for appraisal of projects on wastewater discharge into irrigation works already paid into the fees for environmental assessment and issuance of permits, which must be paid in accordance with law.

3. Dossier of application for issuance and re-issuance of certification of completion of environmental protection works, certification of eligibility for environmental protection in import of scrap for use as raw production materials; granting, re-granting and adjusting hazardous waste treatment permits that have been received before the effective date of this Decree, a number of transitional provisions shall apply as follows:

a) In case an organization or individual applies for an environmental permit as prescribed in this Decree, the agency competent to receive the application is responsible for inheriting the results made during the inspection and assessment of the environmental permit. perform environmental protection works, meet the conditions on environmental protection in importing scrap for use as raw production materials, meet the requirements on environmental protection in hazardous waste treatment for appraisal and grant. environmental permits as prescribed in this Decree. Organizations and individuals shall be entitled to a refund or deduction of the paid amount of the charge for environmental assessment and granting of environmental permits in accordance with the provisions of law;

b) If the organization or individual does not request the implementation of this Decree, the agency competent to receive the application shall continue to examine, issue and re-issue the certificate of completion of the protection work. environment, certification of eligibility for environmental protection in importing scrap as raw production materials; grant, re-grant and adjust hazardous waste treatment permits in accordance with law at the time of receipt.

4. Dossier of application for grant, extension or modification of the certificate of eligibility for environmental monitoring services received before the effective date of this Decree shall continue to be processed according to the provisions of this Decree. Decree No. 127/20.14/ND-CP dated December 31, 2014 of the Government stipulating conditions for organizations operating in environmental monitoring services.

5. Dossier of request for appraisal of a strategic environmental assessment report which has been received by a competent state agency before the effective date of this Decree, the transitional provisions shall apply as follows:

a) In case the strategy or planning is not specified in Appendix I issued with this Decree or does not fall into the case specified at Point b of this Clause, the agency that has received the application shall continue to appraise it. determine the strategic environmental assessment report in accordance with the law at the time of receipt. The report on appraisal results of the strategic environmental assessment report is the basis for the competent authority to approve the strategy and planning according to the provisions of law at the time of receipt;

b) In case the strategy or planning falls within the subjects specified in Appendix I issued with this Decree and the agency tasked with formulating the strategy or planning sends a written request for implementation in accordance with the Law on Security, For environmental protection, within the time limit for appraising the strategic environmental assessment report as prescribed by law at the time of receipt, the agency that has received the dossier is responsible for promulgating a written opinion on the contents of the assessment. The strategic environmental assessment of the strategy or planning shall be sent to the agency in charge of the appraisal of the plan or the agency approving the strategy as prescribed in Article 26 of the Law on Environmental Protection.

c) Dossier of application for appraisal and approval of plans for environmental improvement and restoration in mineral mining activities received before the effective date of this Decree shall comply with a number of transitional provisions as follows:

a) In case an organization or individual applies for an environmental permit as prescribed in this Decree, the agency competent to receive the dossier is responsible for inheriting the results made during the appraisal and approval of the method. environmental renovation and restoration projects to appraise and issue environmental permits according to the provisions of this Decree. Organizations and individuals shall be entitled to a refund or deduction of the paid amount of the charge for environmental assessment and granting of environmental permits in accordance with the provisions of law;

b) In case organizations or individuals do not request to comply with the provisions of this Decree, the agency competent to receive dossiers shall continue to appraise and approve the plan for environmental renovation and restoration according to regulations. prescribed by law at the time of receipt; decision approving the plan for environmental renovation and restoration is the document equivalent to the decision approving the appraisal result of the plan for environmental renovation and restoration as prescribed in this Decree.

7. Dossiers of application for environmental approval and registration of an environmental protection plan that have been received by a competent state agency before the effective date of this Decree may continue to be considered and handled in accordance with regulations. of the law at the time of receipt, except for organizations or individuals that request to comply with the provisions of this Decree.

8. The environmental impact assessment report of an investment project has been submitted to a competent state agency but has not been appraised or has been appraised and approved by a competent state agency, provided that it must be revised. before the effective date of this Decree, a number of transitional provisions shall be implemented as follows:

a) In case an investment project is not subject to environmental impact assessment but must obtain an environmental permit as prescribed in this Decree, the competent agency that has received the dossier shall continue to handle it according to regulations. prescribed by law at the time of receipt, except for the case specified at Point b of this Clause. Organizations and individuals are responsible for carrying out environmental protection works according to the approved environmental impact assessment report, the appraisal results, and make a dossier of application for an environmental permit as in the case of: specified at Point a, Clause 2, Article 42 of the Law on Environmental Protection;

b) In case the investment project is not subject to environmental impact assessment but must have an environmental permit under the provisions of this Decree, and the organization or individual that applies for an environmental permit as prescribed in Clause 1 of this Article. Under this Decree, the competent authority that has received the dossier is responsible for inheriting the results made during the appraisal of the environmental impact assessment report to appraise and issue an environmental permit for the investment project. according to the provisions of this Decree. Organizations and individuals shall be entitled to a refund or deduction of the already paid fees for environmental assessment and licensing according to the provisions of law;

c) If within 12 months from the date of notification of appraisal results, organizations or individuals fail to submit their application for approval of the results of appraisal of the environmental impact assessment report, they must comply with regulations. in Article 34 of the Law on Environmental Protection.

9. Group I investment projects specified in Appendix III to this Decree that have been appraised by a competent agency before the effective date of this Decree. If the results are approved without modification or supplementation or the EIA report has been approved within 24 months before the effective date of this Decree, the preliminary impact assessment is not required. environment.

10. The Ministry of Natural Resources and Environment and the provincial-level People's Committees shall monitor and supervise the discharge of wastewater by organizations and individuals, and the observance of the License to discharge wastewater into water sources that were issued before the time of this Decree. valid until the expiration of the license term.

The Ministry of Natural Resources and Environment monitors and supervises the discharge of wastewater by organizations and individuals, the observance of the License to discharge wastewater into irrigation works with a wastewater volume of 3,000 m3 / day or more. until the expiration of the license term; Provincial-level People's Committees monitor and supervise activities

discharge of wastewater of organizations and individuals, the compliance with the License to discharge wastewater into irrigation works with a flow rate of less than 3,000 m^3/day and night until the expiration of the license's term.

Organizations and individuals are responsible for sending annual reports on the discharge of wastewater into water sources according to the provisions of the License to discharge wastewater into water sources, the License to discharge wastewater into irrigation works to the Ministry of Finance. Resources and Environment and Touching Resources and Environment.

Within 90 days from the effective date of this Decree, the agency managing the Permit to discharge wastewater into irrigation works is responsible for handing over the Permit to discharge wastewater into the irrigation work to the relevant authority. has the authority to monitor and supervise wastewater discharge activities of organizations and individuals according to the provisions of this Decree.

11. In case a competent state agency promulgates regulations related to environmental zoning, the financial capacity of the environment where the waste source is received, the zoning of the discharge, the discharge quota, and the environmental technical regulations. environment and other relevant regulations of law, investment project owners and production facilities shall continue to implement the contents of the issued environmental permits. The grant, adjustment and re-grant of environmental permits of investment projects and establishments shall comply with the roadmap prescribed by competent state agencies when promulgating the above-said regulations.

12. If one of the environmental permits for a component of an establishment, concentrated production, business or service area or industrial cluster expires, the owner of the establishment, the production, business or service complex or the cluster expires. The industry shall compile a dossier of application for an environmental permit according to the provisions of this Decree.

13. In case traditional craft villages and craft villages have been recognized by the provincial-level People's Committees but fail to meet the requirements specified in Clause 1, Article 56 of the Law on Environmental Protection, within 36 months from the date of Decree No. This Decree takes effect, the People's Committee of the province is responsible for revoking the accreditation according to the provisions of Decree No. 52/2018/ND-CP dated April 12, 2018 of the Government on the development of agricultural professions. village.

14. Investment projects that have been constructed but have not yet been put into operation (trial operation in the case of waste treatment works must be tested or officially operated in case there are no waste treatment works). waste must be tested) and operating facilities that have not yet had a decision approving the appraisal results of environmental impact assessment reports or environmental permits in accordance with the law on environmental protection, shall be sanctioned according to the Government's regulations on sanctioning of administrative violations in the field of environmental protection. In case the investment project or facility conforms to the planning, environmental zoning, and the environment's load-bearing capacity, the investment project owner and facility must do the following:

a) For investment projects under construction with environmental criteria equivalent to those subject to environmental impact assessment reports but not in the cases specified in point b of this clause, the investment project owner shall: must make environmental impact assessment reports for investment projects with activities of reviewing, renovating, upgrading and supplementing environmental protection works and measures and submitting them to competent state agencies for approval of the results. examination results as prescribed within the time limit for remediating the consequences of violations according to decisions on sanctioning administrative violations of competent persons;

b) For an investment project that has not yet been put into operation with environmental criteria equivalent to those subject to an environmental impact assessment report and subject to an environmental permit, the investment project owner and the establishment must prepare an environmental permit. environmental impact assessment reports for investment projects with activities of reviewing, renovating, upgrading and supplementing environmental protection works and measures, and submitting them to competent state agencies for approval of appraisal results. within the time limit for redressing the consequences of violations according to the decision on sanctioning of administrative violations of the competent person and complying with the provisions of the law on environmental protection for that investment project;

c) For an operating establishment that has environmental criteria equivalent to those subject to an environmental permit and must prepare an environmental impact assessment report but does not have one of these records, the establishment owner must prepare an environmental impact assessment report. Dossier of application for an environmental permit for an investment project involving the review, renovation, upgrading and supplementation of environmental protection works and measures to be submitted to the competent state agency to issue an environmental permit. within the time limit for remediating the consequences of violations according to the decision on sanctioning of administrative violations of the competent person as in the case specified in Clause 2, Article 28 of this Decree;

d) For an operating establishment that has environmental criteria equivalent to those subject to an environmental permit and is not required to make an environmental impact assessment report but does not have an environmental permit, the establishment owner must prepare a dossier An application file for an environmental permit shall be submitted to a competent state agency within the time limit for remediating the consequences of the violation under the decision on sanctioning of an administrative violation of the authorized person as for the cases specified in Clause 3, Article 28 of this Decree, except for the case specified at Point d, Clause 2, Article 42 of the Law on Environmental Protection.

15. Investment projects that have been constructed but have not been put into operation or are operating facilities without certification of registration of an environmental protection plan or equivalent environmental documents as prescribed by the Law Environmental protection in 2014 shall be done as follows:

a) For investment projects and establishments with environmental criteria equivalent to those subject to environmental permits, they shall be sanctioned according to the Government's regulations on sanctioning of administrative violations in the field of environmental protection. school. School

At an investment project meeting, the facility must conform to the planning, environmental zoning, environmental load capacity, the investment project owner, the establishment must make a dossier of application for an environmental permit for the investment project. Investments that review, renovate, upgrade and supplement works and measures for environmental protection shall submit them to competent state agencies for environmental licensing within the time limit for remediating the consequences of their violations as prescribed. sanction administrative violations of competent persons as in the case specified in Clause 2, Article 27 of this Decree;

b) For investment projects, establishments having environmental criteria equivalent to those subject to environmental registration, investment project owners, establishments must carry out environmental registration as prescribed in Clause 6, Article 48 of the Law. Environmental Protection.

16. Concentrated production, business, service zones, industrial clusters that combine to use the same technical infrastructure for environmental protection before the effective date of this Decree may continue to deliver and receive dyke wastewater. handling.

17. Plannings that have been approved for planning and strategy formulation tasks and submitted to competent agencies for approval before the effective date of this Decree may continue to be appraised and approved in accordance with the law at that time. points for submission of planning appraisal and approval of the strategy.

18. Organizations and individuals that directly import scrap for use as raw production materials have been granted an environmental permit by the Ministry of Natural Resources and Environment as a certificate of eligibility for environmental protection in the import of scrap as raw materials. production materials that have expired or are still valid for less than 12 months from the effective date of this Decree may extend the validity period of this component environmental permit to the end of December 31, 2022, except for In case the production establishment directly uses the imported scrap of an organization or individual that has been dissolved or gone bankrupt, or in case the establishment has been handled for violating the law on environmental protection but has not yet fully complied with the handling decision. handling of violations by competent state agencies or have not yet completed the remedial measures of violations according to the provisions of law.

The Ministry of Natural Resources and Environment is responsible for promulgating a written notice of the list of organizations and individuals eligible for extension of the validity period of the component environmental permits specified in this Clause, clearly specifying the duration of the permit. The type and volume of scrap allowed to be imported are based on the following bases: the type of material imported for use as raw production materials must conform to the environmental permit, ingredients and the list of permitted scrap. imported from abroad as production materials promulgated by the Prime Minister; The volume of scrap allowed to be imported as raw production materials is determined according to the remaining months but not more than 12 months of the extension period of the granted environmental permit. The above-mentioned written notice must be sent to organizations and individuals for information; and at the same time send it to the local Department of Natural Resources and Environment where the facility directly uses imported scrap and the General Department of Customs to supervise the implementation.

Organizations and individuals entitled to have their component environmental permits extended as prescribed in this Clause have the following responsibilities:

a) To ensure that production establishments that directly use imported scrap as raw production materials meet the requirements for environmental protection specified in Article 45 of this Decree;

b) After the extended period of validity of a component environmental permit, an organization or individual must obtain an environmental permit in accordance with this Decree.

19. Organizations and individuals that have been issued with an environmental permit that is a hazardous waste treatment license that has expired or is still valid for less than 12 months from the effective date of this Decree may have the validity period extended. The validity of the component environmental license is valid until the end of December 31, 2022, unless the facility provides hazardous waste treatment services of the organization, has been dissolved, goes bankrupt, or is disabled. handle violations of the law on environmental protection but have not yet fully complied with the decision on handling of violations issued by competent state agencies or have not yet fully remedied the consequences of violations according to the provisions of law.

The Ministry of Natural Resources and Environment is responsible for promulgating a written notice of the list of organizations and individuals eligible for extension of the validity period of their environmental permits to the subsections specified in this Clause, clearly specifying the duration of their environmental permits. The length, code and volume of hazardous waste permitted to be collected and treated is based on the following grounds: the hazardous waste code must be compatible with the environmental permit composition; The volume of hazardous waste shall be determined according to the number of months remaining but not exceeding 12 months of the extension period of the issued environmental permit. The above written notice must be sent to organizations and individuals for information; and at the same time send it to the local Department of Natural Resources and Environment where the hazardous waste treatment facility is located to monitor the implementation.

Organizations and individuals entitled to have their component environmental permits extended as prescribed in this Clause have the following responsibilities:

a) To ensure that their hazardous waste treatment facilities meet the requirements for environmental protection specified in Clause 3, Article 84 of the Law on Environmental Protection;

b) To perform the responsibilities specified in Article 85 of the Law on Environmental Protection and this Decree;

c) After the extension of the component environmental permit, the organization or individual must obtain an environmental permit according to the provisions of this Decree.

Article 169. Implementation provisions

1. This Decree takes effect from the date of signing for promulgation.

2. The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the chairmen of the People's Committees of the provinces and centrally-run cities and the relevant organizations and individuals shall be responsible for the implementation of the Decision./.

Recipients:
- Secretariat of the Party Central Committee;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, and Government-attached agencies
- People's Councils, People's Committees of provinces and cities directly under the central government;
- Central Office and Committees of Dang;
- Office of the General Secretary;
- Office of the President;
- Ethnic Council and committees of the National Assembly;
- Congress office;
- Supreme People's Court;
- People's Procuratorate of the Supreme;
- State audit;
- National Financial Supervisory Commission;
- Bank for Social Policy;
- Vietnam Development Bank;
- Central Committee of the Vietnam Fatherland Front;
- Central body of the unions;
- Government Office: BTCN, PCNs, Assistant to TTg, General Director of E-Portal, Departments, Departments, affiliated units, Official Gazette;
- Save: VT, NN (2). *Virtual*

TM. GOVERNMENT
K. PRIME MINISTER
PHÓ THỦ TƯỚNG

Le Van Thanh