

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No.: 19/2015/ND-CP

*Hanoi, 14 February 2015*

**DECREE**

**DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LAW ON ENVIRONMENTAL PROTECTION**

*Pursuant to the Law on organization of Government dated 25 December 2001;*

*Pursuant to the Law on environmental protection dated 23 June 2014;*

*At the request of the Minister of Natural Resources and Environment,*

*The Government issues this Decree detailing the implementation of a number of articles of the law on environmental protection.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of adjustment**

This Decree stipulates in detail: Point dd, Clause 1, Article 38; Clause 5, Article 61; Clause 3, Article 68; Clause 7, Article 70; Clause 3, Article 75; Clause 5, Article 104; Clause 3, Article 146; Clause 2, Article 151; Clause 3, Article 167 of the Law on environmental protection, including:

1. Environmental renovation, restoration and deposit making for environmental renovation, restoration of mineral extraction activities.
2. Control of land environment pollution.
3. Protection of handicraft village environment.
4. Environmental protection for importing activities and used ship breaking.
5. Certification of environmental management system; liability insurance for damages to the environment and handling of facilities which cause serious environmental pollution.
6. Incentives and support for environmental protection activities

7. Participation of residential community in environmental protection.

## **Article 2. Subjects of application**

This Decree applies to organizations, agencies, households and individuals operating in the territory of the Socialist Republic of Vietnam, including the mainland, islands, waters and airspace.

## **Article 3. Interpretation of terms**

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

1. Environmental renovation and restoration are activities to bring the environment and ecosystem in the effected environmental area closer to the original state of the environment or achievement of standards and regulations on safety, environment in service of purposes useful to human being.
2. Deposit making for environmental renovation and restoration is that the organizations or individuals deposit an amount of money in the Vietnam Environment Protection Fund or the local environmental protection fund (referred to as environmental protection fund) to ensure the responsibility for the environmental renovation and restoration of organizations and individuals for mineral extraction activities.
3. Plan for environmental renovation and restoration is the solutions to environmental renovation and restoration in mineral extraction activities approved by the competent state authorities.
4. Waste treatment is the process of using technological and technical solutions (different from pre-processing) in order to reduce, eliminate, isolate, burn, destroy or bury waste and hazardous elements in such waste.
5. Waste treatment facilities includes the hazardous waste treatment facility, the domestic solid waste treatment facility and normal waste treatment facility
6. Technical infrastructure for protection of handicraft village receiving the encouraged development includes the centralized water drainage, collection and treatment of wastewater system, point system and means of collection, gathering and transport of normal solid waste and hazardous waste and trees in public areas.
7. Environmentally friendly technologies are the ones causing less harm to the environment compared with similar ones during operation.
8. Environmentally friendly facilities are the one meeting criteria of effectively using energy, water saving, reduction, re-use and re-cycling of waste.
9. Environmentally friendly products are the ones meeting criteria of eco-label criteria and eco-label certification.

10. Residential community is the community of people living in the same hamlet, village, mountain village, highland village, residential group and residential point.

## **Chapter II**

### **ENVIRONMENTAL RENOVATION AND RESTORATION AND PAYMENT OF DEPOSIT FOR ENVIRONMENTAL RENOVATION AND RESTORATION FOR MINERAL EXTRACTION ACTIVITIES**

#### **Article 4. General provisions on environmental renovation and restoration for mineral extraction activities**

1. All organizations and individuals extracting minerals must have plan for environmental renovation and restoration and deposit making for environmental restoration to be submitted to the competent state authorities for approval.
2. The plan for environmental renovation and restoration must consist with the social – economic development planning, the mineral extraction planning and land use and environmental protection planning of localities.
3. The environmental renovation and restoration must be done during the mineral extraction.
4. The State encourages and creates favorable conditions for organizations and individuals extracting the mineral to continue their land lease to be entitled to incentive policies in case of environmental renovation and restoration into tourist attraction, ecological parks or recreation areas for the beneficial purpose to humans.

#### **Article 5. Subjects for preparing plan for environmental renovation and restoration and additional plan for environmental renovation**

1. The subjects that must prepare plan for environmental renovation and restoration (hereafter referred to as plan) include:
  - a) Organizations and individuals preparing dossier to request the issue of mining license;
  - b) Organizations and individuals that are carrying out their mineral extraction but have not had the approved plan or have not made a deposit for environmental restoration
  - c) Organizations and individuals extracting minerals already have the approved plan but fail to implement it within 24 months from the time of approval must prepare plan again.
2. The subjects that must prepare additional plan for environmental renovation and restoration (hereafter referred to as additional plan) include:
  - a) Organizations and individuals that already have the mining license and approved plan but have changed the area, depth and capacity of mineral extraction;

b) Organizations and individuals that request the change of contents of environmental renovation and restoration compared with the approved plan.

3. The following cases do not need to prepare plan:

a) Organizations and individuals that extract the minerals for common building materials in the boundary area of works construction investment project approved by the competent state authorities or given permission for investment and the extracted products are used only for such works;

b) Households and individuals that carry out the mineral extraction for common building materials in the residential land area of the land use right of the households and individuals for building works in such area.

#### **Article 6. Time to prepare and submit for assessment of contents of plan and additional plan**

1. The time to prepare and submit for assessment of contents of plan and additional plan is provided for as follows:

a) Organizations and individuals having mineral extraction investment project specified at Point a, Clause 1, Article 5 must prepare and submit it to the competent authorities for assessment and approval before asking for the issue of mining license.

b) Organizations and individuals specified under Point b, Clause 1, Article 5, in addition to sanctioning of administrative violations, must prepare and submit the plan to the competent authorities for plan assessment and approval before 31 December 2016;

c) Organizations and individuals specified in Clause 2, Article 5 must prepare and submit the plan to the competent authorities for additional plan assessment and approval before asking for issue of new mineral license or change of solutions to environmental renovation and restoration.

2. The plan includes the following contents:

a) Characteristics of mineral extraction, current state of the natural, economic and social environment, and ecological system affected during the mining;

b) Solutions to environmental renovation and restoration; analysis, evaluation and selection of best solution for environmental renovation and restoration;

c) List and volume of items of environmental renovation and restoration for alternative solution;

d) Implementation plan; division of implementation plan by each year and each stage of environmental renovation and restoration; the management and monitoring program during the environmental renovation and restoration; plan for inspection and certification of plan completion;

dd) Cost estimate for environmental renovation and restoration for each item of environmental renovation and restoration of the selected plan; deposits as per road map.

3. Additional plan includes the following main contents:

a) Characteristics of mineral extraction, current state of the natural, economic and social environment of the project area at the time to prepare additional plan;

b) Changes in contents of environmental renovation and restoration compared with the approved plan; analysis, assessment and selection of best solution for environmental renovation and restoration;

c) Additional list and volume of items of environmental renovation and restoration;

d) Implementation plan; division of implementation plan by each year and each stage of environmental renovation and restoration; the management and monitoring program during the environmental renovation and restoration; plan for inspection and certification of additional plan completion;

dd) Cost estimate for environmental renovation and restoration for each additional item of environmental renovation and restoration, excluding the implemented items;

#### **Article 7. Assessment and approval for plan and additional plan**

1. The authority to assess and approve plan and additional plan is defined as follows:

a) The Ministry of Natural Resources and Environment shall assess and approve plan and additional plan of mining projects under its authority to issue the mining license;

b) The People's Committee of provinces and centrally-run cities (referred to as provincial People's Committee) shall assess and approve plan and additional plan of mining projects under its authority to issue the mining license;

2. The assessment of plan and additional plan is done through the assessment board. The composition of the board includes representatives of state management agencies on environmental, geological and mineral protection, expert related to the field of such plan, including: Chairman of the board, a deputy Chairman in case of necessity; one secretary, two opponents and other members. For plan under the assessment and approval authority of the Ministry of Natural Resources and Environment, the composition must include the representative of provincial People's Committee where the plan is carried out.

3. The funding for assessment of plan or additional plan shall be born by the organizations and individuals carrying out the mineral extraction under regulations of law.

#### **Article 8. Deposit making for environmental renovation and restoration of mineral extraction activities**

1. The amount of deposit is equal to the total funding of works items of environmental renovation and restoration. The funding for each item of works of environmental renovation and restoration must apply the norm and unit price of localities at the time of preparation for plan or additional plan. In case the locality has no norm or unit price, the norm or unit price of respective Ministry or sector. In case the Ministry or sector has no norm or unit price, the market price shall be applied.
2. Organizations and individuals extracting minerals must make deposit annually or by each stage taking into account of inflation factors.
3. Organizations and individuals extracting minerals must make deposit in the Vietnam Environment Protection Fund or the local environmental protection fund. The deposit shall be refunded in Vietnam dong.
4. The deposit shall be entitled to interest which is equal to the borrowing interest of the environmental protection fund where the deposit is made and is calculated from the time of depositing. Organizations and individuals shall draw interest only once after having certification of completion of all contents of plan or additional plan.
5. The refund of deposit shall be done on the basis of organizations and individuals' completion of each part or the whole of contents of environmental renovation and restoration under the approved plan or additional plan.
6. Where the organizations and individuals have made deposit but been dissolved and have not carried out the environmental renovation and restoration in accordance with the approved plan or additional plan, the agency having authority to approve the plan or additional plan shall use the amount of deposit including its interest for implementation of environmental renovation and restoration.

#### **Article 9. Certification of completion of plan or additional plan**

1. Organizations and individuals, after having completed each part or the whole contents of environmental renovation and restoration as per the approved plan or additional plan, shall prepare dossier of completion of plan or additional plan to request the inspection and certification of completion from the competent authorities.
2. The competent authorities having the authority to do the inspection and certification of completion of plan or additional plan is the authorities approving such plan or additional plan.
3. The inspection and certification of completion of entire contents of plan or additional plan is done during the acceptance of result of mine closing plan. The contents of decision on mine closing include the content of completion of entire plan or additional plan. The decision on mine closing supersedes the certification of completion of entire plan or additional plan.

#### **Article 10. Responsibility of management authorities and units**

### 1. Responsibilities of the Ministry of Natural Resources and Environment:

- a) Develop and issue instructions on order, procedures, assessment contents, approval, inspection and certification of plan or additional plan, deposit making for environmental renovation and restoration for mineral extraction activities;
- b) Uniformly carry out the state management on environmental renovation and restoration and deposit making for environmental renovation and restoration for mineral extraction activities;
- c) Assess, approve, inspect and certify the completion of plan or additional plan under its authority;
- d) Develop and issue the technical instructions on environmental protection, renovation and restoration in mineral extraction activities;
- dd) Perform the periodic examination and inspection of environmental protection, renovation and restoration of organizations and individuals doing the mineral extraction and report to the Prime Minister on implementation result.

### 2. Responsibilities of ministries, ministerial-level agencies, government agencies (referred to as ministries and sectors):

- a) Coordinate with the Ministry of Natural Resources and Environment in development and issue or submission to the competent level for the issue of documents related to the environmental renovation and restoration and deposit making for environmental renovation and restoration for mineral extraction activities;
- b) Coordinate with the Ministry of Natural Resources and Environment and other agencies and organizations in implementation of regulations on environmental renovation and restoration and deposit making for environmental renovation and restoration for mineral extraction activities in accordance with the provisions in this Decree;
- c) The Ministry of Finance shall take charge and coordinate with the Ministry of Natural Resources and Environment in instruction, management and use of deposit for environmental renovation and restoration from the environmental protection funds.

### 3. Responsibilities of the provincial People's Committees:

- a) Assess, approve, inspect and certify the completion of plan or additional plan under its authority;
- b) Examine, inspect and provide instructions on environmental renovation and restoration and deposit making for environmental restoration of the organizations and individuals doing the mineral extraction in their management area;

c) Report to the Ministry of Natural Resources and Environment on the result of implementation of environmental renovation and restoration and deposit making for environmental restoration; reality of management and use of deposit before 31 December of each year.

#### 4. Responsibilities of environmental protection funds:

a) Receive and confirm in writing on deposit making of organizations and individuals doing mineral extraction;

b) Refund the deposit and its interest to the organizations and individuals under regulations;

c) Manage and use deposit in accordance with regulations of law. Make annual report to the provincial People's Committee, the Ministry of Natural Resources and Environment and the Ministry of Finance on the reality of management and use of deposit.

d) Urge organizations and individuals extracting minerals to make deposit for environmental renovation and restoration on schedule and request the competent authorities to issue penalty decision due to late deposit.

#### 5. Responsibilities of organizations and individuals extracting minerals

a) Prepare and submit plan or additional plan to the competent level for assessment and approval; inform the contents of approved plan or additional plan to the People's Committee or communal Fatherland Front Committee where there are mineral extraction activities for inspection and supervision;

b) Carry out the environmental renovation and restoration and deposit for environmental renovation and restoration in accordance with regulation;

c) Develop and submit to the competent level, request the inspection and certify the completion of each part or the entire plan or additional plan;

d) Make payment of assessment, inspection and certification of completion of plan or additional plan in accordance with regulations of law;

dd) Report the implementation of environmental renovation and restoration and deposit making for environmental renovation and restoration to the agency approving the plan or additional plan and the agency managing the environmental protection at localities before 15 December of each year.

### **Chapter III**

## **CONTROL OF LAND ENVIRONMENT POLLUTION**

### **Article 11. Identifying, listing, assessing and controlling factors prone to cause land environment pollution**



1. The factors prone to cause land environment pollution to be identified, listed, assessed and controlled are the pollutants generated from:

a) Natural process: Climate change, flooding, saltwater intrusion, desertification, deposition of pollutants from the atmospheric circulation, natural disasters and natural weathering;

b) Human activities: Activities generate intentional or unintentional chemicals; wastes from agricultural, industrial production, business, services, livelihood; mineral extraction and processing; recycling and waste treatment; retention and residues of plant protection chemicals and chemical warfare agents.

2. The control of factors prone to cause land environment pollution must be done as follows:

a) Application of preventive measures and restricting effects on environment from the generating sources;

b) Regular monitoring and supervision;

c) Timely isolation and treatment upon signs of environmental pollution.

3. The Ministry of Natural Resources and Environment shall take charge and coordinate with the Ministries, sectors and localities in review and aggregation and request the Prime Minister to issue the List of sources, business and production facilities and services generating factors of land environment pollution to be strictly controlled; provide instructions on listing, assessment, identification and preventive and controlling measures over the factors prone to cause land environment pollution.

#### **Article 12. Control of land environment pollution at services, business and production facilities**

1. The services, business and production facilities must take measures to strictly monitor and supervise stages and areas generating factors prone to cause land environment pollution; promptly detect, isolate and handle factors prone to cause land environment pollution upon signs of pollution; prepare and carry out plan for prevention and response to environmental incidents under regulations of law.

2. The following facilities must observe the quality of land environment periodically and report the result to the environmental management under regulations of the Ministry of Natural Resources and Environment:

a) Waste treatment facilities;

b) Mineral extraction facilities;

c) Chemical production facilities and services, business and production facilities using hazardous chemicals of the List of waste observation issued by the Ministry of Natural Resources and Environment as stipulated in Clause 2, Article 121 of the Law on environmental pollution.

3. Upon transfer of land use right, the receiver of land use right has the right to request the transferer of land use right to provide information on the quality of land environment in the area of transfer of land use right.

4. The facilities specified in Clause 2 of this Article, upon transfer of purpose of land use to residential land or commercial land, must assess the quality of land environment and make public the information between the subjects using land. The quality of land environment must be certified by the agency having the authority to approve the report on the environmental impact or by the agency having the authority to certify the environmental protection plan in accordance with the purpose of use as residential land or commercial land. Where the quality of land in the area of transfer of purpose of use does not consist with the purpose of use as residential land or commercial land, the person who is using the land and the person who will use the land for the purpose of residential land or commercial land must have plan for land environment treatment to consist with the purpose of use.

### **Article 13. Control of land environment pollution in the areas polluted with chemical warfare agents, residues of plant protection chemicals and other hazardous substances**

1. The polluted land areas under the treatment responsibility of the State include:

- a) The area of land environment pollution due to chemical warfare agents;
- b) The area of land environment pollution due to residues of plant protection chemicals
- c) The area of land environment pollution without identified pollutants.

2. The control of land environment pollution under the treatment responsibility of the State and must be done as follows:

- a) Listing and preliminarily surveying the polluted areas and assessing the preliminary risks;
- b) Surveying in detail, determining scope, extent of pollution and assessing risks of pollution;
- c) Developing models and solutions to pollution treatment and environmental renovation and restoration;
- d) Zoning, isolating, treating, renovating and restoring environment as per approved solutions.
- dd) Performing survey and monitoring after the environmental treatment, renovation and restoration.

3. The provincial People's Committee shall prepare plan for environmental treatment, renovation and restoration for the subjects specified in Clause 1 of this Article to be submitted to the Ministry of Natural Resources and Environment for assessment and approval.

Where the organizations and individuals need the environmental treatment, renovation and restoration for other purposes of use, they must prepare the plan for the environmental treatment, renovation and restoration to be submitted to the provincial People's Committee for assessment, approval, inspection and certification of completion of environmental renovation and restoration before land use.

4. The facilities named in the list specified in Clause 3, Article 11 of this Decree not being the subjects specified in Clause 1 of this Article must organize the survey, assessment, zoning, treatment and restoration upon occurrence of land environment pollution.

5. The quality of land environment in areas polluted with chemical warfare agents, residues of plant protection chemicals and other hazardous chemicals must be publicized to the related organizations and individuals.

#### **Article 14. Responsibilities for control of land environment pollution of agencies**

1. Ministry of Natural Resources and Environment:

a) Develops regulations and instructions on assessing the receipt capacity of land environment as per the purpose of use;

b) Issues the instructions on identification, listing, assessment, zoning and control of factors prone to cause land environment pollution, provides information on quality of land environment, certifies the quality of land in areas of transfer of purpose of land use to residential land or commercial land specified in Clause 4, Article 12 of this Decree;

c) Develops and updates the national information system on areas with polluted land and control of land environment pollution;

d) Aggregates and publicizes the quality of land environment and factors prone to cause land environment pollution nationwide;

dd) Provides method for publicizing information about the quality of land environment.

2. The Ministry of Defense, Ministry of Public Security shall take charge and coordinate with the provincial People's Committee to conduct a survey and do statistics of information about the quality of land environment of land used for national defense and security and send the results to the Ministry of Natural Resources and Environment for synthesis; organizes the treatment of areas with polluted land under their management.

3. Provincial People's Committee:

- a) Organizes survey, assessment and publicizes information about factors prone to cause land environment pollution in the areas; observes the quality of land environment in public areas;
- b) Publicizes information about the quality of land environment (map, report on assessment of land quality, land degradation and land pollution) under regulations of law on land; updates information on the control of land environment pollution in the areas in the national information system on control of land environment pollution.
- c) Issues the warning towards the areas with the land quality inconsistent with the purpose of use; monitors and supervises the preparation and implementation of plan for treatment, renovation and restoration of land environment to consist with the purpose of use of land users or polluters named in the list specified in Clause 3, Article 11 of this Decree.
- d) Implements the treatment of areas with polluted land

## **Chapter IV**

### **PROTECTION OF HANDICRAFT VILLAGE ENVIRONMENT**

#### **Article 15. General provisions on protection of handicraft village environment**

1. The plan for protection of handicraft village environment includes the contents, methods, order of implementation of protection of handicraft village environment; types and volume of generated wastes; organization of protection of handicraft village environment in general, measures of reduction, collection and treatment of wastes generated from handicraft villages; arrangement of resources for implementation of environmental protection and responsibilities of related organizations
2. Infrastructure of environmental protection of handicraft villages with no less than 20% of the number of production facilities which have business categories receiving the encouraged development (referred to as handicraft village receiving the encouraged development) is invested from the state budget. The provincial People's Committee shall allocate its local budget for technical infrastructure investment for environmental protection of handicraft village receiving the encouraged development and mobilize resources for technical infrastructure investment to protect the environment of handicraft villages in the area.
3. The production facilities which have business categories receiving the encouraged development at handicraft village are the ones named in the list specified in Annex I of this Decree. The Ministry of Natural Resources and Environment shall take charge and coordinate with the Ministries, sectors and localities in review for submission to the Prime Minister for amendment or supplementation of Annex I of this Decree in accordance with reality from time to time.
4. The Ministry of Natural Resources and Environment shall issue or request the competent level to issue incentive and supportive mechanisms and policies for facilities which have business categories receiving the encouraged development and handicraft villages receiving the

encouraged development; coordinate with the Ministry of Natural Resources and Environment to provide for the criteria on environmental protection in recognition of handicraft villages.

### **Article 16. Responsibilities for environmental protection of production facilities in handicraft villages**

1. Fully implementing measures of environmental protection mentioned in the report on environmental impact assessment, commitment of environmental protection, detailed environmental protection scheme, simple environmental protection scheme or report on measures of environmental protection.

Where the production facilities which have business categories receiving the encouraged development in the handicraft village have not the report on environmental impact assessment, commitment of environmental protection, detailed environmental protection scheme, simple environmental protection scheme, they must prepare the report on measures of environmental protection, describe activities of facilities, types of waste, measures of reduction and control of dust, temperature, noise, vibration, on-the-spot collection and treatment of wastewater, classification, storage, self-treatment or transfer of solid wastes which shall be sent to the local environmental management agency for testing and monitoring.

2. Contributing all of the environmental protection fees and financial obligations under regulations of law for the environmental protection of handicraft village.

3. The services, business and production facilities in the handicraft villages not being the subjects specified in Clause 3, Article 15 of this Decree must comply with the provisions in Clause 3, Article 70 of the Law on environmental protection and other provisions on environmental protection for services, business and production facilities.

### **Article 17. Responsibilities of communal People's Committee**

1. Prepares and submit the plan for protection of handicraft village environment in the areas for implementation.

2. Urges the preparation of contents of environmental protection in the village convention or regulation of handicraft villages.

3. Arranges officers qualified for law and environmental management to monitor the implementation of protection of handicraft village environment; provides instructions on activities of self-regulatory organizations for environmental protection of handicraft villages.

4. Gives priority to the allocation of environmental non-business funding and other funding for environmental protection, investment and renovation of technical infrastructure works for environmental protection in the handicraft villages which are encouraged to develop in the areas.

5. Carries out the management, operation and maintenance properly upon handover of technical infrastructure projects or works for protection of handicraft village environment.

6. Regularly provides instruction and inspect the implementation and handle violations of law on environmental protection of the facilities in the areas.

7. Propagates, disseminates information and improve consciousness for people about the responsibilities for environmental protection; gives instructions to facilities on recovery, recycling, re-use and treatment on the spot of wastes.

8. Publicizes information about the environmental reality and protection of handicraft village environment on the local mass media, via politica-social unions and organizations at localities and in the meetings of communal People's Committee and People's Council.

9. Reports to the district People's Committee on the environmental protection and generation and treatment of wastes from handicraft villages in the area once a year before 30 October of each year or irregularly upon requirement.

### **Article 18. Responsibilities of district People's Committee**

1. Carries out the survey and listing of handicraft villages and handicraft villages receiving the encouraged development, production facilities which have business categories receiving the encouraged development in the handicraft villages in the area; directs district business registration agency to consider and revoke the business household Certificate of the production facilities in the handicraft villages which do not have the business categories receiving the encouraged development, do cause serious environmental pollution and not ensure the required distance from residential areas.

2. Urges, approves and provides instructions to the communal People's Committee on implementing and inspecting the implementation of plan for protection of handicraft village environment.

3. Directs the development, inspection and monitoring of implementation of environmental protection specified in the village regulation or convention of handicraft villages.

4. Reviews and suggests the planning of concentrated industrial clusters or arrangement of livestock area and concentrated production area outside residential area that meet the regulations on environmental protection to plan and implement the relocation of production facilities which do not have business categories receiving the encouraged development and cause environmental pollution out of residential areas.

5. Gives priority to the allocation of environmental non-business funding for environmental management and funding from other sources for investment, building, upgrade and renovation of technical infrastructure works for environmental protection in the handicraft villages which are encouraged to develop in the areas.

6. Provides instructions, carries out the examination, inspection and handles violation of law on environmental protection of production facilities in the area.

7. Propagates and disseminates regulations of law on environmental protection; organizes activities to encourage the services, business and production facilities to apply cleaner production solutions, environmentally friendly technologies, collection and recycling of waste materials.

8. Publicizes information about the environmental reality, protection of handicraft village environment on the local mass media and in the meetings of district People's Committee and People's Council.

9. Aggregates and reports to the district People's Committee on the environmental protection and generation and treatment of wastes from handicraft villages in the area once a year before 30 November of each year or irregularly upon requirement.

### **Article 19. Responsibilities of provincial People's Committee**

1. Aggregates and publicizes the list of handicraft villages and handicraft villages receiving the encouraged development, production facilities which have business categories receiving the encouraged development; the plan for handicraft village development and plan for conversion of business categories or relocation out of residential area for the production facilities which do not have business categories receiving the encouraged development and cause environmental pollution in the area.

2. Allocates funding from local budget for the protection of handicraft village environment. Gives priority to the allocation of environmental non-business funding and other sources of funding for environmental management and investment in building works for environmental protection, renovation and upgrade of technical infrastructure works for environmental protection to the handicraft villages which are encouraged to develop.

3. Develops and issues or requests the competent authorities to issue and implement the incentive and supportive mechanisms and policies to the production facilities which have business categories receiving the encouraged development; supportive mechanisms and policies to the facilities which cause environmental pollution and must be relocated out of residential area or must convert their production categories.

4. Ensure conditions for environmental protection in recognition of handicraft villages.

5. Assesses the extent of handicraft village pollution, prepares plans for treating the pollution of handicraft village environment, including:

a) Calculates volume of wastewater, waste gas, common solid waste and hazardous solid waste generated from the facilities in the handicraft villages;

b) Assesses the extent of environmental pollution of surface water, underground water, land and ambient air;

c) Prepares and takes measures to remedy the pollution of handicraft village environment.

6. Directs the planning, approval and allocation of funding of technical infrastructure for environmental protection to the handicraft villages which are encouraged to develop; carries out the planning of industrial parks, concentrated industrial cluster, livestock area or concentrated production area outside the residential areas that meets the regulations on environmental protection for relocating production facilities causing environmental pollution out of residential area.
7. Manages the collection, transport, re-cycling and treatment of rural waste or waste from operation of facilities in the handicraft village.
8. Provides instructions, examines, inspects and handles violations of law on environmental protection of the production facilities in the area.
9. Publicizing information about the environmental reality and the protection of handicraft village environment on local mass media and in the meetings of provincial People's Committee and People's Council.
10. Reports to the Ministry of Natural Resources and Environment on the environmental protection and generation and treatment of wastes from handicraft villages in the area once a year before 31 December of each year or irregularly upon requirement.

#### **Article 20. Responsibilities of the Ministry of Natural Resources and Environment**

1. Issues or requests the competent authorities to issue regulations and conditions on environmental protection for handicraft villages; the national technical Regulation on environment for production facilities which have business categories receiving the encouraged development; coordinates with the Ministry of Finance to issue or requests the competent level to issue the supportive and incentive mechanisms and policies on environmental protection for production facilities which have business categories and handicraft villages receiving the encouraged development.
2. Manages and updates information and data on protection of handicraft village environment nationwide; publicizes the list of handicraft villages causing environmental pollution and handicraft villages causing serious environmental pollution; instructs and inspects the implementation of regulations on protection of handicraft village environment.
3. Provides instructions on waste treatment generated from the activities of production facilities which are encouraged in the handicraft villages.
4. Provides instructions on contents and order of development and approval for the handicraft village environment protection plan; prepares reports on measures of environmental protection of production facilities which are encouraged in the handicraft villages.
5. Provides instructions and organizes the training, re-training, practice, experience dissemination, supply of information about environmental law, solutions to environmental protection, production towards environmentally friendly, exhibitions, fairs, promotion of



environmentally friendly products and environmental technologies to the production facilities which are encouraged in the handicraft villages.

#### **Article 21. Policies on encouraged development of handicraft villages and production facilities which have business categories receiving the encouraged development**

1. Given priority to the allocation of budget for construction of environmental protection infrastructure under relevant laws; introduction and promotion of products in activities of commerce, tourism, training, dissemination of knowledge about environmental protection to the residential communities, self-regulatory organizations on environmental protection and communal environmental management officers.
2. Given priority in the process of review and approval and lending of incentive capital of credit institutions on environment, Vietnam Environment Protection Fund, the sectoral environmental protection fund and the local environmental protection fund for environmental protection projects under regulations on operational organization of the environmental protection fund.
3. Given priority in the review and selection of implementation of industrial and agricultural extension program and national target program on new rural development; given priority in receiving and implementing the models of waste treatment from international projects, duties, themes and projects from the state budget.

### **Chapter V**

#### **ENVIRONMENTAL PROTECTION FOR IMPORT OF USED SHIPS FOR BREAKING**

#### **Article 22. Environmental protection requirements for used ship breaking facilities**

1. The project to build the ship breaking facilities must have the report on environmental impact assessment approved by the Ministry of Natural Resources and Environment.
2. The ship breaking facilities must apply the environmental management system standard as per the national standard TCVN ISO 14001.
3. When breaking each ship, the ship breaking facilities must make the environmental protection plan to be submitted to the Ministry of Natural Resources and Environment for approval. The plan consists of the following main contents:
  - a) Plan for prevention, response and remedy of environmental incidents during ship breaking;
  - b) Plan for collection, storage, transport and treatment of common and hazardous wastes during ship breaking;
  - c) Measures to treat wastewater and waste gas generated from the ship breaking to ensure the compliance with relevant national technical regulations on environment;

The Ministry of Natural Resources and Environment shall provide specific instructions on the procedures, dossier and organize the assessment and approval for environmental protection plan in used ship breaking activities.

4. The process of assessment and certification of environmental protection plan in used ship breaking activities.

a) The ship breaking facilities send the environmental protection plan in used ship breaking activities to the General Department of Environment 60 days before ship breaking as per the form specified in Annex IV of this Decree;

b) Within 20 days, the General Department of Environment shall organize the assessment and certification of environmental protection plan in used ship breaking activities.

c) Where the environmental protection plan in used ship breaking activities meet the requirements for environmental protection under regulations of law, within 10 days, the General Department of Environment shall issue a decision on approving the environmental protection plan in used ship breaking activities. The form of approval decision is specified in Annex V of this Decree;

d) Where the environmental protection plan in used ship breaking activities does not meet the requirements for environmental protection under regulations of law, within 5 days, the General Department of Environment shall give a written notice specifying reasons.

5. Conditions for technical and technological facilities and human resources on environmental protection for the ship breaking facilities:

a) Having dry dock or specialized open space on land and appropriate ashore towing equipment ashore and ensuring conditions for environmental protection to be the direct site for ship breaking;

b) Having technologies and equipment to break and treat accompanied impurities meeting environmental technical regulation and in accordance with laws on waste management;

c) Having technical equipment and measures to control the pollution and environmental protection at the site of ship breaking;

d) Having employees who were issued with operational training certificate on environmental protection as required by the Ministry of Natural Resources and Environment.

### **Article 23. Environmental protection requirements to the imported ships for breaking**

1. The import of ship for breaking, in addition to the implementation of importing procedures under current regulations, must present the certification of conformity with the environmental national technical regulations to the ships imported for breaking issued by the conformity certification organization.

2. The Ministry of Natural Resources and Environment shall appoint the conformity certification organization under regulations of law on technical regulations and standards; provide instructions on the order and procedures for assessing conditions for environmental protection to the ships imported for breaking.

**Article 24. Responsibilities of the Ministries, agencies and provincial People’s Committee for the import of used ships for breaking**

1. The Ministry of Natural Resources and Environment shall take charge in organizing the implementation of regulations on environmental protection for the import of used ships for breaking.

2. The Ministry of Transport shall coordinate with the Ministry of Natural Resources and Environment to implement the regulations on environmental protection for import of used ships for breaking.

3. The Ministries and sectors concerned within their authority shall coordinate with the Ministry of Natural Resources and Environment to implement the regulations on environmental protection for the import of used ships for breaking.

4. Within their power, the provincial People’s Committees shall organize the inspection and monitoring of compliance with law on environmental protection in the activities of ship breaking facilities under the provisions in this Decree and other relevant laws.

**Chapter VI**

**CERTIFICATION OF ENVIRONMENTAL MANAGEMENT SYSTEM; INSURANCE ON ENVIRONMENTAL DAMAGE COMPENSATION LIABILITY; HANDLING OF FACILITIES CAUSING SERIOUS ENVIRONMENTAL POLLUTION**

**Section 1: CERTIFICATION OF ENVIRONMENTAL MANAGEMENT SYSTEM**

**Article 25. Subjects obliged to implement certification of environmental management system**

1. The services, business and production facilities which have come into operation with large amount of waste and prone to serious impact on environment named in the list specified in Annex II of this Decree must implement the certification of environmental management system.

2. The facilities having the valid certificate of conformity with national standard TCVN ISO 14001 issued by a certification organization which has registered its operational fields under regulations of law shall not have to implement the certification of environmental management system.

The head of facilities must send a written commitment to the agency with certification authority to certify confirm the compliance with all contents specified in Article 27 of this Decree.

3. The Prime Minister shall review and decide the modification of List of services, business and production facilities which must implement the certification of environmental management system as recommended by the Ministry of Natural Resources and Environment.

**Article 26. Time to implement certification of environmental management system.**

1. The facilities which are carrying out their services, business and production activities must implement the certification of environmental management system for the first time within 12 months from the effective date of this Decree.

2. The facilities not being the subjects specified in Clause 1 of this Article must implement the certification of environmental management system for the first time after having carried out their services, business and production activities for 12 months but no more than 24 months from the time the facilities carried out their services, business and production activities.

**Article 27. Contents of environmental management system**

1. Contents of environmental management system:

a) Plan or process of operating the production facilities in accordance with the regulations of law on environmental protection;

b) Commitment to using the procedures and production equipment effectively to save energy and raw materials and reduction in environmental pollution;

c) Establishment and maintenance of procedures for continuous monitoring of environmental impact of production activities; environmental objectives and indicators for the environmental protection and assessment of their effectiveness;

d) Determination, implementation and maintenance of role, responsibility and power of facilities leadership and employees on environmental protection; arrangement of officers in charge of environmental management; provision of necessary resources to implement the environmental protection of the facilities;

dd) Programs improving the employees' consciousness on the impact of production activities at the facilities to the environment and other measures to reduce such impacts (at least once a year);

e) Priority policies for the suppliers and contractors recognized as the environmentally friendly facilities or having products with eco-labels.

g) Plan for publication of annual environmental report; plan for provision of information to customers and surrounding community on necessary measures for environmental protection.

2. The environmental management system must be adjusted in a timely manner with the changes during the facilities' operation.

## **Article 28. Certification of environmental management system**

1. Dossier to request the certification of environmental management system:

a) Application for certification of environmental management system;

b) Report on environmental management system of the facilities;

2. Owner of services, business and production facilities shall send dossier to request the certification of environmental management system to the agency with certification authority. The owners of facilities have the right to send dossier for certification by e-mail.

3. After receiving the dossier, the agency with certification authority shall review it and give a written notice to the facility owner for completion of dossier within 03 days in case of invalidity or incompleteness;

4. After receiving valid dossier, the agency with certification authority shall organize the certification and issue of certificate of environmental management system within 30 days.

In case of failure to issue the certificate of environmental management system, the agency with certification authority shall give a written notice to the facility owner specifying the reasons.

5. The certificate of environmental management system is valid in 05 years from the date of issue.

6. The Ministry of Natural Resources and Environment provides for the form of report, order and procedures for certification of environmental management system of the facilities.

## **Article 29. Authority to certify the environmental management system**

1. The Ministry of Natural Resources and Environment shall certify the environmental management system for facilities not related to the field of national defense and security.

2. The Ministry of National Defense and the Ministry of Public Security shall certify the environmental management system for the facilities related to the field of national defense and security.

## **Article 30. Change and re-certification of environmental management system**

1. Where the facilities have changes towards reduction in requirement and responsibility for environmental protection determined in the environmental management system or changes in scale, capacity and technology that increase negative impact on the environment, such changes must be approved in writing of the certification agency. This agency shall reply in writing within 20 days from the date of receipt of valid dossier.

2. The facilities must submit dossier for re-certification of environmental management system at least 90 day in advance before the expiration of certificate of environmental management system. The dossier includes:

- a) Application for re-certification;
- b) Certificate of environmental management system;
- c) Report on compliance with the contents of environmental management system which has been certified.

If there are changes in the contents of environmental management system which has been certified, the facilities must specify such changes.

3. The process of re-certification of environmental management system shall comply with the provisions in Article 28 of this Decree. The time limit for processing of dossier and re-issue of certificate of environmental management system is no more than 20 days.

## **Section 2: INSURANCE ON ENVIRONMENTAL DAMAGE COMPENSATION LIABILITY**

### **Article 31. Organizations and individuals buying insurance on environmental damage compensation liability**

1. Organizations and individuals having the following business and production activities must buy the insurance on environmental damage compensation liability or appropriate provision funds under regulations of law:

- a) Oil and gas activities including the searching, exploration, mine development and extraction, including direct activities for such activities;
- b) Production and business of chemicals, oil and gas;
- c) Use of specialized ship for transport of oil, petroleum products or other dangerous goods when operating in the port waters and the waters of Vietnam;
- d) Storage, transport and treatment of dangerous waste; transport of dangerous goods.

2. Based on the type, scale, nature and location of operation, the Ministry of Natural Resources and Environment shall take charge and coordinate with the Ministry of Finance and other relevant agencies to make a lists of subjects which must buy the insurance on environmental damage compensation liability; provide for the minimum liability for each subject.

3. The Ministry of Finance shall coordinate with the Ministry of Natural Resources and Environment to stipulate in detail the appropriation of provision funds.

## **Article 32. Insurance subjects**

1. The insurance subjects of the insurance on environmental damage compensation liability is the liability of organizations and individuals buying insurance for generated costs to execute the environmental damage compensation liability in the following cases:

- a) Water environment for the purpose of conservation, life activities, entertainment, production and other purpose is polluted, severely polluted or particularly severely polluted;
- b) Land environmental for the purpose of conservation, life activities, entertainment, production and other purpose is polluted, severely polluted or particularly severely polluted;
- c) Natural ecosystem which does or does not belong to the natural conservation is degraded;
- d) Endangered, precious and rare species which are given the prioritized protection under regulation of law are killed or wounded.

2. The environmental scope affected is determined depending on the type, scale, nature and location of operation of the organizations and individuals buying liability insurance.

## **Section 3: HANDLING FACILITIES CAUSING SEVERE ENVIRONMENTAL POLLUTION**

### **Article 33. Principles and grounds to identify facilities causing severe environmental pollution**

1. The identification of facilities which cause environmental pollution or severe environmental pollution must be done objectively, equally and in accordance with law; depending on the environmental national technical regulation and seriousness of acts of violation causing environmental pollution, including:

- a) Acts of wastewater, emission and dust discharge exceeding the environmental national technical regulations;
- b) Acts of causing noise and vibration exceeding the environmental national technical regulations;
- c) Acts of landfill or discharge into soil or water environment of pollutants in solid, liquid or muddy form improperly that makes the soil or water environment exceed the national technical regulation on the surrounding environmental quality.

2. Determinants of seriousness of violation of acts causing environmental pollution

- a) For the acts specified under Point a, Clause of this Article, including: volume of wastewater, discharge of waste gas and dust from the facilities; a number of times exceeding the environmental national technical regulation of the specific environmental parameters exceeding

the national technical regulation on waste existing in wastewater, waste gas and dust from the facilities;

b) For the acts specified under Point b, Clause 1 of this Article, including: a number of times exceeding the national technical regulation on noise, vibration, subjects affected, point of time and location of acts;

c) For the acts specified under Point c, Clause 1 of this Article, including: a number of times exceeding the national technical regulation on quality of surface water, underground water, sea water, ambient air and land environment of environmental parameters caused by such acts.

3. The environmental parameters exceeding the environmental national technical regulation determined on the basis of result of observation of such environmental parameters compared with the corresponding environmental national technical regulation. The observation must be done by the unit having certificate of eligibility for operating the environmental observation services.

4. The Ministry of Natural Resources and Environment provides for the criteria to identify the facilities causing severe environmental pollution.

#### **Article 34. List of facilities causing severe environmental pollution and measures to treat the environmental pollution**

1. After receiving the sanctioning of administrative violation, the facilities causing severe environmental pollution must be included in the list with the measures to treat the environmental pollution and time of implementation, except for cases of suspension or ban from operation.

2. The measures to treat the environmental pollution for the facilities severe environmental pollution when included in the list are:

a) Relocation to a site in accordance with the planning and bearing capacity of the environment;

b) Renovation, upgrade or building of new waste treatment system up to the environmental national technical regulation;

c) Environmental renovation and restoration in the polluted area.

3. During the implementation of measures to treat the environmental pollution, the facilities causing severe environmental pollution must take appropriate measures to reduce pollution. Such measures must be determined in the list of facilities causing severe environmental pollution.

4. The Ministry of Natural Resources and Environment shall provide instructions on inspection, result assessment and certification of completion of measures of radical environmental pollution treatment at the facilities causing severe environmental pollution; take charge of inspection and examination of radical treatment towards the facilities causing severe environmental pollution nationwide.



### **Article 35. Order and procedures for deciding the list of facilities causing severe environmental pollution**

1. The agencies having functions of inspection or examination on environmental protection must send the Department of Natural Resources and Environment the result of inspection and examination and relevant dossier within 05 days from the date of issuing the notice of conclusion of inspection and examination (except for the facilities which shall be inspected or examined by the Ministry of Defense, Ministry of Public Security).
2. Within 30 days after receipt of result of inspection or examination on environmental protection, the result of expertise solicitation from the competent state authorities and based on the criteria of classification of facilities causing severe environmental pollution, the Department of Natural Resources and Environment shall make list of facilities causing severe environmental pollution in the area for report to the provincial People's Committee, the Ministry of Natural Resources and Environment and send such list to the related Ministries and sectors.
3. Within 20 days after receipt of report from the Department of Natural Resources and Environment, the provincial People's Committee shall aggregate the list of facilities causing severe environmental pollution and make a report on the list of facilities causing severe environmental pollution in the area and relevant dossiers to the Ministry of of Natural Resources and Environment for review, summary and report to the Prime Minister; for the facilities under the management of the Ministries or sectors, such facilities shall be included in the list after the consultation with the Ministries or sectors;
4. Within 30 days after the issue of result of examination or inspection on environmental protection, the result of expertise solicitation and the criteria of classification of facilities causing severe environmental pollution, the specialized environmental protection agencies of the Ministry of Defense and the Ministry of Public Security shall make a list of facilities causing severe environmental pollution in the field of national defense, security for report to the Minister of Defense and the Minister of Public Security and send the list to the Ministry of Natural Resources and Environment for monitoring.
5. Within 20 days after the receipt of report from the specialized environmental protection agencies, the Ministry of Defense and the Ministry of Public Security shall send the list of facilities causing severe environmental pollution under their management and the relevant dossiers to the Ministry of Natural Resources and Environment for review, aggregation and report to the Prime Minister.
6. Within 30 days after the receipt of report from the provincial People's Committee, from the Ministry of Defense and the Ministry of Public Security and based on the result of inspection and examination, expertise solicitation of the Ministry of Natural Resources and Environment, the Ministry of Natural Resources and Environment shall review, aggregate and report to the Prime Minister or approve the list of facilities causing severe environmental pollution under the authorization of the Prime Minister.

7. The list of facilities causing severe environmental pollution must be enclosed with the treatment measures specified in Clause 2, Article 34 of this Decree.

**Article 36. Publicization of list of facilities causing severe environmental pollution and measures of environmental pollution treatment**

1. After being approved, the list of facilities causing severe environmental pollution and the measures of environmental pollution treatment, they shall be sent to the Ministry of Natural Resources and Environment, sector management Ministries and the provincial People's Committee where the facilities are operating and causing severe environmental pollution within 05 days from the date of approval.

2. After having received the approval decision from the competent state authorities, the Ministry of Natural Resources and Environment shall post the information about the facilities causing severe environmental pollution on its website and the website of the General Department of Environment until such facilities are certified to have taken measures of environmental pollution treatment.

3. After having received the approval decision from the competent state authorities, the provincial People's Committee shall post the information about the facilities causing severe environmental pollution in its area on its website and on the mass media until such facilities are certified to have taken measures of environmental pollution treatment and notify the approval decision on the list of facilities causing severe environmental pollution of the competent state authorities to the district People's Committee where such facilities are operating and causing severe environmental pollution for information.

4. After having received the approval decision from the competent state authorities, the district People's Committee shall:

a) Post information about the facilities operating in the area and causing severe environmental pollution must take measures of environmental pollution treatment as per the decision of the competent state authorities on the local website until such facilities are certified to have completed measures of environmental pollution treatment and notify the approval decision on the list of facilities causing severe environmental pollution of the competent state authorities to the communal People's Committee where such facilities are operating and causing severe environmental pollution for information.

b) Regularly post information about the facilities causing severe environmental pollution must takes measures of environmental pollution treatment according to the decision of the competent state authorities on the local radio system.

5. After receiving the approval decision from the competent state authorities, the communal People's Committee shall:

a) Publicly post at the office of communal People's Committee the information about the facilities causing severe environmental pollution must takes measures of environmental pollution treatment according to the decision of the competent state authorities;

b) Provide information about the facilities causing severe environmental pollution must takes measures of environmental pollution treatment according to the decision of the competent state authorities for hamlets, villages, residential groups and equivalent level and the political-social organizations of communes for information and coordinated monitoring of implementation.

## **Chapter VII**

### **INCENTIVES AND ASSISTANCE OF ENVIRONMENTAL PROTECTION ACTIVITIES**

#### **Article 37. Principles of incentives and assistance**

1. The state has the policies on incentives and assistance with land, capital, exemption and reduction in tax for the environmental protection activities, price support, assistance with product consumption from the environmental protection activities and other incentives and assistance for the environmental protection activities.
2. Organizations and individuals with a lot of environmental protection activities entitle to incentives and assistance shall receive the respective incentives and assistance for such activities in accordance with the provisions in this Decree.
3. Where the environmental protection activities are entitled to the incentives and assistance as stipulated in this Decree and other legal normative documents, they shall be entitled to the incentives and assistance as per documents providing for higher rate of incentives and assistance.
4. Where the law or new policies issued provide for the incentives and assistance with higher rate compared with the incentives and assistance which the investors are entitled to in accordance with the provisions in this Decree, the investors shall be entitled to the incentives and assistance according to the new regulations. The Ministry of Planning and Investment shall take charge and coordinate with the Ministry of Finance and the Ministry of Natural Resources and Environment to provide instructions on order, procedures for assessment and approval for contents of incentives and assistance for the investment projects in accordance with the provisions in this Decree.
5. The extent and scope of incentives and assistance for environmental protection are adjusted to ensure the consistency with the policies on environmental protection of each period.

#### **Article 38. Subjects entitled to incentives and assistance**

1. The subjects entitled to incentives and assistance consist of organizations and individuals investing in environmental protection projects and services, business and production activities concerning the environmental protection specified in Annex III of this Decree.

2. Activities of technological and scientific research, technological transfer of environmental protection shall be entitled to the incentives and support according to regulations of law on science and technology and technology transfer.

3. The Ministry of Industry and Trade shall coordinate with the Ministry of Natural Resources and Environment to define other forms of renewable energy as stipulated in Clause 13, Annex III of this Decree.

## **Section 1: INCENTIVES AND ASSISTANCE ON INFRASTRUCTURE AND LAND**

### **Article 39. Assistance on building of infrastructure works**

The investor of environmental protection works specified in Clause 1, 2 and 6, Annex III of this Decree shall be entitled to the assistance on building of environmental protection works as follows:

1. The state give the priority to the allocation of land fund associated with works, works items of technical infrastructure (roads, electricity, water supply and drainage, communications and energy) available outside the scope of project connected with the common technical infrastructure of the area.

2. Where the state cannot allocate land fund associated with works, works items of technical infrastructure available outside the scope of project connected with the common technical infrastructure of the area, the investor of project shall be entitled to the policies such as assistance in building infrastructure outside the fence of industrial park, export processing zone or high-tech park according to regulations of law on investment.

### **Article 40. Incentives for land rent and assistance on site clearance and compensation**

1. The owner of concentrated living wastewater treatment system project specified in Clause 1, Annex III of this Decree and concentrated common solid treatment facilities specified in Clause 2, Annex III of this Decree shall be entitled to the land rent under regulations of law on land like the subjects in the fields of special investment incentives and receive the site compensation from the state.

Where the project owner has advanced the funding for compensation and site clearance under the plan approved by the competent level, he/she shall be deducted as stipulated by the regulations of law on land.

2. The owner of construction project specified in Clause 4, 5, 9, 10, Annex III of this Decree shall be entitled to the incentives for land rent as stipulated by the regulations of law on land like the subjects in the fields of special investment incentives.

3. The project owner carries out the building of production facilities specified in Clause 11, 12, 13, 14, Annex III of this Decree shall be entitled to the incentives for land rent as stipulated by the regulations of law on land like the subjects in the fields of special investment incentives.

## **Article 41. Financial incentives for land to the facilities causing severe environmental pollution to be relocated**

1. The facilities causing severe environmental pollution to be relocated (referred to as facilities), if are allocated land by the state without or with land use fees before 01 July 2014 (before the effective date of the Land Law 2013) or received the transfer of legal land use right and the land use fees have been paid to the state or the money received from the transfer of land use right from the state budget, shall have the right to use all proceeds from the auction of land use right and properties attached to land (after deduction of all expenses of auction organization). Such proceed shall be recorded in the state capital as stipulated by law in order to pay the land use fees, land rent, relocation expenses, technological renovation and upgrade and implementation of investment project at the new production facilities.

Where the land at the old production facilities is recovered and use for public purpose, such facilities shall be allocated capital to pay the land use fees, relocation expenses, technological renovation and upgrade and implementation of investment project at the new production facilities corresponding to the value of land use right and the properties attached to land of such land lot under market price at the time of recovery.

2. If such facilities are allocated land with collection of land use fees by the state before 01 July 2014 or lease land with one time payment for the leasing period or receive legal land transfer but the land use fees or the proceeds from land transfer not from the state budget, they may change the purpose of use of land area at the old facilities but consistent with the detail planning of land used, urban construction planning and rural residential area construction planning approved by the competent state authorities under regulations of law on land.

Where the facilities do not have their need of using land, they have the right to transfer the land use right to others for use under the planning during the remain time under regulations of law on land.

## **Section 2: INCENTIVES AND ASSISTANCE WITH CAPITAL AND TAX**

### **Article 42. Incentives for investment capital**

1. Incentives from the Vietnam Environment Protection Fund, the local environmental protection fund or other credit institutions:

a) If the project owners carrying out activities specified in Clause 1 and 2, Annex III of this Decree applies the treatment technologies with the percentage of waste to be buried after treatment of less than 30% of the total collected volume of solid waste, they shall be entitled to loan at preferential interest rate no more than 50% of state interest rate of investment credit announced by the competent authorities at the time of lending; the total loan shall not exceed 80% of the total construction investment; entitled to prioritized assistance after investment or guarantee of loan;

b) The project owners carrying out activities specified in Annex III of this Decree but not subject to Point a, Clause 1 of this Article shall be entitled to loan at preferential interest rate no more than 50% of state interest rate of investment credit announced by the competent authorities at the time of lending; the total loan shall not exceed 70% of the total construction investment; entitled to prioritized assistance after investment or guarantee of loan;

## 2. Incentives from Vietnam Development Bank:

The project owners carrying out activities specified in Annex III of this Decree shall be entitled to preferential investment credit like the projects of the list of investment credit loan under the current regulations of law.

3. The project owners carrying out activities specified in Clause 11, Annex III of this Decree, in addition to be entitled to the incentives as stipulated in Clause 1 and 2 of this Article, shall receive the assistance of 10% of the total equipment investment for application in environmental protection.

4. The project owners carrying out activities specified in Annex III of this Decree, except for activities specified in Clause 3 and 8 of Annex III of this Decree, if being the projects specified in the plans and strategies issued by the Prime Minister, the Government and National Assembly and in the fields specified in the Law on management of public debt and the guiding documents of implementation shall be given the priority to the consideration and use of official development assistance.

5. The Ministry of Finance shall take charge and coordinate with the Ministry of Planning and Investment in providing instructions on order and procedures for assistance of investment capital specified in Clause 3 of this Article.

6. The Ministry of Planning and Investment shall take charge and coordinate with the Ministry of Finance and the Ministry of Natural Resources and Environment in providing detailed instructions on implementation of provisions specified in Clause 4 of this Article.

7. The Ministry of Natural Resources and Environment shall provide instructions on loan and post-investment assistance of interest rate and guarantee of investment credit for projects receiving loan from Vietnam Environment Protection Fund. The provincial People's Committee shall provides instructions on loan and post-investment assistance of interest rate and guarantee of investment credit for projects receiving loan from the local environmental protection fund.

## **Article 43. Preferential enterprise income tax**

The enterprise income from the implementation of new investment projects specified in Clauses 1, 2, 4, 5, 6, 9, 10, Annex III of this Decree and new production projects specified in Clause 11, 12, 13, 14, Annex III of this Decree shall be entitled to the preferential enterprise income tax like the subjects in the field of environmental protection under regulations of law on enterprise income tax.

#### **Article 44. Preferential import and export tax**

1. Machinery, means, tools and materials used for activities specified in Clause 10 and 14, Annex III of this Decree, upon imported, shall be entitled to preferential import and export tax like the subjects subjects in the fields of special investment incentives under regulations of law on import and export tax.
2. The Ministry of Finance provides for the exemption and reduction in export tax for the products specified in Clause 12, Annex III of this Decree upon export.
3. The Ministry of Natural Resources and Environment shall provide detailed instructions on the list of products specified in Clause 12, Annex III of this Decree.

#### **Article 45. Preferential value added tax**

1. The goods and services produced and traded from the activities of environmental protection shall apply the policies on value added tax under regulations of law on value added tax.
2. The Prime Minister provides for the preferential value added tax to a number of specific products and services of environmental protection.

### **Section 3: ASSISTANCE ON PRICE AND PRODUCT CONSUMPTION**

#### **Article 46. Price support for products and services of environmental protection**

The project owner carrying out the activities and supply of following products if meeting the criteria of products and public services shall be entitled to the price support under regulations of law on production, supply of products and public services:

1. The activities specified in Clause 2 and 9, Annex III of this Decree, activities of base observation specified in Clause 8, Annex III of this Decree.
2. The products from the activities of environmental protection specified in 12 and 13, Annex III of this Decree.

#### **Article 47. Consumption assistance for products**

1. The head of agencies and units using state budget must prioritize the public procurement of products specified in Clause 12 and 13, Annex III of this Decree upon purchasing such products.

The Ministry of Finance shall take charge and coordinate with the Ministry of Natural Resources and Environment to develop the regulations on public procurement of environmentally friendly products as specified in this Clause.

2. Organizations and individuals shall prioritize the purchase of environmentally friendly products as guided by the Ministry of Natural Resources and Environment

## **Section 4: OTHER INCENTIVES AND ASSISTANCE**

### **Article 48. Assistance for product promotion and waste classification at source**

1. The state encourage organizations, individuals, enterprises and cooperatives to carry out the following activities:

a) Promoting products from the environmental protection, recovery and processing of discharged products;

b) Producing and disseminating types of film, television program on environmental protection to raise people's consciousness in environmental protection and use of environmentally friendly products;

c) Providing people with tools free of charge to classify domestic waste and products discharged at source.

2. The expenses for implementing the activities specified in Clause 1 of this Article shall be recorded in the production expenses of organizations, individuals, enterprises and cooperatives;

3. The Ministry of Finance shall take charge and coordinate with the Ministry of Natural Resources and Environment, the Ministry of Information and Communications to guide the implementation of incentive policies specified in Clause 1 and 2 of this Article.

### **Article 49. Award for environmental protection**

1. Every two years, the Ministry of Natural Resources and Environment shall take charge and coordinate with the Ministry of Science and Technology, Vietnam Chamber of Commerce and Industry and Vietnam Television to organize the selection and vote, handover of award to honor the organizations and individuals with excellent achievements in environmental protection, recovery and processing of discharged products

2. The Ministry of Natural Resources and Environment specifies the structure of award, standard and procedures for awards; coordinates with the Ministry of Finance to specify the expenses for environmental protection.

3. The provincial People's Committee specifies the local environmental protection awards.

4. The expenses for organization and awarding are from the environmental non-business funding, Vietnam Environment Protection Fund and funding from organizations and individuals and other legal mobilized capital.

## **Chapter VIII**

### **RESIDENTIAL COMMUNITY PARTICIPATING IN ENVIRONMENTAL PROTECTION**



## **Article 50. Representative of residential community**

1. The residential community can choose organizations or individuals as representative of residential community through the meeting of all or representative of family household in the residential community.
2. Organizations or individuals accepting to be the representative of residential community shall carry out activities within the scope authorized by the community and take responsibility before the residential community and the law for their activities.

## **Article 51. Providing environmental information for the residential community**

1. The environmental information is provided at least once a year periodically, including:
  - a) Legal normative document on environment;
  - b) Report on the reality of national and local environment; specialized environmental reports made and publicized by the state management authorities on natural resources and environment;
  - c) List of facilities causing severe environmental pollution, areas with severely polluted or degraded environment, areas prone to environmental incidents made and publicized by the state management authorities on natural resources and environment;
  - d) List and information on waste sources and types of waste prone to cause harm to human health and environment prepared and publicized by the state management authorities on natural resources and environment;
  - dd) Publications and printed matters on environmental themes and environmental communication materials and relevant issues;
  - e) Result of inspection, examination and handling of violation of the services, business and production facilities in the residential area;
  - g) Environmental protection activities of the services, business and production facilities in the residential area;
  - h) License related to the extraction, use and protection of natural resources and environment of the services, business and production facilities in the residential area;
2. The environmental information is provided by one of the following forms:
  - a) Materials, printed matters and publications whose issuing address is widely announced on mass media;
  - b) Posted on official websites of the state management authorities on natural resources and environment; the owner of projects or the services, business and production facilities;

c) Publicly posted at the services, business and production facilities and office of communal People's Committee;

d) Organization of press conference for public announcement;

dd) Meeting held for information dissemination to the residential community;

e) Other forms under regulations of law.

3. The time for information publication in the form specified at Point b and c, Clause 2 of this Article is no less than 30 days.

4. Responsibility for supply of environmental information to residential community:

a) The environmental state management authorities are responsible for providing information specified from Point a to Point e, Clause 1 of this Article;

b) The services, business and production facilities are responsible for providing information specified under Point g and Point h, Clause 1 of this Article.

#### **Article 52. Consultation and supervision of residential community on environment**

1. The following guidelines and policies of the state need consultation and supervision of residential community on environment before decision:

a) Developing strategies, planning, plans, programs and schemes of environmental protection at national, regional, inter-regional and provincial level;

b) Developing legal normative documents on environment;

c) Establishing environmental indicators in social-economic development strategies, planning, and plan at national, regional, inter-regional and provincial level;

2. Before deciding the guidelines and policies specified in Clause 1 of this Article, the competent state management authorities must consult the residential community about environment by publicizing the draft documents on their websites or mass media.

3. The state management authorities on natural resources and environment shall receive and process the environmental consultation opinions of the residential community and give the feedback to the community on accepting or not accepting such environmental consultation opinions of the residential community through the forms specified in Clause 2, Article 51 of this Decree.

4. Consultation about strategic environmental assessment and environmental impact assessment shall be carried out under regulations of law on strategic environmental assessment and environmental impact assessment.

5. Public investment supervision on environmental protection of community is done under the law on public investment.

**Article 53. Assessing the result of environmental protection of the services, business and production facilities**

1. The representatives of residential community have the right to participating in assessing the result of environmental protection to the following subjects:

a) Project owners in implementation of approved reports on environmental impact assessment and implementation of contents of licenses related to the exploitation, use and protection of natural resources and environment;

b) Organizations and individuals in taking remedial measures in decision on sanctioning of administrative violation on environmental protection and implementation of contents of licenses related to the exploitation, use and protection of natural resources and environment;

c) The services, business and production facilities in the implementation of environmental protection commitments or environmental protection plan; implementation of contents of licenses related to the exploitation, use and protection of natural resources and environment;

2. Assessment contents:

a) Implementation of contents of licenses related to the exploitation, use and protection of natural resources and environment;

b) Implementation of report on environmental impact assessment; environmental protection commitments and environmental protection plan;

c) Remedial measures in decision on sanctioning of administrative violation on environmental protection.

3. Based on the environmental information of the facilities periodically, the residential community or representative of residential community shall assess the implementation of activities related to the assessment contents specified in Clause 2 of this Article as per criteria of proper and complete contents. Assessment of environmental protection result of the residential community is one of the grounds for commendation of achievement in the activities of environmental protection of the services, business and production facilities

**Article 54. Developing and implementing the model of environmental protection relying on the residential communities**

1. The state encourages and has mechanisms and policies on assistance for residential community to develop and implement models of community for protection of natural resources and environment, sustainable development, conservation, rational use of natural resources and response to climate change.

2. The residential community shall participate in developing the objectives, operation programs, monitoring and assessment of effectiveness of the protection programs of natural reserves and national parks; participate in management and protection of natural reserves and national parks;

3. The residential community has the right to actively develop and implement the models of natural resources and environmental protection models relying on communities, participating in monitoring and inspection of management of natural reserves and national parks with the state management authorities on natural resources and environment;

4. The state management authorities on natural resources and environment shall take charge, coordinate and provide instructions to residential communities to develop models of environmental and natural resources protection relying on the communities, models of production and sustainable consumption; issue mechanisms to encourage the communities to protect the environment, preserve and rationally use natural resources and models of production and sustainable consumption.

## **Chapter IX**

### **IMPLEMENTATION PROVISION**

#### **Article 55. Transitional provision**

1. Dossiers which have been received by the competent state authorities for processing by the administrative procedures before the effective date of this Decree shall be processed in accordance with the regulations of law at the time of receipt.

2. Activities of environmental protection and the products from such activities of environmental protection entitled to the incentives and assistance under Decree No. 04/2009/ND-CP dated 14 January 2009 of the Government on incentives and assistance for activities of environmental protection shall continue to be entitled to the incentives and assistance during the remaining time; in case of being the subjects receiving the higher incentives and assistance as specified in this Decree, such subjects shall be entitled to the incentives and assistance specified in this Decree.

3. The provincial People's Committee shall assess and approve the additional plan for environmental renovation and restoration or the plan for environmental renovation and restoration or the environmental renovation and restoration schemes that have been approved by the Department of Natural Resources and Environment and district People's Committee before the effective date of this Decree.

4. Provincial People's Committee shall certify the completion of plan or additional plan for environmental renovation and restoration of the environmental renovation and restoration project or environmental renovation and restoration scheme or additional environmental renovation and restoration project or additional environmental renovation and restoration scheme approved by district People's Committee before the effective date of this Decree.

5. For the environmental renovation and restoration project or the additional environmental renovation and restoration project, the environmental renovation and restoration scheme or the environmental renovation and restoration scheme that have been approved before the effective date of this Decree shall not have prepare scheme or additional scheme as guided by this Decree.

6. The mining organizations and individuals that have made deposit before the effective date of Decision No. 71/2008/QD-TTg dated 29 May 2008 of the Prime Minister on making deposit for environmental renovation and restoration of the mineral extraction activities but the contents of environmental renovation and restoration scheme do not consist with those specified in the Law on environmental protection 2014 and this Decree must re-develop the environmental renovation and restoration scheme in accordance with the provisions of this Decree to be submitted to the competent authorities for approval before 31 December 2016.

### **Article 56. Effect**

1. This Decree takes effect from 01 April 2015.

2. The following documents shall be invalidated from the effective date of this Decree:

a) Decree No. 80/2006/ND-CP dated 09 August 2006 of the Government detailing and guiding the implementation of the Law on environmental protection;

b) Decree No. 21/2008/ND-CP dated 28 February 2008 of the Government on amending and supplementing a number of articles of Decree No. 80/2006/ND-CP dated 09 August 2006 detailing and guiding the implementation of the Law on environmental protection;

c) Decree No. 04/2009/ND-CP dated 14 January 2009 of the Government on incentives and assistance for environmental protection activities;

d) Decision No. 18/2013/QD-TTg dated 29 March 2013 of the Prime Minister on environmental renovation and restoration and making of deposit for environmental renovation and restoration for the mineral extraction activities.

### **Article 57. Responsibility for implementation**

1. The Ministers, heads of ministerial-level agencies, heads of government agencies, Chairman of People's Committees of provinces and centrally-run cities are responsible for organizing the implementation of this Decree; reviewing the legal documents issued by themselves which are contrary to the provisions of the Law on Environmental Protection and this Decree for amendment and supplementation.

2. The Minister of Natural Resources and Environment shall take charge and coordinate with the ministers, heads of ministerial-level agencies, heads of government, chairman of the People's Committees of provinces and centrally-run cities in guiding and inspecting the implementation of this Decree; provide instructions on training, practice, communication and dissemination of laws on environmental protection.

**FOR THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**

**ANNEX I**

**LIST OF BUSINESS CATEGORIES RECEIVING THE ENCOURAGED DEVELOPMENT  
AT HANDICRAFT VILLAGES**

*(Issued with Decree No. 19/2015/ND-CP dated 14 February 2015 of the Government)*

<b>No.</b>	<b>Types of production</b>	<b>Scale</b>
<b>I</b>	<b>PRODUCTION OF HANDICRAFT GOODS OR HOUSEHOLD ITEMS</b>	No more than 10 employee/facility
1	Handicraft items made from rattan, bamboo, ivory bamboo, ... fish-pot, trap, baskets, items from water hyacinth...	
2	Embroidery, lace, knitting, crochet	
3	Carpet made from coir fiber or coir thread	
4	Traditional brick and tile, ceramic, piggy bank, earthen oven, big jar casting	
5	Handicraft items from coconut, dry shell of marine products	
6	Hats, mats, brooms	
7	Flattened rice, sewing of water coconut leaves	
8	Wooden shoes, mortar, pestle, chopping boards, chopsticks	
9	Incense making	
10	Furniture, lacquer, horny handicraft	
11	Metal and precious stone	
12	Silkworm rearing, fabric, silk, crape, linen, traditional brocade weaving.	

13	Folk painting, scoop net, Nepal paper, tissue paper	
14	Traditional musical instruments	
15	Southern medicine	
16	Cotton napping, net knitting, fined-tooth comb	
17	Coal and firewood baking	
18	Traditional casting and forging to produce agricultural tools and household items	Scale of less than 0.2 tons/day/facility
19	Stone manipulation	No more than 10 employees/facility; no phase of material sawing and cutting
<b>II</b>	<b>REARING AND CULTIVATION OF PETS</b>	No more than 10 employees/facility;
<b>III</b>	<b>MANUAL PROCESSING AND PRESERVATION OF AGRICULTURAL, FORESTRY, AQUATIC AND MARINE PRODUCTS AS FOOD</b>	
1	Tea	Less than 0.1 ton of product/day/facility
2	Dried meat, sausages	Less than 0.1 ton of product/day/facility
3	Sugarcane and green rice production,	Less than 0.1 ton of product/day/facility
4	Manual production of jam, confectionery - Hanoi	Less than 0.1 ton of product/day/facility
5	Manual production of fish sauce, soy sauce	Less than 500 liters of product /day/facility
6	Production of beans, assorted noodle, cake, vermicelli	Less than 0.1 ton of product /day/facility
7	Wine brewery	Less than 100 liters of product /day/facility
8	Aquatic and marine product processing	Less than 0.1 ton of product /day/facility
9	Starch processing	Less than 0.1 ton of product /day/facility

## ANNEX II

**LIST OF SERVICES, BUSINESS AND PRODUCTION FACILITIES**  
(Issued with Decree No. 19/2015/ND-CP dated 14 February 2015 of the Government)

No.	Type of services, business and production	Scale/capacity
1.	Production facilities containing radioactive material or radioactive waste	Exceeding the immunity limit under regulation of law on radiation safety and control
2.	Refineries, petrochemicals; base oil and gas extraction Refinery and Petrochemical Plant, oil and gas extraction facilities	All
3.	Facilities producing basic chemicals, painting, printing ink, rubber, pesticides, detergents, additives and chemical fertilizers	Capacity from 10,000 tons of products/year or more
4.	Facilities extracting rare earth and radioactive minerals; selection and enrichment of rare earth and radioactive minerals	Capacity from 50,000 tons of products/year or more
5.	Ship breaking facilities	All
6.	Seaport	Receipt of ships from 50,000 tons or more
7.	Battery production facilities	Capacity from 300,000 KWh/year or more or 600 tons
8.	Solid mineral extraction facilities (including waste stones and minerals)	Capacity from 500,000 m <sup>3</sup> of crude minerals/year or more
9.	Facilities processing and refining rare earth, color metal and radioactive minerals	Capacity from 200,000 tons of products /year or more
10.	Iron and steel refining facilities	Capacity from 200,000 tons of products/ year or more
11.	Industrial parks, export processing zones, high-tech parks, industrial parks, tourist and entertainment sites, urban areas	Area from 200 ha or more
12.	Recycling, processing, landfill, destruction areas of hazardous waste collected from the services, business and production facilities	All
13.	Recycling, processing, landfill, destruction areas of common solid waste	Capacity from 250 tons/day or more
14.	Facilities operating the concentrated industrial wastewater treating system	Capacity from 5,000 m <sup>3</sup> of wastewater/day or more



15.	Marine product processing facilities	Capacity from 5,000 tons of product/year or more
16.	Cement plants	Capacity from 1,200,000 tons of product/year or more
17.	Pulp mills	Capacity from 25,000 tons of product/year or more
18.	Wine and alcohol production factories	Capacity from 1,000,000 liters of product/year or more
19.	Beer and soft drink production factories	Capacity from 50,000,000 liters of product/year or more

### ANNEX III

#### LIST OF ENVIRONMENTAL PROTECTION ACTIVITIES RECEIVING INCENTIVES AND ASSISTANCE

*(Issued with Decree No. 19/2015/ND-CP dated 14 February 2015 of the Government)*

1. Treatment of concentrated domestic wastewater with design capacity from 2,500 m<sup>3</sup> of wastewater/day for urban areas of grade IV or more.
2. Collection, transport and treatment of concentrated common solid waste.
3. Treatment of hazardous wastes.
4. Treatment and renovation of polluted environmental in public areas;
5. Rescue and handling of oil spill, chemical incidents and other environmental incidents.
6. Development of technical infrastructure for environmental protection in industrial parks and clusters of handicraft villages.
7. Relocation and conversion of operation of the facilities causing severe environmental pollution.
8. Environmental observation.
9. Cremation and electric cremation.
10. Inspection of damage to environment; inspection of environmental health and environmental inspection for the goods, machinery, equipment and technologies.

11. Production and application of invention to protect the environmental under the state protection in the form of issuing the Patent or Patent of useful solutions.
12. Production of environmentally friendly products which are attached Vietnam green label; products from the recycling and treatment of waste which the competent state authorities have certified.
13. Production of gasoline, diesel and biological energy certification of conformity; biochar, energy from the use of wind power, sunlight, tidal, geothermal energy and other forms of renewable energy.
14. Manufacturing and importing of machinery, equipment and special-use means for direct use in collection, transport, treatment of waste; environmental observation and analysis, production of renewable energy, treatment of environmental pollution, response and handling of environmental incidents.
15. Activities of services, business and production of the environmentally friendly facilities have been certified with eco-label by the Ministry of Natural Resources and Environment

**ANNEX IV**

**FORM OF WRITTEN REQUEST FOR ASSESSMENT AND CERTIFICATION OF ENVIRONMENTAL PROTECTION PLAN IN ACTIVITIES OF USED SHIP BREAKING**  
*(Issued with Decree No. 19/2015/ND-CP dated 14 February 2015 of the Government)*

**NAME OF ORGANIZATION  
OR INDIVIDUAL**

**SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness**

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*Subject: Request for assessment  
and approval for environmental  
protection plan in breaking  
activities of used ships*

*....., date ... month ... year ...*

**To: General Department of Environment**

1. Name of enterprise.....

Transaction name: .....

2. Address of head office: .....

Tel: .....; Fax: .....

E-mail: .....

3. Full name of enterprise's legal representative:.....

.....  
.....

4. Establishment decision/business registration number....., issued  
by:....., issue date ..... in.....

.....

We enclose with this document the environmental protection plan in breaking the ship with  
registration number....., nationality.....

We undertake to implement the environmental protection plan enclosed with this document  
during the ship breaking. We kindly request the General Department of Environment to consider,  
assess and certify the environmental protection plan which we have made. In addition, we  
undertake to fulfil our responsibility and obligations in accordance with regulations of law on  
environmental protection in importing used ships for breaking.

**REPRESENTATIVE OF ORGANIZATION**

*(Signature, full name and seal)*

**Sent to:**

- ...  
- ...

**ANNEX V**

**FORM OF DECISION ON CERTIFYING THE ENVIRONMENTAL PROTECTION PLAN IN  
BREAKING ACTIVITIES OF USED SHIPS**

*(Issued with Decree No. 19/2015/ND-CP dated 14 February 2015 of the Government)*

**MINISTRY OF NATURAL  
RESOURCES AND  
ENVIRONMENT  
GENERAL DEPARTMENT OF  
ENVIRONMENT**

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**SOCIALIST REPUBLIC OF VIETNAM  
Independence – Freedom – Happiness**

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No.: /QD-TCMT

*Hanoi, date month year*

## DECISION

### APPROVING THE ENVIRONMENTAL PROTECTION PLAN IN ACTIVITIES OF USED SHIP BREAKING

#### GENERAL DIRECTOR OF GENERAL DEPARTMENT OF ENVIRONMENT

*Pursuant to the Law on environmental protection dated 23 June 2014;*

*Pursuant to Decree No.114/2014/ ND-CP dated 26 November 2014 of the Government defining the subjects and conditions for permitted import and breaking of used ships;*

*Pursuant to Decree No.....dated.....2014 of the Government detailing a number of articles of the Law on environmental protection 2014;*

*Pursuant to Decision No.25/2014/QĐ-TTg dated 25 March 2014 defining functions, tasks, powers and organizational structure of the General Department of Environment directly under the Ministry of Natural Resources and Environment;*

*Pursuant to Circular No. /2015/TT-BTNMT dated.....2015 of the Ministry of Natural Resources and Environment issuing the national technical regulation on environment for used ships imported for breaking;*

*Considering the environmental protection plan in the breaking activities of used ships of (name of organizations).....attached to document No.....;*

*Considering the request of the Director of Department on pollution control and the Director of Department of Policies and Legal Affairs;*

#### DECIDES:

**Article 1.** Approving the environmental protection plan in the breaking activities of ship with registration number.....nationality.....of (name of enterprise, address) which must meet the environmental protection requirements during the breaking.

**Article 2.** Responsibility of organizations and individuals in ship breaking activities.

**Article 3.** This Article shall specify the responsibility of the appointed organization and the units concerned.

(Name of appointed organization and agencies and units concerned liable to execute this Decision./.)

**GENERAL DIRECTOR**  
*(Signature and seal)*

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