

**LAW**

## ON ENVIRONMENTAL PROTECTION

*Pursuant to the Constitution of the Socialist Republic of Viet Nam in 1992, which was revised under the Resolution 51/2001/QH10 dated 25 December 2001 by the National Assembly, Legislature X, at the 10th Session;  
This Law regulates the protection of the environment.*

**Chapter I****GENERAL PROVISIONS****Article 1: Scope of Law**

This Law provides for environmental protection; for policies, measures and resources for environmental protection; and for the rights and obligations of organizations, households and individuals for environmental protection.

**Article 2: Objects of Application**

This Law shall apply to the State agencies, organizations, households, individuals, Vietnamese citizens living in foreign countries, and foreign organizations and individuals that operate within the territory of the Socialist Republic of Viet Nam.

In case the provisions of international treaties to which the Socialist Republic of Viet Nam is a Contracting Party, contradict the provisions of this Law, the former shall prevail.

**Article 3: Definition of Terms**

For the purposes of this Law the below-cited terms shall have the following meanings:

1. **The Environment** comprises natural and man-made physical factors that surround human beings and affect life, production, the existence and development of man and living organisms.
2. **Environmental Components** mean physical factors that constitute the environment, including soil, water, air, sound, light, living organisms, ecological systems and other physical forms.
3. **Environmental Protection** refers to all activities to preserve the environment for its health, cleanness and beauty; prevention and restriction of adversely environmental impacts and response to environmental incidents; remedy of environmental pollution and degradation, rehabilitation and improvement of environmental quality; rational and economical exploitation and use of natural resources; and protection of biodiversity resources.
4. **Sustainable Development** means development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs on the basis of a close and harmonized combination between economic growths, assurance of social advancements and environmental protection.
5. **Environmental Standards** mean permissible limits of ambient environmental quality parameters and of pollutant contents in wastes set forth by the competent State agencies to serve as basis for environmental management and protection.
6. **Environmental Pollution** means changes in environmental components, which are not appropriate to the established environmental standards and cause adverse impacts on human beings and living organisms.
7. **Environmental Degradation** means degradation in the quality and quantity of environmental components that cause adverse impacts on human beings and living organisms.
8. **Environmental Incidents** mean incidents or risks occurring in the process of human activities, or abnormal changes of nature causing seriously environmental pollution, degradation and changes.

9. **Pollutants** mean substances or physical factors that are present in, and cause pollution to, the environment.

10. **Wastes** mean materials that take a solid, liquid, gaseous, or other forms, are discharged from production, service, daily life or other activities.

11. **Hazardous Waste** means a waste that contains any of toxic, radioactive, flammable, explosive, corrosive, infectious, poisonous, and other hazardous characteristics.

12. **Waste Management** refers to all activities engaged with waste segregation, collection, transport, reduction, reuse, recycling, treatment and disposal.

13. **Scrap Materials** refer to all products and materials that are discarded from a specific process of production or consumption but are collected as input materials for other productions.

14. **Carrying Capacity of the Environment** means permissible limits of the environment that allow receiving and absorbing pollutants.

15. **Ecological System (Ecosystem)** means a system of living organism populations existing and evolving together, and interacting with one another in a given naturally geographic area.

16. **Biological Diversity (Biodiversity)** means the abundance in genetic resources, species of living organisms and ecosystems.

17. **Environmental Monitoring** is a process of systematically monitoring the environment and factors that may impose impacts on the environment with the goal of providing relevant information for assessing the current state of the environment, changes in environmental quality, and adversely environmental impacts.

18. **Environmental Information** comprises statistics and data on environmental components; on reserves and ecological and economic values of natural resources; on environmental impacts; on wastes; on the severity of environmental pollution and degradation; and on other environmental issues.

19. **Strategic Environment Assessment** means the analysis and prediction of potential environmental impacts of strategic projects and development planning and plans prior to approval in order to ensure the achievement of sustainable development.

20. **Environmental Impact Assessment** means the analysis and prediction of potential impacts of specific investment projects on the environment in order to propose measures to protect the environment when the implementation of projects takes place.

21. **Greenhouse Gases (GHGs)** refer all gases that affect the exchange of heat between the earth's surface and the lower layers of atmosphere to increase the temperature of the earth's atmosphere.

22. **GHG Emission Quota** refers an assigned amount of GHG emissions that each nation allows to release into the atmosphere according to the provisions of the relevant international treaties.

#### **Article 4: Principles of Environmental Protection**

1. Environmental protection must be harmonized with economic development and the security of social advancements to ensure the achievement of sustainable development of the country, and actions undertaken to protect the environment at national level must be combined with those at regional and global levels.

2. Environmental protection is the cause that the whole society fights for, and is the rights and obligations of the State, all organizations, households and individuals.

3. Environmental protection must be regularly implemented, and undertake the prevention of environmental pollution as principal measures in combination with the remedy of environmental pollution and degradation and the improvement of environmental quality.

4. Environmental protection must be consistent with natural laws, cultural and historical characteristics, and socio-economic development levels of the country during each specific period.

5. In case of causing environmental pollution and degradation, organizations, households and individuals shall have the responsibility to take remedial measures and shall compensate for, and take other responsibility therefor according to the provisions of the law.

#### **Article 5: State Policies on Environmental Protection**

1. Encouraging and facilitating the involvement of all organizations, residential communities, households and individuals in environmental protection activities.
2. Promoting environmental education and awareness among, and mobilization of, the people in combination with the introduction of administrative, economic and other measures to build up the voluntary consciousness and the order and discipline of environmental protection.
3. Utilizing natural resources rationally and economically, developing clean and renewable energies; and promoting waste reduction, reuse and recycling.
4. Prioritizing the resolution of urgent environmental problems; concentrating on resolving establishments that seriously pollute the environment; remedying polluted and degraded areas; and attaching importance to environmental protection of urban centers and residential areas.
5. Investing in environmental protection means the investment in development; diversifying investment capitals for environmental protection and designating expenditures for environmental protection from the State budget annually.
6. Giving preferential treatment in terms of land use, taxation and financial support, to environmental protection activities and environmentally friendly product production and consumption; and harmonizing environmental protection with effective use of environmental components for development.
7. Enhancing the training of human resources and encouraging the research, application and transfer of scientific and technological achievements for environmental protection; and establishing and developing an environmental industry.
8. Improving the effectiveness of, and extending international cooperation in the field of environmental protection and fulfilling international environmental commitments; and encouraging organizations and individuals to participate in, and implement international cooperation in the field of environmental protection.
9. Developing environmental protection infrastructures; and strengthening the national capacity of environmental protection in the direction of its standardization and modernization.

**Article 6: Environmental Protection Actions to Be Encouraged**

1. Propagandizing, educating and mobilizing all people to participate in environmental protection, environmental sanitation, natural landscape protection and biodiversity conservation.
2. Protecting and utilizing natural resources in a rational and economical manner;
3. Reducing, collecting, recycling and reuse of wastes;
4. Developing and utilizing clean and renewable energies; reducing the emission of gases that cause greenhouse effects and deplete ozone layer
5. Adopting the registration of environmental standard certification and environmentally friendly product certification.
6. Carrying out the scientific research, transfer and deployment of waste treatment, recycling and environmentally friendly technologies;
7. Investing in the construction of facilities for manufacturing environmental protection equipment and instruments; engaging in the production and business of environmentally friendly products; and providing services for environmental protection;
8. Conserving and developing indigenous genetic resources; and breeding and importing genetic resources of economic values and environmental benefits;
9. Building up environmentally friendly hamlets, villages, communes, offices, enterprises and production and business units;
10. Developing forms of self-governing organizations in, and organizing, the provisions of sanitary services in residential communities;
11. Building up the lifestyle and habits of environmental sanitation, and eliminating degenerate customs that harm the environment;
12. Contributing knowledge, energies and financial resources to environmental protection;

**Article 7: Acts to Be Strictly Prohibited**

1. Destroying and illegally exploiting forests and other natural resources;

2. Exploiting, fishing and harvesting biological resources with destructive means, tools and methods, in the off season and at yields that are exceeding the permissible levels as stipulated by the law;
3. Exploiting, trading in, consuming, and use of rare and precious species of flora and fauna included in lists of protected species established by the State competent authorities;
4. Burying and dumping any of toxic, radioactive and other hazardous substances and wastes at places that are not designated and with technically improper environmental protection procedures;
5. Discharging wastes without treatment to meet the environmental standards; and toxic, radioactive, and other hazardous substances into soil and water resources;
6. Emitting smokes, dusts and gases containing toxic substances and noxious odors into the atmosphere; and releasing radiation, radioactivity and ionized substances at levels exceeding the permissible environmental standards;
7. Generating noise and vibration at levels exceeding the permissible standards;
8. Importing machinery, equipment and means that are not meeting environmental standards;
9. Importing, exporting, and transiting wastes under any form;
10. Importing and transiting animals and plants without being quarantined; and microorganisms that are not included into the established list.
11. Producing and trading products that harm human beings, living organisms and ecosystems; and producing and using building raw materials containing toxic substances at levels exceeding the permissible environmental standards.
12. Intruding into natural heritage and natural reserves;
13. Intruding into environmental protection works and facilities;
14. Illegally operating and living within areas identified by the competent State agencies as restricted areas that may cause especially environmental dangers to human health and life;
15. Concealing acts of causing damages to the environment, obstructing environmental protection activities and distorting information causing bad consequences to the environment;
16. Other acts that are strictly prohibited in environmental protection according to the provisions of the law.

## **Chapter II**

### **ENVIRONMENTAL STANDARDS**

#### **Article 8: Principles for Establishment and Application of Environmental Standards**

1. The establishment and application of environmental standards must observe the following principles:
  - a) To ensure the achievement of objectives set forth to protect the environment and prevent environmental pollution, degradation and incidents;*
  - b) To ensure the established environmental standards to be timely issued, feasible and consistent with levels of socio-economic development and technology development of the country, and satisfy the requirements for international economic integration;*
  - c) To be appropriate to specific characteristics of geographical regions, economic sectors, and specific types of production, business and service and technologies.*
2. Organizations and individuals must observe the obligatory environmental standards proclaimed by the State.

#### **Article 9: Contents of National Environmental Standards**

1. Categories of standard;
2. Environmental parameters and limit values;
3. Objects of the application of the standards;
4. Procedures and methods for guiding the application of the standards;

5. Terms and conditions for the application of the standards;
6. Measurement, sampling and analytical methods.

#### **Article 10: National System of Environmental Standards**

1. The national system of environmental standards includes sets of ambient environment quality and waste standards.
2. The ambient environmental quality standards include:
  - a) *Set of soil quality standards established for the purposes of agricultural, forestry and fishery production and other purposes;*
  - b) *Set of surface and ground water quality standards established for the purposes of water supplies for drinking, domestic, industrial, aquacultural and agricultural irrigation consumptions and other purposes;*
  - c) *Set of marine and coastal water quality standards established for the purposes of aquaculture, recreation and amusement and other purposes;*
  - d) *Set of air quality standards in urban and rural residential areas;*
  - e) *Set of standards for sound, light and radiation in residential areas and public places.*
3. The waste standards include:
  - a) *Set of standards for wastewater effluents discharged from industries, service, animal raising, aquaculture, households and other activities;*
  - b) *Set of standards for industrial air emissions and other air emissions released from domestic, industrial and medical solid waste treatment and disposal facilities and other waste treatment forms;*
  - c) *Set of standards for vehicle emissions and other emissions released from specialized machinery and equipment;*
  - d) *Set of hazardous waste standards;*
  - e) *Set of standards for noise and vibration established for means of transport, production and service establishments and construction activities.*

#### **Article 11: Requirements for Ambient Environmental Quality Standards**

1. The ambient environmental quality standards specify limit values of environmental parameters that are appropriate to the purposes of use of environmental components, including:
  - a) *Minimum permissible values of the environmental parameters that ensure the normal life and development of human beings and other living organisms;*
  - b) *Maximum permissible values of the environmental parameters at which there is no harm or damage caused to the normal life and development of human beings and other living organisms.*
3. A specific guidance of standardized methods for measuring, sampling and analysis must be provided with the environmental parameters set forth in the environmental quality standards in order to define these parameters.

#### **Article 12: Requirements for Waste Standards**

1. The waste standards must specify maximum values of pollution parameters present in wastes to ensure that there is no harm to human beings and other living organisms.
2. Pollution parameters of wastes shall be defined on the basis of the toxicity and volumes of wastes and the carrying capacity of environments that receive wastes.
3. A specific guidance of standardized methods for measuring, sampling and analysis must be provided with the pollution parameters set forth in the waste standards.

#### **Article 13: Issuance and Proclamation of National Environmental Standard Application**

1. The Government shall specify the competence, order and procedures for establishing, promulgating and certifying the national environmental standards according to the provisions of the law on the standardization.
2. The Ministry of Natural Resources and the Environment shall proclaim the national environmental standards and stipulate a roadmap and coefficients for the application

of the environmental standards by sectors and regions, according to the carrying capacity of specific environments.

3. The revision of the national environmental standards shall be taken every five years; and in necessary case the revision of some environmental standards that are inappropriate any more and the amendment of new standards to the environmental standards may be taken earlier than the above said period.

4. The national environmental standards must be widely proclaimed to organizations and individuals for their knowledge and application.

### **Chapter III**

## **STRATEGIC ENVIRONMENT ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL PROTECTION COMMITMENTS**

### **SECTION 1. STRATEGIC ENVIRONMENT ASSESSMENT**

#### **Article 14: Objects that are Subject to Strategic Environment Assessment Reporting**

1. National socio-economic development strategies, planning and plans.
2. Sectoral development strategies, planning and plans of national scale.
3. Socio-economic development strategies, planning and plans of provinces and cities directly under the Central Government (hereinafter called "Provincial Level") and regions.
4. Land-use planning; forest protection and development; other natural resource exploitation and use at least at inter-provincial and inter-regional levels.
5. Focal economic zone development planning.
6. Integrated river basin planning at inter-provincial level.

#### **Article 15: Preparation of Strategic Environment Assessment Reports**

1. Agencies that are assigned to formulate projects falling into the categories of projects stipulated in Article 14 of this Law shall have the responsibility to prepare strategic environment assessment reports.
2. The strategic environment assessment report constitutes an integral content of the project and must be prepared concurrently with the formulation of the project.

#### **Article 16: Contents of Strategic Environment Assessment Reports**

1. General description of project objectives, scales and characteristics relating to the environment;
2. General description of natural, socio-economic and environmental conditions relating to projects.
3. Prediction of adverse impacts which are likely to occur during the implementation of projects.
4. Provision of references on sources of statistics and data, and assessment methods.
5. Proposing overall directions and solutions to address environmental issues during the implementation of projects.

#### **Article 17: Review of Strategic Environment Assessment Reports**

1. The strategic environment assessment reports shall be reviewed by a review council established according to the provisions of Paragraph 7 of this Article.
2. Members of the review council of projects of national and inter-provincial scales shall comprise representatives from agencies that are responsible for project approval; representatives from relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees; qualified experts whose specific professions are appropriate to the contents and characteristics of specific projects; and representatives from other organizations and individuals decided by the competent agencies that are responsible for establishing the review council.
3. Members of the review council of provincial level projects shall comprise representatives from provincial level People's Committees; specialized agencies of environmental protection and other relevant provincial departments; qualified experts whose specific professions are appropriate to the contents and characteristics of specific projects; and representatives from other organizations and individuals decided by the competent agencies that are responsible for establishing the review council.

4. A membership of the review council as stipulated in Paragraphs 2 and 3 of this Article must comprise at least, fifty percent of its members who are qualified in terms of their professional knowledge of environmental protection and of other relevant fields relating to the contents of projects. Those who directly participate in the preparation of strategic environment assessment reports shall not be eligible to the membership of the review council.

5. Organizations and individuals shall have the rights to submit their requests and recommendations on environmental protection to agencies that are responsible for establishing the review council, and agencies that are responsible for project approval; and the council and agencies responsible for project approval shall be responsible for considering these requests and recommendations before making their conclusions and decisions.

6. Results of the strategic environment assessment report review shall serve as basis for the approval of the projects.

7. Responsibilities for establishing the review council of strategic environment assessment reports shall be defined as follows:

*a) The Ministry of Natural Resources and the Environment shall establish the review council of strategic environment assessment reports of projects that are subject to the approval of the National Assembly, the Government and the Prime Minister;*

*b) Line ministries, ministerial level agencies and Government bodies shall organize the review council of strategic environment assessment reports of projects that are subject to the approval within their competence;*

*c) Provincial level People's Committees shall organize the review council of strategic environment assessment reports of the projects that are subject to the competence of their decision and that of the same level People's Councils.*

## **SECTION 2. ENVIRONMENTAL IMPACT ASSESSMENT**

### **Article 18: Objects that are Subject to Preparation of Environmental Impact Assessment Reports**

1. Proponents of following projects shall have the responsibility to prepare environmental impact assessment reports:

*a) Projects of national importance;*

*b) Projects that use part of land of, or are likely to cause adverse impact to, natural reserves, national parks, historical-cultural relics, natural heritage and famed beauty spots that are designated;*

*c) Projects that are likely to impose risks of adverse impacts on water resources of river basins, coastal areas and protected ecosystem areas;*

*d) Projects on infrastructure development in economic areas, industrial parks, hi-tech parks, export- processing zones and craft village clusters;*

*e) Projects on new urban center and centered residential area development;*

*f) Projects on large-scale groundwater and other natural resources exploitation and use;*

*g) Other projects that may impose potential risks of adversely environmental impacts.*

2. The Government shall specify a list of projects that are subject to the preparation of environmental impact assessment reports.

### **Article 19: Preparation of Environmental Impact Assessment Reports**

1. Proponents of projects that fall under Article 18 of this Law shall have the responsibility to prepare and submit environmental impact assessment reports for approval by the competent State agencies.

2. The preparation of environmental impact assessment reports must be performed concurrently with the formulation of project feasibility study reports.

3. Project proponents may conduct themselves, or contract out the preparation of environmental impact assessment reports to consultancy service organizations, and shall be liable for statistics, data and results described in the environmental impact assessment reports

4. In cases of changes in project scales, contents, and implementation and completion schedules, project proponents shall have the responsibility to justify the changes to agencies responsible for

project approval; in necessary case additional reports on environmental impact assessment must be required.

5. Consultancy service organizations shall be eligible to the preparation of environmental impact assessment reports if they satisfy necessary terms and conditions of professionals, technical and physical resources.

#### **Article 20: Contents of Environmental Impact Assessment Reports**

1. Listing and detailed description of works and items of projects with information on spatial and temporal scales and construction workloads; and technologies that would be applied to operate each of works, items and projects as a whole.

2. General assessment of the current state of the environment at project sites and in the vicinity of sites; of the sensitivity and carrying capacity of local environments.

3. Comprehensive assessment of potential environmental impacts that are likely to be caused during the implementation of projects, and of environmental components and socio-economic factors that are likely to be directly affected by projects; and prediction of risks of environmental incidents that may be imposed by projects;

4. Specific measures for adversely environmental impact minimization; and environmental incident prevention and response.

5. Commitments to take environmental protection measures during the construction and operation of projects.

6. Lists of works and programmes on the management and monitoring of environmental issues during the implementation of projects.

7. Estimation of costs incurred in the construction of environmental protection works and/or facilities within the total estimated budget of projects.

8. Comments from the People's Committees at communal, quarter and/or township level (hereinafter called "Communal Level") and representatives from residential communities where the implementation of projects takes place; objections to the location of projects at localities or to proposed environmental protection solutions, must be included into the environmental impact assessment reports.

9. Provision of references on sources of statistics and data, and assessment methods.

#### **Article 21: Review of Environmental Impact Assessment Reports**

1. The review of environmental impact assessment reports shall be performed by a review council or a review service organization.

The Ministry of Natural Resources and the Environment shall specify terms of, and provide guidance for implementing the review of environmental impact assessment reports by the review service organization.

2. Members of the review council for projects that fall under Items (a) and (b), Paragraph 7 of this Article, shall comprise representatives from agencies that are responsible for project approval and their environmental protection agencies; environmental protection agencies at provincial level where projects are implemented; qualified experts whose specific professions are appropriate to the contents and characteristics of specific projects; and representatives from other organizations and individuals decided by the competent agencies that are responsible for establishing the review council.

3. Members of the review council for projects that fall under Item (c), Paragraph 7 of this Article shall comprise representatives from the provincial level People's Committees; provincial environmental protection agencies and relevant provincial line departments; qualified experts whose specific professions are appropriate to the contents and characteristics of specific projects; and representatives from other organizations and individuals decided by the competent agencies that are responsible for establishing the review council.

In necessary case, the provincial level People's Committees may invite representatives from the Ministry of Natural Resources and the Environment, other relevant ministries, ministerial level agencies and Government bodies to represent as members at the review council.

4. A membership of the review council as stipulated in Paragraphs 2 and 3 of this Article must comprise at least fifty percents of their members who are qualified in terms of professional knowledge of environmental protection and of other relevant fields relating



to the contents of projects. Those who directly participate in the preparation of environment assessment reports shall not be eligible to the membership of the review councils.

5. Review service organizations shall be eligible to take part in the review according to decisions made by agencies that are responsible for the project approval, and must be liable for their comments and conclusions made on the review.

6. Organizations, residential communities and individuals shall have the rights to submit their requests and recommendations on environmental protection to agencies responsible for establishing the review council as stipulated in Paragraph 7 of this Article; and agencies that are responsible for the review shall have the responsibility to consider these requests and recommendations before making their conclusions and decisions.

7. Responsibilities for establishing the review council of environmental impact assessment reports shall be defined as follows:

*a) The Ministry of Natural Resources and the Environment shall have the responsibility to establish the council or organize the selection of review service organizations to review environmental assessment reports of the projects that are subject to the approval of the National Assembly, the Government and the Prime Minister; and other inter-sector and inter-provincial projects ;*

*b) Ministries, ministerial level agencies and Government bodies shall have the responsibility to establish the council or organize the selection of review service organizations to review environmental impact assessment reports of the projects within their competence of decisions and approvals, except inter-sector and inter- provincial projects;*

*c) Provincial level People's Committees shall have the responsibility to establish the council or organize the selection of review service organizations to review environmental impact assessment reports of the projects that take place within their territories and subject to their competence of decision and approval and that of the People's Councils of the same level.*

#### **Article 22: Approval of Environmental Impact Assessment Reports**

1. The agencies that are responsible for establishing the review council of environmental impact assessment reports shall have the responsibility to approve the environmental impact assessment reports upon the review.

2. The agencies that are responsible for the approval of the environmental impact assessment reports shall have the responsibility to examine any of relevant complaints and recommendations submitted by project proponents and concerned residential communities, organizations and individuals before making the approval.

3. Within a maximum period of 15 working days from the date of receipt of environmental impact assessment reports revised to comply with requirements set forth in conclusions made by the review council and review service organizations, Heads of the agencies stipulated in Paragraph 1 of this Article, must consider and make decisions on the approval of environmental impact assessment reports; and if rejected, must reply, in writing, to project proponents in which reasons of the rejection are clearly stated.

4. Projects that fall under Article 18 of this Law, of which their investments, constructions and operations shall be only approved and licensed when their environmental impact assessment reports are approved.

#### **Article 23: Responsibilities for Implementing Environmental Impact Assessment Report Contents, and Inspecting their Performance**

1. Project proponents shall have the responsibility to:

*a) Report to the People's Committee at local level where the implementation of projects takes place, contents of the approval of environmental impact assessment reports;*

*b) Post up at project sites the categories of wastes, their treatment technologies, waste parameters and standards and, measures to protect the environment so that the local residential communities can know, check and monitor.*

*c) Properly and adequately perform contents of environmental protection described in the approved environmental impact assessment reports and comply with requirements set forth in the decision on the approval of the environmental impact assessment reports.*

*d) Notify agencies that are responsible for the approval of environmental impact assessment reports of the fulfillment of the contents and the requirements set forth in the decision on approving the environmental impact assessment reports for inspection and certification.*

*e) Put projects into operation only when the fulfillment of the requirements stipulated in Items (a), (b) and (c) of this Paragraph, are checked and certified by the competent agencies.*

2. Agencies that are responsible for the approval of environmental impact assessment reports shall have the responsibility to:

*a) Notify the People's Committees at provincial level where the implementation of projects takes place, of the contents of the decision on approving environmental impact assessment reports; the provincial level People's Committees shall notify the People's*

*Committees at urban and rural district, township and provincial city levels (hereinafter called "District Level) and communal levels, of the contents of the decision on environmental impact assessment reports approved by agencies, ministries, ministerial level agencies, or Government bodies.*

*b) Direct and organize the monitoring of the compliance with contents described in the approved environmental impact assessment reports.*

### **SECTION 3. COMMITMENTS TO ENVIRONMENTAL PROTECTION**

#### **Article 24: Objects that are Subject to Environmental Protection Commitments**

Household scaled production, business and service units and objects that are not falling into the categories as stipulated in Articles 14 and 18 of this Law, shall be subject to the commitment to environmental protection made in written form.

#### **Article 25: Contents of Environmental Protection Commitments**

1. Project sites.
2. Production, business and service categories and scales, and raw material and fuel consumptions.
3. Categories of wastes to be generated.
4. Commitments to undertake relevant waste reduction and treatment measures, and to the compliance with the provisions of the law on environmental protection.

#### **Article 26: Registration of Environmental Protection Commitments**

1. District level People's Committees shall have the responsibility to organize the registration of the commitment to environmental protection, and may authorize the communal level People's Committees to organize the registration, if necessary.
2. The deadline of the certification of environmental protection commitments shall not be exceeding five (5) working days from the date of receipt of eligible commitments to environmental protection.
3. Objects that fall under Article 24 of this Law shall only be allowed to operate their production, business and service units when the commitment to environmental protection has been registered.

#### **Article 27: Responsibilities for Implementing Environmental Protection Commitments and Inspecting their Performance**

1. Organizations and individuals made commitments to environmental protection shall have the responsibility to implement properly and adequately contents described in the commitments to environmental protection.
2. District and communal level People's Committees shall direct and organize the monitoring and inspection of the compliance with contents described in the commitments to environmental protection.

## Chapter IV

### CONSERVATION AND RATIONAL USE OF NATURAL RESOURCES

#### Article 28: Natural Resources Investigation, Assessment and Use Planning

8. Natural resources must be investigated and assessed in terms of their reserves, regenerativeness, and economic values to serve as basis for planning their use, defining permissible levels of their exploitation and determining rates of environmental tax and environmental protection fees and fund deposits for environmental rehabilitation, environmental damage compensation and other environmental protection measures.
9. Natural resource use planning must be integrated with natural resource conservation planning.
10. Responsibilities for natural resources investigation, assessment and use planning shall be performed according to the provisions of the law on natural resources.

#### Article 29: Nature Conservation

1. Regions and ecosystems being endowed with biodiversity values of national and international importance must be investigated, assessed and protected by taking forms of marine protected areas, national parks, nature reserves, biosphere reserves and species and habitat conservation areas (hereinafter called "Nature Reserves") according to their plans developed.
2. Rationales on which the planning of nature reserves shall be made include:
  - a) *Values of global, national and local natural heritages;*
  - b) *Values of the primitiveness, special use and protection;*
  - c) *Regionally ecological regulation and equilibrium;*
  - d) *Naturally geographical representativeness or uniqueness;*
  - e) *Permanent or seasonal habitats, breeding areas and development of multiple endemic, rare and precious and endangered species of fauna and flora;*
  - f) *National and local values of biosphere, habitats, natural landscapes and human ecology;*
  - g) *Other conservation values as stipulated by the provisions of the law.*
3. The establishment of nature reserves must observe the planning approved by the competent State agencies.
4. Nature reserves shall be managed by their own management boards and regulations.
5. Responsibilities for planning, establishing and managing nature reserves shall be defined according to the provisions of the law.

#### Article 30: Biodiversity Protection

1. The protection of biodiversity must be implemented based on the assurance of the rights and legitimate benefits of local residential communities and other categories concerned.
2. The State shall have the responsibility to establish genetic banks in order to protect and develop indigenous, rare and precious genetic resources; and encourage the importation of genetic resources of high values.
3. Endangered, rare and precious species of fauna and flora shall be protected in accordance with the following provisions:
  - a) *Listing and categorizing species for the management according to the endangered, rare and precious levels;*
  - b) *Developing plans for their protection and taking measures to prevent hunting, exploitation, trade and use;*
  - c) *Implementing programmes on their rearing, nurturing, and protection according to special regimes appropriate to each specific species; and developing wild animal rescue centers.*
4. The Ministry of Natural Resources and the Environment shall, in collaboration with relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, have the primary responsibility to protect biodiversity resources according to the provisions of the law on biodiversity.

### **Article 31: Natural Landscape Protection and Development**

1. The State shall encourage the development of ecological models in hamlets, villages, residential areas, industrial parks, resorts, tourist centers, and of other types of natural landscapes to create the harmony between man and nature.
2. Organizations and individuals engaged in planning, construction, production, business, service and living activities, must comply with the requirements for natural landscape preservation and conservation.
3. Ministries, ministerial level agencies, Government bodies and People's Committees at all levels shall, within the extent of their duties and powers, have the responsibility for planning and organizing the management, protection and development of environmental landscapes in accordance with this Law and the other provisions of the relevant law.

### **Article 32: Environmental Protection in Natural Resources Investigation, Prospecting, Exploitation and Use**

1. Natural resources investigation, prospecting, exploitation and use must observe the planning approved by the competent State agencies.
2. Permits of natural resources exploitation and use must specify fully terms and conditions of environmental protection.

The exploitation of natural resources must observe contents of environmental protection prescribed in the exploitation and use permits granted by the competent State agencies.

3. Organizations and individuals shall have the responsibility to comply with the requirements for environmental protection during the investigation, prospecting, exploitation and use of natural resources that take place; and to take actions of environmental rehabilitation upon the completion of prospecting and exploitation activities in accordance with the provisions of this Law and the other provisions of the relevant law.

### **Article 33: Development of Clean and Renewable Energies and Environmentally Friendly Products**

1. Clean and renewable energies are energies that are extracted from wind, solar, geothermal, water, biomass and other renewable resources.
2. Organizations and individuals engaged in the investment in clean and renewable energy development and use, and in the production of environmentally friendly products shall be entitled to the preferential treatment of tax, funds and land-use given by the State for constructing their production facilities.
3. The Government shall develop and implement a strategy of clean and renewable energies in order to achieve the following objectives:
  - a) *Strengthening of national capacity in the research and application of clean and renewable energy exploitation and use technologies;*
  - b) *Extension of international cooperation, and mobilization of resources to participate, in the field of clean and renewable energy exploitation and use;*
  - c) *Gradual increase in the ratio of clean and renewable energy yields to the total national energy production; and implementation of objectives on national energy security, natural resources saving and GHG emission reduction;*
  - d) *Integration of a clean and renewable energy development programme with poverty reduction and rural, mountainous, coastal and island development programmes.*
4. The State shall encourage less polluting and naturally degradable product and good production and consumption; clean energy production from wastes; and the production, importation and operation of clean and renewable energy fired machinery, equipment and means of transport.

### **Article 34: Building up of Environmentally Friendly Consumption Practices**

1. The State shall encourage organizations and individuals to consume products made of recyclable materials from wastes, organic products, naturally degradable packaging materials, ecological- labeled and other environmentally friendly products.
2. The Ministry of Culture and Information and press and information agencies shall, in collaboration with the Ministry of Natural Resources and the Environment, have the responsibility

to propagandize, introduce, and expand the outreach of, environmentally friendly products and goods to promote their consumption among the people.

## Chapter V

### ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS AND SERVICE ACTIVITIES

#### **Article 35: Environmental Protection Responsibilities of Organizations and Individuals in Production, Business and Service Activities**

1. To observe the provisions of the law on environmental protection.
2. To undertake measures for environmental protection prescribed in the approved environmental impact assessment reports and the registered environmental protection commitments, and to comply with the established environmental standards.
3. To prevent and restrict adverse impacts caused by their operations on the environment.
4. To remedy environmental pollution caused by their operations.
5. To propagandize, educate, and raise consciousness of, environmental protection among laborers working in their production, business and service units.
6. To comply with regimes of environmental performance reporting in accordance with the provisions of the law on environmental protection.
7. To comply with regimes of examination and inspection of environmental protection.
8. To pay environmental taxes and environmental protection fees.

#### **Article 36: Environmental Protection in Centered Production, Business and Service Areas**

1. Economic zones, industrial parks and clusters, export-processing zones, hi-tech parks, tourist centers and resorts (hereinafter called "Centered Production, Business and Service Areas") must comply with the requirements for environmental protection, including:

- a) *Observing the approved development master planning;*
- b) *Integrating the planning and arrangements of functional zones and types of operations with environmental protection;*
- c) *Properly and adequately perform contents of the approved environmental impact assessment reports;*
- d) *Providing with adequate facilities to collect and store general solid and hazardous wastes, and satisfying the requirements for receiving wastes that are segregated at source from the centered production, business and service areas;*
- e) *Installing and routinely operating systems of centered wastewater collection and treatment, and of air emission treatment that meet the environmental standards;*
- f) *Complying with the requirements for the protection of environmental landscapes and the health of communities and laborers;*
- g) *Establishing environmental monitoring systems;*
- h) *Establishing professional sections that are qualified to perform tasks of environmental protection.*

2. Industrial parks and clusters, export-processing zones and hi-tech parks that are likely to cause adverse damages to the environment, must be located at an environmentally safe distance from local residential areas and nature reserves.

3. The implementation of production, business and service projects within the centered production, business and service areas shall be only allowed when the requirements stipulated in Paragraph 1 of this Article are complied with, examined and certified by the competent State agencies.

4. Specialized units of environmental protection within the centered production, business and service areas shall have the responsibility to perform the following tasks:

- a) *To examine and monitor the performance of environmental protection requirements by units and projects invested within the centered production, business and service areas;*

- b) To manage general solid and hazardous waste collection and storage systems; centered wastewater collection and treatment systems; and air emission treatment systems;*
- c) To organize environmental monitoring, assessment of the current state of the environment, synthesize and prepare environmental performance reports and regularly report to specialized agencies of environmental protection at provincial level;*
- d) To provide the management boards with consultations in the settlement of disputes relating to environmental issues between projects implemented within the centered production, business and service areas.*

5. Provincial level People's Committees shall, in collaboration with relevant ministries, ministerial level agencies and Government bodies, have the responsibility to direct and organize the performance of environmental protection in the centered production, business and service areas within the territory under their management.

**Article 37: Environmental Protection by Production, Business and Service Units**

1. Production, business and service units must comply with the following requirements for environmental protection:

- a) To construct wastewater collection and treatment infrastructures in compliance with the environmental standards.*

*In case the transfer of wastewater effluents to centered wastewater treatment systems is required, regulations stipulated by the management organizations of the centered wastewater treatment systems must be observed;*

- b) To provide adequate facilities and equipment for collecting and storing solid wastes and put in place solid waste segregation at source;*

*c) To develop and take measures for reducing and treating dusts and air emissions to meet the environmental standards before releasing into the environment; ensure the avoidance of any leakage and/or dispersion of toxic gases and emissions into the environment; restrict the generation of noise, lighting and heat causing adverse effects on ambient environments and laborers;*

- d) To provide adequate resources and equipment for ensuring environmental incident prevention and response, especially in those production units that consume chemicals and radioactive, flammable and explosive substances;*

2. Production units and/or storehouses that fall into the following categories must not be located within residential areas, or must be located at an environmentally safe distance from residential areas:

- a) Use of flammable and explosive substances;*
- b) Use of substances that generate high levels of radioactivity and radiation;*
- c) Use of toxic substances that may harm the health of human beings, animals and poultry;*
- d) Release of odors that cause adverse effects on human health;*
- e) Potentially serious pollution that may be caused to water resources;*
- f) Generation of noise, dusts and air emissions at levels exceeding the permissible standards.*

**Article 38: Environmental Protection in Craft Villages**

9. The planning, construction, improvement and development of craft villages must be integrated with environmental protection;

The State shall encourage the development of craft village industrial areas and clusters that share environmental protection infrastructure systems;

10. Provincial level People's Committees shall have the responsibility to direct and organize the inventory and assessment of pollution levels at craft villages within the territory, and develop plans to address environmental pollution at craft villages by taking measures as follows:

- a) To improve, upgrade or newly construct centered wastewater collection and treatment systems;*
- b) To construct general solid and hazardous waste storages, and provide equipment for satisfying the requirements for waste collection, and which are appropriate to the segregation of wastes at source to facilitate the centered waste treatment;*

- c) To make planning of craft village industrial areas and clusters in order to relocate those production units that seriously pollute the environment from residential areas;*
- d) To propagandize and disseminate information about new and less polluting technologies among the people for their knowledge and adoption.*

11. Production units that operate within craft village industrial areas and clusters, must comply with the following requirements for environmental protection:

- a) Wastewater effluents must be collected and transferred to centered wastewater treatment systems; in case that the centered wastewater treatment system is not available, measures of wastewater treatment to meet the environmental standards must be undertaken before discharging;*
- b) Solid wastes must be segregated at source and transported to storages of solid wastes according to the regulations on waste management; in case that solid wastes contain hazardous substances, the solid wastes must be segregated, collected, stored and treated in accordance with the regulations on hazardous waste management;*
- c) Financial contributions must be made to constructing environmental protection infrastructures and, environmental protection fees must be fully paid according to the provisions of the law.*

### **Article 39: Environmental Protection in Hospitals and Other Medical Units**

1. Hospitals and other medical units must comply with the following requirements for environmental protection:

- a) Having medical wastewater effluent collection and treatment systems installed or measures taken, and routinely operated to meet the environmental standards;*
- b) Providing specialized equipment to segregate pathological and medical wastes at source;*
- c) Undertaking measures to treat and dispose of pathological and medical wastes and expired medicines to ensure sanitation and the compliance with the environmental standards;*
- d) Having plans drawn up, and facilities and equipment provided to prevent and respond to any of environmental incidents caused by medical wastes;*
- e) Solid wastes and domestic wastewater discharged from patients must be pre-treated to eliminate germs that are potentially contagious prior to the transfer to centered treatment and disposal facilities;*

2. Hospitals and other medical units engaged in the treatment of communicable diseases must undertake measures to isolate their treatment activities from residential areas and water resources.

New hospitals and other medical units engaged in the treatment of communicable diseases must not be constructed within residential areas;

3. X-ray establishments and radioactive substance based medical tool kits and equipment must comply with the requirements for nuclear safety and radiation safety as stipulated in Article 89 of this Law and the law on nuclear safety and radiation safety.

4. Workers in hospitals and other medical units engaged in activities related to medical wastes must be provided with protective clothes and safety equipment to protect them from the infection of epidemic diseases from medical wastes.

5. The Ministry of Health shall, in collaboration with relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing and organizing the inventory of waste discharge sources and the assessment of pollution levels in hospitals and other medical units; and working out measures to tackle pollution, and guiding and inspecting the performance of the law on environmental protection by hospitals and other medical units.

### **Article 40: Environmental Protection in Construction Activities**

1. The planning of construction must comply with the standards and requirements for environmental protection.

2. The construction of works must comply with the following requirements for environmental protection:

*(a) Works constructed within residential areas must take measures to ensure the avoidance of generating dusts, noise, vibration and light at levels exceeding the permissible standards;*

*(b) The transport of building materials must be performed by technically proper means to avoid spillage, leakage and environmental pollution;*

*(c) Liquid and solid wastes and other wastes under all categories must be collected and treated to meet the environmental standards.*

3. People's Committees at all levels and public order management units may undertake measures to deal with owners of works and means of transport that infringe the regulations on environmental protection.

#### **Article 41: Environmental Protection in Transport Activities**

1. The planning of transport must comply with the standards and requirements for environmental protection.

2. Motor vehicles, motorbikes and other motor means of transport that are domestically manufactured, assembled or imported, must comply with the standards on vehicle emissions and noise levels, and must be inspected and certified by the registry offices to meet the environmental standards before operation.

The Ministry of Transport shall, in collaboration with the Ministry of Natural Resources and the Environment, be primarily responsible for guiding the inspection and certification of the compliance with the environmental standards for motor vehicles, motorbikes and other motor means of transport.

3. Those motor vehicles that are granted environmental standard certificates by the Ministry of Transport shall be allowed to operate.

4. Means of transport that transport raw materials, materials and wastes must be provided with coverings and containers in order to ensure the avoidance of spillage and leakage causing environmental pollution during the transport.

5. The transport of goods and materials that are likely to impose risks of environmental incidents, must comply with the following requirements:

*(a) Use of specialized equipment and means of transport to ensure the avoidance of spillage, leakage and release into the environment;*

*(b) Having the transport license granted by the competent State management agencies;*

*(c) Complying with the assigned routes and schedules specified in the permits.*

6. The State shall encourage owners of means of transport engaged in the transport of goods that may impose risks of environmental incidents, to insure against the liability of compensation for environmental damages.

#### **Article 42: Environmental Protection in Importation and Transit of Goods**

1. Machinery, equipment, means, raw materials, fuels, chemicals and goods that are imported must comply with the environmental standards.

2. The following machinery, equipment, means, raw materials, fuels, chemicals and goods must be prohibited from the import:

*(a) Machinery, equipment and means that fail to comply with the environmental standards;*

*(b) Used machinery, equipment and means of transport for the purpose of disassembly;*

*(c) Raw materials, fuels, materials, chemicals and goods that fall under the list of items banned from the import;*

*(d) Machinery, equipment and means contaminated with radioactive substances, pathological microbes and other toxins that are not yet cleansed or unable to be cleaned up;*

*(e) Foods, medicines, pesticides and veterinary medicines that expire or fail to comply with the standards on food quality, hygiene and safety.*

3. Machinery, equipment, means, raw materials, fuels, chemicals and goods falling under the categories specified in Paragraph 2 of this Article that are once imported, must be re-exported, disposed of, or destroyed by their owners in accordance with the provisions of the law on waste management; in case of causing serious consequences to the environment, the owners shall be



dealt with administratively or be criminally prosecuted, depending on the nature and extent of the infringement; in case of causing damages to the environment, the owners must compensate for the damages in accordance with regulations by the law.

4. Goods, equipment and means that are likely to cause environmental pollution, degradation and incidents in transit through the territory of Viet Nam, shall be subject to environmental permission and examination by the State management agencies of environmental protection.

5 The Ministry of Trade shall, in collaboration with the Ministry of Natural Resources and the Environment, the Ministry of Finance, relevant ministries, ministerial level agencies and Government bodies, shall be primarily responsible for guiding the compliance with the environmental protection requirements in the importation and transit of goods.

#### **Article 43: Environmental Protection in Importation of Scrap Materials**

1. Scrap materials to be imported must comply with the following requirements for environmental protection:

*(a) Having been segregated, cleansed and unmixed with materials, products and goods that are banned from the import in accordance with the provisions of the law of Viet Nam or international treaties to which the Socialist Republic of Viet Nam is a Contracting Party;*

*(b) Without containing hazardous wastes and impurities, except non-hazardous impurities mixed during loading, unloading and transport operations;*

*(c) Falling under the list of scrap material categories that are permitted for import established by the Ministry of Natural Resources and the Environment.*

2. Organizations and individuals directly engaged in the use of scrap materials as input materials to their production and recycling processes, shall be eligible to import scrap materials if the following terms and conditions are satisfied:

*(a) Having storehouses and yards separate for the storage of scrap materials to ensure conditions for environmental protection;*

*(b) Having adequate capacity of treating impurities mixed with scrap materials;*

*(c) Having technologies adopted and equipment provided for recycling and reusing scrap materials to meet the environmental standards.*

3. Organizations and individuals engaged in the import of scrap materials shall have the responsibility to:

*(a) Comply with the regulations by the law on environmental protection and other provisions of the relevant law;*

*(b) Notify, in writing, the State management agencies of environmental protection at provincial level where their production units, storehouses or yards of imported scrap materials are located, within at least five (5) days before the date of loading or unloading scrap materials, of categories, quantities and weights of imported scrap materials, border gates, transport routes, storehouses and yards for storing scrap materials and places where scrap materials are fed to production;*

*(c) Implement the treatment of impurities mixed with scrap materials; and handing over or sale of impurities are prohibited.*

4. Provincial level People's Committees shall have the responsibility to:

*(a) Inspect, detect, prevent and deal with acts of violation against the law relating to imported scrap materials;*

*(b) Annually report to the Ministry of Natural Resources and the Environment on the situation of the import and use of scrap materials and imported scrap materials related environmental issues in their localities.*

5. The import of scrap materials is a conditional form of business. The Ministry of Trade shall, in collaboration with the Ministry of Natural Resources and the Environment, be primarily responsible for imposing criteria and conditions on the business of organizations and individuals engaged in the import of scrap materials.

#### **Article 44: Environmental Protection in Mineral Activities**

1. Organizations and individuals engaged in mineral resources prospecting and exploitation and mineral processing, must take measures to prevent and respond to environmental incidents, and comply with the following requirements for environmental protection and rehabilitation:

*(a) Collecting and treating wastewater to meet the environmental standards;*

*(b) Collecting and treating solid wastes in accordance with the regulations on general solid waste management; In case solid wastes contain hazardous factors, the management of solid wastes must be performed in accordance with the regulations on hazardous waste management;*

*(c) Taking measures to prevent and mitigate the release of dusts and toxic gases into the environment;*

*(d) Rehabilitating the environment upon the completion of mineral resource prospecting and exploitation and mineral processing activities.*

2. Minerals must be stored and transported with specialized equipment and adequately covered to avoid their leakages and spillage into the environment.

3. The operation of machinery and equipment and the use of toxic chemicals in mineral prospecting, exploration, exploitation and processing shall be subject to the technical certification, inspection and monitoring by the State management agencies of environmental protection.

4. The exploration, prospecting, exploitation, transport and processing of oil, gas and other minerals containing radioactive elements and toxic substances, must comply with the regulations on chemical safety, nuclear safety and radiation safety, and the other regulations on environmental protection.

5. The Ministry of Industry shall, in collaboration with relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing the inventory of waste discharge sources and the assessment of environmental pollution levels caused by mineral exploitation and processing units; and organizing the inspection of the compliance with the law on environmental protection by these units.

#### **Article 45: Environmental Protection in Tourism Activities**

1. Organizations and individuals engaged in the management and operation of tourist centers and destinations must take measures to protect the environment as follows:

*(a) Posting up rules of environmental protection at tourist centers and destinations and guiding the enforcement of the rules;*

*(b) Installing and arranging soundly and adequately sanitary facilities and waste collection bins;*

*(c) Providing human resources for keeping sanitary conditions.*

2. Tourists shall have the responsibility to:

*(a) Comply with the rules and instructions on environmental protection set forth by tourist centers and destinations;*

*(b) Discard wastes into the established waste collection bins;*

*(c) Keep sanitary conditions in tourist sites;*

*(d) Not to intrude into landscapes, nature reserves, natural heritage and species of organisms at tourist centers and destinations.*

3. The State management agencies of tourism at central level shall, in collaboration with relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing, guiding and monitoring the performance of environmental protection in tourism activities in accordance with the provisions of this Law and the other regulations of the relevant law.

#### **Article 46: Environmental Protection in Agricultural Production**

1. Organizations and individuals engaged in the production, import and trade of fertilizers, pesticides, and veterinary medicines, must comply with the provisions of the law on environmental protection and other regulations of the relevant law.

2. The trade in, and use of, varieties of pesticides and veterinary medicines that expire and are not included in the established lists must be prohibited.

3. Expired veterinary medicines and chemicals used in aquaculture; empty packages and containers of fertilizers, pesticides and veterinary medicines must be treated upon use in accordance with the regulations on waste management.

4. Centered animal rearing areas must comply with the following requirements for environmental protection:

*(a) Ensuring environmental sanitation for residential areas;*

*(b) Having wastewater collection and treatment systems installed to meet the environmental standards;*

*(c) Livestock solid wastes must be managed in accordance with the regulations of waste management to avoid the release of wastes into the environment;*

*(d) Stables and farms must be periodically sanitized; and ensuring the prevention of, and preparedness to epidemic diseases;*

*(e) Carcasses of animals killed by epidemics must be managed in accordance with the regulations on hazardous waste management and hygiene and disease prevention;*

5. The Ministry of Agriculture and Rural Development shall, in collaboration with the Ministry of Natural Resources and the Environment and provincial level People's Committees, be primarily responsible for directing and organizing the guidance and inspection of the compliance with the law on environmental protection in agricultural production activities.

#### **Article 47: Environmental Protection in Aquaculture**

1. Organizations and individuals engaged in the production and import and trade of, veterinary medicines and chemicals in aquaculture must comply with the provisions of the law on environmental protection and the other regulations of the relevant law.

2. The use of veterinary medicines and chemicals that expire and are not included in the established lists in aquaculture must be prohibited.

3. Veterinary medicines and chemicals that expire for use in aquaculture; empty packages and containers of veterinary medicines and chemicals for aquaculture; sludge and feed residues must be collected during cleaning up aquacultural ponds, and treated in accordance with the regulations on waste management.

4. Centered aquacultural areas must be consistent with the local planning and comply with the following requirements for environmental protection:

*(a) Wastes must be collected and treated to meet the waste standards;*

*(b) Environmental rehabilitation must be performed upon the termination of aquacultural activities;*

*(c) Sanitary conditions and epidemic disease prevention in aquaculture must be ensured; and the use of chemicals that are toxic or toxically accumulative must be prohibited.*

5. Centered aquacultural farms must not be constructed on alluvial plains that are being developed into coastal estuaries; and the destruction of mangrove forests for agriculture must be prohibited.

6. The Ministry of Fisheries shall, in collaboration with the Ministry of Natural Resources and the Environment and provincial level People's Committees, be primarily responsible for directing and organizing the guidance and inspection of the compliance with the law on environmental protection in aquacultural activities.

#### **Article 48: Environmental Protection in Burial Services**

1. Burial grounds must comply with the following requirements:

*(a) Being located in places and at a distance to satisfy the terms and conditions of environmental sanitation and landscapes in residential areas;*

*(b) Without causing pollution to water resources for domestic and production consumptions;*

2. The resting, embalming, movement and burial of the deceased and remains must comply with the requirements for environmental sanitation.

3. The burial of the deceased due to dangerous diseases must comply with the regulations of the Ministry of Health.
4. The State shall encourage residential communities and the people to exercise the burial of the deceased within cemeteries and burial grounds in accordance with the local planning; the sanitary cremation of the deceased and the elimination of backward customs and habits in burial practice that pollute the environment;
5. Organizations and individuals engaged in the provision of burial services must comply with the provisions of the law on environmental protection and the law on hygiene and epidemic prevention.
6. The Ministry of Health shall, in collaboration with relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing and guiding the performance of environmental protection in burial activities as stipulated in this Article.

**Article 49: Dealing with Production, Business and Service Units that Pollute the Environment**

1. Sanctions imposed against organizations and individuals engaged in production, business and service activities that pollute the environment shall be specified as follows:
  - (a) *Fines and enforced application of measures of waste reduction and treatment to meet the environmental standards;*
  - (b) *Temporary suspension of operation until necessary measures are taken for environmental protection;*
  - (c) *Other sanctions shall be imposed in accordance with the provisions of the law on dealing with administrative infringements;*
  - (d) *In case of causing damages to human life and health, properties and legitimate interests of organizations and individuals as the result of environmental pollution, compensation must be paid to the damages in accordance with the provisions of Section 2, Chapter XIX of this Law or criminal prosecution must be imposed;*
2. Organizations and individuals engaged in production, business and service activities that seriously pollute the environment, shall, in addition to sanctions stipulated in Paragraph 1 of this Article, be dealt with one of the following sanctions:
  - (a) *To be enforced to take measures to remedy environmental pollution and rehabilitate the environment in accordance with the provisions of Article 93 of this Law;*
  - (b) *To be prohibited from operation*
  - (c) *To be enforced to relocate their establishments to areas that are distant from residential areas and appropriate to the carrying capacity of local environments;*
3. Responsibilities for, and the competence to decide on, dealing with establishments that pollute and seriously pollute the environment, shall be specified as follows:
  - (a) *Specialized agencies of environmental protection at provincial level shall have the responsibility to detect and annually make a list of establishments that pollute and seriously pollute the environment in their localities, and report to the People's Committees of the same level, the Ministry of Natural Resources and the Environment, relevant ministries, ministerial level agencies and Government bodies;*
  - (b) *Provincial level People's Committees shall decide on dealing with establishments that pollute the environment in their localities according to their competence and decentralization stipulated by the Prime Minister of the Government;*
  - (c) *Ministers and Heads of ministerial level agencies and Government bodies shall, in collaboration with relevant provincial level People's Committees, have the responsibility to decide the list, direct and organize the enforcement of establishments that pollute the environment according to the competence of their management;*
  - (d) *The Ministry of Natural Resources and the Environment shall, in collaboration with relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for submitting to the Prime Minister of the Government lists of establishments that seriously pollute the environment, and the dealing with those establishments that seriously pollute the environment at levels of severity beyond the*

*competence or capacity to deal with by ministries, ministerial level agencies, Government bodies and provincial level People's Committees, for decision.*

4. Ministers and Heads of ministerial level agencies and Government bodies shall, within the extent of their tasks and powers, have the responsibility to deal with establishments that pollute the environment in accordance with the provisions of Paragraphs 1 and 2 of this Article.

5. Decisions on dealing with establishments that pollute and seriously pollute the environment must be notified to the People's Committees at district and communal levels where the establishments are located, and publicized for surveillance and inspection by the local people.

6. The Ministry of Natural Resources and the Environment shall provide specific guidance for examining and inspecting the enforcement of establishments that pollute the environment.

7. The State shall encourage all organizations and individuals to develop technologies of environmental pollution treatment; provide supports from the state budget, land funds, preferential credits and other resources for enforcing establishments that pollute the environment.

## **Chapter VI**

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

#### **Article 50: Planning of Environmental Protection in Urban and Residential Areas**

1. The planning of environmental protection in urban centers and residential areas must constitute an integral content of urban and residential area planning.

2. Contents of environmental protection planning of urban centers and residential areas include the planning of land use for constructing the following infrastructures and systems of environmental protection:

*(a) Systems of centered wastewater collection and treatment facilities; systems of storm water drainage; and systems of solid waste collection, storage, treatment and recycling facilities;*

*(b) Systems of water supply for domestic and production consumptions;*

*(c) Systems of parks, resorts, recreation and entertainment places and public sanitary facilities;*

*(d) Systems of trees and water bodies;*

*(e) Burial grounds.*

3. The construction of new production and business units that potentially impose significant risks of environmental pollution and incidents within urban centers and residential areas must be prohibited.

4. Provincial and district level People's Committees shall have the responsibility to develop and approve environmental protection planning in accordance with the provisions of the law on the construction for urban center and residential planning.

#### **Article 51: Environmental Protection Requirements for Urban Centers and Centered Residential Areas**

1. Urban centers must comply with the following requirements for environmental protection:

*(a) Having environmental protection infrastructures developed to be consistent with the planning of urban centers and centered residential areas approved by the competent State agencies;*

*(b) Having facilities and equipment provided for domestic solid waste collection and storage to be appropriate to waste volumes and categories, and with adequate capacity to receive at source-segregated wastes from households within residential areas;*

*(c) Ensuring the compliance with the requirements for urban landscapes and environmental sanitation.*

2. Centered residential areas must comply with the following requirements for environmental protection:

*(a) Having storm water and wastewater drainage systems constructed to be consistent with the planning of environmental protection in residential areas;*

*(b) Having sites established for storing domestic solid wastes to ensure environmental sanitation;*

3. The transfer and use of newly constructed residential areas and apartments shall be only permitted if their investors comply with the requirements for environmental protection stipulated in Paragraph 1 of this Article.

#### **Article 52: Environmental Protection in Public Places**

1. Organizations, residential communities, households and individuals shall have the responsibility to comply with the regulations on environmental protection and sanitation in public places; discard garbage into public bins and at the established sites; and keep animals from causing unsanitary conditions in public places.

2. Organizations, individuals and residential communities engaged in the management of parks, resorts, recreation and entertainment places, tourist centers, markets, railway stations, bus stations, seaports, ferry harbors and other places, shall be responsible for:

*(a) Posting up regulations on sanitation at public places;*

*(b) Providing adequately public sanitary works; waste collection facilities and equipment to comply with the requirements for environmental sanitation;*

*(c) Providing human resources adequately for waste collection and environmental sanitation at places under their management;*

3. Acts of violation against the law on environmental protection and rules on environmental sanitation at public places, shall be dealt with the following sanctions:

*(a) Fines;*

*(b) Enforced labor of environmental sanitation at public places for a definite period;*

*(c) Temporary seizure of facilities associated with acts of causing environmental pollution.*

4. People's Committees at all levels, police force and public order management units shall, within the extent of their duties and powers, have the responsibility to deal with acts of violation against environmental protection at public places in accordance with the provisions of the law on environmental protection and the other provisions of the relevant law.

#### **Article 53: Environmental Protection Requirements for Households**

1. Households shall have the responsibility to comply with environmental protection regulations as follows:

*(a) Collecting and transporting domestic wastes to storage sites established by the local environmental sanitation organizations; discharging wastewater into local wastewater collection networks;*

*(b) Avoiding the release of air emissions and generation of noise and other agents at levels exceeding the environmental standards and affecting the health and life of local residential communities;*

*(c) Paying environmental protection fees of all types fully and timely in accordance with the regulations of the law;*

*(d) Participating in environmental sanitation of quarters, village roads, alleys and local public places, and in self-governing environmental protection activities implemented by local residential communities;*

*(e) Having sanitary facilities, animal and poultry rearing stables and farms installed to ensure human hygiene and safety in their living areas;*

*(f) Complying with environmental protection regulations set forth in the village rules and environmental protection commitments.*

2. The best practice of obeying the requirements for environmental protection shall become one of the cultured family criteria;

#### **Article 54: Self- Governing Organizations of Environmental Protection**

1. The State shall encourage residential communities to establish self-governing organizations of environmental protection at local level where they live with the goal of performing the following tasks:

*(a) Examining and urging households and individuals in the compliance with environmental sanitation and protection regulations;*

- (b) Organizing garbage and waste collection, storage and treatment;*
  - (c) Keeping village roads, alleys, quarters and public places sanitary;*
  - (d) Formulating and organizing the implementation of village rules on environmental protection; and propagandizing and motivating the local people to eliminate backward customs and habits and unhygienic practices that harm the environment;*
  - (e) Participating in the surveillance of the compliance with the law on environmental protection by production, business and service units operating in localities.*
2. Self-governing organizations of environmental protection shall be established and operate in voluntary and joint-responsibility principles and in accordance with the provisions of the law;
  3. Communal-level People's Committees shall have the responsibility to stipulate operational conditions, and facilitate the effective operation, of the self-governing organizations of environmental protection.

## **Chapter VII**

### **PROTECTION OF MARINE ENVIRONMENT, RIVER WATER AND OTHER WATER RESOURCES**

#### **SECTION 1. PROTECTION OF MARINE ENVIRONMENT**

##### **Article 55: Principles of Marine Environment Protection**

1. The protection of the environment must become one of contents of the marine economic development master plan with the goal of mitigating adverse impacts on marine environment and increasing the efficiency of marine economics.
2. Prevention and reduction of wastes discharged from land based and maritime activities; and taking proactive and coordinated preparedness and responses to marine environmental incidents;
3. The protection of marine environment must be integrated with the functional zoning of marine natural resources conservation and use;
4. The protection of marine environment must be integrated with the integrated natural resources and environmental management to serve sustainable development.

##### **Article 56: Conservation and Rational Use of Marine Natural Resources**

1. Marine natural resources must be investigated and assessed in terms of their reserves, regenerativeness and economic values to serve marine environmental management and protection.
2. Aqua cultural activities, exploitation of marine natural and other resources and other activities related to marine natural resources exploitation and use must be implemented in accordance with the approved natural resources use planning.
3. Activities taken place within marine nature reserves, mangrove forests and natural heritage must observe rules set forth by their management boards, the regulations of the law on environmental protection, and the other provisions of the relevant law.
4. Use of destructive measures, means and tools in the exploitation of marine natural and other resources must be strictly prohibited.

##### **Article 57: Marine Environmental Pollution Control and Treatment**

1. Sources of wastes discharged from mainland, production, business and service units, urban centers and residential areas in coastal zones, on the sea and islands, must be investigated, inventoried and assessed, and measures must be taken to prevent and restrict their adverse impacts on marine environment.
2. Wastes and other polluting factors generated from production, business and service, construction, transport and exploitation activities on the sea must be controlled and treated in compliance with the environmental standards.
3. Waste oils, greases, drilling solutions, chemicals and other toxic substances used in marine natural resources prospecting and exploitation activities must be collected and stored with specialized equipment, and must be treated in accordance with the regulations on hazardous waste management.

4. Dumping wastes under all forms in the waters of the Socialist Republic of Viet Nam must be strictly prohibited.

#### **Article 58: Organization of Marine Environmental Incident Prevention and Response**

1. Organizations and individuals engaged in mineral exploitation activities, and owners of vessels to transport gasoline, oils, chemicals, radioactive substances and other toxic substances on the sea must develop plans of, and provide human resources, equipment and facilities for, marine environmental incident prevention and response.

2. National rescue and marine police forces must be provided with training, equipment and facilities to ensure the response to marine environmental incidents;

3. Owners of vessels and storehouses of goods on the sea that are likely to cause environmental incidents must by any means, notify the forces as stipulated in Paragraph 2 of this Article, and other organizations and individuals of the risks, and must work out solutions to prevent environmental incidents.

4. Ministries, ministerial level agencies, Government bodies, People's Committees of coastal provinces shall, within the extent of their functions, duties and powers, have the responsibility to detect, warn, and notify timely of, natural disasters and marine environmental incidents, and organize the response to, and remedy of the consequences.

### **SECTION 2. PROTECTION OF RIVER WATER**

#### **Article 59: Principles of River Water Protection**

1. The protection of river water is one of fundamental contents of water resources extraction, use and management planning within river basins.

2. Localities within river basins shall be jointly responsible for protecting water environments within river basins; proactively coordinating the exploitation of resources yielded by water in river basins, and ensuring benefits for local residential communities.

#### **Article 60: Water Environmental Pollution Control and Treatment in River Basins**

1. Sources of wastewater within river basins must be investigated, inventoried and assessed, and solutions must be worked out to control and treat waste before discharging into rivers.

2. Wastes discharged from production, business, service, construction, transport and riverbed mineral exploitation activities and domestic wastes discharged from households living along rivers, must be controlled and ensured to comply with the requirements for environmental protection before discharging into the rivers.

3. The development of new production, business and service units, urban centers, centered residential areas within river basins must be reviewed in alignment with the integrity of river basins, taking into account flows, hydrological regimes, carrying capacity and self- purification factors of rivers, and the current state of production, business and service and urban development basin-wide.

4. The review of environmental impact assessment reports of projects on the development of new production, business and service areas, urban centers, centered residential areas, new large-scale production, business and service establishments within river basins, must gather comments from the People's Committees of provinces where the rivers run through.

#### **Article 61: Water Environmental Protection Responsibilities of Provincial Level People's Committees in River Basins**

1. People's Committees of provinces within river basins shall have the responsibility to:

*(a) Publicize information on sources of wastes discharged into rivers;*

*(b) Control sources of waste discharged into rivers and deal with cases of violation against the environmental standards;*

*(c) Collaborate with concerned agencies in identifying objects that cause damages to the environment, and settling the compensation for environmental damages in case that affected objects belong to other localities within river basins;*

2. People's Committees of provinces upstream of rivers shall, in collaboration with People's Committees of provinces downstream of rivers, have the responsibility to investigate, detect and identify sources of polluting river water, and take measures to deal with.



In case of causing environmental damages, People's Committees of provinces where such damages occur, shall be responsible for collaborating with concerned agencies in organizing the investigation, assessing the extent of damages, and requesting objects that cause such damages to pay compensation therefor.

3. People's Committees of provinces where waste sources are identified, shall be responsible for taking measures to enforce objects that cause local environmental pollution to fulfill their obligations to remedy and compensate for damages in accordance with the provisions of the law.

#### **Article 62: Organization of Water Environment Protection in River Basins**

1. The coordination of water environmental protection activities in river basins covering multiple provinces and cities directly under the Central Government shall be implemented in accordance with the regulations of the Prime Minister of the Government.

2. People's Committees of provinces within river basins shall have the responsibility to take measures to protect water environments in river basins.

3. The Ministry of Natural Resources and the Environment shall direct and guide the compliance with the regulations of the Government Prime Minister.

### **SECTION 3. ENVIRONMENTAL PROTECTION OF OTHER WATER RESOURCES**

#### **Article 63: Environmental Protection of Water Resources in Lakes, Ponds, Canals and Ditches**

1. Water resources in lakes, ponds, canals and ditches must be investigated and assessed in terms of their reserves and quality, and must be protected to regulate water resources.

2. Lakes, ponds, canals and ditches in urban and residential areas must be planned, improved and protected; organizations and individuals must not intrude into, and construct new structures and houses on, water surface or along banks adjacent to water surface of the planned lakes, ponds, canals and ditches; and the filling up and leveling of lakes and ponds in urban and residential areas shall be restricted to the maximum.

Project proponents engaged in blocking flows in canals and ditches; and in filling up and leveling lakes, ponds, canals and ditches, must prepare environmental impact assessment reports in accordance with the provisions of the law.

3. Discharges of soil, rock, sand, gravel, solid waste and wastewater without treatment to meet the environmental standards, and of other wastes into surface water resources of lakes, ponds, canals and ditches must be prohibited.

4. Provincial level People's Committees shall have the responsibility to organize the investigation and assessment of reserves and quality of lakes, ponds, canals and ditches, and develop plans to protect and regulate their water regimes; develop and implement plans of improving or relocating quarters and clusters of housing and structures constructed over lakes, ponds, canals and ditches that cause environmental pollution, blocked flows, wetland ecosystem degradation and loss of urban aesthetic values.

#### **Article 64: Environmental Protection of Reservoirs for Irrigation and Hydropower Purposes**

1. The construction, management and operation of reservoirs for irrigation and hydropower purposes must be integrated with environmental protection.

2. Intrusion into areas of reservoirs; and discharges of solid waste, soil, rock and wastewater without treatment into reservoirs must be prohibited.

3. Water environments in reservoirs for irrigation and hydropower purposes must be routinely monitored in order to predict changes in water quality and hydrological regimes to regulate water resources, and to protect the environment.

4. Agencies in charge of the management of reservoirs for irrigation and hydropower purposes shall have the responsibility to comply with the provisions of this Law and the other provisions of the relevant law.

#### **Article 65: Environmental Protection of Ground Water Resources**

1. The protection of the environment in groundwater resources exploration and extraction activities shall be stipulated as follows:

*(a) Groundwater extraction projects with a capacity of 10.000 cubic meters or more per day shall be subject to the preparation of environmental impact assessment reports;*

*(b) Only chemicals included in the list established by the competent State agencies shall be used in groundwater exploration and extraction activities;*

*(c) The introduction of chemicals of all categories, toxic substances, wastes, microorganisms without testing, and other toxic agents that harm human beings and living organisms must be strictly prohibited.*

*(d) Measures must be taken to prevent groundwater pollution through drilled wells for ground water exploration and extraction; units engaged in the extraction of groundwater shall have the responsibility to rehabilitate the environment in areas where groundwater exploration and exploitation activities taken place; and groundwater exploration and exploitation boreholes that are no longer used must be properly filled up in accordance with technical procedures to avoid groundwater pollution.*

2. Mineral exploitation and other projects that use toxic chemicals and radioactive substances must take measures to ensure the avoidance of leakage and spillage of toxic chemicals, wastes, radioactive wastes and infectious organisms into groundwater resources.

3. Chemical storehouses, hazardous waste treatment facilities and landfills must be constructed to ensure technical safety, and measures must be taken to prevent the seepage of toxic chemicals into groundwater resources.

4. The Ministry of Natural Resources and the Environment shall have the responsibility to direct the organization of investigation, assessment and periodical monitoring of groundwater reserves and quality.

## **Chapter VIII**

### **WASTE MANAGEMENT**

#### **SECTION 1. GENERAL PROVISIONS OF WASTE MANAGEMENT**

##### **Article 66: Waste Management Responsibilities**

1. Organizations and individuals engaged in activities that generate wastes, shall have the responsibility to reduce, recycle and reuse wastes so as to minimize the volumes of wastes required to be discharged and disposed of.

2. Wastes must be identified in terms of their sources, volumes and characteristics in order that appropriate treatment methods and procedures shall be applied in accordance with specific categories of waste.

3. Organizations and individuals engaged in production, business and service activities shall be granted the environmental standard compliance certificate if waste management is well performed.

4. Waste management shall be performed in accordance with the provisions of this Law and the other provisions of the relevant law.

##### **Article 67: Take-Back and Treatment of Expired or Discarded Products**

1. Owners of production, business and service establishments shall have the responsibility to take back the following expired or discarded products:

*(a) Radioactive sources used in production, business and service activities;*

*(b) Batteries and accumulators;*

*(c) Home and industrial electronic and electric equipment;*

*(d) Greases, lubricants and packaging materials that are naturally persistent degradable;*

*(e) Medicine products and chemicals used in industry, agriculture, fisheries, and medicines for disease treatment in humans;*

*(f) Means of transport;*

*(g) Tubes and tires;*

*(h) Other products in accordance with the regulations of the Prime Minister of the Government.*

2. The Prime Minister of the Government shall regulate the take-back and treatment of products as stipulated in Paragraph 1 of this Article.

### **Article 68: Waste Recycling**

1. Wastes must be segregated at source into categories according to the purposes of recycling, treatment, disposal of, and land- filling.
2. Organizations and individuals engaged in the recycling of wastes and products as stipulated in Article 67, shall be entitled to preferential policies in accordance with the provisions of this Law and the other provisions of the relevant law.
3. Organizations and individuals that invest in the construction of waste recycling facilities shall be entitled to preferential treatment of tax, financial support and land use given by the State for constructing waste recycling facilities.

### **Article 69: Waste Management Responsibilities of People's Committees at all Levels**

1. Planning and providing spaces for the storage of domestic solid wastes, and constructing centered domestic wastewater treatment systems and landfills.
2. Making investments in, constructing and operating public works to serve waste management within the extent of their management.
3. Inspecting and evaluating projects on waste management implemented by organizations and individuals prior to operation.
4. Promulgating and implementing preferential and support policies for waste management activities in accordance with the provisions of the law.

## **SECTION 2. HAZARDOUS WASTE MANAGEMENT**

### **Article 70: Hazardous Waste Management Dossiers Compilation, Registration, Licensing and Code Numbers**

1. Organizations and individuals engaged in activities that generate hazardous wastes, or parties engaged in hazardous waste management, must compile dossiers of hazardous waste management and register with specialized agencies of environmental protection at provincial level.
2. Organizations and individuals that are eligible to hazardous waste management shall be granted operational licenses and code numbers for operating hazardous waste management.
3. The Ministry of Natural Resources and the Environment shall stipulate terms and conditions of the qualification, and provide the guidance for compiling dossiers, registering, and licensing and granting code numbers for operating hazardous waste management.

### **Article 71: Hazardous Waste Segregation, Collection and Temporary Storage**

1. Organizations and individuals engaged in activities that generate hazardous wastes must organize the segregation and collection of hazardous wastes or make contracts for the transfer of hazardous waste management with parties that receive hazardous waste management to collect hazardous wastes.
2. Hazardous wastes must be temporarily stored with specialized equipment to ensure the avoidance of their leakage, spillage and release into the environment.
3. Organizations and individuals must develop plans of, and provide facilities for, the prevention and control of incidents caused by hazardous wastes; and must avoid the mixture of hazardous and general wastes.

### **Article 72: Transport of Hazardous Wastes**

1. Hazardous wastes must be transported with appropriately specialized equipment and by specialized means of transport, along assigned routes and on schedules stipulated by competent traffic management authorities.
2. Only organizations and individuals that hold the license of hazardous waste transport may participate in the transport.
3. Means of transport of hazardous wastes must be provided with facilities to prevent and control the leakage and spillage of, and incidents caused by, hazardous wastes.
4. Organizations and individuals engaged in the transport of hazardous wastes shall be responsible for the occurrence of hazardous waste leakages, spillages and environmental incidents during transport, loading and/or unloading processes.

### **Article 73: Treatment of Hazardous Wastes**

1. Hazardous wastes must be treated by methods, technologies and equipment that are in accordance with chemical, physical and biological characteristics of specific hazardous waste categories in order to ensure the compliance with the environmental standards; in case there is no such treatment technologies and equipment available in the country, hazardous wastes must be stored in accordance with the regulations of the law and the guidance of the State management agencies of environmental protection until the treatment of hazardous wastes is taken place.
2. Only organizations and individuals that are granted licenses and code numbers for operating hazardous waste management may participate in the treatment of hazardous wastes.
3. Organizations and individuals that make investments in the construction of hazardous waste facilities must prepare environmental impact assessment reports and comply with the requirements for environmental protection.
4. The transfer of hazardous waste treatment responsibilities between owners of activities that generate hazardous wastes and parties that receive hazardous waste treatment shall be performed under contracts that are certified by specialized agencies of environmental protection at provincial level.
5. A contract for the transfer of hazardous waste treatment responsibilities must clearly specify the origins, compositions, categories, technologies of treatment and measures of land-filling waste residues upon the treatment.

### **Article 74: Hazardous Waste Treatment Facilities**

1. Hazardous waste treatment facilities must comply with the following requirements for environmental protection:
  - (a) *Being consistent with the approved planning of hazardous waste collection, treatment and land-filling;*
  - (b) *Having lists of hazardous wastes for treatment registered;*
  - (c) *Having hazardous waste treatment technologies registered and reviewed;*
  - (d) *Being located at an environmentally safe distance from residential areas, nature reserves, surface and ground water resources;*
  - (e) *Having plans developed, and facilities provided for environmental incident prevention and response;*
  - (f) *Having been designed and constructed in compliance with technical specifications and technology processes to ensure that hazardous waste treatment meet the environmental standards;*
  - (g) *Having been inspected and certified by the competent State management agencies of environmental protection prior to operation;*
  - (h) *Hazardous wastes that must be stored with specialized equipment appropriate to specific hazardous waste categories before and after the treatment taken place;*
  - (i) *Ensuring the safety for the health and life of workers working in hazardous waste treatment facilities in accordance with the law on labor.*
2. The Ministry of Construction shall, in collaboration with the Ministry of Natural Resources and the Environment, have the primary responsibility to stipulate technical criteria, provide guidance of, inspect and certify hazardous waste treatment facilities.

### **Article 75: Hazardous Waste Landfill Sites**

1. Hazardous waste landfill sites must comply with the following requirements for environmental protection:
  - (a) *Being located in accordance with the planning of, and designed according to technical requirements for, hazardous waste landfill sites; and at an environmentally safe distance from residential areas, nature reserves, surface and groundwater resources for the purpose of domestic consumption; and having fences and warning signs installed.*
  - (b) *Having plans developed, and facilities provided for environmental incident prevention and response;*

*(c) Ensuring environmentally sanitary conditions and avoiding the release of toxic gases into the ambient environment;*

*(d) Having been inspected and certified to comply with technical requirements for the receipt and land-filling of hazardous wastes by the competent State management agencies.*

2. The Ministry of Construction shall, in collaboration with the Ministry of Natural Resources and the Environment, have the primary responsibility to stipulate technical criteria, provide guidance of, inspect and certify the hazardous waste landfill sites.

#### **Article 76: Planning of Hazardous Waste Collection, Treatment and Land-filling**

1. The Ministry of Construction shall, in collaboration with the Ministry of Natural Resources and the Environment and provincial level People's Committees have the primary responsibility to develop and submit to the Prime Minister of the Government a national master planning of hazardous waste collection, treatment and land-filling for approval.

2. Contents of the national master planning of hazardous waste collection, treatment and land-filling include:

*(a) Inventory, assessment and prediction of hazardous waste sources, categories and quantities;*

*(b) Location of hazardous waste treatment facilities and landfill sites;*

*(c) Establishment of procedures for hazardous waste collection, transport routes, locations, scales, categories and storages; and identification of technologies for hazardous waste treatment, recycling, disposal and land-filling;*

*(d) Identification of plans and resources required to ensure that hazardous wastes of all categories are fully inventoried and thoroughly treated.*

3. Provincial level People's Committees shall have the responsibility to provide spaces for the construction of hazardous waste landfill sites in accordance with the approved planning.

### **SECTION 3. MANAGEMENT OF GENERAL SOLID WASTES**

#### **Article 77: Classification of General Solid Wastes**

1. General solid wastes are classified into two major categories as follows:

*(a) Solid wastes that can be reusable and recyclable;*

*(b) Solid wastes that are subject to the disposal and land-filling.*

2. Organizations and individuals that generate general solid wastes shall have the responsibility to exercise the segregation of solid wastes at source in order to improve the efficiency of waste management.

#### **Article 78: General Solid Waste Collection and Transport**

1. Organizations and individuals engaged in the management of centered production, business and service areas, centered residential areas and public places must adequately provide proper collection facilities to receive solid wastes in accordance with procedures for waste segregation at source.

2. General solid wastes must be transported according to categories of wastes segregated at source and with appropriately specialized equipment to ensure the avoidance of their leakage and spillage and odor dispersion during the transport.

The transport of wastes within urban centers and residential areas must be only performed along routes designated by the competent traffic authorities.

3. General solid wastes shall be made use to the maximum for the purposes of recycling and reuse; and disposal of general solid wastes that are of values for the purposes of recycling and other uses shall be restricted.

#### **Article 79: General Solid Waste Recycling and Disposal Facilities and Landfill Sites**

1. General solid waste recycling and disposal facilities and landfill sites must comply with the following requirements:

*(a) Being in accordance with the approved planning of general solid waste collection, recycling, disposal and land-filling;*

*(b) Not being located adjacent to residential areas, surface water bodies and locations where groundwater aquifers are likely to be contaminated;*

*(c) Having been designed, constructed and operated properly to ensure that the treatment be performed thoroughly, economically and efficiently without causing environmental pollution;*

*(d) Having sub-zones constructed for the treatment of leachate leaching from general solid wastes;*

*(e) Having been inspected and certified by the State management agencies of environmental protection upon the construction, the receipt of wastes and the operation of waste recycling, treatment or disposal facilities shall be allowed.*

2. Provincial level People's Committees shall have the responsibility to direct the construction and management of general solid waste recycling and disposal facilities and landfill sites in localities.

3. The Ministry of Construction shall, in collaboration with the Ministry of Natural Resources and the Environment, have the primary responsibility to stipulate technical criteria, provide guidance of, inspect and certify the general solid waste recycling, disposal and landfill sites.

#### **Article 80: Planning of General Solid Waste Collection, Recycling, Disposal and Land-filling**

1. The planning of general solid waste collection, recycling, disposal and land-filling shall consist of the following contents:

*(a) Inventory, assessment and prediction of sources of wastes and total quantities of wastes generated;*

*(b) Assessment of capacities for segregating wastes at source and recycling;*

*(c) Identification of sites and scales of collection points and waste recycling, disposal and landfill facilities;*

*(d) Selection of appropriate technologies;*

*(e) Identification of schedules and resources for performance.*

2. Provincial level People's Committees shall have the responsibility to provide spaces, organize the construction and management of general solid waste recycling and disposal facilities and landfill sites in localities in accordance with the approved planning.

3. The Ministry of Construction shall, in collaboration with the Ministry of Natural Resources and the Environment, have the primary responsibility to develop and submit to the Prime Minister of the Government a national master plan of general solid waste collection, recycling, disposal and land-filling for approval.

### **SECTION 4. WASTEWATER MANAGEMENT**

#### **Article 81: Wastewater Collection and Treatment**

1. Urban centers and residential areas must be provided with separate storm water and wastewater collection systems; domestic wastewater effluents must be treated to comply with the environmental standards before discharging into the environment.

2. Wastewater effluents discharged from production, business and service units and their centered areas must be collected and treated to comply with the environmental standards.

3. Sludge from wastewater treatment systems must be managed in accordance with the regulations on solid waste management.

4. Wastewater and their sludge containing hazardous factors must be managed in accordance with the regulations on hazardous waste management.

#### **Article 82: Wastewater Treatment Systems**

1. The following objects must be subject to the installation of wastewater treatment systems:

*(a) Centered production, business and service areas;*

*(b) Craft village industrial areas and clusters;*

*(c) Production, business and service units that are not connected to centered wastewater treatment systems;*

2. Wastewater treatment systems must comply with the following requirements:

*(a) Having technology processes applied to be appropriate to specific categories of wastewater for treatment;*

*(b) Having sufficient capacity built to provide efficient treatment services for specific volumes of wastewater discharged;*

*(c) Having wastewater treatment performed to comply with the environmental standards;*

*(d) Having treated wastewater outlets connecting to drainage systems constructed in places that are accessible to inspection and monitoring activities.*

*(e) Operating on a routine basis.*

3. Owners in charge of the management of wastewater treatment systems must periodically perform the monitoring of wastewater quality before and after the treatment. Monitoring data shall be recorded to serve as basis for inspecting and monitoring the performance of wastewater treatment systems.

## **SECTION 5. MANAGEMENT AND CONTROL OF DUSTS, AIR EMISSIONS, NOISE, VIBRATION, LIGHT AND RADIATION**

### **Article 83: Dust and Air Emission Management and Control**

1. Organizations and individuals engaged in production, business and service activities that emit dusts and gaseous wastes shall have the responsibility to control and treat dusts and air emissions to comply with the environmental standards.

2. The consumption of fuels and raw materials and the operation of equipment and facilities that release toxic gases into the environment must be restricted.

3. Means of transport, machinery, equipment and construction works that release dusts and gaseous wastes must be provided with filters and devices that reduce gaseous wastes, and with coverings or other measures to minimize dusts to comply with the environmental standards.

4. Dusts and gaseous wastes containing toxic factors must be managed according to the regulations on hazardous waste management.

### **Article 84: Management of Gases that Cause Greenhouse Effects and Deplete the Ozone Layer**

1. The Ministry of Natural Resources and the Environment shall have the responsibility to inventorize greenhouse gas emissions nationwide in order to comply with the international treaties to which the Socialist Republic of Viet Nam is a Contracting Party.

2. The transfer of, and trade in, greenhouse gas emissions quotas between Viet Nam and other foreign countries shall be stipulated by the Prime Minister of the Government.

3. The State shall encourage production, business and service establishments to reduce greenhouse gas emissions.

4. The production, import and use of compounds that deplete the ozone layer must be prohibited in accordance with the international treaties to which the Socialist Republic of Viet Nam is a Contracting Party.

### **Article 85: Reduction in Noise, Vibration, Light and Radiation Levels**

1. Organizations and individuals that generate noise, vibration, light and radiation at levels higher than the environmental standards shall have the responsibility to control and treat to comply with the environmental standards.

2. Production, business and service units located within residential areas that generate noise, vibration, light and radiation at levels higher than the permissible standards must take mitigation and improvement measures to avoid causing effects on the life and health of local residential communities.

3. Roads of highly dense traffics, and construction works that generate noise, vibration, light and radiation at levels higher than the permissible standards must take mitigation and improvement measures to comply with the environmental standards.

4. The production, import, transport, trade in, and use of firecrackers must be prohibited. The production, import, transport, trade in, and use of fireworks shall be implemented in accordance with the regulations of the Prime Minister of the Government.

## Chapter IX

### ENVIRONMENTAL INCIDENT PREVENTION AND RESPONSE, POLLUTION REMEDY AND ENVIRONMENTAL REHABILITATION

#### SECTION 1. ENVIRONMENTAL INCIDENT PREVENTION AND RESPONSE

##### Article 86: Environmental Incident Prevention

1. Owners of production, business and service units, and of means of transport that are likely to cause environmental incidents must implement preventive measures as follows:

- (a) Developing plans of environmental incident prevention and response;*
- (b) Installing and providing equipment, tools and facilities for environmental incident response;*
- (c) Training and arranging local forces for environmental incident preparedness and response;*
- (d) Complying with the rules on labor safety, and exercising regular inspection regimes;*
- (e) Being responsible for, or proposing the competent agencies to, taking measures timely to eliminate causes of environmental incidents when detecting their signs.*

2. Contents of preventing environmental incidents caused by natural disasters include:

- a) Capacity building for forecasting and warning risks of, and trends in, natural disasters of all types that may cause environmental incidents;*
- (b) Investigation, inventory and assessment of risks of natural disasters of all types that may occur nationally and regionally;*
- (c) Planning of the construction of structures for the purposes of preventing and reducing damages in areas where environmental incidents are likely to occur.*

3. Ministries, ministerial level agencies, Government bodies and provincial level People's Committees shall, within the extent of their duties and powers, implement the contents as stipulated in Paragraph 2 of this Article.

##### Article 87: Biological Safety

1. Organizations and individuals engaged in production, business and service activities relating to genetic modified organisms and their products, must comply with the law on biological diversity, food hygiene and safety and varieties of crops and animals and the other provisions of the relevant law.

2. Organizations and individuals shall be only permitted to perform research, experiment, production, trade in, use, importation, exportation, storage and transportation of genetic modified organisms and their products that are included in the list established by the law, and must fully comply with all conditions and procedures required according to the provisions of the law.

3. Animals, plants and microorganisms that are imported and/or in transit must be subject to the permission by the competent State management agencies, and must be quarantined in accordance with the provisions of the law on the quarantine of animals, plants and microorganisms.

##### Article 88: Chemical Safety

1. Organizations and individuals engaged in the production, trade in, transport, storage, use and other activities relating to chemicals shall be only permitted to operate if they fully comply with chemical safety conditions, procedures and measures in accordance with the provisions of the law on the management and use of chemicals and the other provisions of the relevant law.

2. Use of chemical fertilizer, chemicals, feeds, pesticides and veterinary medicines that are likely to cause environmental pollution, deterioration and biodiversity degradation, must be restricted.

##### Article 89: Nuclear Safety and Radiation Safety

1. Organizations and individuals engaged in nuclear and radiation related activities including:

- (a) Prospecting, exploitation and refining of radioactive substances of natural origin;*
- (b) Storage, preservation and transport of radioactive substances;*
- (c) Production, trade in, and services of raw materials containing radioactive substances, and radioactive products;*



- (d) Production of products, and construction of structures, which induce electromagnetic radiation;*
- (e) Use of nuclear and atomic based technologies and equipment that contain radioactive substances and induce electromagnetic radiation;*
- (f) Export and import of raw materials containing radioactive substances, radioactive substance containers and radioactive substance based technologies.*

2. Organizations and individuals engaged in the activities as stipulated in Paragraph 1 of this Article must comply with the provisions of the law on nuclear safety and electromagnetic radiation safety.

3. Nuclear safety and radiation safety must aim at the following purposes:

- (a) Not inducing adverse effects on human beings and organisms;*
- (b) Not causing environmental pollution and adverse impacts to environmental components;*
- (c) Not causing environmental incidents and disasters.*

4. Nuclear safety and electromagnetic safety standards are compulsorily national standards and shall be promulgated by the competent State agencies.

#### **Article 90: Environmental Incident Response**

1. Responsibilities for environmental incident response shall be defined as follows:

- (a) Organizations and individuals that commit acts of environmental incidents shall have the responsibility to take emergency measures to ensure the safety of human beings and their properties; to organize the rescue of humans and their properties, and timely notify the local authorities or specialized agencies of environmental protection at places where the incidents occur;*
- (b) When environmental incidents occur at an establishment, a locality or wherever, head of such establishment or locality shall have the responsibility to mobilize urgently manpower, materials, and emergency equipment to respond to the incidents timely;*
- (c) When environmental incidents occur in the extent of multiple establishments and localities, heads of such establishments and localities shall have the responsibility for the coordination of responses to the incidents.*
- (d) In case the severity of environmental incidents is beyond the response of establishments and localities, which must be urgently reported to their directly superior agencies for mobilizing timely other establishments and localities in response to environmental incidents; mobilized establishments and localities must, within the extent of their abilities, take emergency measures to respond to environmental incidents.*

2. Costs of the mobilized manpower, materials and emergency equipment incurred in the response to environmental incidents shall be indemnified in accordance with the provisions of the law.

3. The response to extremely serious environmental incidents shall be performed in the compliance with the law on the state of emergency.

4. Obligations to the compensation for damages caused by the environmental incidents shall be fulfilled in accordance with the provisions set forth in Section 2, Chapter XIV of this Law, the Civil Code and the other provisions of the relevant law.

#### **Article 91: Building of Forces for Environmental Incident Response**

- 1. The State shall have the responsibility to build forces, and provide facilities and equipment for the forecast and warning of natural disasters, weather and environmental incidents.
- 2. Production, business and services units shall have the responsibility to build capacity to prevent and respond to natural disaster and environmental incidents.

### **SECTION 2. POLLUTION REMEDY AND ENVIRONMENTAL REHABILITATION**

#### **Article 92: Rationales to Identify Polluted Environment Areas**

- 1. The environment shall be identified to be polluted in case that the content of one or more pollutants present in the environment exceeds the environmental quality standards;
- 2. The environment shall be identified to be seriously polluted in case that the content of one or more chemicals and/or heavy metals exceeds threefold or more the environmental quality standards, or the content of one or more other pollutants exceeds fivefold or more the environmental quality standards.

3. The environment shall be identified to be extremely seriously polluted in case that the content of one or more chemicals and/or heavy metals exceeds threefold or more the environmental quality standards, or the content of one or more other pollutants exceeds tenfold or more the environmental quality standards.

### **Article 93: Pollution Remedy and Environmental Rehabilitation**

1. The investigation and identification of polluted environment areas shall include the following contents:

- (a) The extent and boundaries of polluted environment areas;*
- (b) Levels of pollution;*
- (c) Causes and responsibilities of concerned parties;*
- (d) Works required to remedy pollution and rehabilitate the environment;*
- (e) Environmental damages to serve as basis for making request for compensation by parties that cause environmental pollution and degradation;*

2. Responsibilities for the investigation and identification of polluted environment areas shall be defined as follows:

- (a) Provincial level People's Committees shall organize the investigation and identification of polluted environment areas in their localities;*
- (b) The Ministry of Natural Resources and the Environment shall direct the coordination of provincial level People's Committees in organizing the investigation and identification of polluted environment areas covering two or more provinces and cities directly under the Central Government.*

Investigation results including the identified causes, levels and extent of environmental pollution and damages must be publicized.

3. Organizations and individuals committed environmental pollution shall have the following responsibilities to:

- (a) Comply with the requirements of the State management agencies of environmental protection as stipulated in Paragraph 2 of this Article during the investigation and identification of the extent, boundaries, levels and causes of environmental pollution taken place, and measures of environmental pollution remedy and rehabilitation;*
- (b) Immediately take measures to confine environmental pollution to, and prevent it from spreading beyond the sources, affecting the health and life of local people;*
- (c) Take measures to remedy pollution and rehabilitate the environment at the request of the State management agencies of environmental protection as stipulated in Paragraph 2 of this Article.*
- (d) Compensate for damages in accordance with the provisions of this Law and the other provisions of the relevant law.*

In case environmental pollution is caused by multiple organizations and individuals, the State management agencies of environmental protection as stipulated in Paragraph 2 of this Article, shall, in collaboration with concerned parties, have the responsibility to determine responsibilities of each party for pollution remedy and environmental rehabilitation.

4. In case environmental pollution is caused by natural disasters or unknown causes, ministries, ministerial level agencies, Government bodies and People's Committees at all levels shall, within the extent of their duties and powers, have the responsibility to mobilize all necessary resources for organizing pollution remedy and environmental rehabilitation.

5. In case a polluted area covers two or more provinces and/or cities directly under the Central Government, the performance of pollution remedy and environmental rehabilitation shall be directed by the Prime Minister of the Government.

## Chapter X

# ENVIRONMENTAL MONITORING AND INFORMATION

### Article 94: Environmental Monitoring

1. The current state of the environment and environmental impacts are monitored through the following environmental monitoring programmes:

- (a) Monitoring of the current state of the environment at national level;*
- (b) Monitoring of environmental impacts caused by activities of sectors and areas;*
- (c) Monitoring of current state of the environment at provincial level;*
- (d) Monitoring of environmental impacts caused by activities of production, business and service units and their centered areas;*

2. Responsibilities of environmental monitoring shall be defined as follows:

- (a) The Ministry of Natural Resources and the Environment shall organize the monitoring of the current state of the environment at national level;*
- (b) Ministries, ministerial level agencies and other Government bodies shall organize the monitoring of environmental impacts caused by activities of sectors and areas under their management;*
- (c) Provincial level People's Committees shall organize the monitoring of the current state of the environment at provincial level;*
- (d) Managers and operators of production, business and service units and their centered areas shall have the responsibility to perform the monitoring of environmental impacts caused by their activities.*

### Article 95: Environmental Monitoring Systems

1. The systems of environmental monitoring shall include:

- (a) Sampling and measuring stations for performing environmental monitoring;*
- (b) Laboratories and centers for sample analysis and environmental monitoring data processing and management;*

2. Systems of environmental monitoring must be planned and established in a well matched manner to comply with the monitoring requirements in order to generate and provide information for environmental management and protection.

3. Organizations and individuals that are qualified in terms of their professional capacity and technical facilities shall be eligible to participate in environmental monitoring activities.

### Article 96: Planning of Environmental Monitoring Systems

1. The planning of environmental monitoring systems shall include the following contents:

- (a) Investigation and research to identify monitoring objects and data required to be collected for the purpose of environmental protection;*
- (b) Identification of the density, size and performance of sampling stations of environmental monitoring systems.*
- (c) Arrangement of equipment systems employed during environmental monitoring;*
- (d) Identification of monitoring schedules and resources;*
- (e) Training of human resources to be adequately capable of performing environmental monitoring tasks.*

2. Responsibilities for the development and approval of environmental monitoring system planning shall be defined as follows:

- (a) The Ministry of Natural Resources and the Environment shall develop and submit to the Prime Minister of the Government a national master planning of environmental monitoring system for approval; and direct the establishment and management of environmental monitoring data in a standardized manner;*

*(b) Specialized agencies of environmental protection at provincial level shall develop and submit to the People's Committees of the same level the local planning of environmental monitoring systems for approval;*

*(c) Organizations and individuals that manage centered production, business and service areas shall, within the extent of their management, organize the establishment and management of environmental monitoring networks.*

#### **Article 97: Environmental Monitoring Programmes**

1. Environmental monitoring programmes include a programme on monitoring the current state of the environment and a programme on monitoring environmental impacts caused by socio-economic activities. Environmental monitoring programmes must be performed in a standardized and well matched manner.

2. The programme on monitoring the current state of the environment shall consist of the following activities:

*(a) Periodical collection of analytical samples and prediction of changes in the quality of soil, water and air;*

*(b) Surveillance of changes in the quantity, composition and the state of natural resources;*

*(d) Surveillance of changes in the quality, quantity, composition and the state of ecosystems, species of organisms and genetic resources.*

3. The programme on monitoring environmental impacts shall consist of the following activities:

*(a) Surveillance of the quantity and the current state of, and changes in sources that cause adverse impacts on the environment;*

*(b) Surveillance of changes in the quantity, composition and hazardous levels of solid, gaseous and liquid wastes;*

*(e) Identification and assessment of transboundary impacts on the environment of the country.*

4. The Ministry of Natural Resources and the Environment shall provide guidance for planning, and organize the implementation, of environmental monitoring programmes.

#### **Article 98: Environmental Indicators**

1. Environmental indicators are basic parameters that reflect characteristics of the environment, and are used to serve the assessment and surveillance of changes in the quality of the environment, and the preparation of reports on the state of the environment.

2. The Ministry of Natural Resources and the Environment shall promulgate a set of national environmental standards for application nationwide.

#### **Article 99: The State of the Environment Report at Provincial Level**

1. The State of the Environment Report at provincial level shall consist of the following contents:

*(a) The state and changes in the quality of soil environments;*

*(b) The state and changes in the quality of water environments;*

*(c) The state and changes in the quality of air environments;*

*(d) The state and changes in the quantity and quality, of natural resources;*

*(e) The state and changes in the quality of ecosystems; and the quantity and composition of organism species and genetic resources;*

*(f) The state of the environment in urban centers, centered residential areas, centered production, business and service areas and craft villages;*

*(g) Polluted and degraded environment areas and lists of establishments that seriously pollute the environment;*

*(h) Urgent environmental issues and their major causes;*

*(i) Measures for environmental pollution and degradation remedy and environmental improvement;*

*(j) Evaluation of local environmental protection performance;*

*(k) Plans, programmes and measures required to comply with environmental protection requirements.*

2. Provincial level People's Committees shall have the responsibility to publish, every five years, reports on the state of the environment in accordance with the term of provincial socio-economic development planning to submit to the People's Councils of the same level and report to the Ministry of Natural Resources and the Environment.

#### **Article 100: Reports on Environmental Impacts by Sectors and Areas**

1. The reports on environmental impacts by sectors and areas shall consist of the following contents:

- (a) The state and quantity of, and changes in sources that cause adverse impacts on the environment;*
- (b) The current state of, changes in, composition, and hazardous levels of wastes by sectors and areas;*
- (c) Lists of establishments that seriously pollute the environment and their dealing with;*
- (d) Evaluation of environmental protection performance by sectors and areas;*
- (e) Prediction of environmental challenges;*
- (f) Plans, programmes, and measures required to comply with environmental protection requirements;*

2. Ministries, ministerial level agencies and Government bodies shall, every five years, prepare and submit to the Ministry of Natural Resources and the Environment reports on environmental impacts of sectors and areas under their management in accordance with the five year planning term.

#### **Article 101: National Environmental Reports**

1. The national environmental reports shall include the following contents:

- (a) Environmental impacts by sectors and areas;*
- (b) Changes in the quality of the environment nationwide and other urgent environmental issues;*
- (c) Evaluation of the performance of environmental protection policies, laws, management arrangements and measures;*
- (d) Prediction of environmental challenges;*
- (g) Plans, programmes and measures required to comply with environmental protection requirements.*

2. The Ministry of Natural Resources and the Environment shall, every five years, prepare and submit to the Government national environmental reports in accordance with the term of national socio-economic development planning for submittal to the National Assembly; and prepare annually thematic environmental reports.

#### **Article 102: Environmental Statistics, Data and Information Collection and Archive**

1. Environmental data obtained from environmental monitoring programmes shall be archived to serve environmental management and protection;

2. The collection and archive of environmental data shall be specified as follows:

- (a) The Ministry of Natural Resources and the Environment shall, in collaboration with the State management agencies of statistics at central level, establish national environmental databases;*
- (b) Ministries, ministerial level agencies and Government bodies shall, within the competence of their management, collect and archive environmental data by sectors and areas;*
- (c) People's Committees at all levels shall collect and archive environmental data in their localities;*
- (e) Managers and operators of the production, business and service units or their centered areas shall have the responsibility to collect and archive data on environmental impacts, discharge sources and wastes from their activities.*

3. Ministries, ministerial level agencies, Government bodies and People's Committees at all levels shall have the responsibility to collect, process, synthesize, and archive environmental data, and to apply information technology to the collection and archive of environmental statistics.

### **Article 103: Publication and Provision of Environmental Information**

1. Organizations and individuals engaged in the management of centered production, business and service areas and owners of production, business and service units that are subject to the preparation of environmental impact assessment reports, shall, within the extent of their management, have the responsibility to report environmental information to specialized agencies of environmental protection at provincial level.
2. Production, business and service units that are not falling under Paragraph 1 of this Article shall have the responsibility to provide environmental information relating to their activities for specialized agencies of environmental protection at district level or officials in charge of environmental protection at communal level where their establishments operate, and publicize environmental information.
3. Specialized agencies of environmental protection at all levels shall have the responsibility to report local environmental information to their directly superior agencies, and publish major information on the environment periodically or on request.
4. Ministries, ministerial level agencies, Government bodies and People's Committees at all levels shall, on periodical basis, have the responsibility to provide the Ministry of Natural Resources and the Environment and the State management agencies of statistics at central level with environmental information relating to sectors and areas within the extent of their management.

### **Article 104: Disclosure of Environmental Information and Data**

1. The following environmental information and data must, except those that are included to the list of national secrets, be disclosed:
  - (a) *Environmental impact assessment reports and decisions on their approval and plans to comply with requirements of which;*
  - (b) *Registered commitments to environmental protection;*
  - (c) *Lists of, and information on, waste discharge sources and categories that are likely to harm human and environmental health;*
  - (d) *Seriously and extremely seriously polluted and degraded environment areas and areas where environmental incidents potentially occur.*
  - (e) *Planning of waste collection, recycling and treatment.*
  - (f) *Reports on national environment, provincial level current state of the environment and sectoral environmental impacts;*
2. Formalities of the disclosure must ensure the accessibility to environmental information for users.
3. Organizations that disclose environmental information shall be responsible for the accuracy, truthfulness and objectivity of disclosed information.

### **Article 105: Performance of Grassroots Democracy in Environmental Protection**

1. Organizations and individuals engaged in the management of centered production, business and service areas, owners of production, business and service units, specialized agencies of environmental protection and officials in charge of environmental protection shall have the responsibility for the disclosure among local people and laborers of their production, business and service units, of information on local environmental situations and measures for adverse impact prevention and restriction and environmental pollution and degradation remedy by taking one of the following forms:
  - (a) *Convening meetings to disseminate information among local people and laborers;*
  - (b) *Providing local people and laborers with notices and written announcements;*
2. Environmental dialogues must be convened in the following cases:
  - (a) *At the request of parties;*
  - (b) *At the request of the State management agencies of environmental protection at all levels;*
  - (c) *On the request of the complaints, denunciations and lawsuits of concerned organizations and individuals.*
3. Responsibilities for environmental justifications and dialogues shall be specified as follows:

*(a) The party of request shall notify, in writing, the requested party of dialogue issues that need to be justified and communicated.*

*(b) The requested party shall, within five days from the date of receipt of the request, prepare answers, justifications and dialogues;*

*(c) In case the State management agencies of environmental protection make a request to convene a dialogue, the concerned parties must comply with the provisions set forth by the agencies of request.*

4. Environmental dialogues shall be performed in accordance with the provisions of the law and under the chairmanship of the People's Committees or specialized agencies of environmental protection.

5. Results from the dialogues must be recorded in minutes acknowledging comments and agreements that serve as basis for the compliance with by the responsible parties concerned, for the examination and dealing with infringements of the law on environmental protection or for the compensation for environmental damages.

## **Chapter XI**

### **RESOURCES FOR ENVIRONMENTAL PROTECTION**

#### **Article 106: Propagandizing Environmental Protection**

1. The law on environmental protection, examples of good persons and deeds, and symbolic persons in the performance of environmental protection must be regularly and widely propagandized.

2. The State shall grant prizes and rewards to organizations and individuals having outstanding records in environmental protection activities; and organize environmental awareness contests to promote environmental awareness and consciousness among the people.

3. Good performance of environmental protection shall serve as basis for the review, acknowledgement and conferment of emulation titles

4. The Ministry of Natural Resources and the Environment shall, in collaboration with agencies in charge of information, propaganda and press of sectors and at all levels,

be primarily responsible for propagandizing environmental protection.

#### **Article 107: Education and Training of Human Resources for Environmental Protection**

1. Vietnamese citizens shall be comprehensively educated about the environment with a view to raising the knowledge and consciousness of environmental protection.

2. Environmental education shall become one of contents included into the formal curricula at all levels of general education.

3. The State shall give priority to the training of human resources for environmental protection, and encourage all organizations and individuals to participate in the training of human resources for environmental protection.

4. The Ministry of Education and Training shall, in collaboration with the Ministry of Natural Resources and the Environment, be primarily responsible for directing and guiding the formulation and implementation of programmes on environmental education and training of human resources for environmental protection.

#### **Article 108: Development of Science and Technology for Environmental Protection**

1. The State shall invest in scientific research; development, application and transfer of environmental technologies; and encourage organizations and individuals to promote the innovation and application of technological solutions to environmental protection.

2. The State shall adopt preferential policies on technology transfer for addressing urgent environmental problems and dealing with the establishments that seriously pollute the environment.

3. Organizations and individuals that possess environmental technologies shall be entitled to transfer their technologies and make contracts to provide waste reduction and treatment services.

4. The Ministry of Science and Technology shall, in collaboration with relevant ministries, ministerial level agencies and Government bodies, be primarily responsible for directing and guiding science and technology development for environmental protection.

**Article 109: Development of Environmental Industry and Capacity Building for Environmental Prediction and Warning**

1. The State shall make investment, and adopt incentive policies to encourage organizations and individuals to participate, in the development of an environmental industry.

2. The State shall have the responsibility to build capacity and provide machinery and equipment for natural disaster and weather forecasts and warning; encourage all organizations and individuals to participate in the forecast and warning of environmental disasters in order to prevent and restrict adverse impacts of natural disasters and incidents on the environment.

**Article 110: Financial Resources for Environmental Protection**

1. Financial resources for environmental protection shall include:

*(a) State budget;*

*(b) Funds from organizations and individuals for the prevention and restriction of adversely environmental impacts of their production, business and service activities;*

*(c) Funds from organizations and individuals for scientific research and development of environmental technologies, industry and services;*

*(d) Revenues from the compensation for environmental damages, environmental taxes, environmental protection fees, environmental fines, and from other sources in accordance with the provisions of the law;*

*(e) Financial contributions and supports from domestic and foreign organizations and individuals;*

*(f) Funds from soft loans and financial assistances provided by the environmental protection funds;*

*(g) Funds from loans provided by banks, credit organizations and other financial institutions in accordance with the provisions of the law.*

2. A routine expenditure shall be designated in the State budget for environmental governance in accordance with environmental protection requirements in each specific period; and an annual increase in the expenditure for environmental governance must be ensured at rate that is higher than that of increase in the overall state budget expenditure.

**Article 111: State Budget for Environmental Protection**

1. Environmental protection expenditures from the state budget shall be used for the following purposes:

*(a) Investment in the development of public environmental protection infrastructures;*

*(b) Routine expenditure for environmental governance;*

2. Environmental governance shall include the following activities:

*(a) Management of environmental monitoring and analytical systems; capacity building for natural disaster forecast and warning, and for environmental incident prevention and response;*

*(b) Baseline environment surveys; and performance of the state of the environment and environmental impact monitoring programmes;*

*(c) Waste surveys and inventories, environmental pollution, degradation and incident assessments; capacity building for waste recycling, hazardous waste treatment, and supports given to waste recycling, treatment and landfill activities;*

*(d) Assistances in dealing with of establishments that seriously pollute the environment.*

*(e) Management of public sanitary facilities; and provision of equipment and facilities for domestic waste collection and environmental sanitation in residential areas and public places;*

*(f) Strengthening and improvement of capacity for the system of the State management agencies of environmental protection; building and development of a system of self- accounting enterprises for environmental protection;*

*(g) Investigation, research, development, experiment and application of scientific, technical and technological advancements to environmental protection; and development of environmental*



*protection strategies, planning, plans, mechanisms, policies, standards, technical norms and management models.*

*(h) Inspection and examination of the compliance with the law on environmental protection;*

*(i) Management of systems of environmental information and databases;*

*(j) Propaganda, dissemination and education of the law on environmental protection ; and training of environmental protection profession and management;*

*(k) Awarding environmental protection prizes and decorations;*

*(l) Management of national genetic banks and caring, rearing and breeding centers of endangered, rare and precious species of fauna;*

*(m) Management of nature reserves;*

*(n) Other environmental governance activities.*

3. Annually, the Ministry of Natural Resources and the Environment shall, in collaboration with the Ministry of Finance and the Ministry of Planning and Investment, have the primary responsibility to prepare and submit to the Government a statement of budgets for environmental governance by ministries, ministerial level agencies, Government bodies, provinces and cities directly under the Central Government.

#### **Article 112: Environmental Taxation**

1. Organizations, households and individuals engaged in the production and business of some categories of products that cause potentially adverse and long term impacts to human and environmental health must pay environmental tax.

2. The Government shall submit to the National Assembly lists and tax rates of products and production and business activities of all forms that are subject to environmental tax, for decision.

#### **Article 113: Environmental Protection Fees**

1. Organizations and individuals committed to acts of discharging wastes into the environment or creating sources of adversely environmental impacts must pay environmental protection fees;

2. Rates of environmental protection fees shall be defined on the basis of:

*(a) Volumes of waste discharged into the environment and the extent of their adverse impacts or effects on the environment;*

*(b) Toxicity of wastes and environmentally harmful levels;*

*(c) Carrying capacity of environments that receive wastes.*

3. Rates of environmental protection fees shall be adjusted according to a roadmap that is consistent with socio-economic conditions and environmental protection requirements of specific development periods of the country.

4. All revenues collected from environmental protection fees shall be used to directly invest in environmental protection.

5. The Ministry of Finance shall, in collaboration with the Ministry of Natural Resources and the Environment, have the primary responsibility to formulate and submit to the Government regulations on environmental protection fees.

#### **Article 114: Deposit Funds for Environmental Improvement and Rehabilitation in Natural Resources Exploitation**

1. Organizations and individuals engaged in the exploitation of natural resources shall pay deposits to raise funds for improving and rehabilitating the environment in accordance with the following provisions:

*(a) Prior to the exploitation, deposits must be made at credit organizations and environmental protection funds of localities where natural resources exploitation activities take place; levels of deposits shall be dependent upon scales of exploitation, levels of adversely environmental impacts, costs needed for environmental improvement and rehabilitation upon the exploitation.*

*(b) Organizations and individuals that pay deposits shall be entitled to the return of the deposits with interests upon the fulfillment of environmental improvement and rehabilitation;*

*(c) Organizations and individuals that fail in fulfilling environmental improvement and rehabilitation obligations or in complying the requirements, the deposits shall be used wholly or partly for environmental improvement and rehabilitation of sites where the organizations and individuals exploit.*

2. The Prime Minister of the Government shall specify levels of deposits for environmental improvement and rehabilitation in accordance with specific categories of natural resources, and the compliance with the provisions of this Article.

#### **Article 115: Environmental Protection Funds**

1. Environmental protection funds serve as financial institutions that are established at central, local and sectoral levels for providing financial support for environmental protection activities.

The State shall encourage enterprises, organizations and individuals to establish environmental protection funds.

2. Working capitals of national, sectoral and local environmental protection funds shall be raised from:

*(a) State budget;*

*(b) Environmental protection fees;*

*(c) Revenues collected from the compensation for environmental damages paid to the State;*

*(d) Fines collected from administrative infringements of environmental protection;*

*(e) Financial assistances and contributions, and trusted investments from domestic and foreign organizations and individuals.*

3. The competence of establishing environmental protection funds shall be defined as follows:

*(a) The Prime Minister of the Government shall stipulate the organizational structure and operation of national environmental protection fund and other environmental protection funds of ministries, ministerial level agencies, Government bodies and state owned corporations;*

*(b) Provincial level People's Committees shall decide the establishment, organization and operation of local environmental protection funds;*

*(c) Organizations and individuals shall establish and operate their own environmental protection funds in accordance with their charters.*

#### **Article 116: Development of Environmental Protection Services**

1. The State shall encourage organizations and individuals to establish environmental service enterprises to provide services for environmental sanitation and protection through competitive bidding for the contract in the following fields:

*(a) Waste collection, recycling and treatment;*

*(b) Environmental monitoring and analysis, and environmental impact assessment;*

*(c) Development and transfer of environmentally friendly production and environmental technologies;*

*(d) Environmental consultation and training, and provision of environmental information;*

*(e) Environmental valuation of machinery, equipment and technologies ; and valuation of environmental damages;*

*(f) Other environmental services.*

2. The Ministry of Natural Resources and the Environment shall, in collaboration with relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for guiding the compliance with the provisions set forth in Paragraph 1 of this Article.

#### **Article 117: Preferential and Support Policies on Environmental Protection**

1. The State shall give preferential treatment and support of land use to the following environmental protection activities:

*(a) Construction of centered domestic wastewater treatment systems;*

*(b) Construction of general solid and hazardous waste treatment, recycling and landfill facilities;*

*(c) Establishment of environmental monitoring stations;*

*(d) Relocation of establishments that seriously pollute the environment;*

*(f) Construction of environmental industry facilities and other environmental protection structures for the public interest of environmental protection.*

2. Policies on the exemption and reduction of taxes and fees for environmental protection activities shall be specified as follows:

*(e) Activities engaged in waste recycling, treatment and land-filling; and in clean and renewable energy production shall be exempt from their turnover tax, added value tax, environmental tax and environmental protection fees;*

*(f) Machinery, equipment, tools and means imported for the purposes of direct use for waste collection, storage, transport, recycling and treatment; environmental monitoring and analysis, and clean and renewable energy production shall be exempt from import tax;*

*(g) Products made of recyclable materials from wastes, energies recovered from waste disposal, and alternative products to naturally raw materials, which benefit the environment, shall be subsidized by the State.*

3. Organizations and individuals that invest in environmental protection shall be given priority to have access to loans from environmental protection funds; in case loans are borrowed from other credit organizations for environmental protection investment, shall be considered to be given supports of interest payment upon the investment or guarantee of investment credits in accordance with the charters of environmental protection funds.

4. The State's focal programmes and projects on environmental protection that need large funds shall be given priority to consider the use of funds from official development assistance.

5. The Government shall specify preferential policies on environmental protection.

## **Chapter XII**

### **INTERNATIONAL COOPERATION IN ENVIRONMENTAL PROTECTION**

#### **Article 118: Fulfillment of International Environmental Treaties**

1. International treaties that are of benefit to the protection of global, regional and national environments shall be given priority to review for signature and accession.

2. The international environment treaties to which Viet Nam is a Contracting Party must be fulfilled.

#### **Article 119: Environmental Protection during International Economic Integration and Globalization Process**

1. The State shall encourage organizations and individuals to comply with environmental requirements proactively with a view to enhancing the competitiveness of goods and services in international and regional markets.

2. The Government shall direct and organize the assessment, prediction and planning of preventing and restricting adverse impacts of the international economic integration and globalization process on the national environment.

3. In necessary case, the State shall take national treatment measures that are consistent with the international practices to protect the national environment.

#### **Article 120: Extension of International Cooperation in Environmental Protection**

1. The State shall encourage organizations and individuals to cooperate with foreign organizations, individuals and overseas Vietnamese with the goal of enhancing the capacity and efficiency of environmental protection performance in the country; and strengthening the position and roles of Viet Nam in international and regional environmental protection.

2. The State shall encourage and facilitate foreign organizations, individuals and overseas Vietnamese to invest in, and support, training of human resources, scientific research and technology transfer for natural conservation and other activities in the field of environmental protection.

3. The Government shall direct and guide the development and rational and efficient use of international cooperation resources for environmental protection.

4. The State of Viet Nam shall promote the cooperation with neighboring and regional countries in addressing concerned issues of natural resources management and exploitation and environmental protection.

## **Chapter XIII**

### **RESPONSIBILITIES OF STATE MANAGEMENT AGENCIES, FATHERLAND FRONT AND ITS MEMBER ORGANISATIONS FOR ENVIRONMENTAL PROTECTION**

#### **Article 121: Responsibilities of State Management of Environmental Protection of the Government, Ministries, Ministerial Level Agencies and Government Bodies**

1. The Government shall exercise the unified state management of environmental protection across the country;

2. The Ministry of Natural Resources and the Environment shall be responsible to the Government for performing the state management of environmental protection, and shall have the following responsibilities:

*(a) To submit to the Government or promulgate, within its competence, statutory documents on environmental protection;*

*(b) To submit to the Government for decision on national policies, strategies and plans for environmental protection;*

*(c) To have the primary responsibility to address or propose the Government and the Prime Minister of the Government for addressing inter-sector and inter-provincial environmental issues;*

*(d) To develop and issue a system of environmental standards in accordance with the provisions of the Government;*

*(e) To direct the establishment and management of the national environmental monitoring system and exercise the unified management of environmental data;*

*(f) To direct and organize the assessment of the state of the environment nationwide for developing policies on, and solutions to environmental protection;*

*(g) To exercise the unified management of activities relating to the review and approval of strategic environment assessment and environmental impact assessment reports and environmental protection commitments throughout the country; organize the review of strategic environment assessment reports, and the review and approval of environmental impact assessment reports within the extent of the competence; and provide guidance for the registration of environmentally friendly units and products, and certify the compliance with environmental standards;*

*(h) To guide, examine, inspect and deal with infringements of the law on environmental protection; settle conflicts, complaints, denunciations and recommendations relating to environmental protection in accordance with the provisions of the law on complaints and denunciations, and the other provisions of the relevant law;*

*(i) To submit to the Government proposals on the participation in international organizations, the signature of, or accession to international environment treaties; and have the primary responsibility for international cooperation activities in the field of environmental protection;*

*(j) To guide and inspect the compliance with the law on environmental protection by People's Committees at all levels;*

*(k) To ensure the compliance with environmental protection requirements prescribed in national land use planning and plans, national strategy for water resources and integrated inter-provincial river basin planning; and national overall strategy for mineral resources baseline survey, prospecting, exploitation and processing.*

3. The Ministry of Planning and Investment shall, in collaboration with ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for ensuring the compliance with environmental protection requirements prescribed in socio-economic development strategies, master planning and plans of the whole country, regions, projects and other important projects that are subject to the competence of decision of the National Assembly, the Government and the Prime Minister of the Government.

4. The Ministry of Agriculture and Rural Development shall, in collaboration with the Ministry of Natural Resources and the Environment, relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing, guiding and inspecting the compliance with the law on environmental protection and the other provisions of the law relating to the production, import and use of chemicals, pesticides, fertilizers, and agricultural wastes; the management of genetic modified crops and animals and their products; and the management of dykes, irrigation works, protected forests and rural clean drinking water supplies.

5. The Ministry of Industry shall, in collaboration with the Ministry of Natural Resources and the Environment, relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing, guiding and inspecting the compliance with the law on environmental protection and the other provisions of the law relating to the field of industry; dealing with industries that seriously pollute the environment within the competence of management; and directing the development of environmental industry.

6. The Ministry of Fisheries shall, in collaboration with the Ministry of Natural Resources and the Environment, relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing, guiding and inspecting the compliance with the law on environmental protection and the other provisions of the law relating to the fields of aquaculture and fishery exploitation and processing; the management of genetic modified aqua-organisms and their products; and the management of marine parks;

7. The Ministry of Construction shall, in collaboration with the Ministry of Natural Resources and the Environment, relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing, guiding and inspecting the compliance with the law on environmental protection and the other provisions of the law relating to the construction of water supply, drainage, solid and liquid waste treatment infrastructures in urban centers, centered production and service areas, building material production areas, craft villages and centered rural residential areas.

8. The Ministry of Transport shall, in collaboration with the Ministry of Natural Resources and the Environment, relevant ministries, ministerial level agencies, Government bodies and provincial level People's Committees, be primarily responsible for directing, guiding and inspecting the compliance with the law on environmental protection and the other provisions of the law relating to the construction of transport infrastructures and the management of transport activities.

9. The Ministry of Health shall be responsible for directing, guiding and inspecting the management of medical wastes; and the performance of environmental protection in medical establishments, food hygiene and safety and activities relating to burial services.

10. The Ministry of National Defense and the Ministry of Public Security shall have the responsibility to mobilize forces in the response to, and remedy of environmental incidents; to direct, guide, examine and inspect the performance of environmental protection by armed forces within the competence of management.

11. Other ministries, ministerial level agencies and Government bodies shall be responsible for implementing the duties set forth in this Law, and shall, in collaboration with the Ministry of Natural Resources and the Environment, direct, guide and inspect the compliance with the law on environmental protection within the competence of management.

#### **Article 122: Responsibilities of State Management of Environmental Protection of People's Committees at All Levels**

1. Provincial level People's Committees shall have the responsibility to exercise the State management of environmental protection at provincial level in accordance with the following provisions:

*(a) To promulgate environmental protection regulations, mechanisms, policies, programmes and plans according to their competence;*

*(b) To direct and organize the implementation of environmental protection strategies, programmes, plans and tasks;*

*(c) To direct the establishment and management of local environmental monitoring systems;*

*(d) To direct and periodically organize the state of the environment assessments;*

*(e) To organize the review and approval of environmental impact assessment reports according to their competence;*

*(f) To raise awareness of and educate the law on environmental protection;*

*(g) To direct the examination, inspection and dealing with violations against the law on environmental protection; settle environmental disputes, complaints, denunciations and recommendations in accordance with the provisions of the law on complaints and denunciations and the other provisions of the relevant law; and coordinate with other concerned provincial People's Committees in addressing inter-provincial environmental issues.*

2. District level People's Committees shall have the responsibility to exercise the State management of environmental protection at district level in accordance with the following provisions:

*(a) To promulgate, within their competence, environmental protection regulations, mechanisms, policies, programmes and plans;*

*(b) To direct and organize the implementation of environmental protection strategies, programmes, plans and tasks;*

*(c) To organize the registration, and examine the fulfillment of environmental protection commitments;*

*(d) To raise awareness of, and educate the law on environmental protection;*

*(e) To direct the examination, inspection and dealing with violations against the law on environmental protection; settle environmental protection disputes, complaints, denunciations and recommendations in accordance with the provisions of the law on complaints and denunciations and the other provisions of the relevant law;*

*(f) To collaborate with other concerned district People's Committees in addressing inter-district environmental issues;*

*(g) To perform tasks of the state management of environmental protection authorized by provincial level State management agencies of environmental protection;*

*e) To direct the State management of environmental protection performed by communal level People's Committees;*

3. Communal level People's Committees shall have the responsibility to exercise the State management of environmental protection at local level in accordance with the following provisions:

*(a) To direct the formulation and implementation of plans of environmental protection and sanitation in localities and residential areas under their jurisdictions; organize, and mobilize the local people to participate in, the formulation of environmental protection contents included into the village rules of local residential communities; and guide the integration of environmental protection criteria with the evaluation of cultured villages, hamlets and families;*

*(b) To examine the compliance with the law on environmental protection performed by households;*

*(c) To detect and deal with infringements of environmental protection according to their competence, or report to the direct superior State management agencies of environmental protection;*

*(d) To reconcile environmental disputes arising in their localities in accordance with the provisions of the law;*

*(e) To manage local environmental sanitation and protection activities performed by hamlets, villages, quarters and self-governing organizations.*

### **Article 123: Specialized Agencies and Officials in Charge of Environmental Protection**

1. Ministries, ministerial level agencies and Government bodies must establish specialized units of environmental protection in accordance with the environmental protection tasks assigned to sectors and areas under their management;

2. Provinces and cities directly under the Central Government, urban and rural districts, provincial capitals and towns must establish their specialized sections of environmental protection that assist the People's Committees of the same level in local environmental management.

3. Communal level People's Committees shall arrange for staffs to be in charge of environmental protection.

4. The State owned corporations, economic groups, management boards of industrial estates, export and processing zones, hi-tech parks, economic zones and units of production, business and services that generate hazardous wastes or potentially impose risks of environmental incidents, must establish specialized units, or arrange for staffs to be in charge of environmental protection.

5. The Government shall regulate the organizational structure and operation of specialized agencies of environmental protection as stipulated in Paragraphs 1 and 2 of this Article.

#### **Article 124: Responsibilities of Viet Nam Fatherland Front and Its Member Organizations**

1. The Viet Nam Fatherland Front and its member organizations shall, within the extent of their duties and powers, have the responsibility to propagandize and mobilize their members and the people to participate in environmental protection; and supervise the compliance with the law on environmental protection.

2. The State management agencies of environmental protection at all levels shall have the responsibility to facilitate the Viet Nam Fatherland Front and its member organizations to participate in environmental protection.

### **Chapter XIV**

## **INSPECTION AND DEALING WITH BREACHES, SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS AND COMPENSATION FOR ENVIRONMENTAL DAMAGES**

### **SECTION 1. INSPECTION AND DEALING WITH ENVIRONMENTAL BREACHES, SETTLEMENT OF ENVIRONMENTAL COMPLAINTS AND DENUNCIATIONS**

#### **Article 125: Inspection of Environmental Protection**

1. Inspection of environmental protection is a specialized inspection in environmental protection.

Environmental inspectors shall be provided with their own uniform, badge, necessary equipment and facilities to perform their tasks.

2. The competence and duties of environmental protection inspectors shall be performed in accordance with the provisions of the law on inspection.

3. The Government shall regulate the organizational structure and operation of environmental protection inspection.

#### **Article 126: Responsibilities for Performing Examination and Inspection of Environmental Protection**

1. Responsibilities for performing the examination and inspection of environmental protection shall be specified as follows:

*(a) Minister of the Ministry of Natural Resources and the Environment and Chairpersons of provincial level People's Committees shall have the responsibility to examine and make decisions on the inspection of environmental protection in accordance with the provisions of this Law and the other provisions of the relevant law on inspection;*

*(b) The environmental protection inspectorate of the Ministry of Natural Resources and the Environment shall examine and inspect the performance of environmental protection by the production, business and service units that fall under the competence of the review and approval of environmental impact assessment reports by the Ministry of Natural Resources and the Environment, ministries, ministerial level agencies and Government bodies; collaborate with specialized environmental protection inspectorates of the Ministry of National Defense and the Ministry of Public Security in the examination and inspection of environmental protection performed by their subordinate units;*

*(c) Provincial level environmental protection inspectorates shall examine and inspect environmental protection performed by local economic organizations and self-accounting enterprises, and by projects that fall under the competence of the review and approval of environmental impact assessment reports by provincial level People's Committees, and other projects that fall under the competence of the examination and inspection of the Ministry of Natural Resources and the Environment in case there exist signs of violation against the law on environmental protection;*

*(d) District level People's Committees shall examine and inspect environmental protection performed by administrative agencies, self-accounting enterprises, except those that fall under item (c) of this Paragraph, and small sized production, business and service establishments;*

*(f) Communal level People's Committees shall examine environmental protection performed by households and individuals.*

In necessary case, environmental protection inspectorates at all levels and district level People's Committees shall, in collaboration with communal level People's Committees, have the responsibility to assist in examining and inspecting environmental protection performed by organizations and individuals that commit seriously violations against the law on environmental protection.

2. The State management agencies at all levels and concerned specialized agencies shall, on request, have the responsibility to assist and collaborate with environmental protection inspectorates during the process of examination and inspection of environmental protection.

3. The examination and inspection of environmental protection shall be performed to the maximum of two times a year for the production, business and service establishments except those who are denounced to infringe or there are signs of their breaches of, the law on environmental protection.

#### **Article 127: Dealing with Breaches**

1. Those who commit violations against the law on environmental protection shall, depending on the nature and extent of the infringement, be dealt with administratively, or be criminally prosecuted; and must remedy pollution, rehabilitate the environment and compensate for damages if committed acts of causing environmental pollution, degradation, incidents and damages to other organizations and individuals, in accordance with the provisions of this Law and the other provisions of the relevant law.

2. Heads of organizations, officers and public servants who take advantage of their positions and powers to trouble and harass organizations and citizens, to protect persons infringing the environmental protection law, whose lack of responsibility allows seriously environmental pollution and incidents occur, shall, depending on the nature and extent of the infringement, be disciplined or be criminally prosecuted; and must compensate for the damages if committed to cause, in accordance with the provisions of the law.

#### **Article 128: Environmental Complaints, Denunciations and Lawsuits**

1. Organizations and individuals shall have the rights to make complaints to the competent State agencies about, or initiate lawsuits at the Court against acts of infringing the law on environmental protection and intruding their rights and legitimate interests.

2. Citizens shall have the rights to denounce to the competent agencies and the competent officials about acts in breach of environmental protection law as follows:

*(a) Causing environmental pollution, degradation and incidents;*

*(b) Infringing the rights and interests of the State, residential communities, organizations, families and individuals;*

3. The State agencies and competent officials receiving complaints and denunciations shall have the responsibility for their examination and settlement according to the provisions of the law relating to complaint and denunciation, and the provisions of this Law.

#### **Article 129: Environmental Disputes**

1. Contents of environmental disputes include:

*(a) Dispute concerning the rights and responsibilities for environmental protection relating to the exploitation and use of environmental components;*

*(b) Dispute concerning the determination of causes leading to environmental pollution, degradation and incidents, and of responsibilities for the treatment and remedy of consequences, and compensation for damages caused by environmental pollution, degradation and incidents.*

2. Parties to environmental disputes include:

*(a) Disputing organizations and individuals using environmental components;*



*(b) Organizations and individuals exploiting and using environmental components and those organizations and individuals who are responsible for the remedy and rehabilitation of polluted and degraded areas and compensations for environmental damages;*

3. The settlement of environmental disputes shall be implemented according to the provisions of the law on the settlement of civil disputes outside contract and the other provisions of the relevant law.

4. Environmental disputes that arise in the territory of Viet Nam to which one or more parties concerned are foreign organizations or individuals, shall be settled in accordance with the law of Viet Nam; unless stipulated otherwise by the international treaties to which the Socialist Republic of Viet Nam is a Contracting Party.

## **SECTION 2. COMPENSATION FOR DAMAGES CAUSED BY ENVIRONMENTAL POLLUTION AND DEGRADATION**

### **Article 130: Damages Caused by Environmental Pollution and Degradation**

Damages cause by environmental pollution and degradation include:

1. Degradation in the function and usefulness of the environment;
2. Damages to human health and life, properties and legitimate interests of organizations and individuals due to degradation in the function and usefulness of the environment.

### **Article 131: Determination of Damages Caused by Environmental Pollution and Degradation**

1. Degradation in the function and usefulness of the environment includes the following categories:

- (a) Being degraded;*
- (b) Seriously degraded;*
- (c) Extremely seriously degraded.*

2. The determination of the extent and limits of the environment that is degraded in terms of its function and usefulness includes:

- (a) Determination of limits and areas of regions and their core zones being seriously and extremely seriously degraded;*
- (b) Determination of limits and areas of buffer zones being directly degraded;*
- (c) Determination of limits and areas of other regions being affected from core and buffer zones.*

3. The determination of environmental components being degraded, including:

- (a) Determination of the quantity of degraded environmental components and types of damaged ecosystems and species;*
- (b) Levels of damage of each specific environmental components, ecosystems and species;*

4. The calculation of costs of environmental damages shall be specified as follows:

- (a) Calculation of costs incurred in short and long term damages induced by degradation in the function and usefulness of the environment;*
- (b) Calculation of costs incurred in environmental remedy, improvement and rehabilitation;*
- (c) Calculation of costs incurred in the mitigation or elimination of sources that cause damages;*
- (d) Exploring comments from other concerned parties;*
- (e) Taking one of the measures defined in Items (a), (b), (c) and (d) of this Paragraph to calculate costs incurred in environmental damages depending on specific conditions, to serve as basis for determining levels of compensation and settlement of compensation for environmental damages.*

5. The determination of damages induced from degradation in the function and usefulness of the environment shall be performed independently or in collaboration with parties that cause damages and affected parties.

At the request of one or all parties concerned, specialized agencies of environmental protection shall have the responsibility to participate, and provide guidance in the calculation and determination of damages or to witness the determination of damages.

6. The determination of damages in terms of human health and life, properties and legitimate interests of organizations and individuals caused by environmental pollution and degradation shall be performed in accordance with the provisions of the law.

7. The Government shall guide the determination of damages caused by environmental pollution and degradation.

**Article 132: Valuation of Damages Caused by Degradation in the Function and Usefulness of the Environment**

1. The valuation of damaged caused by degradation in the function and usefulness of the environment shall be performed on the request of affected organizations and individuals or by agencies that are engaged in the settlement of compensation for environmental damages.

2. Grounds for the valuation of damages shall consist of compensation dossiers, data and information, evidence and others relating to the compensation for damages and parties that cause the damages.

3. The selection of agencies in charge of damage valuation must seek consensus between compensation claiming parties and affected parties; if the parties concerned cannot reach agreement on the selection of agencies in charge of damage valuation, which shall be decided by agencies assigned to deal with the compensation for damages.

**Article 133: Settlement of Compensation for Environmental Damages**

The settlement of compensation for environmental damages shall be specified as follows:

1. *Agreement by parties concerned;*
2. *Request for arbitration;*
3. *Initiation of lawsuits at the Court.*

**Article 134: Insurance for Liability for Compensation for Environmental Damages**

1. The State shall encourage insurance enterprises in the implementation of insurance of the liability for compensation for environmental damages.

2. The State shall encourage organizations and individuals engaged in production, business, service and other activities to insure their liability for compensation for environmental damages.

3. Organizations and individuals engaged in activities that are likely to impose potential risks of significant environmental damages must insure their liability for compensation

for environmental damages.

**Chapter XV**

**IMPLEMENTATION PROVISIONS ARTICLE 135: ENTRY INTO FORCE**

This Law shall take effect from the first of July 2006.

This Law shall replace the 1993 Law on Environmental Protection.

**Article 136: Guidance for the Implementation**

The Government shall regulate in details, and provide guidance for, the implementation of this Law.

*This Law was passed on the 29<sup>th</sup> November 2005 by the National Assembly, Legislature XI of the Socialist Republic of Viet Nam at its 8<sup>th</sup> Session.*

**CHAIRMAN OF NATIONAL ASSEMBLY**

**Nguyen Van An**