

THE GOVERNMENT

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SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, April 18, 2011

DECREE

**PROVIDING STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL
IMPACT ASSESSMENT AND ENVIRONMENTAL PROTECTION COMMITMENT**

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on Organization of the Government;
Pursuant to the November 29, 2005 Law on Environmental Protection;
At the proposal of the Minister of Natural Resources and Environment,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree provides strategic environmental assessment, environmental impact assessment and environmental protection commitment.

Article 2. Subjects of application

This Decree applies to organizations and individuals engaged in activities related to strategic environmental assessment, environmental impact assessment and environmental protection commitment in the territory of the Socialist Republic of Vietnam.

Chapter II

STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 3. Subjects and forms of strategic environmental assessment

1. Detailed strategic environmental assessment for strategies, master plans and plans of five (5) years or more provided in Part A of Appendix I to this Decree shall be incorporated in those strategies, master plans and plans.
2. Detailed strategic environmental assessment for strategies, master plans and plans of five (5) years or more provided in Part B of Appendix I to this Decree shall be presented in a separate report.
3. Brief strategic environmental assessment for strategies, master plans and plans of five (5) years or more of national sectors and domains outside the list in Appendix I to this Decree shall be incorporated in those strategies, master plans and plans.
4. Strategic environmental assessment is not compulsory for five-year plans formulated in conformity with master plans of sectors and domains whose strategic environmental assessment reports have been appraised.

5. Strategic environmental assessment is encouraged for strategies, master plans and plans other than those provided in Clauses 1, 2 and 3 of this Article.

Article 4. Time for strategic environmental assessment and requirements on use of assessment results

1. Strategic environmental assessment shall be conducted concurrently with the formulation of a strategy, master plan or plan.

2. Strategic environmental assessment results shall be integrated into documents of a strategy, master plan or plan.

Article 5. Contents of strategic environmental assessment report

1. A separate report on detailed strategic environmental assessment has the following major contents:

a/ Brief description of the strategy, master plan or plan;

b/ The strategic environmental assessment process; description of the scope of study of the strategic environmental assessment and major environmental issues related to the strategy, master plan or plan;

c/ Description of past developments and prediction of major environmental trends in case of failure to implement the strategy, master plan or plan;

d/ Assessment of conformity of viewpoints and objectives of the strategy, master plan or plan with environmental protection viewpoints and objectives; assessment and comparison of development options of the strategy, master plan or plan;

e/ Assessment of impacts on major environmental issues in case of implementation of the strategy, master plan or plan;

f/ Consultation of involved parties in the process of strategic environmental assessment;

g/ Proposals on adjustment of the strategy, master plan or plan and measures to prevent and mitigate adverse environmental impacts;

h/ Indication of sources of statistics, data and assessment methods;

i/ Conclusions and recommendations.

2. A strategic environmental assessment report incorporated in a strategy, master plan or plan has the following major contents:

a/ The strategic environmental assessment process; description of the scope of study of the strategic environmental assessment and major environmental issues related to the strategy, master plan or plan;

b/ Assessment of conformity of viewpoints and objectives of the strategy, master plan or plan with environmental protection viewpoints and objectives; assessment and comparison of development options of the strategy, master plan or plan;

c/ Assessment of impacts on major environmental issues in case of implementation of the strategy, master plan or plan;

d/ Consultation of involved parties in the process of strategic environmental assessment;

e/ Proposals on adjustment of the strategy, master plan or plan and measures to prevent and mitigate adverse environmental impacts;

f/ Conclusions and recommendations.

3. A brief strategic environmental assessment report has the following major contents:

a/ The strategic environmental assessment process; scope of study of the strategic environmental assessment and major environmental issues related to the strategy, master plan or plan;

b/ Assessment of impacts on major environmental issues in case of implementation of the strategy, master plan or plan;

c/ Proposals on adjustment of the strategy, master plan or plan and measures to prevent and mitigate adverse environmental impacts;

d/ Conclusions and recommendations.

4. The Ministry of Natural Resources and Environment shall specify requirements on contents of detailed and brief strategic environmental assessment reports; and elaborate and promulgate technical guidelines for specialized strategic environmental assessment.

Article 6. Dossiers of request for appraisal of strategic environmental assessment reports

1. A dossier of request for appraisal of a separate detailed strategic environmental assessment report comprises:

a/ A written request for appraisal;

b/ The detailed strategic environmental assessment report;

c/ The draft strategy, master plan or plan.

2. A dossier of request for appraisal of a detailed strategic environmental assessment report incorporated in a strategy, master plan or plan comprises:

a/ A written request for appraisal;

b/ The draft strategy, master plan or plan incorporating the detailed strategic environmental assessment report.

3. A dossier of request for appraisal of a brief strategic environmental assessment report comprises:

a/ A written request for appraisal;

b/ The draft strategy, master plan or plan incorporating the brief strategic environmental assessment report.

4. The Ministry of Natural Resources and Environment shall specify the number and specifications of the dossiers provided in Clauses 1, 2 and 3 of this Article.

Article 7. Appraisal of strategic environmental assessment reports

1. Responsibilities for appraisal of strategic environmental assessment reports are provided as follows:

a/ The Ministry of Natural Resources and Environment shall appraise strategic environmental assessment reports of strategies, master plans and plans approved by the National Assembly, the Government or the Prime Minister, except those of security and defense secrets;

b/ The Ministry of Public Security or the Ministry of National Defense shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, appraising strategic environmental assessment reports of strategies, master plans and plans involving security or defense secrets approved by the National Assembly, the Government or the Prime Minister;

c/ Ministries, ministerial-level agencies and government-attached agencies shall appraise strategic environmental assessment reports of strategies, master plans and plans falling under their respective approving competence;

d/ Provincial-level People's Committees shall appraise strategic environmental assessment reports of strategies, master plans or plans falling under their approving competence and provincial-level People's Councils.

2. Agencies formulating strategies, master plans or plans (below referred to as project owners) shall submit dossiers of request for appraisal of strategic environmental assessment reports to the agencies responsible for appraising strategic environmental assessment reports provided in Clause 1 of this Article.

3. Agencies appraising strategic environmental assessment reports shall, within the time limit provided in Article 8 of this Decree, appraise strategic environmental assessment reports and notify appraisal results to project owners. Within seven (7) working days after receiving an invalid dossier, they shall send a notice to the project owner for modification and supplementation.

4. Strategic environmental assessment reports shall be appraised by appraisal councils.

5. The head of an agency responsible for appraising strategic environmental assessment reports shall set up an appraisal council which is composed of representatives of agencies directly related to environmental issues of a strategy, master plan or plan, specialists and other concerned organizations, including the council chairman, a vice chairman, if necessary; one (1) secretary; two (2) counter-arguing members and other members.

6. Brief strategic environmental assessment reports may be appraised by collecting written opinions and assessments of members of the appraisal council.

7. When necessary, an agency responsible for appraising a strategic environmental assessment report shall:

a/ Survey the project area and its neighborhood;

b/ Verify and evaluate information, data, analysis results, assessments and predictions of the strategic environmental assessment report;

c/ Consult concerned socio-political organizations, social organizations, socio-professional organizations and specialists;

d/ Hold theme-based assessment meetings of specialists.

8. The Ministry of Natural Resources and Environment shall detail the appraisal of strategic environmental assessment reports.

Article 8. Time limit for appraisal of strategic environmental assessment reports

1. The time limit for appraising a detailed strategic environmental assessment report is forty-five (45) working days after receiving a complete and valid dossier. For a strategic environmental assessment report to be appraised by a provincial-level People's Committee, the time limit is thirty (30) working days after receiving a complete and valid dossier.

2. The time limit for appraising a brief strategic environmental assessment report is thirty (30) working days after receiving a complete and valid dossier.

3. For a strategic environmental assessment report to be re-appraised, the appraisal time limit complies with Clauses 1 and 2 of this Article.

Article 9. Responsibilities of project owners after the appraisal of strategic environmental assessment reports

1. When a strategic environmental assessment report is approved or approved on condition of modification and supplementation, the project owner shall:

a/ Finalize the strategic environmental assessment report on the basis of comments of the appraisal agency;

b/ Finalize the strategy, master plan or plan on the basis of comments of the appraisal agency. Make specific explanations, if it has different opinions;

c/ Make written explanations about the absorption of appraisal comments enclosed with the revised strategy, master plan or plan and the revised and supplemented strategic environmental assessment report and send them to the appraisal agency.

2. When a strategic environmental assessment report is disapproved, the project owner shall:

a/ Make another strategic environmental assessment report;

b/ Submit a dossier of request for appraisal of the strategic environmental assessment report to the appraisal agency for appraisal.

Article 10. Reporting on appraisal results of strategic environmental assessment reports

1. An appraisal agency shall report on appraisal results of strategic environmental assessment reports to an agency competent to appraise and approve the strategy, master plan or plan within fifteen (15) working days after receiving the modified and supplemented dossier of a strategic environmental assessment report.

2. The report on appraisal results of a strategic environmental assessment report is one of the bases for the appraisal and approval of the strategy, master plan or plan.

3. The Ministry of Natural Resources and Environment shall detail the contents and forms of the appraisal report and minutes of the appraisal council meetings.

Article 11. Responsibilities of agencies appraising and approving strategies, master plans and plans

An agency appraising and approving a strategy, master plan or plan shall comprehensively and objectively consider proposals and recommendations made in the appraisal report and strategic

environmental assessment report when appraising and approving such strategy, master plan or plan.

Chapter III

ENVIRONMENTAL IMPACT ASSESSMENT

Article 12. Projects subject to environmental impact assessment reporting and responsibilities of project owners for environmental impact assessment reporting

1. Projects subject to environmental impact assessment reporting are provided in Appendix II to this Decree.
2. A project owner shall make, or hire an institution meeting the conditions provided in Clause 1, Article 16 of this Decree to make, an environmental impact assessment report for its investment project.
3. An environmental impact assessment report shall be made when:
 - a/ The project location is changed;
 - b/ The project is not implemented within thirty-six (36) months after the issuance of a decision approving the environmental impact assessment report;
 - c/ The size, capacity or technology of the project is changed, resulting in increased adverse environmental impacts or scope of impacts.

Article 13. Time of elaboration, submission and approval of environmental impact assessment reports

1. An environmental impact assessment report shall be made concurrently with the formulation of the investment project (feasibility study report).
2. The time of submitting and approving an environmental impact assessment report is provided as follows:
 - a/ For a prospecting or mining project, the project owner shall submit the environmental impact assessment report before proposing a competent agency to grant or modify the prospecting or mining license. The decision approving an environmental impact assessment report is a basis for a competent authority to grant or modify a prospecting or mining license;
 - b/ For an oil and gas exploration project specified in Section 1 or 2 of Appendix II to this Decree, the project owner shall submit the environmental impact assessment report before drilling for oil and gas. For an oilfield exploitation project, the project owner shall submit the environmental impact assessment report before the approval of the oilfield development plan. The decision approving the environmental impact assessment report is a basis for a competent authority to approve the oilfield development plan;
 - c/ For a project with a work item subject to construction licensing, the project owner shall submit the environmental impact assessment report before proposing a competent agency to grant or modify the construction license. The decision approving the environmental impact assessment report is a basis for a competent authority to grant or modify a construction license;
 - d/ For a project other than those specified at Points a, b and c of this Clause, the project owner shall submit the environmental impact assessment report before investment in the project is

decided. The decision approving the environmental impact assessment report is a basis for making decision on investment in a project.

Article 14. Consultation in the process of environmental impact assessment reporting

1. When making an environmental impact assessment report, the project owner (except the cases specified in Clause 3 of this Article) shall consult:

a/ The People's Committee of the commune, ward or township (below referred to as commune level) in which the project is to be implemented;

b/ Representatives of communities and organizations directly affected by the project.

2. A project owner investing in a consolidated production, business or service zone with its production, business or service line unconformable with the sector and trade planning in the approved environmental impact assessment report of such zone shall consult the agency having approved the environmental impact assessment report in the phase of building the zone's infrastructure facilities.

3. Consultation is not required in the following cases:

a/ An investment project in a consolidated production, business or service zone whose environmental impact assessment report has been approved by a competent authority in the phase of building the zone's infrastructure facilities, provided that this project conforms with the sector and trade planning in the approved environmental impact assessment report of such zone;

b/ An investment project in a sea area for which the administration responsibility has not yet been assigned to any commune-level People's Committee;

c/ An investment project involving state secrets.

Article 15. Consultation process and requirements on inclusion of consultation results in environmental impact assessment reports

1. Consultation of the commune-level People's Committee and representatives of communities and organizations directly affected by a project is conducted as follows:

a/ The project owner shall send to the commune-level People's Committee and representatives of communities and organizations directly affected by the project a written request for consultation together with brief documents on the project's major investment items, environmental issues and environmental protection solutions;

b/ When necessary, the commune-level People's Committee may convene representatives of organizations and communities directly affected by the project to a meeting, notify the project owner of the time, place and participants of the meeting and together with the project owner chair such meeting within ten (10) working days after receiving the project owner's written request for consultation;

c/ Results of the meeting between the project owner, the consulted agency and involved parties shall be recorded in writing, including the list of participants and all discussed opinions and opinions absorbed or not absorbed by the project owner. The record must contain the signatures of the project owner representative (with full name and title) and representatives of involved parties participating in the meeting;

d/ Within fifteen (15) working days after receiving a written request for consultation, the commune-level People's Committee shall reply the project owner in writing and make public such reply. Past this time limit, if a consulted agency fails to send a written reply to the project owner, it is regarded as agreeing with the project owner's investment plan;

e/ Agreeing and disagreeing opinions of consulted organizations and persons shall be summarized and truthfully reflected in the environmental impact assessment report.

2. Written opinions of consulted agencies and the meeting record shall be copied and attached as an annex to the environmental impact assessment report.

3. The Ministry of Natural Resources and Environment shall provide the form of request for consultation of involved parties.

Article 16. Conditions on environmental impact assessment report makers

1. To make an environmental impact assessment report, a project owner or consultancy service provider must fully meet the following conditions:

a/ Having staff specialized in environment with five (5) years of experience, for university degree holders, three (3) years, for master degree holders, and one (1) year, for doctoral degree holders;

b/ Having staff holding university or higher degrees in majors relevant to the project;

c/ Having physical-technical foundations and special-use devices for measuring, taking, processing and analyzing environmental samples, which meet technical requirements. In case of unavailability of qualified special-use devices, having a contract to hire a capable institution.

2. A consultancy service provider that makes an environmental impact assessment report shall take responsibility before the project owner and law for its information and statistics given in the environmental impact assessment report.

3. The Ministry of Natural Resources and Environment shall detail conditions on and operation organization of consultancy service providers making environmental impact assessment reports.

Article 17. Contents of environmental impact assessment reports; dossiers of request for appraisal and approval of environmental impact assessment reports

1. An environmental impact assessment report contains the following major contents:

a/ Indication of the project origin, project owner, agency competent to approve the project; sources of information and data and use methods; organization and process of environmental impact assessment reporting; consultation of the community in the process of environmental impact assessment reporting;

b/ Listing and detailed description of the project's activities and work items which likely have adverse environmental impacts, indicating the size in terms of space and time, construction volume, operating technology of each work item and the entire project;

c/ General assessment of the current status of the environment of the project site and its neighborhood; level of environmental sensitivity;

d/ Assessment and prediction of the project's impacts on natural conditions, natural environmental components, the community and related socio-economic elements; results of consultation of the community;

e/ Proposal of measures to mitigate adverse impacts on natural conditions, natural environmental components, community health and related socio- economic elements;

f/ Listing of works and programs for managing and controlling environmental issues in the course of project implementation;

g/ Estimation of costs for construction of environmental protection works in the project's total cost estimate;

h/ The project owner's commitment to taking environmental protection measures in the course of project construction and operation proposed in the environmental impact assessment report and to observing other regulations on environmental protection related to the project.

2. A dossier of request for appraisal and approval of an environmental impact assessment report comprises:

a/ A written request for appraisal and approval of the environmental impact assessment report;

b/ The environmental impact assessment report;

c/ The investment project (feasibility study report).

3. The Ministry of Natural Resources and Environment shall detail contents of the environmental impact assessment report; form of the written request for appraisal and the number of environmental impact assessment reports of a project in the dossier of request for appraisal of the environmental impact assessment report; and elaborate and promulgate technical guidelines for making specialized environmental impact assessment reports.

Article 18. Appraisal of environmental impact assessment reports

1. Environmental impact assessment reports shall be appraised by appraisal councils or appraisal service providers.

2. Responsibilities for appraisal of environmental impact assessment reports are provided as follows:

a/ The Ministry of Natural Resources and Environment shall appraise environmental impact assessment reports of the projects provided in Appendix III to this Decree, except those involving security and defense secrets;

b/ Ministries, ministerial-level agencies and government-attached agencies shall appraise environmental impact assessment reports of projects under their respective deciding and approving competence, except the projects provided in Appendix III to this Decree;

c/ The Ministry of National Defense or the Ministry of Public Security shall appraise environmental impact assessment reports of projects under its deciding and approving competence and security- or defense-related projects as assigned by competent authorities;

d/ Provincial-level People's Committees shall appraise environmental impact assessment reports of investment projects in their localities, except those provided at Points a, b and c of this Clause.

3. A council for appraisal of an environmental impact assessment report is composed of representatives of management agencies directly related to environmental issues of the project and specialists, including the chairman, a vice chair man, if necessary; one (1) secretary; two (2) counter-arguing members and other members. Over 50% of the appraisal council members must be specialized in environment and other fields related to the project. For the environmental

impact assessment report of a projects to be appraised by a ministry, ministerial-level agency or government-attached agency, the appraisal council must be composed of representatives of the provincial-level Natural Resources and Environment Department of the locality in which the project is to be implemented.

4. When necessary, an appraisal agency may carry out the following activities:

a/ Investigating and verifying information and statistics on the status of the environment of the project site and its neighborhood;

b/ Taking samples for analysis and verification;

c/ Consulting the community of the project site;

d/ Hiring specialists, social organizations or socio-professional organizations to give counter-arguments to reported contents;

e/ Holding theme-based assessment meetings.

5. The Ministry of Natural Resources and Environment shall detail the organization and operation of environmental impact assessment report appraisal councils and service providers.

Article 19. Process of appraisal and approval of environmental impact assessment reports

1. A project owner shall submit a dossier of request for appraisal of an environmental impact assessment report to a competent agency provided in Clause 2, Article 18 of this Decree.

2. After receiving such a dossier, an appraisal agency shall check it. If the dossier is incomplete or invalid, within five (5) working days, it shall notify in writing the project owner to complete the dossier.

3. After receiving a complete and valid dossier, within the time limit provided in Clause 1, Article 20 of this Decree, the appraisal agency shall set up an appraisal council or select an appraisal service provider, notify the project owner to pay the fee for the appraisal and notify in writing appraisal results to the project owner.

4. On the basis of the appraisal agency's notice of appraisal results of the environmental impact assessment report, the project owner shall carry out one of the following activities:

a/ Making another environmental impact assessment report and submitting it to the appraisal agency for appraisal, if its environmental impact assessment report is not approved. The appraisal time limit and procedures are the same as for the first report;

b/ Modifying and supplementing the environmental impact assessment report and submitting it to the appraisal agency for consideration and submission to a competent authority for issuance of an approval decision, if the environmental impact assessment report is approved on condition of modification and supplementation. The time limit for modification and supplementation of the report is not counted in the time limit for appraisal and approval of the environmental impact assessment report;

c/ Sending the environmental impact assessment report to a competent agency for issuance of an approval decision under regulations, if the report is approved without modification and supplementation.

5. Competent agencies shall approve environmental impact assessment reports within the time limit provided in Clause 2, Article 20 of this Decree after receiving complete and valid dossiers.

Article 20. Time limit for appraisal and approval of environmental impact assessment reports

1. The time limit for appraising environmental impact assessment reports is provided as follows:
 - a/ Forty-five (45) working days after receiving complete and valid dossiers, for environmental impact assessment reports to be appraised by the Ministry of Natural Resources and Environment, and sixty (60) working days, for projects with complicated environmental impacts;
 - b/ Thirty (30) working days after receiving complete and valid dossiers, for environmental impact assessment reports not to be appraised by the Ministry of Natural Resources and Environment, and forty-five (45) working days, for projects with complicated environmental impacts.
2. The time limit for approving an environmental impact assessment report is fifteen (15) working days after receiving a complete and valid dossier.
3. The time limit for appraisal and approval of an environmental impact assessment report does not include the time for the project owner to finalize the environmental impact assessment report dossier.

Article 21. Certification and sending of approved environmental impact assessment reports

1. After issuing the decision approving an environmental impact assessment report, the approval agency shall certify such approval on the back of the cover page or supplement cover page of the environmental impact assessment report and send the report to concerned agencies under Clause 2 of this Article.
2. Certified environmental impact assessment reports and decisions approving these reports shall be sent according to the following provisions:
 - a/ The Ministry of Natural Resources and Environment shall send one (1) copy of the approval decision together with the environmental impact assessment report to the project owner and the provincial-level Natural Resources and Environment Department of the locality in which the project is to be implemented; and the approval decision to the line ministry;
 - b/ Ministries, ministerial-level agencies and government-attached agencies shall send one (1) copy of the approval decision together with the environmental impact assessment report to the project owner, the Ministry of Natural Resources and Environment and the provincial-level Natural Resources and Environment Department of the locality in which the project is to be implemented. For projects involving security and defense secrets, approval decisions and environmental impact assessment reports shall be sent under separate regulations;
 - c/ Provincial-level People's Committees shall send (1) copy of the approval decision together with the environmental impact assessment report to the project owner and the People's Committee of the district, town or provincial city (below referred to as district level) in which the project is to be implemented; the approval decision to the line ministry and the commune-level People's Committee of the locality in which the project is to be implemented; and one (1) copy of the approval decision together with the environmental impact assessment report to the Ministry of Natural Resources and Environment when so requested.
3. Provincial-level People's Committees shall copy from the originals of decisions approving environmental impact assessment reports sent from ministries, ministerial-level agencies and

government-attached agencies and send these copies to district- and commune-level People's Committees of the localities in which projects are to be implemented.

4. The Ministry of Natural Resources and Environment shall provide the forms of the approval decision and certification of environmental impact assessment reports.

Article 22. Publicity of information on projects with approved environmental impact assessment reports

1. After an environmental impact assessment report is approved, the project owner shall formulate, approve and publicly display its environmental control plan at the office of the commune-level People's Committee of the locality in which consultation of the community is made for people's information, examination and oversight.

2. The environmental control plan, which is formulated based on the environmental control program proposed in the environmental impact assessment report, covers the following:

a/ Organization and operation of the project's environmental protection section;

b/ The project's plan on environmental protection education and awareness raising;

c/ The responsibilities of the project owner and constructors (if any) for taking solutions and measures to mitigate adverse impacts and prevent and respond to environmental incidents in the project construction phase;

d/ Plan on construction and installation of environmental protection works;

e/ Plan on control of arising waste sources; control of the surrounding environment and other environmental control issues during the construction and official operation of the project.

Article 23. Responsibilities of project owners prior to official project operation

1. To take environmental protection measures during investment preparation and project construction; to conduct environmental observation required by the decision approving the environmental impact assessment report.

2. To design, build and install environmental protection works; operate the project's waste treatment works on a trial basis; to take over environmental protection works under law; to elaborate, approve and implement a plan to clean the reservoir before retaining water, for a project with construction of an irrigation or hydropower reservoir.

3. To make a dossier of request for inspection and certification of application of environmental protection works and measures for project operation under Article 25 of this Decree and send it to the agency provided in Clause 1, Article 24 of this Decree for inspection and certification before officially operating the project.

4. To cooperate with and create favorable conditions for the environmental protection management agency to inspect the implementation of the environmental control plan and works and measures for environmental protection and environmental incident prevention and response; to fully provide project-related information and statistics upon request.

5. During project implementation, if occurs an incident adversely affecting environment quality and community health, to stop all project activities causing such incident; to respond to and remedy the incident and urgently report it to the provincial-level environment management

agency and concerned agencies of the locality of the project site for direction and coordinated settlement.

Article 24. Inspection and certification of environmental protection works and measures prior to official project operation

1. The agency approving an environmental impact assessment report shall carry out the following activities for the project of which it has approved the environmental impact assessment report:

a/ Inspecting and certifying the application of environmental protection works and measures for project operation under Articles 25, 26, 27 and 28 of this Decree;

b/ Inspecting the application of environmental protection measures in the investment preparation and project construction phases when necessary.

2. The agency approving an environmental impact assessment report may assign its professional environmental protection agency to carry out the activities provided at Points a and b, Clause 1 of this Article (below referred to as the inspection and certification agency).

3. For a project with multiple investment phases whose owner wishes to officially operate some work items before the project construction is completed, the inspection and certification agency may inspect and certify the application of environmental protection works and measures for the operation of those work items at the request of the project owner.

4. The Ministry of Natural Resources and Environment shall detail the inspection and certification of application of environmental protection works and measures for project operation; and formulate and promulgate specialized technical guidelines for such inspection and certification.

Article 25. Dossier of request for inspection and certification of application of environmental protection works and measures for project operation

1. Written request for inspection and certification of application of environmental protection works and measures for project operation.

2. Copy of the approval decision together with the environmental impact assessment report.

3. Report on application of environmental protection works and measures for project operation provided in Article 26 of this Decree, which clearly describes the size, process and technology of waste treatment; changes from the plan stated in the approved environmental impact assessment report.

4. Annexes to the report on application of environmental protection works and measures for project operation, including a drawing on complete construction and results of trial operation of waste treatment works; certificates and recognition of imported or commercialized uniform waste treatment equipment; notices of sample measuring and analysis; take-over test records and other documents related to environmental protection works and measures.

Article 26. Environmental protection works and measures for project operation

1. Wastewater collection and treatment works, equipment and measures proposed in the environmental impact assessment report.

2. Works, equipment and measures for storage, collection, transport and treatment of hazardous waste and ordinary solid waste proposed in the environmental impact assessment report.
3. Works, equipment and measures for collection and treatment of dust and emitted gas proposed in the environmental impact assessment report.
4. Works, equipment and measures to mitigate adverse environmental impacts not related to waste; works, equipment and plans for prevention of and response to environmental incidents and other environmental protection works, measures and technical solutions.

Article 27. Process and time limit for inspection and certification of application of environmental protection works and measures for project operation

1. An inspection and certification agency shall examine a dossier of request for inspection and certification of application of environmental protection works and measures for project operation sent by the project owner; and make a written notice within five (5) working days after receiving the dossier if the dossier is invalid.
2. An inspection and certification agency shall inspect environmental protection works and measures for project operation applied by the project owner under Article 28 of this Decree within twenty (20) working days after receiving a complete and valid dossier. If the project fails to meet conditions for certification of application of environmental protection works and measures for project operation, the inspection and certification agency shall send a notice to the project owner within five (5) working days after having inspection results.
3. The project owner shall redress paper and practical problems as requested by the inspection and certification agency in its notice; finalize the dossier of request for inspection and certification of application of environmental protection works and measures for project operation and send it to the inspection and certification agency for inspection and certification.
4. When necessary, the inspection and certification agency may re-inspect environmental protection works and measures after the project owner redresses problems.
5. The inspection and certification agency shall issue a certificate of the project owner's application of environmental protection works and measures for project operation or a written refusal clearly stating the reason within five (5) working days after receiving the dossier of request for inspection and certification of application of environmental protection works and measures for project operation re-submitted by the project owner.

Article 28. Process of inspection and certification of application of environmental protection works and measures for project operation

1. An inspection and certification agency shall examine a dossier of request for inspection and certification of application of environmental protection works and measures for project operation sent by the project owner and conduct physical inspection of those works and measures through an inspection team set up by the inspection and certification agency.
2. Depending on the type, size and nature of the project and practical conditions, activities of an inspection team include:
 - a/ Meeting to evaluate and discuss about environmental protection works and measures for project operation applied by the project owner;

- b/ Inspecting the actual status of environmental protection works and measures for project operation applied by the project owner and related technical solutions and equipment;
 - c/ Each team member studying the dossier and writing comments and evaluations of environmental protection works and measures for project operation applied by the project owner;
 - d/ Making a general evaluation report on physical inspection of environmental protection works and measures for project operation applied by the project owner.
3. When necessary, the inspection and certification agency may carry out the following activities:
- a/ Consulting or hiring specialists or institutions to evaluate environmental protection works and measures for project operation applied by the project owner;
 - b/ Verifying the project's environmental analysis results provided by the project owner through licensed environmental measuring, sampling and consultancy institutions.
4. Results of dossier and physical inspection of environmental protection works and measures for project operation applied by the project owner shall be written in an inspection record with the signatures, full names and titles of the inspection team head and the authorized representative of the project owner.
5. The inspection and certification agency shall issue a certificate of application of environmental protection works and measures for project operation on the basis of the inspection record and results of the activities provided in Clause 3 of this Article, if any.
6. The certificate of application of environmental protection works and measures for project operation serves as a basis for a project owner to officially operate the project or a number of completed work items, if the project is invested in multiple phases. This certificate is a basis for competent state agencies to license hazardous waste treatment and destruction and wastewater discharge into water sources.
7. The Ministry of Natural Resources and Environment shall provide the forms of documents related to the inspection and certification of project owners' application of environmental protection works and measures for project operation.

Chapter IV

ENVIRONMENTAL PROTECTION COMMITMENT

Article 29. Subjects of environmental protection commitment making and registration

1. Investment projects with nature, size and capacity outside the list or below the level set in the list provided in Appendix II to this Decree.
2. Production, business and service activities not subject to investment project formulation but with arising production waste.

Article 30. Contents and registration dossier of a written environmental protection commitment

1. A written environmental protection commitment for an investment project covers:
 - a/ Brief introduction of the project, including name and address of the project owner; project name and location; production size, capacity and technology; quantity and type of materials and

fuel used during project implementation. The project owner shall take responsibility for the accuracy and completeness of declared information and statistics;

b/ Arising waste: Maximum volume and concentration of each type of waste, if any;

c/ Commitment to taking measures to reduce and treat waste and to observing the environmental protection law.

2 A written environmental protection commitment for production, business or service activities not subject to investment project formulation covers:

a/ Brief introduction of the production, business or service plan, including name and address of the establishment owner; place of implementation; production size or type of business or service; quantity and type of materials and fuel used during operation. The establishment owner shall take responsibility for the accuracy and completeness of declared information and statistics;

b/ Arising waste: Maximum volume and concentration of each type of waste, if any;

c/ Commitment to taking measures to reduce and treat waste and to observing the environmental protection law.

3. The registration dossier of a written environmental protection commitment comprises:

a/ The written environmental protection commitment;

b/ The investment project (feasibility study report) or the production or business plan.

4. The Ministry of Natural Resources and Environment shall provide the form of the written environmental protection commitment.

Article 31. Time for written environmental protection commitment registration

1. For a prospecting or mining project, the project owner shall register the written environmental protection commitment before proposing a competent agency to grant or modify a prospecting or mining license.

2. For an oil and gas prospecting project, the project owner shall register the written environmental protection commitment before drilling for oil and gas.

3. For an investment project with work items subject to construction licensing, the project owner shall register the written environmental protection commitment before proposing a competent agency to grant or modify a construction license.

4. For a project or production, business or service activities other than those provided in Clauses 1, 2 and 3 of this Article, the project owner or establishment owner shall register the written environmental protection commitment before carrying out investment, production or business activities.

Article 32. Written environmental protection commitment registration

1. District-level People's Committees shall conduct the registration of written environmental protection commitments.

2. In the following cases, a district-level People's Committee may authorize a commune-level People's Committee to conduct the registration of written environmental protection commitments:

a/ Production, business or service activities are to be carried out within one (1) commune and are not subject to investment project formulation (feasibility study report);

b/ The investment project is to be implemented within one (1) commune without waste arising during its implementation.

3. For an investment project or production, business or service activities to be carried out in two (2) or more districts, the project owner or establishment owner may register the written environmental protection commitment at the most convenient district-level People's Committee.

4. For an investment project to be implemented in a sea area for which the administration responsibility has not yet been assigned to any district-level People's Committee, the project owner shall register the written environmental protection commitment at the district-level People's Committee of the locality at which the project's waste treatment and discharge are registered. If such project does not have waste to be brought to the inland for recycling, re-use, treatment or discharge, the project owner is not required to register the written environmental protection commitment.

Article 33. Process of written environmental protection commitment registration

1. A written environmental protection commitment shall be registered as follows:

a/ The project owner or establishment owner shall submit the registration dossier of a written environmental protection commitment to a competent agency provided in Article 32 of this Decree;

b/ Within five (5) working days after receiving a dossier, a competent agency provided in Article 32 of this Decree shall notify in writing the project owner of its acceptance or refusal of the dossier. In case of refusal, it shall clearly state the reason.

2. The Ministry of Natural Resources and Environment shall provide the form of notice of acceptance or refusal of a registration dossier of a written environmental protection commitment.

Article 34. Sending of registered written environmental protection commitments

1. For a written environmental protection commitment registered at a district-level People's Committee: Within two (2) working days, the district-level People's Committee shall send one (1) copy of the registered written environmental protection commitment to the project owner, district-level environmental protection management agency and commune-level People's Committee of the locality in which the investment project or production, business or service activities is/are to be carried out, and to concerned district-level People's Committees, if such project or activities is/are to be carried out in two (2) or more districts.

2. For a written environmental protection commitment registered at a commune-level People's Committee: Within two (2) working days, the commune-level People's Committee shall send one (1) copy of the registered written environmental protection commitment to the project owner and the district-level environmental protection management agency.

Article 35. Responsibilities of project owners after written environmental protection commitment registration

1. To take measures to mitigate adverse environmental impacts stated in the registered written environmental protection commitment.

2. To stop operations and promptly report to the commune-level People's Committee and district-level People's Committee of the locality in which the project is to be implemented for direction and coordinated settlement when occurs an incident exerting adverse impacts on the environment quality and community health during project implementation or production and business operations.

3. To cooperate with and create favorable conditions and provide relevant necessary information for the environmental protection state management agency to conduct supervision, examination and inspection during investment project implementation or production and business operations.

4. To make another written environmental protection commitment for the investment project or production, business or service activities in the following cases:

a/ Change of location of the project or production, business or service activities;

b/ Failure to carry out the project or production, business or service activities within twenty-four (24) months after registering the written environmental protection commitment;

c/ Change of size, capacity or technology, resulting in increased adverse environmental impacts or scope of impacts.

5. When an investment project or production, business or service activities change its/their nature or size to an extent that requires environmental impact assessment reporting as provided in Appendix II to this Decree, the project owner or establishment owner shall make an environmental impact assessment report and submit it to a competent authority provided in Article 18 of this Decree for appraisal and approval under regulations.

Article 36. Responsibilities of state agencies in charge of written environmental protection commitment registration

1. To inspect the application of environmental protection measures stated in registered written environmental protection commitments and the observance of current laws on environmental protection during investment project implementation or production, business or service operations.

2. To receive and process proposals and recommendations of project owners, establishment owners or concerned organizations and individuals related to the application of environmental protection issues and measures during investment project implementation or production, business or service operations.

3. To coordinate with project owners and production and business establishment owners in promptly remedying incidents occurring during investment project implementation and production and business operations.

Chapter V

IMPLEMENTATION PROVISIONS

Article 37. Financial regimes applicable to strategic environmental assessment, environmental impact assessment and environmental protection commitment

1. The financial regime applicable to strategic environmental assessment is as follows:

a/ Funds for making strategic environmental assessment reports shall be included in the funds for formulation of strategies, master plans and plans allocated from the state budget for economic non-business activities and other sources, if any;

b/ Funds for appraisal of strategic environmental assessment reports shall be allocated from the environmental non-business funds.

2. The financial regime applicable to environmental impact assessment is as follows:

a/ Funds for making environmental impact assessment reports shall be allocated from project owners' investment funds;

b/ Funds for appraisal of environmental impact assessment reports shall be allocated from collected fees for appraisal of environmental impact assessment reports;

c/ Funds for inspection and certification of project owners' application of environmental protection works and measures shall be allocated from the environmental non-business funds.

3. The financial regime applicable to environmental protection commitment is as follows:

a/ Funds for making written environmental protection commitments shall be allocated from project owners' investment funds;

b/ Funds for inspection of application of environmental protection measures stated in written environmental protection commitments shall be allocated from the environmental non-business funds.

4. Responsibilities for guidance:

a/ The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding Points a and b, Clause 1, Points b and c, Clause 2, and Point b, Clause 3, of this Article;

b/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment in, guiding Point a, Clause 2, and Point a, Clause 3, of this Article for state budget-funded investment projects.

Article 38. Reporting regime

1. District-level People's Committees shall biannually submit to provincial-level People's Committees reports on registration and inspection of realization of written environmental protection commitments; registration of simple environmental protection plans in localities under their management. The deadline for report submission is provided as follows:

a/ Before July 10 of the year of implementation, for the first report;

b/ Before January 10 of the subsequent year, for the second report.

2. Before January 15 every year, provincial-level People's Committees shall submit to the Ministry of Natural Resources and Environment reports on appraisal of strategic environmental assessment reports; appraisal and approval of environmental impact assessment reports; registration of written environmental protection commitments; inspection and certification of environmental protection works and measures; appraisal, approval, inspection and certification of implementation of detailed environmental protection plans; and registration and inspection of the implementation of simple environmental protection plans of the previous year in localities under their management.

3. Before January 15 every year, ministries (except the Ministry of National Defense and the Ministry of Public Security), ministerial-level agencies and government-attached agencies shall submit to the Ministry of Natural Resources and Environment reports on appraisal of strategic environmental assessment reports; appraisal and approval of environmental impact assessment reports; and inspection and certification of environmental protection works and measures of the previous year in the sectors under their management.

4. The Ministry of Natural Resources and Environment shall detail the contents and forms of the reports provided in Clauses 1, 2 and 3 of this Article.

Article 39. Transitional provisions

1. Dossiers of request for appraisal of strategic environmental assessment reports; appraisal and approval of environmental impact assessment reports; appraisal and approval of supplemented environmental impact assessment reports; inspection and certification of the implementation of reported contents and requirements stated in decisions approving environmental impact assessment reports; registration and certification of written environmental protection commitments; and certification of supplemented written environmental protection commitments received by competent agencies before the effective date of this Decree shall be considered and handled under the Government's Decree No. 80/2006/ND-CP of August 9, 2006, detailing and guiding a number of articles of the Environmental Protection Law, and the Government's Decree No. 21/2008/ND-CP of February 28, 2008, amending and supplementing a number of articles of Decree No. 80/2006/ND-CP of August 9, 2006, detailing and guiding a number of articles of the Environmental Protection Law.

2. Consolidated production, business or service zones or production, business or service establishments whose environmental protection plans have been approved shall report to the agencies approving those plans for consideration and certification of the implementation of environmental protection issues stated in the environmental protection plans under the applicable law at the time such plans were approved.

3. By the effective date of this Decree, consolidated production, business or service zones or production, business or service establishments that fail to obtain decisions approving environmental impact assessment reports, decisions approving supplemented environmental impact assessment reports, registration certificate of environmental standard conformity, written environmental protection commitments, or decisions approving or written certification of environmental protection plans shall, in addition to being handled for their violations under law, take either of the following remedies within two (2) years after the effective date of this Decree:

a/ Making a detailed environmental protection plan, for establishments with size and nature similar to the subjects of environmental impact assessment reporting under this Decree, and submit it to a competent agency provided in Clause 2, Article 18 of this Decree for appraisal and approval;

b/ Making a simple environmental protection plan, for establishments with size and nature similar to the subjects of written environmental protection commitment registration under this Decree, and submit it to a competent agency provided in Article 32 of this Decree for registration.

4. Consolidated production, business or service zones or production, business or service establishments with approved environmental impact assessment reports, which have officially

operated but fail to obtain written certification of the implementation of reported contents and requirements of decisions approving environmental impact assessment reports, shall, in addition to being handled for their violations under current law, submit a dossier of request for certification of applied environmental protection works and measures to a competent agency provided in Article 26 of this Decree for inspection and certification, within two (2) years after the effective date of this Decree. Contents of the dossier of request for inspection and certification of environmental protection works and measures; process, time limit and method of inspection and certification of environmental protection works and measures comply with Articles 24, 25, 27 and 28 of this Decree.

5. Detailed and simple environmental protection plans serve as a basis for implementation by consolidated production, business or service zones or production, business or service establishments and for examination, inspection and violation handling by concerned state management agencies.

6. The Ministry of Natural Resources and Environment shall detail the formulation, appraisal, approval, inspection and certification of the implementation of detailed environmental protection plans; and the formulation and registration of simple environmental protection plans.

Article 40. Effect

This Decree takes effect on June 5, 2011, and replaces Articles 6 thru 17 of the Government's Decree No. 80/2006/ND-CP of August 9, 2006, detailing and guiding a number of articles of the Environmental Protection Law; and Clauses 3 thru 10, Article 1 of the Government's Decree No.21/2008/ND-CP of February 28, 2008, amending and supplementing a number of articles of Decree No. 80/2006/ND-CP of August 9, 2006, detailing and guiding a number of articles of the Environmental Protection Law.

Article 41. Implementation responsibilities

1. The Ministry of Natural Resources and Environment shall guide and organize the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government- attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung

APPENDIX I

**LIST OF STRATEGIC PROJECTS AND MASTER PLANS SUBJECT TO DETAILED
STRATEGIC ENVIRONMENTAL ASSESSMENT**

(To the Government's Decree No. 29/2011/ND-CP of April 18, 2011)

A	Strategic environmental assessment reports incorporated in strategies, master plans and plans
I	Socio-economic development strategies and master plans
1	National socio-economic development strategies
II	Development strategies and master plans of national-level sectors and domains
1	Development strategies on industry, agriculture and rural development, transport, construction, tourism and health (including also sub-sectors of these sectors and domains)
2	Development master plans on industry, agriculture and rural development, transport, construction, tourism and health other than those provided in Part B of Appendix II
III	Master plans on inter-provincial river basins
B	Separate strategic environmental assessment reports
I	Socio-economic development strategies and master plans
1	Socio-economic development master plans of socio-economic regions, key economic regions, economic regions, economic corridors and economic belts
2	Socio-economic development master plans of provinces and centrally run cities
II	Development master plans of national-level sectors and domains
1	Development master plans on electricity, hydropower, thermopower, atomic energy and nuclear power; oil and gas exploitation, petrochemistry; paper; basic chemicals, fertilizer, plant protection drugs; rubber; textiles and garments; cement; steel; mining and processing of coal, iron ores, tin, aluminum, wolfram, antimony, titanium, gold, rare earth and other radioactive minerals
2	Development master plans on agriculture, forestry, fisheries and irrigation
3	Development master plans on road, railway, seaway, waterway, port and aviation infrastructure facilities
4	Development master plans on urban centers, construction materials, solid waste management and hazardous waste management
5	Development master plans on tourism and golf courses
6	Development master plans on hospital networks
7	Development master plans on economic zones, industrial parks, export-processing zones and hi-tech zones
III	Master plans on land use, forest protection and development and exploitation and use of other natural resources on inter-provincial or -regional scale
1	National and regional master plans on land use
2	Master plans on forest protection and development in 2 or more provinces
3	Master plans on exploitation and use of surface water, ground water and minerals in 2 or more provinces
C	Other strategies, master plans and plans as directed by the National Assembly, the Government and the Prime Minister

APPENDIX II

LIST OF PROJECTS SUBJECT TO ENVIRONMENTAL IMPACT ASSESSMENT
REPORTING

(To the Government's Decree No. 29/2011/ND-CP of April 18, 2011)

No.	Projects	Size
1	Projects in which investment is decided by the National Assembly or the Prime Minister	All
2	Projects using land of nature reserves; national parks; historical-cultural relics; world heritages; biosphere reserves; and ranked landscapes and scenic places	All
Construction projects		
3	Projects to build technical infrastructure of urban centers and residential areas	With an area of 5 ha or larger
4	Projects to build or upgrade water drainage systems of urban and residential areas; Projects to dredge canals, rivers and reservoirs	With a length of 5 km or longer With a dredging area of 1 ha or larger
5	Projects to build technical infrastructure of industrial parks, hi-tech zones, industrial complexes, export-processing zones, trade zones, traditional craft villages and other consolidated production and business zones	All
6	Projects to build supermarkets and trade centers	With a business area of 500 m ² or larger
7	Projects to build wholesale markets and grade-1 and grade-2 markets in cities, towns and townships	All
8	Projects to build hospitals	All
9	Projects to build laboratories with hazardous waste arising from testing activities	All
10	Projects to build dormitories and condominiums	For 500 tenants or 100 households or more
11	Projects to build tourist service, sports and recreational centers and golf courses	With an area of 5 ha or larger
12	Projects to build tourist lodgings	With 50 rooms or more
13	Projects to build other tourist service centers (comprising infrastructure facilities and physical foundations)	With a daily wastewater volume of 500 m ³ or more
14	Projects to build cemeteries (for burial, incineration and other forms)	All
15	Projects to build works with basements	With a depth of 10 m or deeper
16	Projects to build fighting works, military training centers, shooting ranges and defense ports; military depots; and defense-economic	All

	zones	
Construction material projects		
17	Projects to build cement plants Projects to build clinker plants	All With an annual capacity of 500,000 tons of clinker or more
18	Projects to build clinker grinding and cement production establishments	With an annual capacity of 100,000 tons of cement or more
19	Projects to build brick, roofing tile and fibro-cement sheet plants	With annual capacity of 10 million standard bricks or roofing tiles or more or 500,000 m ² of roofing fibro-cement sheets or more
20	Projects to build establishments producing flooring and walling tiles of all types	With an annual capacity of 500,000 m ² or more
21	Projects to build establishments producing other construction supplies and materials	With an annual capacity of 50,000 tons of products or more
Transport projects		
22	Projects to build underground transport works (metros and tunnels); Projects to build cable cars	All With a length of 500 m or longer
23	Projects to build automobile highways and automobile roads from grade I to III; overhead railways; and airports	All
24	Projects to renovate and upgrade automobile highways, automobile roads from grade I to III, and railways	All
25	Projects to build grade-IV and -V automobile roads	With a length of 100 km or longer
26	Projects to build road and rail bridges	With a length of 200 m or longer (excluding feeder roads)
27	Projects to build river and sea ports	For receiving ships of 1,000 DWT or larger
28	Projects to build fishing ports and wharves	Receiving daily 50 tons of fish or more
29	Projects to build car terminals	With an area of 5 ha or larger
30	Projects to produce hot asphalt concrete	With a daily capacity of 100 tons of products or more
Power and radioactivity projects		
31	Projects to build nuclear reactors; nuclear power plants and thermopower plants	All
32	Projects to build production, business and service establishments using radioactive substances or with arising radioactive waste	All
33	Projects to build wind power and photo-electric power plants	Using 100 ha of land or water surface or more

34	Projects to build hydro-power plants	With reservoir capacity of 100,000 m ³ of water or more or with a capacity of 1 MW or more
35	Projects to build electricity transmission lines and power stations	Of 110 kV or higher
36	Projects to manufacture electric wires and cables	With an annual capacity of 10,000 tons of products or more
Electronics and telecommunications projects		
37	Projects to build radio transceiver stations and telecommunications transceiver stations	With a capacity of 2 kW or more
38	Projects to manufacture electric and electronic devices	With an annual capacity of 10,000 units or more
39	Projects to manufacture electric and electronic components	With an annual capacity of 500 tons of electric components and 100,000 electronic components or more
40	Projects to build telecommunications routes	With a length of 100 km or longer
Projects on irrigation and forest and agricultural land use		
41	Projects to build reservoirs	With a capacity of 100,000 m ³ of water or more
42	Projects to build irrigation and water supply and drainage works for agricultural, forestry and fishery production	Irrigation and water supply and drainage for an area of 100 ha or larger
43	Construction projects encroaching sea areas	With a coastal beltway of 1,000 m or longer or encroaching a sea area of 5 ha or larger
44	Projects to build dykes and sea and river embankments	With a length of 1,000 m or longer
45	Projects which change use purposes of forest areas or areas under two rice crops per year	With an area of 5 ha or larger, for watershed protection forests, wave-sheltering protection forests and special-use forests; 10 ha or larger, for natural forests; 50 ha or larger, for other forests; and 3 ha or larger, for areas under two rice crops per year
46	Projects to grow and exploit forests	With a forestation area of 1,000 ha or larger; exploitation of a forest area of 200 ha or larger, for planted forests, 50 ha or larger, for natural production forests, and 10 ha or larger, for natural protection forests
47	Projects to build industrial crop zones and consolidated zones for vegetable and flower plantation (including also re-cultivation projects)	With an area of 50 ha or larger

Mineral prospecting, exploitation and processing projects		
48	Projects to exploit materials for ground leveling	With an annual capacity of 100,000 m ³ of primary materials or more
49	Projects to exploit sand or dredge river beds to acquire materials for ground leveling and construction	With an annual capacity of 50,000 m ³ of primary materials or more
50	Projects to exploit solid minerals (without using hazardous substances, chemicals or industrial explosive materials)	With an annual mining volume (including minerals and earth and rock waste) 50,000 m ³ of primary materials or more
51	Projects to explore rare earth and radioactive minerals; projects to exploit and process solid minerals using hazardous substances, chemicals or industrial explosive materials; projects to process and refine ferrous metals, radioactive metals and rare earth	All
52	Projects to process solid minerals without using hazardous substances or chemicals	With an annual capacity of 50,000 m ³ of products or more With an annual discharge of 500,000 m ³ of earth and rocks or more, for coal sorting
53	Projects to exploit water for supply to production, business, service and daily-life activities	With a daily capacity of 5,000 m ³ of ground water and 50,000 m ³ of surface water or more
54	Projects to exploit (ground or surface) mineral water and thermal mineral water	With a daily capacity of 120 m ³ of water or more, for bottling; and 500 m ³ of water or more, for other purposes
55	Projects to sort and enrich rare earth and radioactive minerals	With an annual capacity of 1,000 tons of products or more
Oil and gas projects		
56	Oil and gas exploitation projects	All
57	Projects to build oil refineries (except those on LPG filling and lubricant preparation); petrochemistry plants; oil and gas pipelines and oil and gas transit centers	All
58	Projects to build petroleum depots and shops	With depot or tank capacity of 200 m ³ or more
Waste treatment projects		
59	Projects to build centralized waste recycling, treatment, burial or destruction establishments	All
60	Projects to build centralized wastewater treatment systems	All, for industrial wastewater; With a daily designed capacity of 500 m ³ or more, for daily-life

		wastewater
61	Projects to preliminarily process scraps (including imported scraps)	With an annual capacity of 3,000 tons or more
62	Projects to build establishments dismantling and cleaning ships	All
	Engineering and metallurgy projects	
63	Projects to build metallurgy plants	All, for projects using materials being scraps; With an annual capacity of 1,000 tons of products or more, for projects using other materials
64	Projects to build steel rolling mills	All, for projects using materials being scraps; With an annual capacity of 2,000 tons of products or more, for projects using other materials
65	Projects to build shipyards and ship repair establishments	Designed for ships of 1,000 DWT or larger
66	Projects to build plants manufacturing and repairing containers and trailers	With an annual capacity of 500 containers and trailers or more, for manufacture; With an annual capacity of 2,500 containers and trailers or more, for repair
67	Projects to build plants building, repairing and assembling locomotives and compartments	With an annual capacity of 100 vehicles or more
68	Projects to build motorbike and automobile manufacturing and assembling plants	With an annual capacity of 10,000 motorbikes and 500 automobiles or more
69	Projects to build machinery and tool machinery plants	With an annual capacity of 1,000 tons of products or more
70	Projects to build metal plating, coating and polishing plants	With an annual capacity of 500 tons of products or more
71	Projects to build plants of formed aluminum	With an annual capacity of 2,000 tons of products or more
72	Projects to build weapon, military supplies and technical equipment manufacturing and repair plants	All
Projects on timber processing and glass, ceramic and china production		
73	Projects to build timber processing mills	With an annual capacity of 3,000 m ³ of timber or more
74	Projects to build chip plants	With an annual capacity of 50,000 tons of products or more
75	Projects to build plywood plants	With an annual capacity of 100,000

		m2 or more
76	Projects to build plants of domestic, construction or industrial wood products	With an annual capacity of 10,000 products or more
77	Projects to build art craft plants	With an annual capacity of 1 million products or more
78	Projects to build glass, ceramics or china plants	With an annual capacity of 1,000 tons of products or more
79	Projects to build plants of ceramic bathroom fixtures	With an annual capacity of 10,000 products or more
80	Projects to build bulb and thermos plants	With an annual capacity of 1 million products or more
Food processing projects		
81	Projects to build food processing establishments	With an annual capacity of 500 tons of products or more
82	Projects to build consolidated slaughterhouses	With a daily capacity of 500 cattle or 5,000 poultry or more
83	Projects to build aquatic processing establishments	With an annual capacity of 100 tons of products or more
84	Projects to build sugar mills	With an annual capacity of 10,000 tons of sugar or more
85	Projects to build alcohol and spirit breweries	With an annual capacity of 50,000 liters of products or more
86	Projects to build beer and beverage breweries	With an annual capacity of 200,000 liters of products or more
87	Projects to build food seasoning plants	With an annual capacity of 5,000 tons of products or more
88	Projects to build milk production and processing establishments	With an annual capacity of 10,000 tons of products or more
89	Projects to build edible oil production and processing establishments	With an annual capacity of 10,000 tons of products or more
90	Projects to build confectionery makers	With an annual capacity of 5,000 tons of products or more
91	Projects to build ice plants	With a daily capacity of 300 tons of ice or more
92	Projects to build plants of refined water and bottled refined water	With an annual capacity of 2,000 m3 of water or more
Farm product processing projects		
93	Projects to build cigarette plants	With an annual capacity of 600,000 cigarettes or more
94	Projects to build tobacco processing establishments	With an annual capacity of 1,000 tons of products or more
95	Projects to build cereal product processing establishments	With an annual capacity of 10,000 tons of products or more
96	Projects to build rice mills	With an annual capacity of 20,000 tons of products or more

97	Projects to build starch production and processing establishments	With an annual capacity of 500 tons of products or more
98	Projects to build cashew nut processing establishments	With an annual capacity of 1,000 tons of products or more
99	Projects to build tea or cocoa processing establishments	With an annual capacity of 1,000 tons of products or more
100	Projects to build coffee processing establishments	With a monthly capacity of 500 tons of products or more, for those using the wet method; an annual capacity of 10,000 tons of products or more, for those using the dry method; and 1,000 tons of products or more, for processing powder and instant coffee
Projects on animal husbandry and animal and aquatic feed processing		
101	Projects to build establishments processing animal and aquatic feed and aquatic by-products	With an annual capacity of 1,000 tons of products or more
102	Projects to build fish powder processing mills	With an annual capacity of 500 tons of products or more
103	Projects to build intensive or semi- intensive aquaculture establishments	With a water surface area of 10 ha or larger
104	Projects to build extensive aquaculture establishments	With a water surface area of 50 ha or larger
105	Projects to build on-sand aquaculture establishments	With a rearing area of 10 ha or larger
106	Projects to build consolidated cattle raising establishments	With a herd of 500 or more, for buffalos and cows; and 1,000 or more, for other cattle
107	Projects to build consolidated poultry raising establishments	With a flock of 20,000 poultry; 200 ostriches; or 100,000 quails, or more
108	Projects to build establishments raising and caring wild animals	All
109	Projects to build reptile breeding establishments	With 1,000 alligators, varans or pythons; and 5,000 snakes or other reptiles, or more
Projects on fertilizer and plant protection drug production		
110	Projects to build fertilizer plants	With an annual capacity of 1,000 tons of products or more
111	Projects to build chemical or plant protection drug warehouses	With a storage capacity of 5 tons or more
112	Projects to build fertilizer warehouses	With a storage capacity of 100 tons or more
113	Projects to build plant protection drug factories	All
114	Projects to build establishments bottling or	With an annual capacity of 300 tons

	packing plant protection drugs	of products or more
115	Projects to build organic or micro-bio fertilizer plants	With an annual capacity of 1,000 tons of products or more
Chemicals, pharmaceuticals and cosmetics projects		
116	Projects to build pharmaceutical product or veterinary drug plants	All, for vaccine production; With an annual capacity of 50 tons of products or more, for other pharmaceutical products and veterinary drugs
117	Projects to build chemicals-cosmetics plants	With an annual capacity of 50 tons of products or more
118	Projects to build plants of plastics, plastic-based products, paint and basic chemicals	With an annual capacity of 100 tons of products or more
119	Projects to build plastic product plants	With an annual capacity of 1,000 tons of products or more
120	Projects to build plants of detergent and additives	With an annual capacity of 1,000 tons of products or more
121	Projects to build plants of discharge substances, explosives and fire devices	All
122	Projects to build industrial explosive plants and warehouses	All
123	Projects to build zones making salt from seawater	With an area of 100 ha or larger
Projects on paper and stationery production		
124	Projects to build pulp and paper plants	With an annual capacity of 300 tons of products or more
125	Projects to build paper plants	With an annual capacity of 5,000 tons of products or more, for production of paper from pulp All, for production of paper from waste
126	Projects to build stationery plants	With an annual capacity of 1,000 tons of products or more
127	Projects to build carton packaging plants	With an annual capacity of 5,000 tons of products or more
Textiles, dyeing and garment projects		
128	Projects to build weaving or dye- weaving establishments	All
129	Projects to build non-dye weaving establishments	With an annual capacity of 10 million meters of fabrics or more
130	Projects on production and sub- production of garments	With an annual capacity of 50,000 products or more, for those involving the washing and bleaching process

		With an annual capacity of 2 million products or more, for those not involving the washing and bleaching process
131	Projects on industrial washing and laundering	With an annual capacity of 50,000 products or more
132	Projects on silk and synthetic fiber making	With an annual capacity of 1,000 tons of products or more
Other projects		
133	Projects to build research and development institutions or production establishments in hi-tech zones	All
134	Projects on rubber and latex processing	With an annual capacity of 4,000 tons of products or more
135	Projects to build plants of medical products and equipment from medical plastics and rubber	With an annual capacity of 100,000 tons of products or more
136	Projects to build footwear plants	With an annual capacity of 1 million products or more
137	Projects to build plants of rubber tires and tubes of different types	With an annual capacity of 50,000 products or more, for autos and tractors; and 100,000 products or more, for bikes and motorbikes
138	Projects to build plants of printing ink and other printing materials	With an annual capacity of 500 tons of printing ink and 1,000 other products or more
139	Projects to build battery and cell factories	With an annual capacity of 50,000 kWh or 100 tons of products or more
140	Projects to build tanning establishments	All
141	Projects to build establishments manufacturing CO ₂ gas and filling and liquefying industrial gas	With an annual capacity of 3,000 tons of products or more
142	Projects to build plants of extinguishers and other fire fighting products	All
143	Projects involving relocation and resettlement	For 300 households or more
144	Projects on renovation, expansion, upgrading and capacity increase	With size and capacity to the level of projects listed from Nos. 1 thru 143
145	Projects with one item or more among projects listed from Nos. 1 thru 143 in this Appendix	
146	Projects at risk of environmental pollution and degradation outside this Appendix shall be considered and decided by the Minister of Natural Resources and Environment	

APPENDIX III

LIST OF PROJECTS WITH ENVIRONMENTAL IMPACT ASSESSMENT REPORTS TO BE APPRAISED AND APPROVED BY THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT

(To the Government's Decree No. 29/2011/ND-CP of April 18, 2011)

1. Projects in which investment is decided by the National Assembly or the Prime Minister.
2. Projects using land of national parks, nature reserves, world heritages, historical and cultural relics, ranked national landscapes and scenic places and areas of biosphere reserves (except projects using land of transitional areas of biosphere reserves of under 20 ha).
3. Projects to build atomic power plants, thermonuclear power plants, nuclear reactors; thermopower plants with a capacity of 300 MW or more and located less than 2 km from an urban center or concentrated residential area; other thermopower plants with a capacity of 600 MW or more; hydro-power plants and irrigation works with a reservoir capacity of 100 million m³ or more.
4. Projects encroaching the sea on 20 ha or larger; projects requesting change of use purposes of watershed protection forests, wave-, wind- and sand-sheltering protection forests, special use forests of 20 ha or larger or other natural forests of 100 ha or larger; projects using 20 ha of land under two rice crops per year or larger; projects to build on-sand aquaculture establishments with an area of 100 ha or larger.
5. Projects to build oil refineries and petrochemistry plants; projects to build plants of basic chemicals, plant protection drugs, detergents, additives and chemical fertilizer with an annual capacity of 10,000 tons of products or more; projects to build battery plants with an annual capacity of 300,000 kWh or 600 tons of products or more; cement plant projects with an annual capacity of 1.2 million tons or more; projects on plants storing radioactive substances or with radioactive waste; projects to build pulp mills with an annual capacity of 25,000 tons of products or more; projects to build alcohol or spirit breweries with an annual capacity of 500,000 liters of products or more; projects to build beer or beverage plants with an annual capacity of 2 million liters of products or more; projects to build aquatic product processing plants with an annual capacity of 5,000 tons of products or more.
6. Oil exploitation projects; solid mineral exploitation projects with an annual capacity of 500,000 m³ of primary materials (including tailings and minerals) or more; projects to exploit rare earth and radioactive minerals; projects to sort and enrich rare earth and radioactive minerals with an annual capacity of 50,000 tons of products or more; projects to process and refine rare earth, ferrous metals and radioactive minerals using annually 100,000 tons of refined ores or more; projects to exploit water for supply to production, business, service and daily-life activities with a daily capacity of 250,000 m³.
7. Projects to build infrastructure of industrial parks, export-processing zones, hi-tech zones, industrial complexes, tourist service and recreational centers and urban centers with an area of 200 ha or larger; projects to build hospitals with 500 patient beds or more; projects to build ports for ships of 50,000 DWT or larger; projects to build steel refineries with an annual capacity of 200,000 tons of products.
8. Projects to build zones for recycling, treating, burying and destroying hazardous waste collected from production, business and service establishments; projects to build zones for

recycling, treating, burying and destroying ordinary solid waste with a daily capacity of 250 tons or more; projects to build consolidated industrial wastewater treatment systems with a daily capacity of 5,000 m³ or more.

9. Projects on renovation, expansion, upgrading and capacity increase with nature, size and capacity up the level of projects listed from Nos. 1 thru 8 of this Appendix.

10. Projects with one or more items among projects listed from Nos. 1 thru 9 of this Appendix.

11. Other projects specified in Appendix II located in 2 or more provinces and centrally run cities or in a sea area for which the administration responsibility has not been assigned to any provincial-level People's Committee, or projects located in 2 or more countries.-