

GOVERNMENT OF VIETNAM

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

No. 02/2023/ND-CP

Hanoi, February 01, 2023

DECREE

ELABORATING CERTAIN ARTICLES OF THE LAW ON WATER RESOURCES

Pursuant to the Law on Governmental Organization dated June 19, 2015; Law on amendments to the Law on Governmental Organization and the Law on Local Government Organization dated November 22, 2019;

Pursuant to the Law on Water Resources dated June 21, 2012;

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

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

The Government promulgates a Decree elaborating certain Articles of the Law on Water Resources.

Chapter I

GENERAL PROVISIONS

Article 1. Regulated scope and entities

1. This Decree elaborates Clause 4 Article 6; Clause 5 Article 13; Clause 5 Article 29; Clause 4 Article 43; Clause 4 Article 44; Clause 6 Article 52; Point e Clause 1 Article 72; Clause 3 Article 72; Clause 2 Article 73 of the *Law on Water Resources* on community survey on exploitation and use of water resources of representatives of the residential community and publicizing it; carrying out basic survey of water resources; reforesting the lost forest area and contributing funds for forest protection and development; transferring the right to exploit water resources; registering and issuing permits for exploitation and use of water resources; exploring and exploiting underground water; organizing river basin development and coordination and supervision of exploitation, use and protection of water resources, prevention, combat against and overcoming of harmful effects caused by water in river basins.

2. This Decree is applicable to agencies, organizations, residential community, households and individuals carrying out operations related to the contents prescribed in Clause 1 of this Article on the territory of the Socialist Republic of Vietnam.

Article 2. Community survey on exploitation and use of water resources

Survey on exploitation and use of water resources shall be conducted among representatives under the regulations in Article 6 of the Law on Water Resources, including: representatives of the People's Committees of communes, the Vietnam Fatherland Front Committees of communes, the People's Committees of districts, representatives of units managing and operating water exploitation and use works affected by the project's water exploitation and use, and other relevant organizations and individuals

Community survey on exploitation and use of water resources significantly affecting production and life of people living in areas of exploitation shall be carried out as follows:

1. Projects on construction of works for exploitation and use of water resources on which community survey is mandatory include:

- a) Reservoirs and dams, built on rivers and streams, subject to the request for permission;
- b) Works for exploitation and use of surface water other than works stated in point a of this clause with a flow rate of from at least 10 m³ per second;
- c) Works for transferring water between water sources;
- d) Works for exploitation and use of groundwater (including one or more drilled wells, dug wells, dug holes, corridors, roads and caves used for exploitation of groundwater and owned by an organization or individual and the adjacent distance among them is not greater than 1.000 m) with a flow rate of at least 12.000 m³/day and night.

2. Survey time:

- a) During the process of making projects on investment in the works prescribed in Points a, b and c Clause 1 of this Article;
- b) During the process of exploration for works for exploitation and use of groundwater prescribed in Point d Clause 1 of this Article.

3. Information provided to hold a survey includes:

- a) Explanation and basic design of the work construction and investment project (feasibility study report) enclosed with the statement submitted to the agency competent to assess the project;
- b) Plans for construction of works;
- c) Progress of construction of works;
- d) Anticipation of impacts of exploitation and use of water and operation of works on water sources, environment and other subjects exploiting and using water possible to be affected during

the process of construction and operation of works and during the non-operational periods of works;

dd) Measures to protect water resources, ensure water resource for other subjects exploiting and using water possible to be affected during the process of construction and operation of works and during the non-operational periods of works;

e) Information specified in Clause 1 Article 3 of this Decree;

g) Other data and documents related to exploitation and use of water resources.

4. Surveying agencies:

a) The People's Committees of districts where the intra-provincial water sources flow through shall carry out survey on works for exploitation and use of intra-provincial water resources prescribed in Points a and b Clause 1 of this Article;

b) The People's Committees of provinces where the interprovincial water sources flow through shall carry out survey on works for exploitation and use of interprovincial water resources prescribed in Points a and b Clause 1 of this Article;

c) The People's Committees of districts where the intra-provincial water sources are diverted shall carry out survey on works for water diversion from the intra-provincial water resources;

d) The People's Committees of provinces where the interprovincial water sources which are diverted flow through shall carry out survey on works for water diversion from the interprovincial water resources;

dd) The People's Committees of districts where they are intending to set works for exploitation of groundwater shall carry out survey on works for exploitation and use of groundwater prescribed in Point d Clause 1 of this Article.

5. Survey steps:

a) Investors shall send documents and contents prescribed in Clause 3 of this Article to the district-level People's Committees and district-level Divisions of Natural Resources and Environment if surveying agencies are the district-level People's Committees or to the provincial People's Committees and Departments of Natural Resources and Environment if inquiry agencies are the provincial People's Committees;

b) If surveying agencies are the district-level People's Committees, within 30 working days from the date of receiving proposals to carry out survey of investors, the district-level Divisions of Natural Resources and Environment shall assist the district-level People's Committees in organizing working sessions and meetings with relevant agencies, organizations and individuals to comment on scheduled construction works or direct dialogues with investors; and collect

opinions, submit them to the district-level People's Committees and they will transfer them to the investors;

c) If surveying agencies are the provincial People's Committees, within 40 working days from the date of receiving proposals to carry out survey of investors, the Departments of Natural Resources and Environment shall assist the provincial People's Committees in organizing working sessions and meetings with relevant agencies, organizations and individuals to comment on scheduled construction works or direct dialogues with investors; and consolidate opinions, submit them to the provincial People's Committees and they will transfer them to the investors;

d) Apart from information prescribed in Clause 3 of this Article, the investors shall provide additional data, reports and information on their projects if the agencies specified in Clause 4 of this Article make requests and directly report and explain to clarify matters related to their projects at meetings.

6. Investors are responsible for receiving and responding to comments. Comments and explanation documents are included in a project dossier submitted to competent authorities for appraisal and approval and must be attached to the application for granting a water resources licence.

7. The survey or notification before setting up an investment project prescribed in Clause 2 and Clause 3 Article 6 of the Law on Water Resources shall be carried out as follows:

a) For an intra-provincial water diversion project: investor shall send a survey form enclosed with a water diversion scale and plan and related information, data and documents to the People's Committee of the commune and the People's Committee of the district where the water source is located and the Department of Natural Resources and Environment.

Within 40 working days from the date of receiving the proposal to carry out a survey of the investor, the Department of Natural Resources and Environment shall assist the People's Committee of the district and the People's Committee of the commune in organizing working sessions and meetings with relevant agencies and organizations to comment on the proposed water diversion scale and plan or have a direct dialogue with the investor; consolidate suggestions and submit them to the investor.

b) For an intra-provincial water diversion project, a project on investment and construction of lakes and dams on the main stream in an inter-provincial river basin: investor shall send the survey form enclosed with a water diversion scale and plan and a work construction plan as well as relevant information, data and documents to the People's Committees of provinces where the inter-provincial water sources are diverted or the People's Committees of provinces where the main stream flows through, a river basin organization (RBO) (if any) and relevant Departments of Natural Resources and Environment;

Within 07 working days from the date of receiving the proposal to carry out a survey of the investor, the Departments of Natural Resources and Environment shall send the documents to relevant departments and local authorities of provinces;

Within 60 working days from the date of receiving the proposal to carry out a survey of the investor: RBO (if any) shall send a written reply to the investor; the Departments of Natural Resources and Environment shall organize working sessions and meetings with relevant department and local authorities of provinces and relevant organizations and individuals to comment on scheduled construction works or have a direct dialogue with the investor for consolidating comments and submitting them to the People's Committees of provinces and they will submit them to the investor.

c) For a project on investment and construction of lakes and dams on ramifications of an inter-provincial river basin:

Before the project is set up, investor must send notices on the proposed work construction scale and plan to construct works to RBO and the People's Committees of provinces belonging to the river basin.

d) On the basis of the comments, the investor shall complete the work construction plan and submit it to the authority competent to issue the water resources licence for consideration and approval of the work construction scale and plan before setting up the investment project.

8. Survey costs shall be paid by the investor.

Article 3. Publication of information

The publication of information concerning exploitation and use of water resources prescribed in Point b Clause 1 Article 6 of the Law on Water Resources shall comply with the following regulations:

1. Investors of the projects prescribed in Clause 1 Article 2 of this Decree must publicize the following information:

a) For the works for exploitation and use of surface water prescribed in Points a, b and c Clause 1 Article 2 of this Decree: purposes for exploitation and use of water; exploited and used water sources; positions of the works for exploitation and use of water; methods for exploitation and use of water; the amount of water exploited and used; exploitation and use periods; basic characteristics of lakes and dams in case of constructing lakes and dams;

b) For the works for exploitation and use of groundwater prescribed in Points d Clause 1 Article 2 of this Decree: purposes for exploitation and use of water; positions of the works for exploitation and use of water; aquifers, depths; total number of wells; total amount of water exploited and used; modes of exploitation; exploitation and use periods.

2. The information shall be publicized under the following forms:

a) Information on mass media of the People's Committees of districts and web portals of the People's Committees of provinces prescribed in Clause 3 Article 2 of this Decree;

b) During 30 working days before beginning construction and during the process of construction of works, investors must publicly post the information prescribed in Clause 1 of this Article in the People's Committees of districts, the People's Committees of communes and the positions where the works are constructed.

Article 4. National Water Resources Council

1. A National Water Resources Council (NWRC) is established to advise the Government and the Prime Minister of Vietnam on important decisions on water resources under their tasks and entitlements.

2. NWRC is chaired by a Deputy Prime Minister; the Minister of Natural Resources and Environment is act as the Vice Chairperson of NWRC; Council members are leading representatives of relevant ministries, central authorities, agencies and organizations, and the Ministry of Natural Resources and Environment is approved as a standing body of NWRC by the Chairperson of NWRC.

3. Supporting NWRC, there is the Office of NWRC located in the Ministry of Natural Resources and Environment. Organizations and operations of the office of NWRC are stipulated by the Chairperson of NWRC.

4. The Prime Minister prescribes tasks and entitlements of NWRC.

Article 5. River basin organizations (RBOs)

1. Organizations and operations of RBOs are under the regulations of interdisciplinary organizations.

RBOs are responsible for formulating proposals to regulate and distribute water sources, monitor exploitation, use and protection of water resources, prevent, combat and overcome harmful effects caused by water in one or several inter-provincial river basins and submitting them to competent authorities.

2. The Prime Minister of Vietnam shall decide the establishment of Hong - Thai Binh RBO and Mekong RBO, at the request of the Minister of Natural Resources and Environment.

3. The Minister of Natural Resources and Environment shall establish RBOs of inter-provincial river basins other than the cases prescribed in Clause 2 of this Article, at the request of the Head of the water resources authority.

Chapter II

BASIC SURVEY ON WATER RESOURCES

Article 6. Responsibilities for carrying out survey on and assessment of water resources

Responsibilities for carrying out contents of survey on and assessment of water resources prescribed in Clause 2 Article 12 of the Law on Water Resources include:

1. The Ministry of Natural Resources and Environment shall carry out survey on and assessment of water resources in terms of inter-country water sources and inter-provincial water sources; consolidate results of the survey on and assessment of water resources in inter-provincial river basins and nationwide.
2. The Provincial People's Committees shall organize surveys on and assessment of water resources in terms of intra-provincial water sources and inter-provincial water sources in areas where surveys on and assessment of water resources have not been carried out; consolidate results of the water resources survey and assessment in intra-provincial river basins as well as in such areas and submit the results to the Ministry of Natural Resources and Environment for consolidation.

Article 7. Water resources inventory

1. The water resources inventory shall be uniformly taken nationwide, every 5 years, in line with the national socio-economic development plan periods.
2. Responsibilities for making water resources inventories:
 - a) The Ministry of Natural Resources and Environment shall take charge and cooperate with relevant ministries and ministerial agencies in developing water resources inventory schemes and plans nationwide, submitting them to the Prime Minister for approval; organizing water resources inventories for inter-country water sources and inter-provincial water sources; consolidating and publicizing the results of inventories in inter-provincial river basins and nationwide;
 - b) The Provincial People's Committees shall carry out water resources inventories for intra-provincial water sources; consolidating results of inventories of intra-provincial river basins as well as other water sources in their provinces and submit them to the Ministry of Natural Resources and Environment for consolidation;
 - c) Ministries, ministerial agencies, within their competence in tasks and entitlements, are responsible for cooperating with the Ministry of Natural Resources and Environment and the Provincial People's Committees in carrying out water resources inventories.
3. The Ministry of Natural Resources and Environment shall instruct inventory contents and forms and report results of water resources inventories.

Article 8. Surveys on the status of exploiting and using water resources and discharging wastewater into water sources

1. Responsibilities for surveying the status of exploiting and using water resources and discharging wastewater into water sources:

a) Ministry of Industry and Trade, Ministry of Agriculture and Rural Development, Ministry of Construction, Ministry of Transport, Ministry of Culture, Sports and Tourism and relevant ministries and ministerial agencies, within their competence in tasks and entitlements, shall organize surveys and make reports on the water use status of sectors and fields then submit them to the Ministry of Natural Resources and Environment for consolidation;

b) The Ministry of Natural Resources and Environment shall organize surveys on the status of exploiting water resources and discharging wastewater into water resources for inter-provincial water sources and inter-country water sources; consolidate results of surveys on the status of exploiting and using water resources and discharging wastewater into water sources in inter-provincial river basins and nationwide;

c) The Provincial People's Committees, within their competence in tasks and entitlements, are responsible for surveying the status of exploiting and using water resources and discharging wastewater into water sources for intra-provincial water sources and those in their areas; consolidate results of surveys on the status of exploiting and using water resources and discharging wastewater into water sources in intra-provincial river basins and in their areas and submit them to the Ministry of Natural Resources and Environment for consolidation.

2. The Ministry of Natural Resources and Environment shall provide for survey contents and forms, report contents and procedures for carrying out surveys on the status of exploiting and using water resources and discharging wastewater into water sources.

Article 9. Water resources monitoring

1. A network of water resources monitoring stations includes:

a) A central network of monitoring stations includes rainfall monitoring stations; flow rate monitoring stations, water level and water quality monitoring stations of inter-country and inter-provincial surface water sources and of important intra-provincial water sources, coastal sea water; water level monitoring stations and water quality monitoring stations of inter-provincial or high potential aquifers;

b) A local network of monitoring stations includes rainfall monitoring stations; flow rate monitoring stations, water level and water quality monitoring stations of surface water and groundwater sources in local areas and must be connected with the central network of monitoring stations.

2. The Ministry of Natural Resources and Environment shall take charge and cooperate with the Provincial People's Committees in doing planning of networks of water resources monitoring stations nationwide and submitting it to the Prime Minister for approval;

3. Based on the planning of networks of water resources monitoring stations, the Ministry of Natural Resources and Environment shall organize formulation, management and implementation of water resources monitoring for the central network of monitoring stations; the Department of Natural Resources and Environment shall organize development, management

and implementation of the water resources monitoring for the local network of water resources monitoring stations.

4. The Ministry of Natural Resources and Environment shall provide water resources monitoring contents and regulations prescribed in this Article.

Article 10. Development and maintenance of systems of warning and forecasting floods, droughts, saltwater intrusion, sea level rise and other harmful effects caused by water

1. A system of warning and forecasting floods, droughts, saltwater intrusion, sea level rise and other harmful effects caused by water shall be developed in each river basin and must be integrated into a uniform system in the system of water resources information and database.

2. The Ministry of Natural Resources and Environment shall:

a) Develop and maintain systems of warning and forecasting floods, droughts, saltwater intrusion, sea level rise and other harmful effects caused by water nationwide;

b) Issue warnings and forecasts, provide and ensure information and data serving prevention and combat of floods, droughts, saltwater intrusion, sea level rise and other harmful effects caused by water according to the regulations of laws on water resources and laws on prevention and combat of floods, storms as well as prevention and mitigation of natural disasters.

3. Ministries, ministerial agencies, the Provincial People's Committees, based on the request for prevention and combat of floods, droughts, saltwater intrusion, sea level rise and other harmful effects caused by water, shall develop warning and forecasting systems serving operations of ministries, central and local authorities.

Article 11. Water resources information and database systems

1. Water resources information and database systems include:

a) National water resources information and database system;

b) Local water resources information and database system.

2. Responsibilities of ministries, ministerial agencies and the Provincial People's Committees:

a) The Ministry of Natural Resources and Environment shall provide for data sets and data standards; organize construction and management of the national water resources information and database system and exploitation as well as sharing of information and database of water resources;

b) The Ministry of Agriculture and Rural Development, the Ministry of Industry and Trade, the Ministry of Construction and relevant ministries and ministerial agencies, within their competence in tasks and entitlements, shall organize construction, management, exploitation of

their databases of water use and integrate them into the national water resources information and database system;

c) The Provincial People's Committees shall organize construction, management and exploitation of the local water resources information and database system and integrate them into the national water resources information and database system.

Article 12. Reports on the use of water resources

1. Annually, the Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development, the Ministry of Construction and relevant ministries and ministerial agencies, and the Provincial People's Committees, within their competence in tasks and entitlements, shall make reports on their water use status and then submit them to the Ministry of Natural Resources and Environment before January 30 of the following year for consolidation and monitoring.

2. The Ministry of Natural Resources and Environment shall provide for contents and forms of the reports on the use of water resources.

Chapter III

PROTECTION, EXPLOITATION AND USE OF WATER RESOURCES

Article 13. Reforesting destroyed forested areas and contributing funds to protect and develop forests

1. The Ministry of Agriculture and Rural Development shall prescribe the reforestation of the destroyed forested areas.

2. The mandatory financial contributions to the protection of forests in reservoir basins and the participation in protecting and developing watersheds shall be established according to the regulations of forestry laws.

Article 14. Groundwater exploration

1. Before constructing works for exploitation of groundwater or increasing the flow rate by more than 25% of that prescribed in the granted permits for exploitation and use of groundwater with more drilled exploitation wells, investors must carry out the exploration for evaluating reserves, exploitation capacity or groundwater for which exploration permits must be included, except for exploitation and use of groundwater for which exploration permits are not required.

2. Organizations and individuals constructing works for groundwater exploration must fully satisfy requirements for groundwater drilling practicing according to regulations and must be granted certificates for groundwater drilling practicing by competent authorities.

3. During the exploration period, organizations and individuals constructing works for groundwater exploration are responsible for:

- a) Implementing measures for assurance about the safety of explorers and exploitation works;
- b) Ensuring the prevention and combat of land subsidence, saltwater intrusion, and pollution of aquifers;
- c) Filling damaged or unused wells after the end of exploration;
- d) Implementing measures for protection of groundwater as well as environment.

4. Investors shall:

Cooperate with organizations and individuals constructing works for groundwater exploration in inspecting and supervising the implementation of regulations in Clause 3 of this Article. If any violation is detected, the exploration must be stopped.

- b) If any incident occurs, it must be promptly remedied; if it causes damage, compensations must be paid according to regulations of law;
- c) Submit reports on exploration results to agencies receiving and processing documents prescribed in Article 29 hereof.

Article 15. Water resources licences

1. Water resources licences include: groundwater exploration licence; licence for surface water exploitation and use; licence for groundwater exploitation and use; licence for sea water exploitation and use.

2. Each water resources licence has the following contents:

- a) Name and address of organization/individual granted the licence;
- b) Name and address of the work for water exploration and exploitation;
- c) The explored and exploited water source;
- d) Scale, capacity, flow rates, key parameters of the work for water exploration and exploitation; the use purpose for the license for water exploitation and use;
- dd) Regimes and methods for water exploitation and use;
- e) The licence validity period;
- g) Specific requirements for each case of water resources exploration, exploitation and use prescribed by the licence issuer in order to protect water sources, ensure legal rights and interests of other relevant organizations and individuals;

h) Rights and obligation of the licence-holder.

Article 16. Cases of water resources exploitation and use for which registration and licensing are not required

1. Cases of water resources exploitation and use prescribed in Points a, c, d and dd Clause 1 Article 44 of the Law on Water Resources and not included in Clause 2 Article 44 of the Law on Water Resources.

2. Works for water resources exploitation and use with a small scale for production and trading prescribed in Point b Clause 1 Article 44 of the Law on Water Resources, including:

a) Groundwater exploitation for production and trading with a scale not exceeding 10 m³/day and night not prescribed in Clause 2 Article 44 of the Law on Water Resources;

b) Surface water exploitation for non-agricultural trading and production with a scale not exceeding 100 m³/day and night;

c) Irrigation reservoirs and dams with total capacity of less than 0,01 million m³ or other works for surface water exploitation for agricultural production and aquaculture with a flow rate not exceeding 0,1 m³/second;

If an irrigation reservoir or dam with total capacity of less than 0,01 million m³ has a flow rate serving agricultural production and aquaculture exceeding 0,1 m³/second or those with other exploitation and use purposes has a flow rate exceeding the values prescribed in Point b and dd of this Clause, registration or licensing shall be mandatory according to the regulations in Article 17 hereof.

d) Surface water exploitation and use for power generation with an installed capacity not exceeding 50 kW;

dd) Sea water exploitation and use for onshore operation with a flow rate not exceeding 10.000 m³/night; sea water exploitation and use for operations at sea.

Article 17. Works for water resources exploitation and use for which registration and licensing are required

1. Works for water resources exploitation and use for which registration is required include:

a) Irrigation reservoirs and dams with total capacity of from 0,01 million m³ to 0,2 million m³ or other works for surface water exploitation and use for the purpose of agricultural production and aquaculture (excluding other purposes with a scale subject to licensing) with a flow rate of from greater than 0,1 m³/second to 0,5 m³/second;

If an irrigation reservoir or dam with total capacity of from 0,01 million m³ to 0,2 million m³ with purposes and a scale subject to licensing, the licensing must be made according to the regulations hereof.

- b) Works for sea water exploitation and use for onshore production and trading including aquaculture and trading thereof with a scale of from more than 10.000 m³/day and night to 100.000 m³/day and night;
- c) Works for groundwater exploitation and use prescribed in Point a Clause 2 Article 16 hereof and those prescribed in Point a Point d Clause 1 Article 44 of the Law on Water Resources, specified in the list of areas restricted groundwater exploitation published by the Provincial People's Committees;
- d) Works for use of self-supply groundwater in mining pits for sifting ores without lowering the groundwater level or pumping water to drain the self-supply water in the mining pits.

2. Works for water resources exploitation and use for which licensing is required, including:

- a) Works for water resources exploitation and use apart from works prescribed in Article 16 and Clause 1 of this Article;
- b) Works prescribed in Point a of this Clause that directly exploit and use surface water from irrigation and hydroelectricity reservoirs and dams, systems of irrigation and hydroelectricity canals for non-agricultural trading and production (including exploitation of water for cooling of machines and equipment, steam generation and heating) that organizations and individuals managing and operating such hydroelectricity and irrigation reservoirs and dams and systems of irrigation and hydroelectricity canals have not been licensed to exploit and use surface water for the above purposes.

Article 18. Principles of licence issuance

1. Compliance with regulations on authority, subjects and procedures as prescribed by law.
2. Protection of state interests, legal rights and benefits of relevant organizations and individuals; protect water resources and environment as prescribed by law.
3. Prioritized licensing for exploration, exploitation and use of water resources for domestic use.
4. No depletion or pollution of water sources when conducting exploration, exploitation and use of water resources.
5. Compliance to the approved relevant water resources planning, provincial planning as well as specialized planning and regulations on restricted groundwater exploitation areas.

Article 19. Bases for licence issuance

1. The water resources licence issuance must be based on:

- a) Socio-economic development strategies and planning for of nations, sectors and areas;
- b) Relevant water resources planning, provincial planning, regulations on restricted groundwater exploitation areas and specialized planning approved by competent authorities; in case such planning and regulations are not issued, it must be based on water source capacity and make sure the water source is not depleted or polluted;
- c) The status of exploitation and use of water in areas
- d) Assessment reports of competent regulatory agencies on applications for issuance of licences for water resources exploration, exploitation and use;
- dd) Demands for water exploitation and use specified in application forms.

2. In case of issuance of licences for groundwater exploration, exploitation and us, apart from bases prescribed in Clause 1 of this Article, it must also be based on the regulations in Clause 4 Clause 5 Article 52 of the Law on Water Resources.

Article 20. Requirements for licence issuance

1. Organizations and individuals granted water resources licences must satisfy the following requirement:

- a) Have completed the notification and community survey of representatives of the residential community and relevant organizations and individuals as prescribed in this Decree.
- b) Have schemes and reports applicable to the approved relevant water resources planning, provincial planning, regulations on restricted groundwater exploitation areas and specialized planning or suitable for water source capacity in case such planning and regulations are not issued. The schemes and reports must be made by qualified organizations and individuals as prescribed; information and data used for making schemes and reports must be sufficient, obvious, accurate and reliable.

Work design plans or works for water resources exploitation must be suitable for exploitation scales and subjects and satisfy requirements for protection of water resources and environment.

c) Works for surface water exploitation and use with lakes and dams constructed on rivers or streams must meet the requirements prescribed in Point b Clause 2 Article 53 of the Law on Water Resources, requirements prescribed in Points a and b of this Clause and the following requirements:

- Have plans for arranging equipment and human resources to operate reservoirs, monitor and supervise the exploitation and use of water; plans for meteorological and hydrological

monitoring, provision of forecasts about the amount of water inflow serving the reservoir operation according to regulations for cases where works are not constructed;

- Have the reservoir operation process; have equipment, human resources or contracts to hire qualified organizations and individuals to perform reservoir operation, monitoring and supervision of the exploitation and use of water; meteorological and hydrological monitoring and provision of forecasts about the amount of water inflow serving the reservoir operation according to regulations for cases where works have been constructed.

2. If an entity explores, exploits or use water without any water resources licence, a competent authority shall consider deciding issuance of water exploitation and use licence when the following requirements for licence issuance are met as prescribed in Clause 1 of this Article.

The handling of violations caused by water exploration, exploitation and use without a water resource licence shall comply with regulations of laws on administrative penalties for violations against regulations on water resources.

Article 21. Licence validity period

1. The validity period of water resources licences shall be as follows:

a) The validity period of licences for exploitation and use of surface water and sea water reaches a maximum of 15 years and a minimum of 05 years and is considered to be renewed for many times. The minimum renewal period shall be 03 years and the maximum one shall be 10 years per time;

b) The validity period of licences for exploitation and use of groundwater is 02 years and is considered to be renewed for only one time; the renewal period shall not exceed 01 year;

c) The validity period of licences for exploitation and use of groundwater reaches a maximum of 10 years and a minimum of 03 years and is considered to be renewed for many times. The minimum renewal period shall be 02 years per time and the maximum one shall be 05 years.

In case an organization or individual requests licence issuance or renewal with a validity period of less than the minimum period prescribed in this Clause, the licence shall be granted or renewed according to the validity period specified in the request form.

2. Based on the conditions of each water source, level of detail (LOD) of information, survey data and assessment of water resources and application for licence issuance or renewal of the organization/individual, the licence issuer shall decide the specific validity period of each licence.

3. If the application for licence issuance of the organization/individual is submitted before the date on which the licence granted previously becomes invalid, the effective date specified in the licence shall be determined as the following date of expiry date of the licence granted previously.

Article 22. Licence renewal

1. The renewal of a licence for water resources exploration, exploitation and use shall be based on the regulations in Articles 18, 19 and 20 of this Decree and the following requirements:

- a) The licence is still valid and application for licence renewal is submitted before the date on which the licence comes invalid for at least 90 days;
- b) Until the date of renewal as requested, organizations and individuals granted licences have fulfilled adequate obligations related to their granted licences as prescribed by laws and have not cause any dispute;
- c) At the date a request for renewal of licences, plans for exploitation and use of water resources of organizations and individuals must be applicable to water resources planning, provincial planning and satisfaction capacity of water sources.

2. For cases other than the regulations in Point a Clause 1 of this Article, organizations and individuals exploring, exploiting and using water resources must make applications for issuance of new licences.

Article 23. Modification of licences

1. Modification of groundwater exploration licences:

- a) Ground conditions ineligible for construction of some approved exploration works;
- b) Increase in the flow rate of exploited water of not exceeding 25% of that specified in the granted licence or the modification of aquifers;
- c) Volume of exploration drilling exceeding 10% of the approved volume.

2. A licence for exploitation and use of water resources shall be modified in the following cases:

- a) The provision of water sources is not ensured in an usual manner;
- b) Demands for exploitation and use of water increases but there are no measures for handling and replenishment of water sources;
- c) In case of emergency, the exploitation and use of water must be limited;
- d) Addition of wells or adjustment of flow rates of water exploited between wells leads to an increase in the flow rate of the work of not exceeding 25% of the flow prescribed in the granted licence.

In case of modification of a licence for exploitation and use of groundwater including replenishment of wells, there must have well design and construction plans, anticipate impacts of

the exploitation and use of water on water sources and on other water exploiters and users and be approved in writing before construction by competent authorities prescribed in Article 29 hereof. Within 30 days after completing the construction of wells, a construction project owner must submit an application for modification of his/her licence as prescribed;

If a new similar well is drilled to replace the old one that has been destroyed or degraded or cleared away with the unchanged exploitation parameters, the application for licence modification shall not be required but the alternative well drilling plan must be considered and approved by the assessment agencies prescribed in Article 29 of this Decree and there must be a written certification issued after completing the drilling of replacement. The written certification is an integral part of the granted licence for exploitation and use of groundwater. The number of replacing wells must not exceed 50% of the number of the existing wells prescribed in the granted licence. The distance between the replacement well compared to the existing well must not exceed 1,5 the depth of the aquifer of such well; in case of exceeding, a licence modification must be carried out.

dd) There is a change in the purpose of exploitation and use of water as prescribed in the licence granted previously;

e) There is a change in exploitation regulations of works;

g) The licensee requests a modification of the contents of his/her licence apart from the regulations in Clause 3 of this Article.

3. Contents specified in a licence shall not be modified:

a) Water sources and aquifers;

b) The amount of water exploited and used exceeding 25% of the amount prescribed in the granted licence.

If any content specified in this Clause needs to be modified, the licensee must make an application for issuance of a new licence.

4. If the licensee proposes a modification of his/her licence, an application for modification of the licence must be made according to the regulations of this Decree; if the issuing agency approves the modification, a notification must be sent to the licensee before at least 90 days. The validity period of the modified licence shall be the remaining period of the licence granted previously.

In addition to modifying the licence, if the licensee also needs to reissue the licence for exploitation and use of water at the construction site, the proposal for reissuance must be clarified in the application for modification of the licence. The reissuance must be considered simultaneously in the process of modification of the licence as prescribed in this Decree.

Article 24. Licence suspension

1. A licence shall be suspended when the licensee commits one of the following violations:

a) Violate the contents specified in the licence, thereby causing serious pollution and depletion of water sources;

b) Exploit groundwater, thereby causing serious ground subsidence, deformation of works, saltwater intrusion, depletion and pollution of water sources;

c) Operate reservoirs and dams, thereby causing floods, artificial inundation, seriously affecting production and daily life of people in the upstream and downstream of reservoirs and dams;

d) Transfer the right to exploit water resources without approval of the competent issuing agency.

d) Do not fulfill the financial obligation as prescribed;

e) Exploit the licence to organize activities violating regulations of law.

2. Time limit for licence suspension:

a) Do not exceed 03 months for licences for groundwater exploration;

b) Do not exceed 12 months for licences for water resources exploitation and use.

3. During the suspension period of a licence, the licensee shall not have any right related to the licence and must have measures to resolve the effects and compensate for losses (if any) as prescribed by law.

4. When the suspension period ends but the issuing agency does not issue any other decisions, the licensee shall be able to continue to perform his/her rights and obligation.

Article 25. Revocation of licenses

1. A licence shall be revoked in one of the following cases:

a) The licensee is detected of having forged documents, dishonestly declaring the contents specified in the application for licence issuance or modification, thereby causing discrepancies in the contents of the licence;

b) Organization that is the licensee is dissolved or declared bankrupt; individual that is the licensee die, is declared dead, loses his/her civil act capacity or is declared missing c) The licensee violates the decision on suspension of the licence, repeats or violates the regulations in the licence for multiple times;

d) The license is issued by the wrong person;

dd) A competent regulatory agency decides to revoke the licence for the national defense and security reasons or for the national and community interests.

2. If a licence is revoked according to the regulations in Point a and Point c Clause 1 of this Article, the licensee shall be considered to be granted a new licence after 03 years from the date on which the current licence is revoked after completing obligation related to the revocation of the current licence.

3. If a licence is revoked according to the regulations in Point d Clause 1 of this Article, the competent issuing agency shall consider issuing a new licence.

4. If a licence is revoked according to the regulations in Point dd Clause 1 of this Article, the State shall compensate for losses and refund the fee for grant of the right to exploit water resources as prescribed by law.

Article 26. Return of licences and termination of licences

1. A water resources licence which has been granted but the licensee does not use it or has no demands for continuing using it, the licensee may return it to the issuing agency and clarify the reasons.

2. A water resources licence which has been granted but the scale of construction site changes leading a change in the competence in licence issuance, the licence shall return the granted licence to the competent agency after a new licence is granted.

3. A licence shall be terminated in one of the following cases:

- a) The licence is revoked;
- b) The licence has become invalid;
- c) The licence has been returned.

4. When a licence is terminated, the relevant rights of the licence shall be terminated as well.

Article 27. Reissuance of licences

1. A licence shall be reissued in one of the following cases:

- a) The licence is lost and damaged;
- b) Name of the licensee is changed due to the changes in name, transfer, merger, full division, partial division, restructuring without any change in the other contents of the licence.

2. The period specified in the reissued licence shall be the remaining period of the licence granted previously.

Article 28. Competence to issue, renew, modify, suspend, revoke and reissue water resources licences

1. The Ministry of Natural Resource and Environment shall issue, renew, modify, suspend, revoke and reissue water resources licences in the following cases:

- a) National essential construction works for water resources exploitation and use within the domain of the Prime Minister;
- b) Works for groundwater exploration with a flow rate of from at least 3.000 m³/day and night;
- c) Works for groundwater exploitation with a flow rate of from at least 3.000 m³/day and night;
- d) Irrigation reservoirs and dams for exploitation and use of surface water serving agricultural production and aquaculture with a flow rate of from at least 2 m³/second and the total capacity of from at least 03 million m³; other works for water exploitation and use serving agricultural production and aquaculture with a flow rate of from at least 5 m³/second;
- dd) Irrigation reservoirs and dams apart from the works specified in Point d of this Clause with the total capacity of from at least 20 million m³;
- e) Works for surface water exploitation and use serving power generation with an installed capacity of from at least 2.000 kW;
- g) Works for surface water exploitation and use serving other purposes with a flow rate of from at least 50.000 m³/day and night;
- h) Sea water exploitation and use serving onshore production including aquaculture as well as trading with a flow rate of from at least 1.000.000 m³/day and night;

2. The Provincial People's Committees shall issue, renew, modify, suspend, revoke and reissue licences for cases other than those prescribed in Points a, c, d, dd, e and g Clause 1 of this Article.

3. The Department of Natural Resources and Environment shall issue, renew, modify, suspend, revoke and reissue licences for cases other than those prescribed in Points b and h Clause 1 of this Article.

Article 29. Agencies receiving and managing applications and licences

Agencies receiving and managing applications and licences (hereinafter collectively referred to as "receiving agencies") include:

1. The Division of Receiving and Returning Results of administrative documents of the Ministry of Natural Resources and Environment is responsible for receiving and returning results of administrative documents within the domain of the Ministry of Natural Resources and

Environment; the Department of Water Resources Management of the Ministry of Natural Resources and Environment is responsible for processing and managing applications and licences within the domain of the Ministry of Natural Resources and Environment.

2. The Department of Natural Resources and Environment is responsible for receiving, processing and managing applications and licences within its domain and the domain of the Provincial People's Committee; In case a province has established a One-stop Division or Center for Public Administration, it shall receive and return results under the decision of the Provincial People's Committee.

Article 30. Applications for issuance, renewal and modification of groundwater exploration licences

1. An application for issuance of a groundwater exploration licence includes:

a) An application form for licence issuance;

b) A scheme for groundwater exploration for works with a scale of from at least 200 m³/day and night; an exploratory well design for works with a scale of less than 200 m³/day and night.

2. An application for renewal and modification of a groundwater exploration licence includes:

a) An application form for renewal or modification of the licence;

b) A report on the status of compliance with regulations in the licence;

3. The application form, scheme contents and report shall be made using Form No. 01, Form No. 02, Form No. 21, Form No. 22 and Form No. 23 specified in the Appendix enclosed herewith.

Article 31. Applications for issuance, renewal and modification of groundwater exploitation and use licences

1. An application for issuance of a groundwater exploitation and use licence includes:

a) An application form for licence issuance;

b) A map showing the area and location where the work for groundwater exploitation is built;

c) An report on groundwater exploration result enclosed exploitation plans for works with a scale of from at least 200 m³/day and night or a well construction report for exploitation works with a flow rate of less than 200 m³/day and night in case exploration works are not built; a report on the current exploitation status of groundwater exploitation works currently in operation;

d) Results for analyzing the quality of water sources published within 06 months up to the date of submitting the application.

2. An application for renewal or modification of a groundwater exploitation and use licence includes:

- a) An application form for renewal or modification of the licence;
- b) A report on the current water exploitation and use status and the licence compliance; In case the licence modification affects the scale of construction site, the number of wells used for exploitation and the water level, a plan for water exploitation must be clarified;
- c) Results for analyzing the quality of water sources published within the last 06 months before the application is submitted;
- d) A map showing the location of the work for groundwater exploitation in case of modifying the licence.

3. The application form and report shall be made using Form No. 03, Form No. 04, Form No. 24, Form No. 26 and Form No. 27 specified in the Appendix enclosed herewith.

Article 32. Applications for issuance, renewal and modification of licences for exploitation and use of surface water and sea water

1. An application for issuance of a surface water or sea water groundwater exploitation and use licence includes:

- a) An application form for licence issuance;
- b) A water exploitation and use scheme in case exploration works are not built; a report on the current water exploitation and use status enclosed with an operation process in case exploration works have been built (the operation process is mandatory in this case);
- c) Results for analyzing the quality of water sources published within 03 months up to the date of submitting the application (except for works for exploitation and use of water for hydroelectricity);
- d) A map showing the location of the work for water exploitation.

In case the work for surface water or sea water exploitation has not been built, the application for issuance of the licence must be submitted in the preparation period for investment.

2. An application for renewal or modification of a surface water or sea water exploitation and use licence includes:

- a) An application form for renewal or modification of the licence;

b) A report on the current water exploitation and use status and the licence compliance; In case there is a modification in the scale, water exploitation and use mode or regime or operation process of a work, a scheme for water exploitation must be enclosed;

c) Results for analyzing the quality of water sources published within 03 months up to the date of submitting the application (except for works for exploitation and use of water for hydroelectricity);

3. The application form, scheme and report shall be made using Form No. 05, Form No. 06, Form No. 07, Form No. 08, Form No. 28, Form No. 29, Form No. 30, Form No. 31, Form No. 32, Form No. 33 and Form No. 34 specified in the Appendix enclosed herewith.

Article 33. Applications for reissuance of water resources licences

1. An application form for licence reissuance.

2. Documents proving the reasons for reissuance of a licence (in case of renaming, transfer, merger, full division, partial division or restructuring),

In case of applying for licence reissuance due to a transfer of the work, the application must include documents proving the transfer and the complete fulfillment of financial obligation related to the water exploitation and use and other relevant documents.

3. The application form for a reissuance of the water resources licence shall be made using the Form No. 09 specified in the Appendix enclosed herewith.

Article 34. Applications for return of water resources licences

1. An application form for a licence return.

2. Documents proving the complete fulfillment of financial obligation and the full payment of the fee for the right to exploit water resources (if any).

3. The application form for return of the water resources licence shall be made using the Form No. 10 specified in the Appendix enclosed herewith.

Article 35. Procedures for issuance of licences for exploration, exploitation and use of water resources

1. Receiving and examining an application:

a) Each organization or individual applying for issuance of a licence shall submit 01 application in person or by post or via the online public service portal and pay fees for processing the application as prescribed;

b) Within 03 working days after receiving the application, the receiving agency shall consider and examine the application. In case of lawlessness, the receiving agency shall notify the organization or individual applying for the licence issuance of supplementation and completion of the application as prescribed.

In case the supplemented application still fails to satisfy the requirements for licence issuance as prescribed, the receiving agency shall return the application and clarify the reasons to the organization or individual applying for the licence issuance.

2. Appraising the scheme and report for exploration, exploitation and use of water resources specified in the application for the licence issuance (hereinafter collectively referred to as "scheme and report"):

a) Within 30 working days after fully receiving a valid application as prescribed in Clause 1 of this Article, the receiving agency shall appraise its scheme and report; if necessary, a physical inspection may be carried out and an appraisal council may be established for appraising the scheme and report. In case the requirements for a licence issuance are fully satisfied, the receiving agency shall appeal to the competent authority to issue a licence; on the contrary, the application shall be returned to the organization or individual applying for the licence issuance and clarify the reasons for the return;

b) In need of a supplementation or a modification for completion of the scheme and report, the receiving agency shall send a notification to the organization or individual applying for the licence issuance and clarify contents needed to be supplemented to complete the scheme and report. The period for supplementation and completion of the scheme and report shall not be included in the period for appraising the scheme and report. The appraisal period shall be 18 working days after the scheme or report is supplemented and completed;

b) In case the scheme or report must be remade, the receiving agency shall submit a written notification to the organization or individual applying for the licence issuance and clarify contents which fail to satisfy the requirements for issuance and must be remade and return the application for licence issuance.

3. Returning results of processing the application for the licence issuance

Within 03 working days after receiving the licence from the competent authority, the receiving agency shall notify the organization or individual applying for the licence issuance of receiving the licence.

Article 36. Procedures for renewal, modification and reissuance of licences for exploration, exploitation and use of water resources

1. Receiving and examining an application:

a) Each organization or individual applying for renewal, modification or reissuance of a licence hereinafter referred to as "organization or individual") shall submit 01 application in person or

by post or via the online public service portal and pay fees for processing the application as prescribed by law to the receiving agency;

b) Within 03 working days after receiving the application, the receiving agency shall consider and examining the application. In case of lawlessness, the receiving agency shall notify the organization or individual of completing the application as prescribed.

In case the completed application still fails to satisfy the requirements for licence issuance as prescribed, the receiving agency shall return the application to the organization or individual and clarify the reasons for that.

2. Appraising its scheme and report in case of the licence renewal or modification:

a) Within 25 working days after fully receiving a valid application as prescribed in Clause 1 of this Article, the receiving agency shall appraise the scheme and report; if necessary, a physical inspection may be carried out and an appraisal council may be established for appraising the scheme and report. In case the requirements for the licence renewal or modification are fully satisfied, the receiving agency shall appeal to the competent authority to issue a licence. In case the requirements for the licence renewal or modification are not fully satisfied, the receiving agency shall return the application to the organization or individual and clarify the reasons for the return;

b) In case the scheme or report needs to be supplemented, the receiving agency shall send a written notification to the organization or individual and clarify the necessary supplementation. The period for supplementation and completion of the scheme and report shall not be incorporated in the period for appraising the scheme and report. The appraisal period shall be 18 working days after the scheme or report is supplemented and completed;

c) In case the scheme or report must be remade, the receiving agency shall submit a written notification to the organization or individual and clarify the unsatisfactory contents and return the application.

3. Processing the application for reissuance of the licence:

Within 10 working days after fully receiving a valid application as prescribed in Clause 1 of this Article, the receiving agency shall process the application; if the requirements for reissuance of the licence are fully satisfied, the receiving agency shall appeal to the competent authority to reissue the licence. On the contrary, the receiving agency shall return the application to the organization or individual and clarify the reasons for the return.

4. Returning results of processing the application for licence issuance:

Within 03 working days after receiving the licence from the competent authority, the receiving agency shall notify the organization or individual of receiving the licence.

Article 37. Procedures for returning water resources licences

A licensee shall submit 01 application for returning his/her licence to the issuing agency where the licence has been issued previously in person or by post or via the online public service portal; Within 10 working days after fully receiving a valid application as prescribed in Article 34 of this Decree, the receiving agency shall consider, examine and submit the application to the competent authority for signing a Decision on approval for the application for returning the water resources licence.

Article 38. Procedures for registration of groundwater exploitation

1. Authority that confirms registration of a groundwater exploitation (hereinafter referred to as "confirming authority") shall be the district-level People's Committee for the cases prescribed in Point c Clause 1 of Article 17; and shall be the Department of Natural Resources and Environment for the cases prescribed in Point d Clause 1 Article 17 of this Decree.

2. Registration procedures for the work prescribed in Point c Clause 1 Article 17 of this Decree:

a) Based on the List of restricted groundwater exploitation areas approved by the Provincial People's Committee, the Commune-level People's Committee shall review and make a list of organizations and individuals owning groundwater exploitation works subject to registration in the commune; notify and send 02 declaration forms for the registration using the Form No. 35 specified in the Appendix enclosed herewith to each organization or individual for declaration;

If the groundwater exploitation work has not been built, an exploitation registration shall be required before beginning construction of such work.

b) Within 10 working days after receiving the two declaration forms, the organization or individual shall fill in such forms and submit them to a confirming authority or to the Commune-level People's Committee. The Commune-level People's Committee shall submit such declaration forms to a registering agency;

c) Within 10 working days after receiving such declaration forms of the organization or individual, the confirming authority shall check information of the declaration forms, provide a confirmation in the forms and send 01 of them to the organization or individual.

3. Registration procedures for the work prescribed in Point d Clause 1 Article 17 of this Decree:

a) Organization or individual who uses self-supply groundwater in mining pits for sifting ores without lowering the groundwater level or pumping water to drain the self-supply water in the mining pits shall fill in the 02 declaration forms using Form No. 36 specified in the Appendix enclosed herewith and submit them to the Department of Natural Resources and Environment where the work is constructed;

b) Within 15 working days after receiving such declaration forms of the organization or individual, the confirming authority shall check information of the declaration forms, provide a confirmation in the forms and send 01 of them to the organization or individual.

4. In case the organization or individual has been registered for groundwater exploitation, if he/she does not continue to exploit or use, he/she must send a notification of it and return the declaration forms (which have been confirmed) to the confirming authority or the Commune-level People's Committee that notifies the registering agency and then fills unused wells according to regulations.

5. The confirming authority shall keep a log of data on registration of groundwater exploitation in its area; report results of registration to the Department of Natural Resources and Environment before December 15 every year (if the registering agency is the District-level People's Committee).

Article 39. Procedures for registration of surface water or sea water exploitation and use

1. Authority that confirms registration of a surface water or sea water exploitation and use (hereinafter referred to as "confirming authority") shall be the Department of Natural Resources and Environment where a work prescribed in Points a and b Clause 1 Article 17 of this Decree is constructed.

2. Procedures for registration of surface water or sea water exploitation and use

a) The Commune-level People's Committee shall review and make a list of organizations and individuals owning surface water or sea water exploitation and use works subject to registration in the commune; notify and provide 02 declaration forms for the registration using the Form No. 37 and Form No. 38 specified in the Appendix enclosed herewith to each organization or individual for declaration;

If the groundwater exploitation work has not been built, an exploitation registration shall be required before beginning construction of such work.

b) Within 10 working days after receiving the two declaration forms, organizations and individuals shall fill in such forms and submit them to the Provincial Department of Natural Resources and Environment or to the Commune-level People's Committee. The Commune-level People's Committee shall submit such declaration forms to the Provincial Department of Natural Resources and Environment.

c) Within 10 working days after receiving such declaration forms of the organization or individual, the confirming authority shall check information of the declaration forms, provide a confirmation in writing on them and send 01 of them to the organization or individual.

3. In case the organization or individual has been registered for surface water or sea water exploitation and use, if he/she does not continue to exploit or use, he/she must send a notification of it and return the Confirmation to the confirming authority.

4. The confirming authority shall establish a set of books for monitoring and update data on registration of surface water or sea water exploitation and use in its area.

Article 40. Procedures for suspension of water resources licences

1. When a licensee commits the violations prescribed in Clause 1 Article 24 of this Decree, the issuing agency shall consider suspending his/her licence.
2. Based on the severity of violations committed of the licensee and the consequences of the licence suspension for production and life of the people in the living area of the licence, the issuing agency shall decide the suspension period of the licence.
3. The issuing agency may consider shortening the suspension period of the licence if the licensee has taken actions to deal with consequences caused by the licence suspension and completely fulfill his/her obligation as prescribed by law.

Article 41. Procedures for revocation of water resources licences

1. When conducting a periodic or ad hoc inspection of implementation of the licence, if any case prescribed in Points a and b Clause 1 Article 25 hereof is detected, an agency having the competence in conducting inspections (hereinafter referred to as “inspecting agency”) shall be responsible for making and submitting a written report to the issuing agency; if any case prescribed in Points c and d Clause 1 Article 25 of this Decree is detected, the inspecting agency shall handle under its competence, and preparing and submitting a written report to the issuing agency.

Within 30 working days after receiving the report, the issuing agency shall consider revoking the licence.

2. If a competent regulatory agency decides to revoke a licence as prescribed in Point dd Clause 1 Article 25 hereof, a notification must be sent to the licensee before 90 days.

Article 42. Transfer of the right to exploit water resources

1. Up to the date of transfer of the right to exploit water resources, the transferor must ensure complete fulfillment of the financial obligation in exploitation and use of water resources and full payment of the fee for granting of the right to exploit water resources as prescribed; ensure that there is no dispute about rights and obligation related to the exploitation of water resources.
2. Requirements for receiving a transfer of the right to exploit water resources for a transferee:
 - a) The transferee must fully satisfy the requirements specified in Article 20 hereof and must ensure the compliance with laws on investment;
 - b) The transferee must not change the initial purpose of water exploitation and use.
3. The transfer must not interrupt fulfillment of the obligations in exploitation and use of water resources.

4. The transferor and transferee must fulfill their own obligations related to taxes, fees and charges imposed for the transfer as prescribed by laws on taxes, fees and charges.

Article 43. Funds for conducting basic survey, planning and protection of water resources

1. Funds for basic survey, planning, management and protection of water resources shall comply with the regulations in Clause 1 Article 10, Clause 4 Article 21, Clause 5 Article 27 of the Law on Water Resource.

2. The Ministry of Natural Resources and Environment shall take charge and cooperate with the Ministry of Finance and the Ministry of Planning and Investment in managing and using funds for basic survey, planning, management and protection of water resources.

Chapter IV

REGULATING AND MONITORING EXPLOITATION, USE, PROTECTION OF WATER SOURCES, PREVENTION, COMBAT AND OVERCOMING OF HARMFUL EFFECTS CAUSED BY WATER IN RIVER BASINS

Section 1. Activities in need of regulation and monitoring

Article 44. Activities in river basins in need of regulation and monitoring

1. The activities prescribed in Points a, b, c and d Clause 1 Article 72 of the Law on Water Resources.

2. Other activities in need of regulation and monitoring in river basins prescribed in Point e Clause 1 Article 72 of the Law on Water Resources:

a) River rehabilitation and restoration: Restore and conserve ecosystems, improve water quality; develop wetlands, riverside ecological belts, remove obstructions to flow on rivers; replenish water for depleted water sources, build and upgrade wastewater treatment infrastructure; reduce pollution dispersion in urban and rural areas; strengthen activities to prevent and combat incidents of water source pollution; build water retention infrastructure to increase flow rates in rivers, strengthen riverbanks, dredge river beds.

b) Landscape improvement and development of riverside and lakeside lands: Develop riverside entertainment, festivals, riverside sports; restore and develop riverside history, culture and tourism values.

Article 45. Contents and requirements for the regulation and monitoring of activities in river basins

1. Contents of the regulation: directing and speeding up the cooperation between ministries, central and local authorities and relevant agencies and organizations in complying the regulations prescribed in Article 44 hereof.

2. Monitoring contents: monitor and check the exploitation and use of water resources, discharge of wastewater into water sources and organize implementation of measures to protect water resources, prevent, combat and overcome harmful effects caused by water in river basins.

3. Requirements for the regulation:

a) Ensure the exploitation and use of water sources in a collective, economical and effective manner to satisfy the water supply to the people life and socio-economic development; protect water resources, prevent, combat and overcome harmful effects caused by water;

b) Ensure the uniformity cooperation between agencies participating in regulation in river basins; use sources in a reasonable and effective manner to avoid repetition and wastefulness;

c) Comply river basin planning and plans;

d) Specify presiding agency, cooperation agency and responsibilities of each participating agency.

4. Requirements for the monitoring:

a) Discover unusual changes in flow rates and quality of water sources; provide warnings and forecasts about the risk of pollution, degradation and depletion of water sources in river basins;

b) Detect violations against laws on water resources of organizations or individuals in operating reservoirs, inter-reservoirs and in discharging wastewater into water sources in river basins;

c) Provide information and data serving the regulation of exploitation, use, protection of water sources, prevention, combat and overcoming of harmful effects caused by water prescribed in Article 44 hereof in river basins;

d) Other requirements for management, protection, exploitation and use of water sources, prevention, combat and overcoming of harmful effects caused by water in river basins.

Section 2. Responsibility for regulation and monitoring of activities in river basins

Article 46. Responsibilities of the Ministry of Natural Resources and Environment

1. Take charge and cooperate with relevant ministries, ministerial agencies, Governmental agencies and the People's Committees of provinces and central-affiliated cities in formulating plans, programs and schemes for performing activities in need of regulation and monitoring prescribed in Article 44 of this Decree for interprovincial river basins and submitting them to the Prime Minister for decision.

2. Take charge of cooperation in responding and overcoming incidents from inter-country and interprovincial water source pollution.

3. Assess and publish minimum flows in rivers or river segments for interprovincial water sources and prescribe minimum flows in lower sections of reservoirs within its domain.
4. Build and maintain a system for monitoring exploitation and use of water resources for interprovincial river basins.
5. Resolve issues arising in the cooperation in performance of agencies participating in regulation and monitoring of activities in interprovincial river basins within the domain of the Ministry or submit them to the Prime Minister for consideration.

Article 47. Responsibilities of the Provincial People's Committees

1. Develop, approve and organize implementation of plans for distribution of water resources; programs and plans for regulation and improvement of rivers and restoration of polluted or depleted water sources for intra-provincial river basins.
2. Direct response and overcoming of incidents from water source pollution in their provinces and cooperate with other provinces using the same water sources in responding and overcoming incidents from water source pollution.
3. Assess and publish minimum flows in rivers or river segments for intra-provincial water sources and prescribe minimum flows in lower sections of reservoirs within its domain.
4. Build and maintain a system for monitoring exploitation and use of water resources for intra-provincial river basins.
5. Take charge of resolving issues arising in the cooperation in performance of agencies participating in regulation and monitoring of activities in intra-provincial river basins.
6. Cooperate with the Ministry of Natural Resources and Environment in implementing the regulations prescribed in Article 46 hereof.

Article 48. Responsibilities of ministries and ministerial agencies

1. Cooperate with the Ministry of Natural Resources and Environment and the Provincial People's Committees in regulating and monitoring the exploitation, use, protection of water sources, prevention, combat and overcoming of harmful effects caused by water in river basins.
2. Notify their plans and demands for using water for each water source in river basins to the Ministry of Natural Resources and Environment and the relevant Provincial People's Committees.
3. Direct the development and revision of plans, programs and specialized schemes related to the exploitation, use, protection of water sources, prevention, combat and overcoming of harmful effects caused by water to be applicable to plans for distribution of water resources, programs

and plans for improvement of rivers and restoration of polluted or depleted water sources in river basins and ensure the maintenance of minimum flows that have been published.

4. Direct the development and implementation of plans for regulation of water in reservoirs and plans for water exploitation and use of water exploitation works on rivers following the reservoir and inter-reservoir process issued by competent authorities and according to the plans for distribution of water resources in river basins.

5. Cooperate in resolving issues arising in the process of regulation and monitoring of activities in river basins.

Chapter V

IMPLEMENTATION CLAUSES

Article 49. Amendments to certain regulations on water resources and annulment of regulations of relevant legislative documents

1. Decree No. 41/2021/ND-CP dated March 30, 2021 of the Government amending Decree No. 82/2017/ND-CP dated July 17, 2017 of the Government providing for methods for calculation and collection of fees for granting the right to exploit water resources shall be amended as follows:

a) Clause 3 shall be supplemented to after Clause 2 Article 3 of Decree No. 82/2017/ND-CP, which had been amended by Clause 1 Article 1 of Decree No. 41/2021/ND-CP as follows:

“3. Time for paying the fee for granting the right to exploit water

The amount of money used for granting the right to exploit water resources shall be paid after a work comes into operation and a Decision on approval for the amount of money used for granting the right to exploit water resources is issued by a competent authority”.

b) Amendments to Clause 2 Article 2:

“Up to the date on which this Decree comes into force, the work has spent the amount of money granting the right to exploit water resources as prescribed in Decree No. 82/2017/ND-CP but it does not come into operation, only after the work comes into operation, the adjustment due to changes in time for operation shall be made and application of prices for calculating the amount of money used for granting the right to exploit water resources prescribed in the previous decision on approval for the amount of money used for granting the right to exploit water resources”.

2. Clauses 1 Article 167 of Decree No. 08/2022/ND-CP dated January 10, 2022 elaborating certain Articles of the Law on Environment Protection shall be annulled.

Article 50. Transitional clauses

1. Entity subject to a registration as prescribed herein and granted a sea water or surface water exploitation and use licence as prescribed in Decree No. 201/2013/ND-CP may continue to exploit and use water up to the end of the period specified in the licence. After the granted licence is invalid, if the entity wishes to continue to exploit and use water, he/she must make a registration according to the regulations in this Decree.
2. The entity that has granted a water resources exploitation and use licence as prescribed in Decree No. 201/2013/ND-CP which has a change in the licensing authority as prescribed in this Decree may continue to exploit and use water up to the end of the period specified in the licence. Before the licence terminates, the entity must submit an application for licence issuance to a competent issuing agency as prescribed in this Decree.
3. The application for issuance of a water resources licence which is received fully and validly by the competent agency before the date on which this Decree comes into force shall be continued to be assessed and considered to issue as prescribed in Decree No. 201/2013/ND-CP. Entity subject to a registration of water exploitation and use as prescribed in Points a and b Clause 1 Article 17 hereof, if the entity wishes to carry out the registration as prescribed in this Decree, the entity shall request the competent agency to consider returning the application for licence issuance.
4. For projects of which community survey of representatives of residential community and relevant entities about exploitation and use of water resources have been completely carried out as prescribed in Decree No. 201/2013/ND-CP before the date on which this Decree comes into force, other surveys are not required as prescribed in this Decree.
5. For provinces and cities in which areas subject to registration of groundwater exploitation have been approved as prescribed in Circular No. 27/2014/TT-BTNMT dated May 30, 2014 of the Ministry of Natural Resources and Environment, the registration shall be continued as prescribed in the approved decisions until the date on which an adjustment is made as prescribed in this Decree.

Article 51. Implementation provisions

1. This Decree comes into force from March 20, 2023.
2. Decree No. 201/2013/ND-CP dated November 27, 2013 of the Government elaborating the Law on Water Resources shall be annulled.
3. Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Presidents of the People's Committees of provinces and central-affiliated cities, relevant organizations and individuals are responsible for implementation of this Decree./.

**ON BEHALF OF. GOVERNMENT OF
VIETNAM**

**PP. PRIME MISNISTER
DEPUTY PRIME MINISTER**

Tran Hong Ha

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