

**THE GOVERNMENT OF  
VIETNAM**

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

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*Hanoi, May 16, 2024*

## **DECREE**

### **GROUNDWATER DRILLING PRACTICING, WATER RESOURCE-RELATED DECLARATION, REGISTRATION, LICENSING AND SERVICES AND FEES FOR WATER RESOURCE EXPLOITATION RIGHT**

*Pursuant to the Law on Government Organization dated June 19, 2015; the Law on amendments to some Articles of the Law on the Government Organization and Law on Local Government Organization dated November 22, 2019;*

*Pursuant to the Law on Water Resources dated November 27, 2023;*

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

*The Government promulgates Decree on groundwater drilling practicing, water resource-related declaration, registration, licensing and services and fees for water resource exploitation right.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Decree elaborates Clause 3 Article 31, Article 52, Clause 5 Article 53, Clause 6 Article 69 and Article 70 of the Law on Water Resources on issuance of licenses to practice groundwater drilling; declaration, registration and licensing of exploration, exploitation and use of water resources; power and procedures for declaration of the exploitation of groundwater by households, registration of the exploitation and use of water resources, issuance, extension, modification, re-issuance, approval for return, suspension, invalidation and revocation of water resource exploitation permits and groundwater exploration permits; payment, exemption and reduction of fees for water resource exploitation right; methods for calculating and rate of fee for water resource exploitation right.

#### **Article 2. Regulated entities**

This Decree applies to agencies, organizations, residential communities, households and individuals engaged in activities specified in Article 1 of this Decree within the territory of the Socialist Republic of Vietnam.

## **Chapter II**

### **DECLARATION, REGISTRATION AND LICENSING OF EXPLORATION, EXPLOITATION AND USE OF WATER RESOURCES**

#### **Section 1. OBTAINING OPINIONS FROM REPRESENTATIVES OF RESIDENTIAL COMMUNITY AND FROM RELEVANT ORGANIZATIONS AND INDIVIDUALS AND PUBLICIZING INFORMATION**

##### **Article 3. Obtaining opinions from representatives of residential community and from relevant organizations and individuals about impacts of water exploitation structures**

Representatives of residential community and relevant organizations and individuals engaged in water exploitation according to Clause 8 Article 52 of the Law on Water Resources include chiefs of villages or hamlets or heads of street quarters and equivalent residential areas or persons appointed by the residential community as agreed, People's Committees of communes, Vietnam Fatherland Front Committees of communes, People's Committees of districts, and units managing and operating water exploitation and use structures affected by water exploitation under projects.

Opinions shall be obtained as follows:

1. Regarding projects on investment in construction of water exploitation structures that greatly impact socio-economic development activities and people's lives in local areas for which water resource exploitation permits and opinions from representatives of residential community according to point a Clause 8 Article 52 of the Law on Water Resources must be obtained, including:

- a) Reservoirs and roller dams that are built on rivers, streams, canals and ditches;
- b) Other river, stream, canal and ditch damming works specified in point a of this Clause for the purposes of source creation, saltwater intrusion prevention, inundation control and landscape creation;
- c) Surface water exploitation structures other than those specified in point a of this Clause with a capacity of at least 10 m<sup>3</sup>/s for the purposes of agricultural production and aquaculture; at least 300.000 m<sup>3</sup>/24 hours for the purposes of domestic activities, trade, service provision and production (including cooling machinery and equipment, generating steam and heating), and construction of works and structures;
- d) Groundwater exploitation structures with a capacity of at least 12.000 m<sup>3</sup>/24 hours.

## 2. Time for collecting opinions:

- a) Before construction of works and structures and within 12 months until the time on which applications for surface water exploitation permits are submitted in the cases specified in points a, b and c Clause 1 of this Article;
- b) During exploration in the case specified in point d clause 1 of this Article;
- c) Opinions from representatives of the residential community and relevant organizations and individuals about impacts of water exploitation structures can be collected by investors in such projects together with comments about environmental impacts according to regulations of the law on environmental protection, provided the collection time and the issues commented on are conformable with this Article.

## 3. Information provided for collection of opinions:

- a) General information on projects; plans and schedules for implementation of projects enclosed with legal documents related to investment and formulation of projects, and estimated time for water exploitation;
- b) Explanations for plans to exploit water resources under projects which show all information specified in Clause 1 Article 4 of this Decree;
- c) Predicted impacts and methods for minimizing impacts of water exploitation structures on water sources, environment, entities exploiting and using water resources and other entities that may be affected during construction and operation of works and structures;
- d) Other data and documents related to water exploitation.

## 4. Opinion-collecting agencies:

- a) People's Committees of provinces where inter-provincial and transboundary surface water exploitation structures are expected to be constructed shall collect opinions about such structures specified in points a, b and c Clause 1 of this Article;
- b) People's Committees of districts where intra-provincial surface water exploitation structures are expected to be constructed shall collect opinions about such structures specified in points a, b and c Clause 1 of this Article;
- c) People's Committees of districts where groundwater exploitation structures are expected to be constructed shall collect opinions about such structures specified in point d Clause 1 of this Article.

## 5. Procedures for collecting opinions:

a) Investors in projects shall send documents and information specified in Clause 3 of this Article to People's Committees of districts and district-level Departments of Natural Resources and Environment if opinion-collecting agencies are People's Committees of districts or to People's Committees of provinces and provincial Departments of Natural Resources and Environment if opinion-collecting agencies are People's Committees of provinces;

b) If opinion-collecting agencies are People's Committees of districts, within 42 days from the date of receipt of proposals to collect opinions of investors in projects, district-level Departments of Natural Resources and Environment shall be responsible for assisting People's Committees of districts to organize working sessions, meetings or direct dialogues with or collect written opinions from relevant agencies, organizations and individuals about the information specified in Clause 3 of this Article; consolidating opinions and submitting them to People's Committees of districts which will send such opinions to the investors in projects;

c) If opinion-collecting agencies are People's Committees of provinces, within 56 days from the date of receipt of proposals to collect opinions of investors in projects, provincial Departments of Natural Resources and Environment shall be responsible for assisting People's Committees of provinces to organize working sessions, meetings or direct dialogues with or collect written opinions from relevant agencies, organizations and individuals about the information specified in Clause 3 of this Article; consolidating opinions and submitting them to People's Committees of provinces which will send such opinions to the investors in projects;

d) In addition to the information that must be provided according to regulations in Clause 3 of this Article, the investors shall provide additional data, reports and information on these projects as required by the agencies specified in Clause 4 of this Article, and directly report and explain issues related to the projects in meetings for verification.

6. According to the degree of impact of each project, the opinion-collecting agencies specified in Clause 4 of this Article shall consider deciding enquired entities in an appropriate manner.

7. The investors shall be responsible for consolidating, receiving and explaining these opinions. Written requests for opinions and consolidated reports on receipt and explanation of opinions shall be sent together with applications for water resource exploitation permits.

8. Funding for obtaining opinions shall be covered by the project investors according to regulations in point c Clause 8 Article 52 of the Law on Water Resources.

#### **Article 4. Publicizing information**

The information on details about exploitation of water resources specified in point b Clause 8 Article 52 of the Law on Water Resources shall be publicized as follows:

1. Investors in the projects specified in Clause 1 Article 3 of this Decree shall announce and publicize the following information:

a) Regarding surface water exploitation structures specified in points a, b and c Clause 1 Article 3 of this Decree: water exploitation purposes; exploited water sources; water exploitation structure positions; regimes and methods for exploitation of water; the amount of water exploited; basic characteristics of structures; plans and estimated time for water exploitation;

b) Regarding groundwater exploitation structures specified in point d Clause 1 Article 3 of this Decree: water exploitation purposes; exploited water sources; water exploitation structure positions; regimes and methods for exploitation of water; the amount of water exploited; basic characteristics of structures; plans and estimated time for water exploitation.

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

a) The information specified in Clause 1 of this Article shall be publicized on mass media and websites of People's Committees of districts with regard to groundwater exploitation structures and intra-provincial surface water exploitation structures, and websites of People's Committees of provinces with regard to inter-provincial and transboundary surface water exploitation structures;

b) Within 60 days before commencement of and throughout construction of structures, the project investors shall publicly post the information prescribed in Clause 1 of this Article in People's Committees of districts, People's Committees of communes and locations where such structures are constructed.

## **Section 2. WATER RESOURCES-RELATED DECLARATION, REGISTRATION AND LICENSING**

### **Article 5. Groundwater exploration**

1. Before constructing a groundwater exploitation structure or increasing the flow rate of the structure by more than 25% of the limit specified in the granted permit for exploitation of groundwater with additional exploitation well, the investor must carry out the exploration in order to assess reserves, quality and capacity for exploitation and obtain a groundwater exploration permit, except for cases where licensing for exploration and use of groundwater is not required.

2. The organization/individual constructing the groundwater exploration structure shall be granted a license to practice groundwater drilling by a competent authority according to regulations of this Decree.

3. During the exploration process, the organization/individual constructing the groundwater exploration structure has the following obligations:

a) Implement measures for assurance about the safety of explorers and the exploration structure;

b) Do not cause land subsidence, saltwater intrusion, and pollution of aquifers;

c) Take other measures for protection of groundwater and environment.

4. The investor in the groundwater exploration structure has the following obligations:

a) Cooperate with the organization/individual constructing the groundwater exploration structure in inspecting and supervising the compliance with regulations in Clause 3 of this Article. If any violation is detected, the exploration must be stopped.

b) In case any incident occurs, promptly take remedial measures; in case any damage is caused, pay compensations according to regulations of law;

c) Submit reports on exploration results to the agency receiving and processing applications prescribed in Article 16 hereof.

d) Within 30 days after the end of exploration, the investor in the groundwater exploration structure shall update information and data on exploration results to the national water resources information system and database according to regulations.

#### **Article 6. Contents of groundwater exploration permits and water resource exploitation permits**

1. Main contents of a groundwater exploration permit:

a) Name and address of the organization/individual granted the permit;

b) Groundwater exploration purposes;

c) Groundwater exploration scale;

d) Groundwater exploration structure position;

dd) Quantity of wells, well depth, aquifers;

e) Validity period of the permit;

g) Requirements for and obligations to exploration of groundwater.

2. Main contents of a water resource exploitation permit:

a) Name and address of the organization/individual granted the permit;

- b) Name and position of the water exploitation structure;
- c) Water exploitation purposes;
- d) Exploited water sources;
- dd) Scale, capacity and flow rate;
- e) Regimes and methods for water exploitation (number of hours and days of exploitation in the year for the proposed scale, capacity, and flow rate of exploitation);
- g) Validity period of the permit;
- h) Specific requirements and conditions for each case of water resource exploitation regulated by the licensing authority for the purposes of regulation and distribution of water resources, protection of water sources and legal rights and interests of other relevant organizations and individuals (regulations on the maximum amount of water allowed to be exploited in normal conditions under the water resource exploitation permit shall be clearly indicated). In case of drought or water scarcity, the amount of water exploited shall be reduced in conformity with quotas for water resource exploitation and plans to regulate and distribute water resources issued by the competent authority;
- i) Rights and obligations of the permit holder.

**Article 7. Cases where declaration, licensing of exploitation of water resources and registration of exploitation and use of water resources are not required**

1. Cases of exploitation and use of water resources specified in points a, d, dd, e and k Clause 3 Article 52 of the Law on Water Resources.
2. Cases of water exploitation on a small scale specified in points b, c, g and cases specified in point l Clause 3 Article 52 of the Law on Water Resources:
  - a) Exploitation of surface water for the purposes of trade, service provision and non-agricultural production (including cooling machinery and equipment, generating steam and heating), construction of works and structures with a capacity of no more than 100 m<sup>3</sup>/24 hours;
  - b) Exploitation of surface water for domestic activities with a capacity of no more than 100 m<sup>3</sup>/24 hours; exploitation of surface water for domestic activities with a capacity of no more than 200 m<sup>3</sup>/24 hours with regard to border areas, islands and disadvantaged and extremely disadvantaged areas;
  - c) Irrigation reservoirs and roller dams with total volume of less than 0,01 million m<sup>3</sup>; other surface water exploitation structures for agricultural production and aquaculture with a capacity of no more than 0,1 m<sup>3</sup>/s.

If the irrigation reservoir or roller dam has a total volume of less than 0,01 million m<sup>3</sup> and an exploitation capacity (for agricultural production or aquaculture) exceeding 0,1 m<sup>3</sup>/s or an exploitation capacity (for other purposes) exceeding that specified in point a, b or d of this Clause, the registration or licensing shall be mandatory according to regulations of this Decree;

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

dd) Seawater exploitation for production, trade, service provision and aquaculture on islands or mainland with a capacity of no more than 10.000 m<sup>3</sup>/24 hours.

3. Using river, stream, canal, ditch and reservoir water surface for aquaculture, trade, and service provision according to point h Clause 3 Article 52 of the Law on Water Resources with an area of water surface not exceeding 100 m<sup>2</sup> (except for water surface in tourism areas and tourist attractions).

4. Digging lakes, ponds, canals and ditches on a small scale to create space to collect, store and convey water, and create landscapes according to point i Clause 3 Article 52 of the Law on Water Resources. To be specific:

a) Digging lakes and ponds with an area of water surface not exceeding 500 m<sup>2</sup>;

b) Digging canals and ditches with a flow rate not exceeding 0,1 m<sup>3</sup>/s or a bottom width not exceeding 0,5m;

c) Any organization/individual engaged in the activities specified in points a and b of this Clause and points i, k, l Clause 2 Article 8 of this Decree shall comply with regulations of laws on land, construction, traffic, irrigation, minerals and relevant laws; regarding the case specified in point a or b of this Clause where the registration and licensing of exploitation of water for other purposes are mandatory, registration and licensing procedures shall be followed in accordance with regulations in this Decree.

5. River, stream, canal and ditch damming works for the purposes of source creation, saltwater intrusion prevention, inundation control and landscape creation (except for hydropower and irrigation reservoirs and roller dams) are temporary works with a period of continuous use not exceeding 3 months.

6. The organization/individual exploits water for domestic activities in areas in the event of a drought, water scarcity, saltwater intrusion, pollution incident or epidemics according to regulations in point d Clause 3 Article 52 of the Law on Water Resources. With regard to a work/structure whose exploitation capacity is subject to the registration/licensing of exploitation of water resources, after the end of the prescribed period, the exploitation shall be stopped and the Department of Natural Resources and Environment of province where the work/structure is constructed shall be notified of water exploitation in the work/structure within 30 days.

If the organization/individual wishes to continue to exploit water but the exploitation capacity is subject to the declaration, registration and licensing of exploitation of water resources, declaration, registration and licensing procedures shall be followed in accordance with regulations of this Decree.

If the organization/individual has no plan to continue to exploit water, they shall fill up wells or dismantle the work/structure according to regulations.

### **Article 8. Cases where declaration, licensing of exploitation of water resources and registration of exploitation and use of water resources are mandatory**

1. Groundwater exploitation structures of households specified in Clause 4 Article 52 of the Law on Water Resources shall be declared. The declaration is aimed at providing information for competent authorities to give recommendations to households about the quality of groundwater, areas with possible water level reduction, areas where land subsidence occurs and areas with groundwater near salinity margins, and serving management of protection of groundwater.

2. Cases where water resource exploitation and use structures must be registered:

a) Irrigation reservoirs and roller dams with total volume ranging from 0,01 million m<sup>3</sup> to 0,2 million m<sup>3</sup>; other surface water exploitation structures for the purposes of agricultural production and aquaculture with an exploitation capacity ranging from > 0,1 m<sup>3</sup>/s to 0,5 m<sup>3</sup>/s.

If the irrigation reservoir or roller dam has a total volume ranging from 0,01 million m<sup>3</sup> to 0,2 million m<sup>3</sup> and an exploitation capacity (for agricultural production or aquaculture) exceeding 0,5 m<sup>3</sup>/s or an exploitation capacity (for other purposes) falling the case where a permit must be issued, licensing procedures shall be followed according to regulations of this Decree;

b) Exploiting seawater to serve production, trade, service provision and aquaculture on islands or mainland with an exploitation capacity ranging from > 10.000 m<sup>3</sup>/24 hours to 100.000 m<sup>3</sup>/24 hours;

c) Exploiting groundwater to be used for purposes other than those specified in point a Clause 3 Article 52 of the Law on Water Resources and Clause 1 of this Article with an exploitation capacity of no more than 10 m<sup>3</sup>/24 hours;

d) Using groundwater naturally flowing in a mining pit to select ore at the pit or pump water to drain the water naturally flowing into the mining pit according to regulations in point c Clause 5 Article 52 of the Law on Water Resources;

dd) River, stream, canal and ditch damming works for the purposes of source creation, saltwater intrusion prevention, inundation control and landscape creation (except for hydropower and irrigation reservoirs and roller dams) other than those specified in Clause

5 Article 7 of this Decree with a total work length of no more than 30m; river, stream, canal and ditch damming culverts for the purposes of source creation, saltwater intrusion prevention, inundation control and landscape creation other than those specified in Clause 5 Article 7 of this Decree with a total floodgate width of no more than 5m.

Regarding any work/structure with other water exploitation purposes and capacity subject to licensing, licensing procedures shall be followed in accordance with regulations of this Decree;

- e) Using reservoir surface water for solar power production according to regulations in point e Clause 5 Article 52 of the Law on Water Resources;
- g) Using river, stream, canal, ditch and reservoir water surface for aquaculture, trade, and service provision with an area of water surface exceeding 100 m<sup>2</sup>;
- h) Using water surface in tourism areas and tourist attractions;
- i) Digging lakes and streams according to regulations in point g Clause 5 Article 52 of the Law on Water Resources;
- k) Digging lakes and ponds to create space to collect and store water, and create landscapes with an area other than that specified in point a Clause 4 Article 7 of this Decree;
- l) Digging canals and ditches to create space to collect, store and convey water, and create landscapes with a flow rate other than that specified in point b Clause 4 Article 7 of this Decree;

3. Cases where water resource exploitation permits are required:

- a) Cases of water resource exploitation other than those specified in Article 7 of this Decree and Clauses 1 and 2 of this Article;
- b) Regarding cases specified in point a of this Clause where surface water is directly exploited from hydropower or irrigation reservoirs and roller dams and the system of hydropower or irrigation canals, water resource exploitation permits shall be granted in accordance with this Decree.

4. Water exploitation structures required to be issued with water resource exploitation permits shall be granted permits by competent authorities specified in Article 15 of this Decree before construction.

If a water exploitation structure was constructed but a water resource exploitation permit has not yet been granted according to regulations, the competent authority shall consider deciding to grant the water resource exploitation permit when conditions specified in Article 57 of the Law on Water Resources are met. Violations caused by exploration and

exploitation of water resources without permits shall be handled according to the law on handling administrative violations against regulations on water resources.

### **Article 9. Extension of permits**

1. The extension of a groundwater exploration permit or a water resource exploitation permit shall comply with regulations in Articles 55, 56 and 57 of the Law on Water Resources and the following conditions:

- a) The permit is still valid and the application for extension of the permit shall be submitted 45 days prior to the expiry date of such permit;
- b) Until the time of submission of the application for extension, the organization/individual granted the permit has fulfilled all obligations related to the granted permit according to regulations of law without any dispute;
- c) At the time of submission of the application for extension, the water resource exploitation plan prepared by the organization/individual is consistent with the water resource planning, the provincial planning, regulations on areas prohibited and restricted from groundwater exploitation and the supply capacity of water sources.

2. If the water resource exploitation permit expires or the permit is still valid but the application for extension of the permit is not submitted by the permit holder by the deadline specified in point a Clause 1 of this Article, the organization/individual exploiting water resources shall make an application for a new permit.

If the application for the water resource exploitation permit is submitted before the granted permit expires, the effective date of the extended permit shall be the day after the expiry date of the old permit.

### **Article 10. Modification of permits**

1. Cases where a groundwater exploration permit is modified:

- a) Site conditions are ineligible for construction of some exploration works;
- b) The flow rate of water explored increases but it does not exceed 25% under the granted permit or there is any change in aquifers;
- c) The permit holder applies for modification to other contents of the permit.

2. Cases where a water resource exploitation permit is modified:

- a) Water supply by water sources is not ensured in a usual manner;

- b) There is an increase in the demand for water exploitation but there is no any measure for handling and replenishing water sources;
- c) The installed capacity or exploitation flow rate of a hydropower work is adjusted but it does not exceed 25% under the granted permit;
- d) The exploitation flow rate of a work other than that specified in point c of this Clause is adjusted but it does not exceed 25% under the granted permit;
- dd) There are changes in water exploitation purposes indicated in the old permit;
- e) There are changes in mining regime of the work;
- g) More wells are added but the exploitation flow rate does not exceed 25% under the granted permit.

The permit holder shall prepare a plan to design and construct wells and anticipate impacts of the water exploitation on water sources and other water exploiters and users and the plan shall be approved in writing before construction by the assessment authority specified in Clause 2 Article 16 hereof. Within 30 days after completion of the construction of wells, the construction project owner shall submit an application for modification to the permit as prescribed;

- h) 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, procedures for applying for modification to the permit are not required to be followed but the plan to drill an alternative well shall be considered and approved by the assessment authority specified in Clause 2 Article 16 of this Decree and a written certification is required after the alternative well is completely drilled. The written certification is an integral part of the granted groundwater exploitation permit. The number of alternative wells must not exceed 50% of total number of wells prescribed in the granted permit. The distance between the alternative well and the existing well must not exceed 1,5 the depth of the aquifer of such well; in case of excess, the permit shall be modified;
- i) The permit holder applies for modification to contents of the permit other than those specified in Clause 3 of this Article.

3. Contents specified in the permit that are not permitted to be modified:

- a) Modification to the installed capacity or exploitation flow rate of a hydropower work in excess of 25% under the granted permit;
- b) Modification to the exploitation flow rate of another work other than that specified in point a of this Clause in excess of 25% under the granted permit;
- c) Change or addition of water sources in case of exploitation of surface water;

d) If necessary to modify or change any content specified in this Clause, the permit holder shall prepare a new application for permit.

4. If the permit holder applies for modification to the permit, an application for modification to the permit shall be made according to regulations of this Decree; if the licensing authority modifies the permit, a notification must be sent to the permit holder before at least 90 days. The validity period of the modified permit shall be the remaining period of the old permit.

In addition to modification to the permit, in case of re-issuance of the permit, the permit holder shall clearly indicate such re-issuance in the application for modification to the permit. The reissuance shall be considered simultaneously during modification to the permit as prescribed in this Decree.

### **Article 11. Invalidation of permits**

1. A permit shall be invalidated when the permit holder commits one of the following violations:

- a) Violate regulations set out in the permit, thereby causing serious pollution and depletion of water sources;
- b) Exploit groundwater, thereby causing serious ground subsidence, deformation of works/structures, saltwater intrusion, depletion and pollution of water sources;
- c) Operate reservoirs and roller dams, thereby causing flood and artificial inundation which seriously affect production and daily life of people in uplands and lowlands;
- d) Do not fulfill the financial obligation as prescribed;
- dd) Use the permit to carry out illegal activities.

2. Duration of invalidation of the permit:

- a) With regard to a groundwater exploration permit: no more than 03 months;
- b) With regard to a water resource exploitation permit: no more than 12 months.

3. Throughout the duration of invalidation of the permit, the permit holder shall not be allowed to exercise the rights associated with the permit, and shall take remedial measures as well as pay compensation for any damage (if any) in accordance with law.

4. When the invalidation duration ends but the licensing authority does not issue any other decision, the permit holder may continue to exercise their own rights and obligations.

## **Article 12. Revocation of permits**

1. A permit shall be revoked in the following cases:

a) It is detected that the permit holder forges documents, dishonestly declares the contents specified in the application for issuance of the permit, or erases and falsifies contents of the permit;

b) The permit holder that is an organization is dissolved or declared bankrupt by the court; the permit holder that is an individual is dead or declared dead by the court, is incapable of performing civil acts or declared missing;

c) The permit holder violates the decision on invalidation of the permit or violates regulations in Clause 1 Article 11 of this Decree for multiple times;

d) The permit is granted within improper power;

dd) The competent authority decides to revoke the permit for the national defense and security reasons or for the national and community interests.

2. If the permit is revoked according to regulations in Point a and Point c Clause 1 of this Article, the permit holder may only be considered to be granted a new permit after the holder has taken all corrective actions, fulfilled the obligations and met other regulations of relevant laws on revocation of the old permit.

3. If the permit is revoked according to regulations in Point dd Clause 1 of this Article, the State shall compensate for losses and refund the fee for water resource exploitation right to the permit holder as prescribed by law.

## **Article 13. Return and suspension of permits**

1. If a groundwater exploration permit or water resource exploitation permit has been granted but the permit holder does not use or wish to further use such permit, the holder may return the permit to the licensing authority and shall notify reasons.

2. If a groundwater exploration permit or water resource exploitation permit has been granted but the work/structure scale is changed, thereby resulting in change in the licensing power, the permit holder shall return the granted permit to the competent authority after being granted a new permit.

3. Suspension of a groundwater exploration permit:

a) If the permit holder applies for suspension of the permit, the suspension may only be considered when the proposed duration for suspension is at least 30 consecutive days and the permit may be suspended not more than 2 times during its effective period

The application for suspension of the permit shall be submitted at least 15 days before the date of proposal for suspension of exploration;

b) If the licensing authority suspends the permit, it shall notify the permit holder at least 15 days in advance.

4. Suspension of a water resource exploitation permit:

a) If the permit holder applies for suspension of the permit, the suspension may only be considered when the proposed duration for suspension is at least 60 consecutive days and the permit may be suspended not more than 2 times during its effective period.

The application for suspension of the permit shall be submitted at least 30 days before the date of proposal for suspension of exploitation of water resources;

b) If the licensing authority suspends the permit, it shall notify the permit holder at least 30 days in advance.

5. When the permit is suspended or terminated, the permit holder must not explore groundwater or exploit water resources during suspension or termination and the rights associated with the permit shall be terminated.

#### **Article 14. Re-issuance of permits**

1. A permit shall be re-issued in the following cases:

a) It has gone missing; is ruined or damaged;

b) Name of the permit holder is changed due to change in name, receipt of transfer, merger, division or restructuring without any change in other contents of the permit.

If the permit is re-issued due to transfer, merger or division, the receiving party to transfer, merger or division agreement shall follow procedures for applying for re-issuance of the permit.

2. The validity period of the reissued permit is equal to days left to the expiry date of the old permit.

#### **Article 15. Power to issue, extend, modify, re-issue, approve return of, suspend, invalidate and revoke water resource exploitation permits, groundwater exploration permits and declaration and registration of exploitation and use of water resources**

1. The Ministry of Natural Resources and Environment shall issue, extend, modify, re-issue, approve return of, suspend, invalidate and revoke water resource exploitation permits and groundwater exploration permits. To be specific:

- a) Groundwater exploration structures with a capacity of at least 3.000 m<sup>3</sup>/24 hours;
- b) Groundwater exploitation structures with a capacity of at least 3.000 m<sup>3</sup>/24 hours;
- c) Irrigation reservoirs and roller dams for exploitation of surface water for the purposes of agricultural production and aquaculture with an exploitation capacity of at least 2 m<sup>3</sup>/s and a total volume of at least 3 million m<sup>3</sup>; or irrigation reservoirs and roller dams for exploitation of surface water for the purposes of agricultural production and aquaculture with an exploitation capacity of at least 5 m<sup>3</sup>/s;
- d) Surface water exploitation structures that are not irrigation reservoirs and dams for the purposes of agricultural production and aquaculture with an exploitation capacity of at least 0,5 m<sup>3</sup>/s;
- dd) Irrigation reservoirs and roller dams other than those specified in point c of this Clause with a total volume of at least 20 million m<sup>3</sup>;
- e) Surface water exploitation for power generation with an installed capacity of at least 2.000 kw;
- g) Surface water exploitation for other purposes with an exploitation capacity of at least 50.000 m<sup>3</sup>/24 hours;
- h) Seawater exploitation for production, trade, service provision and aquaculture on islands or mainland with an exploitation capacity of at least 1.000.000 m<sup>3</sup>/24 hours;
- i) River, stream, canal and ditch damming works for the purposes of source creation, saltwater intrusion prevention, inundation control and landscape creation (except for hydropower and irrigation reservoirs and roller dams) with a total work length of at least 60m; river, stream, canal and ditch damming culverts for the purposes of source creation, saltwater intrusion prevention, inundation control and landscape creation with a total floodgate width of at least 50m.

2. Provincial People's Committees shall issue, extend, modify, re-issue, approve return of, suspend, invalidate and revoke water resource exploitation permits and groundwater exploration permits in cases other than those specified in Clause 1 of this Article; organize the registration of exploitation and use of water resources in cases specified in points a, b, dd, e, g, h, i, k and l Clause 2 Article 8 of this Decree.

3. District-level People's Committees shall certify the registration of groundwater exploitation in cases specified in points c and d Clause 2 Article 8 of this Decree.

4. Communal People's Committees shall receive declarations of exploitation of groundwater by households for domestic purposes in the case specified in Clause 1 Article 8 of this Decree.

5. According to working requirements, implementation capacity, resources, actual conditions and situation, the Minister of Natural Resources and Environment shall decide to decentralize or authorize water resource authorities affiliated to the Ministry of Natural Resources and Environment to comply with regulations in Clause 1 of this Article in accordance with Article 34 of the Law on Government Organization; Provincial People's Committees shall decide to decentralize or authorize provincial Departments of Natural Resources and Environment to comply with regulations in Clause 2 of this Article in accordance with Articles 13 and 14 of the Law on Local Government Organization.

#### **Article 16. Agencies receiving, assessing and managing applications and permits**

1. Agencies receiving and returning results (hereinafter referred to as “application-receiving agencies”):

a) The Office in charge of receiving administrative procedure applications and returning processing results of the Ministry of Natural Resources and Environment of Vietnam shall be responsible for receiving applications and returning administrative procedure processing results under the licensing power of the Ministry of Natural Resources and Environment;

b) The One-stop shop or the public administrative service center shall be responsible for receiving applications and returning administrative procedure processing results under the licensing power of the provincial People's Committee. If the One-stop shop or the public administrative service center has not been yet established, the provincial Department of Natural Resources and Environment shall be responsible for receiving applications and returning administrative procedure processing results under the licensing power of the provincial People's Committee.

2. Agencies assessing and managing applications and permits (hereinafter referred to as “application-assessing agencies”):

a) The water resource authority affiliated to the Ministry of Natural Resources and Environment shall be responsible for organizing assessment and management of applications and permits under the licensing power of the Ministry of Natural Resources and Environment;

b) The provincial Department of Natural Resources and Environment shall be responsible for organizing assessment and management of applications and permits under the licensing power of the provincial People's Committee.

#### **Article 17. Application for issuance, extension and modification of groundwater exploration permit**

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

a) An application form;

b) A project on exploration of groundwater with regard to structures with a capacity of at least 200 m<sup>3</sup>/24 hours; an exploration well design with regard to structures with a capacity of less than 200 m<sup>3</sup>/24 hours.

2. An application for extension and modification of a groundwater exploration permit includes:

a) An application form for extension or modification of the permit;

b) Report on compliance with regulations in the permit.

3. The form, project and report shall be made according to Form No. 01, Form No. 02, Form No. 35, Form No. 36 and Form No. 37 in the Appendix enclosed with this Decree.

### **Article 18. Application for issuance, extension and modification of groundwater exploitation permit**

1. An application for issuance of a groundwater exploitation permit includes:

a) An application form;

b) A map showing the area and location where the groundwater exploitation structure is constructed;

c) A report on results of exploration and assessment of reserves of groundwater with regard to structures with a capacity of at least 200 m<sup>3</sup>/24 hours or a report on results of construction of wells with regard to exploitation structures with a capacity of less than 200 m<sup>3</sup>/24 hours in case where there is no any exploitation structure; a report on exploitation status of groundwater exploitation structures that are currently operating;

d) Results of analyzing the quality of water sources published within 06 months up to the date of submission of the application. At least one sample must be taken from each aquifer.

The analysis of water source quality shall cover at least the following parameters: pH, Total Coliform, Nitrate, Nitrite, Ammonium, Permanganate Index, total dissolved solids (TDS), Hardness, Arsenic, Chloride, Iron, and Manganese.

The water quality shall be analyzed by the organization meeting requirements and conditions for environmental monitoring capacity according to regulations of law.

2. An application for extension and modification of a groundwater exploitation permit includes:

a) An application form for extension or modification of the permit;

b) Report on status of exploitation of groundwater and compliance with regulations in the permit;

c) A map showing the area and location where the groundwater exploitation structure is constructed (except for extension of the groundwater exploitation permit).

3. The form and report shall be made according to Form No. 03, Form No. 04, Form No. 38, Form No. 39 and Form No. 40 and Form No. 41 in the Appendix enclosed with this Decree.

### **Article 19. Application for issuance, extension and modification of seawater and surface water exploitation permit**

1. An application for issuance of a seawater and surface water exploitation permit includes:

a) An application form;

b) Water exploitation project;

c) A map showing the location where the water exploitation structure is constructed;

d) Results of analyzing the quality of water sources published within 06 months up to the date of submission of the application (except for seawater exploitation; surface water exploitation for the purposes of hydropower, machinery and equipment cooling, steam generation, heating, source creation, saltwater intrusion prevention, inundation control, landscape creation and construction of works/structures).

The analysis of surface water quality shall cover at least the following parameters: pH, BOD5, COD, TSS, DO, Total Phosphorus, Total Nitrogen, Total Coliform, Chloride.

The water quality shall be analyzed by the organization meeting requirements and conditions for environmental monitoring capacity according to regulations of law.

2. An application for extension and modification of a seawater and surface water exploitation permit includes:

a) An application form for extension or modification of the permit;

b) A project on water exploitation and compliance with regulations in the permit;

c) A map showing the location where the water exploitation structure is constructed (except for extension of the seawater and surface water exploitation permit).

3. The form and project shall be made according to Form No. 05, Form No. 06, Form No. 07, Form No. 08, Form No. 42, Form No. 43, Form No. 45, Form No. 46, Form No. 47 and Form No. 48 in the Appendix enclosed with this Decree.

4. If an irrigation work has been constructed and operated before 01, January 2013, when the application for issuance of the permit is made, the project shall be prepared according to Form No. 44 in the Appendix enclosed with this Decree.

**Article 20. Application for re-issuance of groundwater exploration permit or water resource exploitation permit**

1. An application form for re-issuance of the permit.

2. Documents proving reasons for reissuance of the permit (in case of change in name, receipt of transfer, merger, division or restructuring).

If the permit is re-issued due to transfer, the application shall also include documents proving work/structure transfer and fulfillment of financial obligations related to water exploitation and relevant documents (if any).

3. The application form for re-issuance of the water resource exploration or exploitation permit shall be made according to Form No. 09 in the Appendix enclosed with this Decree.

**Article 21. Application for return or suspension of groundwater exploration permit or water resource exploitation permit**

1. An application for return of a permit includes:

a) An application form for return of the permit;

b) Documents proving fulfillment of financial obligations, payment of fee for water resource exploitation right and compliance with other relevant obligations (if any);

c) The application form for return of the groundwater exploration permit or water resource exploitation permit shall be made according to Form No. 10 in the Appendix enclosed with this Decree.

2. An application for suspension of a permit includes:

a) An application form for suspension of the permit and other relevant documents (if any);

b) The application form for suspension of the groundwater exploration permit or water resource exploitation permit shall be made according to Form No. 11 in the Appendix enclosed with this Decree.

## **Article 22. Procedures for issuance of groundwater exploration permit or water resource exploitation permit**

### 1. Receipt and inspection of an application:

- a) The applicant for the permit shall submit an application in person at the One-stop shop or by post or by authorization according to regulations of law or via the online public service portal to the application-receiving agency;
- b) Within 3 working days from the date of receipt of the application, the application-receiving agency shall be responsible for considering and inspecting the application. If the application is not satisfactory, the application-receiving agency shall return the application and notify reasons to the applicant.

If the application is satisfactory, the application-receiving agency shall transfer it to the application-assessing agency specified in Clause 2 Article 16 of this Decree for assessment.

### 2. Assessment of a project and report on exploration and exploitation of water resources included in the application (hereinafter referred to as “project and report”):

- a) Within 42 days from the date of receipt of the complete application according to regulations in Clause 1 of this Article, the application-assessing agency shall be responsible for sending a notification of payment of fee for assessment to the applicant and assessing the project and report; if it is necessary to conduct on-site inspection, an assessment council shall be established and opinions of relevant agencies, organizations and individuals shall be collected.

Regarding a groundwater exploration or exploitation structure within a hydraulic structure protection corridor according to regulations in Clause 7 Article 52 of the Law on Water Resources, the assessing agency shall obtain written opinions from the regulatory body managing such hydraulic structure about impacts of the groundwater exploitation structure proposed to be issued with the permit on the safety of the irrigation work.

In case the application is satisfactory and acceptable, the application-assessing agency shall request the competent authority to issue the permit; in case the application is unsatisfactory and refused, the application shall be returned to the applicant and reasons shall be notified in writing;

- b) If mandatory to make amendments for the purpose of completion of the project and report, the application-assessing agency shall give a written notification which clearly shows contents to be amended to the applicant. The period of amendment and completion of the project and report shall not be included in the period of assessment of the project and report. The assessment period shall be 24 days after the project and report are completely amended;

c) If mandatory to re-formulate the project and report, the application-assessing agency shall give a written notification which clearly shows contents that are unsatisfactory to the applicant and return the application for issuance of the permit.

**Article 23. Procedures for extension, modification or re-issuance of groundwater exploration permit or water resource exploitation permit**

1. Receipt and inspection of an application:

a) The applicant for extension, modification or re-issuance of the permit shall submit an application in person at the One-stop shop or by post or by authorization according to regulations of law or via the online public service portal to the application-receiving agency;

b) Within 3 working days from the date of receipt of the application, the application-receiving agency shall be responsible for considering and inspecting the application. If the application is not satisfactory, the application-receiving agency shall return the application and notify reasons to the applicant.

If the application is satisfactory, the application-receiving agency shall transfer it to the application-assessing agency specified in Clause 2 Article 16 of this Decree for assessment.

2. Assessment of a project and report in case of extension or modification of the permit:

a) Within 35 days from the date of receipt of the complete application according to regulations in Clause 1 of this Article, the application-assessing agency shall be responsible for sending a notification of payment of fee for assessment to the applicant and assessing the project and report; If it is necessary to conduct on-site inspection, an assessment council shall be established and opinions of relevant agencies, organizations and individuals shall be collected.

In case the application is satisfactory and acceptable, the application-assessing agency shall request the competent authority to issue the permit; in case the application is unsatisfactory and refused, the application-assessing agency shall return the application to the applicant and notify reasons in writing;

b) If mandatory to make amendments for the purpose of completion of the project and report, the application-assessing agency shall give a written notification which clearly shows contents to be amended to the applicant. The period of amendment and completion of the project and report shall not be included in the period of assessment of the project and report. The assessment period shall be 24 days after the project and report are completely amended;

If mandatory to re-formulate the project and report, the application-assessing agency shall give a written notification which clearly shows contents that are unsatisfactory to the applicant and return the application.

### 3. Assessment of the application in case of re-issuance of the permit:

Within 14 days from the date of receipt of the complete application according to regulations in Clause 1 of this Article, the application-assessing agency shall be responsible for assessing the application. If the application is satisfactory and acceptable, the application-assessing agency shall request the competent authority to re-issue the permit. In case the application is unsatisfactory and refused, the application-assessing agency shall return the application to the applicant and notify reasons in writing.

## **Article 24. Procedures for suspension or approval for return of groundwater exploration permit or water resource exploitation permit**

### 1. Receipt and inspection of an application:

a) The applicant for suspension or return of the permit shall submit an application in person at the One-stop shop or by post or by authorization according to regulations of law or via the online public service portal to the application-receiving agency;

b) Within 3 working days from the date of receipt of the application, the application-receiving agency shall be responsible for considering and inspecting the application. If the application is not valid, the application-receiving agency shall return the application and notify reasons to the applicant.

If the application is valid, the application-receiving agency shall transfer it to the application-assessing agency specified in Clause 2 Article 16 of this Decree for assessment.

### 2. Assessment of the application for suspension or approval for return of the permit:

a) Within 20 days from the date of receipt of the complete application according to regulations in Clause 1 of this Article, the application-assessing agency shall be responsible for considering and inspecting the application and requesting the competent authority to approve suspension or return of the water resource exploitation permit. In case the application is unsatisfactory and refused, the application-assessing agency shall return the application to the applicant and notify reasons in writing;

b) If mandatory to make amendments for the purpose of completion of the application, the application-assessing agency shall give a written notification which clearly shows contents to be amended to the applicant. The period of amendment and completion of the application shall not be included in the period of assessment of the application. The assessment period shall be 6 working days after the application is completely amended.

## **Article 25. Procedures for declaration and registration of exploitation and use of groundwater**

### 1. Procedures for declaration and registration of exploitation and use of groundwater

- a) The exploitation and use of water resources shall be declared and registered on the water resource use and exploitation registration and declaration application;
- b) The information to be declared includes name of household owner, position, type, quantity, depth of wells, the amount of water, exploitation regime;
- c) The information to be registered includes information on the applicant, position, type, depth of wells, the amount of water, regime, purposes and aquifer, and commitment made by the applicant.

2. If the water resource use and exploitation registration and declaration application is not available, the groundwater exploitation shall be declared as follows: the Communal People's Committee shall give notification and distribute a declaration form, using Form No. 12 in the Appendix enclosed with this Decree to the organization/individual that has to make declaration within the commune; the household shall fill in the declaration form and submit it to the Communal People's Committee in order to consolidate and update the declared data to the application after the application is available.

3. If the water resource use and exploitation registration and declaration application is not available, the groundwater use and exploitation shall be registered as follows:

- a) The organization/individual exploiting and using groundwater for which the registration is required according to regulations in point c and point d Clause 2 Article 8 of this Decree shall submit 02 registration forms, using Form No. 13 and Form No. 14 in the Appendix enclosed with this Decree to the district-level People's Committee or the Communal People's Committee. The Communal People's Committee shall submit such registration forms to the district-level People's Committee. If a groundwater exploitation structure has not yet been constructed, the organization/individual shall apply for registration before construction;
- b) Within 14 days from the date of receipt of the registration forms from the organization/individual, the district-level People's Committee shall inspect the information, give verification on the registration forms and send one of them to the organization/individual;
- c) If the organization/individual has registered exploitation of groundwater but does not continue to exploit and use groundwater, they shall give notification and return the certified registration form to the district-level People's Committee or the Communal People's Committee which will notify the district-level People's Committee and fill up unused wells according to regulations.

If the organization/individual having the registration approved by the competent authority wishes to modify contents of the registration forms, procedures for new registration shall be followed.

**Article 26. Procedures for registration of exploitation of surface water and seawater, use of water surface and digging of lakes, ponds, canals and ditches**

1. Procedures for registration of exploitation of surface water and seawater, use of water surface and digging of lakes, ponds, canals and ditches:

a) The Communal People's Committee shall give notification and distribute registration forms, using Form No. 15, Form No. 16, Form No. 17 and Form No. 18 in the Appendix enclosed with this Decree to each organization/individual that has to apply for registration within the commune.

If a structure has not yet been constructed, the organization/individual shall apply for registration before digging or constructing the structure;

b) Within 14 days from the date of receipt of the registration forms, the organization/individual shall be responsible for completing such registration forms and submitting them to the provincial Department of Natural Resources and Environment or the Communal People's Committee. If the organization/individual submits the registration forms to the Communal People's Committee, the Communal People's Committee shall submit them to the provincial Department of Natural Resources and Environment;

c) Within 14 days from the date of receipt of the registration forms from the organization/individual, the competent authority shall certify the registration and send a written certification to the organization/individual;

If the water exploitation structure is a reservoir or roller dam, the competent authority shall certify the registration and send a written certification to the organization/individual within 28 days.

2. If the organization/individual has registered exploitation of surface water and seawater, use of water surface and digging of lakes, ponds, canals and ditches but does not continue to exploit and use them, they shall give a written notification of termination of exploitation and use and return the written certification to the provincial Department of Natural Resources and Environment.

If the organization/individual having the registration approved by the competent authority wishes to modify contents of the written certification, procedures for new registration shall be followed.

**Article 27. Procedures for invalidation of groundwater exploration permit or water resource exploitation permit**

1. When detecting that the permit holder violates regulations in Clause 1 Article 11 of this Decree, the authority having power to grant the permit shall consider invalidating the permit.
2. According to the severity of violations committed by the permit holder and the impact of the permit invalidation on production and daily life of the people, the authority having power to grant the permit shall decide the time limit for invalidation of the permit.
3. The authority having power to grant the permit may consider shortening the time limit for invalidation when the permit holder has taken actions to deal with consequences related to reasons for the invalidation and completely fulfill his/her obligations as prescribed by law.

#### **Article 28. Procedures for revocation of groundwater exploration permit or water resource exploitation permit**

1. When conducting periodic or ad hoc inspections, if any case prescribed in Points b and d Clause 1 Article 12 hereof is detected, the authority having power to conduct inspections shall be responsible for making and submitting a written report to the licensing authority; if any case prescribed in Points a and c Clause 1 Article 12 of this Decree is detected, the authority having power to conduct inspections shall handle such case within its power, and prepare and submit a written report to the licensing authority.

Within 42 days after receiving the report, the licensing authority shall consider revoking the permit.

2. If the competent authority decides to revoke the permit specified in Point dd Clause 1 Article 12 hereof, a notification shall be given to the permit holder at least 90 days in advance.

#### **Article 29. Water resource exploitation report**

1. Every year, before January 30 of the next year, the permit holder shall prepare water resource exploitation reports, using Form No. 60, Form No. 61 and Form No. 62 in the Appendix enclosed with this Decree and send them to the application-assessing agency and the Department of Agriculture and Rural Development (in case of irrigation structures) or the Department of Industry and Trade (in case of hydropower and thermalpower structures) of province where these structures are constructed.

If the licensing is under the power of the Ministry of Natural Resources and Environment, the permit holder shall also send such reports to the Department of Natural Resources and Environment of province where these structures are constructed.

2. Relevant information and data included in these reports shall be consolidated from the January 01 to the end of December 31 of the reporting year.

## **Chapter III**

### **GROUNDWATER DRILLING PRACTICING AND WATER RESOURCES-RELATED SERVICES**

#### **Section 1. GROUNDWATER DRILLING PRACTICING**

##### **Article 30. Groundwater drilling practicing scale and validity period of license to practice groundwater drilling**

1. Groundwater drilling practicing scale shall be regulated as follows:

a) Groundwater drilling practicing on a small scale means drilling and installation of groundwater wells with a diameter of the well casing or wall not exceeding 110 mm that belong to a structure with a flow rate of less than 200 m<sup>3</sup>/24 hours;

b) Groundwater drilling practicing on a medium scale means drilling and installation of groundwater wells with a diameter of the well casing or wall not exceeding 250 mm that belong to a structure with a flow rate ranging from 200 m<sup>3</sup>/24 hours to less than 3.000 m<sup>3</sup>/24 hours;

c) Groundwater drilling practicing on a large scale includes operations other than those covered by Points a and b Clause 1 of this Article.

2. An organization/individual granted a license to practice groundwater drilling on a specific scale shall be entitled to practice groundwater drilling on that scale and smaller one; drill and install boreholes or wells under groundwater exploration, exploitation, investigation and assessment projects and other works with diameters equivalent to those specified Clause 1 of this Article.

The organization/individual granted the license to practice groundwater drilling shall be entitled to practice groundwater drilling nationwide.

3. Validity period of a license to practice groundwater drilling

The validity period of the license to practice groundwater drilling lasts up to 10 years and the license may be extended repeatedly. Each extension may be 5 months at maximum.

##### **Article 31. Conditions for applying for license to practice groundwater drilling**

An organization/individual practicing groundwater drilling shall meet the following conditions:

1. The organization/individual shall obtain a decision on establishment of the competent authority or business registration certificate, business and tax registration certificate or enterprise registration certificate (in case of an organization), or business household

registration certificate (in case of an individual or household) granted by the competent authority.

2. The head of the organization, or the person assuming prime responsibility for technical issues of the organization/individual practicing groundwater drilling (hereinafter referred to as “technically responsible person”) shall meet the following requirements:

a) With regard to groundwater drilling practicing on a small scale:

Obtain at least an intermediate diploma in geology or drilling disciplines, or act as a drill worker with at least a Level 3 qualification for drilling or equivalent.

If one of the aforesaid degrees is not available, he/she shall get directly involved in at least 3 groundwater drilling structures;

b) With regard to groundwater drilling practicing on a medium scale:

Obtain at least an intermediate diploma in geology or drilling disciplines. At the same time, get directly involved in formulating at least 01 project or report on exploration and design in wells or directing construction of at least 3 groundwater drilling structures with the flow rate of at least 200 m<sup>3</sup>/24 hours;

c) With regard to groundwater drilling practicing on a large scale:

Obtain at least a bachelor's degree in geology or drilling disciplines. At the same time, get directly involved in formulating at least 3 projects or reports on exploration and design in wells or directing construction of at least 3 groundwater drilling structures with the flow rate of at least 3.000 m<sup>3</sup>/24 hours.

### **Article 32. Power to issue, extend, modify, re-issue, approve return of, invalidate and revoke license to practice groundwater drilling**

1. Power to issue, extend, modify, re-issue, approve return of, invalidate and revoke license to practice groundwater drilling:

a) The Ministry of Natural Resources and Environment shall issue, extend, re-issue, approve return of, invalidate and revoke a license to practice groundwater drilling on a large scale specified in point c Clause 1 Article 30 of this Decree.

According to working requirements, implementation capacity, actual conditions and situation, the Minister of Natural Resources and Environment shall decide to authorize water resource authorities affiliated to the Ministry of Natural Resources and Environment to comply with regulations in this point in accordance with the Law on Government Organization.

b) The provincial Department of Natural Resources and Environment shall issue, extend, modify, re-issue, approve return of, invalidate and revoke a license to practice groundwater drilling on a medium scale and a small scale specified in points a and b Clause 1 Article 30 of this Decree with regard to each organization/individual that is permanently located or resides within the province.

2. Agencies receiving and returning results “hereinafter referred to as “application-receiving agencies):

a) The Office in charge of receiving administrative procedure applications and returning processing results of the Ministry of Natural Resources and Environment of Vietnam shall be responsible for receiving applications and returning administrative procedure processing results under the licensing power of the Ministry of Natural Resources and Environment;

b) The One-stop shop or the public administrative service center shall be responsible for receiving applications and returning administrative procedure processing results under the licensing power of the provincial Department of Natural Resources and Environment. If the One-stop shop or the public administrative service center has not been yet established, the provincial Department of Natural Resources and Environment shall be responsible for receiving applications and returning administrative procedure processing results within its licensing power.

3. Agencies assessing and managing applications and permits (hereinafter referred to as “application-assessing agencies):

a) The water resource authority affiliated to the Ministry of Natural Resources and Environment shall be responsible for organizing assessment and management of applications and permits under the licensing power of the Ministry of Natural Resources and Environment;

b) The provincial Department of Natural Resources and Environment shall be responsible for organizing assessment and management of applications and permits under the licensing power of the provincial People’s Committee.

### **Article 33. Requirements to be satisfied by organizations/individuals practicing groundwater drilling**

1. An organization/individual practicing groundwater drilling has the following obligations:

a) Take measures for ensuring the safety of the people and groundwater drilling structures;

b) Do not cause land subsidence, saltwater intrusion, and pollution of aquifers;

c) Implement other measures in order to protect groundwater and environment.

2. Follow technical procedures for drilling groundwater and comply with regulations on protection of groundwater; make sure that the technically responsible person shall be present at the site for direction during the duration for drilling and installation of wells; in case of land subsidence or other incidents that affect structures and daily life of the people in the construction area, the construction shall be stopped, remedial measures shall be taken and the organization/individual practicing groundwater drilling shall be responsible for paying compensation for all damage to the people and assets caused by such incidents and local authorities, the Department of Natural Resources and Environment of province where such structures are constructed and the licensing authority shall be immediately notified.

3. Give a written notification of positions and scale of groundwater drilling structures and estimated time for construction to the People's Committee of commune, the Department of Natural Resources and Environment of district where groundwater drilling structures are constructed at least 9 days before the construction.

4. Update information and data on geological and stratigraphic structure in drilling positions to the national water resources information system and database within 30 days after the end of construction.

5. Within 30 days, give a written notification to the licensing authority when there is any change in the technically responsible person. At the same time, documents proving capacity of the technically responsible person according to Article 31 of this Decree shall be enclosed.

6. Every year, before January 30 of the next year, consolidate information on groundwater drilling structures constructed according to Form No. 56 in the Appendix enclosed with this Decree and send a report to the licensing authority.

#### **Article 34. Issuance of license to practice groundwater drilling**

1. An application for issuance of a license to practice groundwater drilling shall include documents. To be specific:

a) An application form;

b) An authentic copy or a certified true copy or a copy enclosed with the authentic copy for comparison or a certified true electronic copy of the authentic copy or a photocopy certified by the issuing agency of a certificate or diploma of the technically responsible person according to regulations of law and a labor contract between the applicant and the technically responsible person;

c) A description of working experience in groundwater drilling of the technically responsible person provided by the applicant;

d) The application form and the description of working experience of the technically responsible person shall be made according to Form No. 49 and Form No. 52 in the Appendix enclosed with this Decree.

## 2. Procedures for issuance of the license

a) The applicant for the license shall submit an application in person or by post or an electronic application via the online public service system to the application-receiving agency;

b) Within 3 working days of receipt of the application, the application-receiving agency shall be responsible for considering and inspecting the sufficiency and validity of the application; If the application is not valid, the application-receiving agency shall return the application and notify reasons to the applicant.

If the application is valid, the application-receiving agency shall transfer it to the application-assessing agency specified in Clause 3 Article 32 of this Decree for assessment.

c) Within 21 days from the date of receipt of the complete application according to regulations in point b of this Clause, the application-assessing agency shall be responsible for giving a notification of payment of fee for assessment to the applicant and assessing the application;

If necessary, the application-assessing agency shall conduct an on-site inspection of the satisfaction of practicing requirements and professional capacity of the applicant or request the water resource authority of the province or city where the applicant is located (in case of an organization) or resides (in case of an individual) to conduct the inspection. The requested water resource authority shall conduct the on-site inspection and give written response to the application-assessing agency within 09 days from the receipt of the request.

In case the application is satisfactory and acceptable, the application-assessing agency shall request the competent authority to issue the license; in case the application is unsatisfactory and refused, the application shall be returned to the applicant and reasons shall be notified in writing;

d) If mandatory to make amendments for the purpose of completion of the application, the application-assessing agency shall give a written notification which clearly shows contents to be amended to the applicant. The period of amendment and completion of the application and the on-site inspection shall not be included in the period of assessment of the application. The assessment period shall be 14 days after the application is completely amended;

## **Article 35. Extension or modification of license to practice groundwater drilling**

1. The extension of a license to practice groundwater drilling shall meet the conditions specified in Article 31 of this Decree and the following specific conditions:
  - a) During the practicing process, the license holder shall fulfill all requirements specified in Article 33 of this Decree;
  - b) The license is still valid and the application for extension of the license shall be submitted at least 30 days prior to the expiry date of such license;
2. If the application for extension of the license is submitted after the deadline specified in point b Clause 1 of this Article, an application for a new license shall be submitted.
3. The license shall be modified in case the license holder applies for change in the practicing scale. If the license holder wishes to change the groundwater drilling practicing scale from the small or medium scale to the large scale, the license holder shall make an application for a new license and request the Ministry of Natural Resources and Environment to issue the license.
4. The consideration for modification of the license to practice groundwater drilling shall meet the conditions specified in Article 31 of this Decree.
5. An application for extension or modification of the license to practice groundwater drilling shall contain documents. To be specific:
  - a) An application form for extension or modification of the license is required;
  - b) In case of extension of the license with change in the technically responsible person, in addition to the application for extension, documents specified in point b Clause 1 Article 34 of this Decree shall be attached in order to prove capacity of the technically responsible person according to regulations;
  - c) In case of modification of the license, in addition to the application for modification, documents specified in point b Clause 1 Article 34 of this Decree shall be attached in order to prove capacity of the technically responsible person according to regulations;
  - d) The application form and the description of working experience of the technically responsible person shall be made according to Form No. 50 and Form No. 52 in the Appendix enclosed with this Decree.
6. Procedures for extension or modification of the license to practice groundwater drilling:
  - a) The applicant for extension or modification of the license shall submit an application in person at the One-stop shop or by post or by authorization according to regulations of law or via the online public service portal to the application-receiving agency;

b) Within 3 working days of receipt of the application, the application-receiving agency shall be responsible for considering and inspecting the sufficiency and validity of the application; If the application is not valid, the application-receiving agency shall return the application and notify reasons to the applicant.

If the application is valid, the application-receiving agency shall transfer it to the application-assessing agency specified in Clause 3 Article 32 of this Decree for assessment.

c) Within 14 days from the date of receipt of the complete application according to regulations in point b of this Clause, the application-assessing agency shall be responsible for giving a notification of payment of fee for assessment to the applicant and assessing the application.

If necessary, the application-assessing agency shall conduct an on-site inspection of the satisfaction of practicing requirements and professional capacity of the applicant or request the water resource authority of the province or city where the applicant is located (in case of an organization) or resides (in case of an individual) to conduct the inspection.

The requested water resource authority shall conduct the on-site inspection and give written response to the application-assessing agency within 09 days from the receipt of the request.

In case the application is satisfactory and acceptable, the application-assessing agency shall request the competent authority to issue the license; in case the application is unsatisfactory and refused, the application shall be returned to the applicant and reasons shall be notified in writing;

d) If mandatory to make amendments for the purpose of completion of the application, the application-assessing agency shall give a written notification which clearly shows contents to be amended to the applicant. The period of amendment and completion of the application and the on-site inspection shall not be included in the period of assessment of the application. The assessment period shall be 5 working days after the application is completely amended;

### **Article 36. Re-issuance or return of license to practice groundwater drilling**

1. A permit shall be re-issued in the following cases and conditions:

a) It has gone missing; is ruined or damaged;

b) Name of the license holder is changed due to change in name, receipt of transfer, merger, division or restructuring without any change in other contents of the license.

If the license is re-issued due to transfer, merger or division, the receiving party to transfer, merger or division agreement shall follow procedures for applying for re-issuance of the license.

c) The validity period of the reissued license is equal to days left to the expiry date of the old license.

2. The license to practice groundwater drilling shall be returned when the license holder does not use or wish to further use such license.

3. An application for re-issuance or return of the license to practice groundwater drilling shall include documents. To be specific:

a) An application form for re-issuance or return of the license;

b) Documents proving reasons for reissuance of the license (in case of change in name, receipt of transfer, merger, division or restructuring).

c) The application form for re-issuance or return of the license to practice groundwater drilling shall be made according to Form No. 51 in the Appendix enclosed with Decree.

4. Procedures for re-issuance or return of the license to practice groundwater drilling

a) The applicant for re-issuance or return of the license shall submit an application in person or by post or an electronic application via the online public service system to the application-receiving agency;

b) Within 3 working days of receipt of the application, the application-receiving agency shall be responsible for considering and inspecting the sufficiency and validity of the application; If the application is not valid, the application-receiving agency shall return the application and notify reasons to the applicant.

If the application is valid, the application-receiving agency shall transfer it to the application-assessing agency specified in Clause 3 Article 32 of this Decree for assessment;

c) Within 5 working days from the date of receipt of the complete application according to regulations in point b of this Clause, the application-assessing agency shall be responsible for assessing the application and requesting the competent authority to approve the return of the license.

If the application is satisfactory for re-issuance, the competent authority is required to re-issue the license. The validity period of the reissued license is equal to days left to the expiry date of the old license. In case the application for re-issuance is not satisfactory, the application-receiving agency shall return the application to the applicant and notify reasons in writing.

## **Article 37. Invalidation or revocation of license to practice groundwater drilling**

1. A license to practice groundwater drilling shall be invalidated as follows:

a) The license shall be invalidated when the license holder commits violations against regulations indicated in the license, thereby causing land subsidence, deformation of works/structures or serious deterioration, pollution, depletion, saltwater intrusion of water sources;

b) The duration for invalidation shall not exceed 03 months;

c) During the duration for invalidation of the license, the license holder shall not be allowed to exercise the rights associated with the license, and shall take remedial measures as well as pay compensation for any damage (if any) in accordance with law;

d) When the invalidation duration ends but the licensing authority does not issue any other decision, the license holder may continue to exercise their rights and obligations.

2. The license shall be revoked in the following cases:

a) It is detected that the license holder forges documents, dishonestly declares the contents specified in the application for issuance of the license, or erases and falsifies contents of the license;

b) The license holder that is an organization is dissolved or declared bankrupt by the court; the license holder that is an individual is dead or declared dead by the court, is incapable of performing civil acts or declared missing;

c) The license holder violates the decision on invalidation of the license or violates regulations in point a Clause 1 of this Article for multiple times;

d) The license is issued within improper power.

3. If the license is revoked according to regulations in Point a and Point c Clause 2 of this Article, the license holder may only be considered to be issued with a new license after the holder has taken all corrective actions, fulfilled the obligations and met other regulations of relevant laws on revocation of the old license.

4. If the license is revoked according to regulations in Point d Clause 2 of this Article, the competent authority having power to issue licenses shall consider issuing a new license.

## **Section 2. WATER RESOURCES-RELATED SERVICES**

### **Article 38. General regulations on water resources-related services**

1. Water resource regulation and distribution decision support services are services which provide methods for supporting and advising competent authorities to decide plans to coordinate the activities of exploitation and use of water resources in river basins and aquifers to optimize the socio-economic and environmental benefits brought by water resources.

Water resource regulation and distribution decision support services are applicable to surface water and groundwater.

2. Reservoir and inter-reservoir operation decision support services are services which provide methods for supporting and advising organizations, individuals and competent authorities to formulate and issue plans to operate reservoirs in accordance with principles and regulations on procedures for operation of reservoirs and inter-reservoirs and in conformity with plans for regulation and distribution; propose plans to adjust procedures for operation of reservoirs and inter-reservoirs in order to flexibly exploit water resources and improve efficiency in regulation and supply of water by reservoirs and exploitation and use of water by water exploitation and use structures in lowlands.

3. Requirements to be satisfied by products of water resources-related services (hereinafter referred to as “service products”)

a) Service products shall be consistent with regulations on regulation and distribution of water resources and operation of reservoirs and inter-reservoirs;

b) Service products shall serve as a reliable basis to coordinate the activities of exploitation and use of water resources in river basins and aquifers to optimize the socio-economic and environmental benefits brought by water resources; and flexibly operate reservoirs and improve efficiency in regulation by reservoirs with regard to prevention, control and reduction in flood and water supply to lowlands;

c) Information and data of service products shall be connected, integrated and shared with the national water resources information system and database;

d) Decision support services shall be provided promptly, thereby meeting the demands of service-using agencies and organizations.

4. Organizations that have participated in inter-provincial river basin planning or procedures for operation of inter-reservoirs or provided water resource-related services shall be given priority.

### **Article 39. Conditions to be satisfied by water resource-related service providers**

A service provider shall meet the following conditions to provide the water resource-related services specified in Clause 1 Article 70 of the Law on Water Resource:

1. Possess a decision on establishment from the competent authority or business registration certificate, business and tax registration certificate or enterprise registration certificate granted by the competent authority and have functions and tasks related to provision of water resource-related services.
2. Possess technical infrastructure, facilities, equipment and software for provision of services according to regulations in Clause 1 Article 40 of this Decree.
3. Possess professional personnel participating in provision of water resource regulation and distribution decision support services and reservoir and inter-reservoir operation decision support services who meets requirements specified in Article 40 of this Decree and the following requirements:
  - a) Be Vietnamese citizens or foreigners obtaining work permits in Vietnam according to regulations of the labor law;
  - b) Obtain at least bachelor's degrees in disciplines in conformity with the assigned tasks. These degrees shall be granted by training institutions in Vietnam or foreign countries according to regulations of law;
  - c) Possess recruitment decisions or labor contracts with the provider according to regulations of law. In case of a definite-term labor contract, the remaining validity period of the contract shall be at least 06 months at the time on which a dossier proving capacity for providing water resource-related services is formulated.

**Article 40. Requirements for human resources and infrastructure of water resource-related service providers**

1. A water resource regulation and distribution decision support service or reservoir and inter-reservoir operation decision support service provider shall possess professional personnel completing training courses on disciplines related to surface water, groundwater, environment, information technology or other disciplines related to water resources. The provider shall possess a technical officer who meets requirements specified in Clause 2 of this Article and professional groups that meet requirements specified in Clause 3 of this Article.
2. The technical officer shall meet the following requirements:
  - a) He/she shall have expertise in one of the disciplines related to surface water or groundwater;
  - b) Regarding water resource regulation and distribution decision support services: he/she shall have at least 10 years' experience of working in the fields related to water resources, directly use one of the hydrographic and hydraulic models and groundwater related to service products and participate in development of at least 01 comprehensive inter-provincial river basin planning or 01 inter-reservoir operation procedure;

c) Regarding reservoir operation decision support services: he/she shall have at least 7 years' experience of working in the fields related to water resources, directly use one of the hydrographic and hydraulic models related to service products and participate in development of at least 01 inter-reservoir operation procedure or 01 reservoir operation procedure.

3. Professional groups shall meet the following requirements:

a) Regarding reservoir and inter-reservoir operation decision support services: Each group shall possess at least 05 officials provided with training in the discipline related to surface water; 01 official provided with training in the discipline related to environment and 01 official provided with training in the discipline related to information technology, including 03 officials who have at least 5 years' experience of working in the fields related to water resources and directly apply one of the hydrographic and hydraulic models and the geographic information system so as to perform the water resource – related tasks.

b) Regarding water resource regulation and distribution decision support services: in addition to fulfillment of requirements specified in point a of this Clause, each group shall possess at least 02 officials provided with training in the discipline related to groundwater, including 01 official who has at least 5 years' experience of working in the fields related to water resources and directly applies one of the groundwater models so as to perform the water resource – related tasks.

4. The water resource regulation and distribution decision support service or reservoir and inter-reservoir operation decision support service provider shall possess technical infrastructure, facilities, equipment and software. To be specific:

a) The provider shall have a system for receiving, transmitting and storing information which is capable of receiving and transmitting information and data on hydrometeorology and water resources on basins in real time;

b) Technical infrastructure, facilities, equipment and software shall be connected with hydrometeorological monitoring database systems and the national water resources information system and database;

c) The information and data used for consolidation and provision of services shall be synchronous, uniform and sufficient, and have clear origin;

d) The provider shall have mathematical models copyrighted and used for handling, analysis and forecast in real time, including statistical model, hydrological model, hydrodynamic model, water balance model, reservoir operation model and water quality model. They shall be tested and calibrated by an independent advisory organization or the water resource authority.

5. A dossier on capacity of the water resource-related service provider includes:

a) Authentic copies or certified true copies or copies enclosed with authentic copies for comparison or certified true electronic copies of authentic copies of documents specified in Clause 1 Article 39 of this Decree and documents and contracts proving the satisfaction of requirements with respect to items of work subject to requirements upon implementation (if any) according to regulations;

b) List of professional officials and technically responsible persons; personal identification numbers, authentic copies or certified true copies or copies enclosed with authentic copies for comparison or certified true electronic copies of authentic copies of diplomas and labor contracts or recruitment decisions; materials or documents proving working experience of each individual as required by Clause 2 and Clause 3 of this Article (curriculum vitae which clearly show work history and professional experience and proving documents, including decisions to assign tasks and items to be performed and decisions to approve the completed tasks);

c) Technical infrastructure, facilities, equipment and software used for provision of services and documents proving compliance with regulations in Clause 4 of this Article.

#### **Article 41. Responsibilities of agencies and organizations for provision and use of water resource – related services**

1. A water resource-related service provider has the following responsibilities:

a) Allocate and employ professional officials in conformity with work contents and requirements specified in Clauses 2 and 3 Article 40 of this Decree. During allocation and employment, if there is any change in professional officials, a written notification which clearly indicates reasons for change shall be given to each service-using organization and documents proving capacity and experience of replacements shall be enclosed with the notification;

b) Honestly declare contents in the dossier on capacity for providing services and take responsibility to the law for dishonest declaration.

2. An organization using reservoir and inter-reservoir operation decision support services has the following responsibilities:

a) Assume responsibility and supervise the reservoir and inter-reservoir operation decision support service provider;

b) Commit to take responsibility for operation data and plan;

c) Be responsible for its decision to operate reservoirs and inter-reservoirs; propose a plan to adjust procedures for operation of reservoirs, thereby ensuring effective, economical and safe operation;

d) On an annual basis, carry out assessment of the quality and effectiveness of the operation plan provided by the reservoir and inter-reservoir operation decision support service provider and report use of water resource - related services included in the water resource exploitation report.

3. Agencies and organizations using water resource regulation and distribution decision support services shall be responsible for organizing, inspecting and supervising water resource regulation and distribution decision support service providers.

## **Chapter IV**

### **FEES FOR WATER RESOURCE EXPLOITATION RIGHT**

#### **Article 42. Cases where fees for water resource exploitation right must be paid**

Any organization or individual exploiting water resources in the case where the surface water or groundwater exploitation has to be licensed must pay a fee for water resource exploitation right in the following circumstances:

1. Exploit surface water to generate electricity for commercial purposes.
2. Exploit surface water or groundwater to serve production (including cooling machinery and equipment, generating steam and heating), business, service provision and aquaculture or to be supplied for agricultural or domestic purposes.

#### **Article 43. Cases where fees for water resource exploitation right are not required to be paid, or are reduced or exempted**

1. An organization or individual exploiting water resources is not required to pay a fee for water resource exploitation right in the circumstances specified in Clause 2 Article 69 and Clause 3 Article 86 of the Law on Water Resources.
2. An organization or individual exploiting water resources shall be exempted from the fee for water resource exploitation right in the circumstances specified in Clause 3 Article 69 of the Law on Water Resources.

Regarding the project specified in point b Clause 3 Article 69 of the Law on Water Resources, the project owner shall submit a written guarantee proving bases for exemption from the fee for water resource exploitation right according to regulations and enclosed with the application for the water resource exploitation permit.

3. An organization or individual exploiting water resources shall receive a reduction in the fee for water resource exploitation right in the circumstances specified in Clause 4 Article 69 of the Law on Water Resources.

#### **Article 44. Bases for calculating fees for water resource exploitation right**

1. Water use purposes, including:
  - a) Hydropower production;
  - b) Business and service provision;
  - c) Production (including cooling machinery and equipment, generating steam and heating);
  - d) Agriculture and aquaculture;
  - dd) Domestic purposes.
2. Type of water sources exploited: surface water and groundwater.
3. Water source quality: It is determined according to water zoning or water function zoning in the water resource-related planning as per planning laws or the approved regional or provincial planning; In case the planning is unavailable or the planning does not include water zoning contents, the actual quality of water source shall be considered.
4. Exploitation conditions:
  - a) With regard to surface water, conditions at the location of surface water source shall be considered;
  - b) With regard to underground water, the type of exploitation structures (drilled wells, dug wells, dug holes, springs, corridors, caves) shall be considered. In case of a drilled well, its depth shall be considered.
5. Exploitation scale:
  - a) In case of water exploitation for the purpose of hydropower, the exploitation scale shall be determined according to design documents;
  - b) In case of water exploitation for purposes other than the purpose specified in Point a of this Clause, the exploitation scale shall be determined according to the water resource exploitation permit and the percentage of water used for each purpose.
6. The period of calculation of the fee for water resource exploitation right is determined according to the time to start operating the water exploitation structure, the effective date of the permit and the time limit specified in the water resource exploitation permit.
7. The amount of water exploited.

**Article 45. Rate of fee for water resource exploitation right (M)**

The rate of fee for water resource exploitation right (M) is determined according to the purpose of use and type of water source, ranges from 0,05% to 2,0% and is detailed in the Appendix V enclosed with this Decree.

**Article 46. Formula for calculation of fee for water resource exploitation right**

1. In case of water exploitation for the purpose of hydropower, the fee for water resource exploitation right shall be calculated by adopting the following formula;

Where:

$$T = W \times G \times M$$

T - Fee for water resource exploitation right, calculation unit: VND;

W - Electrical energy generated prescribed in Article 47 herein; calculation unit: kWh;

G – Price for calculation of fee for water resource exploitation right specified in Article 48 of this Decree, calculation unit: VND/kWh;

M – Rate of fee for water resource exploitation right specified in Article 45 of this Decree, calculation unit: %.

2. In other cases other than the case specified in Clause 1 of this Article, the fee for water resource exploitation right shall be calculated by adopting the following formula;

Where:

$$T = W \times G \times K \times M$$

T - Fee for water resource exploitation right, calculation unit: VND;

W –The amount of water exploited for calculation of fee for water resource exploitation right specified in Article 47 of this Decree, calculation unit: m<sup>3</sup>;

G – Price for calculation of fee for water resource exploitation right specified in Article 48 of this Decree, calculation unit: VND/m<sup>3</sup>;

K- Adjustment coefficient prescribed in Article 49 herein;

M – Rate of fee for water resource exploitation right specified in Article 45 of this Decree, calculation unit: %.

3. Regarding structures with solutions for circulation and reuse of water with a volume of at least 20% of the volume of water exploited without such solutions and reservoirs that have been put into operation of which the approved lowland flood control storage has to

be adjusted or increased according to regulations in point b, point c Clause 4 Article 69 of the Law on Water Resources, the reduction in fee for water resource exploitation right shall equal (=) 5% multiplied by (x) the total fee for water resource exploitation right (T).

In case of adjustment in the fee for water resource exploitation right according to regulations in point g and point h Clause 1 Article 52 of this Decree, the aforesaid reduction shall be calculated from the time on which the competent authority receives the complete and valid application to the expiry date of the permit.

**Article 47. Electrical energy generated/the amount of water for calculation of fee for water resource exploitation right (W)**

1. Regarding hydropower production, the electrical energy generated for calculation of the fee for water resource exploitation right shall be the annual average quantity of electricity which is defined in the Project's design documents ( $E_0$ , unit: kWh), divided (/) by 365 days and multiplied (x) by the fee calculation period (days).

Regarding pumped-storage hydropower, the electrical energy generated for calculation of the fee for water resource exploitation right shall be the stable electricity generation of the plant which is defined in the Project's design documents ( $E_p$ , unit: kWh), divided (/) by 365 days and multiplied (x) by the fee calculation period (days).

2. In cases other than the case prescribed in Clause 1 of this Article, the amount of water exploited shall be the highest exploitation flow rate (unit:  $m^3/24$  hours) specified in the permit multiplied (x) by the annual exploitation frequency and the fee calculation period (days).

Regarding water exploitation scale (unit:  $m^3/s$ ), the amount of water exploited shall be the highest exploitation flow rate (unit:  $m^3/24$  hours) specified in the permit multiplied (x) by the exploitation period in a day (unit: hour) multiplied (x) by 3.600 multiplied (x) by the annual exploitation frequency and the fee calculation period (days). If the exploitation period is not prescribed in the permit, it will be 24 hours.

3. The exploitation frequency in year is calculated by dividing (/) the number of exploitation days in year by 365 days. The exploitation frequency shall be 365/365 days if it is not prescribed in the permit.

4. The fee calculation period shall be determined by days in accordance with the following regulations:

a) If the exploitation structure is operated before September 01, 2017, the fee calculation period shall be determined from September 01, 2017 to the expiry date of the permit;

b) If the exploitation structure is operated after September 01, 2017, the fee calculation period shall be determined from the date on which the structure is operated to the expiry date of the permit;

Date of commencement of operation of the structure is the date on which the construction is completed and the structure is put into official operation; with regard to a hydropower or thermalpower structure, the date of commencement of operation of the structure is the date on which the construction is completed and the structure is put into commercial operation;

c) If the exploitation structure is operated and licensed, the fee for water resource exploitation right is approved and the permit holder submits an application for issuance or extension of the permit to continue exploiting water, the fee calculation period shall be determined from the expiry date of the old permit to the expiry date of the new permit;

d) If the surface water or groundwater exploitation structure (for domestic purposes) is operated before July 01, 2025, the fee calculation period shall be determined from July 01, 2025 to the expiry date of the permit; if the surface water or groundwater exploitation structure (for domestic purposes) is operated after July 01, 2025, the fee calculation period shall be determined from the date on which the structure is operated to the expiry date of the permit;

dd) If the permit holder is issued with a surface water exploitation permit or the permit holder has their surface water exploitation permit extended in order to exploit water for the purpose of agriculture according to regulations of this Decree, the fee for water resource exploitation right shall be paid under regulations in this Decree at the same time the fee for using irrigation products or services is collected when the State does not provide financial support for use of public irrigation products or utilities under regulations of law on irrigation and law on prices;

e) If the permit holder is issued with a surface water exploitation permit in order to exploit water for the purpose of agriculture before the effective date of this Decree but is not eligible for subsidy on public irrigation products/services according to regulations of law on irrigation and law on prices, when the permit holder follows procedures for applying for issuance or extension of the permit, the fee calculation period shall be determined from the expiry date of the old permit to the expiry date of the new permit;

g) If an organization/individual has not yet been issued with a surface water exploitation permit and is not eligible for subsidy on public irrigation products/services according to regulations of law on irrigation and law on prices, when the organization/individual makes an application for issuance of the permit in order to exploit surface water for the purpose of agriculture according to regulations of this Decree, the fee calculation period shall be determined as follows:

If the exploitation structure is operated before July 01, 2024, the fee calculation period with regard to the amount of water supplied for agriculture shall be determined from July 01, 2024 to the expiry date of the permit.

If the exploitation structure is operated after July 01, 2024, the fee calculation period with regard to the amount of water supplied for agriculture shall be determined from the date on which the structure is operated to the expiry date of the permit;

h) If the organization/individual has not yet been issued with a groundwater exploitation permit, when the organization/individual makes an application for issuance of the permit in order to exploit groundwater for the purpose of agriculture according to regulations of this Decree, the fee calculation period shall be determined as follows:

If the exploitation structure is operated before July 01, 2024, the fee calculation period with regard to the amount of water supplied for agriculture (except for irrigation of coffee plants, rubber plants, cashew plants, tea plants, black pepper plants and other long-term industrial crops, aquaculture and livestock husbandry) shall be determined from July 01, 2024 to the expiry date of the permit.

If the exploitation structure is operated after July 01, 2024, the fee calculation period with regard to the amount of water supplied for agriculture shall be determined from the date on which the structure is operated to the expiry date of the permit;

i) If the permit holder is issued with a groundwater exploitation permit in order to exploit water for the purpose of agriculture before the effective date of this Decree, when the permit holder follows procedures for applying for issuance or extension of the permit, the fee calculation period with regard to the amount of water supplied for agriculture (except for irrigation of coffee plants, rubber plants, cashew plants, tea plants, black pepper plants and other long-term industrial crops, aquaculture and livestock husbandry) shall be determined from the effective date of the new permit to the expiry date of the new permit;

5. If the water is exploited to serve multiple purposes, the amount of exploited water for calculation of fee for water resource exploitation right shall be separately determined for each purpose in accordance with regulations herein. To be specific:

a) The permit holder shall determine and declare the amount of exploited water used for each exploitation purpose and give an explanation of grounds thereof. With respect to a certain amount of exploited water the purpose of which is not identified, the exploitation purpose with the highest collection rate of fee specified in the permit shall be considered;

b) In case several water exploitation structures are operated to supply water to the same concentrated water supply system (including new water exploitation structures), the amount of exploited water for calculation of fee for water resource exploitation right for each purpose of each exploitation structure shall be determined according to its percentage of amount of water supplied to the concentrated water supply system; The percentage of amount of water supplied to the concentrated water supply system shall be determined at the time of assessment of application for calculation of fee for water resource exploitation right. To be specific:

If the concentrated water supply system has been put into operation, the percentage of amount of water supplied to serve purposes of the system shall be determined on the basis of the amount of supplied water under financial statement of the latest year;

If the concentrated water supply system has been put into operation for less than 01 year and documents on financial statement of the amount of water are not sufficiently issued, the percentage of amount of water supplied to serve purposes of the system shall be determined on the basis of design documents approved by the competent authority;

Units distributing and trading water (without water exploitation structures) shall be responsible for provision of and the accuracy of information and figures on water supply for the determination of the percentage of amount of water supplied to serve purposes of the concentrated water supply system;

c) In case water exploitation structures are operated to supply water to several concentrated water supply systems, the amount of exploited water for calculation of fee for water resource exploitation right shall be determined according to the percentage of amount of water supplied to each system and the percentage of amount of water supplied to serve purposes of that system;

d) In case production establishments (including establishments producing and supplying clean water industrial parks and clusters, hi-tech parks and dedicated areas for industrial production of economic zones), business establishments and service providers exploit water for domestic use and other purposes within their scope, the amount of exploited water for calculation of fee for water resource exploitation right shall be determined for production, business and service purposes of such establishments.

If the water is supplied to external entities, the amount of exploited water for calculation of fee for water resource exploitation right shall be determined according to regulations in point b of this Clause;

dd) The amount of water supplied to administrative agencies or public service providers shall be determined for domestic use.

#### **Article 48. Price for calculation of fee for water resource exploitation right (G)**

1. The price for calculation of fee for water resource exploitation right with respect to water exploited for hydropower production shall be 70% of the electricity price for calculation of the royalty on water resources for hydropower production.

2. The price for calculation of fee for water resource exploitation right in cases other than those prescribed in Clauses 1, 3, 4 and 5 of this Article shall be the price for calculation of the royalty on water resources announced by the People's Committee of province where the water exploitation structure is located in conformity with the bracket of prices for calculation of the royalty on water resources adopted by the Ministry of Finance. To be specific:

a) The price for calculation of fee for water resource exploitation right with respect to concentrated establishments producing and supplying water to urban and rural areas shall be the price for calculation of the royalty on water resources for the purposes of clean water production and business;

b) The price for calculation of fee for water resource exploitation right with respect to establishments exploiting and producing filtered water, alcohol beverage, soft drink and ice shall be determined as follows:

The price for calculation of fee for water resource exploitation right with respect to the amount of water exploited in a direct and unprocessed manner for the purposes of bottling and canning shall be the price for calculation of the royalty on filtered water resources for the purposes of bottling and canning;

The price for calculation of fee for water resource exploitation right with respect to the amount of water exploited and processed for the purposes of bottling and canning shall be the price for calculation of the royalty on filtered water resources for the purposes of bottling and canning;

The price for calculation of fee for water resource exploitation right with respect to the amount of water used for production of alcohol beverage, soft drink and ice shall be the price for calculation of the royalty on water resources for production of alcohol beverage, soft drink and ice;

In case the amount of exploited water of the establishment exploiting and producing filtered water, alcohol beverage, soft drink and ice is not regulated by this point, the price for calculation of fee for water resource exploitation right with respect to this amount of water shall be the price for calculation of the royalty on water resources for other purposes.

c) The price for calculation of fee for water resource exploitation right with respect to mineral extraction and processing establishments and rock-cutting establishments shall be the price for calculation of the royalty on water resources for the purposes of mineral extraction;

d) The price for calculation of fee for water resource exploitation right with respect to establishments producing and supplying clean water industrial parks and clusters, free-trade zones, hi-tech parks and dedicated areas for industrial production of economic zones, production and business establishments and service providers, except for the cases specified in points a, b and c of this Clause shall be the price for calculation of the royalty on water resources for other purposes.

3. Regarding establishments exploiting water for the purpose of domestic use that are not production and business establishments and service providers, the price for calculation of the royalty on water resources for the purpose of clean water production and business promulgated by the provincial People's Committees shall be applied.

4. Regarding groundwater exploitation structures which serve agriculture and aquaculture purposes, the price for calculation of the royalty on water resources for other purposes promulgated by the provincial People's Committees shall be applied.

5. Regarding surface water exploitation structures which serve agriculture and aquaculture purposes, the price for calculation of fee for water resource exploitation right applied shall be equal to 10% of the price for calculation of the royalty on water resources for other purposes promulgated by the provincial People's Committees.

6. The price for calculation of fee for water resource exploitation right shall apply once for the entire duration of the permit except for cases of adjustment to the fee for water resource exploitation right according to regulations in this Decree. The date on which the price for calculation of fee for water resource exploitation right is applied is determined at the date on which the competent authority receives the adequate and valid application for calculation of fee for water resource exploitation right.”.

#### **Article 49. Adjustment coefficient (K)**

1. The adjustment coefficient prescribed in Article 46 herein shall be determined as follows:

$$K = 1 + (K_1 + K_2 + K_3)$$

Where:

K1 – Coefficient of quality of exploited water source;

K2 – Coefficient of type of exploited water source;

K3 - Coefficient of conditions of exploitation.

2. Coefficient of quality of exploited water source (K1) is determined according to the quality of water source which is exploited by an organization or individual.

3. Coefficient of type of exploited water source (K2) is determined according to type of water source which is exploited by an organization or individual, i.e. surface water or underground water.

4. Coefficient of conditions of exploitation (K3) is determined according to specific conditions of exploitation of the water source which is exploited by an organization or individual.

5. Values of coefficients are provided for in the Appendix VI enclosed herewith.

#### **Article 50. Power to approve, and authorities receiving and appraising fee for water resource exploitation right**

1. The Ministry of Natural Resources and Environment and Provincial People's Committees shall approve and adjust fees for water resource exploitation right for cases where they grant water resource exploitation permits.

2. Agencies receiving and returning results (hereinafter referred to as "application-receiving agencies):

a) The Office in charge of receiving administrative procedure applications and returning processing results of the Ministry of Natural Resources and Environment of Vietnam shall be responsible for receiving applications and returning administrative procedure processing results under the approval power of the Ministry of Natural Resources and Environment;

b) The One-stop shop or the public administrative service center shall be responsible for receiving applications and returning administrative procedure processing results under the approval power of the provincial People's Committee. If the One-stop shop or the public administrative service center has not been yet established, the provincial Department of Natural Resources and Environment shall be responsible for receiving applications and returning administrative procedure processing results under the approval power of the provincial People's Committee.

3. Agencies assessing and managing applications and deciding approval (hereinafter referred to as "application-assessing agencies):

a) The water resource authority affiliated to the Ministry of Natural Resources and Environment shall be responsible for organizing assessment and management of applications and deciding approval for fees for water resource exploitation right for cases under the approval power of the Ministry of Natural Resources and Environment;

b) The provincial Department of Natural Resources and Environment shall be responsible for organizing assessment and management of applications and deciding approval for fees for water resource exploitation right for cases under the approval power of the provincial People's Committee ;

4. Funding for assessment of applications for calculation of for water resource exploitation right is derived from water source exploitation and use revenues.

#### **Article 51. Procedures for calculation of fee for water resource exploitation right**

1. Procedures for receiving, appraising and approving fee for water resource exploitation right with regard to a structure that has been put into operation:

a) An application for calculation of fee for water resource exploitation right includes Declaration on information for calculation of fee for water resource exploitation right according to Form No. 57 in the Appendix enclosed with this Decree and documents proving information provided in the Declaration;

b) An application for calculation of fee for water resource exploitation right shall be received and assessed at the same time when an application for issuance, extension, or modification of water resource exploitation permit is received and assessed.

c) Regarding a structure to which the water resource permit has been issued for water supply for the purpose of domestic use and for which fee for water resource exploitation right has yet to be approved by the competent authority before July 01, 2024, procedures for calculation of the fee for water resource exploitation right shall comply with regulations in points b, c and d Clause 2 of this Article. The application for calculation of fee for water resource exploitation right shall be submitted from July 01, 2025.

2. Procedures for receiving, appraising and approving fee for water resource exploitation right with regard to a structure that has not yet been put into operation at the time of issuance of the water resource exploitation permit:

a) Within 30 days from the date of starting to operate the water exploitation structure, the permit holder shall submit an application for calculation of fee for water resource exploitation right;

b) The application for calculation of fee for water resource exploitation right shall be made according to regulations in point a Clause 1 of this Article;

c) The permit holder shall submit an application in person at the One-stop shop or by post or by authorization according to regulations of law or via the online public service portal to the application-receiving agency; if the application is not satisfactory, within 05 working days, the application-receiving agency shall return the application and notify reasons in writing.

If the application is satisfactory, the application-receiving agency shall transfer it to the application-assessing agency specified in Clause 3 Article 50 of this Decree for assessment.

d) Within 21 days from the date of receipt of the complete application according to regulations in point b of this Clause, the application-assessing agency shall be responsible for organizing assessment of the application for calculation of fee for water resource exploitation right. If necessary, a council in charge of assessment of the application shall be established.

In case the application is satisfactory and acceptable, the application-assessing agency shall request the competent authority to approve the application; in case the application is unsatisfactory and refused, the application-assessing agency shall return the application to the permit holder and notify reasons in writing; in case the application must be amended and modified, the application-assessing agency shall give a written notification which clearly states contents to be amended for the completion of the application to the permit holder. The period of amendment and completion of the application shall not be

included in the period of assessment of the application. The assessment period shall be 15 days after the application is completely amended;

3. In case the fee for water resource exploitation right with regard to the structure has been approved and there is change in name of the permit holder (re-issuance of the permit) but the bases for calculation of the fee for water resource exploitation right according to the approved Decision to approve fee for water resource exploitation right are not changed, it is not required to modify the Decision to approve fee for water resource exploitation right. The reissued permit must clarify that new permit holder shall adopt financial obligations which include fee for water resource exploitation right that has been previously approved under the Decision to approve fee for water resource exploitation right.

### **Article 52. Adjustment, collection and refund of fee for water resource exploitation right**

1. The fee for water resource exploitation right may be considered and adjusted in the following cases:

a) There is change in the water resource exploitation permit resulting in change in bases for calculation of fee for water resource exploitation right in accordance with regulations herein or change in the contents for which the fee for water resource exploitation right has been approved;

b) There is change in the annual average quantity of electricity (E0) or the stable electricity generation (Ep) which is defined in the design documents of the hydropower work and approved in writing by the competent authority;

c) The water exploitation structure is damaged due to force majeure events and the exploitation must be suspended according to regulations in point c Clause 3 Article 69 of the Law on Water Resources. The exempted amount shall be calculated on the basis of the number of days in which the exploitation structure is suspended;

d) The structure for which the fee for water resource exploitation right has been approved by the competent authority before the effective date of this Decree is yet to be put into operation;

dd) The fee for water resource exploitation right for the structure has been approved by the competent authority before July 01, 2024 but there are additional purposes that carry the fee for water resource exploitation right according to regulations in the Law on Water Resource. The fee for water resource exploitation right shall be calculated according to parameters and bases approved in the Decision to approve the previous fee for water resource exploitation right. The price for calculation of fee for water resource exploitation right with regard to the purpose of domestic use shall be determined at the time on which the adequate and valid application for calculation of fee for water resource exploitation right is received by the competent authority;

e) The competent authority requests reduction in the amount of water exploited by the water exploitation structure or the validity period of the water resource exploitation permit is suspended for a fixed term according to regulations in point a Clause 4 Article 69 of the Law on Water Resources or the exploitation shall be suspended according to regulations in point c Clause 3 Article 69 of the Law on Water Resources. The fee for water resource exploitation right shall be reduced in correspondence with the amount of water reduced during the period of reduction in the amount of water, suspension of the exploitation;

g) The water exploitation structure adopts solutions for circulation and reuse of water with a volume of at least 20% of the volume of water exploited without such solutions;

h) The approved lowland flood control storage of the reservoir that has been put into operation has to be adjusted or increased according to regulations in point c, Clause 4 Article 69 of the Law on Water Resources;

i) The water is exploited for agricultural production during the period of a drought, water scarcity or saltwater intrusion according to regulations in point d Clause 4 Article 69 of the Law on Water Resources. The fee for water resource exploitation right is reduced by 100% during this period;

k) The competent authority decides to revoke the permit or the permit holder returns the issued permit;

l) Only the remaining effective period of the permit is adjusted.

## 2. Procedures for adjusting fee for water resource exploitation right:

a) With regard to the case prescribed in Point a Clause 1 of this Article, the organization or individual shall submit the Declaration on information for calculation of the fee for water resource exploitation right, made according to Form No. 57 at the Appendix enclosed herewith. The application for adjustment in the fee for water resource exploitation right shall be received and assessed at the same time when an application for modification of the water resource exploitation permit is received and assessed;

b) With regard to the cases prescribed in Points b, c, dd, e, g, h, i and k Clause 1 of this Article, the permit holder shall submit the Declaration on information for calculation of the fee for water resource exploitation right, made according to Form No. 57 at the Appendix enclosed herewith and written evidences to the application-receiving agency prescribed in Clause 2 Article 50 herein. The application-receiving agency shall transfer the application to the application-assessing agency specified in Clause 3 Article 50 of this Article for assessment.

Within 21 days from the date of receipt of the complete application, the application-assessing agency shall be responsible for organizing assessment of the application for

calculation of fee for water resource exploitation right. If necessary, a council in charge of assessment of the application shall be established.

In case the application is satisfactory and acceptable, the application-assessing agency shall request the competent authority to approve the application; in case the application is unsatisfactory and refused, the application-assessing agency shall return the application to the permit holder and notify reasons in writing; in case the application must be amended and modified, the application-assessing agency shall give a written notification which clearly states contents to be amended for the completion of the application to the permit holder. The period of amendment and completion of the application shall not be included in the period of assessment of the application.

With regard to the case prescribed in Point c Clause 1 of this Article, the application-assessing agency shall consult in writing the Department of Natural Resources and Environment of province where the structure is located (regarding structures under the licensing power of the Ministry of Natural Resources and Environment); the district-level Department of Natural Resources and Environment (regarding structures under the licensing power of provincial People's Committees) about the suspension period of the structure;

c) With regard to the case prescribed in point d Clause 1 of this Article, procedures for calculation of the fee for water resource exploitation right shall comply with regulations in Clause 2 Article 51 of this Decree and the price for calculation of the fee specified in the Decision to approve the previous fee for water resource exploitation right shall be applied.

d) The fee for water resource exploitation right shall be adjusted on the basis of the price for calculation of the fee for water resource exploitation right at the time on which the competent authority receives the adequate and valid application for adjustment to the fee for water resource exploitation right. With regard to the cases prescribed in points c, e, i and k Clause 1 of this Article, the price for calculation of the fee for water resource exploitation right shall equal the fee for water resource exploitation right according to the previous decision to approve fee for water resource exploitation right.

3. Additional fee for water resource exploitation right may be collected in the following cases:

a) The actual date of commencement of operation of the water exploitation structure is sooner than the one when the fee for water resource exploitation right is approved. The amount of fee to be collected shall be calculated according to the number of days the structure has been put into operation before the fee for water resource exploitation right is approved;

b) The modification of the permit is not yet approved by the competent authority when there are additional purposes of water exploitation which carry the fee;

c) The scale, the amount of water or the number of days of operation exceeds those specified in the permit;

d) There is falsification in declaration or calculation of the fee for water resource exploitation right or untruthful declaration, resulting in decrease in payable fee.

4. The amount of fee for water resource exploitation right shall be collected on the basis of the price for calculation of the fee for water resource exploitation right according to the previous Decision to approve the fee for water resource exploitation right.

In case there are additional purposes that carry the fee for water resource exploitation right but the fee has not yet been approved, the price for calculation of the fee for water resource exploitation at the time of promulgation of the collection decision shall be applied.

5. In case the competent authority approves the decision to adjust the fee for water resource exploitation right with regard to the case specified in point k Clause 1 of this Article and the fee indicated in the adjustment decision is smaller than the fee paid by the permit holder, the local Department of Taxation shall deduct or offset or refund the fee for water resource exploitation right to the permit holder according to regulations of the tax law.

6. In case of collection of the amount of fee for water resource exploitation right, when the competent authority approving the fee for water resource exploitation right detects one of the cases specified in Clause 3 of this Article or there is a written request from the permit holder (reasons and collection period are clearly stated) for collection of the amount of fee for water resource exploitation right under one of the cases specified in Clause 3 of this Article, within 21 days from the date of detection of the case where the amount of fee must be collected and receipt of the complete application and written evidences which serve as the basis for determination of the amount of fee to be collected, the competent authority shall consider deciding the collection.

### **Article 53. Notification and payment of fee for water resource exploitation right**

1. The fee for water resource exploitation right shall be notified and paid after the structure has been put into operation and the decision to approve the fee for water resource exploitation right is issued by the competent authority.

If the structure for which the fee for water resource exploitation right has been approved by the competent authority before the effective date of this Decree is yet to be put into operation, the assessing agency shall give a written statement to the local Department of Taxation on only promulgation of a fee payment notification when the decision to adjust the fee for water resource exploitation right is received with regard to this structure.

2. After receipt of the decision to approve, adjust or collect the fee for water resource exploitation right, the Department of Taxation of province or city where the water

resource exploitation structure is located shall promulgate the fee payment notification and give it to the organization or individual paying the fee.

#### **Article 54. Methods for collection, transfer, management and use of fees for water resource exploitation right**

1. The fee for water resource exploitation right shall be annually paid according to the amount of fee specified in the decision to approve fee for water resource exploitation right. Within their capacity, the permit holder may pay the fee once a year, twice a year, or once for the whole duration approved. The one-time payment for the entirety of duration of approval for fee for water resource exploitation right shall be decided by the competent agency capable of approving fee for water resource exploitation right on the basis of proposal by the permit holder and prescribed in the decision to approve fee for water resource exploitation right.
2. The collection, payment and refund of fee for water resource exploitation right shall comply with regulations of the law on tax administration and regulations in this Decree.
3. The fee for water resource exploitation right shall be collected and paid to the authority of province or city where the water exploitation structure is located. Regarding a water exploitation structure that is a reservoir located within at least 02 provinces, the fee for water resource exploitation right shall be separated among each province on the basis of the percentage (%) of the amount of tax payment with regard to water resources.
4. The management and use of the fee for water resource exploitation right shall comply with regulations of the law on state budget; the annual allocation of state budget shall be prioritized to guarantee protection of water resources, mark water source protection corridors, supervise water exploitation, implement measures for restoration of degraded, depleted and polluted water sources, prevent, respond to and recover from damage caused by water on the basis of total amount of fee collected, and build and manage support systems for issuing decisions to regulate and distribute water resources and operate inter-reservoirs.
5. The fee for water resource exploitation right is considered a type of expense defined in the prime cost of the permit holder.

#### **Article 55. Responsibilities of tax authorities**

1. General Department of Taxation shall:

Consolidate results of the collection of fees for water resource exploitation right on a nationwide scale every year (before January 30), and send them to the Ministry of Finance and the Ministry of Natural Resources and Environment for consolidation.

2. Departments of Taxation of provinces and cities where water exploitation structures are located shall:

- a) Issue announcements about payment of fees for water resource exploitation right and late payment interests according to regulations of the law on tax administration in case where a permit holder makes payment of fee after the time limit specified in the announcement and send such announcements to permit holders;
- b) Provide information related to payment of fees for water resource exploitation right for the Ministry of Natural Resources and Environment or Provincial People's Committees under the licensing power;
- c) Sum up, record and report the collected fees for water resource exploitation right in accordance with applicable regulations.

**Article 56. Responsibilities of organizations and individuals paying fees for water resource exploitation right**

1. Pay fees for water resource exploitation right in a punctual manner as notified by tax authorities.
2. If they need to reduce or increase number of times of payment and the payable fees of each time, they must send written requests to local Departments of Taxation that have issued announcements to them.
3. In cases of paying fees for water resource exploitation right into state budget later the set deadline, in addition to the payable fees stated in the announcements, they must also face penalties and fines for late payment as prescribed by the law on tax administration.

**Chapter V**

**IMPLEMENTATION AND EFFECT**

**Article 57. Responsibilities of ministries, ministerial agencies, local authorities and relevant organizations and individuals**

1. Responsibility of the Ministry of Natural Resources and Environment

Direct specialized agencies to perform the following tasks:

- a) Assess and manage applications for issuance of water resource exploitation permits, groundwater exploration permits and licenses to practice groundwater drilling, and calculation of fees for water resource exploitation right;
- b) Inspect and urge compliance with the law on satisfaction of regulations of licenses to practice groundwater drilling, water resource exploitation permits and groundwater exploration permits, declaration and registration of exploitation and use of water resources, water resource-related services and fees for water resource exploitation right on a nationwide scale;

c) Update information and data on water exploration and exploitation permits, licenses to practice groundwater drilling, and fees for water resource exploitation right under the licensing power of the Ministry of Natural Resources and Environment on the national water resources information system and database;

d) Before water resource exploitation permits under the licensing power of the Ministry of Natural Resources and Environment expire, give a written notification of the validity period of each permit to each permit holder;

dd) Develop, operate and provide guidance on applications in service of declaration and registration of exploitation and use of water resources in such a way to ensure that such applications are connected and integrated with the national water resources information system and database according to regulations in Decree elaborating some Articles of the Law on Water Resources;

e) Reform processes for administrative procedures in order to apply information technology and digital technology to provision of online public services to the maximum in the direction of online supply of all information about administrative procedures;

g) Instruct local authorities, organizations and individuals to comply with regulations of this Decree;

h) Fulfill other responsibilities according to regulations of this Decree.

## 2. Responsibilities of Ministries and ministerial agencies:

a) Cooperate with the Ministry of Natural Resources and Environment in state management of groundwater drilling practicing, water resource-related declaration, registration, licensing and services and fees for water resource exploitation right;

b) Within their tasks and powers, urge and direct organizations and individuals to comply with regulations of this Decree.

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

a) Direct specialized agencies to organize the observance of regulations in points a, b, c, d, e and g Clause 1 of this Article within their provinces;

b) Direct specialized agencies to cooperate with district-level People's Committees and commune-level People's Committees in organizing dissemination of and providing guidance on declaration on applications in service of declaration and registration of exploitation and use of water resources within their provinces, districts and communes so as to ensure effective implementation of and increase in awareness of protection of water resources, and efficient and economical exploitation and use of water;

c) Direct specialized agencies and People's Committees at all levels to fulfill other responsibilities according to regulations of this Decree.

4. Responsibilities of district-level People's Committees and commune-level People's Committees:

a) Urge organizations and individuals within their districts and communes to comply with regulations of this Decree;

b) People's Committees of communes where structures and works are located shall review and receive information on applications with regard to procedures for declaration of groundwater;

c) Every year, commune-level People's Committees shall review and compile lists of organizations and individuals that have groundwater exploitation structures, surface water exploitation and use structures, use water surface, dig lakes, ponds, rivers, streams, canals and ditches and have to make declaration and apply for registration within their communes;

d) Organize update of data on registration of groundwater exploitation within their districts and communes on the national water resources information system and database;

dd) Fulfill other responsibilities according to regulations of this Decree.

5. Responsibilities of organizations/individuals exploiting and using water:

a) Comply with regulations on exploitation and use of water resources and fulfill obligations to exploitation and use of water resources according to regulations of Article 41 and Article 42 of the Law on Water Resources and plans to regulate and distribute water resources issued by competent authorities;

b) Notify functional authorities when incidents occur during the process of operation;

c) In case any organization/individual managing and operating structures/works that are hydropower or irrigation reservoirs, roller dams or systems of hydropower or irrigation canals applies for a surface water exploitation permit, which also involves purposes and the amount of exploited water of another organization/individual exploiting water from such reservoirs, roller dams or systems of canals, the organization/individual shall reach agreement with, and be authorized by the latter on application for the water exploitation permit

**Article 58. Transitional clauses**

1. Any organization/individual that exploits and uses water resources for which registration is required according to regulations of this Decree and has been issued with a surface water or seawater exploitation and use permit before the effective date of this

Decree is entitled to return the issued permit to apply for registration according to regulations of this Decree or continue to exploit and use water resources until the expiry date written on the permit. After the issued permit expires, if the organization/individual wishes to continue to exploit and use water resources, they shall apply for registration according to regulations of this Decree.

2. Any organization/individual that exploits groundwater of which the declaration is required according to regulations of this Decree and has applied for registration of exploitation of groundwater before the effective date of this Decree shall make declaration from July 01, 2026 according to regulations of this Decree.
3. Regarding river, stream, canal and ditch damming works for the purposes of source creation, saltwater intrusion prevention, inundation control and landscape creation that have been constructed and put into operation before the effective date of this Decree and for which the registration and permit for exploitation of water resources are required, the registration shall be completed and the permit for exploitation of water resources shall be issued according to regulations of this Decree no later than June 30, 2027.
4. The license to practice groundwater drilling or a water resource permit which has been issued before the effective date of this Decree shall still remain valid until their expiry date and may be extended, otherwise modified or re-issued as prescribed by this Decree.
5. If a water resource permit has been issued before the effective date of this Decree but there is change in the licensing power according to regulations of this Decree, the permit shall still remain valid until their expiry date. Before the permit expires, the organization/individual shall submit an application for a new permit to the competent authority according to regulations of this Decree.
6. If the organization/individual has submitted the registration form before the effective date of the Law No. 28/2023/QH15 but the registration has not yet been certified, regulations of the Law No. 17/2012/QH13 shall be applied, except for the case where the organization/individual applies for certification of registration according to regulations of this Decree.
7. Any application for issuance, extension, adjustment or re-issuance of the license to practice groundwater drilling or the water resource permit that is submitted before the effective date of the Law No. 28/2023/QH15 but has yet to be processed may be processed as per the Law No. 17/2012/QH13, except for the case of applying for issuance of the license/permit as per this Decree.
8. Regarding water exploitation-related projects on which opinions of representatives of residential community and relevant organizations and individuals according to regulations in the Government's Decree No. 02/2023/ND-CP dated February 01, 2023 have been completely collected before the effective date of this Decree, it is not required to re-collect opinions according to regulations of this Decree; regarding water exploitation-related projects on which opinions of representatives of residential

community and relevant organizations and individuals according to regulations in the Government's Decree No. 02/2023/ND-CP are being collected before the effective date of this Decree, opinions shall continue to be collected according to regulations of the Government's Decree No. 02/2023/ND-CP.

9. If the fee for right to exploit water resources is approved before the effective date of this Decree, the organization/individual shall continue to pay the fee for right to exploit water resources according to the approved decision, except for the case where the permit is issued before July 01, 2024 for the purpose of domestic use. If the extension or modification of the permit results in adjustment to the fee for right to exploit water resources, regulations of this Decree shall be applied.

10. If the structure for which the fee for right to exploit water resources is approved by the competent authority according to regulations in the Government's Decree No. 82/2017/ND-CP dated July 17, 2017 and the Government's Decree No. 41/2021/ND-CP is yet to be put into operation, only when the structure is put into operation, procedures for adjustment to the fee shall be followed and the price for calculation of the fee in the previous Decision to approve the fee for right to exploit water resources shall be applied.

11. If the organization/individual has submitted an adequate and valid application for calculation of the fee for right to exploit water resources to the competent authority before the effective date of this Decree, the appraisal and approval for the fee for right to exploit water resources shall comply with regulations in the Government's Decree No. 82/2017/ND-CP and the Government's Decree No. 41/2021/ND-CP, except for the case where the organization/individual applies for approval for the fee for right to exploit water resources according to regulations of this Decree.

12. Regarding island seawater exploitation structures that have been constructed and put into operation before the effective date of this Decree and for which the registration and permit for exploitation of water resources are required according to regulations of this Decree, the registration shall be completed and the permit for exploitation of water resources shall be issued according to regulations of this Decree no later than June 30, 2027.

13. If the organization/individual using groundwater naturally flowing in a mining pit to select ore at the pit or pump water to drain the water naturally flowing into the mining pit has applied for registration according to regulations of the Decree No. 02/2023/ND-CP, they are not required to apply for registration according to regulations of this Decree.

#### **Article 59. Entry into force**

1. This Decree comes into force as of July 01, 2024.

2. From the effective date of this Decree, the following Decrees of the Government shall cease to be effective:

a) Decree No. 02/2023/ND-CP dated February 01, 2023 of the Government, except for the cases specified in Clauses 6, 7 and 8 Article 58 of this Decree;

b) Decree No. 82/2017/ND-CP dated July 17, 2017 of the Government, except for the cases specified in Clause 11 Article 58 of this Decree;

c) Decree No. 41/2021/ND-CP dated March 30, 2021 of the Government, except for the cases specified in Clause 11 Article 58 of this Decree;

d) Decree No. 54/2015/ND-CP dated June 8, 2015 of the Government.

3. From the effective date of this Decree, Chapters, Articles and Clauses of the following Decrees of the Government shall cease to be effective:

a) Chapter II of the Decree No. 60/2016/ND-CP dated July 1, 2016 of the Government;

b) Clauses 1, 2, 3, 4, 5, 6, 7 and 8 Article 7 Decree No. 136/2018/ND-CP dated October 5, 2018 of the Government.

c) Clause 1 and Clause 2 Article 2 (water resources) of the Decree No. 22/2023/ND-CP dated May 12, 2023 of the Government.

4. Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Chairpersons of People's Committees of provinces and central- affiliated cities and relevant organizations and individuals are responsible for the implementation of this Decree.

**ON BEHALF OF THE GOVERNMENT  
PP. PRIME MINISTER  
DEPUTY PRIME MINISTER**

**Tran Hong Ha**

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