

**LAW**

**GEOLOGY AND MINERALS**

*Pursuant to Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates the Law on Geology and Minerals.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

1. This Law prescribes geological reconnaissance, geological survey for minerals; protection of unextracted geological resources and minerals; mining-related activities; mineral recovery; mineral processing; finance related to geology, mining and auction of mineral production right; governance relating to geology and minerals on land, islands, internal waters, contiguous zones, exclusive economic zones, and continental shelves of the Socialist Republic of Vietnam.

2. This Law does not apply to:

- a) Petroleum; natural water that is not natural mineral water, geothermal spring;
- b) Mineral processing operations that are not tied to mineral exploration and investment projects to benefit from mining license or mineral salvaging license.

**Article 2. Definitions**

In this Law, the terms below are construed as follows:

- 1. *Geology* means materials constituting the Earth's crust and natural processes throughout the Earth's evolution, natural terrain, scenery, geological phenomena, and environment created as a result of said natural processes.
- 2. *Geological resources* mean materials formed via geological processes, existing inside or on the Earth's crust, and available for human exploration and use, including: minerals,

sites of geological interest (geosites), geological heritage, geothermal energy, strategic resources, geological reservoirs, and underground space.

3. *Geothermal energy* means heat energy created and stored in geological features, geological structures and available for exploration use.
4. *Strategic resources* mean geological resources whose geographic location yields strategic economic, national defense, security, or environment benefits.
5. *Geological reservoir* means a geological feature formed in the Earth's crust capable of storing and retrieving materials.
6. *Geosite* means a combination of signs, characteristics of geological phenomena that are scientifically, educationally, aesthetically, and economically valuable at a defined aboveground or underground location discovered and recorded during geological survey.
7. *Geological heritage* means a combination of geosites recognized and ranked.
8. *Geopark* means an area with defined perimeter containing culturally, ecologically, and archaeologically unique geological heritages; having adequate coverage area to accommodate management, preservation, education, research, sustainable socio-economic development, and environmental protection.
9. *Geological accident* means an irregular natural phenomenon that may cause damage to the environment, humans, property, living conditions, and socio-economic activities, including: earthquake, volcanic activities, faults, landslide, depression, fissures, riverbank erosion, pollution from minerals, toxic elements of a natural origin.
10. *Subsurface space* means underground location of geological features defined by national coordinate system, area, and depth on the basis of geological reconnaissance.
11. *Geological reconnaissance* means fundamental study and survey of structure, material composition, growth and development history of the Earth's crust, geological conditions, geological processes, mineralogy rules in order to evaluate potential geological resources, effect of geological processes on socio-economic aspects and human and facilitate protection, management of geological resources.
12. *Geological survey* means identification of size, quantity, quality of individual mineral, mineral group based on potential geological structure identified via geological reconnaissance in order to facilitate mineral exploration.
13. *Minerals* mean useful deposits in solid, liquid, gaseous form naturally occurring underground and aboveground, including deposits in waste dump of mines.
14. *Raw mineral* means minerals produced and unprocessed.

15. *Byproduct minerals* mean minerals produced during the extraction of primary minerals and economically viable.
16. *Strategic, important minerals* mean essential minerals serving sustainable socio-economic development and national defense, security strengthening.
17. *Radioactive minerals* mean natural deposits of uranium, thorium, and relevant radioisotopes.
18. *Toxic minerals* mean minerals containing either radioactive elements, mercury, arsenic, lead, or asbestos which emit radioactive or toxic substances at a quantity exceeding Vietnam's technical regulations during production, use, or storage.
19. *Geothermal spring* means natural groundwater with exposed section with temperature measured at source compliant with Vietnam's technical standards, technical regulations or foreign standards applicable in Vietnam.
20. *Natural mineral water* means natural groundwater with exposed section with composition, characteristics, and biologically active substances compliant with Vietnam's technical standards, technical regulations or foreign standards applicable in Vietnam
21. *Mining operations* consist of mineral exploration, mineral production, and mine closure.
22. *Mineral exploration* means an operation for identifying quantity and quality of minerals, other information for mining purposes.
23. *Mineral production* means operation for removing minerals from their natural location, including: fundamental construction of mines, site preparation, pumping, filtration, segregation, classification, enrichment, and other relevant operations in mining investment projects or mining solutions. Products of mining operations are raw minerals.
24. *Mineral processing* means operation for preparing, processing extracted minerals within mining investment projects in order to improve the value of extracted raw minerals.
25. *Mine closure* means operation transforming mining investment project site, partially or entirely, to a safe state compliant with environmental protection requirements in order to maximize post-mining land use goals.
26. *Mineral recovery* means an operation for retrieving minerals in the process of execution of construction projects or other activities according to plans approved or accepted by competent authorities.

27. *Mineral production licensing fee* means a fee paid to the Government by mining organizations and individuals in order to exercise the right to produce and retrieve minerals.

28. *Production capacity* means maximum mining capacity or maximum flow of natural mineral water, geothermal spring available for production in a predetermined period of time based on mining investment projects or mining solutions and specified under mining license, mineral salvaging license, and written approval of competent authorities.

29. *Mineral resource* means minerals identified via geological survey, mineral exploration and of a minimum quantity for partial or total production and use at the current time or in the future. Depending on geological study progress, feasibility study progress, and economic effectiveness, mineral resources are categorized into reserve levels with varying resource and reliability levels.

30. *Mineral reserve* means minerals that have been explored and expected to be mined under specific economic and technical conditions, and deemed economically viable at the time of evaluation.

### **Article 3. Policies of the Government on geology and minerals**

1. The Government shall develop strategies, planning, plans pertaining to geology and minerals to ensure that geological and mineral resources are protected, produced, and used in a reasonable, economic, and effective manner so as to serve sustainable socio-economic development, national defense and security of Vietnam; promote adoption of circular economy and green economy in mining and mineral processing.

2. The Government shall invest in and commence geological reconnaissance, geological survey for minerals according to geological and mineral reconnaissance strategies, planning, and plans; provide training, human resource development, scientific research, technology development application in geological reconnaissance, mineral survey; encourage organizations and individuals to invest in geological reconnaissance and mineral survey.

3. The Government shall invest in and commence exploration of strategic, important minerals and other highly valuable minerals with high demand; decide against auctioning of mineral production rights in respect of areas with strategic, important minerals; permit exploration and production of strategic, important minerals in accordance with intergovernmental agreements.

4. The Government shall prioritize budget allocation, develop policies to attract investment in geological reconnaissance, mineral survey, and inspect, evaluate strategy, important minerals as per planning.

5. The Government shall develop policies on reservation of minerals and mineral import, export from time to time in line with sustainable socio-economic development goals on the basis of prioritizing materials for domestic production.

6. Geology and mineral data shall be developed in a synchronous manner, under centralized management, and put into effective use.

7. The Government encourages international cooperation and aid in governance and human resource training in geology and mineral; shares and uses geology and mineral data; invests in mineral survey and mineral production; encourages organizations and individuals to invest in research, transfer, application of advanced science and technology in management, protection, exploration, production, and recovery of minerals.

8. The Government shall ensure harmony in benefits of the Government, organizations, individuals, and locals where geological sources, minerals are produced and used on the basis of regulating revenues generated by geological resource and mineral production and use.

#### **Article 4. Principles in geological reconnaissance, mineral survey, and mining operations**

1. Geological reconnaissance and mineral survey must meet the following principles:

a) Compliance with strategies, plans, and planning pertaining to geological reconnaissance and mineral survey is guaranteed;

b) Compliance with schemes, projects, and tasks approved by competent state authorities is respected;

c) Inspections are carried out in a comprehensive and continuous manner without repetition;

d) Technical solutions for geological reconnaissance and mineral survey must be appropriate to geological subjects, geological resources; proposed goals and tasks; and compliant with technical standards and technical regulations;

dd) Information pertaining to geological reconnaissance and mineral survey results is consolidated, updated, listed, and taken into consideration in an adequate and timely manner to accommodate socio-economic development, national defense and security and prevent geological accidents.

2. Mining operations must meet the following principles:

a) Compliance with relevant strategies, planning pertaining to mining operations is respected, except for Point c Clause 2 Article 67 and Point c Clause 2 Article 73 hereof; requirements pertaining to environmental, natural scenery, historical - cultural heritage,

and natural resource protection are adequately adhered to; national defense and security, social order and security, natural disaster and preparedness and prevention are guaranteed;

b) Such operations are licensed or approved in writing by competent authorities in accordance with this Law;

c) Mineral exploration shall be so conducted to adequately evaluate the size of natural resources, reserve, quality of minerals according to exploration schemes;

d) Mineral production must prioritize socio-economic effectiveness and environmental protection as the basis for investment decision; adopt advanced production technology appropriate to the size and characteristics of each mine and type of mineral to maximize amount of minerals produced;

dd) Organizations and individuals currently conducting legitimate mineral exploration are prioritized for deep exploration and expansion without having to participate in auction for mineral production right in order to achieve adequate evaluation and total control of ore body in respect of mineral type that they have been licensed for production;

e) Benefits and risks of relevant parties are distributed reasonably.

3. The Government shall prescribe eligibility of areas for deep exploration and expansion under Point d Clause 2 of this Article.

### **Article 5. Principles of international integration and cooperation regarding geology and mineral**

1. International integration and cooperation in geological research and reconnaissance, mineral survey, mining operations, mining operation management must be included general socio-economic development strategy of Vietnam from time to time; geological, mineral, and mining industry strategy; compliant with Constitution of Vietnam, Charter of the United Nations, international treaties to which Vietnam is a signatory; compliant with diplomatic regulations and policies of Vietnam; respecting reciprocal principles, mutual sovereignty and internal affairs of each country.

2. International disputes pertaining to geology and minerals shall be resolved via peaceful measures compliant with international practices, international laws, and regulations of the law of relevant parties.

### **Article 6. Mineral classification**

1. Depending on usage and management, minerals are classified into:

a) Group I minerals consist of: metal minerals; energy minerals, precious stones, semi-precious stones; industrial minerals;

b) Group II minerals consist of: minerals used as materials in construction sector for cement production, tiles, sanitary ceramic, construction glasses, stone slabs, ornamental stones, industrial lime, refractory materials;

c) Group III minerals consist of: minerals used as conventional construction materials, other than cases detailed under Point b and Point d of this Clause; peat, mineral mud, natural mineral water, geothermal spring;

d) Group IV minerals consist of: minerals only appropriate for use as filling materials or structures foundation, construction materials of hydroelectricity structures, natural disaster preparedness and prevention, including: clay, hillside soil, soil in other name; soil mixed with rock, sand, gravel, gravel; sand (other than sand and gravel on river bed, lake bed, and sea waters).

2. The Government shall elaborate lists of minerals classified by groups and further classify minerals of multiple uses into sub-groups.

### **Article 7. Protection of unextracted, unused geological resources and unextracted minerals**

1. Unextracted, unused geological resources and unextracted minerals, including minerals in waste dump of closed mines must be placed under protection in accordance with this Law and other relevant provisions of the law.

2. Agencies, organizations, residential community, households and individuals are responsible for protection of unextracted, unused geological resources and unextracted minerals in accordance with this Law.

3. Organizations and individuals engaging in mining operations have the responsibility to:

a) evaluate, consolidate, and report all information, data pertaining to the type of minerals discovered in exploration site to competent authorities issuing the license (hereinafter referred to as “licensing authorities”) during mineral exploration;

b) prioritize advanced technology appropriate to the size and characteristics of each mine, type of mineral in order to maximize minerals recovered; immediately report minerals for which they have not been licensed for mining to licensing authorities;

c) manage and protect extracted and unused minerals, byproduct minerals produced in the process;

d) request People’s Committees of provinces (hereinafter referred to as “Provincial People’s Committees”) to assist in mineral protection in respect of mining sites licensed for operation while land lease or handover or site preparation has not been conducted.

4. Land users, organizations, and individuals assigned to manage sea waters are responsible for protecting unextracted minerals in the area; must not commence mineral production and recovery at their discretion.

5. Organizations and individuals shall, upon discovering group I or group II or group III minerals during performance of investment projects or other activities, immediately reporting to competent authorities under Article 108 hereof and protect the discovered minerals; whether or not the minerals are recovered shall conform to Article 75 and Article 76 hereof.

6. Geology and mineral authorities are responsible for transferring list of areas with geological resources and minerals that require protection and have undergone or are undergoing geological reconnaissance or mineral survey to provincial People's Committees.

7. The Government shall guarantee funding for protection of unextracted, unused geological resources and unextracted minerals under their responsibility and allocated in annual government budget estimate.

**Article 8. Rights and responsibilities of local governments, residential communities, households, and individuals at locations of extracted geological resources and minerals**

1. Local governments, residential communities, households, and individuals have the following benefits:

a) Receive assistance via the Government's regulating revenues generated by mineral production for socio-economic development in accordance with state budget laws;

b) Contribute recommendations pertaining to occupational safety, order and security, environmental and natural scenery protection measures;

c) Prioritize local workforce for mineral production and relevant services;

d) Request geological and mineral authorities to provide email address, phone number, or address for filing complaints, receiving feedback and recommendations in protection of geological resources and minerals, and sending propositions regarding development of geology and mineral laws;

dd) Enable People's Councils of provinces to decide the promulgation of regulations pertaining to responsibility of organizations and individuals to contribute funding for upgrade, maintenance, and construction of technical infrastructures and environmental protection structures in the area depending on local mining operations.

2. Local governments, residential communities, households, and individuals have the responsibility to:

- a) enable geological reconnaissance, mineral survey, and mining operations as per the law;
  - b) participate in protection of geological resources and unextracted minerals; supervise mining operations;
  - c) promptly request competent authorities to take actions against violations of organizations, individuals licensed to conduct geological exploration, mineral production.
3. The Government shall elaborate Point dd Clause 1 of this Article.

#### **Article 9. Prohibited actions**

1. Taking advantage of geological reconnaissance, mineral survey, or mining operations to violate benefits of the Government, legitimate rights and benefits of organizations, individuals, and residential communities.
2. Taking advantage of geological reconnaissance, mineral survey, or mineral exploration to conduct geological resource or mineral production.
3. Conducting geological reconnaissance, mineral survey, or mining operations without obtaining approval, license, or written approval from competent authorities.
4. Unlawfully obstructing geological reconnaissance, mineral survey, or mining operations.
5. Intentionally damaging or destroying valuable, rare geological or mineral specimens.
6. Trading minerals without legitimate origin.

### **Chapter II**

#### **GEOLOGY AND MINERAL STRATEGIES, PLANNING**

##### **Article 10. Geology, mineral, and mining industry strategies**

1. Preparation of geology, mineral, and mining industry strategies must:
  - a) Conform to natural and socio-economic conditions; socio-economic development strategy; national protection strategy; national environmental protection strategy; international market demand;
  - b) Ensure synchronous cooperation between geological reconnaissance and mineral survey operations on a nationwide scale; produce and use geological resources and minerals reasonably, economically, and efficiently;

c) Satisfy geology and mineral demands for sustainable socio-economic development;

d) Record results of geological reconnaissance and mineral survey; prelude and geological signs related to geological resources and minerals;

dd) Conform to resources of the Government from time to time.

2. Geology, mineral, and mining industry strategies must include:

a) Guiding principles, objectives of geological reconnaissance and mineral survey; mineral and geological resource production; protection of unextracted minerals and geological resources; exploration, production, processing, reasonable and economic use of minerals;

b) Orientation of geological reconnaissance, mineral survey, and scientific research in geological reconnaissance, mineral survey from time to time; cooperation and integration of geological reconnaissance, mineral survey operations of ministries, central departments, and local governments;

c) Orientation of efficient, effective geological resource and mineral production, use associated with protection of unextracted geological resources and minerals;

d) Orientation of mineral exploration and production for individual mineral group, reasonable and efficient use of produced minerals during strategy period;

dd) Primary tasks and solutions in geological reconnaissance and mineral survey; mineral and geological resource production and use; protection of unextracted, unused minerals and geological resources; exploration and production of individual mineral groups, reasonable and efficient processing, use of produced minerals; national mineral reservation.

3. Geology, mineral, and mining industry strategies shall be prepared for 10-year periods with 30-year orientation in accordance with socio-economic development strategy period.

4. The Ministry of Natural Resources and Environment shall take charge and cooperate with Ministry of Industry and Trade Ministry of Construction, Ministry of Planning and Investment, ministries, ministerial agencies, and local governments in preparing and submitting geology, mineral, and mining industry strategies to Prime Minister for approval.

#### **Article 11. Geological reconnaissance and mineral survey planning**

1. Geological reconnaissance and mineral survey planning is a national industry planning and must provide adequate information and data on geology, minerals, and other geological resources for socio-economic development; satisfy national defense and

security requirements; prevent geological accidents; adapt to climate change and rising sea level.

2. Basis for preparing geological reconnaissance and mineral survey planning consists of basis of planning laws and:

- a) Results of geological reconnaissance and mineral survey of the previous period; geological reconnaissance and mineral survey results of ministries, central departments, and local government;
  - b) Demand for information and data pertaining to geological resources, minerals, and other geological conditions;
  - c) Geological precursors and signs pertaining to recently discovered geological resources and minerals.
3. Preparation, appraisal, approval, disclosure, and implementation of geological reconnaissance and mineral survey planning shall conform to planning laws.

#### **Article 12. Group I mineral planning, group II mineral planning, geology and mineral management solutions**

1. Group I mineral planning and group II mineral planning are national industry planning.
2. Geological and mineral management solutions are parts of environmental protection, resource and biodiversity production, use, protection, natural disaster preparedness and prevention, and climate change adaptation solutions and integrated with provincial planning.
3. Group I mineral planning, group II mineral planning, geological and mineral management solutions must minimize division of areas where minerals can be produced effectively in large scale into smaller areas.
4. Preparation, appraisal, approval, revision, adjustment under simplified procedures, declaration, and implementation of group I mineral planning and group II mineral planning must conform to planning laws.
5. The Government shall elaborate Clause 2 of this Article; assign agencies and organizations to prepare and submit mineral reconnaissance, mineral survey planning, group I mineral planning, group II mineral planning.

#### **Article 13. Basis and contents of group I mineral planning, group II mineral planning**

1. Basis of group I mineral planning and group II mineral planning consist of the basis of planning laws and:

- a) Mineral demand of economic sectors;
  - b) Mineral survey results;
  - c) Science and technology advancement in mineral exploration and production or new discoveries of deep-seated minerals during mineral exploration and production;
  - d) Implementation results of the previous planning; strategic environmental evaluation results according to environmental protection laws.
2. Contents of group I mineral planning and group II mineral plannings shall conform to planning laws.

### **Chapter III**

## **GEOLOGICAL RECONNAISSANCE**

### **Article 14. Details and Government's responsibilities in geological reconnaissance**

1. Geological reconnaissance includes:
- a) Conducting inspection, determining distribution rules, estimating geologically potential structures in order to produce national geology maps of up to 1:50.000 scale, including maps of: geology; geophysics field; geochemistry; geomorphology; crust; geological accidents; geological heritage; geo-environment; geo-hydrograph; geotechnical engineering; urban geology;
  - b) Conducting inspection and producing field-specific maps of exceeding 1:50.000 scale depending on required fields of expertise and management demands;
  - c) Conducting inspection, zoning, and mapping geosites, geological heritage, strategic resources; conducting inspection of geo-environment and geological accidents; conducting inspection of geo-engineering and urban geology; conducting inspection of other geological conditions.
2. In respect of geological reconnaissance, the Government has the responsibility to:
- a) ensure compliance of geological reconnaissance with approved planning;
  - b) guarantee funding for geological reconnaissance in annual state budget estimates;
  - c) assign the Ministry of Natural Resources and Environment to organize geological reconnaissance;
  - d) assign provincial People's Committees to conduct geological reconnaissance in accordance with schemes, projects, or tasks approved by competent authority.

3. The Minister of Natural Resources and Environment shall elaborate Clause 1 of this Article; regulate the preparation, appraisal, and approval of schemes, projects, tasks, reporting, and declaration of geological reconnaissance results.

### **Article 15. Inspection, zoning, and mapping of geosites, geological heritage, and strategic resources**

1. Inspection of geosites and geological heritage includes:

a) Inspecting and evaluating scientific, educational value of geosites and geological heritage; especially location, distribution, geographic, geologic characteristics, geology diversity, and meaning of geological science, education;

b) Inspecting and evaluating aesthetic value of geosites and geological heritage;

c) Inspecting and evaluating economic value, potential for production and use of geosites and geological heritage;

d) Determining level of influence and reservation demand of geosites and geological heritage.

2. Inspection of strategic resources includes:

a) Inspecting and zoning areas with potential strategic resources on the basis of geological reconnaissance results;

b) Evaluating position, geologic characteristics, geologic conditions, formation history, potential value and benefits yielded by production of zoned geologic resources; orientation for management, protection, production, and use.

3. Zoning and mapping of areas with geosites, geological heritage, strategic resources shall conform to inspection results of geosites, geological resources, and strategic resources.

### **Article 16. Inspection of geo-environment and geological accidents**

1. Inspection of geo-environment includes:

a) Inspecting geology, geochemistry, and geophysics characteristics of geological features; geological processes related to natural environment;

b) Identifying natural and artificial factors causing irregularities, irregularity spread affecting natural environment;

c) Mapping conditions and zoning of geo-environment;

d) Developing geo-environment database.

2. Inspection of geological accidents includes:

a) Geological, geo-engineering characteristics of geological features; relevant geological processes; symptoms and signs of geological accidents;

b) Natural, socio-economic factors affecting geological accidents;

c) Mapping of conditions, zoning of geological accident warning;

d) Development of geological accident database.

3. In the process of geo-environment and geological accident inspection, monitoring and warning pertaining to geo-environment and geological accidents must be implemented.

### **Article 17. Inspection of geotechnical engineering, urban geology**

1. Inspection of geotechnical engineering includes:

a) Inspecting, evaluating, identifying structure of geology, topography, geomorphology, geo-hydrograph, processes and phenomena of dynamic geology, physical properties of soil, rocks;

b) Identifying correlation and rules regarding displacement between geological features, topography, geomorphology, geo-hydrograph, processes and phenomena of dynamic geology, physical properties of soil, rocks;

c) Evaluating effect of geological conditions on infrastructures and socio-economic development;

d) Mapping geotechnical engineering zoning at appropriate scale while depicting geotechnical engineering region, area, and site;

dd) Developing geotechnical engineering database.

2. Inspection of urban geology includes:

a) Inspecting geology, geophysics, geotechnical engineering, geo-hydrograph, geo-environment, and geological accidents;

b) Determining information pertaining to urban planning, geological resources in inspection area; evaluating pressure and interaction between people in urban geology environment;

c) Mapping urban geology space;

d) Developing urban geology database.

### **Article 18. Inspection of other geological conditions**

1. Inspection of other geological conditions includes: mapping geology space, mapping subsurface space; inspection of geothermal resources according to Clauses 2, 3, and 4 of this Article.

2. Mapping geology space means to create 3-dimensional digital maps depicting entities, geological phenomena with adequate properties regarding composition, physical, chemical, mechanical characteristics and correlation between these geological entities, phenomena appropriate to inspection composition and the following provisions:

a) Collecting, consolidating, analyzing, and evaluating information, data pertaining to geology, geological resources, investigating missing data; simulating actual geological features; mapping geology space;

b) Updating geology space map on an annual or irregular basis. Irregular update shall be required in case of sudden changes to geological features caused by natural or artificial reasons.

3. Mapping subsurface space means to create 3-dimensional digital maps on top of geology space maps depicting subsurface spaces and:

a) Collecting, consolidating, additionally investigating, analyzing, and evaluating information, data pertaining to geological resources; socio-economic, national defense and security aspects, use demands of subsurface spaces, subsurface space use conditions;

b) Mapping distribution of deposit structures; evaluating geological characteristics, conditions, and deposit capability of geological structures to identify structures beneficial for use as storage units of substances without containers, waste landfills, carbon dioxide (CO<sub>2</sub>) capture, groundwater recharge, geothermal energy storage, among other uses.

4. Inspection of geothermal resources includes:

a) Inspecting, zoning, mapping areas with potential geothermal energy on the basis of geological reconnaissance results;

b) Evaluating geological characteristics, conditions, sources and recovery capacity of geothermal energy in zoned areas with geothermal energy potential; guiding management, protection, production, and use.

### **Article 19. Rights and obligations of organizations conducting geological reconnaissance**

1. Organizations conducting geological reconnaissance have the right to:

- a) conduct geological reconnaissance in accordance with schemes, projects, and tasks approved by geology authorities;
- b) transfer specimens in adequate quantity and type depending on analysis and test demands under approved schemes, projects, and tasks out of geological reconnaissance sites, even to foreign countries;
- c) exercise other rights related to geological reconnaissance as per the law.

2. Organizations conducting geological reconnaissance have the obligation to:

- a) apply for geological reconnaissance to competent geology authorities in accordance with Article 23 hereof;
- b) adhere to approved schemes, projects, tasks, technical standards, technical regulations, norms, and unit price in geological reconnaissance;
- c) maintain honesty and adequacy in collection and consolidation of geology documents, data, and information; protect geological reconnaissance information in accordance with state secret protection laws;
- d) protect the environment, geological resources, and minerals during geological reconnaissance;
- dd) request competent geology authorities to approve geological reconnaissance reports;
- e) submit geological reconnaissance, geological specimen survey, mineral survey reports in accordance with this Law and storage laws;
- g) exercise other obligations pertaining to geological reconnaissance as per the law.

## **Chapter IV**

### **MINERAL SURVEY**

#### **Article 20. Details and Government's responsibilities in mineral survey**

1. Mineral survey includes:

- a) Inspecting geological features with potential mineral benefits on the basis of geological reconnaissance; zoning potential area for mineral evaluation;
- b) Evaluating mineral potentials in order to identify sizes of mineral resources in evaluation area; zoning areas with mineral potentials.

2. In terms of mineral survey, the Government has the responsibility to:

- a) ensure that mineral survey is conducted in accordance with approved planning;
  - b) allocate funding for mineral survey in annual state budget estimates; funding for organizations and individuals participating in mineral survey in accordance with Point b Clause 1 Article 22 hereof;
  - c) approve schemes for mineral survey submitted by the Ministry of Natural Resources and Environment to encourage organizations and individuals to participate in survey;
  - d) enable the Ministry of Natural Resources and Environment to conduct mineral survey;
  - dd) enable provincial People's Committees to evaluate potentials of group III minerals and group IV minerals.
3. The Minister of Natural Resources and Environment shall elaborate Clause 1 of this Article; regulate the preparation, appraisal, and approval of schemes, projects, tasks, reporting, and declaration of geological reconnaissance results.

#### **Article 21. Rights and obligations of organizations conducting mineral survey**

1. Organizations conducting mineral survey have the right to:

- a) carry out survey in accordance with schemes, projects, and tasks approved by competent geology authorities;
- b) transfer specimens in adequate quantity and type depending on analysis and test demands under approved schemes, projects, and tasks out of mineral survey sites, even to foreign countries.

2. Organizations conducting mineral survey have the obligation to:

- a) apply for mineral survey to competent geology authorities in accordance with Article 23 hereof;
- b) adhere to approved schemes, projects, tasks, technical standards, technical regulations, norms, and unit price in mineral survey;
- c) maintain honesty and adequacy in collection and consolidation of geology documents, data, and information; protect geological reconnaissance information in accordance with state secret protection laws;
- d) protect the environment, geological resources, minerals during mineral survey;
- dd) request competent geology authorities to approve mineral survey reports;

e) submit mineral survey, geological specimen survey, mineral specimen survey reports in accordance with this Law and storage laws.

## **Article 22. Regulations pertaining to mineral survey of organizations and individuals**

1. Principles pertaining to mineral survey:

a) Mineral survey schemes must be included in geological reconnaissance and mineral survey planning and approved by the Prime Minister for execution via joined inspection;

b) Organizations and individuals may participate in mineral survey that is listed under schemes mentioned in Point c Clause 2 Article 20 hereof and shall secure funding for the entirety of each scheme; provide documentation of their financial capability;

c) Selection of organizations and individuals for participation in mineral survey shall be conducted on a competitive, transparent, and public manner;

d) Participation in mineral survey shall be depicted under contracts between organizations, individuals and competent geology authorities.

2. Organizations and individuals participating in mineral survey have the right to:

a) inspect, supervise implementation, and conduct commissioning of scheme implementation reports;

b) propose partial or total inclusion of area with mineral potentials in areas that have undergone geological reconnaissance in group I mineral planning, group II mineral planning, areas exempted from mineral production right auction;

c) be prioritized for mineral exploration license without having to auction mineral production right where areas under Point b of this Clause are included in group I mineral planning or group II mineral planning for 24 months from the date on which the areas under Point b of this Clause are exempted from mineral production right auction;

d) have access to information, data pertaining to mineral survey in relevant areas to document mineral survey;

dd) waive all investment expenditure if they are ineligible for mineral exploration license in selected areas in accordance with this Law or no longer wish to continue mineral exploration.

3. Organizations and individuals participating in mineral survey have the obligation to adhere to contracts signed with competent geology authorities.

4. The Government shall elaborate this Article; prescribe selection of organizations and individuals participating in mineral survey.

### **Article 23. Apply for geological reconnaissance and mineral survey**

1. Organizations conducting geological reconnaissance and mineral survey schemes, projects must submit application.
2. Organizations conducting geological reconnaissance and mineral survey schemes, projects must submit additional application or application for revision in case of changes to goals, tasks, area, inspection solutions relative to approved schemes and projects.
3. Organizations selected for conducting mineral survey shall not be required to submit application in accordance with Clause 1 and Clause 2 of this Article.
4. The Government shall elaborate this Article.

## **Chapter V**

### **MINERAL SITES; USE OF SOIL, WATER, SEA WATERS AND TECHNICAL INFRASTRUCTURES IN MINING OPERATIONS**

#### **Section 1. MINERAL SITES**

##### **Article 24. Classification of mineral sites**

1. Sites of mining operations.
2. Sites of mining operation planning.
3. Sites where mining operations are prohibited.
4. Sites where mining operations are temporarily suspended.
5. Sites of scattered minerals.
6. Sites of national mineral reservation.

##### **Article 25. Sites of mining operations and sites of mining operation planning**

1. Sites of mining operations are areas under valid mineral exploration license, mineral production licenses, mineral salvaging license; sites of closed mines.
2. Sites of mining operation planning mean areas that contain minerals, have undergone mineral survey, and are zoned by competent authorities for group I mineral planning, group II mineral planning, and provincial planning.

3. Depending on requirements pertaining to national defense and security, prevention and remediation of impact on environment, natural scenery, historical - cultural heritage, protection of natural production forest, protection of structures under Point e Clause 1 Article 26 hereof, all mineral exploration and production operations may suffer from any or some or all of restrictions below:

- a) Organizations and individuals allowed to conduct mineral exploration and production;
- b) Production capacity;
- c) Production time;
- d) Production area, depth and solutions for mineral exploration and production.

4. Depending on request of ministries and ministerial agencies, competent authorities under Article 108 hereof shall decide the restriction to mining operations under Clause 3 of this Article.

**Article 26. Sites where mining operations are prohibited, sites where mining operations are temporarily suspended**

1. Sites where mining operations are prohibited shall be zoned on the basis of:

- a) Mineral survey results; or
- b) Historical - cultural heritage, and scenery ranked or zoned for protection in accordance with cultural heritage, natural heritage protection and environmental laws; or
- c) Special-use forest, protective forest; geological sanctuaries, marine sanctuaries as per the law; or
- d) Land for national defense and security; or
- dd) Land for religious activities; or
- e) Separation distance of national defense structures and military zones; safety margin or separation distance of traffic, hydroelectricity, irrigation, embankment structures; water supply and drainage system, waste treatment system; energy and petroleum structures; post, telecommunication, information technology infrastructures.

2. Sites where mining operations are temporarily suspended shall be zoned on the basis of:

- a) National defense and security requirements; or

b) Preservation of nature, protection of aquatic resources, historical - cultural heritage, landmarks considered, recognized, or discovered by the Government during mineral exploration and production; heritages under consideration; or

c) Preparedness and remediation of natural disasters; or

d) River basins or banks susceptible to collapse, erosion or prone to collapse, erosion; coastal areas susceptible to or prone to erosion.

3. Where mineral exploration and production is required in sites where mining operations are prohibited or temporarily suspended, competent authorities under Article 108 hereof shall take charge and cooperate with ministries, relevant ministerial agencies in requesting the Prime Minister to consider.

4. Provincial People's Committees shall zone and request Prime Minister to approve sites where mining operations are prohibited or temporarily suspended after consulting the Ministry of Natural Resources and Environment and relevant ministries, ministerial agencies.

5. The Government shall elaborate application and procedures for zoning sites where mining operations are prohibited or temporarily suspended; Clause 3 of this Article.

#### **Article 27. Sites of scattered minerals**

1. Sites of scattered minerals are areas where group I minerals and group II minerals, only appropriate for small-scale production, and determined on the basis of:

a) Mineral potential evaluation results produced during mineral survey;

b) Mineral exploration results approved by competent authority;

c) Remaining mineral reserve of closed mines appropriate only for small-scale production.

2. The Government shall prescribe the size of mineral reserve for definition of sites of scattered minerals; prescribe procedures for zoning and declaring sites of scattered mineral.

#### **Article 28. Sites of national mineral reservation**

Sites of national mineral reservation mean areas with unextracted group I minerals and group II minerals, are determined by mineral survey and mineral exploration results, and include:

1. Areas where minerals are necessary for sustainable socio-economic development;

2. Areas where minerals are located and which are prioritized for development of leading economic sector or significantly advantageous economic sector;
3. Areas where minerals are located and where mineral production cannot be carried out in an effective manner or where remedial measures have not been taken to rectify negative environmental impacts.

## **Section 2. MANAGEMENT OF MINERALS IN SITES OF NATIONAL MINERAL RESERVATION**

### **Article 29. Zoning sites of national mineral reservation**

1. The Ministry of Natural Resources and Environment shall zone sites of national mineral reservation under Article 28 hereof and request the Prime Minister to approve.
2. Decision approving sites of national mineral reservation consists of:
  - a) Name of mineral reservation site;
  - b) Type of minerals and coordinates of corner markers, area, depth of mineral reservation;
  - c) Size of resources and mineral reserve;
  - d) Duration of mineral reserve;
  - dd) Responsibility for protection of minerals in the area;
  - e) Implementation plans.
3. The Government shall prescribe zoning and approval of sites of national mineral reservation.

### **Article 30. Revision to sites of national mineral reservation**

1. Revision to sites of national mineral reservation shall be implemented in order to:
  - a) Add to sites of national mineral reservation upon new mineral discoveries and where reservation is necessary for sustainable socio-economic development;
  - b) Partially or entirely include areas zoned as sites of national mineral reservation in group I mineral planning and/or group II mineral planning in accordance with planning laws; serve national defense and security purposes; execute investment projects under the authority to decide or approve investment guidelines of the National Assembly and Prime Minister, except for cases detailed under Article 33 hereof.

2. The Government shall prescribe written request and procedures for revision of sites of national mineral reservation.

### **Article 31. Duration of reservation**

1. Reservation duration shall be determined in accordance with geological, mineral, and mining industry strategy and range between 20 years and 70 years. Where reserved minerals are not included in group I mineral planning or group II mineral planning by the time reservation period expires, reservation period shall be extended.

2. The Prime Minister shall decide the reservation period and extension thereof for each site.

### **Article 32. Management and protection of minerals at sites of national mineral reservation**

1. Minerals under reservation shall be placed under strict protection in accordance with this Law.

2. Developers of investment projects located in sites of national mineral reservation have the obligation to:

a) protect minerals in project perimeter;

b) not take advantage of investment projects and construction works to unlawfully conduct exploration or production of minerals under reservation.

3. Where project developer violates Point b Clause 2 of this Article, depending on the nature, severity of the violation, and amount of minerals unlawfully produced or recovered, the violation shall be met with:

a) Administrative penalties;

b) Revocation of written verification of mineral recovery application;

c) Revocation of mineral exploration license, mineral production license under Point c Clause 1 Article 33 hereof;

d) Revocation of investment registration certificate;

dd) Criminal prosecution.

4. Project developers committing violations under Clause 3 of this Article shall also be required to compensate for any damage caused.

### **Article 33. Execution of investment projects at sites of national mineral reservation**

1. The following projects shall be executed at sites of national mineral reservation:
  - a) Investment projects under the authority to decide or approve investment guidelines of the National Assembly;
  - b) Construction projects for technical infrastructures that serve national or public interest in accordance with land laws with stable and extended land use term or operating period longer than remaining reservation duration and are approved by the Prime Minister to be executed at sites of national mineral reservation;
  - c) Exploration and production projects for minerals that are not under reservation with operating period shorter than the remaining reservation period;
  - d) Other investment projects that do not have stable and extended land use term or operating duration longer than remaining reservation duration.
2. Organizations and individuals executing investment projects at sites of national mineral reservation shall evaluate level of impact on minerals in reservation located in perimeter of projects in accordance with Clause 3 of this Article. Evaluation shall be conducted during pre-feasibility study or report proposing approval of project investment guidelines.
3. Evaluation of impact on reserved minerals consists of:
  - a) Overview of reserved minerals in project area, including level of mineral survey; current conditions of resources, reserve of resources, and progress of mineral exploration and production (if any);
  - b) Evaluation of impact of investment projects on resources, reserve, quality of reserved minerals; work items that directly affect reserved minerals;
  - c) Solutions for protecting reserved minerals located in project perimeter;
  - d) Commitment to protect unextracted minerals within the perimeter of investment projects.
4. Decision or approval of investment guidelines at sites of national mineral reservation shall be implemented after obtaining written approval of competent geology and mineral authorities regarding provisions under Clause 3 of this Article.
5. Organizations and individuals executing investment projects at sites of national mineral reservation shall monitor, supervise, and promptly report to the Ministry of Natural Resources and Environment and provincial People's Committees of provinces where sites of national mineral reservation are located where construction process or operation process directly affects the type reserved minerals for actions taken in accordance with Clauses 6, 7, 8, and 9 of this Article.

6. Where construction process at sites of national mineral reservation requires leveling or piling of surface layer which directly affects mineral reserve, organizations and individuals executing the investment projects must request the Ministry of Natural Resources and Environment and provincial People's Committees of provinces where the projects are located to conduct inspection and decide whether or not mineral recovery is conducted.

7. Provincial People's Committees of provinces where investment projects under Clause 2 of this Article are located shall consider issuance of verification of mineral recovery application. In respect of minerals under licensing authority of the Ministry of Natural Resources and Environment, provincial People's Committees shall consider issuance of verification of mineral recovery application after obtaining written approval of the Ministry of Natural Resources and Environment.

8. Mineral recovery shall be conducted as follows:

a) Mineral recovery shall be conducted at the same time as project execution;

b) Project developers shall organize mineral recovery in accordance with Clause 9 of this Article. Where mineral recovery is not conducted, project developers shall request other organizations and entities to conduct recovery and request provincial People's Committees to consider and decide.

9. Organizations and individuals executing investment projects at sites of national mineral reservation in accordance with Clause 2 of this Article permitted to conduct mineral recovery shall have rights and obligations detailed under Article 76 hereof.

10. The Government shall elaborate this Article.

#### **Article 34. Compensation for terminated investment projects at sites of national mineral reservation**

1. Where the Prime Minister decreases the area of sites of national mineral reservation or reservation duration of minerals serving national defense and security or projects of national importance in manner that causes partial or total expropriation of project land, developers of projects at sites of national mineral reservation shall be eligible for compensation and assistance in accordance with land laws.

2. The Government shall not be responsible for compensating developers of projects at sites of national mineral reservation upon expiry of reservation duration according to decision of the Prime Minister.

#### **Section 3. USE OF LAND, WATER, SEA WATERS, AND TECHNICAL INFRASTRUCTURE IN MINING OPERATIONS**

### **Article 35. Use of land, sea waters, and technical infrastructures in mining operations**

1. The use of land in mining operations shall conform to land laws.
2. The use of sea waters in mining operations shall conform to marine laws, marine resource and environment and island laws, and other relevant law provisions.
3. Organizations and individuals conducting mining operations may utilize traffic, communication, electrical, and other technical infrastructure system for the purpose of mining operations as per the law.

### **Article 36. Water usage and discharge into water sources in mining operations**

1. Organizations and individuals conducting mining operations shall have the right to utilize water resources and the responsibility to protect water resources in accordance with water resource laws; use water efficiently and effectively, adopt solutions for securing livelihood and preventing conflicts in production and use of water resources.
2. Discharge of wastewater in mining operations shall conform to environmental protection laws and other relevant law provisions.

## **Chapter VI**

### **MINING OPERATIONS, MINERAL RECOVERY, MINERAL PROCESSING**

#### **Section 1. GROUP I, GROUP II, AND GROUP III MINERAL EXPLORATION**

### **Article 37. Organizations and individuals conducting mineral exploration**

1. Organizations registered for business operation related to mining operation and eligible for mineral exploration license include:
  - a) Enterprises established in accordance with the Law on Enterprises;
  - b) Cooperatives and joint cooperatives established in accordance with the Law on Cooperatives;
  - c) Foreign enterprises placing representative offices or branch offices in Vietnam.
2. Individuals or household members shall, upon applying for household businesses engaging in businesses related to mining operations, be eligible for group III mineral exploration license.
3. Organizations and individuals under Clause 1 and Clause 2 of this Article must possess adequate financial capability to execute mineral exploration scheme.

4. Organizations licensed to conduct mineral exploration and satisfactory to requirements under Clause 1 Article 38 hereof shall have the right to continue mineral exploration.

Organizations licensed to conduct mineral exploration but not satisfactory to requirements under Clause 1 Article 38 hereof or household businesses licensed to conduct mineral exploration shall have the right to enter into contracts with mineral exploration service providers for mineral exploration in accordance with mineral exploration license.

5. The Government shall elaborate Clause 3 of this Article.

#### **Article 38. Eligibility of mineral exploration service providers**

1. Mineral exploration service providers must:

- a) be established in a law-compliant manner;
- b) employ personnel of at least university education or equivalent in geology with experience in mineral exploration and understanding of technical regulations and standards pertaining to mineral exploration for technician positions;
- c) employ technician personnel specializing in geology and other relevant fields;
- d) provide necessary equipment and instruments for construction of mineral exploration structures.

2. The Government shall elaborate this Article.

#### **Article 39. Selection of organizations and individuals for mineral exploration in areas where mineral production right is not auctioned**

Organizations and individuals under Article 37 hereof shall be selected for mineral exploration license in respect of areas where mineral production right is not auctioned in accordance with regulations of the Government.

#### **Article 40. Field survey for mineral exploration scheme**

1. During preparation of mineral exploration scheme, winners of mineral production right auction may conduct field survey and surface sampling.

2. In respect of areas where mineral production right is not auctioned, during preparation of mineral exploration scheme, organizations and individuals may conduct field survey and surface sampling to determine exploration area.

3. Prior to conducting field survey, organizations and individuals under Clause 1 and Clause 2 of this Article must inform provincial People's Committees of provinces where mineral exploration sites are located.

4. The Government shall elaborate this Article.

#### **Article 41. Area of mineral exploration site**

1. Other than cases under Clause 3 of this Article, area of mineral exploration sites under each license for each mineral or mineral group shall be:

- a) At most 100 square kilometer (km<sup>2</sup>) for coals and bauxite;
- b) At most 50 square kilometer (km<sup>2</sup>) for precious stones, semi-precious stones, metal minerals, other than bauxite;
- c) At most 10 square kilometer (km<sup>2</sup>) for non-metal minerals on land, other than group III minerals;
- d) At most 200 square kilometer (km<sup>2</sup>) for minerals in the ocean, other than group III minerals. Where a greater area is required, the Prime Minister shall decide.
- dd) At most 2 square kilometer (km<sup>2</sup>) on land or 30 square kilometer (km<sup>2</sup>) in the ocean in respect of group III minerals, other than natural mineral water and geothermal spring;
- e) Compliant with exploration scheme in respect of natural mineral water and geothermal spring.

2. Exploration depth must be sufficient to cover mineral body and geological structures potential for type of minerals to be explored, other than minerals used as construction materials and minerals used as regular construction materials.

3. In respect of exploration of strategic, important minerals according to intergovernmental agreements, area of exploration sites shall conform to said agreements.

#### **Article 42. Mineral exploration scheme**

1. Mineral exploration schemes must contain:

- a) Appropriate exploration methods for determining reserve, quality, production conditions, processing and use capabilities of minerals present in exploration area;
- b) Exploration workload, quantity and type of specimens collected, adequate evaluation of resources, reserve, and quality;

- c) Environmental protection, occupational safety and hygiene solutions during exploration process;
- d) Methods for determining mineral reserve;
- dd) Construction process, schedule of mineral exploration schemes;
- e) Mineral exploration expenditure estimates based on unit price tariff of geological structures and other relevant unit price tariff prescribed by competent authorities;
- g) Duration of mineral exploration scheme.

2. Mineral exploration issuing authorities are responsible for appraising mineral exploration schemes prior to issuing the license.

3. The Government shall elaborate application and procedures for appraisal of mineral exploration schemes.

4. The Minister of Natural Resources and Environment shall prescribe form and details of mineral exploration schemes; methods and workload of mineral exploration operation for individual mineral type and unit price tariff of geological structures.

#### **Article 43. Issuance principles of mineral exploration license**

1. Issuance of mineral exploration license must adhere to the following principles:

- a) Mineral exploration license shall only be issued for areas where no organizations and individuals are conducting lawful mineral exploration and production except for cases detailed in Point g of this Clause;
- b) Mineral exploration license issued by Ministry of Natural Resources and Environment shall be applicable in areas appropriate to group I mineral planning and group II mineral planning;
- c) Mineral exploration license issued by provincial People's Committees shall be applicable in areas appropriate to provincial planning;
- d) Mining operations are not restricted or temporarily suspended in mineral exploration sites, except for cases detailed under Clause 2 of this Article;
- dd) Mineral exploration sites are not classified as sites of national mineral reservation or undergoing ecological reconnaissance, mineral survey corresponding to the type of minerals of which exploration license is applied for, except for cases detailed under Point c Clause 1 Article 33 hereof;

- e) Area of mineral exploration sites must not exceed area defined under group I mineral planning, group II mineral planning, and provincial planning;
  - g) Area covered by a mineral exploration license may partially or entirely overlap surface area of mining operations conducted by the same organizations for the purposes of exploring minerals at different depths depending on mineral exploration schemes;
  - h) Each organization and individual shall hold at most 5 mineral exploration licenses for each type of mineral, excluding expired mineral exploration license. Where more than 5 licenses are issued to the same organizations, written approval issued by the Prime Minister shall be required.
2. Mineral exploration at sites where mining operations are prohibited or temporarily suspended shall be conducted if exploration methods and technology do not negatively affect protected subjects in these sites and in a manner compliant with Clause 3 Article 26 hereof.
3. Issuance of mineral exploration license in areas with strategic, important minerals shall conform to principles under this Article and regulations of the Government except for cases detailed under Article 49 hereof.
4. The Government shall elaborate this Article and prescribe organizations permitted to conduct mineral exploration of strategic, important minerals.

#### **Article 44. Mineral exploration license**

1. Mineral exploration license must contain information on organizations and individuals conducting mineral exploration, proper name of the area, contents of the license, and requirements of organizations and individuals to which mineral exploration license is issued.
2. Mineral exploration license includes:
- a) Type of minerals; location and area of mineral exploration sites;
  - b) Mineral exploration method and quantity;
  - c) Mineral exploration period.
3. Requirements for organizations and individuals to which mineral exploration license is issued:
- a) Financial obligations and other relevant obligations as per the laws;
  - b) Responsibilities of licensed organizations and individuals and other requirements (if any) as per the law.

4. Mineral exploration period in mineral exploration license includes execution period of mineral exploration schemes and reporting period of exploration results and shall be:

a) At most 48 months and can be extended at most twice for up to 24 months total except for cases detailed under Point b of this Clause;

b) Where organizations and individuals have not finished workload under exploration scheme due to force majeure by the end of exploration period under Point a of this Clause, the organizations and individuals shall be eligible for re-issuance in accordance with this Law as long as time limits under Point a of this Clause are not exceeded;

c) Where organizations and individuals have fulfilled exploration workload according to exploration scheme and where additional exploration workload is required by competent authorities after expiry of mineral exploration license, the organizations and individuals must report to issuing authorities for approval in advance;

d) In respect of exploration of strategic, important minerals under intergovernmental agreement, exploration period shall conform to the agreement.

5. The Government shall elaborate Point c Clause 4 of this Article.

6. The Minister of Natural Resources and Environment shall prescribe mineral exploration license.

#### **Article 45. Issuance, re-issuance, revision, and relinquishment of mineral exploration license**

1. Issuance of mineral exploration license, including cases detailed under Point dd Clause 2 Article 4 hereof shall conform to principles under Article 43 hereof and the following provisions:

a) Inspection results of application for mineral exploration license;

b) Purpose and demand of mineral exploration in application for mineral exploration license

2. The Government shall elaborate Clause 1 of this Article; regulate cases of extension, re-issuance, revision, and relinquishment of mineral exploration license; application and procedures for issuance, re-issuance, extension, revision, and relinquishment of mineral exploration license.

3. The Minister of Natural Resources and Environment shall prescribe form of reports and documents under this Article.

#### **Article 46. Transfer of mineral exploration right**

1. Organizations and individuals licensed to conduct mineral exploration may only transfer mineral exploration right after fulfilling at least 50% of the estimates of mineral exploration scheme.
2. Organizations and individuals receiving the transferred mineral exploration right must be eligible for mineral exploration license in accordance with this Law.
3. For the transfer of mineral exploration right, competent authorities under Article 108 hereof shall issue mineral exploration license to organizations and individuals receiving the transfer. Mineral exploration period means the remaining duration of previously issued mineral exploration license.
4. The Government shall elaborate the transfer of mineral exploration right; designate inspecting authorities; regulate application and procedures for transferring mineral exploration right.

**Article 47. Rights and obligations of organizations and individuals to which mineral exploration license is issued**

1. Organizations and individuals to which mineral exploration license is issued have the right to:
  - a) access information on minerals related to exploration purposes and exploration sites, transfer and inherit the information as per the law;
  - b) conduct exploration in accordance with mineral exploration license;
  - c) add extra workload and work items in exploration sites in accordance with practical development in exploration process to improve reliability of exploration results;
  - d) transfer specimens in appropriate quantity and type depending on analysis and test characteristics, demands under approved exploration schemes outside of exploration sites or foreign countries;
  - dd) be prioritized for issuance of mineral production license at sites where exploration has been conducted in accordance with Clause 1 Article 48 hereof;
  - e) apply for extension, re-issuance, revision or relinquishment of mineral exploration license;
  - g) transfer mineral exploration right in accordance with this Law;
  - h) file complaints or lawsuits in as per the law;
  - i) exercise other rights as per the law.

2. Organizations and individuals to which mineral exploration license is issued have the obligation to:

- a) fulfill financial obligations as per the law;
- b) fulfill with mineral exploration license. Where permissible exploration depth is exceeded, technology sample is added, test production pit is added, exploration solution is revised, or exploration workload is reduced, organizations and individuals must report to and obtain written approval from competent authorities in advance;
- c) compensate for damage caused by exploration operations;
- d) inform provincial People's Committees of provinces where mineral exploration takes place in advance;
- dd) collect, store information on minerals, and report mineral exploration results to mineral authorities; report other operations to competent authorities; comply with regulations on inspection, examination of mineral exploration in accordance with this Law, inspection laws, and other relevant law provisions;
- e) carry out tasks upon expiry of mineral exploration license in accordance with Clause 3 Article 52 hereof;
- g) perform other obligations as per the law.

3. For the purpose of exploration of toxic minerals, in addition to obligations under Clause 2 of this Article, organizations and individuals conducting exploration of toxic minerals must also take actions to prevent environmental pollution, harmful effects on human health; where environmental pollution already occurs, take actions to rectify or minimize the pollution.

4. For the purpose of exploration of radioactive minerals or minerals containing radioactive substances, in addition to fulfilling Clause 2 and Clause 3 of this Article, organizations and individuals conducting mineral exploration must conform to the Law on Atomic Energy and other relevant law provisions.

5. The Government shall elaborate Point b Clause 2 of this Article; regulate organizations permitted to conduct exploration of toxic and radioactive minerals.

6. The Minister of Natural Resources and Environment shall regulate forms of reports and documents under Point d and Point dd Clause 2 of this Article.

#### **Article 48. Privilege for organizations and individuals conducting mineral exploration**

1. Organizations and individuals conducting mineral exploration shall be granted privilege upon applying for mineral production license for resources and reserve recognized by competent authorities for 36 months from the date on which recognition is awarded.

2. Where organizations and individuals that have conducted mineral exploration fail to submit adequate application for mineral production license before expiry of the time limit under Clause 1 of this Article, the organizations and individuals shall lose their privilege in application for mineral production license except for force majeure or changes to Government policies that cause the application to be not feasible. Where competent authorities issue mineral production license to other organizations and individuals in accordance with this Law, licensed organizations and individuals shall refund organizations and individuals that previously conduct mineral exploration mineral exploration costs in accordance with this Law.

3. The Government shall elaborate Clause 2 of this Article.

#### **Article 49. Mineral exploration funded by state budget**

1. The Government shall fund exploration of the following minerals using budget capital:

a) Strategic, important minerals;

b) Minerals of high economic value and/or high demand.

2. The Prime Minister shall decide list of mineral exploration sites under Clause 1 of this Article where the Ministry of Natural Resources and Environment has licensing authority.

3. Provincial People's Committees shall decide list of mineral exploration sites under Clause 1 of this Article where they have licensing authority.

4. Mineral exploration license shall not be required in respect of mineral exploration funded by state budget. Competent authorities under Article 108 hereof shall choose organizations executing mineral exploration schemes in accordance with bidding laws.

5. The Government shall elaborate this Article.

#### **Article 50. Recognition of mineral exploration results**

1. Organizations and individuals licensed to conduct mineral exploration and organizations executing mineral exploration schemes under Clause 4 Article 49 hereof shall submit application for mineral exploration result recognition to competent authorities under Article 51 hereof.

2. Competent authorities under Article 15 hereof are responsible for recognition of mineral exploration results in accordance with regulations of the Government.
3. Within 6 months from the date on which mineral exploration license expires, organizations and individuals shall submit application for recognition of mineral exploration results.
4. Where organizations and individuals licensed to conduct mineral exploration fail to submit application for recognition of mineral exploration results to receiving authorities in accordance with this Law after the time limit defined under Clause 3 of this Article, they shall be no longer eligible to apply for recognition of mineral exploration results except for force majeure. Where competent authorities issue mineral exploration license to other organizations and individuals, previously licensed organizations and individuals shall not be eligible for refund of mineral exploration expenditure.
5. The Government shall elaborate Clauses 1, 2, and 4 of this Article; applications and procedures for recognizing mineral exploration results; procedures for submitting mineral exploration reports.
6. The Minister of Natural Resources and Environment shall prescribe classification of mineral reserve and resources; mineral exploration reports and additional mineral exploration reports.

#### **Article 51. Entitlement to recognition of mineral exploration results**

1. National council for mineral reserve evaluation shall recognize mineral exploration results and additional exploration results under licensing authority of the Ministry of Natural Resources and Environment.
2. Provincial People's Committees shall recognize mineral exploration results and additional exploration results under their own licensing authority.
3. The Government shall prescribe organization, operation, tasks, powers, and responsibilities of the National council for mineral reserve evaluation.

#### **Article 52. Revocation and termination of mineral exploration license**

1. Mineral exploration license shall be revoked where:
  - a) The license is issued in a manner that does not respect issuing authority or violates regulations of the law;
  - b) License holders fail to conduct exploration within 6 months from the date on which the license enters into force except force majeure;

- c) Sites where mineral exploration is licensed is placed under mining operation prohibition or temporary suspension;
- d) Competent authorities issue decision to expropriate the entire area of land or sea waters where mineral exploration was previously licensed for use in other purposes in accordance with land, sea, resource, marine environment, island laws, and other relevant provisions of the law.

2. Mineral exploration license shall be terminated where:

- a) The license is revoked; or
- b) The license expires; or
- c) The license relinquished; or
- d) Organization licensed to conduct mineral exploration is dissolved or goes bankrupt; or
- dd) License holder has their establishment decision, business registration certificate, cooperative registration certificate, joint cooperative registration certificate, or household business certificate revoked in accordance with corporate, cooperative laws;
- e) Such termination is determined via judgments or decisions of the Court or arbitration awards.

3. Within 6 months from the date on which mineral exploration license is terminated in accordance with Clause 2 of this Article, previous license holders must relocate the entirety of their property and property of relevant parties out of exploration sites; level exploration sites, protect minerals, restore the environment and land as per the law; submit collected specimens and information on minerals to compete geology and mineral authorities. This provision does not apply to organizations and individuals conducting mineral exploration that are applying for extension or re-issuance of mineral exploration license or applying for mineral production license.

4. Where mineral exploration sites are placed under mining operation prohibition or temporary suspension, valid license holders operating in the sites shall be compensated as per the law.

5. The Government shall elaborate Clause 4 of this Article; application and procedures for revocation of mineral exploration license.

## **Section 2. PRODUCTION OF GROUP I MINERALS, GROUP II MINERALS, AND GROUP III MINERALS**

### **Article 53. Eligibility of organizations, individuals to which mineral exploration license is issued**

1. Organizations registered in mineral production business that are considered for mineral production license include:

a) Enterprises established in accordance with the Law on Enterprises;

b) Cooperatives and joint cooperatives established in accordance with the Law on Cooperatives.

2. Individuals or household members registering for household businesses and engaging in mineral production business shall be eligible for group III mineral production license.

3. Organizations and individuals under Clause 1 and Clause 2 of this Article must possess sufficient financial capacities to execute mineral production investment projects.

4. The Government shall elaborate this Article.

#### **Article 54. Mineral production sites, area of mineral production investment project sites**

1. Mineral production sites shall be limited by straight segments connecting corner markers on topographic maps using national coordinate system at appropriate scale.

2. Area and depth of mineral production sites shall be considered and identified on the basis of mineral production investment projects, compliant with mineral reserve in mineral exploration reports recognized by competent authorities.

3. Area of mineral production investment project sites consists of: area of mineral production sites; area of structures serving mineral production attached to mineral production sites; area of safe separation distance in mine production.

4. In respect of production sites of natural mineral water or geothermal spring, location and area of production sites shall be determined by coordinates of wells or well groups.

5. The Government shall elaborate Clause 2 of this Article.

#### **Article 55. Principles of mineral production license issuance**

1. Issuance of mineral production license shall adhere to principles below:

a) Mineral production license shall only be issued for areas where no organizations and individuals are conducting lawful mineral exploration and production except for cases detailed in Point e of this Clause;

b) Mineral production license issued by Ministry of Natural Resources and Environment shall be applicable in areas appropriate to group I mineral planning and group II mineral planning;

- c) Mineral exploration license issued by provincial People's Committees shall be applicable in areas appropriate to provincial planning;
  - d) Mineral production shall not be permitted at sites of national mineral reservation, except for cases detailed in Point c Clause 1 Article 33 hereof;
  - dd) Mineral production shall not be permitted at sites where mining production is prohibited or temporarily suspended, except for cases detailed under Clause 2 of this Article;
  - e) Surface area of mining operation sites covered by mineral production licenses may overlap in part or in whole if the licenses are issued to the same organization conducting mineral production at different depths according to mineral production investment projects.
2. Mineral production at sites where mining operations are prohibited or temporarily suspended shall be conducted if production methods and technology do not negatively affect protected subjects in these sites and in a manner compliant with Clause 3 Article 26 hereof.
3. The Government shall elaborate this Article.

#### **Article 56. Mineral production license**

1. Mineral production license must contain information on organizations and individuals conducting mineral production, licensing details, and requirements for organizations and individuals to which mineral production license is issued.
2. Licensing details consist of:
- a) Location and area of mineral production sites; production depth;
  - b) Primary minerals and byproduct minerals (if any);
  - c) Mineral reserve or quantity permitted for production;
  - d) Mineral production capacity and methods;
  - dd) Mineral production period.
3. Requirements for organizations and individuals to which mineral production license is issued include:
- a) Financial obligations and other relevant obligations as per the laws;

b) Responsibilities of licensed organizations and individuals and other requirements (if any) as per the law.

4. Term of mineral production license:

a) Production term consists of fundamental construction period, production period determined in accordance with mineral production investment projects to a maximum of 30 years and can be extended multiple times at request of license holders to a maximum of 20 years; except for cases detailed under Point a Clause 2 Article 68 and Clause 3 Article 87 hereof;

b) Where mineral production term, including extension thereof, has expired before mineral reserve in the sites has not been depleted, license holders may apply for re-issuance of mineral production license.

5. Effective period of re-issued mineral production license shall conform to Point a Clause 4 of this Article.

#### **Article 57. Issuance, extension, re-issuance, revision, and relinquishment of mineral production license**

1. Issuance of mineral production license shall conform to principles detailed in Article 55 hereof and:

a) Appraisal results of application for mineral production license;

b) Mineral production and use demand depicted in application for license issuance.

2. The Government shall elaborate Clause 1 of this Article; regulate cases of extension, re-issuance, revision, and relinquishment of mineral production license; application and procedures for issuance, re-issuance, extension, revision, and relinquishment of mineral production license.

3. The Minister of Natural Resources and Environment shall prescribe form of reports and documents under this Article.

#### **Article 58. Transfer of mineral production right**

1. License holders may only transfer mineral production right after finishing fundamental construction and commencing operation of the mines.

2. Organizations and individuals receiving the transferred mineral production right must be eligible for mineral production license.

3. For the purpose of transfer of mineral production right, competent authorities under Article 108 hereof shall issue mineral production license to organizations and individuals

receiving the transfer. Mineral production term means the remaining effective period of issued mineral production license.

4. The Government shall elaborate this Article; prescribe application and procedures for transfer of mineral production right.

#### **Article 59. Rights and obligations of organizations and individuals conducting mineral production**

1. Organizations and individuals conducting mineral production have the right to:

- a) access mineral information related to production purposes and sites where mineral production is permitted;
- b) conduct mineral production in accordance with mineral production license and this Law;
- c) conduct additional exploration work to serve mineral production within licensed sites;
- d) recover minerals within mineral production investment sites during fundamental construction of mines or other operations serving mineral production after reporting to competent authorities for consideration and decision;
- dd) store, transport, sell, export, and execute other rights in respect of extracted minerals as per the law;
- e) apply for extension, re-issuance, revision, and relinquishment of mineral production license;
- g) transfer mineral production rights in accordance with this Law;
- h) file complaints or lawsuits in as per the law;
- i) use waste soil and rocks from mines for renovation and restoration of the environment, project structures, and other purposes;
- k) Exercise other rights as per the law.

2. Organizations and individuals conducting mineral production have the obligation to:

- a) incur mineral production licensing fees; incur mineral potential evaluation costs, mineral exploration costs; pay taxes, fees, and charges as per the law;
- b) prioritize local labor in mineral production investment projects and relevant services;

c) cooperate with local governments in providing training, facilitating career change, and finding jobs for households and individuals in case the Government expropriates the land for mineral production investment projects in accordance with land laws;

d) maintain schedule of fundamental mine construction and other operations defined under feasibility study or equivalent documents of mineral production investment projects, approved mine design as per the law; except for force majeure;

dd) register commencement date of fundamental mine construction and commencement date of mineral production to issuing authorities; inform People's Committees of all levels before starting fundamental construction and mineral production;

e) develop and send additional exploration scheme to licensing authority for consideration and approval in advance and request competent authority to recognize additional exploration results in case additional exploration is conducted to better evaluate mineral resources and reserve or accurately determine reserve of byproduct minerals (if any);

g) maximize production of primary minerals and byproduct minerals in accordance with mineral production license; protect minerals in areas where mineral production is licensed; maintain occupational safety and hygiene, practice technical safety in mineral production; exercise regulations on management and protection of technical infrastructures, exercise environmental protective measures as per the law; adhere to regulations pertaining to inspection and examination of mining operations under this Law, inspection laws, and other relevant provisions of the law;

h) store, update, and provide information on mineral exploration and production results; monitor quantities of minerals produced in practice before transporting extracted minerals out of mineral production investment projects; invest, install, and operate information and data system on mining operations connected to information and data system on mining operations of competent licensing authorities under Article 108 hereof

i) submit reports on mineral production to competent authorities and be hold responsible for accuracy of reporting information and data;

k) compensate for damage caused by mineral production as per the law;

l) enable other organizations and individuals to conduct scientific research in mineral production sites in accordance with science and technology laws;

m) close mines; improve and restore the environment in accordance with this Law and environmental protection laws;

n) consolidate and submit reports to competent mineral authorities to revise license in accordance with Article 57 hereof in case mineral quantities defined under mineral production license has been met without depleting the mineral reserve and where mineral

production license has not expired; except for production of river bed, lake bed, sea waters sand, gravel, gravel under Chapter VIII hereof;

o) perform other obligations as per the law.

3. The Government shall elaborate Point d and Point i Clause 1, Point e and Point g Clause 2 of this Article; prescribe the roadmap for implementing connection to information and data system on mining operations detailed under Point h Clause 2 of this Article.

4. The Minister of Natural Resources and Environment shall elaborate Point dd, h, i, and n Clause 2 of this Article.

### **Article 60. Occupational safety and hygiene, and technical safety in mineral production**

1. Organizations and individuals engaging in mineral production, individuals working at mines shall adequately adhere to regulations on occupational safety and hygiene, and safety techniques under this Law, occupational safety and hygiene laws, and other relevant provisions of the law.

2. Other than cases detailed in Clause 4 Article 62 hereof, organizations and individuals engaging in mineral production must guarantee technical safety conditions below:

a) Managerial and operating personnel in mineral production must have sufficient qualifications and receive training in technical safety in mineral production;

b) Equipment and system used in mineral production must be suitable with geological conditions of production sites. In respect of underground mineral production, equipment and system must also meet safety requirements corresponding to combustible gas;

c) Risk management plans must be developed, approved, and sent to competent authorities. In case of underground mineral production, risk management plans must be developed and submitted to the Ministry of Industry and Trade for approval in accordance with Clause 3 of this Article;

d) Employ semi-specialized emergency response team to take actions in case of emergencies.

3. Risk management plans of underground mineral production projects shall be approved as follows:

a) In respect of new projects, risk management plans must be approved prior to construction and before operation of mine structures;

b) In respect of projects during fundamental mine construction, risk management plans must be approved before operation of the structures;

c) In respect of projects entering into operation before the effective date hereof, risk management plans must be approved within 24 months from the date on which this Law enters into force.

4. Where potential technical issues may violate occupational safety and hygiene, mine directors must take all necessary actions to eliminate causes of issues.

5. Where technical issues cause loss of occupational safety or hygiene, mine directors or mine coordinators must:

a) immediately adopt emergency measures to rectify the issues; provide emergency medical care, evacuate people from dangerous areas;

b) protect property and scenes of the accidents unless activities under Point a of this Clause are taking place.

6. Agencies, organizations, and individuals are responsible for providing assistance in emergency medical care and rectification of technical issues.

7. Organizations and individuals engaging in mineral production must report occupational incidents, violation of occupational safety and hygiene in mineral production; promptly report to competent authorities in case accidents causing loss of occupational safety.

8. The Minister of Industry and Trade shall elaborate Point c Clause 2 and Clause 3 of this Article.

9. The Government shall elaborate Point a, b, and d Clause 2 and Clause 7 of this Article.

#### **Article 61. Fundamental design of mineral production projects, mine design**

1. Fundamental design of mineral production investment projects shall be prepared in feasibility study, developed, appraised, and approved in accordance with construction, investment laws, and relevant law provisions.

2. Mine design shall serve mineral production and be compliant with fundamental design. Procedures for developing, appraising, and approving mine design in a one-step or multi-step process in accordance with construction laws and:

a) In case of one-step or two-step design, mine design shall be construction drawing design;

b) In case of three-step design, mine design shall consist of technical design and construction drawing design.

3. Organizations and individuals conducting mineral production shall only be permitted to commence fundamental mine construction and mineral production after obtaining and sending approved mine design to competent authorities.

4. The Minister of Industry and Trade shall prescribe fundamental design of mineral production investment projects and mine design.

5. The Government shall elaborate Clause 3 of this Article; entities from which fundamental design of mineral production investment projects and mine design are required.

## **Article 62. Mine directors and coordinators**

1. Mine directors shall be required for the purpose of mineral production, except for cases detailed under Clause 4 of this Article.

2. In respect of mineral production in underground mines, a mine director shall be required for each mineral production license. In respect of open-pit mining, a mine director shall be required for up to 3 mineral production licenses held by the same organization or individual where each mine is no more than 10 km away from one another.

3. Mine directors shall be individuals with satisfactory qualifications and eligibility as per the law designated by organizations and individuals permitted to conduct mineral production or individuals permitted to conduct mineral production or heads of organizations permitted to conduct mineral production.

4. Mine directors shall not be required in the following cases as long as mine coordinators responsible for technical affairs in mineral production, occupational safety and hygiene, and environmental protection are appointed:

a) Producing group II and group III minerals without using industrial explosive materials;

b) Producing minerals at sites of scattered minerals according to Article 27 hereof unless the production process involves the use of industrial explosive materials or underground mineral production.

5. Mineral production license holders have the responsibility to:

a) enable mine directors and coordinators to exercise their duty;

b) inform licensing authorities in writing about qualifications and managerial capabilities of mine directors before commencement date of mineral production or in case of

replacement of mine directors. Where mine directors do not meet the standards, competent mineral authorities are responsible for informing organizations and individuals in writing.

6. The Government shall elaborate this Article.

### **Article 63. Mining status maps and cross-section maps of mineral production sites**

1. Organizations and individuals conducting mineral production shall produce, update, manage, and store mining status maps and cross-section maps of mineral production sites from fundamental construction stage to end of mineral production stage according to mineral production license.

2. The Minister of Natural Resources and Environment shall prescribe entities that develop mining status maps and cross-section maps of mineral production sites; submission method, format, and contents of mining status maps and cross-section maps of mineral production sites.

### **Article 64. Inventory and examination of mineral quantities**

1. Organizations and individuals conducting mineral production are responsible for inventory of extracted mineral quantities on an annual basis; examination of remaining mineral quantities at the time in which application for extension, revision, transfer, and relinquishment of mineral production license and mine closure is submitted; shall be held legally responsible for accuracy and veracity of information and data of inventory, examination.

2. Inventory of mineral quantities extracted annually and total mineral quantities extracted from the beginning to the inventory date includes:

a) Information on mineral and resource reserve recognized by competent authorities; topographic maps of mineral and resource reserve calculation and cross-section maps of mineral and resource reserve calculation;

b) Weighed or measured quantities or load of extracted minerals; results of severance tax and environmental protection fee declaration and payment in mineral production;

c) Information and data produced by analysis and evaluation of quality or concentration of minerals; results of verification and delivery of quantities or load of extracted minerals; amount of soil and rocks produced during each production stage;

d) Actual measurement results pertaining to production conditions during development of mining status maps and cross-section status maps of mineral production sites in case of solid minerals.

3. Examination of remaining mineral reserve from the beginning to the examination date consists of consolidation of information from the following documents:

- a) Information on mineral reserve in mineral production license;
- b) Inventory results of mineral quantities extracted annually and total mineral quantities extracted from the beginning to the inventory date;
- c) Data pertaining to reserve of other resources and minerals in vicinity of mineral production sites.

4. Inventory and examination of mineral quantities under Point d Clause 1 Article 59 hereof shall conform to Clauses 1, 2, and 3 of this Article.

5. The Government shall elaborate Clauses 1, 2, 3, and 4 of this Article.

6. The Minister of Natural Resources and Environment shall prescribe forms of reports and documents under this Article.

#### **Article 65. Production of strategic, important minerals, toxic and radioactive minerals**

1. Organizations and individuals conducting production of strategic, important minerals shall:

- a) exercise obligations under Clause 2 Article 59 hereof;
- b) meet regulations on market access in accordance with investment laws and other relevant law provisions in case of foreign investors;
- c) operate under management of competent authorities and adhere to socio-economic development strategy from time to time.

2. In addition to obligations under Clause 2 Article 59 hereof, organizations and individuals producing toxic or radioactive minerals must also adhere to the Law on Atomic Energy and relevant law provisions.

3. The Government shall prescribe organizations permitted to produce strategic, important, toxic, radioactive minerals.

#### **Article 66. Revocation and termination of mineral production license**

1. Mineral production license shall be revoked if:

- a) The license is issued in a manner that does not respect issuing authority or violates regulations of the law;

c) Mining operations are prohibited or temporarily suspended at licensed mineral production sites;

c) Competent authorities issue decision to expropriate the entire area of land or sea waters where mineral production was previously licensed for use in other purposes in accordance with land, sea, resource, marine environment, island laws, and other relevant provisions of the law;

d) Organizations and individuals licensed to conduct mineral production infringe their obligations in mineral production to a serious extent.

2. Mineral production license shall be terminated if:

a) The license is revoked; or

b) The license expires and is not extended or re-issued on an eligible basis; or

c) The license relinquished; or

d) Organization licensed to conduct mineral production is dissolved or go bankrupt; or

dd) License holder has their business registration certificate, cooperative registration certificate, joint cooperative registration certificate, or household business certificate revoked in accordance with corporate, cooperative laws; or

e) Investment project of license holder is terminated by competent authorities in accordance with investment laws; or

g) Land or sea waters for mineral production of license holder is revoked in accordance with land laws and other relevant laws where investment project violates land laws or other relevant laws; or

h) Such termination is determined via judgments or decisions of the Court or arbitration awards.

3. Where mineral production license is terminated in accordance with Points a, b, dd, e, g, and h Clause 2 of this Article, holder of the terminated license has the obligation to:

a) close mines in accordance with Section 2 Chapter VII hereof;

b) relocate their property and property of relevant parties out of mineral production sites within 6 months from the date on which mineral production license is terminated, except for structures and equipment under Point c of this Clause; property remaining at mineral production sites after the aforementioned time limit shall be handled in a law-compliant manner;

c) avoid dismantlement or destruction of safety, environmental protection structures and equipment at mineral production sites.

4. Where mineral reserve is not depleted at expiry of mineral production license and previous license holder is not eligible for extension or re-issuance of mineral production license, other organizations and individuals shall be licensed to conduct mineral production in accordance with this Law.

5. Organization and individuals conducting mineral production and having their mineral production license revoked under Point b and Point c Clause 1 of this Article shall be compensated as per the law.

6. The Government shall elaborate Point d Clause 1, Point c Clause 3, Clause 4, and Clause 5 of this Article, elaborate documents and procedures for revocation of mineral production license.

### **Section 3. MINERAL SALVAGING**

#### **Article 67. General provisions pertaining to mineral salvaging**

1. Mineral salvaging includes:

- a) Selectively producing remaining minerals at waste dump of mines of which closure decision has been issued;
- b) Producing all minerals at waste dump of mines, including waste soil and rocks of mines of which closure decision has been issued.

2. Principles of issuance of mineral salvaging license:

- a) Requirements pertaining to occupational safety, hygiene, technical safety, and environmental protection in mineral production are met; residential communities around waste dump are not affected by the production;
- b) In respect of waste dumps with great height or complex terrain, mine design must adhere to Article 61 hereof;
- c) Compliance with geology and mineral management plans under Clause 2 Article 12 hereof is not required;
- d) Mineral salvaging license is considered and issued to organizations, individuals that meet eligibility under Article 53 hereof.

3. The Government shall elaborate Point b Clause 2 of this Article.

#### **Article 68. Mineral salvaging license**

1. Information and contents of mineral salvaging license include:

a) Information and details under Clause 1, Points a, b, and dd Clause 2, Clause 3 Article 56 hereof;

b) Quantities of minerals permitted for production.

2. Term of mineral salvaging license:

a) Term of mineral salvaging consists of period of fundamental mine construction and mineral salvaging period defined under mineral production investment project, is not longer than 10 years, and can be extended multiple times at request of mineral salvaging license holders to a maximum of 5 years;

b) Where right to mineral salvaging is transferred to other organizations and individuals, the term of mineral salvaging shall be the remaining term of previously issued mineral salvaging license.

**Article 69. Issuance, extension, revision, and relinquishment of mineral salvaging license, transfer of right to mineral salvaging**

1. Issuance of mineral salvaging license shall conform to principles detailed under Clause 2 Article 67 hereof and the following basis:

a) Appraisal results of application for mineral salvaging license;

b) Mineral production and use demand depicted in application for license issuance.

2. The Government shall elaborate Clause 1 of this Article; prescribe extension, revision, relinquishment of mineral salvaging license, transfer of right to mineral salvaging; regulate appraising authorities; regulate applications and procedures for issuance, extension, revision, relinquishment of mineral salvaging license, and transfer of right to mineral salvaging.

3. The Minister of Natural Resources and Environment shall prescribe form of reports and documents under this Article.

**Article 70. Rights and obligations of organizations and individuals licensed to conduct mineral salvaging**

1. Organizations and individuals licensed to conduct mineral salvaging have the right to:

a) access mineral information related to production purposes and sites where mineral salvaging is licensed;

b) conduct mineral salvaging in accordance with mineral salvaging license and this Law;

c) recover minerals within mineral production investment sites during fundamental mine construction or other operations serving mineral production after reporting to competent authorities for consideration and decision;

d) store, transport, sell, export, and execute other ownership rights in respect of extracted minerals as per the law;

dd) apply for extension, revision, relinquishment of mineral salvaging license;

e) transfer right to mineral salvaging in accordance with this Law;

g) file complaints or lawsuits in as per the law;

h) use waste soil and rocks for renovating, remediating the environment, structures serving mineral production projects, and other purposes;

i) exercise other rights as per the law.

2. Organizations and individuals licensed to conduct mineral salvaging have the obligation to:

a) pay mineral production licensing fee, taxes, fees, and charges as per the law;

b) prioritize local labor in mineral production investment projects and relevant services;

c) cooperate with local governments in providing training, facilitating career change, and finding jobs for households and individuals in case the Government expropriates the land for mineral production investment projects in accordance with land laws;

d) maintain schedule of fundamental mine construction and other operations defined under feasibility study or equivalent documents of mineral production investment projects, approved mine design as per the law; except for force majeure;

dd) register commencement date of fundamental mine construction and commencement date of mineral salvaging to issuing authorities; inform People's Committees of all levels before starting fundamental construction and mineral production;

e) maximize production of primary minerals and byproduct minerals in accordance with mineral salvaging license; protect minerals in areas where mineral production is licensed; maintain occupational safety and hygiene, practice safety techniques in mineral production; exercise regulations on management and protection of technical infrastructures, exercise environmental protective measures as per the law; adhere to regulations pertaining to inspection and examination of mining operations under this Law, inspection laws, and other relevant provisions of the law;

g) keep, update, and provide information on mineral salvaging results; control quantities of mineral extracted before transporting such quantities out of mineral production investment projects; invest, install, and operate information and data system pertaining to mining operations, connect with information and data system on mining operations of provincial People's Committees and Ministry of Natural Resources and Environment;

h) conduct inventory and examination of quantities of extracted minerals;

i) produce reports on mineral salvaging to competent authorities and be hold responsible for accuracy of reporting information and data;

k) compensate for damage caused by mineral production as per the law;

l) enable other organizations and individuals to conduct scientific research in mineral salvaging sites in accordance with science and technology laws;

m) close mines; improve and restore the environment in accordance with this Law and environmental protection laws;

n) produce and submit reports on revision to mineral salvaging license in accordance with this Law to competent mineral authorities where quantities of minerals in unexpired mineral salvaging license have been met without depleting the mineral reserve;

o) perform other obligations as per the law.

3. The Government shall elaborate Point c and Point h Clause 1, Point e and Point h Clause 2 of this Article; prescribe the roadmap for implementing connection to information and data system on mining operations detailed under Point g Clause 2 of this Article.

4. The Minister of Natural Resources and Environment shall elaborate Point dd, g, i, and n Clause 2 of this Article.

### **Article 71. Revocation of mineral salvaging license**

1. Mineral salvaging license shall be revoked if:

a) The license is issued in a manner that does not respect issuing authority or violates regulations of the law;

b) Mining operations are prohibited or temporarily suspended at mineral salvaging sites;

c) Competent authorities issue decision expropriating the entirety of land area on which mineral salvaging is licensed for use in other purposes in accordance with land laws;

d) Organizations and individuals licensed to conduct mineral salvaging infringe their obligations in mineral production to a serious extent.

2. Mineral salvaging license shall be terminated if:

a) The license is revoked; or

b) Term of mineral salvaging license expires and license extension is not eligible;

c) The license relinquished; or

d) Organization licensed to conduct mineral salvaging is dissolved or go bankrupt; or

dd) License holder has their business registration certificate, cooperative registration certificate, joint cooperative registration certificate, or household business certificate revoked in accordance with corporate, cooperative laws; or

e) Investment project of license holder is terminated by competent authorities in accordance with investment laws; or

g) Land of mineral production projects where license holder conducts mineral salvaging is expropriated by competent authorities due to violation of land laws; or

h) Such termination is determined via judgments or decisions of the Court or arbitration awards.

3. Where mineral salvaging license is terminated in accordance with Point a, b, dd, e, g, and h Clause 2 Article, organizations and individuals conducting mineral salvaging have the obligation to exercise Clause 3 Article 66 hereof.

4. Organization and individuals conducting mineral salvaging and having their mineral salvaging license revoked under Point b and Point c Clause 1 of this Article shall be compensated as per the law.

5. The Government shall elaborate Point d Clause 1 and Clause 4 of this Article; procedures for revocation of mineral salvaging license.

#### **Section 4. GROUP IV MINERAL PRODUCTION**

##### **Article 72. Organizations and individuals conducting group IV mineral production**

Organizations and individuals eligible for group IV mineral production license include:

1. Organizations and individuals under Article 53 hereof;

2. Organizations approved or selected by competent authorities as construction contractors for:

a) Construction of projects of national importance, emergency public investment projects, structures and work items under national target programs in accordance with public investment laws;

b) emergency mobilization in response to natural disasters, natural disaster preparedness and prevention in accordance with natural disaster preparedness and prevention laws.

### **Article 73. General provisions pertaining to group IV mineral production**

1. Group IV mineral production shall be implemented as follows:

a) Application for mineral exploration license is not required; survey and general evaluation pertaining to minerals to be produced are required;

b) Issuance of mineral production license shall conform to Clause 2 of this Article and Article 74 hereof except for mineral salvaging.

2. Group IV mineral production principles include:

a) Mineral production shall only be permitted where no other organizations and individuals are conducting lawful mineral exploration or production;

b) Group IV mineral production at sites of national mineral reservation must not affect resource, reserve, quality of reserved minerals. Term of group IV mineral production at sites of national mineral reservation must not be longer than reservation duration;

c) Issuance of mineral production license is not based on geological and mineral management solutions under Clause 2 Article 12 hereof;

d) Where group IV mineral production serves projects, structures, work items, emergency mobilization under Clause 2 Article 72 hereof, submission of investment guidelines to competent authorities for approval, submission of investment projects to competent authorities for approval, and submission of appraisal results of environmental impact report to competent authorities for approval, environment license issuance, environment registration are not required; group IV mineral production plans must be developed and submitted to competent authority for consideration and issuance of mineral production license in accordance with this Law.

3. Organizations and individuals conducting group IV mineral production have the right to:

a) conduct mineral production in accordance with mineral production license issued by competent authorities;

- b) store, transport, sell, and exercise other ownership rights in respect of extracted minerals as per the law;
- c) apply for extension, re-issuance, revision, and relinquishment of mineral production license;
- d) file complaints or lawsuits in as per the law;
- dd) exercise other rights as per the law.

4. Organizations and individuals conducting group IV mineral production have the obligation to:

- a) pay mineral production licensing fee, taxes, fees, and charges as per the law;
- b) prioritize local labor for mineral production and relevant services;
- c) maximize mineral production in accordance with mineral production license;
- d) ensure production schedule according to mineral production license, except for force majeure;
- dd) guarantee occupational safety, hygiene, and technical safety in mineral production; exercise regulations on management and protection of technical infrastructures and environment protective measures as per the law; assign mine coordinators in accordance Article 62 hereof;
- e) comply with regulations on inspection, examination, and control of mining operations in accordance with this Law, inspection laws, and other relevant law provisions;
- g) control quantities of minerals extracted before transporting out of mineral production sites;
- h) submit reports on mineral production to competent authorities and be hold responsible for accuracy of reporting information and data;
- i) close mines in accordance with this Law and renovate, remediate the environment in accordance with environmental protection laws;
- k) perform other obligations as per the law.

5. The Government shall elaborate protection, renovation, and remediation of the environment in group IV mineral production; prescribe handling of residual minerals under Point d Clause 2 of this Article.

6. The Minister of Natural Resources and Environment shall elaborate Point a Clause 1, Point d Clause 2, and Point h Clause 4 of this Article.

#### **Article 74. Issuance of group IV mineral production license**

1. Organizations and individuals shall submit application for group IV mineral production license to competent authorities under Clause 2 Article 108 hereof.

2. The Government shall prescribe appraising authority; term of group IV mineral production license, extension, revision, relinquishment, revocation, and termination of group IV mineral production license; prescribe application and procedures for issuance, extension, revision, relinquishment, and revocation of group IV mineral production license.

3. The Minister of Natural Resources and Environment shall prescribe form of group IV mineral production license and application for group IV mineral production license.

### **Section 5. MINERAL RECOVERY**

#### **Article 75. General provisions pertaining to mineral recovery**

1. Organizations and individuals shall be eligible for issuance of mineral recovery verification when:

a) Cases detailed under Point d Clause 1 Article 59 and Point c Clause 1 Article 70 hereof apply;

b) Project developers or investors incorporate mineral recovery in construction sites of work items of investment projects under approval or permission of competent authorities, including minerals in sites of prohibited or temporarily suspended mining operations and minerals in sites of national mineral reservation;

c) Project developers or investors conduct dredging operations in combination with product recovery in form of minerals in seaport waters, fish port waters, asylum harbors, inland waterway, rivers, lakes, or other waters, inundated land according to projects and plans approved by competent authorities;

d) Land users who carry out structural renovation and construction work on homestead land or agricultural land may recover group III and group IV minerals found via the aforementioned renovation and construction work;

dd) Organizations and individuals closing mines may recover the minerals.

2. Mineral recovery under Clause 1 of this Article does not apply to natural mineral water, geothermal spring but must adhere to principles below:

a) In respect of Points a, b, c and dd Clause 1 of this Article, mineral recovery is only allowed if surface leveling or earthwork is required to accommodate construction process or dredging is required according to project design; mine closure schemes, mine closure plans approved or accepted by competent authorities;

b) In respect of Point d Clause 1 of this Article, land users shall only recover minerals if surface leveling or earthwork is required to accommodate construction of work items.

3. In case of group I mineral recovery under Point b and Point c Clause 1 of this Article, project developers or investors must evaluate economic effectiveness of mineral recovery and report to competent authorities.

4. In respect of group II, group III, or group IV mineral recovery in accordance with Clause 1 of this Article:

a) Minerals can be used for the purpose of construction under these projects, schemes, and plans;

b) Minerals can be provided for other structures and projects.

5. Organizations and individuals conducting mineral recovery must register recovery operation with competent mineral authorities except for cases detailed under Point a Clause 1 and Point a Clause 4 of this Article.

6. The Government shall elaborate this Article; handling of minerals in case recovery is not conducted; entitlement, documents, and procedures for verification of mineral recovery registration.

#### **Article 76. Rights and obligations of organizations and individuals conducting mineral recovery**

1. Organizations and individuals conducting mineral recovery have the right to:

a) conduct mineral recovery in accordance with written verification of mineral recovery registration issued by competent authority;

b) store, transport, sell, export, and execute other ownership rights in respect of recovered minerals as per the law;

c) exercise other rights as per the law.

2. Organizations and individuals conducting mineral recovery have the obligation to:

a) pay mineral production licensing fee, taxes, fees, and charges as per the law, except for cases detailed under Clause 3 Article 98 hereof;

- b) exercise regulations on management and protection of technical infrastructures and environmental protective measures as per the law;
- c) submit reports on mineral recovery results to competent authorities in accordance with regulations of the Minister of Natural Resources and Environment and assume responsibility for accuracy of reporting information and data;
- d) compensate for damage caused by mineral recovery;
- dd) perform other obligations as per the law.

## **Section 6. MINERAL PROCESSING**

### **Article 77. Organizations and individuals processing minerals**

Organizations and individuals processing minerals (hereinafter referred to as “mineral processors”) include organizations, individuals licensed to conduct mineral production, mineral salvaging and processing minerals in accordance with mineral production investment projects.

### **Article 78. General provisions pertaining to mineral processing**

1. Mineral processing must adhere to principles below:
  - a) Compliance with group I mineral planning, group II mineral planning, or national industry planning and provincial planning is satisfied;
  - b) Mineral processing conforms to mineral laws, investment laws, and other relevant provisions of the law;
  - c) Minerals to be processed must be of lawful origin as per the law.
2. Mineral processors must adopt advanced technology, modern equipment, save resources, energy, water, and protect the environment.
3. The Government shall elaborate this Article.

## **Chapter VII**

### **ENVIRONMENTAL PROTECTION IN MINERAL PRODUCTION; MINE CLOSURE**

#### **Section 1. ENVIRONMENTAL PROTECTION IN MINERAL PRODUCTION**

##### **Article 79. General provisions pertaining to environmental protection in mineral production**

1. Organizations and individuals conducting mineral production shall prioritize environmentally friendly technology, equipment, and materials; adopt measures for preventing, minimizing environmental impact, renovating, remediating the environment in accordance with environment laws and other relevant provisions of the law.
2. Organizations and individuals conducting mining operations shall take actions to protect, renovate, and remediate the environment and incur relevant costs.

### **Article 80. Details of environmental protection in mineral production**

1. Environmental protection in mineral production shall conform to environmental protection laws.
2. Requirements pertaining to risk management under Article 60 hereof shall be adhered to.

## **Section 2. MINE CLOSURE**

### **Article 81. General requirements pertaining to mine closure**

The following requirements must be met for the purpose of mine closure:

1. Adequate inventory of mineral reserve and extracted mineral quantities and examination of remaining mineral reserve are implemented;
2. Natural environment including soil, water, vegetation, scenery of mining sites after production are renovated and remediated in accordance with environmental protection laws in part or in whole;
3. Stability and safety of the mining site are guaranteed after mine closure;
4. Land use efficiency following mineral production is optimized.

### **Article 82. Mine closure schemes, mine closure plans**

1. Other than cases detailed under Clauses 2, 3, and 4 of this Article, organizations and individuals conducting mineral production and/or mineral salvaging must develop mine closure schemes for the entirety or part of mining sites where:
  - a) Mineral reserve within mineral production area and depth has been depleted; or
  - b) Mineral production license is terminated in accordance with Points a, b, dd, e, g, and h Clause 2 Article 66 hereof; or
  - c) Mineral salvaging license is terminated in accordance with Points a, b, dd, e, g, and h Clause 2 Article 71 hereof; or

d) Mineral production term under mineral production license, mineral salvaging license has expired and extension, re-issuance is not feasible; or

dd) License holder applies for relinquishment of mineral production license or mineral salvaging license.

2. Other than cases detailed in Clause 3 and Clause 4 of this Article, only mine closure plans shall be required in respect of:

a) License to produce natural mineral water, geothermal spring, minerals in river bed, lake bed, or in the middle of sea waters;

b) Partial relinquishment of area where mineral production has completed.

3. Other than cases detailed in Clause 4 of this Article, mine closure in respect of group IV mineral shall be implemented as follows:

a) Requirements under Article 81 hereof are met;

b) Appraisal and approval of mine closure schemes and approval of mine closure plans are not required.

4. Cases where mine closure is not required include:

a) Mineral production license or mineral salvaging license is terminated before mining operations begin; or

b) Mineral production license or mineral salvaging license expires and amendment, extension, re-issuance is under consideration;

c) License holder applies for relinquishment of mineral production license or mineral salvaging license before conducting mineral production.

5. The Minister of Natural Resources and Environment shall regulate details of mine closure schemes and mine closure plans.

### **Article 83. Appraisal and approval of mine closure schemes, approval of mine closure plans**

1. Organizations and individuals conducting mineral production and mentioned under Clause 1 Article 82 hereof shall submit request for appraisal and approval of mine closure schemes, approval of mine closure plans to competent authorities under Article 108 hereof before closing mines.

2. Competent authorities shall approve and/or revise mine closure schemes in accordance with Article 108 hereof.

3. Appraisal of mine closure schemes shall be conducted by Council for appraisal of mine closure schemes.

4. Decision approving mine closure scheme shall serve as the basis for:

a) Inspection, examination, and supervision of competent authorities in respect of mine closure carried out by organizations and individuals;

b) Implementation of rights and obligations of organizations and individuals under Article 85 hereof.

5. Organizations and individuals under Clause 1 Article 82 hereof have the obligation to prepare written request for revision of mine closure schemes in case of changes to time, quantities of work items, expenses in approved closure schemes.

6. In respect of cases detailed under Clause 2 Article 82 hereof, organizations and individuals have the responsibility to develop and submit mine closure plans to competent authorities under Article 108 for consideration and approval in writing before closing mines.

7. The Government shall elaborate Clauses 1, 2, 3, 5, and 6 of this Article; prescribe documents and procedures for appraisal, approval, revision of mine closure schemes, approval of mine closure plans.

#### **Article 84. Mine closure**

1. Organizations and individuals conducting mineral production and mentioned under Clause 1 and Clause 2 Article 82 hereof shall implement mine closure after competent authorities under Article 108 hereof approve mine closure schemes or mine closure plans.

Organizations and individuals conducting group IV mineral production shall close mines and submit reports on mine closure results to competent authorities under Article 108 hereof.

2. Where license is terminated in accordance with Point d Clause 2 Article 66 or Point d Clause 2 Article 71 hereof or where organizations and individuals conducting mineral production are incapable of carrying out mine closure, development and implementation of mine closure schemes shall be carried out by competent entities selected in accordance with bidding laws. Entitlement to selection entities carrying out mine closure:

a) The Ministry of Natural Resources and Environment shall decide in case of mineral production license or equivalent documents issued by central authorities;

b) Provincial People's Committees shall decide in cases other than those detailed under Point a of this Clause.

3. Expenditure on mine closure under Clause 2 of this Article is sourced from:

a) Deposit for environmental renovation and remediation of organizations and individuals licensed to conduct mineral production or mineral salvaging;

b) Expenditure on handling of assets of enterprises, cooperatives that arise after decision declaring dissolution or bankruptcy of enterprises and cooperatives (if any) is issued in accordance with enterprise laws, cooperative laws, bankruptcy laws;

c) Where amounts under Point a and Point b of this Clause are not sufficient for mine closure, the remaining expenditure shall be sourced from state budget in accordance with state budget laws.

4. The Government shall elaborate this Article; prescribe entities, documents, and procedures for deciding mine closure.

#### **Article 85. Rights and obligations of organizations and individuals implementing mine closure**

1. Organizations and individuals implementing mine closure have the right to:

a) receive partial or total environmental renovation and remediation deposit refund after closing mines of a part or the entire mineral production sites in accordance with approved mine closure schemes or approved mine closure plans;

b) adjust schedule and quantities of work items in mine closure schemes or mine closure plans after obtaining permission of competent authorities;

c) rent land or be assigned management of sea waters as per the law in accordance with work schedule of mine closure schemes or mine closure plans;

d) recover minerals during mine closure process;

dd) exercise other rights as per the law.

2. Organizations and individuals implementing mine closure have the obligation to:

a) protect unextracted minerals within sites of mine closure schemes or mine closure plans until the sites are handed over to local government;

b) adopt environmental protection, renovation, and remediation measures in accordance with environmental protection laws;

c) implement work items in accordance with schedule provided in mine closure schemes or mine closure plans;

- d) maintain occupational safety and environmental protection during mine closure process;
- dd) submit reports on mine closure results to competent authorities;
- e) fulfill financial obligations that arise during mine closure process;
- g) assume legal responsibility for accuracy of mine closure schemes or mine closure plans; information, data, documents, and workload of mine closure;
- h) compensate for damage caused by mine closure;
- i) perform other obligations as per the law.

## **Chapter VIII**

### **MANAGEMENT OF RIVER BED, LAKE BED, AND SEA WATERS SAND AND GRAVEL**

#### **Article 86. Principles of exploration, production, and recovery of river bed, lake bed, sea waters sand and gravel**

1. Exploration and production of river bed, lake bed, sea waters sand and gravel shall adhere to regulations applicable to group II or group III minerals under this Law and satisfy requirements below:
  - a) Production shall be controlled and supervised via modern equipment and technology so as to control changes to mineral reserve; safety risks and serious effect on the environment; risks of landslide, erosion, instability of river bed, lake bed, coasts;
  - b) Production must undergo impact assessment in accordance with water resource laws, marine resource and environment laws, environmental protection laws, and other relevant law provisions.
2. Dredging combined with recovery of minerals in seaport waters, fish port waters, asylum harbors, inland waterway, rivers, lakes of hydroelectricity infrastructures, lakes of irrigation infrastructures shall conform to this Law and satisfy requirements below:
  - a) Comply with regulations of the law on inland waterway, irrigation, maritime, water resources, environmental protection, embankment, natural disaster preparedness and prevention, and other relevant law provisions;
  - b) Dredging operations must not be taken advantage of for unlawful production of sand or gravel;
  - c) Register mineral recovery with competent authorities as per the law.

3. Where mineral quantities for production under mineral production license have been met, production must be ceased and procedures for mine closure shall be adopted.

4. The Government shall elaborate this Article.

### **Article 87. Principles of issuance of river bed, lake bed, sea waters sand, gravel production license**

Issuance of river bed, lake bed, sea waters sand, gravel production license shall adhere to principles defined under Clause 1 Article 43, Clause 1 Article 55 hereof and the following requirements:

1. Competent authorities that issue mineral production license, river bed, lake bed, sea waters sand, gravel production license are responsible for consulting relevant agencies and organizations before issuing the license;

2. Where sites of river bed, lake bed, sea waters sand, gravel production adjoin at least 2 province-level administrative division levels, provincial People's Committees of provinces where applicants submit application must consult provincial People's Committees of provinces that contain the sites in writing;

3. Effective period of river bed, lake bed, sea waters sand, gravel production license shall be at most 10 years. Where effective period of production license is below 10 years and quantities of minerals in production license have not been met, the license shall be eligible for extension or re-issuance as long as the total effective period after extension, re-issuance does not exceed 10 years;

4. Production license must dictate production hours in a day and production time in a year;

5. The Government shall elaborate this Article.

### **Article 88. Rights and obligations of organizations and individuals conducting river bed, lake bed, sea waters sand, gravel production**

1. Exercise rights under Clause 1 Article 59 hereof.

2. Fulfill obligations under Points a, b, c, d, dd, e, g, h, i, k, l, m, and o Clause 2 Article 59 hereof and requirements below:

a) Register docks, consolidation yards, types of instrument and equipment used for production and transport of sand and gravel in accordance with inland waterway traffic and other relevant law provisions;

b) Install devices for monitoring GPS location, storing data and information on location and trips of vehicles and equipment for production and transport of sand and gravel

which are connected to mineral information and data system of provincial People's Committees and Ministry of Natural Resources and Environment;

- c) Sign transport service agreements with eligible vehicle operators as per the law if organizations and individuals conducting production are not directly in charge of transport;
- d) Install public notice regarding production license and production projects;
- dd) Exercise obligations and responsibilities pertaining to natural disaster preparedness and prevention as per the law;
- e) Exercise financial obligations in accordance with this Law and other relevant law provisions.

3. The Government shall elaborate Clause 2 of this Article.

## **Chapter IX**

### **GEOLOGY AND MINERAL INFORMATION, DATA**

#### **Article 89. Geology and mineral information, data**

1. Geology and mineral information, data include:

- a) Geological reconnaissance data;
- b) Mineral survey data;
- c) Monitoring and warning data in geological reconnaissance, geo-environment, geological accidents;
- d) Geology, mineral production and use data;
- dd) Results of programs, schemes, topics, projects, tasks in management, reconnaissance, scientific research regarding geology and minerals;
- e) Results of geology, mineral inventory and examination;
- g) Other data related to geological survey, geological resource survey, mineral survey of Vietnam and other countries;
- h) Information and data pertaining to mineral exploration and production license;
- i) Information and data in periodic reports on mining operations and mine closure; inspection results;

- k) Information and data pertaining to sites where mining operations are prohibited or temporarily suspended;
- l) Information and data of areas where mineral production right is auctioned, areas where mineral production right is not auctioned;
- m) Information and data on mineral exploration results;
- n) Geological, mineral, museum specimens.

2. Geological and mineral information, data shall be consistent, developed into unified system across the country, serve multiple purposes, conform to national and international technical regulations and standards recognized in Vietnam, serve development, management, operation, and use of geology and mineral database, including:

- a) Geology and mineral database;
- b) Digital infrastructures, software system, information safety system.

3. Geology and mineral database is a unified information hub of all geological reconnaissance, mineral survey, geological resource survey results; mining operation results in Vietnam developed, updated, kept, and managed in a manner that satisfies access, search, and use demands from central government to local government and accommodate state management demand in geology and minerals.

4. The Ministry of Natural Resources and Environment shall take charge and cooperate with ministries, ministerial agencies, Governmental agencies, provincial People's Committees in developing geology and mineral database. The Minister of Natural Resources and Environment shall prescribe forms of information and data pertaining to geology and mineral.

5. The Government shall elaborate development of geology and mineral database.

#### **Article 90. Submission and reception of geology and mineral information, data**

1. Organizations conducting geological reconnaissance, mineral survey, and mineral exploration have the responsibility to submit:

- a) Reports on geological reconnaissance, mineral survey, mineral exploration results;
- b) Documents collected in execution of schemes, projects, tasks pertaining to geological reconnaissance, mineral survey, mineral exploration;
- c) Geological, mineral specimens, museum specimens collected in execution of schemes, projects, and tasks pertaining to geological reconnaissance, mineral survey, mineral exploration.

2. Organizations and individuals conducting mineral exploration and production are responsible for providing information on mining operations to competent geology and mineral authorities via information system, geology and mineral database as per the law on a periodic or irregular basis.

3. Agencies storing geology, mineral information and data; Geology and Mineral Museum under Article 93 hereof are responsible for collecting, storing, preserving geology and mineral information, data under Clause 1 and Clause 2 of this Article in accordance with this Law and regulations of the law on storage, museum.

4. The Government shall elaborate Clauses 1, 2, and 3 of this Article.

5. The Minister of Natural Resources and Environment shall prescribe forms of documents, reports; list and form of geological, mineral, museum specimens under Clause 1 of this Article.

#### **Article 91. Storage and preservation of geology and mineral information, data**

1. Geology and mineral information, data under Clause 1 Article 89 hereof shall be stored, preserved, and protected in accordance with this Law and regulations of the law on storage and protection of state secrets.

2. Duration of storage shall be determined for individual type of information and data as per the laws.

3. Geology and mineral information data, specimens that have been damaged beyond restoration or have been exhausted shall only be destroyed after obtaining permission from competent authorities as per the law.

#### **Article 92. Provision, access, and use of geology and mineral information, data**

1. Methods for accessing and using geology and mineral information, data include:

a) Accessing and using information, data via website or electronic portal or connecting, logging in, sharing information with natural resource and environment database of presiding authorities, providing natural resource and environment information and data;

b) Accessing and using information, data via written request;

c) Accessing and using information, data via contracts between entities managing information, data and entities accessing and using information, data as per the law.

2. Entities eligible for accessing, using geology and mineral information, data include:

a) Organizations and individuals that wish to access and use information, data as per the law;

b) Competent state authorities.

3. The Government shall elaborate this Article.

**Article 93. Responsibilities of agencies storing geology and mineral information, data; Geology and Mineral Museum**

1. Agencies geology and mineral information, data have the responsibility to:

a) examine and receive geology and mineral information, data as per the law;

b) store and preserve geology and mineral information, data in accordance with regulations of the law on storage, preservation of data pertaining to natural resource and environment; maintain integrity and safety; facilitate search and use, satisfy digital transformation and intellectual property requirements;

c) manage and protect storage of geological documents; provide geology and mineral information, data in accordance with regulations of the law on cyberinformation storage and safety and other relevant law provisions; operate geology and mineral database.

2. Geology and Mineral Museum affiliated to Vietnam National Museum of Nature, geology authorities of the Ministry of Natural Resources and Environment has the responsibility to:

a) store and preserve geology and mineral specimens submitted;

d) introduce to geological sites, heritages, geo-parks, proof of creation and development of the Earth's crust and history of Vietnam's geology;

c) exhibit and provide geology, mineral specimens for state management of geology and minerals and satisfy research, study, visitation, and appreciation of the general public.

**Article 94. Responsibilities of organizations and individuals accessing, using geology and mineral information, data**

1. Use provided information and data for the right purposes.

2. Access and use information, data in a law-compliant manner.

3. Avoid unlawfully transferring geology and mineral information, data to a third party.

4. Avoid falsifying provided information and data.

5. Pay fees, charges and fulfill other financial obligations in accordance with this Law and fee, charge laws.

6. Promptly inform information, data authorities about errors in provided information and data.

7. The Government shall elaborate Clause 3 of this Article.

## **Chapter X**

### **GEOLOGY AND MINERAL FINANCE AND MINERAL PRODUCTION AUCTION**

#### **Section 1. GEOLOGY AND MINERAL FINANCE**

##### **Article 95. State budget revenues generated by geological reconnaissance, mineral survey, mining operations, and mineral recovery**

1. Taxes, fees, and charges in accordance with tax, fee, charge laws.
2. Refunded costs for mineral potential evaluation and mineral exploration funded by the Government in accordance with this Law.
3. Mineral production licensing fee according to this Law.

##### **Article 96. Principles of determining refund of mineral potential evaluation and mineral exploration funded by the Government**

1. Organizations and individuals conducting mineral production must refund costs for mineral potential evaluation and mineral exploration funded by the Government, except for cases detailed in Clause 2 of this Article, including:

- a) Cases where the Ministry of Natural Resources and Environment issues mineral production license;
- b) Cases where provincial People's Committees invest in evaluation of mineral potential, mineral exploration for the purpose of mineral production right auction;
- c) Cases where natural mineral water or geothermal spring is produced.

2. Cases where costs for mineral potential evaluation and mineral exploration funded by the Government are not refunded include:

- a) Cases detailed under Point a Clause 1 of this Article where mineral potential evaluation reports covering area and depth of mineral production sites only identify estimated resources or estimated resource equivalent;
- b) Cases where mineral production licensing authority complies with Clause 2 Article 108 hereof, except for cases detailed in Point b and Point c Clause 1 of this Article;

c) Cases under Article 75 hereof.

3. Costs for mineral potential evaluation and mineral exploration shall be approved for an increase where mineral reserve in mineral production license increases unless minerals are in liquid or gas form.

4. The government shall elaborate procedures and methods for refunding, collection, management, and use of costs for evaluation of mineral potential and mineral exploration to be refunded.

5. The Minister of Natural Resources and Environment shall provide guidelines for determination, forms in documents on determining costs for mineral potential evaluation and mineral exploration for refund.

#### **Article 97. Refund of mineral exploration costs between organizations and individuals**

1. Organizations and individuals conducting mineral exploration must refund mineral exploration costs to organizations and individuals that have made investments in mineral exploration as follows:

a) Within time limit defined under Clause 1 Article 48 hereof, refund of mineral exploration costs shall be determined via negotiation;

b) After the time limit defined under Clause 1 Article 48 hereof, refund of mineral exploration costs shall be determined by competent authorities under Article 108 hereof.

2. Where organizations and individuals that make investments in mineral exploration are declared bankrupt or dissolved at which point right to access of mineral exploration information and results are not legally transferred to other organizations and individuals, mineral exploration information and results shall be handled in accordance with civil laws.

3. Organizations and individuals applying for mineral production license shall have obligation to incur costs for determining refund for entities tasked with determining mineral exploration costs.

4. The Government shall elaborate this Article; prescribe refund of mineral exploration costs in case organizations and individuals that have made investment in mineral exploration no longer operate at registered business address or do not receive refund for mineral exploration costs according to decision of competent authorities or right to access of mineral exploration information and results in respect of minerals subject to disputes.

#### **Article 98. Mineral production licensing fee**

1. The Government shall collect mineral production licensing fee regardless of whether or not mineral production right is auctioned.
2. Organizations and individuals conducting mineral production and mineral recovery must pay mineral production licensing fee, except for cases detailed under Clause 3 of this Article.
3. Cases where mineral production licensing fee is not required include:
  - a) Recovery of minerals in construction projects approved or permitted by competent authorities where recovered minerals are used for the construction process;
  - b) Quantities of group III minerals (other than mineral mud, natural mineral water, geothermal spring, and peat), group IV minerals that are produced under mineral production license applicable to minerals used in work items of the production projects or work items of relevant mine closure schemes and mine closure plans;
  - c) Mineral recovery on land under use right of individual or individuals for construction works in the land area.

**Article 99. Methods for determining, collecting, finalizing mineral production licensing fee**

1. Mineral production licensing fee shall be determined on the basis:
  - a) Mineral quantities and reserve permitted for production (production quantities in case of natural mineral water, geothermal spring) in mineral production license, mineral salvaging license or quantities of minerals permitted for production, recovery;
  - b) Price for calculating mineral production licensing fee;
  - c) Rate of mineral production licensing fee payment.
2. Mineral production licensing fee under Clause 1 of this Article shall be collected on an annual basis.
3. Mineral production licensing fee shall be finalized in accordance with actual produced quantities.
4. Management of mineral production licensing fee shall conform to tax administration laws.
5. The Government shall elaborate this Article.

**Section 2. MINERAL PRODUCTION RIGHT AUCTION**

## **Article 100. Sites where mineral production right is auctioned, sites where mineral production right is not auctioned**

1. Mineral production right shall be auctioned in sites of mineral production, mineral salvaging, group IV mineral production except for cases detailed under Clause 2 Article 72, Clause 3 and Clause 4 of this Article.
2. Mineral production right may not be auctioned so as to maintain energy security; serve national defense and security, effectively use strategic, important minerals; secure materials and resources for projects of national importance, emergency projects, structures and work items under national target programs.
3. The Ministry of Natural Resources and Environment shall identify and request Prime Minister to approve, adjust sites where mineral production right is not auctioned under licensing authority of the Ministry of Natural Resources and Environment.
4. Provincial People's Committees shall identify, approve, adjust sites where mineral production right is not auctioned under licensing authority of provincial People's Committees.
5. The Government shall prescribe eligibility of sites where mineral production right is not auctioned.

## **Article 101. Principles of mineral production right auction**

1. Auction of mineral production right shall conform to principles defined under the Law on Auction and principles below:
  - a) Mineral production right shall only be auctioned in respect of sites where competent authorities under Article 108 hereof approve mineral production right;
  - b) Auction of mineral production right shall only be commenced in the presence of at least 2 eligible organizations, individuals.
2. The Ministry of Natural Resources and Environment and provincial People's Committees shall organize auction of mineral production right for sites where mineral production right auction plans are approved under their licensing authority.
3. The Government shall elaborate development and approval of mineral production right auction plans.

## **Article 102. Starting price, increment, deposit**

1. Starting price in auction of mineral production right shall be determined by rate of mineral production licensing fee payment for minerals of the same type in sites where mineral production licensing is not auctioned.

2. Price increment shall be at least 1% and at most 10% of starting price.

3. Organizations and individuals awarded with mineral production right shall receive their deposit where:

a) They have obtained mineral exploration license where mineral exploration results at sites of auctioned mineral production right are not available except for auction of mineral production right at sites of mineral salvaging, group IV mineral sites;

b) They have obtained mineral production license where mineral exploration results at sites of auctioned mineral production right are available, sites of mineral salvaging, group IV mineral sites;

c) They are denied mineral exploration license by competent authorities in respect of auction of mineral production right at sites where mineral exploration results are not available through no fault of their own except for auction of mineral production right at sites of mineral salvaging, group IV mineral sites;

d) They are denied mineral exploration license by competent authorities in respect of auction of mineral production right at sites where mineral exploration results are available, sites of mineral salvaging, group IV mineral site through no fault of their own;

dd) Results of mineral production right auction are cancelled in accordance with auction laws.

4. Where organizations and individuals awarded with mineral production right fail to fulfill obligations under Point a and Point b Clause 2 Article 104 hereof, their deposit shall not be refunded but submitted to state budget except for cases under Point c and Point d Clause 3 of this Article.

5. The Government shall elaborate methods for determining deposits.

### **Article 103. Eligibility to participate in mineral production right auction**

1. Organizations and individuals shall be eligible for auction of mineral production right if:

a) They have adequate documents on auction of mineral production right as per the law; and

b) They meet requirements under Article 37 hereof in case of auction of mineral production right at sites where mineral exploration results are not available or Article 53 hereof in case of auction of mineral production right at sites where mineral exploration results are available. In respect of auction of mineral production right at mineral salvaging sites or group IV mineral production sites, they meet requirements under Article 53 hereof; and

c) They have obtained mineral production license, mineral salvaging license at the time in which they apply for auction of mineral production right and have fulfilled financial obligations pertaining to mineral production licensing fee, environmental protection fee in mineral production, severance tax for minerals, environmental protection deposit in mineral production as per the law in case of mineral production license and mineral salvaging license; and

d) They are not prohibited from participating in auction of mineral production right in accordance with auction laws.

2. Organizations and individuals may participate in auction of mineral production right if:

a) They are eligible for auction of mineral production right; and

b) They have submitted deposit.

3. The Government shall prescribe application for auction of mineral production right, specific provisions and roadmap for implementation of Point c Clause 1 of this Article.

#### **Article 104. Rights and obligations of organizations, individuals awarded mineral production right**

1. Organizations and individuals awarded mineral production right have the right to:

a) access mineral information related to sites at which they are awarded mineral production right;

b) obtain mineral exploration license, mineral production license, mineral salvaging license after completing application for mineral exploration license, mineral production license, mineral salvaging license in accordance with this Law;

c) exercise other rights in accordance with the Law on Auction and other relevant law provisions.

2. Organizations and individuals awarded mineral production right have the obligation to:

a) Where awarded mineral production right is applicable at sites where mineral exploration results are not available, within 12 months from the date on which auction of mineral production ends, the organizations and individuals must submit application for mineral exploration license to competent authorities, except for mineral production right for mineral salvaging sites, group IV mineral sites;

b) Where the organizations and individuals are awarded mineral production right for sites where mineral exploration results are available, mineral salvaging sites, or group IV mineral sites, within 36 months from the date on which auction of mineral production right is held, the organizations and individuals must submit application for mineral

production license, mineral salvaging license to competent authorities; a maximum 12-month extension of this time limit is permitted in case of force majeure or changes in Government's policies;

c) exercise other rights in accordance with the Law on Auction and other relevant law provisions.

**Article 105. Methods for determining mineral production licensing fee, collection, payment, and management of mineral production licensing fee in sites of awarded mineral production right**

1. Methods for determining mineral production licensing fee, collection, payment, and management of mineral production licensing fee in sites of awarded mineral production right shall be similar to those for mineral licensing fee in sites where mineral production right is not auctioned.

2. Percentage of mineral production licensing fee payment for byproduct minerals discovered during mineral exploration and production following auction of mineral production right and permitted for production and recovery by competent authority shall be determined by percentage of mineral production licensing fee applicable to minerals of the same types in sites where mineral production right is not auctioned.

3. Percentage of mineral production licensing fee payment for minerals put up for auction of mineral production right shall be applied and unchanged throughout mineral production term, including period of amendment, extension, re-issuance of mineral production license.

4. Where a minimum of 2 mineral types have been determined at sites of minerals put up for auction of mineral production right, competent licensing authorities under Article 108 hereof shall choose a mineral type to put up for auction of mineral production right. Percentage of mineral production licensing fee payment for remaining minerals shall be determined by percentage of mineral production licensing fee payment for minerals of which production right is awarded.

5. The Government shall elaborate Clause 4 of this Article; prescribe procedures for approving results of mineral production right auction.

**Article 106. Cancellation of decision approving results of mineral production right auction**

1. The Ministry of Natural Resources and Environment and provincial People's Committees shall promulgate decision on cancellation of decision approving results of mineral production right auction within their powers when:

a) Organizations and individuals awarded mineral production right fail to fulfill obligations under Point a or Point b Clause 2 Article 104 hereof;

b) Organizations and individuals awarded mineral production right in sites where mineral exploration results are not available lose their privilege for the purpose of applying for mineral production license in accordance with Clause 2 Article 48 hereof; lose the right to request recognition of mineral exploration results in accordance with Clause 4 Article 50 hereof.

2. Decision approving results of mineral production right auction shall be terminated where:

a) Results of mineral production right auction are cancelled in accordance with the Law on Auction;

b) Mineral production license is revoked in accordance with Points b, c, and d Clause 1 Article 52 or terminated in accordance with Points c, d, dd, and e Clause 2 Article 52 hereof;

c) Mineral production license, mineral salvaging license is revoked or terminated in accordance with this Law unless the license is issued in a manner that does not respect licensing power.

## **Chapter XI**

### **STATE MANAGEMENT RESPONSIBILITY FOR GEOLOGY AND MINERAL**

#### **Article 107. State management responsibility for geology and mineral**

1. The Government shall implement unified state management for geology and mineral.

2. The Ministry of Natural Resources and Environment shall act as liaison for the purpose of assisting the Government in implementing state management for geology and mineral and, within their tasks and powers, have responsibility to:

a) consolidate geological reconnaissance, mineral survey results; access and use geological resources; conduct mining operations; manage geology and mineral information, data;

b) zone and announce sites of scattered minerals; zone and request Prime Minister to approve sites of national mineral reservation and list of strategic, important minerals;

c) organize and coordinate inspection, examination in geology and minerals on a nationwide scale; handle complaints and denunciations pertaining to geology and minerals; take actions against violations of the law pertaining to geology and mineral as per the law;

d) act as liaison to consolidate international cooperation in conducting geological reconnaissance and study, mineral survey, and management of mining operations;

dd) exercise other responsibilities under this Law.

3. Ministries and ministerial agencies shall exercise state management responsibilities within their tasks and powers and cooperate with the Ministry of Natural Resources and Environment in exercising state management responsibilities for geology and mineral in accordance with this Law and other relevant law provisions.

4. Provincial People's Committees, within their tasks and powers, have responsibility to:

a) promulgate regulation on cooperation between local governments or between local governments and ministries, central departments in state management for minerals;

b) appraise and approve schemes, reports on geological reconnaissance results in respect of schemes, projects, and tasks approved or accepted by competent authorities and funded by local government budget according to approved planning;

c) appraise and approve schemes, reports on potential evaluation results in respect of group III minerals, group IV minerals funded by local government budget in accordance with approved planning;

d) store geology and mineral information, data in their provinces;

dd) organize and coordinate inspection, examination regarding geology and minerals in their provinces; handle complaints and denunciations pertaining to geology and minerals, take actions against violation of the law in geology and mineral; control and supervise mining operations and mineral recovery in their provinces;

e) organize and coordinate environmental protection measures, protection of unextracted and unused geological resources, protection of unextracted minerals; management and protection of structures, equipment for mine safety for cases detailed under Clause 3 Article 66 and Clause 3 Article 71 hereof;

g) submit reports on local geological and mining operations to central geology and mineral authorities;

h) exercise other responsibilities under this Law.

5. The Government shall elaborate geological and mineral inspection.

### **Article 108. Entitlement to issuance of mineral exploration license, mineral production license**

1. Other than cases detailed under Clause 2 of this Article, the Ministry of Natural Resources and Environment shall issue:

a) Group I, group II mineral exploration license;

b) Group I, group II mineral production license.

2. Provincial People's Committees shall issue:

a) Group III mineral exploration license, group III mineral production license; group IV mineral production license;

b) Group I, group II mineral exploration license and group I, group II mineral production license at sites of scattered minerals zoned and declared by the Ministry of Natural Resources and Environment;

c) Group I, group II, and group III mineral salvaging license.

3. Licensing authority of mineral exploration license, mineral production license, and mineral salvaging license of a mineral type have the power to re-issue, extend, amend, revoke, approve transfer, relinquishment, issuance of corresponding license; except for cases detailed under Clause 4 of this Article and Point b Clause 2 Article 111 hereof.

4. The Government shall prescribe entitlement to issuance and amendment to mineral production license issued by provincial People's Committees in case reserve of byproduct minerals is within licensing power of the Ministry of Natural Resources and Environment.

## **Chapter XII**

### **IMPLEMENTATION**

#### **Article 109. Amendments to articles of relevant laws**

1. Amendments to the Law on Environmental Protection No. 72/2020/QH14 amended by Law No. 11/2022/QH15, No. 16/2023/QH15, and Law on No. 18/2023/QH15:

a) Amend Clause 2 Article 30:

“2. Entities under Clause 1 of this Article shall not be required to conduct environmental impact assessment in respect of:

a) Emergency investment projects in accordance with public investment laws;

b) Investment projects or production plans for group IV minerals in accordance with geology, mineral laws of organizations approved, selected by competent authorities as construction contractors to serve projects of national importance, emergency public investment projects, structures and work items under national target programs in accordance with public investment laws, exercise emergency mobilization to promptly respond to natural disasters, build natural disaster preparedness and prevention structures in accordance with natural disaster preparedness and prevention laws.”;

b) Amend Clause 3 Article 39:

“3. Entities under Clause 1 of this Article shall be exempted from submitting environmental license in case of:

a) Emergency investment projects in accordance with public investment laws;

b) Investment projects or production plans for group IV minerals in accordance with geology, mineral laws of organizations approved, selected by competent authorities as construction contractors to serve projects of national importance, emergency public investment projects, structures and work items under national target programs in accordance with public investment laws, exercise emergency mobilization to promptly respond to natural disasters, build natural disaster preparedness and prevention structures in accordance with natural disaster preparedness and prevention laws.”;

c) Insert Point b1 after Point b Clause 2 Article 49:

“b1) Investment projects or production plans for group IV minerals in accordance with geology, mineral laws of organizations approved, selected by competent authorities as construction contractors to serve projects of national importance, emergency public investment projects, structures and work items under national target programs in accordance with public investment laws, exercise emergency mobilization to promptly respond to natural disasters, build natural disaster preparedness and prevention structures in accordance with natural disaster preparedness and prevention laws;”.

2. Annul Point c Clause 1 Article 44 of the Law on Irrigation No. 08/2017/QH14 amended by the Law No. 35/2018/QH14, Law No. 59/2020/QH14, Law No. 72/2020/QH14, Law No. 16/2023/QH15, and Law No. 28/2023/QH15.

3. Annul Article 14 of the Law on Atomic Energy No. 18/2008/QH12 amended by the Law No. 35/2018/QH14 and the Law No. 18/2023/QH15.

#### **Article 110. Entry into force**

1. This Law comes into force from July 1, 2025, except Clause 2 and Clause 3 of this Article.

2. Point d Clause 1 Article 6, Article 72, Article 73, Article 74, and Clause 1 Article 109 hereof come into force from January 15, 2025.

3. Point b Clause 2 Article 111 hereof comes into force from January 15, 2025 and conforms to Clause 1 Article 111 hereof.

4. The Law on Mineral No. 60/2010/QH12 amended by the Law No. 35/2018/QH14 expire from the effective date hereof except for cases detailed under Clause 1, Point a Clause 2, Clauses 3, 5, 6, 7, 8, and 9 Article 111 hereof.

## **Article 111. Transition clauses**

1. Where organizations and individuals have submitted applications to competent authorities for processing in accordance with geology and mineral administrative procedures before the effective date hereof and processing results are not available, the applicants may choose to have procedures and entitlement applicable at the time of application adopted or procedures and entitlement applicable in accordance with this Law adopted.

2. In respect of licensed organizations engaging in mining operations before the effective date hereof:

a) Licensed organizations and individuals shall continue to conform to remaining effective period of license and decision regarding mining operations except for Point b and Point c of this Clause;

b) Licensed organizations and individuals may conform to this Law in case of extension, re-issuance, amendment, relinquishment, transfer of mining operation license; approval of mine closure schemes or mine closure plans; mine closure;

c) In respect of mineral production license issued before the effective date hereof that does not conform to Clause 2 Article 56 hereof, within 36 months from the effective date hereof, licensed organizations and individuals shall be responsible for applying for replacement of production license. Where licensed organizations and individuals fail to receive production license replacement by the end of the aforementioned time limit, they must temporarily suspend production until competent authority issues production license replacement. The Government shall prescribe application and procedures for issuance of production license replacement for these cases.

3. Organizations and individuals approved for mineral recovery before the effective date hereof shall continue may continue until expiry of time limit defined under written approval.

4. Where competent authority has approved mineral reserve before the effective date hereof, within 36 months from the date on which the approval is granted, privilege for the purpose of applying for mineral production license shall conform to Article 48 hereof except for:

a) Mineral production license has been issued for exploration sites;

b) Application for mineral production license has been submitted to competent authorities in respect of exploration sites;

c) Auction plans for mineral production right has been approved by competent authorities in respect of mineral exploration sites.

5. Decision approving estimation results of mineral potential evaluation costs, mineral exploration costs for refund funded by the Government promulgated before the effective date hereof shall be processed as follows:

a) Where licensed organizations and individuals conduct mineral production, they shall comply with approved decisions; where mineral production license is amended after the effective date hereof, mineral potential evaluation costs and mineral exploration costs funded by the Government for additional mineral reserve (if any) shall be determined in accordance with this Law;

b) Where unlicensed organizations and individuals conduct mineral production, provisions hereunder shall apply unless they have fulfilled relinquishment obligation.

6. Decision of competent authority pertaining to mineral planning, sites of national mineral reservation; approval of sites where mining operations are prohibited, sites where mining operations are temporarily suspended, and sites of scattered minerals; approval of sites where mineral production right is not auctioned shall remain effective until decision on replacement is issued by competent authorities.

7. Decision approving mineral reserve and resources issued by competent authorities before the effective date hereof shall remain effective and serve as an equivalent to decision recognizing mineral exploration results.

8. Competent authority shall issue mineral exploration license and mineral production license for coal minerals under general national energy planning approved before the effective date hereof until decision adding coal minerals to group I mineral planning is issued by competent authority.

Provincial People's Committees shall issue mineral exploration license and mineral production license for natural mineral water, geothermal spring depending on mineral exploration, production, processing, and use planning for mineral types approved before the effective date hereof until superseding decision is issued.

9. Upon effective date hereof, mineral production licensing fee and winning bid of mineral production right for mineral production license, written permission for mineral production and recovery of which production and recovery term has not expired or has expired and which are eligible for extension and re-issuance shall be handled as follows:

a) Decision approving mineral production licensing fee, winning bid of mineral production right shall remain effective until superseding decision is issued by competent authorities;

b) Mineral production licensing fee and winning bid of mineral production right shall be recorded for the first time in accordance with this Law and determined in accordance with reserves, quantities of minerals produced and recovered as of June 20, 2025;

c) Mineral production licensing fee for the remaining reserve and quantities of minerals that have not been extracted and recovered as of July 1, 2025 shall be re-approved in accordance with this Law.

10. Holders of mineral salvaging license issued before the effective date hereof shall pay mineral production licensing fee in accordance with this Law for unextracted mineral quantities as of the effective date hereof.

11. In respect of mineral sites where decision approving results of mineral production right auction is issued before the effective date hereof, where byproduct minerals are discovered during exploration or production stage after auction of mineral production right and permitted for production and recovery by competent authority, percentage of mineral production licensing payment for byproduct minerals shall be determined in accordance with Clause 2 Article 105 hereof.

12. In respect of mineral sites where production right auction procedures are ongoing but has not been publicly posted or announced, auction of mineral production right shall conform to this Law.

*This Law is approved by the 15<sup>th</sup> National Assembly of the Socialist Republic of Vietnam in the 8<sup>th</sup> meeting on November 29, 2024.*

**CHAIRPERSON OF NATIONAL  
ASSEMBLY**

**Tran Thanh Man**

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