

**THE PRIME MINISTER OF
VIETNAM**

No. 333/QD-TTg

**THE SOCIALIST REPUBLIC OF VIET NAM
Independence-Freedom-Happiness**

Hanoi, April 23, 2024

DECISION

**PROMULGATING PLAN IMPLEMENTATION OF PLANNING FOR
EXPLORATION, EXTRACTION, PROCESSING AND USE OF MINERALS FOR
2021-2030 PERIOD, WITH A VISION BY 2050**

THE PRIME MINISTER OF VIETNAM

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

Pursuant to the Planning Law dated November 24, 2017; the Law on amendments to 37 Laws concerning planning dated November 20, 2018;

Pursuant to the National Assembly's Resolution No. 61/2022/QH15 dated June 16, 2022 on increase of efficiency and validity of policies and laws on planning and certain solutions for dealing with difficulties to accelerate the formulation process and improve quality of plannings for the 2021-2030 period;

Pursuant to the Resolution No. 81/2023/QH15 dated January 09, 2023 of the National Assembly on the national master planning for the 2021 - 2030 period with a vision by 2050;

Pursuant to the Government's Resolution No. 90/NQ-CP dated June 16, 2023 introducing the Government's Action program for implementation of the Resolution No. 81/2023/QH15 of the National Assembly on the National master planning for the 2021 - 2030 period, with a vision by 2050, and the Plan for implementation of National master planning for the 2021 - 2030 period, with a vision by 2050;

Pursuant to the Government's Decree No. 37/2019/ND-CP dated May 07, 2019 elaborating some Articles of the Planning Law;

Pursuant to the Decision No. 866/QD-TTg dated July 18, 2023 of the Prime Minister of Vietnam giving approval for the Planning for exploration, extraction, processing and use of minerals for the period of 2021-2030, with a vision to 2050;

At the request of the Ministry of Industry and Trade of Vietnam at the Statement No. 8387/TTr-BCT dated November 27, 2023.

HEREIN DECIDES:

Article 1. The Plan for implementation of planning for exploration, extraction, processing and use of minerals for the 2021-2030 period, with a vision by 2050, is enclosed herewith.

Article 2. This Decision comes into force from the date on which it is signed.

Article 3. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People's Committees of provinces or central-affiliated cities, and relevant agencies are responsible for the implementation of this Decision.

**PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Tran Hong Ha

PLAN

**FOR IMPLEMENTATION OF PLANNING FOR EXPLORATION, EXTRACTION,
PROCESSING AND USE OF MINERALS FOR THE 2021-2030 PERIOD, WITH A
VISION BY 2050**

(Enclosed with Decision No. /QD-TTg dated..... 2024 of the Prime Minister)

I. OBJECTIVES, REQUIREMENTS

1. Objectives

- Effectively implement the Decision No. 866/QD-TTg dated July 18, 2023 of the Prime Minister giving approval for the Planning for exploration, extraction, processing and use of minerals for the period of 2021-2030, with a vision to 2050 (hereinafter referred to as the “mineral planning”), and develop a roadmap for organizing effective implementation of programs/projects so as to effectively perform and achieve the objectives, tasks and solutions set forth in the planning.
- Concretize schedule/steps and resources for implementing programs/projects in order to formulate policies and solutions for attracting social resources in implementing the planning.

- Assign specific tasks to Ministries, central-government authorities and local governments, especially in dealing with, or reporting to competent authorities for dealing with, mechanisms and/or policies-related difficulties that arise during the planning implementation.

- Study and focus on resolution of difficulties and obstacles to implement urgent and important projects/works included in group of prioritized projects/works such as national defense and security works, infrastructural construction works, traffic works, etc., especially public investment projects, projects funded by social resources, projects on renovation and upgrading of infrastructure facilities to serve local socio-economic development.

2. Requirements

- The Plan for implementation of the mineral planning must ensure feasibility and efficiency; comply with and inherit resolutions, strategies, action programs, sectoral plannings and plans for implementation of approved sectoral plannings;

- Ensure feasibility and flexibility in implementing projects in each period which should be appropriate to the national context and resources.

- Demonstrate the assignment of tasks and close cooperation between relevant authorities in the implementation of the mineral planning.

II. CONTENTS OF THE PLAN

The Plan for implementation of the mineral planning is formulated in accordance with the provisions of Article 45 of the Planning Laws, and includes the following main contents:

1. Public investment projects

None.

2. Investment projects funded by sources other than public investments

a) In the 10-year planning period (2021 - 2030): prioritize new investment projects on processing of large-reserve, important and strategic minerals (including bauxite, titanium, rare earth, chromite, and nickel), including: aluminum electrolysis projects; alumina production projects; projects on production of pigment (titanium dioxide); projects on separation, dressing or milling of chromite and recovery of accompanying minerals; non-ferrous metal refining projects; projects on processing of nickel compounds; type-II apatite dressing projects; projects on processing of rare earth ores (hydrometallurgy - leaching or separation).

b) In the forecast planning period (2030 - 2050): prioritize new large-scale, important and strategic investment projects such as aluminum electrolysis projects; titanium

sponge/metal refining projects; projects on rare earth hydrometallurgy and leaching/separation; projects on processing of nickel compounds/nickel metal products.

3. Land use plans

a) Pursuant to the provisions of clause 3 Article 47 of the Planning Law, the Ministry of Natural Resources and Environment shall play the leading role and cooperate with relevant Ministries, ministerial agencies, and provincial-People's Committees in presenting the plan on use of land for implementation of national plannings (including national sectoral plannings) to competent authorities for promulgation, in which the plan for use of land for mining projects is developed following the following rules:

- Implement mining projects with the aim of returning land areas to local governments for implementing other socio-economic development projects as soon as possible, and minimizing adverse impacts of mining areas on local land use plans.

- Amend land use plans and implementation schedules of mineral exploration and extraction projects at the request of provincial People's Committees in respect of some mineral areas that have the following specific characteristics, including: large reserves, large mineral distribution areas, and open-cast mining method with non-considerable mining depth required, such as bauxite, titanium, etc. in a manner that protects and develops public property, and ensures recovery and protection of mineral resources for implementing urgent and important projects and works, especially public investment projects; technical infrastructure projects in the national and public interests defined in Article 62 of the 2013 Land Law; projects funded by social resources, projects on renovation and upgrading of infrastructure facilities to serve local socio-economic development on the basis of application of provisions of Articles 26 and 28 of the Law on minerals, the Planning Law and relevant laws.

b) Total land area estimated for the mineral planning is 190.000 ha in the 2021 - 2030 period, and about 305.000 ha in the 2031 - 2050 period (excluding land areas for mining projects licensed before this Decision is approved). Land demands must be determined in accordance with the Resolution No. 39/2021/QH15 dated November 13, 2021 of the National Assembly of Vietnam on the national land use planning for the 2021 - 2030 period, with a vision by 2050, and the 5-year national land use plan for the 2021 - 2025 period.

4. Solutions and resources for implementing the mineral planning

The following solutions should be implemented in a consistent manner to ensure the effectively implementation of the Plan for implementation of the mineral planning. To be specific:

a) Regarding laws and policies

- Continue reviewing, amending and additionally promulgating State mechanisms, policies and laws on minerals so as to deal with difficulties and obstacles, facilitate enterprises' investment in mineral extraction and processing projects, and enhance roles and responsibilities of state management levels from central to local government and enterprises.
- Include additional regulations on state management of technologies, equipment and personnel during extraction and processing of minerals in the draft Law on Geology and Minerals.
- Consider amending land policies and relevant laws towards return of land areas where mining activities are performed immediately after completion of post-mining environmental rehabilitation and restoration or formulation of another socio-economic development project which includes environmental rehabilitation and restoration in mining under the land use planning approved by a competent authority in order to increase the land use efficiency according to the circular economy model and in a manner that is suitable to characteristics of each type of minerals.
- Consider making proposals on improvement of investment efficiency, including cooperation with foreign partners that have experience, capital sources and markets from exploration, mining and processing stages, and have markets for some processed mineral products for which it is difficult for Vietnamese enterprises to find partners.
- Revise and complete laws and policies to facilitate the implementation of exploration and mining projects which should be associated with mineral processing projects; strictly monitor exploration and mining activities which should comply with laws and policies on minerals and environment, and ensure occupational safety.
- Regarding large-reserve, important and strategic minerals such as bauxite, titanium, rare earth, chromite, nickel, copper and gold: consider issuing mining license only to capable enterprises that have completed/are making/will make investment in deep processing projects using advanced technologies and modern equipment, and ensuring sustainable environmental protection in association with orientations to use raw materials from ores, and ensure full recovery of primary and accompanying minerals.
- Regarding mining and processing of minerals: encourage accumulation of resources from small-scale mines/mine sites to develop mines/mine clusters which are large enough for synchronous investment from exploration and mining, to processing, and use modern technologies.
- Formulate policies for supporting enterprises in implementation of restructuring policies.
- Formulate reasonable policies for persons that have residential and/or production land areas expropriated to serve mining and processing of minerals.

- Regarding management of resources:

- + Increase quality of surveys, exploration and assessment of resources and their reserves.
- + Fully make statistical reports on and publicly announce data on extraction, processing and loss of resources, and establish mineral resource database as soon as possible to share information serving the performance of resources planning and management tasks.
- + Prioritize the issuance of license to mine ores for meeting material demands for deep processing projects in which the investment has been completed/is in progress/will be made in association with orientations to use raw materials from ores, and ensure their compliance with regional/local master plannings and socio-economic development plannings; Prioritize exploration, expanded opencast mining and in-depth mining of in-progress mining projects to improve investment efficiency.

- Regarding state management:

- + Intensify cooperation between the Ministry of Natural Resources and Environment of Vietnam, the Ministry of Industry and Trade of Vietnam, and provincial People's Committees in licensing mining and providing information on post-licensing mining and processing activities.
- + Regarding some large-scale and strategic minerals/ores such as bauxite, titanium, rare earth, nickel, copper, gold and chromite: before issuing license to carry out exploration and mining, licensing authorities shall get opinions from regulatory authorities in charge of plannings, mining and mineral processing about the conformity of the requested exploration and mining with relevant plannings, supply and demand for minerals.
- + Regarding mineral processing projects: investment registration authorities shall get opinions from mineral planning authorities about the conformity of such projects with plannings, suitability of technologies, equipment and processed products, and the satisfaction of mineral materials demands for processing before issuing license.
- + Owners of deep processing projects that are selected in accordance with the Investment Law, the Bidding Law and relevant laws shall be issued with license to carry out exploration and mining under approved plannings or resolutions/decisions issued by the Poliburo, the National Assembly or the Prime Minister (if any).
- + Zoning of areas which are not subject to auction of mining rights in respect of ores which have been determined as sources of raw materials for deep processing projects defined in the approved mineral planning shall comply with current regulations of laws to encourage and ensure efficiency of investment.
- + Investment projects or works in the national and public interests which are defined in Article 62 of the 2013 Land Law, satisfy the criteria set out in Clause 2 Article 26 and Article 65 of the Law on minerals, and are located in areas which have been determined

as areas where mining is banned or temporarily banned but not updated and excluded from mineral planning will be implemented in accordance with regulations of law.

- + Publicly reveal boundary coordinates of planning projects; enhance inspection and supervision of mining and processing of minerals, and protection of boundaries of newly discovered mines and mine sites, and national mineral reserve areas in accordance with the Law on mineral and the Law on management of public property.
- + Restructure small-scale enterprises which use limited amount of resources and apply obsolete technologies resulting in significant loss of resources and environmental pollution; or carry out mining separately from the places where minerals are used in order to establish large-scale enterprises that are expected to carry out concentrated mining and processing, use advanced and eco-friendly technologies, and ensure occupational safety by means of merger, joint ventures, association or transfer of mining license.

b) Regarding finance and investment

- Finance: Review and adjust taxes, fees and charges in a timely and rational manner to ensure harmonious benefits between the State, enterprises and residents in mining areas.
- Investment: Promote internal strength of, and encourage, domestic enterprises that are capable of playing the key role to engage in exploration, mining and processing of large-reserve and strategic minerals; diversify sources of investment capital by means of contribution of investment capital, shares, joint venture and other loan capital sources.

c) Regarding science, technology and environment

- Intensify investment in research on scientific basis for completion and promulgation of national technical regulations and standards, and technical rules for improving the efficiency in management, exploration, mining, processing and use of minerals.
- Consider proposing solutions and investment in technological innovation and use of advanced and modern technologies and equipment in mining, dressing or milling and processing of minerals with the aims of saving resources and energy, and ensuring high economic efficiency, occupational safety and environmental protection.
- Promote scientific research in mining, processing and use of minerals for the purpose of maximum recovery of minerals and accompanying minerals to supply raw materials for other industries and serve economic sectors.
- Prioritize allocation of funding for science and technology to carry out research on application of technologies to effective processing of minerals, recovery of useful minerals, utilization of tailings and environmental protection at tailings dumps or ponds.
- Regarding exploration and mining: intensify specific mineral exploration techniques towards application of the best technologies and techniques in Vietnam in a manner that

ensures the conformity of applied techniques with local actual conditions, efficiency in prevention and control of pollution, and minimization of adverse impacts on environment and ecosystems.

- Regarding processing and use of minerals: focus on application of advances in science and technology to processing and use of minerals towards circular economy, green economy and low-carbon economy; attach special importance to development of scientific research and adoption of eco-friendly technologies to effectively process minerals, save energy and minimize waste.

d) Regarding information dissemination and increase of awareness

- Promote propagation and dissemination of policies, guidelines and laws on minerals, and public announcement of mineral plannings.

- Increase awareness about the role and laws on minerals; intensify public supervision of mineral activities in localities; ensure openness and transparency of revenues earned by mineral enterprises and the use thereof.

dd) Media agencies shall cooperate with relevant Ministries, central-government authorities and People's Committees of provinces where mineral activities, especially sensitive minerals such as bauxite, iron, etc., are performed in providing information in a timely, objective and honest manner, and preventing acts of inciting, enticing or distorting of reactionaries against guidelines of the Communist Party and the State of Vietnam.

e) Regarding training and capacity improvement

- Attach special importance to innovation and modernization of training and research equipment of educational institutions, specialized research institutions, key laboratories, and improvement of capacity and quality of scientific researches with funding derived from state budget and private sector involvement.

- Intensify the cooperation between domestic schools, scientific research institutions and laboratories, and international training and research institutions in providing training for researchers, post-graduate students, experts and skilled workers; provide high-quality training and research equipment and laboratories.

- Enhance the leading role of research institutes and universities to promote scientific research, technological development, environmental protection, and applications in exploration, mining and processing of minerals, and training in human resources serving the application of advanced and eco-friendly science and technologies.

g) Regarding international cooperation

- Intensify cooperation in the fields of science, technology, and technology transfer in exploration, extraction, processing and use of minerals, environmental protection, occupational safety and application of information technology to management of mineral resources, monitoring, forecasting, environmental management, and automatic control so as to improve efficiency, reduce loss of resources, increase labor productivity and product quality, and ensure environmental protection.

- Cooperate in making investment in mining and processing projects which require application of high technologies, and use of advanced and modern equipment, ensure environmental protection and have available markets for processed products; Limit cooperation, establishment of joint ventures or associations, and sale of shares to foreign investors in respect of mining and mineral dressing projects.

h) Regarding capital mobilization

Investment capital for exploration, mining and processing projects is partially derived from state budget and mainly includes funding sources of enterprises, including owner's equity, commercial loans (mainly) obtained on financial market, and funding mobilized from other sources such as on securities market, etc. To be specific:

- Funding from state budget is used for:

- + Making investment in schemes for survey and assessment of mineral resource potential; exploration of some toxic and radioactive minerals.

- + Formulating, revising, building and managing mineral planning data.

- + Giving financial support for scientific research; application of advanced technologies to mineral processing in order to synthetically, economically and effectively use non-renewable mineral resources under the national science and technology program for innovation and modernization of mining and mineral processing technologies approved by the Prime Minister.

- + Formulating and implementing science and technology programs for mining and mineral processing (in addition to the national science and technology program for innovation and modernization of mining and mineral processing technologies approved by the Prime Minister).

- Capital raised on international market: The Government shall consider assisting enterprises in implementing some special and large-scale projects using modern technologies or projects on pilot investment in deep processing as a premise for synchronous production chain development and sustainable development of large-scale resources by means of granting loan guarantees in accordance with regulations of law.

- Other funding sources: Raising of capital from domestic and foreign organizations, individuals and enterprises must comply with regulations of law.

Funding for exploration, mining and processing of minerals is elaborated in Appendix V enclosed with the Decision No. 866/QD-TTg.

i) Regarding human resources

- Develop human resource recruitment and training plans in conformity with sectoral requirements and development of mining and processing projects, especially skilled technicians in charge of operating machinery and equipment used in mining and mineral processing with advanced technology and access to new technologies.
- Attach special importance to on-the-job recruitment and training, especially in mountainous areas facing disadvantaged conditions or extremely disadvantaged conditions.
- Develop policies for attracting high-quality human resources and giving preferential treatment to mining workers, especially underground mining workers.
- Provide material and spiritual care for workers.
- Cooperate with domestic and international training institutions; adopt policies for recruitment and provision of skill improvement training programs, bridge training programs or overseas training programs for high-quality and dedicated workers.
- Regarding officials and public employees in charge of management of minerals and metallurgy: recruit and assign people with expertise and practical experience; support and update knowledge about laws on natural resources and environment and relevant laws. Especially, it is necessary to strengthen local officials and public employees.

5. Organize implementation of the planning

Ministries and central-government authorities shall formulate their own plans to implement the planning according to the assignment of tasks in Article 2 of the Decision No. 866/QD-TTg. Based on the abovementioned plans, mechanisms, policies and solutions, and specific functions and tasks, Ministries, central-government authorities and local governments are responsible for performing the following tasks:

a) The Ministry of Industry and Trade of Vietnam shall

- assume the full responsibility before the law and the Prime Minister of Vietnam for proposals or requests for approval of the Plan for implementation of the mineral planning, in which contents of the Plan must be associated with objectives of the approved mineral planning, meet general requirements, be optimal and effective, and comply with regulations of law, and the Plan must be implemented in a feasible and efficient manner.
- organize announcement of the planning, disseminate contents of the planning, and provide information on the mineral planning for organizations and individuals for

supervision of the implementation of the approved planning (issuance of license to carry out exploration and mining; exploration, mining, processing and trading of minerals).

- play the leading role and cooperate with relevant Ministries and central-government authorities in organizing the implementation of this Plan in an effective manner that complies with the Planning Law and relevant laws, and ensures feasibility and efficiency. The implementation of projects for which investment guidelines have been approved or investment decisions have been issued but are subject to or involved in inspection, investigation, audit or judgment enforcement (if any) may only be continued after all obligations defined in such inspection, investigation or audit conclusion or judgment enforcement decision (if any) have been fulfilled, and requires approval from competent authorities in accordance with regulations of law.

- organize assessment of the implementation of the mineral planning, and submit annual, 05-year or ad hoc reports on the planning implementation results to the Prime Minister in accordance with Clause 2 Articles 49 and 50 of the Planning Law, and the Decree No. 37/2019/ND-CP dated May 07, 2019; based on reports on the planning implementation results, request the Prime Minister to consider approving guidelines for modification of the mineral planning to meet actual situations and conditions (if necessary).

- prepare and submit reports on planning tasks to the Ministry of Planning and Investment of Vietnam by October 31 each year for submission of consolidated report to the Government.

- organize review of the mineral planning and submit report thereon to the Prime Minister on a periodical basis of every 05 years; request the Prime Minister to consider approving guidelines for medication of the mineral planning (if necessary) to be in line with socio-economic development situations in each period.

- play the leading role and cooperate with relevant authorities in correcting and updating relevant contents during the implementation of the Decision No. 866/QD-TTg in a manner ensuring that general objectives and orientations of the planning are kept unchanged; periodically preparing and submitting consolidated reports on correction and updating of the planning's contents during their review of the mineral planning to the Prime Minister.

- cooperate with the Ministry of Natural Resources and Environment of Vietnam and relevant provincial People's Committees in licensing for mineral activities, and considering prioritizing issuance of licenses to carry out mining associated with investment projects on construction of deep processing facilities so as to facilitate maximum recovery of mineral resources.

- cooperate with the Ministry of Natural Resources and Environment of Vietnam that plays the leading role in formulating the Law on Geology and Minerals (amended Law on minerals), Decree on amendments to Decree No. 158/2016/ND-CP in submitting reports to and requesting competent authorities to consider amending legislative documents in a

manner that facilitates local governments' implementation of socio-economic development projects.

- play the leading role and cooperate with relevant Ministries, relevant ministerial agencies and People's Committees of provinces where minerals are located in organizing inspection of the implementation of the mineral planning.

b) The Ministry of Planning and Investment of Vietnam shall

play the leading role and cooperate with relevant authorities in requesting competent authorities to consider amending relevant legislative documents (including the Planning Law and Decree on elaboration of the Planning Law) towards facilitating local governments' implementation of socio-economic development projects; amending plannings in a flexible manner to meet actual situations and conditions in each period.

c) The Ministry of Construction of Vietnam shall

- play the leading role and cooperate with the Ministry of Industry and Trade of Vietnam in reviewing, amending and revising relevant legislative documents on documents, management and maintenance of mineral ore works; establishing a complete system of technical regulations and standards, and technical - economic norms in mining sector so as to speed up the investment, construction and improvement of quality of works.

- cooperate with the Ministry of Industry and Trade of Vietnam and the Ministry of Natural Resources and Environment of Vietnam in managing plannings and issuing licenses for mineral activities in respect of minerals which overlap amongst approved mineral plannings (such as white marble, quartz, quartzite, white sand accompanied by titanium, etc.).

d) The Ministry of Natural Resources and Environment of Vietnam shall

- play the leading role and cooperate with relevant Ministries, ministerial agencies and provincial People's Committees in requesting competent authorities to promulgate land use plans for implementing national plannings; carrying out environmental impact assessment; policy framework for compensation and support for relocation for implementing the mineral planning.

- play the leading role and cooperate with relevant authorities in, within its competence, promulgating guidelines for dealing with difficulties that arise during performance of state management of minerals as prescribed; and proposing solutions and reports to, and obtaining opinions from the Prime Minister about such cases falling beyond its competence.

- play the leading role and cooperate with relevant authorities in requesting competent authorities to promulgate or make amendments to relevant legislative documents (the Law on Geology and Minerals, the Land Law and guidelines for implementation of such

laws) within its competence, towards enhancing state management of technologies, equipment and human resources in mining and mineral processing, facilitating local governments' implementation of socio-economic development projects, increasing land use efficiency, reducing costs of environmental rehabilitation and restoration, improving efficiency of post-mining projects, adopting green economy and circular economy models, complying with the Resolution No. 10-NQ/TW dated February 10, 2022 of the Politburo, and following the rule "post-mining land use for various socio-economic development purposes is encouraged".

- play the leading role and cooperate with the Ministry of Industry and Trade of Vietnam and provincial People's Committees in considering and issuing decisions to limit, ban or temporarily ban mineral activities in some mineral areas that have the following specific characteristics, including: large reserves, large mineral distribution areas, and open-cast mining method with non-considerable mining depth required, such as bauxite, titanium, etc. in a manner that protects and develops public property, and ensures recovery and protection of mineral resources for implementing urgent and important projects and works, especially public investment projects; technical infrastructure projects in the national and public interests defined in Article 62 of the 2013 Land Law; projects funded by social resources, projects on renovation and upgrading of infrastructure facilities to serve local socio-economic development on the basis of application of provisions of Articles 26 and 28 of the Law on minerals, the Planning Law and relevant laws.

- play the leading role and cooperate with People's Committees of provinces where minerals are located in developing schemes for precision positioning of corner coordinates of areas to be licensed in order to minimize affected land areas of mining projects, ensuring that they still fall within the corner coordinates of the planned mineral areas while identifying and removing areas that do not have minerals or where dispersed and low-reserves minerals are located (inefficient mining) from the planning. Local governments are allowed to carry out land repurposing and implement other socio-economic development projects in areas that do not have minerals and are excluded from the planning within the same planned region.

- play the leading role and cooperate with provincial People's Committees in reviewing and removing areas which have been determined as areas where mining is banned or temporarily banned but not updated in the mineral planning during processing of applications for licenses for mineral activities so that provincial People's Committees may implement investment projects and works in the national and public interests which are prescribed in Article 62 of the 2013 Land Law, and meet the criteria set out in Clause 2 Article 26 and Article 65 of the Law on minerals in such areas where mining is banned or temporarily banned in accordance with regulations of law.

dd) The Ministry of Science and Technology of Vietnam shall

- play the leading role and cooperate with the Ministry of Industry and Trade of Vietnam in organizing researches and testing for new technologies, equipment and materials in the fields of exploration, mining and processing of minerals.

- play the leading role and cooperate with the Ministry of Industry and Trade of Vietnam in managing technology transfer, manufacturing of equipment used in mining and processing of minerals; applying advanced technologies, mechanization, automatic control and equipment synchronization so as to improve productivity and quality of mining and processing of minerals.

- attach special importance to investment in research on scientific basis for completion and promulgation of national technical regulations and standards, and technical rules for improving the efficiency in management, exploration, mining, processing and use of minerals.

- strengthen, build and develop scientific and technological potential of organizations in the field of minerals to meet the demands for research, baseline surveys, geological surveys into minerals, and environmental geology, and establish a network of science and technology organizations capable of international integration in close association with education - training, and production - business; improve the quality and efficiency in science and technology activities, promote international cooperation, acquire and apply new and modern scientific and technological advances in the world.

e) The Ministry of Agriculture and Rural Development of Vietnam shall

play the leading role and cooperate with relevant Ministries, central-government authorities and relevant provincial governments in processing applications for forest repurposing which shall be then submitted to competent authorities for their consideration and decision in respect of projects defined in the planning and requiring forest repurposing.

g) The Ministry of Labour, War Invalids and Social Affairs of Vietnam, and the Ministry of Education and Training of Vietnam shall

cooperate with the Ministry of Industry and Trade of Vietnam in formulating and innovating training programs to meet human resource development demands; creating jobs to ensure minimum wages and sustainable poverty reduction.

h) The Ministry of Finance of Vietnam shall

- play the leading role and cooperate with the Ministry of Industry and Trade of Vietnam and the Ministry of Natural Resources and Environment of Vietnam in studying and proposing policies on taxes and fees in conformity with special features of the field of mining, processing and use of minerals; intensifying management of revenues so as to ensure correct and sufficient revenues for mineral activities in general and minerals under the planning in particular.

- provide funding for research topics and schemes in service of mining, processing and use of minerals.

i) Provincial People's Committees shall

- People's Committees at all levels shall, within the ambit of their assigned tasks and powers, organize state management of minerals in their localities in accordance with regulations of law; properly manage land areas for mineral planning; develop and modify plans for use of land for mineral activities according to the implementation schedule of the planning.

- review and manage plannings and projects in their local areas within their jurisdiction, avoiding overlapped performance of management tasks between local socio-economic development plans, strategies and plannings, and the mineral planning.

- promptly report difficulties and issues that arise during the implementation of the mineral planning in their provinces, and propose appropriate solutions for dealing with such difficulties.

- speed up the selection of investors for carrying out mining and processing of minerals so as to complete mining tasks as soon as possible and return land area to localities for implementing provincial socio-economic development projects.

- actively review and request competent authorities to promulgate guidelines for contents about the plan for protection, consolidation and storage of minerals which are recovered but not yet used during the implementation of investment projects as prescribed.

- actively review, report and cooperate with competent authorities in considering and issuing decisions to limit, ban or temporarily ban mineral activities in some mineral areas that have the following specific characteristics, including: large reserves, large mineral distribution areas, and open-cast mining method with non-considerable mining depth required, such as titanium, bauxite, etc. in a manner that protects and develops public property, and ensures recovery and protection of mineral resources for implementing urgent and important projects and works, especially public investment projects; technical infrastructure projects in the national and public interests; projects funded by social resources, projects on renovation and upgrading of infrastructure facilities to serve local socio-economic development. Provincial People's Committees should cooperate with relevant authorities in assuming responsibility to implement the plan for recovery and protection of mineral resources; supervising and requesting project owners to comply with the plans approved by competent authorities, and fulfill all financial obligations in accordance with relevant laws if there any adverse impacts on approved minerals.

- cooperate with the Ministry of Natural Resources and Environment of Vietnam in reviewing areas which have been determined as areas where mining is banned or temporarily banned but not updated in the mineral planning during processing of applications for licenses for mineral activities so as to implement investment projects and works in the national and public interests which are prescribed in Article 62 of the 2013 Land Law, and meet the criteria set out in Clause 2 Article 26 and Article 65 of the Law

on minerals in such areas where mining is banned or temporarily banned in accordance with regulations of law.

k) Cooperation in dealing with some issues concerning the planning

- Interpretation of terms:

+ The definition “planning boundaries mean mineral distribution and processing areas in land area of the whole country” in Section A Article 1 of the Decision No. 866/QD-TTg means boundaries on land area of regions where mineral activities are performed (as prescribed in clause 1 Article 26 of the 2010 Law on mineral) and boundaries of investment projects on mineral processing approved by competent authorities and defined in the planning.

+ The definition “mineral areas” in point e clause 7 Article 2 of the Decision No. 866/QD-TTg is construed as follows:

Within the scope of the approved mineral planning under the Decision No. 866/QD-TTg, the following areas are considered as mineral areas: (1) areas where minerals are detected and geological baseline surveys into mineral have been made; (2) areas where exploration and assessment of reserves of minerals have been made; (3) mineral areas stated in mining licenses.

These areas are listed in Appendixes II, III, IV and VI enclosed with the Decision No. 866/QD-TTg.

+ Regarding mineral areas that have specific characteristics, the provisions of Point e Clause 7 Article 2 of the Decision No. 866/QD-TTg shall apply, and the content “adverse impacts on approved minerals” refers to activities which cause changes in current status and/or distribution scope of minerals.

- Some areas that have specific minerals

Specific minerals have large reserves, are distributed in large areas and extracted adopted open-cast mining method with non-considerable mining depth such as bauxite, titanium, etc., and have large land areas used resulting in impacts on the implementation of projects on construction of works serving local socio-economic development. Thus, specific solutions should be adopted to ensure the harmony between mining activities and local socio-economic development in accordance with regulations of law in force. To be specific:

(1) Point e clause 7 Article 2 of the Decision No. 866/QD-TTg dated July 18, 2023 stipulates: “Based on local socio-economic development strategic objectives, Provincial People’s Committees are allowed to implement technical infrastructure projects in the national and public interests as prescribed in Article 62 of the Land Law in mineral areas approved in this Decision on the principle of recovery and protection of mineral

resources and compliance with regulations of the Law on minerals, the Planning Law and relevant laws”.

(2) Where boundaries of projects or construction works are overlapped with the mineral exploration and mining planning boundaries:

+ For technical infrastructure works which have been built before the date of promulgation of the Decision No. 167/2007/QĐ-TTg^[1], Decision No. 1546/QĐ-TTg^[2], provincial People’s Committees shall consider developing plans for simplifying procedures for implementing these projects, cooperate with the Ministry of Natural Resources and Environment of Vietnam in considering including this area in list of areas where mineral activities are limited to protect these technical infrastructure works following the rule of protection and development of public property. Provincial People’s Committees should cooperate with relevant authorities in assuming responsibility to implement the plan for recovery and protection of mineral resources; supervising and requesting project owners to comply with the plans approved by competent authorities, and fulfill all financial obligations in accordance with relevant laws if there any adverse impacts on approved minerals.

+ For projects implemented after the date of promulgated of the Decision No. 167/2007/QĐ-TTg, Decision No. 1546/QĐ-TTg and Decision No. 866/QĐ-TTg ^[3]:

. Provincial People’s Committees should reach an agreement with the Ministry of Natural Resources and Environment of Vietnam (licensing authorities) before giving approval for technical infrastructure projects or issuing investment licenses to ensure these projects are conformable with relevant plannings and meet national defense and security requirements; prevent and minimize adverse impacts on environment, natural landscapes, historical - cultural relics; protect reserve forests and infrastructural constructions as prescribed in clause 3 Article 17 of the Law on minerals.

. In order to promptly resolve issues concerning investment projects and construction works in mineral areas as well as minimize impacts of planning areas on the implementation of public investment projects, pursuant to clause 2 Article 26 of the Law on minerals, provincial People’s Committees should cooperate with the Ministry of Natural Resources and Environment of Vietnam in zoning ore body distribution areas to compare with their provincial land use planning maps, and actively make and submit statistical reports on projects to the Ministry of Natural Resources and Environment of Vietnam for considering and issuing decisions to limit mineral activities in terms of: (i) Mineral production (including minerals which are not yet extracted); (ii) mining duration; (iii) mining area, depth and method, and request the Ministry of Natural Resources and Environment of Vietnam to give guidelines for the plan for protection, consolidation and storage of minerals which are recovered but not yet used during the implementation of investment projects as prescribed.

(3) Provincial People’s Committees should speed up the selection of investors for carrying out mining and processing of minerals so as to complete mining tasks as soon as

possible and return land area to localities for implementing provincial socio-economic development projects.

[1] Decision No. 167/2007/QĐ-TTg dated January 01, 2007 of the Prime Minister of Vietnam giving approval for the Planning for zoning of areas for exploration, extraction, processing and use of bauxite ores for the period of 2007 - 2015, with a vision by 2025 (Planning 167).

[2] Decision No. 1546/QĐ-TTg dated September 03, 2013 of the Prime Minister of Vietnam giving approval for the Planning for zoning of areas for exploration, extraction, processing and use of titanium ores for the period by 2020, with a vision by 2030 (Planning 1546).

[3] Decision No. 866/QĐ-TTg dated July 18, 2023 of the Prime Minister of Vietnam giving approval for the Planning for exploration, extraction, processing and use of minerals for the period of 2021-2030, with a vision to 2050 (Planning 866).

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