

**THE MINISTRY OF NATURAL RESOURCES
AND ENVIRONMENT**

**DECISION No. 06/2003/QĐ-BTNMT OF
SEPTEMBER 19, 2003 PROMULGATING THE
REGULATION ON ORDER AND
PROCEDURES OF GRANTING PERMITS FOR
MINERAL ACTIVITIES**

**THE MINISTER OF NATURAL RESOURCES
AND ENVIRONMENT**

Pursuant to the Mineral Law of March 20, 1996;

Pursuant to the Government's Decree No. 76/2000/ND-CP of December 15, 2000 detailing the implementation of the Mineral Law (amended);

Pursuant to the Government's Decree No.91/2002/ND-CP of November 11, 2002 defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

At the proposal of the director of Vietnam Geological and Mineral Administration and the director of the Legal Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on order and procedures of granting permits for mineral activities.

Article 2.- This Decision takes implementation effect 15 days after its publication in the Official Gazette.

It replaces Decision No.17/2001/QD-BCN of March 23, 2001 of the Minister of Industry promulgating the Regulation on procedures for licensing the mineral activities (amended).

Article 3.- The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies, the presidents of the provincial/municipal People's Committees and concerned organizations as well as individuals shall have to implement this Decision.

**Minister of
Natural Resources and Environment
MAI AI TRUC**

**REGULATION ON ORDER AND PROCEDURES
OF GRANTING PERMITS FOR MINERAL
ACTIVITIES**

(Promulgated together with Decision No.06/2003/QĐ-BTNMT of September 19, 2003 of the Minister of Natural Resources and Environment)

Chapter I

GENERAL PROVISIONS

Article 1.- Regulation scope

This Regulation prescribes the order and procedures of granting, extending, permitting the return of, mineral prospection permits, mineral exploration permits, mineral exploitation permits and mineral processing permits; the allowance for transfer of rights to mineral activities or continued performance of the rights to mineral activities in case of lawful inheritance (hereinafter referred collectively to as granting of permits for mineral activities) and registration of mineral activities.

Article 2.- Subjects of application

This Regulation applies to agencies performing *the State management over minerals and the other concerned agencies*; Vietnamese economic organizations set up and operating under the Law on State Enterprises, the Law on Enterprises, the Law on Cooperatives and foreign organizations or joint-venture organizations involving foreign parties *operating in Vietnam under the Law on Foreign Investment in Vietnam* when they apply for mineral activity permits.

Article 3.- Competence to grant permits for mineral activities

1. The Ministry of Natural Resources and

Environment shall grant permits of the following types:

- a/ The mineral prospection permits;
- b/ The mineral exploration permits;
- c/ The permits for exploitation and processing of assorted minerals, except for mineral exploitation permits and mineral processing permits which fall under the granting competence of the provincial/municipal People's Committees as prescribed in Clause 2 of this Article.

d/ Permits for exploitation, permits for processing of minerals for use as common construction materials in case of granting to foreign organizations or joint-venture organizations involving foreign parties.

2. The provincial/municipal People's Committees shall grant permits of the following types:

a/ Permits for fullest exploitation of assorted minerals in fullest exploitation areas already approved by the Ministry of Natural Resources and Environment;

b/ Permits for exploitation, permits for processing of minerals for use as common construction materials and peat for domestic organizations (even for areas adjacent to provinces or centrally-run cities) after the Ministry of Natural Resources and Environment has granted the exploration permits and approved the exploration result reports.

Chapter II

MINERAL PROSPECTION PERMITS

Article 4.- Dossiers of application for mineral prospection permits

Such a dossier shall include:

1. An application for a mineral prospection permit (made according to set form), enclosed with 4 maps

of the prospection area. The boundaries of mineral prospection areas shall be zoned in squares, each sizing 1 km x 1 km on the topographical maps of a scale being not smaller than 1:100,000 according to the system of square coordinates VN2000 (according to set form).

2. The mineral prospection scheme clearly stating the geological foundations and types of mineral to be prospected for, prospection methods and volume; propection duration, tempo, cost estimate and financial sources;

3. The copy of the written certification of the legal person status, notarized by State Notary Public, of the organization applying for the mineral prospection permit.

Article 5.- Dossiers of application for extension of mineral propection permits

Dossiers of application for permit extension must be submitted to the receiving agency 30 days before the permits expire, each including:

1. An application for extension (made according to set form).

2. The report on mineral prospection results and work volume, funding already implemented by the time of application for extension.

In cases where mineral prospection permits have already expired while the dossiers of application for extension thereof are being scrutinized, such permits shall continue to be effective until the extension decision is issued or the written refusal of extension is obtained.

Article 6.- Dossiers of application for return of mineral prospection permits

Such a dossier shall include

1. The application for return of a permit (made according to set form);

2. The report on mineral prospection results and work volume, funding already implemented by the time of returning the permit.

Chapter III

MINERAL EXPLORATION PERMITS

Article 7.- Dossiers of application for mineral exploration permits

Such a dossier shall include:

1. The application for a mineral exploration permit (made according to set form);

2. The scheme on mineral exploration, made according to regulations, enclosed with 4 maps of the mineral exploration area, drawn on the topographical map of the square coordinate system VN2000 according to the principles:

a/ The boundaries of the mineral exploration areas of one square kilometre (1km²) or over shall be marked off in closed squares on the map of 1:50,000 scale (made according to set form);

b/ Exploration areas of less than one square kilometer (1km²) shall be marked off on the map of not less than 1: 5,000 scale (according to set form).

3. The copy of the written certification of the legal person status with authentication by the State Notary Public, for the applicants being domestic organizations, or the copy of the investment license (if any) with authentication of the State Notary Public, for the applicants being foreign organizations or joint-ventures involving foreign parties.

Article 8.- Dossiers of application for extension

of mineral exploration permits

The dossiers of application for extension of mineral exploration permits must be submitted to the receiving agencies thirty (30) days before the permits expire, each including:

1. The application for extension of the mineral exploration permit (according to set form);

2. The report on exploration results, the implemented exploration volume and expenditures; the continued-exploration program, volume and cost estimate;

3. The map of the exploration area, subtracting at least thirty percent (30%) of the area licensed previously.

In cases where the mineral exploration permits have expired while the extension application dossiers are being scrutinized, such permits continue to be effective until the extension is granted or the written refusal of extension is issued.

Article 9.- Dossiers of application for return of mineral exploration permits or return of part of the mineral exploration areas

Such a dossier shall include:

1. The application for return of a mineral exploration permit (according to set form) or return of part of the mineral exploration area (according to set form);

2. The report on mineral exploration results, completed exploration volume and implemented exploration expenditures by the time of returning the permit or part of the area inscribed in the permit;

3. The map of the area to be continuously explored; the to be-continued exploration volume,

cost estimate and program (for case of partial return of exploration areas).

Article 10.- Dossiers of application for transfer of mineral exploration rights

Such a dossier shall include:

1. The application for transfer of mineral exploration right (according to set form), enclosed with the contract on transfer of mineral exploration right and the list of to be- transferred assets and their values;

2. The report on exploration results, implemented work volume and expenditures and relevant prescribed obligations already fulfilled by the time of applying for transfer of exploration rights;

3. The copy of a written certification of the legal person status with authentication of the State Notary Public, for the applicants being domestic organizations, or the copy of the investment license (if any) with authentication of the State Notary Public, for the applicants being foreign organizations or joint-ventures involving foreign parties.

The transfer of exploration rights shall be approved by way of granting new exploration permits in replacement of the granted ones.

Article 11.- Dossiers of application for continued performance of the mineral exploration rights

Such a dossier shall include:

1. The application for continued performance of mineral exploration rights (made according to set form); the report on exploration results, implemented work volume and expenditures and program for continued exploration;

2. The copy of the legal documents authenticated by the State Notary Public proving that organizations

or individuals are lawful heirs of the mineral exploration rights;

3. The copy of the written certification of the legal person status, with authentication of the State Notary Public, of the organization being lawful heir.

The continued performance of mineral exploration rights shall be approved by way of granting exploration permits to organizations being lawful heirs in replacement of the granted permits.

Chapter IV

MINERAL EXPLOITATION PERMITS

Article 12.- Dossiers of application for mineral exploitation permits

Such a dossier shall include:

1. The application for a mineral exploitation permit (made according to set form), enclosed with 4 maps of the mineral exploitation area, made on the background of the topographical map of the scale of not smaller than 1: 5,000 according to the square coordinate system VN 2000 (according to set forms).

2. The prescribed competent State agency's decision approving the report on exploration results and mineral deposit;

3. The feasibility study report on mineral exploitation, enclosed with the prescribed approval decision;

4. The report on environmental impact assessment or the written registration for achievement of environmental standards approved or certified by a competent State body according to law provisions on environment protection;

5. The copy of a written certification of the legal

person status, with authentication of the State Notary Public, for the applicants being domestic organizations other than those already granted the exploration permits, or the copy of the investment license with authentication of the State Notary Public, for the applicants being foreign organizations or joint-ventures involving foreign parties.

Article 13.- Dossiers of application for extension of mineral exploitation permits

The dossiers of extension application must be filed to the receiving agencies ninety (90) days before the permits expire, each including:

1. The application for extension of a mineral exploitation permit (according to set form);

2. The map of the present exploitation field at the time of applying for extension, enclosed with the report on exploitation results by the time of applying for extension; the remaining mineral deposits and areas to be continuously exploited according to the application.

In cases where the mineral exploitation permits have expired while the extension dossiers are being processed, such permits continue to be effective until the extension is allowed or the written refusal of extension is issued.

Article 14.- Dossiers of application for return of mineral exploitation permits or part of the mineral exploitation areas

Such a dossier shall include:

1. The application for return of a mineral exploitation permit (made according to set form) or return of part of a mineral exploitation area (made according to set form).

2. The map of the present exploitation field,

enclosed with the report on mineral exploitation results by the time of applying for the return of permit or part of the exploitation area;

3. The scheme on field closure, which has already been appraised and approved according to law provisions, for cases of return of exploitation permits.

Article 15.- Dossiers of application for transfer of mineral exploitation rights

Such a dossier shall include:

1. The application for transfer of mineral exploitation rights (according to set form) and the contract on transfer of mineral exploitation rights, enclosed with the list of the to be- transferred assets with their values;

2. The report on exploitation results and obligations fulfilled by the time of applying for transfer of the exploitation rights, enclosed with the map of the present exploitation field at the time of applying for transfer;

3. The copy of the written certification of the legal person status with authentication by the State Notary Public for the applicants being domestic organizations, or the copy of the investment license with authentication by the State Notary Public for the applicants being foreign organizations or joint-ventures involving foreign parties.

The transfer of the exploitation rights shall be approved by way of granting exploitation permits to the transferees in replacement of the granted ones.

Article 16.- Dossiers of application for continued performance of mineral exploitation rights

Such a dossier shall include:

1. The application for continued performance of

the mineral exploitation rights (made according to set form);

2. The copy of the legal document with authentication of the State Notary Public, proving that the organization or individual is lawful heir of the mineral exploitation rights;

3. The copy of the written certification of the legal person status, with authentication of the State Notary Public, of the organization entitled to the lawful inheritance;

4. The map of the present exploitation field, enclosed with the report on mineral exploitation results by the time of applying for continued performance of the mineral exploitation rights.

The continued performance of mineral exploitation rights shall be approved by way of granting mineral exploitation permits to organizations being lawful heirs, in replacement of the granted ones.

Chapter V

MINERAL PROCESSING PERMITS

Article 17.- Dossiers of application for mineral processing permits

Such a dossier shall include:

1. The application for a mineral processing permit (according to set form);

2. The mineral-processing feasibility study report, enclosed with the approval decision as prescribed;

3. The copy of the written certification of the legal person status with authentication of the State Notary Public for the applicants being domestic organizations, or the copy of the investment license for mineral processing with authentication of the State

Notary Public for the applicants being foreign organizations or joint-ventures involving foreign parties;

4. The report on environmental impact assessment or the written registration for achievement of environmental standards, already approved or certified by the competent State body according to law provisions on environment protection.

Article 18.- Dossiers of application for extension of mineral processing permits

The dossiers of application for extension of mineral processing permits must be filed to the receiving agencies ninety (90) days before the permits expire, each including:

1. The application for extension of a mineral processing permit (according to set form);

2. The report on mineral processing results by the time of applying for extension, the volume of minerals to be continuously processed.

In cases where the mineral processing permits have expired while the dossiers of application for extension are being processed, such permits shall continue to be effective until the extension is granted or the written refusal of extension is issued with clear reply on the reasons therefor.

Article 19.- Dossiers of application for return of mineral processing permits

Such a dossier shall include:

1. The application for return of a mineral processing permit (according to set form);

2. The report on mineral processing results as from the date the permit took effect till the time of returning the permit.

Article 20.- Dossiers of application for transfer of mineral processing rights

Such a dossier shall include:

1. The application for transfer of the mineral processing rights (according to set form);
2. The contract on transfer of mineral processing rights, enclosed with the list of to be transferred assets and their values; the report on mineral processing results and the obligations already fulfilled by the time of applying for transfer of mineral processing rights;
3. The copy of the written certification of the legal person status with authentication of the State Notary Public for the applicants being domestic organizations, or the copy of the investment license with authentication of the State Notary Public for the applicants being foreign organizations or joint-ventures involving foreign parties.

The transfer of mineral processing rights shall be approved by way of granting mineral processing permits to the transferees, in replacement of the granted ones.

Article 21.- Dossiers of application for continued performance of mineral processing rights

Such a dossier shall include:

1. The application for continued performance of mineral processing rights (according to set form);
2. The copy of the legal document authenticated by the State Notary Public proving that the organization or individual lawfully inherits the mineral processing rights;
3. The copy of the written certification of the legal person status of the lawful inheriting organization, which is authenticated by the State Notary Public;

4. The report on mineral processing results and the plan on continuing to carry out the mineral processing activities.

The continued performance of the mineral processing rights shall be permitted by way of granting the mineral processing permits to lawful inheriting organizations, in replacement of the granted ones.

Chapter VI

IMPLEMENTATION ORDER

Article 22.- Agencies receiving and appraising dossiers of mineral activities

1. Vietnam Geological and Mineral Administration is the body assisting the Ministry of Natural Resources and Environment in receiving and appraising the dossiers of application for mineral activity permits and propose the Minister of Natural Resources and Environment to consider and decide on the granting of mineral activity permits according to competence prescribed in Clause 1, Article 3 of this Regulation.

2. The provincial/municipal Services of Natural Resources and Environment shall act as bodies assisting the provincial/municipal People's Committees in receiving and appraising dossiers of application for mineral activity permits and propose the provincial/municipal People's Committee president to consider and decide on the granting of mineral activity permits according to competence prescribed in Clause 2, Article 3 of this Regulation.

3. Vietnam Geological and Mineral Administration and the provincial/municipal Services of Natural Resources and Environment shall have to guide organizations and individuals in implementing the regulations on order and procedures of granting

permits for mineral activities.

4. In cases where the written replies of the concerned agencies contain divergent opinions, the receiving agencies shall have to organize the exchanges of ideas in order to reach unanimity, and report them to the Minister of Natural Resources and Environment or the provincial/municipal People's Committee presidents for consideration and decisions according to competence.

Article 23.- Implementation order

1. For dossiers of application for mineral activity permits, within 45 days after receiving complete and valid dossiers of domestic organizations and 60 days after receiving complete and valid dossiers of foreign organizations or joint-ventures involving foreign parties (the above duration does not include the time for gathering comments of the concerned agencies), the receiving agencies shall have to complete the appraisal of dossiers, and submit them to the competent State bodies for considering the granting of permits.

2. For dossiers of application for extension, return of permits, return part of the mineral activity areas, transfer of mineral activity rights, continued performance of mineral activity rights in case of lawful inheritance of mineral activity rights, within 30 days after receiving the complete and valid dossiers, the receiving agencies must complete the appraisal of the dossiers and submit them to the competent State bodies for considering and deciding on the granting or non-granting of permits.

3. Within 7 days after receiving the complete and valid dossiers submitted by the receiving agencies, the competent State bodies shall consider and decide on the granting or non-granting of mineral activity permits and transfer the dossiers back to the

receiving agencies.

4. The receiving agencies shall have to hand mineral activity permits to the applying organizations or reply in writing on the reasons for non-granting of permits.

Chapter VII

**MINERAL ACTIVITY REGISTRATION,
NOTIFICATION**

Article 24.- Mineral activity registration, notification

The registration of, and notification on, mineral activities shall be made on the following principles:

1. The mineral activity permits granted by the Ministry of Natural Resources and Environment must be registered at Vietnam Geological and Mineral Administration and sent to the provincial/municipal Services of Natural Resources and Environment together with the maps of the mineral activity areas for operation notification and management coordination.

2. The mineral activity permits granted by the provincial/municipal People's Committees must be registered at the provincial/municipal Services of Natural Resources and Environment and filed to Vietnam Geological and Mineral Administration together with the map of the mineral activity area for monitoring and management coordination.

3. In cases where the exploitation of minerals for use as common construction materials does not require mineral exploitation permits as provided for in Article 62 of the Government's Decree No. 76/2000/ND-CP of December 15, 2000, detailing the implementation of the Mineral Law (amended), before conducting the exploitation, organizations and

individuals must register their exploitation output, volume, methods and equipment, enclosed with exploitation programs and plans, at the provincial/municipal Services of Natural Resources and Environment.

Article 25.- Managing and monitoring the situation of granting the mineral activity permits

Vietnam Geological and Mineral Administration shall have to assist the Ministry of Natural Resources and Environment in managing, summing up and making biannual, annual reports on the situation of granting mineral activity permits throughout the country.

The provincial/municipal Services of Natural Resources and Environment shall have to assist the provincial/municipal People's Committees in managing, summing up and making quarterly and annual reports on the situation of granting mineral activity permits within their localities' scope of administrative management and send the quarterly

reports to Vietnam Geological and Minerals Administration.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 26.- Implementation organization

The director of Vietnam Geological and Mineral Administration, the directors of the provincial/municipal Services of Natural Resources and Environment shall have to guide, urge and inspect the implementation of this Regulation. If any problems arise in the course of implementation, they should be promptly reported to the Ministry of Natural Resources and Environment for consideration and decision.

Minister of

Natural Resources and Environment

MAI AI TRUC