

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

NATIONAL ASSEMBLY

OF

THE SOCIALIST REPUBLIC OF VIETNAM

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## **LAW ON ENVIRONMENTAL PROTECTION**

The environment is of special importance to the life of humans and other living creatures as well as to the economic, cultural and social development of the country, the nation and mankind as a whole.

In order to raise the effectiveness of state management and the responsibilities of the administration at all levels, of state agencies, economic and social organizations, units of the People's Armed Forces and all individuals with respect to environmental protection with a view to protecting the health of the people, ensuring the right of everyone to live in a healthy environment and serving the cause of sustainable development of the country, thus contributing to the protection of regional and global environment;

Pursuant to Articles 29 and 84 of the 1992 Constitution of the Socialist Republic of Vietnam;

This law provides for the protection of the environment.

### **CHAPTER I GENERAL PROVISIONS**

#### **Article 1**

The environment comprises closely inter-related natural factors and man-made material factors that surround human being and affect life, production, the existence and development of man and nature.

Environmental protection as stipulated in this law includes activities aimed at preserving a healthy, clean and beautiful environment, improving the environment, ensuring ecological balance, preventing and overcoming adverse impacts of man and nature on the environment, making a regional and economical exploitation and utilization of natural resources.

#### **Article 2**

In this law the below-cited terms shall have the following meanings:

1. Components of the environment mean factors that constitutes the environment: air, water, soil, sound, light, the earth's interior, mountains, forests, rivers, lakes, sea, living organisms, ecosystems,

population, areas, production centers, nature reserves, natural landscapes, famed beauty spots, historical vestiges and other physical forms.

2. Wastes mean substances discharged from daily life, production processes or other activities. Wastes may take a solid, gaseous, liquid or other forms.

3. Pollutants mean factors that render the environment noxious.

4. Environmental pollution means alternation in the properties of environment, violating environmental standards.

5. Environmental degradation means qualitative and quantitative alteration in the components of the environment, adversely affecting man's life and nature.

6. Environmental incidents mean events or mishaps occurring in the process of human activities, or abnormal changes of nature causing serious environmental degradation. Environmental incidents may be caused by:

- a. Storms, floods, droughts, earth cracks, earthquakes, landslides, ground subsidence, volcanic eruptions, acid rain, hails, climatic changes and other natural calamities;
- b. Fires, forest fires, technical failures at production or business establishments or in economic, scientific, technical, cultural, social, security or defence facilities, causing damage to the environment;
- c. Accidents in the prosecution, exploration, exploitation or transportation of minerals or oil and gas, pit collapse, oil spouts and spills, pipeline breaks, shipwrecks, accidents at oil refineries and other industrial establishments;
- d. Accidents in nuclear reactors, atomic power plants, nuclear fuel producing or re-processing plants or radioactive material storage.

7. Environmental standards mean norms and permissible limits set forth to serve as a basis for the management of the environment.

8. Clean technology means a technological process or technical solution either causing no environmental pollution or generating pollutants at the lowest level.

9. Ecosystem means a system of groups of living organisms existing and developing together in a given environment, interacting with one another and with that environment.

10. Biodiversity means the abundance in gene pools, species and varieties of living organisms and ecosystems in nature.

11. Environmental impact assessment (E.I.A.) means the process of analyzing, evaluating and forecasting the effects on the environment by socio-economic development projects and plans, by production and business establishments, and economic, scientific, technical, medical, cultural, social, security, defence or other facilities, and proposing appropriate solutions to protect the environment.

### Article 3

The State shall exercise unified management of environmental protection throughout the country, draw up plans for environmental protection, build up capabilities for environmental protection activities at the central and local levels.

The State shall adopt investment policies to encourage organizations and individuals at home and abroad to invest under different forms in, and apply scientific and technological advances to, environmental protection, and protect their lawful interests therein.

#### Article 4

The State shall be responsible for organizing the implementation of education, training, scientific and technological research activities and the dissemination of scientific and legal knowledge on environmental protection.

Organizations and individuals shall be liable for participating in the activities mentioned in this Article.

#### Article 5

The State shall protect national interests with regard to natural resources and the environment.

The State of Vietnam shall broaden cooperative relations with other countries in the world, with foreign organizations and individuals in the field of environmental protection.

#### Article 6

Environmental protection is the common cause of the entire population.

All organizations and individuals shall have the responsibility to protect the environment, observe the environmental protection legislation, have the right and obligation to detect and denounce any act in breach of the environmental protection legislation.

All foreign organizations and individuals operating on Vietnamese territory shall abide by Vietnam's environmental protection legislation.

#### Article 7

Organizations and individuals making use of components of the environment for production or business purposes shall, if necessary, contribute financially to environmental protection.

The Government shall regulate the circumstances, levels and modalities for the financial contribution mentioned in this Article.

Any organization or individual whose activities cause damage to the environment shall make compensation therefor according to regulations by the law.

#### Article 8

The National Assembly, the People's Councils, the Vietnam Fatherland Front and its member organizations, within the scope of their tasks and powers, shall be responsible for the control and supervision of the implementation of the environmental protection legislation.

The Government and the People's Committees at all levels shall be responsible for organizing the implementation of the environmental protection legislation.

#### Article 9

All acts causing environmental degradation, environmental pollution or environmental incidents, are strictly prohibited.

CHAPTER II  
PREVENTION AND COMBAT AGAINST ENVIRONMENTAL DEGRADATION,  
ENVIRONMENTAL POLLUTION AND ENVIRONMENTAL INCIDENTS

Article 10

The State offices, within the scope of their functions and tasks, shall be responsible for organizing the investigation, study and evaluation of the existing conditions of the environment, periodically reporting to the National Assembly on the current status of the environment; for identifying areas of environmental pollution and notifying the public thereof and for drawing up plans for the prevention and combat against environmental degradation, environmental pollution and environmental incidents. Organizations and individuals shall have the responsibility to engage in the prevention and combat against environmental degradation, environmental pollution and environmental incidents.

Article 11

The State encourages, and shall create favourable conditions for all organizations and individuals in the rational use and exploitation of components of the environment, the application of advanced technology and clean technology, the exhaustive use of wastes, the economical use of raw materials and the utilization of renewable energy and biological products in scientific research, production and consumption.

Article 12

Organizations and individuals shall have the responsibility to protect all varieties and species of wild plants and animal, maintain biodiversity and protect forests, seas and all ecosystems.

The exploitation of biological resources must observe their prescribed seasonal characteristics and areas, using proper methods and permitted tools and means in order to ensure their restoration in terms of density, varieties and species, thus preventing ecological imbalance.

The exploitation of forests must comply strictly with plans and specific stipulations of the Law on Forest Protection and Development. The State shall adopt plans to involve organizations and individuals in afforestation and greening of wastelands and denuded hills and mountains to quickly expand the forest cover and protect catchment regions of watercourses.

Article 13

The use and exploitation of nature reserves and natural landscapes must be subject to permission by the sectoral management authority concerned and the State management agency for environmental protection and must be registered with the local People's Committees entrusted with the administrative management of these conservation sites.

Article 14

The exploitation of agricultural land, forest land, and land for aquaculture must comply with land use plans, land improvement plans and ensure ecological balance. The use of chemicals, chemical fertilizers, pesticides and other biological products must comply with stipulations by law.

In carrying out production and business activities or construction works, measures must be taken to restrict, prevent and combat soil erosion, land subsidence, landslide, soil salination or sulphatation, uncontrolled desalination, laterisation and desertification of land, or its transformation into swamps.

#### Article 15

Organizations and individuals must protect water sources, water supply and drainage systems, vegetation, sanitation facilities, and observe the regulations on public hygiene in cities, urban areas, countryside, population centres, tourism centres and production areas.

#### Article 16

In carrying out production, business and other activities, all organizations and individuals must implement measures for environmental sanitation and have appropriate waste treatment equipment to ensure compliance with environmental standards and to prevent and combat environmental degradation, environmental pollution and environmental incidents.

The Government shall stipulate the nomenclature of environmental standards and delegate the authority at different levels for promulgating and supervising the implementation of such standards.

#### Article 17

Organizations and individuals in charge of the management of economic, scientific, technical, health, cultural, social, security and defence establishments that have begun operation prior to the promulgation of this law must submit an E.I.A. report on their respective establishments for appraisal by the State management agency for environmental protection.

In case of failure to meet environmental standards, the organizations or individuals concerned must take remedial measures within a given period of time as stipulated by the State management agency for environmental protection. Upon expiry of the stipulated time limit, if they still fail to meet the requirements of the State management agency for environmental protection, the latter shall report to the higher State authority at the next level to consider and decide on the suspension of operation or other penalizing measures.

#### Article 18

Organizations, individuals when constructing, renovating production areas, population centres or economic, scientific, technical, health, cultural, social, security and defence facilities; owners of foreign investment or joint venture projects, and owners of other socio-economic development projects, must submit E.I.A. reports to the State management agency for environmental protection for appraisal.

The result of the appraisal of E.I.A. reports shall constitute one of the bases for competent authorities to approve the projects or authorize their implementation. The Government shall stipulate in detail the formats for the preparation and appraisal of E.I.A. reports and shall issue specific regulations with regard to special security and defence establishments mentioned in Article 17 and in this article.

The National Assembly shall consider and make decision on projects with major environmental impacts. A schedule of such types of projects shall be determined by the Standing Committee of the National Assembly.

#### Article 19

The importation and exportation of technologies, machinery, equipment, biological or chemical products, toxic substances, radioactive materials, various species of animals, plants, gene sources and micro-organisms relating to the protection of the environment must be subject to approval by the sectoral management agency concerned and the State management agency for environmental protection.

The Government shall stipulate a schedule for each domain and each category referred to in this Article.

#### Article 20

While searching, exploring, exploiting, transporting, processing, storing minerals and mineral products, including underground water, organisations and individuals must apply appropriate technology and implement environmental protection measures to ensure that environmental standards are met.

#### Article 21

While searching, exploring, exploiting, transporting, processing, storing oil and gas, organisations and individuals must apply appropriate technology, implement environmental protection measures, develop preventive plans against oil leakage, oil spills, oil fires and explosions and dispose necessary facilities to response timely to those incidents.

The use of toxic chemicals in the process of searching, exploration, exploitation, and processing of oil and gas must be guaranteed by technical certificates and be subject to the control and supervision by the State management agency for environmental protection.

#### Article 22

Organisations, individuals operating means of water, air, road and rail transports must observe environmental standards and be subject to the supervision and periodic inspection for compliance with environmental standards by the relevant sectoral management agency and the State management agency for environmental protection. The operation of transport means failing to meet stipulated environmental standards shall not be permitted.

#### Article 23

Organisations, individuals producing, transporting, trading, using, storing or disposing of toxic substances, inflammable or explosive substances, must comply with regulations on safety for human and other living beings and must avoid causing environmental degradation, pollution or incidents.

The Government shall stipulate a list of toxic, inflammable or explosive substances mentioned in this Article.

#### Article 24

The siting, design, construction and operation of plants in the nuclear industry, of nuclear reactors, facilities for nuclear research, for the production, transportation, utilisation and storage of radioactive materials, for the disposal of radioactive wastes must comply with legal provisions on nuclear safety and radiation safety and with regulations by the State management agency for environmental protection.

#### Article 25

Organisations, individuals making use of machinery, equipment, materials with harmful electromagnetic radiation or ionising radiation must comply with legal provisions on radiation safety and must carry out regular check and environmental impact assessment of their facilities and report periodically to the State management agency for environmental protection.

#### Article 26

The choice of sites for collecting, dumping and treating refuse or pollutants and their transportation must comply with regulations by the State management agency for environmental protection and by the local authorities concerned.

Waste water, refuse containing toxic substances, pathogenetic agents, inflammable or explosive substances, non-degradable wastes, must be properly treated before discharge. The State management agency for environmental protection shall stipulate a schedule of wastewater and refuse mentioned in this Article and supervise their treatment process before discharge.

#### Article 27

The burial, lying in state, embalment, interring, cremation and transport of corpses or remains of the dead must utilise progressive methods and means and comply with provisions of the Law on Protection of Public Health to ensure environmental hygiene.

The Administration at all levels must plan for burial, cremation sites and guide people to gradually abandon backward practices.

Cemeteries, crematoria must be located far away from population areas and sources of water.

#### Article 28

Organisations, individuals in the course of their activities must not cause noises or vibrations that exceed permissible limits, harming the health of surrounding people and adversely affecting their life.

The People's Committees at all levels shall be responsible for the implementation of noise control measures in areas of hospitals, schools, public offices, and residential quarters.

The Government shall promulgate regulations to restrict, and to proceed towards the strict prohibition of the production and firing of firecrackers.

#### Article 29

The following activities are strictly prohibited:

1. Burning and destruction of forests, uncontrolled exploitation of minerals leading to environmental damage, destroying ecological balance;
2. Discharge of smoke, dust, noxious gas, bad odours causing harm to the atmosphere; emission of radiation, radioactivity exceeding permissible limits into the surrounding environment;
3. Discharge of grease or oil, toxic chemicals, radioactive substances exceeding permissible limits, wastes, dead animals or plants, harmful and infective bacteria and viruses into water sources;
4. Burial, discharge of toxic substances exceeding permissible limits into the soil;
5. Exploitation, trading in precious or rare species of plants and animals identified in the schedule stipulated by the Government;
6. Importation of technology and equipment not meeting environmental standards; importation, exportation of wastes;
7. Use of methods, means or instruments causing massive destruction in exploiting or harvesting animal and plant resources.

### CHAPTER III REMEDY OF ENVIRONMENTAL DEGRADATION, ENVIRONMENTAL POLLUTION, ENVIRONMENTAL INCIDENTS

#### Article 30

Organisations, individuals engaged in production, business and other activities that cause environmental degradation, environmental pollution, environmental incidents must implement remedial measures as specified by the local People's Committees and by the State management agency for environmental protection, and shall be liable for damages according to regulations by the law.

#### Article 31

Organisations, individuals allowing radioactivity, electro-magnetic radiation, ionising radiation to exceed permissible limits must take immediate measures to control and remedy the consequences, timely report to the relevant sectoral management agency and to the State management agency for environmental protection, as well as to the local People's Committee to resolve the problem.

#### Article 32

The remedy of an environmental incident includes: eliminating the cause of the incident; rescuing people and property; assisting, stabilising the life of the people; repairing damaged facilities; restoring production; sanitising the environment, preventing and combating epidemics; investigating, collecting statistics on damages, monitoring changes to the environment; rehabilitating the environment of the affected area.

#### Article 33

Persons who detect signs of an environmental incident must immediately notify the local People's Committee, the nearest agency or organisation for timely action.



Organisations, individuals at the site of the environmental incident must take appropriate measures to timely remedy it and immediately report to the superior administrative authority, the nearest People's Committee and the State management agency for environmental protection.

#### Article 34

The chairman of the People's Committee of the locality where the environmental incident occurs is empowered to order an emergency mobilisation of manpower, materials and other means for remedial actions.

If the environmental incident occurs in an area covering several localities, the Chairmen of the respective local People's Committees shall co-operate to take remedial actions.

In case the incident is beyond local remedy capability, the Minister of Science, Technology and Environment in conjunction with the heads of the agencies concerned shall determine the application of remedial measures and report to the Prime Minister.

#### Article 35

In case the environmental incident is of special severity, the Prime Minister shall determine the application of urgent remedial measures.

When such incident has been brought under control, the Prime Minister shall determine the revocation of the application of the urgent remedial measures.

#### Article 36

The agencies which are empowered to mobilise manpower, materials, and other means to remedy environmental incidents must reimburse the mobilised organisations, individuals for their expenses according to regulations by the law.

### CHAPTER IV STATE MANAGEMENT OF ENVIRONMENTAL PROTECTION

#### Article 37

The scope of State management of environmental protection includes:

1. Promulgating, and organising the implementation of, statutory instruments on environmental protection; promulgating systems of environmental standards;
2. Developing, and guiding the implementation of, strategies and policies of environmental protection, plans to prevent, control and remedy environmental degradation, environmental pollution, environmental incidents;
3. Establishing and managing environmental protection facilities, and facilities relating to environmental protection;
4. Organising, establishing and managing monitoring systems, periodically assessing the current state of the environment, forecasting environmental changes;
5. Appraising E.I.A. reports on projects and on production or business establishments;

6. Issuing, revoking certificates of compliance with environmental standards;
7. Supervising, inspecting, checking the observance of environmental protection legislation; settling disputes, appeals or complaints concerning environmental protection; dealing with breaches of environmental protection legislation;
8. Training personnel in environmental science and management; educating, propagandising, disseminating knowledge and legislation in environmental protection;
9. Organising research and development activities and application of scientific and technological advances in the field of environmental protection;
10. Developing international relations in the field of environmental protection.

#### Article 38

The Government shall, pursuant to its power and responsibility, exercise unified State management of environmental protection throughout the country.

The Ministry of Science, Technology and Environment shall be responsible to the Government for exercising the function of State management of environmental protection.

All ministries, ministry-level agencies and other Government bodies shall, within the scope of their respective functions, powers and responsibilities, co-operate with the Ministry of Science, Technology and Environment in carrying out environmental protection within their sectors and in establishments under their direct supervision.

The People's Committees of provinces and cities directly under the Central Government shall exercise their State management function for environmental protection at the local level.

The Services of Science, Technology and Environment shall be responsible to the People's Committees of provinces and cities directly under the Central Government, for environmental protection in their localities.

#### Article 39

The system of organisation, functions, responsibilities and powers of the State management agency for environmental protection shall be determined by the Government.

#### Article 40

The State management agency for environmental protection shall carry out its function of specialised inspection on environmental protection and be responsible to co-ordinate with specialised inspectors of the ministries and sectors concerned in the protection of the environment.

The organisation, obligations, powers, activities and co-ordination of specialised inspectors in the protection of the environment shall be determined by the Government.

#### Article 41

During the inspection process, the Inspection Team or Inspector is empowered to:

1. Require the organisations, individuals concerned to provide documents and reply to questions on matters necessary for inspection;
2. Conduct technical control measures on site;
3. Decide to temporarily suspend, in case of emergency, activities which threaten to cause serious environmental incidents and be responsible for such decision before the law, and at the same time, immediately report the case to the competent State agency for decision or recommend the latter to suspend activities likely to cause environmental incidents.
4. Deal within their competence or recommend the competent State agency to deal with breaches of the law.

#### Article 42

Organisations, individuals must create favourable conditions for the Inspection Team or the Inspector to carry out their functions and must observe the decisions of the Inspection Team or the Inspector.

#### Article 43

Organisations, individuals are entitled to appeal to the Head of the agency, which decides the inspection against the conclusions and decisions adopted by the Inspection Team or the Inspector with regard to their establishments.

Organisations, individuals have the right to complain, denounce to the State management agency for environmental protection or other competent State agencies about activities in breach of environmental protection legislation.

Agencies receiving complaints, denunciations shall be responsible for their examination and resolution in accordance with regulations by the law.

#### Article 44

In case there are several organisations, individuals operating within an area where environmental incidents, environmental pollution or environmental degradation occur, the power to determine the responsibility assigned to those organisations, individuals for remedial measures is defined as follows.

1. For environmental incidents, environmental pollution or environmental degradation occurring within a province or a city directly under the Central Government, the responsible parties shall be determined by the specialised environmental protection inspector of that province, city, or proposed and reported by the latter to the Chairman of the People's Committees of that province or city for consideration and decision. If one or more parties disagree with that decision, they shall be entitled to appeal to the Minister of Science, Technology and Environment. The decision of the Minister of Science, Technology and Environment shall prevail
2. For environmental incidents, environmental pollution or environmental degradation occurring in two or more provinces, or cities directly under the Central Government, the responsible parties shall be determined by the specialised environmental protection inspector of the Ministry of Science, Technology and Environment or proposed and reported by the latter to the Minister of Science, Technology and Environment for consideration and decision. If one or more parties disagree with the

decision of the Minister of Science, Technology and Environment, they shall be entitled to appeal to the Prime Minister for decision.

## CHAPTER V INTERNATIONAL RELATIONS WITH RESPECT TO ENVIRONMENTAL PROTECTION

### Article 45

The Government of Vietnam shall implement all international treaties and conventions relating to the environment which it has signed or participated in, honour all international treaties and conventions on environmental protection on the basis of mutual respect for each other's independence, sovereignty, territorial integrity and interests.

### Article 46

The Government of Vietnam adopts priority policies towards countries, international organisations, foreign organisations and individuals with respect to environmental manpower training, environmental scientific research, clean technology application, development and implementation of projects for environmental improvement, control of environmental incidents, environmental pollution, environmental degradation, and projects for wastes treatment, in Vietnam.

### Article 47

Organisations, individuals and owners of transportation means which, in transit through the Vietnamese territory, carry potential sources of environment incidents or environmental pollution must apply for permission, declare and submit to the control and supervision by the State management agency for environmental protection of Vietnam. Any breach of Vietnamese environmental protection legislation shall, depending on the extent of the infringement, be dealt with according to Vietnamese law.

### Article 48

Any dispute concerning environmental protection on the Vietnamese territory in which one or all parties are foreigners shall be settled according to Vietnamese law, taking into account international laws and practices.

Any dispute between Vietnam and other countries in the field of environmental protection shall be settled on the basis of negotiation, taking into account international laws and practices.

## CHAPTER VI REWARDS AND DEALING WITH BREACHES

### Article 49

Organisations, individuals having good records in environmental protection activities, in the early detection and timely report of signs of environmental incidents, in the remedy of environmental incidents, environmental pollution, environmental degradation, in the prevention of acts which damage the environment, shall be rewarded. Those who suffer damage to their property, health or life, while participating in the protection of the environment, in the remedy of environmental incidents,

environmental pollution, environmental degradation and in the combat against activities violating environmental protection legislation, shall be compensated according to regulations by the law.

#### Article 50

Those who commit acts of destruction or cause damage to the environment, who disregard the order of mobilisation by the competent State agency upon the occurrence of environmental incidents, who fail to implement regulations on environmental impact assessment, or infringe other legal provisions for environmental protection shall be dealt with administratively or be criminally prosecuted, depending on the nature and extent of the infringement and the consequences.

#### Article 51

Those who take advantage of their positions and powers to infringe environmental protection legislation, to protect persons infringing the environmental protection legislation, whose lack of responsibility allows environmental incidents or environmental pollution to occur, shall be disciplined or be criminally prosecuted, depending on the nature and extent of the infringement and the consequences.

#### Article 52

Organisations, individuals that commit acts of violation against the environmental protection legislation, causing damage to the State, to other organisations or individuals, shall, in addition to the penalties specified in Articles 50 and 51 of this Law, compensate for the damages and costs of remedying the consequences, according to regulations by the law.

### CHAPTER VII IMPLEMENTATION PROVISIONS

#### Article 53

Domestic or foreign organisations, individuals that have caused serious damage to the environment prior to the promulgation of this Law, with long-term adverse impacts on the environment and the health of the people shall, depending on the extent of the consequences, be liable for the damages and the rehabilitation of the environment, according to regulations by the Government.

#### Article 54

This Law shall take effect from the date of its promulgation.

All previous stipulations, which contradict this Law, are revoked.

#### Article 55

The Government shall regulate in detail the implementation of this Law.

This Law was passed on 27 December 1993 by the National Assembly of the Socialist Republic of Vietnam, 9th Legislature, at its 4th Session.

CHAIRMAN OF THE NATIONAL ASSEMBLY Signed: Nong Duc Manh