

**THE MINISTRY OF NATURAL RESOURCES  
AND ENVIRONMENT**

**CIRCULAR No. 02/2005/TT-BTNMT OF JUNE 24, 2005, GUIDING THE IMPLEMENTATION OF THE GOVERNMENT'S DECREE No. 149/2004/ND-CP OF JULY 27, 2004, ON THE ISSUANCE OF PERMITS FOR WATER RESOURCE EXPLORATION, EXPLOITATION AND USE, OR FOR DISCHARGE OF WASTEWATER INTO WATER SOURCES**

*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;*

*Pursuant to the Government's Decree No. 149/2004/ND-CP of July 27, 2004, on the issuance of permits for water resource exploration, exploitation and use, or for discharge of wastewater into water sources;*

*The Ministry of Natural Resources and Environment hereby guides the issuance of permits for water resource exploration, exploitation and use, or for discharge of wastewater into water sources as follows:*

**I. GENERAL PROVISIONS**

**1. Governing scope**

This Circular guides the issuance, extension, change of duration, adjustment of contents, suspension of validity and withdrawal of permits for underground water exploration; permits for underground water exploitation and use; permits

for surface water exploitation and use; permits for discharge of wastewater into river, stream, canal, coastal, lake or pond water sources; and sets forms of dossiers of permit application as well as permit forms.

The grant of permits for discharge of wastewater from ships and boats into water sources shall be guided in other documents.

**2. Objects of application**

This Circular applies to all domestic as well as foreign organizations and individuals (hereinafter referred collectively to as organizations and individuals) conducting activities related to underground water exploration, exploitation and use; surface water exploitation and use; or discharge of wastewater into water sources.

**3. Interpretation of terms**

In this Circular, the following terms and phrases are construed as follows:

3.1. Water resource exploitation and use, and discharge of wastewater into water sources within the family scale mean the exploitation and use of water resource and discharge of wastewater into water sources with a volume or a capacity not exceeding:

a/ 0.02 m<sup>3</sup>/s, for surface water exploitation and use for agricultural production;

b/ The installed machine capacity of 50 kW, for surface water exploitation and use for power generation without diverting water course;

c/ 100 m<sup>3</sup>/day for surface water exploitation and use for other purposes;

d/ 20 m<sup>3</sup>/day for underground water exploitation and use;

e/ 10 m<sup>3</sup>/day for discharge of wastewater.

3.2. Zone for underground water exploitation means an area for location of exploitation works and sanitation protection zone specified in the exploitation permit.

3.3. Underground water exploitation works mean a system consisting of one or a number of drilled or dug wells, galleries, arteries and/or caves for underground water exploitation, which are situated within a water exploitation zone with adjoining distances between them not exceeding 1,000 meters, and owned by an organization or individual.

3.4. Flow of a underground water exploitation work means the total flow of drilled and/or dug wells, galleries, arteries and/or caves for underground water exploitation pertaining such work.

3.5. Total average undercurrent flow in dry season of a region shall be equal to the total of average current flows of rivers and streams in the region in the dry season's months of many years (for mountainous regions), or equal to water volume contained in exploitable water-bearing bed within the water-level difference range between the beginning and the end of the dry season (for plain regions).

#### **4. Cases where permits are not required**

4.1. Surface water exploitation and use within assigned or leased land areas according to the provisions of Point d, Clause 1, Article 6 of the Government's Decree No. 149/2004/ND-CP shall be applied in case of exploitation and use of water of natural ponds and lakes, generated from rainwater within assigned or leased land areas or under lawful land use rights according to the provisions of the land law.

4.2. Zones for underground water exploitation and depths of wells which must be registered according to the provisions of Clause 3, Article 6 of Decree No. 149/2004/ND-CP shall be stipulated by the provincial/municipal People's Committees on the following bases:

a/ Current situation of underground water exploitation and use;

b/ Exploitable underground water reserve in the region;

c/ Characteristics of distribution of water-bearing beds; interlaying between brackish water-bearing beds and brine water-bearing beds.

4.3. Basing themselves on water source capability, situation of water resource exploitation and use, and discharge of wastewater into water sources in each region, as well as the provisions of Point 3.1, Section 3, Part I of this Circular, provincial/municipal People's Committees shall specify permit-free scales of water resource exploitation and use, or discharge of wastewater from familial activities into water sources.

#### **5. Competence to grant, extend, change terms or adjust contents of, invalidate and withdraw permits**

5.1. The Ministry of Natural Resources and Environment shall grant, extend, change duration or adjust contents of, invalidate and withdraw permits in the following cases:

a/ Water resource exploitation and use, for national important works already approved by the Prime Minister;

b/ Underground water exploration and exploitation, for works with a flow of 3,000 m<sup>3</sup>/day or more each;

c/ Surface water exploitation and use for

agricultural production with a flow of 2 m<sup>3</sup>/second or more;

d/ Surface water exploitation and use for power generation with the installed machine capacity of 2,000 kW or more;

e/ Surface water exploitation and use for other purposes with a flow of 50,000 m<sup>3</sup>/day or more;

f/ Discharge of wastewater into water sources with a flow of 5.000 m<sup>3</sup>/day or more.

5.2. The provincial/municipal People's Committees shall grant, extend, change terms or adjust contents of, invalidate and withdraw permits in the cases not specified at Point 5.1, Section 5, Part I of this Circular and not falling into the cases where permits are not required under the provisions of Article 6 of Decree No. 149/2004/ND-CP.

## **6. Principal contents of permits**

6.1. For an underground water exploration permit:

a/ Name and address of the permit holder;

b/ Exploration purpose and scale;

c/ Coordinate location and acreage of the exploration zone;

d/ Exploration water-bearing bed;

e/ Volume of exploration jobs;

f/ Term of underground water exploration permit;

g/ Specific requirements for each case of underground water exploration, set forth by the permit-granting agency, for the following purposes:

- Protecting the water-bearing bed and environment surrounding the exploration zone;

- Ensuring the efficiency and quality of the exploration work;

- Protecting lawful water exploration and use

rights and benefits of other organizations and individuals within the exploration zone.

h/ Rights and obligations of the permit holder.

6.2. For an underground water exploitation and use permit:

a/ Name and address of the permit holder;

b/ Water exploitation and use purpose(s);

c/ Location of water exploitation work;

d/ Exploitable water-bearing bed;

e/ Total number of wells or galleries, arteries or caves for exploitation;

f/ Total volume of water to be exploited and used;

g/ Exploitation regime;

h/ Major parameters of exploitation work;

i/ Term of the permit;

j/ Specific requirements on each case of underground water exploitation and use, stipulated by the permit-granting agency for the following purposes:

- Ensuring that the exploitable water-bearing bed and the related water-bearing beds shall not deplete or dry up; protecting the ecological environment;

- Ensuring no soil surface subsidence and fall shall occur;

- Protecting lawful water exploitation and use rights and benefits of organizations and individuals that are currently exploiting and using underground water in the zone in which they apply for exploitation permits.

k/ Rights and obligations of the permit holder.

6.3. For a surface water exploitation and use permit:

a/ Name and address of permit holder;

- b/ Water exploitation and use purpose(s);
- c/ Water source to be exploited and used;
- d/ Location of exploitation and use work;
- e/ Water exploitation and use method;
- f/ Water volume to be exploited and used;
- g/ Term of the permit;

h/ Specific requirements on each case of surface water exploitation and use stipulated by the permit-granting agency for the following purposes:

- Ensuring the maintenance of environmental flow of the water source;
- Protecting lawful water exploitation and use rights and benefits of organizations and individuals that are currently exploiting and using surface water, and water source applied for protection.
- i/ Rights and obligations of the permit holder.

6.4. For a permit for discharge of wastewater into water source:

- a/ Name and address of the permit holder;
- b/ Water source receiving wastewater;
- c/ Position where wastewater is discharged;
- d/ Wastewater flow and discharge method;
- e/ Limited parameters and concentrations of pollutants in wastewater;
- f/ Term of the permit;
- g/ Specific requirements on each case of wastewater discharge, stipulated by the permit-granting agency for the following purposes:
  - Protecting the environment and aquatic ecosystem;
  - Ensuring the quality standard of the water sources receiving wastewater;
  - Protecting lawful wastewater discharge rights and benefits of organizations and individuals that

are currently discharging wastewater into wastewater-receiving water sources.

- h/ Rights and obligations of the permit holder.

## 7. Terms of permits and extension thereof

Terms of underground water exploitation and use permits; surface water exploitation and use permits; permits for discharge of wastewater into water sources, and the extension thereof shall be decided by the permit-granting agencies according to the provisions of Article 5 and 7 of Decree No. 149/2004/ND-CP, taking into account the following factors:

7.1. For underground water exploitation and use:

- a/ Water exploitation and use purposes;
- b/ Planning on underground water exploitation and use in the region where the exploitation is requested; where no planning is available, underground water source potential shall be based on;
- c/ Details of the underground water exploration and estimated reserve;
- d/ Actual situation of underground water exploitation and use in the region.

7.2. For surface water exploitation and use:

- a/ Water exploitation and use purposes;
- b/ Planning on surface water exploitation and use in region where the exploitation is requested; where no planning is available, water source potential shall be based on;
- c/ Details of the water supply source assessment;
- d/ Actual situation of water source exploitation and use.

7.3. For discharge of wastewater into water sources:

- a/ Flow and method of wastewater discharge;
- b/ Parameters and concentrations of pollutants in wastewater;
- c/ Technological process for treating wastewater;
- d/ Targeted quality standard of water sources receiving wastewater;
- e/ Plan on supervision and observation of quality of water sources receiving wastewater;
- f/ Plan on pollution minimization of the organization or individual applying for wastewater discharge permit;
- g/ Plan on management and building of the wastewater treatment system of the zone or the province or centrally-run city.

### **8. Change of terms and adjustment of contents of permits**

8.1. The change of terms and adjustment of contents of permits shall be decided by the permit-granting agencies according to the provisions of Article 8 of Decree No. 149/2004/ND-CP.

8.2. In cases where permit holders request the change of terms or adjustment of contents of permits, they shall have to carry out the procedures provided for at Point 2.5, Section 2, Part II of this Circular.

8.3. In cases where the permit-granting agencies change permit terms or adjust permit contents, they shall have to notify permit holders thereof thirty (30) days in advance.

8.4. Contents in a permit which must not be changed or adjusted:

- a/ Name of the permit holder;
- b/ Water source for exploitation and use; wastewater-receiving water source;
- c/ Water volume to be exploited or used in excess of that stipulated in the granted permit by

25%;

d/ Water volume to be discharged in excess of that stipulated in the granted permit by 25%;

e/ Parameters and concentrations of pollutants specified in a wastewater discharge permit.

In the above-said cases, permit holders shall have to carry out procedures of applying for new permits.

### **9. Suspension of validity of permits**

9.1. The suspension of validity of permits shall be decided by the permit-granting agencies in cases where permit holders commit the acts specified in Clause 1, Article 9 of Decree No. 149/2004/ND-CP.

9.2. When conducting periodical or extraordinary inspections or examinations, if detecting that permit holders violate the provisions of Article 9 of Decree No. 149/2004/ND-CP, persons with inspecting or examining competence shall have to report in writing such to the permit-granting agencies. Within thirty (30) days after receiving the reports, the permit-granting agencies shall have to consider the suspension of validity of the permits.

9.3. Basing themselves on the seriousness of violations of permit holders, impacts of the permit suspension of validity on regional people's production and daily-life activities, the permit-granting agencies shall decide on the suspension duration, which must not exceed:

a/ Three (3) months for underground water exploration permits.

b/ Six (6) months for underground water exploitation and use permits; surface water exploitation and use permits; permits for discharge of wastewater into water sources.

9.4. Permit-granting agencies may consider to

shorten the duration of permit validity suspension as soon as permit holders manage to remedy consequences caused by permit suspension reasons and fulfill obligations according to provisions of law.

#### **10. Withdrawal of permits**

10.1. The withdrawal of permits shall be decided by permit-granting agencies in the cases specified in Clause 1, Article 10 of Decree No. 149/2004/ND-CP.

10.2. When conducting periodical or extraordinary inspections or examinations of the observance of permits, if detecting the cases specified at Points a, b and e, Clause 1, Article 10 of Decree No. 149/2004/ND-CP, persons with inspecting or examining competence shall have to report them in writing to the permit-granting agencies; if detecting the cases specified at Points c and d, Clause 1, Article 10 of Decree No. 149/2004/ND-CP, persons with inspecting or examining competence shall handle them according to their respective competence and concurrently report them in writing to the permit-granting agencies. Within thirty (30) days after receiving reports, the permit-granting agencies shall have to consider the withdrawal of permits.

10.3. For cases where competent state agencies decide to withdraw permits according to the provisions of Point f, Clause 1, Article 10 of Decree No. 149/2004/ND-CP, they shall have to notify permit holders of such withdrawal thirty (30) days in advance.

#### **11. Dossier-appraising fee and permit-granting fee**

Organizations and individuals that apply for permits for exploration, exploitation and use of water

resource, discharge of wastewater in water sources are obliged to pay dossier-appraising fee and permit-granting fee according to provisions of law.

## **II. ORDER AND PROCEDURES FOR GRANTING, EXTENDING, CHANGING TERMS AND ADJUSTING CONTENTS OF PERMITS**

### **1. Organizations and individuals named as applicants in permit application dossiers**

1.1. In cases where no water resource-exploiting and -using work or no work discharging wastewater into water sources exists, investors shall be named as applicants in dossiers of application for permits to be submitted to the dossier-receiving agencies in the stage of investment execution.

1.2. For water resource-exploiting and -using works or works discharging wastewater into water sources, which are under the state ownership and have no permits, organizations and individuals that manage and operate such works shall be named as applicants in the permit application dossiers.

1.3. For water resource-exploiting and -using works or works discharging wastewater into water sources, which are not under the state ownership and have no permits, work owners shall be named as applicants in permit application dossiers.

1.4. For water resource-exploiting and -using works and works discharging wastewater into water sources, which are under the state ownership and have permits already granted to their investors who do not directly manage and operate such works, the investors must record in writing the handover of their works to organizations and individuals for management and operation. Organizations and individuals that manage and operate works shall exercise the rights and perform the obligations of

permit holders.

## **2. Dossiers of application for granting, extension, change of terms and adjustment of contents of permits**

2.1. A dossier of application for granting underground water exploration permit comprises:

a/ An application for permit;

b/ A scheme on underground water exploration, for works with a flow of 200 m<sup>3</sup>/day or more each; or a design of exploration well, for works with a flow of less than 200 m<sup>3</sup>/day;

c/ Notarized copies of the land use right certificate or lawful papers evidencing land use rights according to the provisions of the land law for land at the exploration place, or documents of competent People's Committees permitting the use of land for exploration;

The form of dossiers of application for underground water exploration permits are provided for in Section I of the list of permit application dossier forms enclosed with this Circular (not printed herein).

2.2. A dossier of application for underground water exploitation and use permit comprises:

a/ An application for permit

b/ A scheme on underground water exploitation;

c/ The 1/50,000 – 1/25,000 scale map of the zone and location of underground water exploitation work, made according to the coordinates system VN 2000;

d/ A report on results of underground water reserve exploration and estimation, for works with a flow of 200 m<sup>3</sup>/day or more each; or a report on results of construction of exploitation well, for works with a flow of less than 200 m<sup>3</sup>/day each; or a report on actual exploitation, for operational underground

water exploitation works;

e/ Results of analysis of quality of water sources for use purposes according to the State's regulations at the time of permit application;

f/ Notarized copies of the land use right certificate or lawful papers evidencing land use rights according to the provisions of the land law for land at the place where the exploitation well is located. In cases where the land at the place where the exploitation well is located is not under the land use rights of the applying organization or individual, there must be a written agreement on land use between the exploiting organization or individual and the organization or individual holding land use rights, certified by People's Committee of commune or ward where the work is located;

The form of dossiers of application for underground water exploitation and use permits is provided for in Section II of the list of permit application dossier forms enclosed with this Circular (not printed herein).

2.3. A dossier of application for surface water exploitation and use permit comprises:

a/ An application for permit;

b/ A scheme on water exploitation and use, enclosed with operation process, for cases where no exploitation work exists; a report on actual situation of water exploitation and use, for cases where exploitation works exist;

c/ Results of analysis of quality of water sources for use purposes according to the State's regulations at the time of permit application;

d/ The 1/50,000 - 1/25,000 scale map of the zone and location of water exploitation work, made according to the coordinates system VN 2000;

e/ Notarized copies of the land use right certificate or lawful papers evidencing land use

rights according to the provisions of the land law for land at the place where the exploitation work is located. In cases where the land at the place where the exploitation work is located is not under the land use rights of the applying organization or individual, there must be a written agreement on land use between the exploiting organization or individual and the organization or individual holding the land use rights, certified by People's Committee of commune or ward where the work is located;

*The form of dossiers of application for surface water exploitation and use permits is provided for in Section III of the list of permit application dossier forms enclosed with this Circular (not printed herein).*

2.4. A dossier of application for permit for discharge of wastewater into water source comprises:

a/ An application for permit;

b/ Results of analysis of quality of wastewater-receiving water source according to the State's regulations at the time of permit application;

c/ Delimitation of sanitation protection zone (if any) made by competent agency at the place where wastewater is to be discharged;

d/ A scheme on discharge of wastewater into water source, enclosed with operation process of the wastewater treatment system, for cases where no wastewater treatment work exists; a report on actual situation of wastewater discharge, enclosed with results of analysis of wastewater composition and written certification of payment of environmental protection fee for wastewater in cases where wastewater is being discharged and a wastewater treatment work already exists;

e/ The 1/10,000-scale map of location where wastewater is discharged into water source;

f/ A report on environmental impact assessment,

already approved by the competent agency or written registration of attainment of environmental standards according to the provisions of the environmental protection law;

g/ Notarized copies of the land use right certificate or lawful papers evidencing land use rights according to the provisions of the land law for land at the place where the wastewater discharge work is located. In cases where the land at the place where the wastewater discharge work is located is not under the land use rights of the applying organization or individual, there must be a written agreement on land use between the wastewater-discharging organization or individual and the organization or individual holding the land use rights, certified by People's Committee of commune or ward where the work is located;

The form of dossiers of application for permits for discharge of wastewater into water sources is provided for in Section IV of the list of permit application dossier forms, enclosed with this Circular (not printed herein).

2.5. A dossier of application for extension, change of term or adjustment of contents of, a water resource exploration or exploitation and use permit or permit for discharge of wastewater into water source comprises:

a/ An application for permit extension, change of permit term or adjustment of permit contents;

b/ The granted permit;

c/ Results of analysis of quality of water source according to the State's regulations at the time of application for extension, change of term or adjustment of contents of, the permit;

d/ A report on observance of stipulations in the permit;

e/ A scheme on exploration or exploitation and



use of water resource, or discharge of wastewater into water source in case of application for adjustment of permit contents;

The form of dossiers of application for extension, change of term or adjustment of contents of water resource exploration or exploitation and use permits or permits for discharge of wastewater into water sources are provided for in Section V of the list of permit application dossier forms enclosed with this Circular (not printed herein).

2.6. Documents on topographical, geological, geo-hydrological, hydrological, meteorological, water quality explorations and surveys and other documents to be used for formulation of schemes and reports of the dossiers of permit application must be supplied by organizations with legal status in the above-said domains; schemes and reports on underground water exploration in the dossiers of application for underground water exploration or exploitation permits must be approved by permit-granting agencies.

2.7. The formulation of schemes and reports in dossiers of permit application must comply with the technical norms, processes, rules and standards promulgated by competent state agencies; in cases where foreign technical norms and standards are applied, permissions of competent state agencies are required.

### **3. Permit granting order**

The order of granting water resource exploration or exploitation and use permits or permits for discharge of wastewater into water sources stipulated in Clause 2 of Article 19, Clause 2 of Article 20, Clause 2 of Article 21, and Clause 2 of Article 22 of Decree No. 149/2004/ND-CP is guided as follows:

#### **3.1. Reception and examination of dossiers:**

a/ Organizations and individuals named as applicants in dossiers of permit application shall send their dossiers to the dossier-receiving and -managing agencies defined in Article 14 of Decree No. 149/2004/ND-CP; and duplicate and send one (01) dossier set to the Natural Resources and Environment Service of the locality where the work, for which a water resource exploration or exploitation and use permit or a permit for discharge of wastewater into water source is applied, is located, in cases where the dossier-receiving agency is the Water Resource Management Department.

b/ The dossier-receiving agencies shall have to examine the completeness and validity of permit application dossiers according to the provisions of Points 2.1, 2.2, 2.3 and 2.4, Section 2, Part II of this Circular within five (5) working days after receiving such dossiers. In cases where permit application dossiers are incomplete or invalid, the dossier-receiving agencies shall request in writing the permit-applying organizations and individuals to complete such dossiers according to regulations.

#### **3.2. Examination time limit:**

a/ The time limit for examining dossiers of application for underground water exploration permits shall be fifteen (15) working days for exploration works with a capacity of under 3,000 m<sup>3</sup>/day each, or thirty (30) working days for exploration works with a capacity of 3,000 m<sup>3</sup>/day or more each;

b/ The time limit for examining dossiers of application for underground water exploitation and use permits shall be fifteen (15) working days for cases where exploitation wells already exist. In cases where no exploitation well exists, the time limit for dossier examination and submission to the permit-granting agencies to issue written permits for construction of exploitation wells shall be ten

(10) working days.

c/ The time limit for examining dossiers of application for surface water exploitation and use permits shall be thirty (30) working days;

d/ The time limit for examining dossiers of application for permits for discharge of wastewater into water sources shall be thirty (30) working days;

The time limit for examining dossiers shall be counted from the date of receiving the complete and valid dossiers.

### 3.3. Contents of dossier examination:

a/ Legal grounds for application for water resource exploration, exploitation and use permits, permits for discharge of wastewater into water sources;

b/ Documents used, norms, processes, rules and technical standards applied in schemes, reports on exploration, exploitation and use of water resource, discharge of wastewater into water sources;

c/ The rationality of the selection of water sources; plans for location of exploration works; exploration methods and volumes in case of application for underground water exploration permits; results of estimation of underground water reserves; locations, scales and methods of water resource exploitation and use or discharge of wastewater into water sources.

d/ The compatibility of the water resource exploitation and use or the discharge of wastewater into water sources with the regional planning on exploitation, use and protection of water resources;

e/ Impacts of the water resource exploitation and use or the discharge of wastewater into water sources on water sources, environment, and the lawful rights of other organizations and individuals to exploit and use water resource or to discharge wastewater into water sources.

### 3.4. Organization of dossier examination:

a/ The dossier-receiving agencies shall organize the examination of dossiers of permit application and take responsibility for examination results;

b/ In case of necessity, a dossier-receiving agency may set up an examination council to gather opinions of relevant agencies and organizations; agencies and organizations consulted by the council shall have to reply in writing to the dossier-receiving agency within seven (7) working days after receiving written inquiries;

c/ In cases where the dossier-receiving agency organizes on-site inspections, the permit-applying organizations and individuals shall have to supply information related to the inspection at the request of the dossier-receiving agency;

d/ The provincial/municipal Natural Resources and Environment Service shall have to notify its opinions (if any) on the permit granting application within ten (10) working days after receiving copies of permit application dossiers, for cases of permit application dossiers examined by the Water Resource Management Department.

3.5. Basing themselves on the provisions of Articles 4 and 5 of Decree No. 149/2004/ND-CP and results of dossier examination, the dossier-receiving agencies shall make and submit examination reports to the permit-granting agencies;

a/ In cases where dossiers satisfy all the conditions for permit granting, the dossier-receiving agencies shall draft permits, then submit them to the permit-granting agencies for consideration and decision. Permit forms are specified in Section VI of the list of permit granting dossiers, enclosed with this Circular (not printed herein).

b/ In cases where dossiers fail to satisfy all the conditions for permit granting, the dossier-receiving

agencies shall return dossiers and notify their refusal in writing to the applying organizations or individuals, clearly stating the reasons therefor.

3.6. Basing themselves on examination reports and requests of dossier-receiving agencies, permit-granting agencies shall consider and decide on the grant of permits.

#### **4. Procedural order for extending, changing terms or adjusting contents of, permits**

Procedural order for extending, changing terms or adjusting contents of, water resource exploration, exploitation and use permits, permits for discharge of wastewater into water sources stipulated in Clause 2, Article 23 of Decree No. 149/2004/ND-CP is guided as follows:

##### **4.1. Reception and examination of dossiers:**

a/ Permit holders who apply for extension, change of terms or adjustment of contents of permits shall send their dossiers to the dossier-receiving and -managing agencies defined in Article 14 of Decree No. 149/2004/ND-CP; duplicate and send one (01) dossier set to the provincial/municipal Natural Resources and Environment Service of the locality where the work is to be located, applying for extension, change of term or adjustment of contents of water resource exploration, exploitation and use permit or permit for discharge of wastewater into water source in cases where the dossier-receiving agency is the Water Resource Management Department.

b/ The dossier-receiving agencies shall have to examine the completeness and validity of dossiers of application for extension, change of terms or adjustment of contents of permits according to the provisions of Point 2.5, Section 2, Part II of this Circular within five (05) working days after receiving

the application dossiers. In cases where dossiers are incomplete or invalid, the dossier-receiving agencies shall request in writing the organizations or individuals applying for extension, change of terms or adjustment of contents of permits to complete their dossiers.

##### **4.2. Examination time limit:**

The time limit for examining dossiers of application for extension, change of terms, adjustment of contents of water resource exploration, exploitation and use permits or permits for discharge of wastewater into water sources shall be twenty (20) working days after receiving complete and valid dossiers.

##### **4.3. Examination contents:**

###### **a/ For extension of permits:**

- Reasons for application for permit extension;
- Accuracy and completeness of reports made by permit holders on observance of contents of permits;
- Compatibility of the permit extension with the planning on exploitation, use and protection of water resources or potentials of regional water sources;
- Impacts of the permit extension on water environment and the lawful rights of other organizations and individuals to exploit and use water resources or to discharge wastewater into water sources.

###### **b/ For adjustment of permit contents:**

- Bases for application for adjustment of permit contents;
- Reasons for application for adjustment of permit contents;
- Accuracy and completeness of reports made by permit holders on observance of contents of their permits;

- Suitability of the adjustment of permit contents with the actual situation of water resource exploration, exploitation and use, discharge of wastewater into water sources and protection of water resource in the region;

- Impacts of the adjustment of permit contents on water sources, the environment and the lawful rights of other organizations and individuals to exploit and use water resource or to discharge wastewater into water sources.

#### 4.4. Organization of dossier examination:

a/ The dossier-receiving agencies shall organize the examination of dossiers of application for extension, change of terms or adjustment of contents of permits and take responsibility for examination results;

b/ In case of necessity, a dossier-receiving agency may set up an examination council to gather opinions of relevant agencies and organizations; agencies and organizations consulted by the council shall have to reply in writing to the dossier-receiving agency within seven (7) working days after receiving written inquiries;

c/ In cases where the dossier-receiving agency organizes on-site inspections, organizations or individuals applying for extension, change of terms or adjustment of permit contents shall have to supply information related to the inspection at the request of the dossier-receiving agency;

d/ The provincial/municipal Natural Resources and Environment Service shall have to notify its opinions (if any) on the application for permit extension, change of permit terms or adjustment of permit contents within ten (10) working days after receiving copies of permit application dossiers, for cases of dossiers of application for permit extension, change of permit terms or adjustment of permit contents, examined by the Water

Resource Management Department.

4.5. Basing themselves on the provisions of Articles 4, 5, 7 and 8 of Decree No. 149/2004/ND-CP and results of dossier examination, the dossier-receiving agencies shall make and submit examination reports to the permit-granting agencies;

a/ In cases where dossiers satisfy all the conditions for permit extension, change of permit terms or adjustment of permit contents, the dossier-receiving agencies shall draft decisions thereon, then submit them to the permit-granting agencies for consideration and decision. The forms of decisions on permit extension, change of permit terms or adjustment of permit contents are specified in Section VII of the list of permit granting dossier forms enclosed with this Circular (not printed herein).

b/ In cases where dossiers fail to satisfy all the conditions for permit extension, change of permit terms or adjustment of permit contents, the dossier-receiving agencies shall return the dossiers and notify their refusal in writing to the applying organizations or individuals, clearly stating the reasons therefor.

4.6. Basing themselves on examination reports and requests of dossier-receiving agencies, permit-granting agencies shall consider and decide on permit extension, change of permit terms or adjustment of permit contents.

### **III. MANAGEMENT OF DOSSIERS AND PERMITS**

1. The dossier-receiving agencies shall have to archive dossiers and water resource exploration, exploitation and use permits and permits for discharge of wastewater into water sources; dossiers and permits to be archived include:

a/ Dossiers of application for granting, extension,

change of terms or adjustment of contents of permits according to the provisions of Clause 1 of Article 19, Clause 1 of Article 20, Clause 1 of Article 21, Clause 1 of Article 22, and Clause 1 of Article 23 of Decree No. 149/2004/ND-CP;

b/ Reports on examination of dossiers of application for granting, extension, change of terms or adjustment of contents of permits.

c/ Originals of water resource exploration, exploitation and use permits or permits for discharge of wastewater into water sources.

2. Schemes and reports on underground water exploration, water resource exploitation and use, discharge of wastewater into water sources, after being examined, must be affixed with certification seals of the examining agencies.

#### **IV. ORGANIZATION OF IMPLEMENTATION**

##### **1. Responsibilities for Implementation**

1.1. The People's Committees of the provinces or centrally-run cities shall have to direct the implementation of this Circular in their respective localities.

1.2. Provincial/municipal Natural Resources and Environment Services shall have to assist the People's Committees of the same level in managing, summing up and making annual reports on the grant and observance of water resource exploration, exploitation and use permits and permits for discharge of wastewater into water sources under their respective local administrative management, and send annual reports to the Water Resource Management Department.

1.3. The Water Resource Management Department shall have to assist the Natural

Resources and Environment Ministry in managing, summing up and making annual reports on the grant and observance of water resource exploration, exploitation and use permits and permits for discharge of wastewater into water sources throughout the country.

1.4. The director of the Water Resource Management Department, the directors of the provincial/municipal Natural Resources and Environment Services shall have to guide, urge and inspect the implementation of this Circular. Any problems arising in the course of implementation should be promptly reported to the Natural Resources and Environment Ministry for consideration and decision.

##### **2. Implementation effect**

2.1. To annul the provisions on the grant of underground water exploration and exploitation permits, promulgated together with the Natural Resources and Environment Minister's Decision No. 05/2003/QD-BTNMT of September 4, 2003.

2.2. Underground water exploration permits, underground water exploitation and use permits, surface water exploitation and use permits, permits for discharge of wastewater into water sources, which have already been granted by competent agencies according to the provisions of law and are still valid shall continue to be effective until the expiration of their terms.

2.3. This Circular takes effect 15 days after its publication in "CONG BAO."

***For the Minister of Natural  
Resources and Environment  
Vice Minister  
NGUYEN CONG THANH***