

**THE MINISTRY OF NATURAL
RESOURCES AND ENVIRONMENT**

**Circular No. 01/2012/TT-BTNMT of
March 16, 2012, on the formulation,
appraisal and approval, inspection
and certification of implementation of
detailed environmental protection
plans; and formulation and
registration of simple environmental
protection plans**

*Pursuant to the November 29, 2005 Law on
Environmental Protection;*

*Pursuant to the Government's Decree No.
29/2011/ND-CP of April 18, 2011, providing
strategic environmental assessment,
environmental impact assessment and
environmental protection commitment;*

*Pursuant to the Government's Decree No.
25/2008/ND-CP of March 4, 2008, defining the*

functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment, which was amended and supplemented under Decrees No. 19/2010/ND-CP of March 5, 2010, and No. 89/2010/ND-CP of August 16, 2010;

At the proposal of the director general of Vietnam Environment Administration and the director of the Legal Department,

STIPULATES:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular details the formulation, appraisal and approval of detailed environmental protection plans; inspection and certification of implementation of detailed environmental protection plans; and formulation and registration of simple environmental protection plans under Clause 6, Article 39 of the Government's Decree No. 29/2011/ND-CP of April 18, 2011, providing strategic environmental assessment, environmental impact assessment and environmental protection commitment (below referred to as Decree No. 29/2011/ND-CP).

Article 2. Subjects of application

This Circular applies to state agencies and domestic and foreign organizations and individuals (below referred to as organizations and individuals) engaged in the formulation, appraisal and approval of detailed environmental protection plans; inspection and certification of implementation of detailed

environmental protection plans; and formulation and registration of simple environmental protection plans.

Chapter II

FORMULATION, APPRAISAL AND
APPROVAL OF DETAILED
ENVIRONMENTAL PROTECTION PLANS

Article 3. Establishments subject to formulation of detailed environmental protection plans

1. Establishments subject to formulation of detailed environmental protection plans (below referred to as establishments) are those having a size and nature similar to those of projects subject to environmental impact assessment reporting specified in Clause 1, Article 12 of Decree No. 29/2011/ND-CP, including:

a/ Establishments which do not have one of the following documents: decision approving the environmental impact assessment report; decision approving the supplementary environmental impact assessment report or decision approving the environmental protection plan;

b/ Establishments having a decision approving the environmental impact assessment report, which, upon renovation, expansion or capacity increase, are subject to formulation of supplementary environmental impact assessment reports (before the effective date of Decree No. 29/2011/ND-CP) or re-formulation of environmental impact assessment reports (under Decree No. 29/2011/ND-CP) but have not yet obtained a decision approving the supplementary environmental impact assessment report or decision approving the

environmental impact assessment report though the renovation, expansion or capacity increase has been completed;

c/ Establishments having a decision approving the environmental protection plan or a certificate of registration of the environmental protection plan, which, upon renovation, expansion or capacity increase, are subject to environmental impact assessment reporting but have not yet obtained a decision approving the environmental impact assessment report though the renovation, expansion or capacity increase has been completed;

d/ Establishments having one of the following documents: certificate of registration of satisfaction of environmental standards, certificate of registration of the written environmental protection commitment, certificate of registration of the supplementary environmental protection commitment or notice of acceptance of the registration of the written environmental protection commitment, which, upon renovation, expansion or capacity increase, are subject to environmental impact assessment reporting but have not yet obtained a decision approving the environmental impact assessment report though the renovation, expansion or capacity increase has been completed;

e/ Establishments having a decision approving the detailed environmental protection plan, which, upon renovation, expansion or capacity increase, are subject to environmental impact assessment reporting but have not yet obtained a decision approving the environmental impact assessment report though the renovation, expansion or capacity increase

has been completed;

f/ Establishments in the preparation stage (site preparation) of which the construction has commenced and establishments under construction but not yet obtained a decision approving the environmental impact assessment report or a decision approving the detailed environmental protection plan.

2. Owners of the establishments specified in Clause 1 of this Article shall formulate detailed environmental protection plans under this Circular and send them to agencies with appraising and approving competence.

Article 4. Process of formulating, appraising and approving detailed environmental protection plans

A detailed environmental protection plan shall be formulated, appraised and approved according to the process specified in Appendix I to this Circular, involving the following steps:

1. The owner of an establishment specified in Article 3 of this Circular makes and sends a dossier of request for appraisal and approval of the detailed environmental protection plan to an agency with appraising and approving competence referred to in Clause 1, Article 7 of this Circular.

2. The agency with appraising and approving competence assigns an appraisal standing body referred to in Clause 2, Article 7 of this Circular to examine the dossier. If the dossier is incomplete under requirements in Appendix 2 to this Circular, the appraisal standing body shall notify in writing the establishment owner thereof for dossier finalization.

3. If the dossier is complete and qualified for appraisal, the appraisal standing body conducts physical inspection at the establishment and, when necessary, consults professional agencies and specialists.

4. The appraisal standing body summarizes and handles physical inspection results and opinions of professional agencies and specialists and issues a notice of the results of appraisal of the detailed environmental protection plan.

5. The establishment owner fulfills the requirements stated in the appraisal result notice.

6. The head of the agency with appraising and approving competence considers and approves the detailed environmental protection plan.

7. The appraisal standing body certifies and sends the detailed environmental protection plan already approved.

Article 5. Making and sending of dossiers of request for appraisal and approval of detailed environmental protection plans

The owner of an establishment subject to formulation of detailed environmental protection plans shall:

1. Formulate or hire a consultant to formulate a detailed environmental protection plan in the form and with the contents specified in Appendix 2 to this Circular.

2. Send by post or directly submit a dossier of request for appraisal and approval of the detailed environmental protection plan to an agency with appraising and approving competence referred to in Clause 1, Article 7 of this Circular. A dossier comprises:

a/ One (1) request for appraisal and approval of the detailed environmental protection plan, made according to the form provided in Appendix 3 to this Circular;

b/ Five (5) hard copies of the detailed environmental protection plan, bound in volumes with their cover pages and supplementary cover pages made according to the forms provided in Appendix 4 to this Circular, and one (1) soft copy recorded in a compact disc;

c/ One of the following documents: investment project, feasibility study report or equivalent document under the investment law (only required for the establishments specified at Point f, Clause 1, Article 3 of this Circular).

Article 6. Consultation on detailed environmental protection plans

1. The establishment owner shall send to the commune-level People's Committee of the locality where production, business or service activities are expected to be carried out a written request for consultation, enclosed with a summary of the detailed environmental protection plan made according to the form provided in Appendix 5 to this Circular.

2. Within fifteen (15) working days after receiving the establishment owner's written request, the commune-level People's Committee shall issue a written reply according to the form provided in Appendix 6 to this Circular. Past this time limit, if the consulted commune-level People's Committee gives no written reply, it is regarded as having agreed with the establishment owner.

3. When necessary, before issuing a written reply, the commune-level People's Committee may request the establishment owner to join it in organizing a meeting with representatives of the local community where the detailed environmental protection plan will be presented and discussed. The establishment owner must do as required.

4. Consultation with commune-level People's Committees is not required in the following cases:

a/ An establishment in a concentrated production, business and service zone, of which the environmental impact assessment report or environmental protection plan in the stage of infrastructure construction has been approved by a competent agency, provided that its production, business or service activities conform with the sector and trade planning in the approved environmental impact assessment report or environmental protection plan of such zone;

b/ An establishment in a sea area for which the administration responsibility has not yet been assigned to any commune-level People's Committee;

c/ An establishment involving security or defense secrets.

Article 7. Competence to appraise and approve detailed environmental protection plans; standing bodies in appraising detailed environmental protection plans

1. Agencies competent to appraise and approve detailed environmental protection plans are specified as follows:

a/ The Ministry of Natural Resources and Environment shall appraise and approve

detailed environmental protection plans of establishments with a size and nature similar to those of projects subject to environmental impact assessment reporting specified in Appendix III to Decree No. 29/2011/ND-CP, except those involving security or defense secrets; and appraise and approve detailed environmental protection plans of establishments falling under its deciding and approving competence;

b/ The Ministry of Natural Defense and the Ministry of Public Security shall appraise and approve detailed environmental protection plans of establishments falling under their deciding and approving competence and other establishments involving defense and security secrets as assigned;

c/ Ministries, ministerial-level agencies, government-attached agencies shall appraise and approve detailed environmental protection plans of establishments under their deciding and approving competence, except those specified at Points a and b, Clause 1 of this Article;

d/ Provincial-level People's Committees shall appraise and approve detailed environmental protection plans of establishments in their localities, except those specified at Points a, b, c, Clause 1 of this Article.

2. An agency with appraising and approving competence shall assign a subordinate environmental protection unit to act as the appraisal standing body in appraising and submitting detailed environmental protection plans for approval (below referred to as appraisal standing body). An appraisal standing body has the following responsibilities and powers:

a/ To check the validity and completeness of dossiers of request for appraisal and approval

of detailed environmental protection plans;

b/ To report to the agency with appraising and approving competence on the method of appraisal, enclosed with a draft decision setting up a team to inspect environmental protection work at an establishment, made according to the form provided in Appendix 7 to this Circular, and a list of consulted agencies and specialists (if any);

c/ To organize the inspection team under the decision issued by the agency with appraising and approving competence; to decide by itself or decide at the proposal of the inspection team on the measurement and taking of analysis samples for data verification;

d/ To collect information relating to establishments and their detailed environmental protection plans to serve the appraisal and approval; to summarize and process opinions of consulted agencies and specialists;

e/ To notify in writing establishment owners of appraisal results and requirements on finalization of dossiers of request for appraisal of detailed environmental protection plans;

f/ To review detailed environmental protection plans which have been finalized and sent back by establishment owners after they are appraised;

g/ To draft decisions approving detailed environmental protection plans for submission to the agency with appraising and approving competence for consideration and decision;

h/ To inspect and report the implementation of detailed environmental protection plans by establishments to the agency with appraising and approving competence for consideration

and certification;

i/ To perform other tasks related to the appraisal and approval of detailed environmental protection plans at the request of the agency with appraising and approving competence.

Article 8. Time limits for appraisal of detailed environmental protection plans

1. Forty-five (45) working days after the receipt of a complete and valid dossier, for a detailed environmental protection plan of an establishment of a size and nature similar to those of projects subject to environmental impact assessment reporting specified in Appendix III to Decree No. 29/2011/ND-CP.

2. Thirty (30) working days after the receipt of a complete and valid dossier, for a detailed environmental protection plan of an establishment other than those specified in Clause 1 of this Article.

2. The appraisal time limit specified in Clause 1 or 2 of this Article does not include the time for an establishment owner to finalize its dossier at the request of the appraisal standing body in the course of appraising the detailed environmental protection plan.

Article 9. Appraisal and completion as well as formulation and re-appraisal of detailed environmental protection plans

1. Documentary examination: If a dossier is improper under regulations, within seven (7) working days after receiving the dossier, the appraisal standing body shall notify in writing the establishment owner thereof for dossier finalization. If the dossier is valid, the appraisal standing body shall appraise it under Clauses

2, 3 and 4 of this Article.

2. Physical inspection of environmental protection work at the establishment:

a/ To inspect environmental protection work at the establishment according to the decision setting up an inspection team issued by the agency with appraising and approving competence;

b/ When necessary, to measure and take analysis samples for data verification;

c/ To make an inspection minutes according to the form provided in Appendix 8 to this Circular.

3. Summarization and processing of opinions of specialists and related agencies on the detailed environmental protection plan requested for appraisal and approval.

4. Notification of the appraisal result (only once):

The appraisal standing body shall send a written notice of the appraisal result when:

a/ The detailed environmental protection plan is approved without requiring any modifications or supplementations;

b/ The detailed environmental protection plan is approved but must be modified or supplemented, enclosed with detailed requirements on the modification or supplementation; or

c/ The detailed environmental protection plan is not approved (clearly stating the reason).

5. After receiving the appraisal result notice, the establishment owner shall:

a/ If the detailed environmental protection plan is approved without requiring any modifications or supplementations: Sign on the

bottom left corner of every page of the plan and then make copies of the plan, bound these copies into volumes with their cover pages and supplementary cover pages made according to the forms provided in Appendix 4 to this Circular and send these copies to the appraisal standing body for consideration and submission for approval. The number of copies is specified in Clause 2, Article 11 of this Circular;

b/ If the detailed environmental protection plan is approved but must be modified or supplemented: Modify or supplement the plan as required and then sign and make copies of the plan and bound these copies into volumes under Point a, Clause 5 of this Circular; send (only once) these copies and one (1) soft copy recorded in a compact disc, enclosed with a written explanation of the modification or supplementation, to the appraisal standing body for consideration and submission for approval;

c/ If the detailed environmental protection plan is not approved: Re-formulate and send the plan to the agency with appraising and approving competence for re-appraisal.

6. Formulation and re-appraisal of detailed environmental protection plans:

a/ The establishment owner shall re-formulate the detailed environmental protection plan and send a dossier of request for re-appraisal of the plan under Article 5 of this Circular;

b/ The re-appraisal time limit and process comply with Articles 4 and 8 of this Circular.

Article 10. Approval of detailed environmental protection plans

1. The time limit for approving a detailed

environmental protection plan is:

a/ Fifteen (15) working days after the receipt of a complete detailed environmental protection plan, for an establishment of a size and nature similar to those of projects subject to environmental impact assessment reporting specified in Appendix III to Decree No. 29/2011/ND-CP;

b/ Ten (10) working days after the receipt of a complete detailed environmental protection plan, for an establishment other than those referred to at Point a, Clause 1 of this Article;

c/ The time limit specified at Point a or b, Clause 1 of this Article 1 does not include the time for the establishment owner to finalize the dossier at the request of the agency with appraising and approving competence or the appraisal standing body in the course of considering and approving the detailed environmental protection plan.

2. Decisions approving detailed environmental protection plans shall be made according to the form provided in Appendix 9 to this Circular.

Article 11. Certification and sending of detailed environmental protection plans

1. After a decision approving the detailed environmental protection plan is issued, the appraisal standing body shall make certification on the back of the supplementary cover page of the plan according to the form provided in Appendix 10a to this Circular.

2. After making certification, the appraisal standing body shall send and preserve the detailed environmental protection plan as

follows:

a/ For a detailed environmental protection plan approved by the Ministry of Natural Resources and Environment: To send the decision approving the detailed environmental protection plan, enclosed with one (1) certified copy of the approved plan, to the establishment owner, one (1) copy to the provincial-level Department of Natural Resources and Environment of the locality in which production, business and service activities are to be carried out, one (1) copy to the concerned line ministry, and preserve one (1) copy;

b/ For a detailed environmental protection plan approved by the Ministry of Natural Defense or the Ministry of Public Security, the sending of the decision approving the detailed environmental protection plan and the approved plan complies with separate regulation;

c/ For a detailed environmental protection plan approved by a ministry, ministerial-level agency or government-attached agency: To send the decision approving the detailed environmental protection plan, enclosed with one (1) certified copy of the approved plan, to the establishment owner, one (1) copy to the provincial-level Department of Natural Resources and Environment of the locality where production, business or service activities are to be carried out, one (1) copy to the Ministry of Natural Resources and Environment, and preserve one (1) copy;

d/ For a detailed environmental protection plan approved by a provincial-level People's Committee: To send the decision approving the detailed environmental protection plan, enclosed

with one (1) certified copy of the approved plan, to the establishment owner, one (1) copy to the provincial-level Department of Natural Resources and Environment and one (1) copy to the district-level People's Committee of the locality where production, business or service activities will be carried out, and preserve one (1) copy; and send one (1) copy of the decision approving the detailed environmental protection plan to the Ministry of Natural Resources and Environment, the concerned line ministry and the commune-level People's Committee of the locality where production, business or service activities will be carried out.

3. Provincial-level Departments of Natural Resources and Environment shall make copies of decisions approving detailed environmental protection plans sent by ministries, ministerial-level agencies and government-attached agencies and send these copies to district- and commune-level People's Committees of localities where production, business or service activities will be carried out.

Chapter III

INSPECTION AND CERTIFICATION OF IMPLEMENTATION OF DETAILED ENVIRONMENTAL PROTECTION PLANS

Article 12. Responsibilities of establishment owners in implementing detailed environmental protection plans

1. To strictly abide by approved detailed environmental protection plans.

2. After completing environmental protection works or measures, to make a dossier of request for inspection and certification of

implementation of the detailed environmental protection plan and send it to the agency which has approved such plan for inspection and certification. A dossier comprises:

a/ One (1) written request for inspection and certification of implementation of the detailed environmental protection plan, made according to the form provided in Appendix 11 to this Circular;

b/ Five (5) copies of the report on the results of implementation of the detailed environmental protection plan, made according to the form provided in Appendix 12 to this Circular. For mining establishments, such report shall be made according to the form provided in Appendix 13 to this Circular. For irrigation or hydropower generation establishments having reservoirs, such report shall be made according to the form provided in Appendix 14 to this Circular.

3. For hazardous waste treatment establishments, the inspection and certification of implementation of detailed environmental protection plans comply with the law on management of hazardous wastes.

Article 13. Responsibilities and time limits for certification of the implementation of detailed environmental protection plans

1. An agency with appraising and approving competence referred to in Clause 1, Article 7 of this Circular shall:

a/ Assign the appraisal standing body to consider dossiers and inspect the implementation of detailed environmental protection plans by establishments;

b/ Consider and issue a certificate of completion of the detailed environmental

protections plan (below referred to as certificate of completion) to the establishments specified in Clause 1, Article 3 of this Circular.

2. The time limit for issuance of a certificate of completion is specified as follows:

a/ Twenty-five (25) working days after the receipt of a valid dossier, for the detailed environmental protections plan of an establishment of a size and nature similar to those of projects subject to environmental impact assessment reporting specified in Appendix III to Decree No. 29/2011/ND-CP;

b/ Twenty (20) working days after the receipt of a valid dossier, for the detailed environmental protections plan of an establishment other than those specified at Point a of this Clause;

c/ The time limit specified at Point a or b of this Clause does not include the time for the establishment owner to finalize the dossier at the request of the appraisal standing body.

Article 14. Inspection and certification of implementation of detailed environmental protection plans

1. In case the dossier is improper under regulations, within five (5) working days after receiving the dossier, the appraisal standing body shall notify in writing the establishment owner thereof for dossier finalization.

2. In case the dossier is valid, the agency with appraising and approving competence shall, at the request of the appraisal standing body, issue a decision to set up an inspection team according to the form provided in Appendix 15 to this Circular.

3. The appraisal standing body shall organize

a team to inspect the establishment's environmental protection measures and works. After completing the physical inspection at the establishment, the inspection team shall make an inspection minutes according to the form provided in Appendix 16 to this Circular.

4. Based on the minutes of inspection of the implementation of the detailed environmental protections plan by the establishment and proposal of the appraisal standing body, the agency with appraising and approving competence shall issue a certificate of completion according to the form provided in Appendix 17 to this Circular.

Chapter IV

FORMULATION AND REGISTRATION OF SIMPLE ENVIRONMENTAL PROTECTION PLANS

Article 15. Establishments subject to formulation of simple environmental protection plans

1. Establishments subject to formulation of simple environmental protection plans are those which have a size and nature similar to those subject to environmental protection commitment making specified in Article 29 of Decree No. 29/2011/ND-CP, including:

a/ Establishments which do not have one of the following documents: certificate of registration of satisfaction of environmental standards; certificate of registration of the written environmental protection commitment, notice of acceptance of the written environmental protection commitment or certificate of registration of a environmental protection plan;

b/ Establishments having one of the following documents: certificate of registration of satisfaction of environmental standards; certificate of registration of the written environmental protection commitment, notice of acceptance of the written environmental protection commitment, which, upon renovation, expansion or capacity increase, are subject to registration of satisfaction of environmental standards or supplementary written environmental protection commitment (before the effective date of Decree No. 29/2011/ND-CP) or re-making of written environmental protection commitment (under Decree No. 29/2011/ND-CP) but have not yet obtained a certificate of registration of satisfaction of environmental standards, certificate of registration of the written environmental protection commitment or notice of acceptance of the written environmental protection commitment, though the renovation, expansion or capacity increase has been completed;

c/ Establishments having a certificate of registration of the environmental protection plan, which, upon renovation, expansion or capacity increase, are subject to supplementary written environmental protection commitment making (before the effective making date of Decree No. 29/2011/ND-CP) or re-making of written environmental protection commitment (under Decree No. 29/2011/ND-CP) but have not yet obtained a certificate of registration of the supplementary written environmental protection commitment or notice of acceptance of registration of the written environmental protection commitment though the renovation, expansion or capacity increase has been completed;

d/ Establishments having a certificate of registration of the simple environmental protection plan which, upon renovation, expansion or capacity increase, are subject to written environmental protection commitment making but have not yet obtained a notice of acceptance of registration of the written environmental protection commitment though the renovation, expansion or capacity increase has been completed;

e/ Establishments in the preparation stage (site preparation), of which the construction has commenced, or under construction but which have not yet obtained a notice of acceptance of registration of the written environmental protection commitment or certificate of registration of the simple environmental protection plan.

2. Owners of the establishments specified in Clause 1 of this Article shall formulate simple environmental protection plans under this Circular and send them to district-level People's Committees for consideration and certification.

Article 16. Process of formulating, registering and certifying simple environmental protection plans

A simple environmental protection plan shall be formulated, registered and certified according to the process specified in Appendix 18 to this Circular, involving the following steps:

1. The owner of an establishment specified in Clause 1, Article 15 of this Circular makes a dossier of request for registration of the simple environmental protection plan under Article 17 of this Circular and sends it to the district-level People's Committee.

2. The district-level People's Committee assigns a registration standing body to check the dossier. If the dossier is incomplete under regulations in Appendices 19a and 19b to this Circular, it shall notify in writing the establishment owner thereof for dossier finalization.

3. In case the dossier is complete as required, the registration standing body processes the dossier and, when necessary, conducts physical inspection at the establishment and consults related agencies and specialists.

4. The registration standing body summarizes, handles and notifies the handling results (if any) to the establishment owner.

5. The establishment owner fulfills the requirements as notified (if any).

6. The chairperson of the district-level People's Committee issues a certificate of registration of the simple environmental protection plan.

7. The registration standing body certifies and sends the certified simple environmental protection plan.

Article 17. Making and sending of dossiers of registration of simple environmental protection plans

The owner of an establishment subject to formulation of a simple environmental protection plan shall:

1. Formulate or hire a consultant to formulate a simple environmental protection plan. The form and contents of the simple environmental protection plan are specified as follows:

a/ Establishments subject to investment project formulation which have a nature, size

and capacity outside or below the level set in the list provided in Appendix II to Decree No. 29/2011/ND-CP comply with Appendix 19a to this Circular.

b/ Establishments not subject to investment project formulation but having wastes arising from their production, business or service activities comply with Appendix 19b to this Circular.

2. Send by post or submit directly a dossier of registration of the simple environmental protection plan to the district-level People's Committee of the locality where production, business and services activities will be carried out. In case the establishment is located in two (2) or more district-level administrative unit, the establishment owner may send the registration dossier to any of these district-level administrative units. A registration dossier comprises:

a/ One (1) document made by the establishment owner according to the form provided in Appendix 20 to this Circular;

b/ Five (5) copies of the simple environmental protection plan, bound into volumes with their cover pages and supplementary cover page made according to the form provided in Appendix 20 to this Circular. In case of necessity, the establishment owner shall send some more copies of the simple environmental protection plan as requested by the district-level People's Committee.

Article 18. Competence and time limits for certification of registration of simple environmental protection plans; registration standing bodies

1. District-level People's Committees shall organize the registration of simple environmental protection plans and consider and grant certificates of registration of simple environmental protection plans (below referred to as certificates) to establishment owners.

2. The time limit for granting a certificate is:
a/ Thirty (30) working days after the receipt of a valid and complete dossier, for the simple environmental protection plan of an establishment located in two (2) or more district-level administrative units;

b/ Twenty (20) working days after the receipt of a complete and valid dossier, for the simple environmental protection plan of an establishment located in one (1) district-level administrative unit;

c/ The time limit specified at Point a or b, Clause 2 of this Circular does not include the time for the establishment owner to finalize the dossier at the request of the registration standing body in the course of dossier consideration.

3. District-level People's Committees shall assign professional environmental protection agencies to assist them and act as standing bodies in registering and certifying the registration of simple environmental protection plans (below referred to as registration standing bodies).

Article 19. Consideration and finalization of dossiers; grant of certificates of registration of simple environmental protection plans; formulation and re-registration of simple environmental protection plans

1. Documentary examination: If a dossier is improper under regulations, within five (5)

working days after receiving the dossier, the registration standing body shall notify in writing the establishment owner thereof for dossier finalization. If the dossier is valid, the registration standing body shall consider and evaluate it and propose the district-level People's Committee to certify the simple environmental protection plan under Clauses 2 and 3 of this Article.

2. Consideration and evaluation of the simple environmental protection plan: The registration standing body shall consider and evaluate the plan. When necessary, it shall set up an inspection team to conduct physical inspection at the establishment, invite specialists to comment on the plan and consult concerned district-level People's Committees (if the establishment is also located in other district-level administrative units); and issue a notice (only once) to the establishment owner when:

a/ The simple environmental protection plan must be modified or supplemented in order to be granted a certificate of registration, enclosed with specific requirements on the modification and supplementation; or

b/ The simple environmental protection plan is unqualified to obtain a certificate of registration (clearly stating the reason).

2. For a simple environmental protection plan which is not required to be modified or supplemented or has been modified or supplemented by the establishment owner as required, the district-level People's Committee shall grant a certificate of registration of the simple environmental protection plan according to the form provided in Appendix 22 to this Circular.

4. If the simple environmental protection plan is unqualified to obtain a certificate of registration, the establishment owner shall reformulate the plan and send it to the district-level People's Committee for re-registration under Article 17 and 18 of this Circular.

Article 20. Certification and sending of simple environmental protection plans

1. After a simple environmental protection plan is registered, the registration standing body shall make certification on the back of its supplementary cover page according to the form provided in Appendix 10b to this Circular.

2. The registration standing body shall send and preserve certified copies of the simple environmental protection plan as follows:

a/ If the concerned establishment is located in one (1) district-level administrative unit: To send the certificate of registration, enclosed with one (1) copy of the simple environmental protection plan, to the establishment owner and send one (1) copy to the provincial-level Department of Natural Resources and Environment, one (1) copy to the commune-level People's Committee of the locality where the establishment is located and, concurrently, preserve one (1) copy;

b/ If the concerned establishment is located in two (2) or more district-level administrative units: Apart from complying with Point a of this Clause, to send the certificate of registration, enclosed with one (1) certified copy of the simple environmental protection plan, to each of the district-level People's Committees where the establishment is located.

Article 21. Responsibilities of establishment owners after their simple environmental protection plans are registered

After the simple environmental protection plan is registered, the establishment owner shall:

1. Fully and properly comply with the simple environmental protection plan already registered.

2. Make an environmental impact assessment report according to the law on environmental impact assessment, if the establishment, due to changes in its size, capacity or technology or other environment-related changes in the stage of preparation, construction or operation, has a size and nature similar to those of subjects of environmental impact assessment reporting specified in Decree No. 29/2011/ND-CP, for establishments specified in Clause 1, Article 15 of this Circular.

3. Formulate a simple environmental protection plan under this Circular if the establishment, due to changes in its size, capacity or technology, is subject to investment project formulation under Point a, Clause 1, Article 17 of this Circular, for establishments specified in Clause 1, Article 15 of this Circular.

4. Notify in writing the district-level People's Committee which has granted the certificate of registration of any changes in the size, capacity or technology of the establishment or other environment-related changes that have occurred in the stage of preparation, construction or operation which, however, do not make the establishment subject to environmental impact assessment reporting as specified in Decree No. 29/2011/ND-CP, and

make these changes only after obtaining written permission of the district-level People's Committee

Chapter V

ORGANIZATION OF IMPLEMENTATION AND IMPLEMENTATION PROVISIONS

Article 22. Transitional provisions

For dossiers of request for approval or certification of environmental protection plans which are made under the Ministry of Natural Resources and Environment's Circular No. 04/2008/TT-BTNMT of September 18, 2008, guiding the formulation, approval or certification of environmental protection plans and examination and inspection of implementation of environmental protection, but have not yet been approved or certified, provincial-level Departments of Natural Resources and Environment or district-level Divisions of Natural Resources and Environment shall return these dossiers and guide establishment owners to formulate detailed or simple environmental protection plans for sending to agencies with appraising and approving competence or registration agencies under this Circular.

Article 23. Organization of implementation

1. Vietnam Environment Administration shall act as the standing agency in appraising detailed environmental protection plans for the Ministry of Natural Resource and Environment.

2. Ministries, ministerial-level agencies, government-attached agencies shall assign their attached professional units to act as their

standing bodies in appraising detailed environmental protection plans and announce this assignment nationwide

3. Provincial-level People's Committees shall assign provincial-level Departments of Natural Resources and Environment to act as their standing bodies in appraising detailed environmental protection plans and take appropriate measures to announce such assignment.

4. District-level People's Committees shall assign their attached professional units to act as their registration standing bodies and take appropriate measures to announce such assignment.

5. Ministries, ministerial-level agencies, government-attached agencies and provincial- and district-level People's Committees shall abide by the regime of reporting on the appraisal, approval, inspection and certification of implementation of detailed environmental protection plans; and registration and certification of simple environmental protection plans specified in Article 38 of Decree No. 29/2011/ND-CP and use the forms provided in Appendices 23, 24 and 25 to this Circular.

Article 24. Implementation provisions

1. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of People's Committees of all levels shall implement this Circular.

2. This Circular takes effect on May 2, 2012, and replaces the Ministry of Natural Resources

and Environment's Circular No. 04/2008/TT-BTNMT of September 18, 2008, guiding the formulation, approval or certification of environmental protection plans and examination and inspection of implementation of environmental protection,

3. Any difficulties and problems arising in the course of implementing this Circular should be reported to the Ministry of Natural Resources and Environment for guidance or revisions as appropriate.-

** All the forms referred to in this Circular are not printed herein.*

*For the Minister of
Natural Resources and Environment*
Deputy Minister
BUI CACH TUYEN
