

*and supplementing Article 3 of Decree No. 25/2008/ND-CP of March 4, 2008;*

*At the proposal of the General Director of Geology and Minerals and the Director of the Legal Department;*

*The Minister of Natural Resources and Environment promulgates the Circular to provide conditions on mineral exploration practice organizations.*

**Article 1.** Scope of regulation and subjects of application

1. This Circular stipulates conditions on mineral exploration practice specified in Article 35 of the Mineral Law.

2. This Circular applies to mineral exploration practice organizations; organizations and individuals with mineral exploration licenses; and state management agencies in charge of minerals.

**THE MINISTRY OF NATURAL  
RESOURCES AND ENVIRONMENT**

**Circular No. 17/2012/TT-BTNMT of  
November 29, 2012, providing  
conditions on mineral exploration  
practice organizations**

*Pursuant to November 17, 2010 Mineral Law No. 60/2010/QH12;*

*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, and Decree No. 89/2010/ND-CP of August 16, 2010, amending*

**Article 2.** Mineral exploration practice organizations

Organizations satisfying conditions specified in Article 35 of the Mineral Law and this Circular may conduct mineral exploration, including:

1. Enterprises established under the Enterprise Law;

2. Science and technology organizations established under the Science and Technology Law;

3. Cooperatives and cooperative unions established under the Cooperatives Law;

4. Non-business geological organizations established by competent state agencies and performing the function or task of mineral exploration.

**Article 3.** Dossiers for mineral exploration practice

1. Upon conducting mineral exploration, a mineral exploration practice organization must have a dossier for mineral exploration practice, comprising:

a/ Documents of the organization: A certified true copy of the establishment decision or science and technology activity certificate or business registration certificate granted by a competent state agency; the contract on mineral exploration or a competent agency's decision on the assignment of mineral exploration tasks (original); and list of staffs and workers participating in the implementation of the mineral exploration project;

b/ Documents of persons participating in the mineral exploration project (certified true copies or originals): The decision assigning the technical manager as manager of the mineral exploration project and his/her professional diplomas and curriculum vitae; labor contracts or recruitment decisions; decisions on appointment or task assignment; professional diplomas and certificates relevant to assigned tasks; copies of identity cards or passports;

c/ A list of special-use equipment and tools for the construction of mineral exploration works in accordance with the mineral exploration project.

2. The dossiers for mineral exploration practice specified in Clause 1 of this Article must be managed and preserved in agencies, organizations and individuals with mineral exploration licenses and mineral exploration practice organizations.

**Article 4.** Technical managers of mineral exploration projects

1. The technical manager of a mineral exploration project (below referred to as manager of a mineral exploration project) must satisfy the criteria prescribed at Point b, Clause 1, Article 35 of the Mineral Law and the following provisions:

a/ Being a Vietnamese citizen or a foreigner having a permit to work in Vietnam under the labor law;

b/ Possessing a university or higher degree in geological mineral exploration (or in hydrogeology, engineering geology, for mineral water or natural thermal water exploration projects). These degrees may be granted by Vietnamese or foreign training institutions;

c/ Being knowledgeable about mineral law and standards and technical regulations on mineral exploration; having capacity for organizing the implementation of the items of the mineral exploration project in succession;

d/ The manager of a mineral exploration project in charge of constructing exploration works must satisfy the conditions on working seniority as specified at Point b, Clause 1, Article 35 of the Mineral Law. For a toxic mineral exploration project, he/she must have worked as a geological technician for at least 1 toxic

mineral exploration project. For other mineral exploration projects, he/she must have worked as a geological technician for at least 1 project on exploration of the same mineral.

2. The manager of a project may perform his/her duties only after obtaining the assignment decision of the mineral exploration practice organization.

3. The manager of a project may concurrently manage no more than 2 mineral exploration projects. Upon making a report on mineral exploration results, the manager must have directed the implementation of the project for at least 25% of the period specified in the exploration license.

**Article 5.** Technical workers participating in mineral exploration projects

1. The number of technical workers specialized in geodegy, geology, hydrogeology, engineering geology, geophysics, construction of works (excavation and drilling) and other relevant disciplines must satisfy the requirement of the mineral exploration project appraised when granting the exploration license.

2. Upon participating in the project, each group of specialized technical workers shall appoint a leader who satisfies professional requirements and has working seniority as follows:

a/ For toxic mineral exploration projects, he/she must have a working seniority of at least 5 years for those who possess a secondary professional degree or 3 years for those who possess a university degree, of which at least 1 year of participation in a project on geological

survey or exploration of toxic minerals;

b/ For other mineral exploration projects, he/she must have a working seniority of at least 3 years for those who have a secondary professional degree or 2 years for those who have a university degree.

**Article 6.** Special-use equipment and tools for the construction of mineral exploration works

1. The quantity, quality and technical features of special-use equipment and tools for the construction of mineral exploration works must be suitable to the items of the mineral exploration project appraised when granting a mineral exploration license. Equipment and tools for the construction of the items of mineral exploration works must satisfy technical requirements and ensure safe operation.

2. For exploration of radioactive minerals and rare earths, special-use equipment and tools and technical staff must satisfy radiation safety requirements under the radiation and nuclear safety law.

**Article 7.** Responsibilities of mineral-exploring organizations and individuals and mineral exploration practice organizations

1. Mineral-exploring organizations and individuals shall:

a/ Select mineral exploration practice organizations that are qualified under regulations;

b/ Manage and preserve the dossiers of mineral exploration practice organizations; and provide sufficient documents at the request of competent state management agencies.

2. Mineral exploration practice organizations shall:

a/ Comply with standards, technical regulations and designs of appraised projects; and ensure the quality of work;

b/ Take responsibility before law and investors for the truthfulness of documents, the quality and the results of mineral exploration projects under regulations;

c/ Compile mineral exploration practice dossiers; and provide information on exploration activities to investors and competent state management agencies.

**Article 8.** Responsibilities of related agencies

1. The General Department of Geology and Minerals shall:

a/ Guide and examine the implementation of this Circular;

b/ Inspect and examine conditions of mineral exploration practice organizations with mineral exploration licenses granted by the Ministry of Natural Resources and Environment;

c/ Handle according to its competence or propose competent authorities to handle mineral exploration practice organizations that violate the mineral law and relevant laws;

d/ Organize professional and legal training for managers of mineral exploration projects so as to raise the quality of exploration.

2. Provincial-level Natural Resources and Environment Departments shall:

a/ Inspect and examine conditions of mineral

exploration practice organizations with mineral exploration licenses granted by the provincial-level People's Committees;

b/ Handle according to their competence or propose competent authorities to handle mineral exploration practice organizations that violate the mineral law and relevant laws.

**Article 9.** Effect

This Circular takes effect on January 15, 2013.

**Article 10.** Implementation provisions

Any difficulties or problems arising in the course of implementation should be promptly reported to the Ministry of Natural Resources and Environment for consideration, revision and supplementation.-

*For the Minister of  
Natural Resources and Environment  
Deputy Minister  
NGUYEN LINH NGOC*