

**THE STANDING COMMITTEE
OF THE NATIONAL ASSEMBLY**

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 10/2014/UBTVQH13

ORDINANCE

On Environmental Police^(*)

Pursuant to the Constitution of the Socialist Republic of Vietnam;

Pursuant to the National Assembly's Resolution No. 45/2013/QH13 on adjustment of the law- and ordinance-making program of the XIIIth National Assembly for 2013, and its law- and ordinance-making program for 2014;

The National Assembly Standing Committee promulgates the Ordinance on Environmental Police,

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Ordinance provides the functions, duties, powers and organization, and assurance of operation of, and regimes and policies for, the Environmental Police; and prescribes responsibilities of related agencies, organizations and individuals.

Article 2. Subjects of application

This Ordinance applies to the Environmental Police, Vietnamese agencies, organization and citizens and foreign organizations and individuals residing and operating in the territory of the Socialist Republic of Vietnam.

Article 3. Position and functions of the Environmental Police

The Environmental Police is a specialized People's Public Security force having the function of preventing, detecting, stopping and combating environmental crimes and environment-related administrative violations; and taking the initiative and coordinating with other forces in preventing and combating crimes and violations related to natural resources and environment-related food safety.

Article 4. Principles of organization and operation of the Environmental Police

1. Being placed under the comprehensive leadership of the Central Public Security Party Committee and the command and management of the Minister of Public Security.

^(*) Công Báo Nos 43-44 (11/1/2015)

2. Abiding by the Constitution and law; respecting and protecting the interests of the State, human rights, lawful rights and interests of agencies, organizations and individuals; and creating a favorable environment for socio-economic development and ensuring social security.

3. Proactively preventing, promptly detecting and stopping and strictly handling crimes and violations within the ambit of its functions and duties.

4. Closely coordinating with related agencies and organizations in preventing and combating crimes and violations within the ambit of its functions and duties.

5. Relying on the People, promoting the People's strength and submitting to the People's supervision.

Article 5. Building of the Environmental Police

1. The State shall build a revolutionary, regular, elite and gradually modern Environmental Police.

2. Agencies, organizations and individuals shall participate in building the Environmental Police, coordinate with and assist the Environmental Police in performing its functions and duties in accordance with law.

3. The Environmental Police shall be given priority in selecting and training its human resources and invest in its physical foundation, technical and professional equipment and facilities to meet requirements of its assigned duties.

Article 6. Prohibited acts

1. For the Environmental Police:

a/ The prohibited acts specified in the Law on People's Public Security Forces;

b/ Intentionally omitting crimes and administrative violations related to environment, natural resources and food safety;

c/ Taking advantage of the performance of its duties and powers to cause troubles to, harass or infringe upon the interests of, the State, and human rights and lawful rights and interests of agencies, organizations and individuals.

2. For agencies, organizations and individuals:

a/ Opposing or obstructing Environmental Police officers on duty;

b/ Impersonating Environmental Police officers;

c/ Buying off, offering bribes to or instigating, enticing or forcing Environmental Police officers to commit acts in contravention of the Environmental Police's functions, duties and powers;

d/ Taking revenge or threatening to take revenge on, or preventing witnesses, reporters, denunciators and their relatives from reporting, denouncing, declaring and handling crimes and administrative violations related to environment, natural resources and food safety.

Chapter II

DUTIES, POWERS AND ORGANIZATION OF THE ENVIRONMENTAL POLICE

Article 7. Duties and powers of the Environmental Police

Within the ambit of its functions, the Environmental Police has the following duties and powers:

1. To collect information on, analyze, assess and forecast the situation in order to give advice and recommendations to competent authorities in directing the prevention and combat of crimes and violations.

2. To apply public security measures to prevent and combat crimes and violations.

3. To receive, process and settle denunciations and reports on crimes and violations in accordance with law.

4. To investigate crimes related to environment, natural resources and environment-related food safety in accordance with law.

5. To inspect the observance of law by agencies, organizations and individuals in accordance with law; to search vehicles, objects and places when directly detecting signs of crime or administrative violation or receiving denunciations or reports on crimes or administrative violations in accordance with law.

The inspection shall be decided in writing by heads of Environmental Police offices of the Ministry of Public Security or provincial-level Police Departments; or by directors of provincial-level Police Departments or heads of police offices of rural districts, urban districts, towns, provincial cities and equivalent administrative units.

6. To handle administrative violations in accordance with law.

7. In case of necessity or urgency, to mobilize people and vehicles of organizations and individuals in accordance with law.

8. To use weapons, explosive materials and supporting tools in accordance with law; to use technical and professional equipment and facilities in accordance with law.

9. To seize samples, documents and material evidences related to crimes and administrative violations for examination or coordinate with competent agencies and organizations in conducting examinations and tests.

10. To request agencies, organizations and units to provide information, documents and objects related to crimes and administrative violations in the fields of environment, natural resources and environment-related food safety in accordance with law.

11. To coordinate with agencies, organizations and units in the prevention and combat of crimes and administrative violations in the fields of environment, natural resources and environment-related food safety under the Government's regulations.

12. To implement international cooperation under regulations of the Minister of Public Security.

13. To perform other duties and exercise other powers prescribed by law.

Article 8. Organization of the Environmental Police

1. The organization of the Environmental Police consists of:

a/ The Environmental Police Department of the Ministry of Public Security;

b/ Environmental police divisions of Public Security Departments of provinces and centrally run cities;

c/ Environmental police units of Public Security offices of rural districts, urban districts, towns, provincial cities and equivalent administrative units.

2. The Minister of Public Security shall detail this Article.

Chapter III

ASSURANCE OF OPERATION OF, REGIMES AND POLICIES FOR, THE ENVIRONMENTAL POLICE

Article 9. Equipment of the Environmental Police

The Environmental Police shall be equipped with weapons, explosive materials, supporting tools and technical and professional equipment and vehicles as prescribed by the Minister of Public Security.

Article 10. Regimes and policies for Environmental Police officers and men

Environmental Police officers and men are entitled to regimes and policies provided in the Law on People's Public Security Forces; toxicity allowance and anti-toxicity protection equipment in accordance with law.

Article 11. Regimes and policies for agencies, organizations and individuals

1. Agencies, organizations and individuals that join, coordinate and work with, and assist, the Environmental Police in performing its duties and record achievements shall be commended and rewarded; those whose honor is harmed are entitled to honor restoration; those whose assets are damaged are entitled to compensations; those who suffer injuries or health problems or die and their families are entitled to regimes and policies in accordance with law.

2. Agencies, organizations and individuals that join, coordinate and work with, and assist the Environmental Police shall be protected and kept secret in accordance with law.

Article 12. Operation funds of the Environmental Police

Operation funds of the Environmental Police shall be allocated from the state budget.

Chapter IV

RESPONSIBILITIES OF AGENCIES AND ORGANIZATIONS TOWARD THE ENVIRONMENTAL POLICE

Article 13. Responsibilities of the Ministry of Public Security

1. To promulgate according to its competence, or submit to competent agencies for promulgation, legal document on the Environmental Police.

2. To direct and organize the implementation of legal documents on the Environmental Police.

3. To manage the organizational system, payrolls and operation of the Environmental Police; to organize the training and drill for Environmental Police officers and men.

4. To promulgate the list of weapons, explosive materials, supporting tools, technical and professional equipment and facilities of the Environmental Police.

5. To examine, inspect and handle violations, settle complaints and denunciations about the Environmental Police, commend and reward persons with achievements.

6. To direct the international cooperation on information exchange, training, drill and equipping for the Environmental Police.

Article 14. Responsibilities of the Ministry of Natural Resources and Environment

1. To direct its agencies and units to coordinate with and assist the Environmental Police in performing its functions and duties and exercising its powers.

2. To support the Environmental Police in the implementation of projects of research, professional training and drill, international cooperation and consultancy.

Article 15. Responsibilities of ministries, ministerial-level agencies and government-attached agencies

Ministries, ministerial-level agencies and government-attached agencies shall, within the ambit of their functions, duties and powers, direct their respective agencies and units to coordinate with the Environmental Police in performing its functions and duties and exercising its powers.

Article 16. Responsibilities of local administrations

Within the ambit of their duties and powers, local administrations at all levels shall ensure and create conditions for the Environmental Police to perform its functions and duties and exercise its powers.

Article 17. Responsibilities of the Vietnam Fatherland Front and its member organizations

The Vietnam Fatherland Front and its member organizations shall, within the ambit of their duties and powers, conduct public information and mass mobilization, coordinate with one another in preventing and combating crimes and violations related to environment, natural resources and food safety; supervise and assist the Environmental Police in performing its functions and duties and exercising its powers.

Chapter V

IMPLEMENTATION PROVISIONS

Article 18. Effect

This Ordinance takes effect on June 5, 2015.

Article 19. Detailing provision

The Government and competent agencies shall detail the articles and clauses of the Ordinance as assigned.-

Hanoi, December 23, 2014

On behalf of
the National Assembly Standing Committee
Chairman
NGUYEN SINH HUNG