

THE GOVERNMENT**THE SOCIALIST REPUBLIC OF VIETNAM**
Independence - Freedom - Happiness**No. 35/2015/ND-CP***Hanoi, April 13, 2015***DECREE****On management and use of land for rice cultivation^(*)**

Pursuant to the December 25, 2001 Law on Organization of the Government;
Pursuant to the November 29, 2013 Land Law;
Pursuant to the XIIIth National Assembly's Resolution No. 17/2011/QH13 of November 22, 2011, on the land use master plan to 2020 and the national five-year (2011-2015) land use plan;
At the proposal of the Minister of Agriculture and Rural Development,
The Government promulgates the Decree on management and use of land for rice cultivation.

Chapter I**GENERAL PROVISIONS****Article 1.** Scope of regulation

This Decree prescribes the effective management and use of land for rice cultivation; support policies for rice-growing localities to protect and develop land for rice cultivation nationwide.

Article 2. Subjects of application

Domestic agencies, organizations, households and individuals and foreign organizations and individuals involved in the management and use of land for rice cultivation.

Article 3. Interpretation of terms

In this Decree, the terms and phrases below are construed as follows:

1. Land for rice cultivation means land having suitable conditions for growing rice, including land specialized for wet-rice cultivation and other land for rice cultivation.
2. Land specialized for wet-rice cultivation means land having the conditions for growing two or more wet-rice crops a year.
3. Other land for rice cultivation includes remaining land for wet-rice cultivation and land for upland rice cultivation.
4. Remaining land for wet-rice cultivation means land suitable for growing only one wet-rice crop a year.
5. Contamination of land for rice cultivation means the introduction into land hazardous substances and harmful microorganisms and parasites, which consequently changes the structure and compositions of soil, adversely affecting rice production and quality, human and animal health and the environment.

^(*) *Công Báo Nos 525-526 (26/4/2015)*

6. Degradation of land for rice cultivation means activities causing erosion, washout, acidification, salinization or sulfate acidification or aridification of land, which result in fertility decline and nutrient imbalance of land for rice cultivation, consequently reducing rice yield.

7. Deformation of the terrain of land for rice cultivation means activities which change the terrain of a rice field, making the field uneven in terms of structure, nutrients and microorganism system and consequently unsuitable for growing rice.

8. Annual crop means a crop which is sown, grown and harvested and ends its production cycle within 1 (one) year, including annual crops having rootstocks kept for harvesting within 5 (five) years.

9. Perennial crop means a crop which is sown and planted once, grows and produces yields for many years.

10. Combination of aquaculture on land for rice cultivation means combining rice cultivation with aquaculture, including growing one rice crop then one aquaculture crop, or rice cultivation combined with aquaculture.

Chapter II

MANAGEMENT AND USE OF LAND FOR RICE CULTIVATION

Article 4. Plant restructuring on land for rice cultivation

1. Conditions for change from growing rice to growing annual crops or to growing rice in combination with aquaculture:

a/ Not to do away with conditions suitable for growing rice: To neither deform the terrain, nor cause contamination or degradation, of land for rice cultivation; not to damage transport and irrigation works serving rice cultivation;

b/ To conform with commune-level plans to change from rice cultivation into annual crop cultivation or into rice cultivation combined with aquaculture on land for rice cultivation (below referred to as plans on plant restructuring on land for rice cultivation);

c/ For rice cultivation combined with aquaculture, to permit lowering the terrain of maximum 20% of the rice cultivation area for aquaculture, which, however, can be restored for rice cultivation.

2. Land users shall register plant restructuring on land for rice cultivation with commune-level People's Committees. Commune-level People's Committees shall consider conformity with the conditions prescribed in Clause 1 of this Article when receiving written registrations and make statistics to monitor the use of land for rice cultivation.

3. Land for rice cultivation on which crops are restructured and which satisfies the conditions prescribed in Clauses 1 and 2 of this Article shall be still counted as land for rice cultivation, excluding the area on which rice cultivation is changed completely into cultivation of annual crops or aquaculture.

4. The Ministry of Agriculture and Rural Development shall specifically guide the implementation of this Article.

Article 5. Use of land specialized for wet-rice cultivation for non-agricultural purposes

1. When a person who is allocated or leased land specialized for wet-rice cultivation by

the State uses such land for non-agricultural purpose, he/she shall comply with the land law and pay an amount of money for protection and development of land for rice cultivation.

2. Depending on specific local conditions, provincial-level People's Committees shall decide on specific payable levels which must not be 50% lower than the amount of money calculated by multiplying the area of land specialized for wet-rice cultivation to be used for non-agricultural purpose by the price of land for rice cultivation in the land price table applicable at the time of change of land use purpose.

3. A person who is allocated or leased land specialized for wet-rice cultivation by the State shall make a declaration of the payable amount of money corresponding to the allocated or leased land area and pay that amount to the provincial-level budget according to regulations.

Article 6. Responsibilities of users of land for rice cultivation

1. To use land for proper purpose under approved master plans and plans on use of land for rice cultivation.

2. To use land economically without fallowing, contaminating and degrading it. When committing violations, to be handled in accordance with the law on handling of administrative violations in the field of land.

3. To apply proper farming techniques, to rotate and increase crops to raise production effectiveness; to improve and raise soil fertility of land for rice cultivation and protect the environment.

4. To perform their rights and obligations during the land use term under the land law and other relevant laws.

5. When restructuring crops on land for rice cultivation:

a/ To make registration with the commune-level People's Committee according to Clause 2, Article 4 of this Decree;

b/ To neither damage irrigation and inner-field transport works nor adversely affect rice production in adjacent areas;

c/ If damaging irrigation or inner-field transport works, to promptly take remedies and pay damages if adversely affecting rice production of households in adjacent areas;

d/ In case land is temporarily salinized in the aquaculture crop, to take remedies to restore land for rice cultivation right after the aquaculture crop.

6. When changing the use purpose of land for rice cultivation:

a/ To comply with the land law regarding conditions for change of use purpose of land for rice cultivation and Article 5 of this Decree;

b/ To take measures to prevent and control contamination and degradation of the ground and water environments, not to affect rice production in adjacent areas. If causing adverse impacts, to promptly take remedies and pay damages.

Chapter III

SUPPORT POLICIES FOR PROTECTION AND DEVELOPMENT OF LAND FOR RICE CULTIVATION

Article 7. Support for rice-producing localities

1. Based on areas of land for rice cultivation, the State shall prioritize budget funds to support localities in rice production (including funds for investment and regular spending) within state budget allocation quotas decided by competent authorities under the State Budget Law.

2. In addition to state budget supports under current regulations, rice-producing localities are entitled to other state budget supports as follows:

a/ VND 1,000,000/ha/year, for land specialized for wet-rice cultivation;

b/ VND 500,000/ha/year, for other land for rice cultivation other than land for upland rice cultivation which is spontaneously expanded not under master plans and plans on use of land for rice cultivation.

3. Areas of land for rice cultivation eligible for support shall be determined based on provinces' and centrally run cities' land statistics of the year preceding the budget allocation year announced by the Ministry of Natural Resources and Environment.

4. Support for reclamation and improvement of land for rice cultivation:

a/ VND 10,000,000/ha of land for rice cultivation other than land for upland rice cultivation which is reclaimed from unused land or restored from abandoned land. In case different regulations may apply, only one-off support shall be provided for each land parcel at the level decided by the provincial-level People's Committee;

b/ VND 5,000,000/ha of land specialized for wet-rice cultivation which is improved from land for one wet-rice crop or land for other crops under master plans and plans on use of land for rice cultivation.

5. Funding sources and support regime:

a/ Localities receiving additional central budget allocations and Quang Ngai province are entitled to support of 100% of funds;

b/ Localities paying less than 50% of revenues to the central budget are entitled to support of 50% of funds;

c/ Remaining localities shall use local budgets for implementation.

6. Provincial-level People's Committees shall manage and allocate supported funds to protect and develop land for rice cultivation.

Article 8. Use of supported funds

People's Committees of all levels shall use amounts paid by persons who are allocated or leased land specialized for wet-rice cultivation by the State and use such land for non-agricultural purpose and supported funds prescribed in Clause 2, Article 7 of this Decree for protection and development of land for rice cultivation suitable to local conditions as follows:

1. To plan and make maps of zones specialized for growing high-yield and -quality wet rice in conformity with land use master plans and plans and publicize them for implementation.

2. Every ten years, to analyze chemical and physical properties of zones specialized for growing high-yield and -quality wet rice for effective use and appropriate improvement.

3. To improve the quality of land specialized for wet-rice cultivation or remaining land for wet-rice cultivation: To increase the thickness of cultivation layers; to raise low and hollow land for rice cultivation; to increase the evenness of field terrain; to apply organic and microorganic fertilizers and lime; to deacidify or desalinize acid sulfate or saline soil and take other soil improvement measures.

4. To invest in building, repairing and maintaining agricultural and rural infrastructure works in communes, prioritizing investment in transport and irrigation systems on land for rice cultivation.

5. To reclaim and restore unused land into land specialized for wet-rice cultivation or remaining land for wet-rice cultivation.

6. To directly support rice growers in applying new varieties, technical advances and new technologies to rice production; to support joint production and sale of products.

Chapter IV

ORGANIZATION OF IMPLEMENTATION

Article 9. The Ministry of Agriculture and Rural Development

1. To direct and organize rice production and plant restructuring on land for rice cultivation under this Decree and other relevant documents.

2. To guide the implementation of Article 4 of this Decree.

3. To develop plans and policies to support plant restructuring on land for rice cultivation and submit them to competent authorities for approval.

Article 10. The Ministry of Natural Resources and Environment

1. To summarize and balance demands for land for rice cultivation of ministries, sectors and provincial-level People's Committees; to plan the allocation of national quotas of land for rice cultivation to each socio-economic region and provincial-level administrative unit, clearly specifying demands for land for rice cultivation and areas of land for rice cultivation subject to use purpose change.

2. To guide provincial-level People's Committees in determining specific areas and boundaries of land for rice cultivation in the field and make maps of land for rice cultivation.

3. To annually review and report on the management and use of land for rice cultivation in localities to the Prime Minister.

4. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and related ministries and sectors in, inspecting and examining the management and use of land for rice cultivation in localities nationwide.

Article 11. The Ministry of Finance

1. To balance regular budget expenditures to support rice-producing localities.

2. To assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment and the Ministry of Agriculture and Rural Development in, allocating budget funds to rice-producing localities.

3. To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, guiding the payment, management and use of amounts prescribed in Article 5 and funding sources prescribed in Clause 2, Article 7 of this Decree.

Article 12. Other ministries and sectors

Other ministries and sectors shall, according to their assigned functions and tasks, coordinate with the Ministry of Agriculture and Rural Development, the Ministry of Natural

Resources and Environment, the Ministry of Finance and the Ministry of Planning and Investment in implementing relevant provisions of this Decree.

Article 13. Provincial-level People's Committees

1. To implement provisions on management and use of land for rice cultivation of their localities under this Decree and other relevant legal documents.

2. To publicly announce and strictly manage their approved local master plans and plans on use of land for rice cultivation; to determine the boundaries and make maps of areas of land for rice cultivation and zones specialized for growing high-yield and -quality wet rice.

3. Chairpersons of provincial-level People's Committees shall take responsibility before law and the Government for the protection of areas, boundaries and quality of land for rice cultivation under approved master plans and plans on use of land for rice cultivation.

4. To determine annual crops or types of aquatic species suitable for plant restructuring on land for rice cultivation in their localities in accordance with this Decree. To direct professional agencies in planning and implementing plant restructuring on land for rice cultivation of their localities.

5. Based on specific local conditions, to decide on support policies other than those prescribed in this Decree for effective management and use of land for rice cultivation.

6. To annually report on the management and use of land for rice cultivation in their localities to the Ministry of Natural Resources and Environment; to report on the allocation and use of funds for protection and development of land for rice cultivation to provincial-level People's Councils.

7. To inspect and examine the management and use of land for rice cultivation in their localities.

Chapter V

IMPLEMENTATION PROVISIONS

Article 14. Transitional provisions

Support policies for rice-producing localities and rice producers prescribed in Articles 10 and 11 of Decree No. 42/2012/ND-CP will be further implemented through December 31, 2015.

Article 15. Effect

1. This Decree replaces the Government's Decree No. 42/2012/ND-CP of May 11, 2012, on management and use of land for rice cultivation, and takes effect on July 1, 2015.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and related organizations and persons shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG