

DECREE

DETAILING THE IMPLEMENTATION A NUMBER OF ARTICLES OF THE LAW ON WATER RESOURCES

Pursuant to the Law on Government organization dated December 25, 2001;

At the request of the Minister of Natural Resources and Environment;

The Government promulgates the Decree detailing the implementation a number of articles of the Law on Water Resources,

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope

This Decree provides for the collection of opinions of local community representatives when exploiting water resources and discharging wastewater into water sources; baseline study on water resources; granting water permits; Fee for granting water exploitation right and transferring such right; river basin organizations; managing and supervising the exploitation, use, protection of water resources, the prevention and mitigation of negative effects of water on the river basins.

Article 2. Collection of opinions of local community representatives and relevant entities when exploiting water resources and discharging wastewater into water sources

The collection of opinions of local community representatives and relevant entities when exploiting water resources and discharging wastewater into water sources which is prescribed in Article 6 of the Law on Water Resources shall be carried out as follows:

1. The projects which have water exploitation works and wastewater discharge works opinions about which are compulsory include:

a) Lakes, dams having the capacity of 500 millions m³ and above; works serving the exploitation of surface water with the flow rate of 10 m³/sec and above;

b) Works which are used for carrying water between sources;

c) Lakes and dams that interrupt the natural flow of rivers or streams for a part of one (01) km and above;

d) Works which are used for discharging wastewater with the flow rate of 10,000 m³ per day and above;

dd) Works which are used for exploiting underground water with the flow rate of 12,000 m³ per day and above;

e) If a project which is prescribed in this Clause involves state secrets, the collection of opinions shall not be required.

2. Opinions shall be collected during:

a) The process of project planning with regard to the cases which are prescribed in Points a, b, c and d Clause 1 this Article;

b) The exploration for underground water of the projects prescribed in Point dd Clause 1 this Article.

3. The information which is provided in order to collect opinions includes:

a) An explanation and fundamental design of the project (feasibility study report) enclosed with the request which is sent to a competent agency for assessing the project;

b) The construction plan of the project;

c) The construction schedule;

d) The measures for protecting water resources and ensuring sufficient water supply at the upstream and downstream compared with the project during the construction, the operation and the suspension of the work;

dd) The information prescribed in Clause 1 Article 3 of this Decree;

e) Other figures and documents related to the exploitation of water resources and the discharge of wastewater.

4. Surveying authorities:

a) The People's Committee of the district through which an intra-provincial water source run shall collect opinions on projects to exploit the water source or discharge wastewater into it which are prescribed in Points a, c and d Clause 1 this Article;

a) The People's Committee of the province through which an inter-provincial water source run shall collect opinions on the projects to exploit the water source or discharge wastewater into it which are prescribed in Points a, c and d Clause 1 this Article;

c) The People's Committee of the district from which the water from intra-provincial water source is carried shall collect opinions on the projects to carry the water;

d) The People's Committee of the province through which the carried water from an inter-provincial water source run shall collect opinions on the projects to carry the water;

dd) The People's Committee of the district in which projects of underground water exploitation are expected to be located shall collect opinions on the projects which are prescribed in Point dd Clause 1 this Article.

5. Procedures for collecting opinions:

a) A project owner shall send a dossier of documents prescribed in Clause 3 this Article to the People's Committee and the Office of Natural Resources and Environment of the district, if the authority collecting opinions is the People's Committee of the District. The dossier shall be sent to the provincial People's Committees and the Service of Natural Resources and Environment, if the authority collecting opinions is the provincial People's Committee;

b) If the authority collecting opinions is the People's Committee of the District, the Office of Natural Resources and Environment shall assist the People's Committee of the district in holding meetings with the relevant agencies, organizations, and individuals in order to ask for their opinions on the project or discussion with the project owner within thirty (30) working days from the receipt of the dossier. The Office shall then process their opinions to submit them to the People's Committee of the district for sending them to the project owner;

c) If the authority collecting opinions is the provincial People's Committee, the Service of Natural Resources and Environment shall assist the provincial People's Committee of the district in holding meetings or discussions with the relevant agencies, organizations, and individuals in order to ask for their opinions on the project within forty (40) working days from the receipt of the dossier. The Service shall then process their opinions to submit them to the provincial People's Committee for sending them to the project owner;

d) Apart from the information prescribed in Clause 3 this Article, the project owner is responsible for providing figures of, reports and other information on the project for the agencies prescribed in Clause 4 this Article upon their requests and directly make the presentation in the meetings which serves the collection of opinions in order to classify issues related to the project.

6. The project owner is responsible for receiving and processing opinions and giving explanations. The opinions and explanations provided in writing are among the project documents which are submitted to competent authorities and required to be enclosed with the application for a water permit.

7. The collection of opinions or notifications before planning for projects prescribed in Clauses 2, 3 Article 6 of the Law on Water Resources:

a) With regard to a project to carry water from an intra-provincial water source:

- The project owner shall send an opinion request, the project plans (scale, methods) and the relevant information and figures to the Service of Natural Resources and Environment and the People's Committees of the district and commune in which the intra-provincial water source is carried.

- Within forty (40) working days from the receipt of such documents of the project owner, the Service of Natural Resources and Environment is responsible for assisting the People's Committees of the district and the commune in holding meetings in order to give advice on the proposed scale and methods or talk directly with the project owner; processing opinions and sending them to the project owner.

b) With regard to a project to carry water from an inter-provincial water source or construct a reservoir or dam in the inter-provincial river basin:

- The project owner shall send requests for opinions, the project plans (scale, methods) and the relevant information and figures to the People's Committees of the provinces through which the water from interprovincial water is carried or the main stream of interprovincial water source run, the river basin organization and the relevant Services of Natural Resources and Environment;

- Within seven (07) working days from the receipt of such documents of the project owner, the Service of Natural Resources and Environment is responsible for sending the documents to the relevant services and agencies of the province;

- Within sixty (60) working days from the receipt of the project owner's documents:

- + The river basin organization must send a written reply to the project owner;

- + The Service of Natural Resources and Environment is responsible for holding meetings with the relevant services, agencies of the province and entities in order to ask for opinions on the planned work or talk directly with the project owner, processing and sending opinions to the People's Committee in order for the People's Committee to send them to the project owner.

c) With regard to a project to construct a reservoir or dam on a tributary of an inter-provincial river basin:

Before planning for the investment project, the project owner must report the scale and construction methods of the work to the river basin organization and the People's Committees of the provinces in the river basin.

d) Based on the given opinions, the project owner shall make the complete construction methods and request licensing agencies for approving the scale and construction methods before planning for the investment project.

8. The project owner shall bear the expenditure of the collection of opinions.

Article 3. Publishing information

The publication of information related to the exploitation of water resources or discharge of wastewater into water sources which is prescribed in Point b Clause 1 Article 6 of the Law on Water Resources shall be carried out as follows:

1. Every project owner prescribed in Points a, b, c, d and dd Clause 1 Article 2 of this Decree must publish the following information:

a) With regard to the works prescribed in points a, b and c Clause 1 Article 2 of this Decree:

- The purposes of the exploitation of water;

- The water source exploited;

- The location of water exploitation site;

- The methods of the exploitation of water;

- The amount of exploited water;

- The duration of the exploitation of water;

- The basic characteristics of the lake or dam (if the project is construction of a lake or a dam).

b) With regard to the works prescribed in points d Clause 1 Article 2 of this Decree:

- The type of wastewater;
- The receiving waters;
- The location of wastewater discharge;
- The flow rate and methods of the wastewater discharge;
- The limits on and concentration of pollutants in wastewater.

c) With regard to the works prescribed in point dd Clause 1 Article 2 of this Decree:

- The purposes of the exploitation of water;
- The location of water exploitation site;
- The stratum in which the water source locates, the dept of the exploitation;
- The total number of water wells;
- The total amount of exploited water;
- The policy on the water exploitation
- The duration of the exploitation of water;

2. The publication of information shall be carried out as follows:

a) It shall be published through mass media of the People's Committees of the districts and the websites of the provincial People's Committees prescribed in Clause 3 Article 2 of this Decree;

b) During thirty (30) working days before and during the construction, the project owner must publish the information prescribed in Clause 1 this Article at the People's Committees of the district and the commune in which the construction site locates.

Article 4. National council on water resources

1. The National council on water resources is established for the purpose of assisting the Government and the Prime Minister in the important decisions on water resources within the competence of the Government and the Prime Minister.

2. The chairman of the National council on water resources is a Deputy Prime Minister; its vice chairman is the Minister of Natural Resources and Environment; the councilors are the Heads of the

relevant Ministries and agencies which are approved by the chairman. The Ministry of Natural Resources and Environment is the standing authority of the Council

3. The National council of water resources shall establish the Office of the National council on water resources (hereinafter referred to as Water resource office) in the Ministry of Natural Resources and Environment. The organization and operation of the water resource office are decided by the chairman of the National council on water resources.

4. The Prime Minister shall decide the entitlements and tasks of the National council on water resources.

Article 5. River basin organizations

1. The organization and operation of a river basin organization shall be decided by an interdisciplinary organization.

The river basin organization is responsible for submitting proposals on conditioning and distributing water resources, supervising the exploitation and protection of water resources, the prevention and mitigation of negative effects of water on the river basin or some of inter-provincial river basins to competent authorities.

2. The Prime Minister shall decide the establishment of the river basin organizations of the Red River – Thai Binh River, Mekong River basins at the requests of the Minister of Natural Resources and Environment.

3. The Minister of Natural Resources and Environment shall establish river basin organizations of other inter-provincial river basins other than those prescribed in Clause 2 this Article at the requests of the Heads of State management agencies specialized in water resources.

Chapter 2

BASELINE STUDY OF WATER RESOURCES

Article 6. Obligation to conduct surveys on water resources

The obligation to conduct surveys of water resources which is prescribed in Clause 2 Article 12 of the Law on Water Resources shall be discharged as follows:

1. The Ministry of Natural Resources and Environment shall conduct surveys on international and inter-provincial water resources; process the survey results of water resources of the inter-provincial river basins and the country.

2. The provincial People's Committees shall conduct surveys on inter-provincial and intra-provincial water sources; process the survey results of inter-provincial and intra-provincial water resources and the send them to the Ministry of Natural Resources and Environment.

Article 7. Statistical surveys of water resources

1. The statistical surveys of water resources are conducted consistently all over the country, once every five (05) years, according to the plan for socio-economic development.

2. Obligation to make statistical surveys of water resources:

a) The Ministry of Natural Resources and Environment shall take charge and cooperate with the relevant Ministries, ministerial-level agencies in developing schemes for making and sending the national statistical survey of water resources to the Prime Minister; make statistical survey of international and inter-provincial water sources; process and publish results of the statistical survey of the basins of interprovincial rivers and water sources nationwide;

b) The provincial People's Committees shall make statistical survey of intra-provincial water sources; process and send the statistical survey of intra-provincial river basins and local water sources to the Ministry of Natural Resources and Environment;

c) The Ministries and ministerial-level agencies, within their areas of competence, shall cooperate with the Ministry of Natural Resources and Environment and the provincial People's Committees in making the statistical survey of water resources.

3. The Ministry of Natural Resources and Environment shall provide guidelines on contents, templates for water resource statistical survey sheet and report.

Article 8. Investigation into the exploitation of water resources and discharge of wastewater

1. The obligation to investigate into the exploitation of water resources and discharge of wastewater into water sources

a) The Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development, the Ministry of Construction, the Ministry of Transportation, the Ministry of Culture, Sport and Tourism, and the relevant Ministries, ministerial-level agencies, within their areas of competence, are responsible for studying and sending reports on the use of water resources to the Ministry of Natural Resources and Environment;

b) The Ministry of Natural Resources and Environment shall study the exploitation of and discharge of wastewater into the international and inter-provincial water sources; make the report on the exploitation of water resources and discharge of wastewater into water sources in inter-provincial river basins and all over the country;

c) The provincial People's Committees, within their areas of competence, shall investigate into the exploitation of and discharge of wastewater into intra-provincial rivers and local water sources; make reports on the exploitation of and discharge of wastewater into intra-provincial rivers and local water sources and send them to the Ministry of Natural Resources and Environment;

2. The Ministry of Natural Resources and Environment shall decide the contents, survey sheet templates and procedures for conducting the investigation into the exploitation of water resources and discharge of wastewater into water sources

Article 9. Observation of water resources

1. The network of water resource observation includes:

a) The central observation network including the rainfall observation stations; observation stations of the flow rate, level and quality of the international, inter-provincial and important intra-provincial surface waters, coastal seawater; observation stations of the level and quality of the inter-provincial or highly potential underground waters;

b) Local observation networks including the rainfall observation stations; observation stations of the flow rate, level and quality of the local surface and underground waters which are connected to the Central observation network.

2. The Ministry of Natural Resources and Environment shall take charge and cooperate with the provincial People's Committees in developing planning of nationwide network of water resource observation and request the Prime Minister for considering approval.

3. The Ministry of Natural Resources and Environment shall establish and manage the water resource observation of the central observation network based on the planning of the network of water resource observation; the Services of Natural Resources and Environment shall construct and manage the water resource observation of the local observation networks.

4. The Ministry of Natural Resources and Environment shall provide guidelines on the contents, policies of water resource observation prescribed in this Article.

Article 10. Construction and maintenance of forecast and warning systems of flood, drought, saltwater intrusion, rise of sea level and other negative effects of water

1. The forecast and warning systems of flood, drought, saltwater intrusion, rise of sea level and other negative effects of water shall be developed in each river basin and integrated into the water resource database .

2. The Ministry of Natural Resources and Environment must:

a) Construct and maintain the forecast and warning systems of flood, drought, saltwater intrusion, rise of sea level and other negative effects of water;

b) Make forecasts, issue warnings and ensure information serving the prevention and mitigation of damage caused by flood, drought, saltwater intrusion, rise of sea level and other negative effects of water according to the regulations of the Law on water resources and the Law on prevention and mitigation of disasters.

3. The Ministries, ministerial-level agencies, provincial People's Committees, shall construction and maintain the forecast and warning systems which serve the operation of Ministries, sectors and local authorities according to the demand for the prevention and mitigation of flood, drought, saltwater intrusion, rise of sea level and other negative effects of water.

Article 11. Water resource databases

1. The water resource databases include:

a) The national water resource database;

b) The local water resource databases.

2. Obligations of Ministries, ministerial-level agencies and provincial People's Committees:

a) The Ministry of Natural Resources and Environment shall decide the categories and standards of data; establish and manage the national water resource database and the access and share of such database;

b) the Ministry of Agriculture and Rural development, The Ministry of Industry and Trade, the Ministry of Construction and the relevant Ministries, ministerial-level agencies, within their areas of competence, establish and manage the database of their use of water and integrate the database with the national water resource database;

c) Provincial People's Committees shall establish and manage the local water resource database and integrate the database with the national water resource database.

Article 12. Report on use of water resources

1. The Ministry of Agriculture and Rural Development, the Ministry of Construction and the relevant Ministries, ministerial-level agencies, the provincial People's Committees, within their areas of competence, are responsible for sending annual reports on the use of water resources to the Ministry of Natural Resources and Environment before January 30 of the upcoming year;

2. The Ministry of Natural Resources and Environment shall provide guidelines on the contents and template of the report on the use of water resources.

Chapter 3

PROTECTION AND EXPLOITATION OF WATER RESOURCES

Article 13. Reforestation and funding for forest protection and development

1. The Ministry of Agriculture and Rural development is responsible for providing guidelines on the reforestation.

2. The Ministry of Finance shall take charge and cooperate with the Ministry of Agriculture and Rural development and the Ministry of Natural Resources and Environment in requesting the Government for deciding the funding for forest development in the basins of reservoirs and the protection and development of upstream forests.

Article 14. Underground water exploration

1. Before constructing a work serving the exploitation of underground water, the project owner must carry out an exploration in order to find out the reserve, quality and exploitation possibility. A permit for underground water exploration is required for carrying out the exploration except the cases in which it is allowed to exploit underground water without any permit.

2. Every entity who carries out the underground water exploration must meet the requirements for drilling for water of the Ministry of Natural Resources and Environment and obtain a permit for drilling for underground water which is issued by competent authorities.

3. During the exploration, the entity carrying out the work must:

- a) Ensure the safety for people and the work serving the exploration;
- c) Ensure the prevention and treatment of land subsidence, saltwater intrusion and pollution of aquifers;
- c) Backfill the damaged or unused borehole when the exploration is finished;
- d) Take measures for protecting the underground water and the environment.

4. The exploration project owner must:

- a) Cooperate with the entity carrying out the exploration in supervising and inspecting the adherence to the regulations prescribed in Clause 3 this Article. The exploration shall be stopped if any violation is found;
- b) Take remedial measures for any arising problem and pay compensation for any damage according to the regulations of the Law;
- c) Report the exploration results to the authorities prescribed in Article 29 of this Decree.

Article 15. Water permits

1. Water permits include permit for underground water exploration; permit for surface water exploitation; permit for underground water exploitation; permit for seawater exploitation; wastewater discharge permit.

2. Every water permit shall have the following contents:

- a) Name of the permit holder;
- b) Descriptions of the work serving the water exploration, exploitation or wastewater discharge;
- c) The explored or exploited water sources or receiving waters;
- d) Scale, capacity, flow rate, primary parameters of the work; the using purposes of the water exploitation permit;
- dd) Policy on and methods of water exploitation or wastewater discharge;
- e) Validity period of the permit;
- g) The specific requirements for each case of exploration, exploitation of water or wastewater discharge according to the licensing agency in order to protect the water source, lawful rights and interests of the relevant entities;
- h) Entitlements and obligations of the holder of the permit

Article 16. Cases in which water exploitation, use and wastewater discharge are exempt from registration or licensing

1. The cases of the exploitation of water which are prescribed in Points a, c, d and dd Clause 1 Article 44 of the Law on Water Resources but not subject to the regulations prescribed in Clause 2 Article 44 of the Law on Water Resources.

2. The water exploitation on a small scale which serves the manufacturing, goods sale, and/or service provision according to Points b Clause 1 Article 44 of the Law on Water Resources, including:

a) The underground water exploitation with the capacity of 10 m³/day and below which serves the manufacturing, goods sale, and/or service provision and are not subject to the regulations prescribed in Clause 2 Article 44 of the Law on Water Resources;

b) The surface water exploitation with the capacity of 0.1 m³/sec and below which serves the agricultural production and aquacultural farming;

c) The surface water exploitation with the capacity of 100 m³/day and below which serves non-agricultural manufacturing, goods sale, and/or service provision;

d) The surface water exploitation serving power generation with the capacity of 50 kW and below;

dd) The seawater exploitation with the capacity of 10,000 m³/day and below which serve the manufacturing, goods sale, and/or service provisions on land; the seawater exploitation which serves the activities on sea, islands.

3. The cases in which wastewater discharge is exempt from registration or licensing prescribed in Clause 5 Article 37 of the Law on Water Resources, including:

a) The discharge of domestic wastewater;

b) The wastewater discharges of production and business establishments with the capacity of 5 m³/day and below without harmful chemicals and radioactive substances;

c) The discharge other than the cases prescribed in Point b this Clause of wastewater of production and business establishments into the common wastewater treatment systems which are issued with wastewater discharge permits by competent authorities according to conditions in contracts or agreements signed with the entities who manage and operate such systems;

d) The wastewater discharges of aquaculture farming establishments with the capacity of 10,000 m³/day and below or the aquaculture farms on the sea, rivers, streams and lakes.

Article 17. Registration of underground water exploitation

1. The entities exploiting underground water which are defined in Points a Clause 2 Article 16 of this Decree, or defined Points a, d Clause 1 Article 44 of the Law on Water Resources and located in areas prescribed in Points b, c, d and dd Clause 4 Article 52 of the Law on Water Resources must apply for registration of underground water exploitation.

2. The provincial People's Committees shall decide and announce the areas in which the underground water exploitation is required to be registered, decide the jurisdiction over the registration of exploitation of local underground water sources.

3. The Ministry of Natural Resources and Environment shall instruct the determination of areas in which the underground water exploitation is required to be registered, decide the necessary documents, procedures for registering the underground water exploitation.

Article 18. Regulations on issuing permits

1. Permits must be issued in accordance with the Law with regard to authority, recipient and procedures.

2. It is required to ensure the interests of the Government, lawful rights and interests of the relevant entities; ensure the protection of water resources and the environment according to the regulations of the Law.

3. The issuance of permits for water resource exploitation serving domestic water supply are preferred.

4. The water exploration, exploitation and wastewater discharge must not cause exhaustion or pollution of water sources.

5. Permits must be issued according to the approved water resource planning.

Article 19. Bases for issuing permits

1. Issuance of water permits must be based on:

a) National, sectoral, regional and local strategy and planning of socio-economic development;

b) Water resource planning approved by competent authorities; if there is no water resource planning, the capacity and possibility of pollution and exhaustion of the water sources shall be considered.

c) The local water exploitation;

d) Assessment of competent authorities of the applications for the water permits;

dd) The demands for water exploitation and wastewater discharge which are described in the applications;

2. Apart from the bases prescribed in Clause 1 this Article, the wastewater discharge permit must be issued based on:

a) The national regulations and standards on the water quality of wastewater and the receiving waters; the environmental protection requirements applied to wastewater discharge which are approved by competent agencies;

b) Function of the water source;

c) The capacity of the receiving waters;

d) The sanitary protection zone of the area in which water used for domestic purposes is taken, protection corridor of water resources.

3. Apart from the bases prescribed in Clause 1 this Article, the permits for exploration and exploitation of underground water must be issued according to Clauses 4 and 5 Article 52 of the Law on Water Resources.

Article 20. Requirements for being issued with permits

An applicant must fulfill the following requirements in order to be issued with a permit:

1. Opinions of the local community and other relevant entities have been collected according to this Decree.

2. The application has schemes, reports which are suitable for the approved water resource planning, or the production/receiving capability of the water source. The schemes, reports must be developed by qualified entities according to the regulations of the Ministry of Natural Resources and Environment; the information and figures used in the schemes, reports must be sufficient and accurate.

The plans and measures for treating wastewater which are proposed in the schemes, reports must ensure that the wastewater shall meet required technical regulations and standards; the design or the water exploitation work must be suitable for the scale, exploited source and fulfill the environmental protection requirements

3. Apart from the requirements prescribed in Clauses 1, 2 this Article, the entity applying for wastewater discharge permit must fulfill the following requirements:

a) Have equipment, staff or entered into contract with a qualified entity for operating the wastewater treatment system and observing the wastewater discharge if there is a wastewater treatment system;

b) Have plans for distributing equipment, staff in order to operate the wastewater treatment system and observe the wastewater discharge if the wastewater treatment system has not been built;

c) Have required plans, equipment for water pollution treatment and wastewater discharge observation in the cases prescribed in Point d Clause 1 Article 2 of this Decree.

4. Apart from the requirements prescribed in Clause 1 and Clause 2 this Article, the entity who carries out the exploitation of underground water with the capacity of 3000 m³/day or above must have equipment, staff or enter into contract with a qualified entity for observing and supervising the water exploitation.

5. Apart from the requirements prescribed in Point b Clause 2 Article 53 of the Law on Water Resources, Clauses 1, 2 this Article, the entity who carries out the exploitation of surface water with a work built on river or stream must fulfill the following requirements:

a) Have plans for distributing equipment, staff in order to operate the reservoir, carry out surveys and supervision of the water exploitation; methods for carrying out observation of meteorology and

hydrology, forecasting the volume of water running in the reservoir in order to facilitate the operation of the reservoir if the work has not been built;

a) Have procedures for operating the reservoir; necessary equipment, staff or entered into contract with a qualified entity for operating the reservoir, supervising the water exploitation , carrying out observation of meteorology and hydrology and forecasting the volume of water running in the reservoir in order to facilitate the operation of the reservoir if the work is built.

Article 21. Validity period of permits;

1. The validity period of water permits is regulated as follows:

a) The permits for exploiting surface water and seawater shall be valid for five (05) to fifteen (15) years and may be repeatedly renewed for three (03) to ten (10) years;

b) The permits for underground water exploration shall be valid for two (02) years and may be renewed only one time for not more than one (01) year;

c) The permit for underground water exploitation shall be valid for three (03) to ten (10) years and may be repeatedly renewed for two (02) to five (05) years;

d) The wastewater discharge permit shall be valid for three (03) to ten (10) years and may be repeatedly renewed for two (02) to five (05) years;

If an applicant requests a permit of which the duration is shorter than the minimum duration prescribed in this Clause, the permit shall be issued or renewed as requested.

2. Based on the conditions of each water source, the adequacy of information, surveyed figures, water resource assessment and the application for issuance or renewal of a permit, the licensing agency shall decide the validity period of the permit.

Article 22. Renewal of permits

1. The permits must be renewed in accordance with Articles 18, 19, 20 of this Decree and the following requirements:

a) The application for renewing permit is sent at least ninety (90) days before the expiry of the permit;

b) The permitted entity has fulfilled all the obligations related to the issued permit according to the regulations of the Law and there is no dispute up to the date of extension;

c) The plans for water exploitation or wastewater discharge of the applicant are suitable for the water resources planning and the capability of the water source up to the date of renewal.

2. The applicant must file an application for a new permit for water exploitation or wastewater discharge in the cases other than those prescribed in Point a Clause 1 this Article.

Article 23. Modification of permits

1. The cases in which the permit for underground water exploration is required to be modified:

- a) The ground conditions are not appropriate for carrying out some of the works in the approved exploration scheme;
- b) There are differences between the actual hydrogeological structure and the one in the approved exploration scheme;
- c) The exploration volume is varied more than 10% compared with the one in the approved exploration scheme.

2. The cases in which the permit for water exploitation is required to be modified:

- a) The water source cannot provide the normal water supply;
- b) The demand for exploitation of water increases while there is no solution for treatment and/or improvement of the water source;
- c) An emergency case which requires the exploitation of water to be limited arises;
- d) The water exploitation caused land subsidence, damage to the work, saltwater intrusion, exhaustion and/or water pollution;
- dd) The actual exploitation production of the permit holder is less than 70% compared with permitted production for consecutive twelve (12) months without any explanation sent to the licensing agency;
- e) The permit holder requests the contents other than those prescribe in Clause 4 this Article in the permit be modified.

3. The cases in which the water discharge permit is required to be modified:

- a) The receiving waters cannot receive wastewater any more;
- b) The demand for wastewater discharge increases while there is no solution for treatment and/or improvement of the water source;
- c) An emergency case which requires the wastewater discharge to be limited arises;
- d) The function of the water source is changed;
- dd) The permit holder requests the contents other than those prescribe in Clause 4 this Article in the permit be modified.

4. The contents in a permit which cannot be modified are:

- a) The water sources; the receiving waters;
- b) The amount of exploited water if it is more than 25% compared with the amount in the issued permit;

b) The volume of discharged water if it is more than 25% compared with the amount in the issued permit;

d) Parameters, concentration of pollutant, applied standards in the wastewater discharge permit, except the cases in which the licensing agency or the permit holder requests higher standards be applied.

If any content prescribed in this Clause is required to be modified, the permit holder shall file an application for a new permit.

5. The permit holder who wants to modify his/her permit shall file an application for modifying permit according to the regulations of this Decree; if the licensing agency modifies a permit, it must notify the permit holder at least ninety (90) days before the modification.

Article 24. Suspension of permits

1. A permit shall be suspended if its holder commits one of the following violations:

a) Violate the regulations in the permit that causes pollution and/or exhaustion of the water source;

b) Transfer the water exploitation right without the approval of competent agencies;

c) Fail to fulfill financial obligations according to the regulations;

d) Use the permit for illegal activities.

2. Suspension period of the permit is:

a) Not more than three (03) months if it is a permit for underground water exploration;

b) not more than twelve (12) months if it is a permit for exploitation of water or wastewater discharge permit.

3. During the suspension of the permit, the holder does not have the rights related to the permit and must take remedial measures and compensate for any damage (if any) according to the regulations of the Law.

4. If the period of the suspension of the permit is over but the licensing agency does not have any decision, the holder regains the rights and takes on obligations of the permit.

Article 25. Revocation of permits

1. A permit shall be revoked in the following case:

a) Any document or information in the application for the permit is found to be forged or falsified;

b) The permitted organization is dissolved or declared bankrupt by the courts; the permitted individual died, is declared dead by the courts, incapable of civil acts or declared missing;

c) The permit holder commits violations against the decision of suspension of the permit, repeats a violation once or more against the regulations of the permit.

d) The permit is issued ultra vires;

dd) The permit is revoked by competent authorities due to National defense and security reasons, national or public interests;

e) The permit is issued but its holder does not fulfill the financial obligations and take the permit.

2. If the permit is revoked as prescribed in Points a, c Clause 1 this Article, the holder may be issued with another permit after three (03) years from the revocation date and all the obligations related to the revocation are fulfilled.

3. If the permit is revoked as prescribed in Point d Clause 1 this Article, the licensing agency shall consider issuing another permit to the holder.

4. If the permit is revoked as prescribed in Point dd Clause 1 this Article, the holder shall receive a compensation for damage and receive a refund of the fee for permit issuance according to the regulations of the Law.

Article 26. Return of permit, termination of permit validity

1. The holder of a water permit may return the permit to the licensing agency with explanation if the holder no longer wishes to use the permit.

2. The permit validity shall be terminated in the following cases:

a) The permit is revoked;

b) The permit is expired;

c) The permit is returned.

3. If the permit validity is terminated, the relevant rights shall also be lost.

Article 27. Reissuance of permits

1. A permit is reissued in the following cases:

a) The permit is lost or damaged;

b) The name of the permit holder is change due to the transfer, merger, division or restructuring of the organization in which the manager and/or the operator of the work of water exploration, exploitation or wastewater discharge are changed but the other contents remain unchanged.

2. The validity period of the reissued permit is the remaining valid duration of the existing permit.

Article 28. Jurisdiction of issuance, renewal, modification, suspension, revocation and reissuance of water permits

1. The Ministry of Natural Resources and Environment has the power to issue, renew, modify, suspend, revoke and reissue the following water permits:

- a) Permits for water exploitation for works of national importance in the jurisdiction of the Prime Minister;
- b) Permits for underground water exploration for works having the capacity of 3,000 m³/day and above;
- c) Permits for surface water exploitation which serve agricultural production, aquaculture farming with the capacity of 2 m³/sec and above;
- d) Permits for surface water exploitation which serve power generation with the capacity of 2,000 kW and above;
- dd) Permits of surface water exploitation which serve other purpose with the capacity of 50,000 m³/day and above;
- e) Permits for seawater exploitation which serve the purpose of manufacturing, goods sales and service provisions with the capacity of 100,000 m³/day and above;
- g) Permits for wastewater discharge which serves aquacultural activities with the capacity of 30,000 m³/day and above;
- h) Permits for wastewater discharge which serves other activities with the capacity of 30,000 m³/day and above;

2. The provincial People's Committees has the power to issue, renew, modify, suspend, revoke and reissue water permits other than those prescribed in Clause 1 this Article.

Article 29. Agencies receiving and managing applications for water permits

Agencies receiving and managing applications for water permits (hereinafter referred to as application-receiving agencies) include:

- 1. The Department of Water Resource Management of the Ministry of Natural Resources and Environment shall receive, check and manage applications for the cases within the jurisdiction of the Ministry of Natural Resources and Environment.
- 2. The Services of Natural Resources and Environment shall receive, check and manage applications for the cases within the jurisdiction of provincial People's Committees.

Article 30. Application for issuing, renewing, modifying permits for underground water exploration

1. Every application for permit for underground water exploration includes:

- a) The written request for the issuance of permit for underground water exploration;

b) A scheme for underground water exploration if the capacity of the work is 200 m³/ day or above; a design of exploration boreholes if the capacity of the work is below 200 m³/ day.

2. Every application for renewing, modifying a permit for underground water exploration includes:

- a) The written request for renewal or modification of the permit for underground water exploration;
- b) The report on the adherence to the regulations in the permit;
- c) A copy of the issued permit.

3. The Ministry of Natural Resources and Environment shall provide the templates for and contents of the schemes and reports mentioned in this Article.

Article 31. Application for issuing, renewing, modifying permits for underground water exploitation

1. Every application for issuing underground water exploitation includes:

- a) The request for the issuance of the water permit;
- b) A map of the area in which the location of the work is marked;
- c) The exploration result on the water reserve of the underground water source and the exploitation methods if the capacity of the work is 200 m³/ day or above; or the result of exploitation boreholes if the capacity of the work is below 200 m³/day and the work has not been built; the report on the water exploitation if the exploitation work is in operation;
- d) Results of water quality analysis which are obtained within six (06) month before the submission of the application.

If the underground water exploitation work has not been built, the application for issuing the permit must be submitted in the stage of investment preparation.

2. Every application for renewing or modifying a permit for underground water exploitation includes:

- a) The written request for renewal or modification of the permit;
- b) Report on the exploitation of the water and the adherence to the regulations of the permit. If the capacity of the work, the number of exploitation boreholes or level of the exploited water needs to be modified, the exploitation methods are required to be specified;
- c) Results of water quality analysis which are obtained within six (06) month before the submission of the application;
- d) A copy of issued permit.

3. The Ministry of Natural Resources and Environment shall provide templates, contents of the reports and schemes mentioned in this Article.

Article 32. Applications for issuing, renewing and modifying permits for exploitation of surface water and seawater

1. Every application for issuing the permit for exploitation of surface water or seawater includes:

- a) The written request for the permit;
- b) The scheme for water exploitation if the work has not been built; the report on the water exploitation enclosed with the procedures for operation if the work is built (if the procedures for operation is required);
- c) Results of water quality analysis which are obtained within six (03) month before the submission of the application;
- d) A map of the area in which the location of the work is marked.

If the work of exploitation of surface water or seawater has not been built, the application for issuing the permit must be submitted in the stage of investment preparation.

2. Every application for renewal or modification of a permit for exploitation of surface water and seawater includes:

- a) The written request for renewal or modification of the permit;
- b) Report on the exploitation of the water and the adherence to the regulations of the permit. If the capacity of the work, methods, policy and procedures for exploiting water need to be modified, the scheme of water exploitation is required to be enclosed;
- c) Results of water quality analysis must be obtained within six (03) month before the submission of the application;
- d) A copy of issued permit.

3. The Ministry of Natural Resources and Environment shall provide templates, contents of the reports and schemes mentioned in this Article.

Article 33. Applications for issuing, renewing and modifying wastewater discharge permits

1. Every application for issuing the wastewater discharge permit includes:

- a) A written request for the issuance of the permit;
- b) The scheme for discharging wastewater and the procedures for operating the wastewater treatment system if the discharge of wastewater has not been begun; report on the discharge of wastewater and the procedures for operating the wastewater treatment system if the discharge of wastewater is being taken place;
- c) Results of analyzing the quality of the receiving waters at the discharging location; Results of analyzing the quality of the receiving waters before and after treatment if the wastewater is being

discharged. The date on which the samples for analyzing water quality are taken must be within three (03) months before the submission of the application;

d) A map of the area in which the wastewater discharging location is marked.

If the wastewater discharging work has not been built, the application for issuing the permit must be submitted in the stage of investment preparation.

2. Every application for renewing or modifying wastewater discharge permit includes:

a) The request for renewing or modifying the permit;

b) Results of analyzing the quality of the wastewater and the receiving waters at the discharging location. The date on which the samples for analyzing water quality are taken must be within three (03) months before the submission of the application;

c) Report on the wastewater discharge and the adherence to the regulations of the permit. If the flow, methods, policy and procedures for discharging wastewater need to be modified, the wastewater discharging scheme is required to be enclosed;

d) A copy of issued permit.

3. The Ministry of Natural Resources and Environment shall provide templates, contents of the reports and schemes mentioned in this Article.

Article 34. Applications for reissuing water permits

1. The written requests for the issuance of water permits;

2. The explanation and necessary documents for the reissuance.

3. The Ministry of Natural Resources and Environment shall provide the template of the request mentioned in this Article.

Article 35. Procedures for issuing permits for exploration, exploitation of water and wastewater discharge

1. Receiving and assessing applications:

a) Every applicant shall send two (02) sets of application and the fee for checking it to an application-receiving agency according to the regulations of the Law. If the case is within the jurisdiction of the Ministry of Natural Resources and Environment, the applicant must send an (01) additional set to the Service of Natural Resources and Environment of the province in which the work is located;

b) Within ten (10) working days from the receipt of the application, the application-receiving agency is responsible for assessing it. If the application is not satisfactory, the application-receiving agency shall request the applicant to satisfy it according to the regulations.

If the application is not satisfactory after being amended by the applicant, the application-receiving agency shall return the application and give a written explanation to the applicant.

2. Assessing schemes, reports on exploration, exploitation of water and discharge of wastewater in the applications (hereinafter referred to as applying scheme/report):

a) Within thirty (30) working days from the receipt of a satisfactory application prescribed in Clause 1 this Article, the application-receiving agency is responsible for assessing the applying schemes and/or reports; carrying out the physical verification or establishing an assessing council if necessary. If all the requirements for issuing the permit are met, the application-receiving agency shall request the licensing agencies to consider issuing it; otherwise, it shall return the application to the applicant with explanation;

b) If there is any content in the applying scheme or report which is required to be amended, the application-receiving agencies shall send a written notification of such content to the applicant. The period over which the schemes, reports is completed or redeveloped is not included in the time for assessing them. The time limit for assessing the completed applying schemes, reports is twenty (20) working days;

c) If the applying schemes, reports are required to be redeveloped, the application-receiving agencies shall return the application and inform the applicants in writing the unsatisfactory contents which require the applying schemes, reports to be redeveloped.

3. Notifying results of processing applications:

Within five (05) working days from the receipt of permits from the competent agencies, the application-receiving agencies shall inform the applicants in order for them to fulfill the financial obligations and receive the permits.

Article 36. Procedure for renewing, modifying and reissuing permits for exploration, exploitation of water and discharge of wastewater

1. Receiving and assessing applications:

a) Every applicant shall send two (02) sets of application and the charge for assessment to an application-receiving agency according to the regulations of the Law. If the case is within the jurisdiction of the Ministry of Natural Resources and Environment, the applicant must send an (01) additional set to the Service of Natural Resources and Environment of the province in which the work is located;

b) Within five (05) working days from the receipt of the application, the application-receiving agency is responsible for assessing it. If the application is not satisfactory, the application-receiving agency shall notify the applicant for satisfy it according to the regulations.

If the application is not satisfactory after being amended by the applicant, the application-receiving agency shall return the application and give a written explanation to the applicant.

2. Assessing applying schemes, reports of the applications for renewing and modifying permits:

a) Within twenty five (25) working days from the receipt of a satisfactory application prescribed in Clause 1 this Article, the application-receiving agency is responsible for assessing the applying schemes and/or reports; carrying out the physical verification or establishing an assessing council if necessary. If all the requirements for renewing or modifying the permit are met, the application-receiving agency shall request a licensing agency to renew or modify it. Otherwise, the application-receiving agency shall return the application and give a written explanation to the applicant.

b) If there is any content in the applying scheme or report which is required to be amended, the application-receiving agencies shall inform the applicants such content in writing. The period over which the schemes, reports is completed or redeveloped is not included in the time for assessing them. The time limit for assessing the completed applying schemes, reports is twenty (20) working days;

c) If the applying schemes, reports are required to be redeveloped, the application-receiving agencies shall return the application and inform the applicants in writing the unsatisfactory contents which require the applying schemes, reports to be redeveloped.

3. Assessing the applications for reissuing permits:

Within ten (10) working days from the receipt of a satisfactory application prescribed in Clause 1 this Article, the application-receiving agency is responsible for assessing it; if all the requirements for reissuing the permit are met, the application-receiving agency shall request a licensing agency to reissue it. Otherwise, the application-receiving agency shall return the application and give a written explanation to the applicant.

4. Notifying results of processing applications:

Within five (05) working days from the receipt of permits from the competent agencies, the application-receiving agencies shall inform the applicants in order for them to fulfill the financial obligations and receive the permits.

Article 37. Procedures for suspending water permits

1. If a permit holder is found committing any violation prescribed in Clause 1 Article 24 of this Decree, a licensing agency shall consider suspending his/her water permit.

2. Depending on the seriousness of the violation and the effect of the suspension on the business and lives of local residents, the licensing agency shall decide the duration of the suspension.

3. The licensing agency may consider shortening the permit suspension duration if the holder has rectified the violations which lead to the suspension and fulfilled obligations according to the regulations of the Law.

Article 38. Procedures for revoking water permits

1. If any violation prescribed in Points a, b Clause 1 Article 25 of this Decree is detected during a periodic or unscheduled inspection of the adherence to the regulations in an issued permit, the inspecting agency is responsible for reporting the violation to the licensing agency in writing; if it is a violation prescribed in Points c, d Clause 1 Article 25 of this Decree, the inspecting agency shall take measures, within the area of competence, and report the violation to the licensing agency in writing.

Within thirty (30) working days from the receipt of the report, the licensing agency is responsible for considering the revocation the permit.

2. With regard to the cases in which the water permit is revoked prescribed in Point dd Clause 1 Article 25 of this Decree, the competent authority must send a notice to the permit holder at least ninety (90) days in advance.

3. With regard to the cases in which the water permit is revoked prescribed in Point e Clause 1 Article 25 of this Decree, the licensing agency shall revoke the permit within thirty (30) days from the receipt of the application managing agency's report.

Article 39. Transfer of exploitation right of water resources

1. Requirements applied to every entity transferring the water exploitation right (hereinafter referred to as transferor):

a) The transferor finished the fundamental construction and bring the exploitation work into operation up to the transfer date;

b) The transferor has fulfilled all the financial obligations prescribed in Point dd Clause 2 Article 43 of the Law on Water Resources and paid the charge for water exploitation right; had no dispute over the rights and obligations related to the water exploitation activities;

c) The transferor has submitted sufficient documents to the application-receiving agency when the permit for exploitation of water is still valid for at least one hundred and twenty (120) days.

2. Requirements applied to every entity receiving the water exploitation right (hereinafter referred to as transferee):

a) The transferee meets all the requirements prescribed in Article 20 of this Decree;

b) The purpose of the water exploitation is not changed.

3. The transfer of water exploitation right is made with a contract between the transferor and transferee which is concluded according to according to the Civil Law and has the following contents:

a) The quantity, value of the exploitation work and invested infrastructure; the fulfillment of financial obligations of the transferor up to the conclusion date of the transfer contract;

b) Responsibilities of the transferee for continuing the uncompleted tasks and obligations of the transferor up to the transfer date.

4. Every transfer application includes:

a) The written request for the transfer of the water exploitation right;

b) The contract for transferring the water exploitation right;

c) The report on the water exploitation and the fulfillment of obligations up to the transfer date;

d) The authenticated copy of Business registration Certificate of the transferee; If the transferee is a foreign enterprise, the authenticated copy of Establishment Decision of its representative office/branch in Vietnam.

5. Procedures for transferring the right:

a) Every transferor shall send two (02) sets of transfer application to the application managing agency.

Within five (05) working days from the receipt of the transfer application, the application-receiving agency is responsible for assessing it. If it is unsatisfactory, the application-receiving agency shall return the application and give a written explanation to the applicant;

b) Within twenty (20) working days from the receipt of a satisfactory transfer application, the application-receiving agency is responsible for assessing it and then requesting the licensing agency to issue the permit for water exploitation to the transferee. The validity period of the reissued permit is the remaining validity period of the existing permit.

If the transfer application is not approved by the licensing agency, the transferor may keep exploiting and using water or return the permit.

6. The transferring and receiving entities must pay the taxes, fees and charges related to the transfer according to the regulations of the Law.

Chapter 4

FINANCE

Article 40. Charge for granting water exploitation right

1. Every entity must pay the charge for granting the water exploitation right according to Clause 1 Article 65 of the Law on Water Resources including the cases in which the permit for water exploitation is required and the following cases:

a) The exploitation of water which serve the commercial power generation;

b) The exploitation of waters which serve the businesses, services and non-agricultural production;

c) The exploitation of underground water with the capacity of 20 m³/day and above which serve industrial tree plantation, animal husbandry and aquacultural farming.

2. the Ministry of Natural Resources and Environment shall take charge and cooperate with the Ministry of Finance in assisting the Government to decide the bracket, calculation and collection methods, the management of the charge for granting water exploitation right

Article 41. Funding for the baseline study, planning development and protection of water resources

1. The budget for conducting baseline study, planning development, management and protection of water resources is funded according to Clause 1 Article 10, Clause 4 Article 21 and Clause 5 Article 27 of the Law on Water Resources.

2. The Ministry of Natural Resources and Environment shall take charge and cooperate with the Ministry of Finance in instructing the management of the budget for conducting baseline study, planning development, management and protection of water resources.

Chapter 5

MANAGEMENT AND SUPERVISION OF EXPLOITATION OF WATER RESOURCES, PREVENTION AND MITIGATION OF NEGATIVE EFFECTS OF WATER ON RIVER BASINS

SECTION 1. ACTIVITIES WHICH REQUIRE MANAGEMENT AND SUPERVISION

Article 42. Activities in river basins which require management and supervision

1. The activities prescribed in Points a, b, c, and d Clause 1 Article 72 of the Law on Water Resources.

2. Other activities in river basins prescribed in Point dd Clause 1 Article 72 of the Law on Water Resources, including:

a) Improvement and restoration of rivers, including:

- Restoration and preservation of the ecosystems, improvement of water quality;
- Development of wetlands and riverside ecological belts, removal of obstacles on river currents;
- Restoration of exhausted water sources, construction and improvement of wastewater infrastructure;
- Reduction of pollution sources from urban and rural areas; prevention and treatment of water pollution;
- Construction of water preservation infrastructure, reinforcement of riversides, clean of river beds.

b) Landscape improvement and development of riverside & lakeside lands, including:

- Development of riverside entertainment, festival and sporting areas;
- Restoration and improvement of historical, cultural and tourism values.

Article 43. Contents of and requirements for management and supervision

1. The management is directing the coordination among the Ministries, sectors, localities and the relevant entities in implementing the regulations prescribed in Article 42 of this Decree.

2. The supervision is monitoring, inspecting the exploitation of water, the wastewater discharge and the protection of water resources, the prevention and treatment of negative effects of water on river basins.

3. Requirements for the management include:

a) Ensuring the efficiency and economization of the water exploitation of people and socio-economic development activities; protecting water resources, preventing and treating negative effects of water;

b) Ensuring the concurrent cooperation among the agencies in managing activities of river basins; using resources properly and efficiently and avoiding overlap and wastefulness;

c) Complying with the planning of each river basin;

d) Determining the agency in charge, cooperative agencies and their specific tasks.

4. Requirements for the supervision include:

a) Detecting abnormal phenomena of flow rate, level and quality of water sources; making forecasts and giving warnings of pollution, degradation and exhaustion of water sources in river basins;

b) Detecting violations against the Law on Water Resources in operating one or many reservoirs and discharging wastewater into water sources in river basins;

c) Providing information and figures which facilitate the management of the exploitation and protection of water resources, the prevention and mitigation of negative effects of water according to Article 42 of this Decree on river basins;

d) Fulfilling other requirements of the management, protection, exploitation of water and the prevention and treatment of negative effects of water on river basins.

SECTION 2. RESPONSIBILITY FOR DISTRIBUTION AND SUPERVISION IN RIVER BASINS

Article 44. Responsibilities of the Ministry of Natural Resources and Environment

1. Take charge and cooperate with the relevant Ministries, ministerial-level agencies, Governmental agencies and the People's Committees of central-affiliated cities and provinces in developing plans, programs, schemes for the management and supervision of the activities according to Article 42 of this Decree in the inter-provincial river basins and then sending them to the Prime Minister.

2. Take charge for the cooperation in dealing with the pollution of international and inter-provincial water sources.

3. Assess and announce the minimum flow of a river or a part of the river which is a inter-provincial water source, decide the minimum flow at the downstream from a reservoir within the area of competence.

4. Develop and maintain the supervision system of exploration, exploitation of water and discharge of wastewater in the inter-provincial river basins.

5. Settle the cases within the area of competence or request the Prime Minister to settle the issues arising in the cooperation of the agencies who participate in the management and supervision in the inter-provincial river basins.

Article 45. Responsibilities of provincial People's Committees

1. Develop, approve and carry out plans for distributing the water resource; programs and plans for improving rivers, restoring the polluted or exhausted water sources in the intra-provincial river basins.

2. Direct the actions against the pollution of local water sources and cooperate with the authorities of the provinces sharing the water sources in dealing with the issue.

3. Assess and announce the minimum flow of a river or a part of the river which is a intra-provincial water source, decide the minimum flow at the downstream from a reservoir within the area of competence.

4. Develop and maintain the supervision system of exploration, exploitation of water and discharge of wastewater in the intra-provincial river basins.

5. Settle the issues arising in the cooperation of the agencies who participate in the management and supervision in the intra-provincial river basins.

6. Cooperate with the Ministry of Natural Resources and Environment in implementing the regulations prescribed in Article 44 this Decree.

Article 46. Responsibilities of the Ministries, ministerial-level agencies

1. Cooperate with the Ministry of Natural Resources and Environment, provincial People's Committees in the management and supervision of the exploitation, use and protection of water resources, the prevention and treatment of the negative effect of water on river basins.

2. Inform the Ministry of Natural Resources and Environment and the relevant provincial People's Committees of their expected demand for water exploited from each water source of river basins.

3. Direct the development of plans, programs and specialized project related to the exploitation, use and protection of water resources, the prevention and treatment of the negative effect of water which are suitable for the plan for distributing the water resource, programs and plans for improving rivers, restoring the polluted or exhausted water sources in the intra-provincial river basins and ensuring announced minimum flow.

4. Direct the development and implement the plans for adjusting water in reservoirs, exploiting and using water of works on rivers according to operation procedures of one or many reservoirs which are approved by competent agency and the plans for distributing water resources of river basins.

5. Work with each other to solve the issues arising during the management and supervision in river basins.

Chapter 6

IMPLEMENTATION

Article 47. Transitional clauses

1. The entities which are issued with water permits according to the Law on Water Resources No. [08/1998/QH10](#) shall apply the regulations in Article 77 of the Law on Water Resources No. [17/2012/QH13](#).
2. The applications for water permits which are sent to competent agencies before the effective date of this Decree shall be processed on condition that the applicants must fulfill the obligations according to the Law on Water Resources No. [17/2012/QH13](#).
3. The entities prescribed in Article 40 of this Decree are responsible for paying the fee for granting water permits from January 01, 2013 onward.

Article 48. Effect

This Decree takes effect on February 01, 2014

The Decree no. 179/1999/NĐ-CP dated December 30, 1999 providing guidance on implementing the Law on Water Resources, the Decree No. 149/2004/NĐ-CP dated July 07, 2004 governing the issuance of water permits and Article 2 of the Decree No. 38/2011/NĐ-CP dated May 26, 2011 on the amendments of administrative procedures of the Decree No. 181/2004/NĐ-CP dated October 29, 2004, the Decree No. 149/2004/NĐ-CP dated July 27, 2004 and the Decree No. 160/2005/NĐ-CP dated December 27, 2005 shall be replaced by this Decree.

The regulations of the Decree No. 112/2008/NĐ-CP on management, protection and integrated exploitation of resources and environment of irrigation and hydropower reservoirs and the Decree No. 120/2008/NĐ-CP dated December 01, 2008 on river basin management which are contravene the regulations of the Law on Water Resources No. [17/2012/QH13](#) and this Decree shall be invalidated.

Article 49. Implementation

1. the Ministry of Natural Resources and Environment is responsible for taking charge and cooperating with the relevant Ministries and sectors in providing guidance on the implementation of this Decree.
2. The Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the Presidents of the People's Committees central-affiliated cities and provinces and the relevant entities are responsible for implementing this Decree.

THE PRIME MINISTER

Nguyen Tan Dung

