GOVERNMENT OF VIETNAM	SOCIALIST REPUBLIC OF VIETNAM
-------	Independence - Freedom - Happiness

No. 67/2018/ND-CP	*Hanoi, May 14, 2018*

DECREE

ELABORATING ON SEVERAL ARTICLES OF LAW ON IRRIGATION

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Law on Irrigation dated June 19, 2017;

At the request of the Minister of Agriculture and Rural Development;

The Government hereby promulgates the Decree that elaborates on several Articles of the Law on Irrigation.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree provides for classification and grading of hydraulic works, irrigation or water resource management projects; capacity of irrigation and water resource project operators; authority over, procedures and processes for issuing, re-issuing, renewing, modifying, suspending, revoking or withdrawing permits or licenses to conduct trade or business within the protected areas of hydraulic, irrigation or water resource management projects or structures.

Article 2. Subjects of application

This Decree shall apply to Vietnamese entities and person; foreign entities and persons participating in hydraulic or irrigation-related activities within the territory of the Socialist Republic of Vietnam.

Article 3. Interpretation

For the purposes of this Decree, terms used herein shall be construed as follows:

1. *System of irrigation works* refers to a system composed of irrigation works or projects directly related to each other in terms of operation and protection thereof in a particular region.

2. *Reservoir* refers to a structure created by a dam and other associated facilities for water retention purposes that has the function of regulating water flow, absorbing flood, reducing floods, supplying water for agricultural, industrial production, social welfare, power generation and environmental remediation purposes.

3. *Dam* refers to a structure built to raise water level or connected with other facilities to create a reservoir.

4. *Embankment* refers to a construction work used for segmenting and retaining water to protect a particular area.

5. *Small-scale drainage of non-toxic or non-radioactive wastewater* refers to the act of discharging domestic wastewater from persons and households; discharging wastewater from production, business and service facilities that operate on a maximum scale of 5 m^3throughout entire day on condition that such wastewater to be discharged does not contain any hazardous or radioactive agent.

Chapter II

CATEGORIZATION AND GRADING OF IRRIGATION AND HYDRAULIC PROJECTS

Article 4. Categorization of irrigation projects

Irrigation projects specified in clause 2 of Article 16 in the Law on Irrigation are categorized specifically as follows:

1. Dams and reservoirs of critical importance, including:

a) Any dam that is 100m in height or any dam associated with a reservoir that is prescribed in point b and c of this clause;

b) Any reservoir that has the minimum total storage capacity of 1,000,000,000 m^3;

c) Any reservoir with its water storage capacity ranging from 500.000.000 m^3 to under 1,000,000,000 m^3 that can pose potential threat to its floodplain areas where cities, townships or significant construction works related to national security are located;

d) Dams and reservoirs of critical importance on the list referred to in Appendix I hereto.

2. Large dams and reservoirs, including:

a) Any dam that is between 15m and below 100m in height or any reservoir-connected dam prescribed in point c of this clause;

b) Any dam that is between 10m and below 15m in height and is at least 500m in length; or any dam that is between 10m and under 15m in height and has the designed floodwater release capacity of greater than 2,000 m^3/s;

c) Any reservoir with gross storage capacity between 3,000,000 m^3 and under 1,000,000,000 m^3, except the reservoir category prescribed in point c of clause 1 of this Article.

3. Medium dams and reservoirs, including:

a) Any dam that is between 10m and under 15m in height or any reservoir-associated dam specified in point b of this clause, except the dam category specified in point b of clause 2 of this Article;

b) Any reservoir with its gross storage capacity ranging from 500,000 m^3 to under 3,000,000 m^3.

4. A dam or reservoir classified as a small dam or reservoir when that dam is less than 10m in height or that reservoir has the gross storage capacity of less than 500,000 m^3.

5. Pumping stations:

a) A pumping station is classified as a large pumping station when it has the minimum total capacity of 72,000 m^3/h;

b) A pumping station is classified as a medium pumping station when it has total capacity ranging from 3,600 m^3/h to under 72,000 m^3/h; or it is a small pumping station where the motor capacity of each pump set is at least 150 KW;

c) A pumping station is classified as a small pumping station when it has total capacity of less than 3,600 m^3/h.

6. Culverts:

a) A culvert is categorized as a large one if its floodgate has total width of:

at least 30 m in the Mekong Delta;

at least 20 m in other regions.

b) A culvert is categorized as a medium one if its floodgate has total width ranging:

between 10 m and less than 30 m in the Mekong Delta;

between 5 m and less than 20 m in other regions.

c) A culvert is categorized as a small one if its floodgate has total width of:

less than 10 m in the Mekong Delta;

less than 5 m in other regions.

7. Water conveyance systems, including:

a) Any large irrigation canal, ditch, flume, watercourse, tunnel, siphon or canal bridge that has:

the minimum carrying capacity of 100 m^3/s or the minimum bed width of 50 m in the Mekong Delta;

the minimum carrying capacity of 50 m^3/s or the minimum bed width of 25 m in other regions.

b) Any medium irrigation canal, ditch, flume, watercourse, tunnel, siphon or canal bridge that has:

the minimum carrying capacity ranging from 10 m^3/s to below 100 m^3/s or the minimum bed width ranging from 10 m to under 50 m in the Mekong Delta;

the minimum carrying capacity ranging from 5 m^3/s to below 50 m^3/s or the minimum bed width ranging from 5 m to under 25 m in other regions.

c) Any small irrigation canal, ditch, flume, watercourse, tunnel, siphon or canal bridge that has:

the carrying capacity of less than 10 m^3/s or the bed width of less than 10 m in the Mekong Delta;

the carrying capacity of less than 5 m^3/s or the bed width of less than 5 m in other regions.

8. Pipelines:

a) A pipeline is classified as a large pipeline when it has the minimum carrying capacity of 3 m^3/s or the minimum internal diameter of 1,500 mm;

b) A pipeline is classified as a medium pipeline when it has the carrying capacity ranging from 0.25 m^3/s to below 3 m^3/s or the internal diameter ranging from 500 mm to below 1,500 mm;

c) A pipeline is classified as a small pipeline when it has the carrying capacity of less than 0.25 m^3/s or the internal diameter of less than 500 mm.

9. Irrigation embankments:

a) An embankment is classified as a large one if its flood protected area is at least 10,000 ha;

b) An embankment is classified as a medium one if its flood protected area ranges from 500 ha to less than 10,000 ha;

c) An embankment is classified as a small one if its flood protected area is less than 500 ha.

10. Irrigation systems:

a) Large irrigation system which is a system serving the function of watering arable land or draining or releasing irrigation water for land covering a minimum geographical area of 20,000 ha;

b) Medium irrigation system which is a system serving the function of watering arable land or draining or releasing irrigation water for land covering a minimum geographical area ranging from 2,000 ha to less than 20,000 ha;

c) Small irrigation system which is a system serving the function of watering arable land or draining or releasing irrigation water for land covering a minimum geographical area of less than 2,000 ha.

11. Based on the measurements, roles, functions, influences, risk levels of floodplains, the Minister of Agriculture and Rural Development shall take charge of and cooperate with People's Committees of provinces where dams or reservoirs are located on soliciting the Prime Minister to issue the decision on the updated list of dams and reservoirs of critical importance.

Article 5. Grading of irrigation projects

Irrigation project grading is to serve the purposes of producing construction designs and managing other activities specified in standards and national technical regulations and other relevant regulatory provisions.

1. Irrigation projects shall be graded according to the following principles:

a) Irrigation and hydraulic construction works or projects are graded by their hydraulic capacity, water retention capacity, technical specifications and geological conditions of foundations of components of hydraulic headworks. The accepted grade of an irrigation or hydraulic project is the highest grade amongst those determined according to each of the aforesaid grading criteria.

b) A headwork shall be graded according to the grade of the irrigation and hydraulic project. The grade of a water conveyance system is less than or equal to the grade of the headwork and descends according to the extent of decrease in water distribution areas. The inferior water conveyance system is graded one place below the superior one.

2. Grades of irrigation and hydraulic projects are specified in Appendix II hereto.

Chapter III

REGULATORY PROVISIONS REGARDING COMPETENCE AND QUALIFICATION REQUIREMENTS OF ENTITIES AND PERSONS OPERATING AND MANAGING IRRIGATION AND HYDRAULIC PROJECTS

Article 6. General requirements of entities or persons operating and managing irrigation and hydraulic projects

1. As an enterprise, it must hold the Business Registration Certificate.

2. Local irrigation entities must conform to the following requirements:

a) Their internal rules or statutes must be accredited by competent authorities in accordance with the Law on Cooperatives, the Civil Code and other relevant regulatory provisions;

b) They must keep their own machinery in place and hire operators meeting professional qualification requirements prescribed herein, and adaptable to technical specifications or measurements of the irrigation and hydraulic projects under their mandate.

3. Persons operating and managing irrigation and hydraulic projects must meet the following requirements:

a) They must have full capacity for performing civil acts in accordance with law and be responsible for their assigned duties;

b) They must hold academic degrees or certificates of completion of training courses according to engineering requirements of irrigation and hydraulic projects that they are authorized to operate or manage.

4. Hiring and placement of personnel, installation and provision of equipment needed for operation and management of small irrigation and hydraulic projects must adhere to the safety and efficiency principles and conform to regulatory provisions in force.

Article 7. Requirements of specialized divisions of irrigation project operating and managing enterprises

1. An irrigation project operating and managing enterprise must be structured into the following divisions:

a) Division in charge of irrigation and hydraulic projects;

b) Division in charge of water resources;

c) Division in charge of economic issues.

2. In addition to those prescribed in clause 1 of this Article, an enterprise conducting other service business must keep a division in charge of such business in place.

3. Specialized divisions referred to in clause 1 of this Article must employ 70% of personnel obtaining at least undergraduate degrees in the relevant majors.

Article 8. Minimum competence and qualification requirements of entities and persons operating and managing dams and reservoirs

1. Each dam or reservoir of critical importance must be operated and managed by 07 engineers trained in the irrigation and hydraulics major, including at least 02 of them gaining at least 05 years' experience in management and operation of dams or reservoirs; obtaining certificates of completion of training courses in dam management.

2. For large dams and reservoirs:

a) The reservoir having the water carrying capacity of at least 50,000,000 m^3 must be operated and managed by 05 engineers trained in the irrigation and hydraulics major, including at least 02 of them gaining at least 05 years' experience in management and operation of dams or reservoirs; obtaining certificates of completion of training courses in dam management.

b) The reservoir having the water carrying capacity ranging from 10,000,000 m^3 to under 50,000,000 m^3 must be operated and managed by 03 engineers trained in the irrigation and hydraulics major, including at least one of them gaining at least 05 years' experience in management and operation of dams or reservoirs; graduating from certificates of completion of training courses in dam management;

c) The reservoir having the water carrying capacity ranging from 3,000,000 m^3 to under 10,000,000 m^3 must be operated and managed by 02 engineers trained in the irrigation and hydraulics major, including at least one of them gaining at least 03 years' experience in management and operation of dams or reservoirs; graduating from certificates of completion of training courses in dam management.

3. For medium dams and reservoirs:

a) The reservoir having the water carrying capacity ranging from 1,000,000 m^3 to under 3,000,000 m^3 must be operated and managed by 01 engineer trained in the irrigation and hydraulics major and/or 01 graduate from the college diploma in that major who has gained at least one-year experience in management and operation of dams or reservoirs; graduating from the certificate of completion of training course in dam management;

b) The reservoir having the water carrying capacity ranging from 500,000 m^3 to under 1,000,000 m^3 must be operated and managed by 01 graduate from the college diploma in the irrigation and hydraulics major who has obtained the certificate of completion of training course in dam management.

4. For small dams and reservoirs:

a) The reservoir having the water carrying capacity ranging from 200,000 m^3 to under 500,000 m^3 must be operated and managed by 01 graduate from the irrigation and hydraulics certificate program who has obtained the certificate of completion of training course in dam management;

b) The reservoir having the water carrying capacity ranging from 50,000 m^3 to under 200,000 m^3 must be operated and managed by 01 graduate from the high school education program or 01 worker graduating from certificate II or higher qualification who has obtained the certificate of completion of training course in dam management.

5. Penstocks and flood overflow must be run by workers graduating from certificates of completion of training courses in culvert and overflow management organized by accredited agencies and training establishments having relevant competence.

6. During the flood discharge period, flood overflow at reservoirs with electric sluice gates must be operated and managed by workers graduating from electricity certificates IV that are employed by irrigation and hydraulic project management bodies at headworks.

Article 9. Minimum competence and qualification requirements of entities and persons operating and managing stationary electrical pumping stations

1. Electrical pumping stations fitted with pumps, each of which has the minimum capacity of 11,000 m^3/h:

a) The pumping station fitted with at least 09 pump units must be run by 03 engineers trained in the irrigation and hydraulics major; 01 electromechanics engineer; 10 graduates from electromechanics or hydraulics certificate programs who have gained at least 05 years' experience in pump management and operation;

b) The pumping station fitted with the number of pump units ranging between 04 and 09 pump units must be run by 01 engineer trained in the irrigation and hydraulics major; 01 electromechanics engineer; 06 graduates from electromechanics or hydraulics certificate

programs who have gained at least 03 years' experience in pump management and operation;

c) The pumping station fitted with 03 pump units at maximum must be run by 01 engineer trained in the irrigation and hydraulics or electromechanics major; 03 graduates from electromechanics or hydraulics certificate programs who have gained at least 03 years' experience in pump management and operation.

2. Electrical pumping stations fitted with pumps, each of which has the capacity ranging between 9,000 m^3/h and below 11,000 m^3/h:

a) The pumping station fitted with at least 09 pump units must be run by 01 engineer trained in the irrigation and hydraulics major; 01 engineer trained in the electromechanics major; 07 graduates from electromechanics or hydraulics certificate programs who have gained at least 03 years' experience in pump management and operation.

In case of increase by 04 pump units, one more certificate program graduate must be employed to run them; in case of increase by 05 pump units, one more engineer graduated from the irrigation and hydraulics major must be employed to run them;

b) The pumping station fitted with the number of pump units ranging between 04 and 09 must be run by 01 engineer trained in the irrigation and hydraulics or electromechanics major; 05 graduates from electromechanics or hydraulics certificate programs who have gained at least 03 years' experience in pump management and operation;

c) The pumping station fitted with 3 pump units at maximum must be run by 01 graduate from the college diploma in the hydraulics or electromechanics major; 03 graduates from electromechanics or hydraulics certificate programs who have gained at least 03 years' experience in pump management and operation.

3. Electrical pumping stations fitted with pumps, each of which has the capacity ranging between 4,000 m^3/h and below 8,000 m^3/h:

a) The pumping station fitted with 09 pump units at minimum must be run by 01 engineer trained in the irrigation and hydraulics major; 02 graduates from the college diploma or higher qualification and 05 graduates from the electromechanics or irrigation and hydraulics certificate program who have gained at least 03 years' experience in pump management and operation.

In case of increase by 05 pump units, one more certificate program graduate must be employed to run them; in case of increase by 10 pump units, one more engineer graduated from the irrigation and hydraulics or electromechanics major must be employed to run them;

b) The pumping station fitted with the number of pump units ranging between 04 and 09 must be run by 01 graduate from the college diploma or higher qualification in the

irrigation and hydraulics or electromechanics major; 03 graduates from electromechanics or hydraulics certificate programs, including at least 01 graduate from the electromechanics certificate program who has gained at least 03 years' experience in pump management and operation;

c) The pumping station fitted with 03 pump units at maximum must be run by 02 graduates from the irrigation and hydraulics or electromechanics certificate program, including at least 01 graduate from the electromechanics certificate program who has gained at least 03 years' experience in pump management and operation.

4. Electrical pumping stations fitted with pumps, each of which has the capacity ranging between 1,000 m^3/h and below 4,000 m^3/h:

a) The pumping station fitted with a minimum of 15 pump units must be run by 01 engineer trained in the irrigation and hydraulics major or 01 engineer in the electromechanics major; 03 graduates from the electromechanics or hydraulics certificate program, including at least 02 graduates from the electromechanics certificate program who have gained at least 03 years' experience in pump management and operation.

In case of increase by 5 pump units, one more certificate program graduate must be employed to run them; in case of increase by 10 pump units, one more engineer graduated from the irrigation and hydraulics or electromechanics major must be employed to run them;

b) The pumping station fitted with the number of pump units ranging between 10 and 15 must be run by 01 graduate from the college diploma in the irrigation and hydraulics or electromechanics major; 02 graduates from the certificate or higher qualification program who have gained at least 03 years' experience in pump management and operation;

c) The pumping station fitted with the number of pump units ranging between 04 and 10 must be run by 02 graduates from the irrigation and hydraulics or electromechanics certificate program, including at least 01 graduate from the electromechanics certificate program who has gained at least 03 years' experience in pump management and operation;

d) The pumping station fitted with a maximum of 03 pump units must be run by 01 graduate from the irrigation and hydraulics or electromechanics certificate program who has gained at least 03 years' experience in pump management and operation.

5. Electrical pumping stations fitted with pumps, each of which has the capacity ranging between 540 m^3/h and below 1,000 m^3/h:

a) The pumping station fitted with the number of pump units ranging between 02 and 05 must be run by 01 high school graduate who is required to participate in 01 training course in operation and management of irrigation and hydraulic projects and has gained at least 03 years' experience in pump operation and management;

b) The pumping station fitted with more than 05 pump units must be run by 01 worker operating the electrical pump who has graduated from technician training courses lasting from 03 to 06 months. The pumping station fitted with a minimum of 07 pump units must be run by 01 graduate from the irrigation and hydraulics or electromechanics certificate program who has gained at least 03 years' experience in pump management and operation.

Article 10. Minimum competence and qualification requirements of entities and persons operating and managing culvert headworks and water conveyance systems

1. For special-grade, grade-I and grade-II dyke culverts; electric large-river tidal barriers:

a) Each special-grade, grade-I and grade-II dyke culvert; each electric large-river tidal barrier must be operated and managed by 01 engineer trained in the irrigation and hydraulics major, or 01 electromechanics engineer; 01 graduate from the electromechanics certificate program at the headwork who has gained at least 03 years' experience in management and operation of culverts and tide surge barriers;

b) Carrying out regulatory provisions of law on dykes.

2. For other types of culvert with the minimum floodgate width of 0.5 m; irrigation canals, ditches, flumes, watercourses, tunnels, canal bridges having the minimum water carrying capacity of 0,3 m^3/s or the minimum bed width of 0.5 m; pipelines having the minimum water carrying capacity of 0,02 m^3/s or the minimum pipe diameter of 150 mm, personnel shall be engaged according to the size and goals of each structure to ensure that they are trained in relevant majors or have appropriate qualification; are subject to the minimum requirement concerning graduation from high school and obtain certificates of completion of training courses in hydraulic and irrigation project operation and management.

Article 11. Training in management and operation of hydraulic and irrigation projects

1. Training establishments having appropriate functions, duties and expertise are permitted to provide training or re-training courses in improvement of knowledge, skills and competencies for operators of hydraulic projects and dams.

2. The Ministry of Agriculture and Rural Development shall formulate and adopt framework plans, curriculums and syllabuses that educational institutions, training establishments and local authorities can use in training courses or programs in management and operation of hydraulic structures or projects.

Article 12. Responsibilities for compliance with competency requirements for operation and management of hydraulic or irrigation structures or projects

1. Entities and persons engaged in operating and managing hydraulic and irrigation projects must have capacity according to the size and technical specifications of projects in accordance with this Decree; must bear legal liability for consequences and loss or damage caused by failure to satisfy competence requirements.

2. Every five years, persons directly performing the task of managing and operating hydraulic and irrigation projects, managing dams and reservoirs must attend training courses on improvement of competencies in managing and operating hydraulic and irrigation projects, dams or reservoirs.

3. For entities authorized to operate various types of headwork, the number of executives and staff members designated to operate hydraulic and irrigation projects or structures subject to regulatory competence requirements must be increased accordingly.

4. In addition to conforming to competence requirements specified herein, entities and persons operating hydraulic and irrigation structures or projects that are engaged in other production and business sectors must ensure compliance with competence requirements to be applied to these sectors in accordance with regulatory provisions of relevant law.

5. Specialized state agencies in charge of irrigation and hydraulics shall inspect and supervise compliance with competence regulations to be applied to operators of hydraulic and irrigation projects and structures in accordance with this Decree.

Chapter IV

GRANT OF LICENSES AND PERMITS TO ACCESS THE PROTECTED AREAS OF HYDRAULIC AND IRRIGATION PROJECTS AND STRUCTURES

Article 13. Licenses and permits to carry out activities within the protected areas of hydraulic and irrigation projects and structures

Each license and permit is granted to carry out activities within the protected areas of hydraulic and irrigation projects and structures, including:

1. Building new hydraulic projects or structures;

2. Setting up terminals and yards for gathering and assembling raw materials, fuels, physical inputs, supplies and equipment;

3. Drilling or digging for geological survey purposes; exploring, extracting or quarrying minerals, building materials and groundwater;

4. Discharging wastewater into water bodies of hydraulic and irrigation projects or structures, except small-scale discharge of non-toxic or non-radioactive wastewater;

5. Growing perennial crops;

6. Carrying out activities related to tourism, sports, scientific research, business and services;

7. Carrying out activities related to inland watercraft and road vehicles, except for motorcycles and non-motorized inland watercraft;

8. Aquaculture and fish farming;

9. Detonation, explosion and other explosion methods;

10. Underground construction.

Article 14. Licensing principles

1. Ensuring safety for hydraulic and irrigation structures and protection for water quality; state interests, legitimate rights and benefits of related entities and persons.

2. Licenses or permits are granted intra vires, to appropriate holders and according to the legally prescribed procedures and processes.

3. Ensuring consistency with the hydraulic and irrigation plans approved by competent authorities. In the absence of the approved plans, licenses or permits shall be granted according to designs and functions of irrigation and hydraulic projects on condition that safety and normal operation of irrigation and hydraulic projects are guaranteed.

Article 15. Licensing basis

1. Granting licenses or permits for activities to be carried out within the protected areas of hydraulic or irrigation projects shall be based on the followings:

a) Functions of each project;

b) Design documentation and current status of each project;

c) Irrigation and hydraulic planning schemes approved by competent authorities. In the absence of the approved plans, licenses or permits shall be granted according to designs of irrigation and hydraulic projects on condition that safety and normal operation of irrigation and hydraulic projects are guaranteed.

2. With respect to grant of licenses and permits for discharge of wastewater into water bodies of irrigation and hydraulic projects, in addition to the basis specified in clause 1 of this Article, the following basis includes:

a) Capacity to receive wastewater of the irrigation and hydraulic system;

b) Standards and national technical regulations on wastewater quality; environmental protection requirements of wastewater discharge approved by competent state authorities.

Article 16. Authority to issue, reissue, renew, revise, suspend, terminate or revoke permits or licenses to carry out activities referred to in Article 13 herein

1. For irrigation and hydraulic projects of critical importance or irrigation and hydraulic projects, operation and protection thereof involve at least two provinces:

a) Ministry of Agriculture and Rural Development shall be accorded authority to issue, reissue, renew, revise, suspend, terminate or revoke licenses or permits for wastewater discharge activities; licenses or permits for the activities specified in clause 1, 2, 3, 6, 9 and 10 of Article 13 herein within the protected areas of projects under its control;

b) Provincial People's Committees shall be accorded authority to issue, reissue, renew, Article 16. Authority to issue, reissue, renew, revise, suspend, terminate or revoke permits or licenses to carry out activities referred to in Article 13 herein, except the cases specified in point a of this clause.

2. For other irrigation and hydraulic projects:

Provincial People's Committees shall be accorded authority to issue, reissue, renew, revise, suspend, terminate or revoke permits or licenses to carry out activities referred to in Article 13 herein.

Article 17. Agencies receiving and managing dossiers, licenses or permits

1. Directorate of Water Resources under the Ministry of Agriculture and Rural Development shall be given custody of dossiers, licenses or permits under the licensing authority delegated to the Ministry.

2. Departments of Agriculture and Rural Development shall be given custody of dossiers, licenses or permits under the licensing authority delegated to provincial People’s Committees.

Article 18. Validity period of licenses or permits

1. The license or permit to carry out activities within the protected area of an irrigation and hydraulic project lasts for 05 years and may be extended repeatedly. Each extension may be 03 months at maximum.

2. Licensing agencies can decide any change in the validity period of a license or permit if the safety of irrigation and hydraulic project is endangered; activities carried out within the protected area of an irrigation and hydraulic project are likely to pose threat to normal operation of the project; the irrigation and hydraulic project is no longer able to receive wastewater.

Article 19. Information shown in licenses or permits

Each license or permit for activities to be carried out within the protected areas of a hydraulic or irrigation project must include the following particulars:

1. Name and address of the holder;

2. Description of activities to be carried out within the protected area of a project;

3. Requested activities; location where wastewater is discharged into a project;

4. Scale, capacity, main data of proposed activities; volume, method and approach of discharge of wastewater into water body of a project;

5. Expiry date or validity period;

6. Requirements concerning activities to be carried out within the protected area of a project that are imposed with the aim of protecting safety for a project, assuring water quality inside a project, and implementing legitimate rights and interests of an associated entity or person;

7. Rights and obligations of the licensee.

Article 20. Revision of licenses or permits

1. Required information in a license or permit listed hereunder can be revised:

a) Scope of operation;

b) Scale, capacity, main data of proposed activities;

c) Location, volume, method and approach of discharge of wastewater into water body of a project.

2. Revision procedures:

Within the validity period of a license or permit, the applicant for revision of the license or permit to carry out activities within the protected area of a project prepares the set of documents submitted to the competent authority defined in Article 16 herein to apply for revision thereof.

Article 21. Processes and procedures for issuance of licenses or permits

1. Within 03 working days of receipt of the application, the receiving agency is responsible for handling and verifying the application; where the application is not valid

yet, the receiving agency must notify the applicant to complete the application in accordance with regulations in force.

2. Licensing time limits:

a) With respect to the activities specified in clause 1, 2, 3 and 10 of Article 13 herein:

Within 25 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the license or permit; in case of refusal to grant the license or permit, must inform the applicant about reasons for such refusal.

b) With respect to the activities specified in clause 4 of Article 13 herein:

Within 30 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the license or permit; in case of refusal to grant the license or permit, must inform the applicant about reasons for such refusal.

c) With respect to the activities specified in clause 5 of Article 13 herein:

Within 10 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the license or permit; in case of refusal to grant the license or permit, must inform the applicant about reasons for such refusal.

d) With respect to the activities specified in clause 6, 8 and 9 of Article 13 herein:

Within 15 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the license or permit; in case of refusal to grant the license or permit, must inform the applicant about reasons for such refusal.

dd) With respect to the activities specified in clause 7 of Article 13 herein:

Within 07 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the license or permit; in case of refusal to grant the license or permit, must inform the applicant about reasons for such refusal.

Article 22. Application for licenses or permits to carry out the activities specified in clause 1, 2, 3, 8 and 10 of Article 13 herein

The applicant for a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application package must include the following documents:

1. Written request form given in Appendix III hereto;

2. Construction drawing required with respect to clause 1, 2, 3 and 10 of Article 13 herein;

3. Plan of the location where the proposed activity will take place;

4. Assessment of impacts of activities on operation and safety of the project;

5. Written agreement entered into by the operator of the project;

6. Written agreement on long-term or definite-term use of land with the legal landlord.

Article 23. Application for licenses or permits to carry out the activities specified in clause 4 of Article 13 herein

The applicant for a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application package must include the following documents:

1. Written request form given in Appendix III hereto;

2. Map scale 1:5,000 of the wastewater treatment site or the location where wastewater is discharged into water body of the project;

3. Written agreement entered into by the operator of the project;

4. Construction design plan and diagram of procedures for operation of the wastewater treatment system;

5. Data and information obtained from the analysis of water quality of the project at the wastewater discharge location; data and information obtained from the analysis of wastewater quality before and after treatment that are required in case of discharge of wastewater into water body of the project that is underway;

6. Proposal for discharge of wastewater into the project that is required if wastewater discharge is pending; assessment report on actual condition of wastewater discharge that is required if wastewater discharge into water body of the project is underway;

7. Copies of documents evidencing land use rights over the installation site of the wastewater treatment system.

Article 24. Application for licenses or permits to carry out the activities specified in clause 5 of Article 13 herein

The applicant for a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application package must include the following documents:

1. Written request form given in Appendix III hereto;

2. Plan of the location where the proposed activity will take place;

3. Assessment of impacts of activities on operation and safety of the project;

4. Written agreement entered into by the operator of the project.

Article 25. Application for licenses or permits to carry out the activities specified in clause 6 of Article 13 herein

The applicant for a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application package must include the following documents:

1. Written request form given in Appendix III hereto;

2. Approved investment project;

3. Plan of the location where the proposed activity will take place;

4. Assessment of impacts of activities on operation and safety of the project;

5. Written agreement entered into by the operator of the project.

Article 26. Application for licenses or permits to carry out the activities specified in clause 7 of Article 13 herein

The applicant for a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application package must include the following documents:

1. Written request form given in Appendix III hereto;

2. Copy of the motor vehicle or inland watercraft registration certificate;

3. Plan of the location where the proposed activity will take place;

4. Assessment of impacts of activities on operation and safety of the project;

5. Written agreement entered into by the operator of the project.

Article 27. Application for licenses or permits to carry out the activities specified in clause 9 of Article 13 herein

The applicant for a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application package must include the following documents:

1. Written request form given in Appendix III hereto;

2. Copy of explosive license or permit;

3. Plan of the location where the proposed activity will take place;

4. Assessment of impacts of activities on operation and safety of the project;

5. Written agreement entered into by the operator of the project.

Article 28. Application for approval for renewal and revision of licenses or permits

The applicant for approval for renewal or revision of a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application package must include the following documents:

1. Written application form given in Appendix III hereto;

2. Supplementary construction drawing or investment project that is required in case of seeking consent to modifying the activities specified in clause 1, 2, 3, 4, 6 and 10 of Article 13 herein that are shown in the license or permit in question; analysis report on wastewater quality that is required in case of application for modification of the activities specified in clause 4 of Article 13 herein that are shown in the license or permit in question;

3. Progress report on use of the license or permit in question;

4. Written agreement entered into by the operator of the project.

Article 29. Procedures and documentation requirements for approval for renewal and revision of licenses or permits

1. The applicant for approval for renewal or revision of a license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein. The application for renewal of the license or permit must be submitted at a minimum of 45 days before the expiry date.

2. Within 03 working days of receipt of the submitted application, the receiving agency is responsible for handling and verifying the application; where the application is not valid

yet, the receiving agency must notify the applicant to complete the application in accordance with regulations in force.

3. Time limits for grant of the renewed or revised license or permit:

a) With respect to the activities specified in clause 1, 2, 3, 4 and 10 of Article 13 herein:

Within 15 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the renewed or revised license or permit; if all conditions are not fully satisfied, must inform the applicant about reasons for refusal.

b) With respect to the activities specified in clause 5 and 7 of Article 13 herein:

Within 05 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the renewed or revised license or permit; if all conditions are not fully satisfied, must inform the applicant about reasons for refusal.

c) With respect to the activities specified in clause 6, 8 and 9 of Article 13 herein:

Within 10 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the renewed or revised license or permit; if all conditions are not fully satisfied, must inform the applicant about reasons for refusal.

Article 30. Reissuance of licenses or permits

1. A license or permit may be re-issued in the following cases:

a) It has gone missing; is ruined or damaged;

b) Name of the holder of the license that is changed due to business transfer, merger, split-up, split-off or restructuring.

2. Procedures and documentation requirements for reissuance of licenses or permits:

a) Where the situation specified in point a of clause 1 of this Article occurs: The applicant for reissuance of the license or permit submits a set of application directly or by post to the receiving agency as per Article 17 herein.

b) Where the situation specified in point b of clause 1 of this Article occurs: The applicant for reissuance of the license or permit submits a set of application and documents evidencing any change in the holder’s name directly or by post to the receiving agency as per Article 17 herein.

c) Within 03 working days of receipt of the valid application, the agency having competence in issuing the license or permit must verify the application and, if all required conditions are satisfied, must decide to grant the license or permit; if not, must inform the applicant about reasons for refusal to grant such license or permit.

3. The validity period of the reissued license or permit is equal to days left to the expiry date of the preexisting license or permit.

Article 31. Licensee's rights

The holder of the license or permit to carry out the activities within the protected area of a project shall assume the following rights:

1. Carry out the activities within the protected area of the project according to the location, time and scale specified in the license or permit.

2. Receive protection for legitimate rights and interests specified in the license or permit from the Government.

3. Have access to the Government's compensation for any loss occurring in case of the license or permit that is subject to revocation or change in the validity period of that license or permit for national defence and security purposes; in national or public interest in accordance with law.

4. Request the licensing agency to approve renewal and revision of the license or permit in question.

Article 32. Obligations of licensees

The holder of the license or permit to carry out the activities within the protected area of a project shall take on the following obligations:

1. Comply with regulatory provisions of the Law on Irrigation and other relevant law.

2. Comply with the regulations on location, duration and scale of activities to be carried out within the protected area of the project that are specified in the existing license or permit.

3. Fulfill financial obligations in accordance with law.

4. When carrying out activities, ensure safety for the project, prompt remedial actions in response to incidents and payment of compensation for any loss arising from their activities.

5. Avoid any hindrance or loss to the general management and operation of the project.

6. Provide full and authentic data and information about activities to be carried out within the protected area of the project as requested by competent state agencies.

Article 33. Suspension of licenses or permits

1. The license or permit shall be suspended when the holder of that license or permit commits one of the following offences:

a) Violate regulations set out in the license or permit;

b) Use the license or permit to carry out activities illegally.

2. Duration of suspension of a license or permit: No more than 03 months.

3. During the duration of suspension of the license or permit, the licensee shall not be allowed to exercise the rights associated with the license or permit, and shall need to take remedial actions as well as pay compensation for any loss or damage in accordance with law.

Article 34. Revocation of licenses or permits

1. A license or permit may be revoked in the following cases:

a) It is discovered that information provided in the application is not correct;

b) The licensee is dissolved or declared bankrupt by the court; is dead or declared dead by the court; is incapable of performing civil acts or declared missing;

c) The licensee violates the decision on suspension of the license or permit;

d) The action of revocation is required to serve national defence and security purposes or protect the national or public interests.

2. Based on the regulations laid down in clause 1 of this Article, competent licensing agencies referred to in Article 16 herein shall be entitled to issue decisions on revocation of licenses or permits.

Article 35. Inspection

1. The Ministry of Agriculture and Rural Development shall be responsible for inspecting issuance and compliance with requirements of licenses or permits to carry out activities within the protected areas of irrigation and hydraulic projects and structures nationwide.

2. All-level People’s Committees shall be responsible for inspecting issuance of and compliance with requirements of licenses or permits to carry out activities within the protected areas of local irrigation and hydraulic projects and structures.

Chapter V

IMPLEMENTATION PROVISIONS

Article 36. Entry into force

This Decree shall take effect as from July 1, 2018.

Article 37. Grandfather clause

1. If any license or permit binding upon activities that are required to obtain licenses or permits to be carried out within the protected areas of irrigation and hydraulic projects and structures is granted before the entry into force of this Decree, and remains unexpired, it can be used until it is expired.

2. If any applicant has already submitted all required application for a license or permit to discharge wastewater into water body of an irrigation and hydraulic project or structure to the state agency in charge of water resources before the entry into force of this Decree, granting the license or permit shall be subject to law on water resources.

3. Not later than 03 years after the entry into force of this Decree, operators of irrigation and hydraulic projects and structures must ensure that they have capacity required in this Decree.

Article 38. Implementation responsibilities

1. The Minister of Agriculture and Rural Development shall be responsible for implementing this Decree.

2. Ministers, Heads of Ministry-level agencies, Heads of Governmental bodies, Presidents of People's Committees of provinces and centrally-affiliated cities, and other entities or persons involved, shall be responsible for enforcing this Decree./.

PP. GOVERNMENT
PRIME MINISTER

Nguyen Xuan Phuc