

No. 1420/QĐ-MTg

Hanoi, 26 December 1994

INSTRUCTION FOR GUIDING ENVIRONMENTAL IMPACT ASSESSMENT TO
THE OPERATING UNITS

- Pursuant to Article 17 - Environmental Protection Law;
- Pursuant to Article 9, Chapter III, Decree 175/CP on the Implementation of Environmental Protection Law.

The Ministry of Science, Technology and Environment provides guidance for implementing Environmental Impact Assessment to the operating units as follows:

I. General Principles

The ministries, sectors and equivalent guide the consultant units to carry out Report for Environmental Impact Assessment and submit to the national or local agencies for Environmental protection for appraisal, as following the Decree 175/CP, at the same time to ensure the progress of this Instruction.

The provincial and city people's committee under the central government will guide the office for science, technology and Environmental Impact Assessment and organise the appraisal at the authorised level in the Decree 175/CP and ensure the general timing of this instruction.

II. Classification of the operating units

The services for science, technology and environment bases on the characteristics of the operations and the decrees of pollution, making statistic list of the operating units and classify into 4 categories as follows:

1. The units that do not need to make a report of Environmental Impact Assessment:

- Head offices
- Banking, finances
- Communication
- Schools
- Book and stationery shops.

2. The following units have to make reports for Environmental Impact Assessment under the simple form as "inventory of Production Activities Environment" (Appendix I):

- Small enterprises under local administration
- Small private enterprise cooperatives families that produce all goods (except agricultural product farm tools and equipment repair) located in residential areas
- Chemical stores, pesticides, fertiliser, gas station
- Bus station, inter-provincial port

- Clinic, district hospitals
- Slaughter house for local food consumption
- Other forms of production and services impacting on the environment.

The Units needing the above criteria must complete the inventory before for science, technology and environment and the ministries (if these are the units directly under the ministries, branches).

In compiling the units ventures, the local and other of science, technology and environment will classify units as follows:

The office for science, technology and environment will determine:

- a. The units do not need environment, or protection measures.
- b. The units need environment protection measures, because they are creating pollution beyond the allowable environment standards, and directly impact the health of the surrounding population.

The Units belong to (B) category, the Units holder must propose alternatives to the impact and finance its implementation. The local office for science, technology and environment must appraise the mitigating alterations and prepare a report to provincial or city People's Committees for consideration and decision, simultaneously providing a report to MoSTE.

The local office for science, technology and environment must compile and classify unit inventories before 15 February 1995.

3. The medium scale enterprise must make reports on Environmental Impact Assessment consistent with Appendix II an submit to the national or local agencies for Environmental protection for appraisal at authorised levels stipulated in branches Appendix III and submit to the ministries and branches to process.

4. The units that were licensed before 10 January 1994 but not in operation, and do not have reports for Environment Impact Assessment and are not appraised, need to make report for Environmental Impact Assessment as regulation at Article 9 of the Government Decree 175/CP.

The units belonging to items II.3 and II.4 must submit Report for Environmental Impact Assessment before 1 March 1995.

In a limited number of circumstances, with some special reason, decline can be extended up to 30 June 1995 (such as hydro power, construction works which are of big influences to a territory) but it should be agreed in advance in writing with MoSTE.

III. Requirement for report quality and appraisal of the

reports for Environmental Impact Assessment

During the time prior to the issuance of the Environmental standards, when preparing and appraising the reports for Environmental Impact Assessment should be based on the preliminary standards published in the book "Provisional environment".

During the process of appraisal, and approval should be classified for the Government Agency for Environmental protection (both central and local) need to have representatives of ministries, branches who come for discussion and comment. If the comments of the ministries and branches do not agree with the conclusion of the Government agency for Environmental protection, then the report must go to MoSTE Minister for consideration and decision.

1. Report quality

When making Environmental Impact Assessment report, the unit holders are requested to ensure the requirement as regulation at Article 12 of the Government Decree No. 175/CP.

2. Report appraisal

When making Environmental Impact Assessment report appraisal, the review councils must determine one of the 4 categories for processing as stipulated in section a Article 20 of the Government Decree 175/CP:

- Being permitted to continue its operations without environmental realty.
- Having to invest in buckling facilities to deal with the wasted materials
- Having to change the technology, or move to another location
- Having to suspend its operation defalcation for appraisal decision must be before 1 April 1995.

In cases where appraisal is made by local review council, local office for science, technology and environment must summarise the report appraisal and determination of the (I - 4 above categories). This report is sent to the provincial or city People's Committees for consideration and decision, simultaneously send to MoSTE Minister.

MoSTE Minister
Dang Huu
signed and sealed