

CIRCULAR GUIDING THE SETTING UP AND APPRAISAL OF ASSESSMENT
REPORT ON ENVIRONMENTAL IMPACT

I. GENERAL PRINCIPLES

1. All foreign investment projects which are subject to Decree 191/CP dated 28 December 1994 of the Government promulgating the Rules for the setting up, appraisal and implementation of foreign direct investment projects, shall be required to comply with the stipulations of this implementing Circular in the field of environmental protection.

2. The results of appraisal of environmental impact in the investment licensing stage as well as the results of appraisal of the assessment reports on environmental impact shall be a specific basis for considering and licensing investment projects in all the stages stipulated in Decree 191/CP.

II. STAGES OF IMPLEMENTATION

1. Investment Licensing Stage

1.1 On account of various characteristics, forms of activity, technological standards and the level of environmental impact of the projects and with a view to creating favourable conditions for foreign investors, a number of investment projects shall in accordance with the Government's policy on administrative reforms be exempted from the requirement for assessment report on environmental impact (see the list in Annex 1) but in the project file the investors must nevertheless make an explanatory report covering any factors which may cause any impact on the environment together with relevant proposals aiming at minimizing the pollution and give their undertakings for environmental protection during the development as well as for operation of the projects.

1.2 When submitting the investment licensing application, the investors of projects not exempted by Clause 1.1 above must prepare an explanatory report (which may be an integral part of the econo-technical feasibility study or a separate document) describing in brief any factors of project which may cause any impact on the environment (see the list in Annex 2). This shall be the basis to which the relevant State management agencies dealing with environmental protection shall give appropriate consideration when appraising the project file.

The appraisal of environmental impact at this stage shall not exceed 20 days after the relevant State management agency in charge of environment receives the duly-made file in full.

2. Designing and development stage

After receiving the investment licence, project investors

must

set up an assessment report on environmental impact and submit the same to the relevant State management agency in charge of environmental protection for appraisal in conformity with the powers and authority stipulated for each level as specifically set out in Annex 3 to this Circular. The appraisal note made in respect of the assessment report on environmental impact (the "Appraisal Note") shall be the basis for the construction licensing

agencies to consider and approve any designs for technological systems and pollution treatment equipment. The Appraisal Note is necessarily required for obtaining any construction permits.

The content of the assessment report is set out in Annex 4.

The documents to be submitted in the file are set out in Annex 5.

3. Completion stage

After completion of the construction and before putting the construction work into operation, the relevant State management agency in charge of environmental protection shall co-ordinate with the construction licensing agencies to inspect all

the waste treatment works and other safety facilities in accordance with the Law on Environmental Protection. If any project does not meet the approved environmental requirements, the project investors must undertake any necessary measures to comply with the requirements set out in the environmental impact assessment report as appraised and only after that can the project start its operation. The State management agency in charge of environmental protection shall issue the official environmental licence only if all the requirements for

the environmental protection have been complied with.

Environmental protection inspection and licensing are to be dealt with by the State agencies at the same level as those which deal with the appraisal of environmental impact.

III. ENVIRONMENTAL REQUIREMENTS

Pending issuance by the State of Vietnam of the official environmental standards, projects investors when setting up an assessment report on environmental impact shall comply with the provisional requirements stipulated by the Ministry of Science, Technology and Environment in the book entitled "Mot so tieu chuan tam thoi ve moi

truong" ("Some provisional environmental standards") and published by Khoa hoc Ky thuat ("Science and Technology") publishers in 1993. When the official environmental standards are promulgated, these provisional standards shall be replaced step by step.

In the event a standard is not stipulated for a particular case of application or is obviously not appropriate for application, the project investor shall apply for a permit to apply a similar standard of the country of the technology or equipment transferred into Vietnam or a similar standard of a third country. Such standard may be applied

only after obtaining a permit from the Ministry of Science, Technology and Environment.

CONTENT OF AN ASSESSMENT REPORT ON ENVIRONMENTAL IMPACT

I. BRIEF DESCRIPTION OF THE PROJECT

1. Name of the project;
2. Name of the project investor, the author of the economic-technical feasibility study or the document similar to the same;
3. Essential content of the project. Possible economic and social benefits from the project;
4. Development schedule of the project;
5. Expenses for the project. Anticipated investment timetable for the whole process of the development of the project.

II. CURRENT ENVIRONMENTAL STATUS OF THE LAND SITE

1. Brief description of geographical, economic and social conditions related to the land site;
2. Current pollution degree observed at the land site.

III. POSSIBLE IMPACT OF THE PROJECT ON ROYALTY AND ENVIRONMENTAL FACTORS

1. Description of any impact caused by the project on each of the environmental factors at the land site

The description shall cover nature, scope, degree, process of each of the possible impacts in particular periods of time.

A. Impacts on each integral part of the environment: hydrosphere, atmosphere, lithosphere, and soil.

B. Impacts on biological resources and ecological system:

- i) Biological resources in waters;
- ii) Biological resources on the land.

C. Impacts on economic activities and techno-material base:

- i) Water supply;

- ii) Communication and transport;
- iii) Agriculture;
- iv) Water resources;
- v) Energy;
- vi) Mineral material mining;
- vii) Industry;
- viii) Handicraft;
- ix) The use of land for various purposes;

D. Impacts on factors related to the living standards of the human beings:

- i) Social and economic activities;
- ii) Cultural and historic vestiges.

2. Combined environmental evolution during the implementation of the project

* Analysis of the combined environmental evolution, which may be observed while applying each of the solutions proposed for the implementation of the project.

* Possible losses and damages from the viewpoint of ecological and environmental aspects while applying each of the solutions proposed for the project.

* Comparison of possible economic, social and environmental benefits/damages and gains/losses while applying each of the solutions proposed for the project.

3. Proposed solutions for settling the project's negative impact on the environment

Any technical, technological, organisational and operational measures aimed at settling any negative impacts caused by the project to the environment are to be clearly set out.

4. Overall assessment

An overall assessment of the correctness and truth of the assessment reports on environmental impact is to be set out.

Further investigations and surveys are required to be carried out for making a true conclusion and further adjustments in the environmental impact forecast in future.

IV. PROPOSED SOLUTIONS FOR THE PROTECTION OF THE ENVIRONMENT

1. Proposal on the choice of the solution for the implementation of the project in light of requirements for environmental protection;

2. Proposal on environmental protection measures together with the technical and technological solutions for disposal treatment and estimates of environmental standards to be achieved thereafter.