

**REGULATION ON CONSIDERATION,
APPROVAL AND MANAGEMENT OF GEF
PROJECTS**

*(Promulgated together with Decision No.08/2001/QĐ-
BKHCNMT of May 4, 2001 of the Minister of Science,
Technology and Environment)*

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of application

1. This Regulation prescribes the formulation, consideration, approval and management of projects financed by the Global Environment Fund (abbreviated to GEF).

2. The process of formulating, considering, approving and managing GEF projects shall comply with the Regulation on the use and management of official development assistance source of the State of the Socialist Republic of Vietnam, the GEF's regulations and this Regulation.

Article 2.- Interpretation of terms:

GEF projects are those financed by the GEF aiming to solve matters in the environmental field, namely: bio-diversity, climatic change, ozone layer depletion, international water resources and soil degeneration.

Project idea means a 2-3 page written proposition supplying basic information about a GEF project and designed according to the form set by GEF.

Project outline means a written proposition of 15-20 pages developed from a project idea with more details and designed according to the form set by GEF.

Project documents are final ones containing all detailed information of a project, including budget, duration and plan for implementation. These documents are prepared for the signing by the implementing agency and the host country before the project is implemented.

PDF A means a written proposition requesting the GEF to fund an amount of up to USD 25,000 for the preparation of PDF B or project outline, and designed according to the form set by GEF.

PDF B means a written proposition requesting the GEF to fund an amount of between USD 25,000 and 350,000 for the preparation of documents on the project and necessary support materials, designed according to the form set by the GEF.

PDF C means a written proposition requesting the GEF to fund an amount of between USD 350,000 and 1,000,000 for the preparation of technical designs and feasibility study of a project capitalized at more than USD one million, and designed according to the form set by the GEF.

Project proposition contains various forms of project idea, PDF A, PDF B, PDF C and/or project outline.

GEF project mobilization means the process of mobilizing financial aids from the GEF for project propositions.

GEF's implementing agencies are those responsible for assisting the formulation of projects funded by the Global Environment Fund and implementing them through designated executive bodies. Implementing agencies

include the United Nations Development Program (UNDP), the United Nations Environmental Program (UNEP) and the World Bank (WB).

Executive bodies are those responsible for daily activities of specific projects. Executive bodies may be governmental agencies, other agencies of the United Nations, non-governmental organizations or mass organizations. Executive bodies shall closely coordinate with the GEF's implementing agencies in managing projects and be answerable to such agencies. The executive bodies are clearly defined in project documents.

The GEF-Vietnam is the national coordinating office for GEF and tasked to coordinate all GEF's activities within the country. The organizational structure of the GEF-Vietnam includes an inter-branch steering board headed by the Ministry of Science, Technology and Environment and a standing office section (the GEF-Vietnam Office) located at the Environment Department.

Article 3.- The process of GEF project formulation, consideration, approval and management

The process of formulating, considering, approving and managing a GEF project shall go through the following major steps:

- Preparation of GEF project propositions and dossier for registration of GEF project development;
- Consideration of GEF project propositions and drawing up of the list of priority projects for GEF mobilization;
- Preparation and finalization of GEF project documents;
- Consideration and approval of GEF project documents;
- Signing of specific GEF project;
- Implementation of GEF project;
- Monitoring and evaluation of the GEF project implementation;
- Pre-acceptance test and hand-over of GEF project's result.

Chapter II**THE PROCEDURES FOR CONSIDERATION AND APPROVAL OF GEF PROJECTS****Article 1.-** Preparation of GEF project propositions

1. Formulation of project ideas and consultation of concerned parties: All organizations and individuals may formulate GEF project ideas and consult the concerned specialized parties such as the GEF-Vietnam Office, the representative offices of the UNDP and WB in Vietnam. Those ideas compatible with the GEF's criteria shall be

encouraged to be registered for development into GEF projects.

2. Registration for development of GEF projects: At any time, any agency that wishes to develop GEF projects may register (the development of GEF projects with the Ministry of Science, Technology and Environment/GEF-Vietnam. Dossiers for registration of GEF project development (GEF project dossiers) are specified in Article 5 of this Regulation.

3. GEF project propositions shall be designed according to the form set by the GEF. According to their levels, project propositions may be in form of ideas, PDF A, PDF B, PDF C or project outline.

Article 5.- GEF project dossiers

The project-proposing agency shall send 02 dossier sets to the GEF-Vietnam Office. A project dossier shall comprise the following documents:

1. An application requesting the consideration and approval of the project proposition of the project-proposing agency;

2. A written request for the consideration and approval of the project proposition from the managing ministry and/or the People's Committee of the province or centrally-run city;

3. The project proposition in English and Vietnamese languages (3 sets for each kind) made according to the form set by the GEF;

4. Written permits, notices, consents of the concerned agencies in the course of project preparation (depending on each project's characteristics);

5. Written agreements, memorandum on GEF project content, report of the specialists' team on consideration and approval made at the GEF's request (if any).

Article 6.- Consideration, approval and drawing up the list of priority GEF projects for mobilization

1. Twice a year in the first and third quarters, GEF-Vietnam shall organize the consideration and approval of GEF project propositions and drawing up of the list of priority projects for mobilization.

a/ The GEF-Vietnam Office shall assume the prime responsibility for gathering written comments from the members of the GEF-Vietnam Executive Board, the Scientific and Technical Consultative Commission of GEF-Vietnam on the project proposition's content. Comments of the Scientific and Technical Consultative Commission of the GEF-Vietnam shall serve as basis for GEF-Vietnam to examine project proposition and request the project proposing party to modify the project proposition's content.

b/ In case of necessity, the GEF-Vietnam Office may request the project-proposing agency to organize meetings for exchanging views on matters related to the project

proposition's content, with the participation of specialists and concerned parties designated by the GEF-Vietnam which shall assume the prime responsibility therefor.

c/ Those projects agreed upon by more than 50% of the Executive Board's members shall be put on the list of priority projects for mobilization.

2. The GEF-Vietnam shall send the list of priority projects for GEF mobilization to the Ministry of Planning and Investment for consideration, synthesization and submission to the Prime Minister for approval.

3. In unexpected circumstances, at requests of the GEF project-proposing agency (that has already reached a preliminary agreement with the donor, which is accompanied by a memorandum), the GEF-Vietnam may consider and adopt project propositions at any time beyond the above-said two approval times.

4. The list of priority projects for GEF mobilization, after being approved by the Prime Minister, shall be notified by the Chairman of the GEF-Vietnam to the GEF's implementing agencies and GEF project-proposing agencies and publicly announced to serve as basis of orientation for the GEF mobilization in each period.

Article 7.- Elaboration and finalization of GEF project documents

Agencies that have GEF project propositions on the list of priority projects approved by the Prime Minister shall organize the elaboration and finalization of GEF project documents. Each final dossier of project documents, which is composed of 3 sets in English and Vietnamese, after being finalized, shall be sent to the GEF-Vietnam Office.

Article 8.- Examination and approval of documents of GEF projects on the list of priority projects for GEF mobilization, already approved by the Prime Minister

1. Assignment of responsibilities for examination and approval:

The assignment of responsibilities for examining and approving GEF projects shall fully comply with the regulations of the Socialist Republic of Vietnam State on implementation of projects funded by the official development assistance source.

a/ The Ministry of Science, Technology and Environment shall have to examine and approve documents of projects that request GEF's financial aid of under USD 500,000 each. In the course of examining the project documents, it shall consult with the Ministry of Planning and Investment.

b/ For documents of projects that request GEF's financial aid of USD 500,000 or more each, after being adopted by the Ministry of Science, Technology and Environment, they shall be sent to the Ministry of Planning and Investment for submission to the Prime Minister for approval.

c/ The Ministry of Science, Technology and Environment

shall examine and approve support amounts for project development: PDF A and PDF B.

d/ The Ministry of Science, Technology and Environment/GEF-Vietnam shall have to notify the GEF's implementing agencies and GEF project-proposing agencies of the approved projects.

2. The time limits for considering and approving GEF project propositions

a/ Within 5 working days after receiving valid project dossiers, the GEF-Vietnam Office shall send dossiers asking for opinions of the members of the GEF-Vietnam Executive Board and the Scientific and Technical Consultative Commission of GEF-Vietnam (on case-by-case basis).

b/ Within 10 working days after receiving project dossiers, the members of the Executive Board and the Scientific and Technical Consultative Commission shall send their opinions in writing to the GEF-Vietnam Office. Past that time limit, no written opinions shall mean consent to the projects' content.

c/ Within 20 working days after receiving the project dossiers, the GEF-Vietnam shall request in writing the project-proposing agencies to make amendments and/or supplements (if necessary).

d/ In case of necessity, the Ministry of Science, Technology and Environment/GEF-Vietnam may request the project-proposing agencies to organize meetings for exchange of opinions on matters related to the project propositions' contents, with the participation of specialists and concerned parties designated by the GEF-Vietnam, which shall assume the prime responsibilities therefor.

e/ Within 30 working days after receiving valid project dossiers, the Ministry of Science, Technology and Environment/GEF-Vietnam shall complete consideration and approval reports and submit them to the Ministry of Planning and Investment for synthesization and submission to the Prime Minister for consideration, for projects prescribed to be subject to the Prime Minister's consideration and approval.

f/ The time limit for considering and approving programs and/or projects specified in this Article shall not include the time for amending and/or supplementing project dossiers by the project-proposing agencies.

Article 9.- Coordination in GEF project mobilization

1. The Ministry of Science, Technology and Environment/GEF-Vietnam shall be the key agency in coordinating the GEF's activities in Vietnam, have to assume the prime responsibility and coordinate with the Ministry of Planning and Investment, the Ministry for Foreign Affairs, the project-proposing and executing agencies, the GEF's implementing agencies and other concerned agencies in organizing the GEF project mobilization.

2. The GEF-Vietnam shall regularly sum up the situation of GEF project mobilization, policies, preferences and

procedures set by the GEF, the Government's undertaking for GEF project mobilization and notices and guidances for the agencies with demand for GEF projects for efficient coordinated mobilization of financial aids.

Article 10.- The basic conditions for a project proposition to be adopted by the GEF-Vietnam:

1. Project dossier is valid;
2. Project must be in a field funded by GEF;
3. Project must be in line with the national and branch strategies, plans and programs;
4. Agency that implements the proposed project is capable of deploying it;
5. Project is capable of drawing the participation of concerned parties;
6. In cases where two agencies have the same project proposition, The GEF-Vietnam shall decide on an appropriate project implementing agency.

Article 11.- Signing of GEF projects

The procedures for signing GEF projects shall be carried out according to the regulations of the GEF and the State of the Socialist Republic of Vietnam on implementation of projects funded by the official development assistance source, with the GEF-Vietnam's participation.

Chapter III

GEF PROJECTS' IMPLEMENTATION, MONITORING AND APPRAISAL THEREOF

Article 12.- GEF project implementation:

In the course of implementing GEF projects, the implementing agencies shall have to comply with contents already determined in the project documents and other relevant regulations.

Article 13.- Monitoring and appraisal of the implementation of GEF projects

1. Responsibilities for monitoring and appraising the implementation of GEF projects:

1.1. The project management boards shall monitor and appraise projects and make periodical reports according to the schedules already set in the project documents or specified in the projects' annual operation programs.

1.2. The GEF-Vietnam shall assume the prime responsibility and coordinate with the concerned agencies or hire consultancy organizations or consultants at home or abroad (when necessary) to appraise the projects' activities.

1.3. The Ministry of Science, Technology and Environment/GEF-Vietnam shall closely coordinate with the project-

managing agencies, concerned agencies and donors in convening regular or extraordinary meetings (when necessary) the parties to review each specific GEF project.

1.4. Plans, implementation organization and funds for monitoring and appraising the project implementation shall be clearly determined in the project documents or annual operation programs.

2. Reports on project implementation

2.1. In the course of implementing projects, the project management boards shall have to make written reports (technical reports and financial reports) according to the provisions on reporting making in the Regulation on management and use of the official development assistance source promulgated by the State of the Socialist Republic of Vietnam. These reports must be sent to the MOSTE/GEF-Vietnam for synthesization.

2.2. The GEF-Vietnam Office shall have to synthesize reports from the concerned Vietnamese management agencies at the GEF's requests.

Article 14.- Pre-acceptance test and hand-over of GEF projects' results

The procedures for pre-acceptance test and hand-over of GEF projects' results shall comply with the GEF's regulations and other relevant regulations.

*Minister of Science,
Technology and Environment*
CHUTUANHA

2001/QĐ-TTg of April 4, 2001 on the management of goods export and import in the 2001-2005 period

After consulting with the concerned ministries and at the proposal of the General Director of Tax;

DECIDES:

Article 1.- To stipulate the price difference collection rates to be applied to a number of import goods items prescribed in Appendices I and II to this Decision.

The price difference collection rates for import goods items prescribed in Article 1 of this Decision shall be calculated upon the import prices. The import prices serving as basis for the collection of price differences shall be determined according to current regulations on import tax calculation prices in the Law on Export Tax and Import Tax and other documents detailing the implementation of that Law. The time for calculation and time limits for payment of import goods' price differences shall comply with the provisions on the time for calculation and time limits for payment of import tax.

Article 2.- The commodity codes under the Import Tariff, applicable to the goods items being subject to price difference collection stipulated in Appendices I and II issued together with this Decision shall not apply to all goods items under such Headings and codes, but only to the goods items clearly named in Appendices I and II, issued together with this Decision.

Article 3.- The collected amounts of import goods' price differences of the goods items mentioned in Appendices I and II, issued together with this Decision, shall be remitted into the Export Assistance Fund according to the provisions in the Prime Minister's Decision No. 195/1999/QĐ-TTg of September 27, 1999 on the setting up and use of the Export Assistance Fund.

Article 4.- The price difference collection rates prescribed in Appendix I to this Decision shall take effect and apply to import goods declarations submitted to customs offices as from May 1, 2001. The price difference collection rates prescribed in Appendix II to this Decision shall take effect and apply to import goods declaration to be submitted to customs offices as from January 1, 2002.

For the Minister of Finance
Vice Minister
LETHIBANGTAM