

DECISION No. 129/2001/QĐ-TTg OF AUGUST 29, 2001 RATIFYING THE NATIONAL PLAN ON COPING WITH OIL SPILL INCIDENTS IN THE 2001-2010 PERIOD

THE PRIME MINISTER

Pursuant to the Law on Organization of the Government of September 30, 1992;

Pursuant to the Law on Environmental Protection of December 27, 1993;

At the proposal of the National Committee for Search and Rescue and opinions of the concerned ministries, branches and agencies,

DECIDES:

Article 1.- To ratify the national plan on coping with oil spill incidents (OSIs) in the 2001-2010 period with the following principal contents:

1. Objectives of the plan

a/ Objectives to be achieved by 2010:

- Being ready to cope and promptly and effectively coping with all cases of OSIs, so as to minimize damage caused to the environment as well as their adverse impacts on the economic sectors and the people's life.

- The perfection of the system of mechanisms, policies and organizations from the central to grassroots levels, the building of the professional force to act as the core in OSI coping activities.

b/ Objectives to be achieved by 2005:

The readiness for effectively coping with OSIs in a number of OSI-prone regions, where great damage may be entailed, such as the sea area of Ba Ria - Vung Tau province, Sai Gon - Dong Nai rivers, Central Vietnam's sea area from Da Nang to Nha Trang city, coastal-river areas in Hai Phong city and Ha Long bay.

2. Scope of implementation of the national plan on coping with OSIs and regulations on regions of coping with OSIs and classification of OSI degrees

a/ Scope of implementation of the national plan on coping with OSIs

The national plan on coping with OSIs shall be implemented in all mainland regions, offshore islands and marine zones (the internal waters, territorial waters, contiguous zones, exclusive economic zones and continental shelf of Vietnam) defined in the May 12, 1977 Declaration of the Government of the Socialist Republic of Vietnam on the territorial waters, contiguous zones, exclusive economic zones and continental shelf of Vietnam.

Coping with OSIs shall be carried out in all cases of oil spilling caused by any domestic or foreign organizations and/or individuals for any reasons.

b/ Regions of coping with OSIs

- The Northern region, covering all the northern provinces and cities southward to the end of Quang Binh province; the entire sea area in Tonkin Gulf within the scope of coping with OSIs stretching to parallel 17°10' North.

- The Central region, covering all the provinces and cities of the Central Vietnam from Quang Tri province to Binh Thuan province's southernmost point; the entire sea area within the scope of coping with OSIs from parallel 17°10' North to 11°20' North.

- The Southern region, covering all the southern provinces and cities from Ninh Thuan province to Ca Mau and Kien Giang provinces' southernmost points; the entire sea area from parallel 11°20' North, stretching southward, to the southern limit of this national plan's scope of coping with OSIs.

c/ Classification of OSI degrees

Activities of coping with OSIs shall be carried out depending on OSI degrees, which are classified from degree I to degree III according to the volume of oil spilt

into the environment.

Degree I: Under 100 tons.

Degree II: Between 100 and 2,000 tons.

Degree III: Over 2,000 tons.

3. The system and operation mechanism of the OSI-coping levels

The activities of coping with OSIs shall be carried out at 3 levels: grassroots, regional and national.

a/ Grassroots level:

- Socio-economic establishments and defense-security establishments (hereinafter collectively referred to as establishments), which are likely to cause OSIs, shall have to work out coping plans by themselves, invest in facilities and equipment and organize forces to ensure the prompt and effective OSI prevention and coping corresponding to the possibility of oil spilling caused by themselves, and be ready to take part in common activities of coping with OSIs under unified mobilization and/or command of the competent agencies.

- In cases where an establishment's potential and capability are limited, it shall have to enter into contracts with other establishments in the same locality or with the regional OSI-coping center for supports in coping with OSI when it occurs at its place.

b/ Regional level:

In each OSI-coping region, a regional OSI-coping center (hereinafter referred to as regional center for short) shall be organized.

- The regional centers shall be organized and operate under the statute of public-utility State enterprises, have professional forces acting as core units fully qualified and ready to perform the task of coping with OSIs of degree II or higher within their assigned regions.

- On the basis of general evaluation of the practical situation and the demands for manpower, facilities, equipment and supplies for OSI-coping activities in each region, the State shall additionally invest in the regional centers, in order to make them capable of performing the task of coping with OSIs within their assigned regions.

- The regional centers shall submit to the State management by the managing ministries and branches. The National Committee for Search and Rescue shall directly instruct the regional centers in the domain of coping with OSIs.

From now till 2004, to concentrate efforts on building and putting into operation two centers in the Central and Southern regions. On the basis of experience drawn from operation of these two centers, the National Committee for Search and Rescue shall propose plan for building the Northern Center, thus ensuring that by 2010, the whole country shall have three regional OSI-coping centers in operation.

c/ National level:

- In cases where an OSI occurs beyond the coping capability of a regional center, the National Committee for Search and Rescue shall mobilize forces of other regional centers, the ministries, branches, localities, organizations and individuals for coordinated OSI-coping activities.

- In cases where an OSI occurs beyond the coping capability of domestic forces, the National Committee for Search and Rescue shall propose the Prime Minister to ask for help from foreign OSI-coping forces. The National Committee for Search and Rescue shall assume the prime responsibility and coordinate with various forces in these OSI-coping activities.

4. Facilities and equipment for coping with OSIs

a/ At establishments:

Establishments shall furnish themselves with means, facilities and equipment so as to be able to cope with OSIs of a certain degree, which may occur at their establishments under the provisions of this plan.

b/ At the regional centers:

The regional centers must have the following essential facilities, equipment, means and supplies:

- Technical and information and communication facilities and equipment in service of administration of the centers' operations.

- Special-use ship fleets, speedboats, buoys of all kinds, dispersers and devices and equipment for containing oil, pumping, sucking and spraying dispersers and gathering oil; system of treating oil dregs...

- Protective equipment, devices and outfits for persons engaged in coping activities.

c/ At the steering and administering agencies:

The National Committee for Search and Rescue, the Ministry of Science, Technology and Environment and other concerned agencies shall be furnished with information and communication equipment and other

facilities and equipment suitable to their assigned responsibilities as prescribed in Article 2 of this Decision.

5. Finance for implementation of the national plan on coping with OSIs

a/ For the production and business establishments:

Establishments shall self-finance the implementation of their own plans on coping with OSIs.

b/ For the regional centers:

Operations of the regional OSI-coping centers shall be financed by the following sources:

- The State budget allocations to the regional centers for addition to initial investment, and for a number of regular OSI-coping activities, which shall be considered according to the Government's Decree No.56/CP of October 2, 1996 on public-utility State enterprises and the Prime Minister's Decision No.215/1999/QĐ-TTg of November 3, 1999 promulgating the provisional Regulation on financial management applicable to search and rescue activities.

- Other lawful funding sources.

The regional centers shall proceed to work out their business plans to cover by themselves funding for their operation and implementation of their plans on coping with OSIs.

c/ For the steering and administering agencies:

For activities related to the performance of tasks assigned by the Government, the National Committee for Search and Rescue, the Ministry of Science, Technology and Environment and other concerned agencies with the responsibilities prescribed in Clause 4, Article 1 of this Decision shall be entitled to use the State budget's funding source.

Article 2.- Organization of implementation of the national plan on coping with OSIs

1. The National Committee for Search and Rescue:

The National Committee for Search and Rescue, acting as the agency taking the prime charge and command and organizing the implementation of the national plan on coping with OSIs, shall have to:

a/ Elaborate the regulation on OSI-coping activities nationwide and build the implementation-organizing system, thus ensuring that from 2002-2003 onward the OSI coping activities shall be administered under the

regulation by a uniformly organized system throughout the country.

b/ Assume the prime responsibility for community-based propagation and education, raising of citizens' sense of responsibility, mobilization and organization of people to participate in activities of preventing and coping with OSIs, with a view to socializing the task of preventing and coping with OSIs.

c/ Direct, mobilize, command and coordinate forces taking part in coping with OSIs.

d/ Assume the prime responsibility and coordinate with the Ministry of Science, Technology and Environment and the concerned ministries and branches in synthesizing and submitting to the Prime Minister annual plans and five-year plans, first of all the plan on coping with OSIs in 2001-2005 period, organize the implementation thereof as soon as such plans are approved at the regions, ministries, branches, provinces and centrally-run cities, and regularly guide, urge and supervise the implementation of the plans according to the current regulations.

e/ Direct the investigation and verification of big OSIs, propose to the Prime Minister and the concerned agencies measures to prevent and/or minimize the damage caused by OSIs.

f/ Organize and direct annual drills in coping with OSIs, provide professional training courses to the forces engaged in coping with OSIs.

g/ Act as a national coordinator for Vietnam's participation in international cooperation activities in the domain of coping with OSIs; coordinate with the countries having contiguous zones with Vietnam in conducting joint activities of coping with OSIs upon their occurrence in such zones.

h/ Draw up the list of documents on international relations in coping with OSIs, then propose it to the concerned State management agencies for promulgation according to their competence, thus ensuring that by 2003 our country shall have sufficient legal documents to serve as legal bases for OSI-coping organizations at home and abroad to coordinate with one another in coping with OSIs in Vietnam.

2. The Ministry of Science, Technology and Environment shall have to:

a/ Propose to the Government and the Prime Minister

for promulgation or promulgate according to its own competence policies and legal documents in the domain of overcoming OSI consequences caused to the environment; elaborate and organize the implementation of the 2001-2005 five-year plan on the promulgation of these documents.

b/ Guide the ministries, branches and localities in evaluating and determining damage and overcoming consequence being the environmental degradation caused by OSIs.

c/ Organize and support the National Committee for Search and Rescue in conducting scientific research in the domain of coping with OSIs.

d/ Inspect, examine and handle violations, settle disputes, complaints and denunciations according to its competence.

3. The Ministry of Defense shall have to:

a/ Elaborate and organize the implementation of plans on fast deployment of the army's forces and means to take part in the coordinated OSI-coping activities at the request of the National Committee for Search and Rescue.

b/ Establish the OSI-coping center of the Central Vietnam in the rescue system of the Ministry of Defense. The Ministry of Defense shall assume the prime responsibility and coordinate with the National Committee for Search and Rescue, the Ministry of Planning and Investment, the Ministry of Finance and other concerned agencies in prescribing the OSI-coping task of Central Vietnam's center, furnishing facilities and equipment, and training primary necessary personnel of the center, so that the center can be ready for its task in 2002-2004 period.

4. The Vietnam Oil and Gas Corporation shall have to:

a/ Elaborate and organize the implementation of plans on fast deployment of the oil and gas sector's forces and means to take part in the coordinated coping of OSIs at the request of the National Committee for Search and Rescue.

b/ Establish the OSI-coping center of the Southern region in the emergency system under the Vietnam Oil and Gas Corporation. The Vietnam Oil and Gas Corporation shall assume the prime responsibility and coordinate with the National Committee for Search and

Rescue, the Ministry of Planning and Investment, the Ministry of Finance and other concerned agencies in prescribing the OSI-coping task of the Southern region's center, furnishing facilities and equipment, and training primary necessary personnel of the center, so that the center can be ready for its task in 2002-2004 period.

People's Committees of the provinces and centrally-run cities shall have to implement this Decision.

Prime Minister
PHAN VAN KHAI

5. The concerned ministries and branches shall have to:

a/ Direct and inspect organizations and production and business establishments under their respective management, which are likely to cause OSIs, in working out plans and organizing the coping of OSIs according to the provisions of this Decision.

b/ Mobilize forces and means under their respective management for the coping of OSIs at the request of the National Committee for Search and Rescue.

6. The People's Committees of the provinces and centrally-run cities shall have to:

a/ Provinces and centrally-run cities, with establishments likely to cause OSIs shall have to elaborate and organize the implementation of their own plans on coping with OSIs on the basis of mobilizing forces, means, facilities and equipment for coping with OSIs from establishments attached to the State agencies, organizations and individuals located in the localities under their respective management.

b/ Direct and inspect organizations and production and business establishments under their respective management, which are likely to cause OSIs, in working out plans on coping with OSIs and organizing the implementation thereof according to the provisions of this Decision.

c/ Create conditions for and coordinate with the forces of the ministries, branches and other localities in monitoring and supervising OSIs, and at the same time direct the coping activities when OSIs occur in their localities.

Article 3.- This Decision takes effect 15 days after its signing.

Article 4.- The Chairman of the National Committee for Search and Rescue, the ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the