

**DECISION No. 82/2002/QĐ-TTg OF JUNE 26,
2002 ON THE SETTING UP, ORGANIZATION
AND OPERATION OF VIETNAM ENVIRON-
MENT PROTECTION FUND**

THE PRIME MINISTER

*Pursuant to the Law on Organization of the
Government of December 25, 2001;*

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

*Pursuant to the Government's Decree No. 175/
CP of October 18, 1994 guiding the implementation*

of the Law on Environmental Protection)

At the proposal of the Minister of Science, Technology and Environment,

DECIDES:

Article 1.- To set up Vietnam Environment Protection Fund in order to mobilize capital from organizations and individuals at home and abroad; and receive the State's investment capital sources to support environmental protection programs, projects as well as activities and tasks nationwide.

Vietnam Environmental Protection Fund is a State-run financial organization which is attached to the Ministry of Science, Technology and Environment and subject to the financial State management by the Ministry of Finance.

Article 2.- The legal position of Vietnam Environment Protection Fund.

1. Vietnam Environment Protection Fund is a State-run financial organization which functions to provide financial support in the field of environmental protection.

Vietnam Environment Protection Fund has the legal person status, its charter capital, its own accounting balance sheet and seal, and is entitled to open accounts at the State Treasury and banks at home and abroad.

2. Its transaction name: Vietnam Environment Protection Fund. (VEPF).

3. Vietnam Environment Protection Fund's head-office is located in Hanoi.

The Fund shall have its representative offices located in provinces and centrally-run cities as decided by the Fund's Managing Council.

In case of necessity, the Fund may open its overseas transaction offices according to the Government's regulations.

4. The Fund may, together with Environment Funds of branches and localities as well as funds of other types, co-finance environmental protection activities.

Article 3.- Operation of Vietnam Environment Protection Fund.

Vietnam Environment Protection Fund shall operate for non-profit purposes, but must ensure the retrieval

of its charter capital and the coverage of managerial expenses.

To assign the Minister of Science, Technology and Environment to promulgate the Regulation on organization and operation of Vietnam Environment Protection Fund suitable with this Decision and current regulations of the State.

Article 4.- Tasks of Vietnam Environment Protection Fund.

1. To mobilize financial sources at home and abroad according to the provisions of Vietnamese laws in order to create sources of investment capital for environmental protection.

2. To render financial support for programs and projects on as well as activities of preventing, combating and overcoming environmental pollution, deterioration and incidents of national, inter-sectional or inter-regional nature, or settling environmental matters of local nature but with large impact scope in the following forms:

- a) Providing loans at preferential interest rates;
- b) Providing lending interest rate support for investment projects on environmental protection when capital is borrowed from other credit institutions;
- c) Providing financial support for a number of environmental protection activities and tasks prescribed in the Regulation on organization and operation of Vietnam Environment Protection Fund.

3. To receive and manage the capital sources entrusted by domestic and overseas organizations and individuals in order to provide investment or financial support for environmental protection activities and tasks.

4. To assume the prime responsibility and coordinate with functional agencies in organizing the appraisal and selection of environmental protection activities, tasks and projects calling for financial assistance or investment support in strict accordance with law provisions.

5. The Fund may use idle capital not originating from the State budget to buy the Government bonds according to law provisions, provided that it is so consented by the capital-providing organizations and/or individuals.

Article 5.- Powers of Vietnam Environment Protection Fund.

1. To organize the operation of its executive body and professional units in strict compliance with its Regulation as well as objectives and assigned tasks.

2. To regularly and irregularly inspect the implementation of environmental protection activities, tasks and projects by units using the Fund's capital. For investors that breach commitments made with the Fund or violate the State's regulations, Vietnam Environment Protection Fund may withdraw its lent capital, stop the financial assistance or lending interest rate support and initiate lawsuit against those investors at competent agencies according to law provisions.

3. To be entitled to invite specialists from the concerned ministries, branches and organizations to join the Council for appraisal of environmental protection activities, tasks and projects calling for financial assistance or investment support, as well as in service of other activities of the Fund.

4. To enjoy the salary, bonus and welfare regimes as currently prescribed for State enterprises.

5. To refuse all requests of any organizations or individuals for the provision of information and other resources of Vietnam Environment Protection Fund, if such requests are contrary to the provisions of laws and the Regulation on organization and operation of Vietnam Environment Protection Fund.

6. To directly contact with domestic and overseas organizations and/or individuals in order to call for, attract and receive donations or to mobilize investment capital for environmental protection projects, activities and tasks under the operation plans assigned to Vietnam Environment Protection Fund.

7. To be entitled to send officials and employees of Vietnam Environment Protection Fund abroad for working missions, study, visits or surveys strictly according to the provisions of laws.

Article 6.- Capital sources of Vietnam Environment Protection Fund.

Capital for operation of Vietnam Environment Protection Fund shall be formed from the following sources:

1. The Fund's charter capital of VND 200 billion, allocated by the State budget. The State budget shall allocate adequate charter capital for Vietnam

Environment Protection Fund within two years as from the date of issuing the establishment decision. The change in the charter capital of Vietnam Environment Protection Fund shall be decided by the Prime Minister at the proposals of the Ministry of Science, Technology and Environment, the Ministry of Finance and the Ministry of Planning and Investment.

2. Operation capital from other sources

a) Compensations for environmental damage (the amounts payable to the State budget) paid by organizations and individuals as prescribed by laws;

b) The deduction of 50% of environmental protection charges as prescribed by laws;

c) The deduction of 10% of the annual funding for activities of State management of environmental protection;

d) Contributions voluntarily made by domestic and overseas organizations and individuals;

e) Aids and donations from domestic and overseas organizations and individuals;

f) Other revenues as prescribed by laws;

g) Capital entrusted by domestic and overseas organizations and individuals for environmental protection activities.

Article 7.- The managerial and executive apparatus of Vietnam Environment Protection Fund.

The managerial and executive apparatus of Vietnam Environment Protection Fund shall consist of the Managing Council, the Control Board and the operation-administering body.

1. The Managing Council of Vietnam Environment Protection Fund shall be composed of five members, including a representative of leadership of the Ministry of Science, Technology and Environment, competent representatives of the Ministry of Finance, the Ministry of Planning and Investment and Vietnam State Bank, and a leading official of the Environment Department under the Ministry of Science, Technology and Environment. The chairman of the Managing Council of Vietnam Environment Protection Fund shall be a vice-minister of Science, Technology and Environment. The Minister of Science, Technology and Environment shall, basing himself/herself on the proposals of the Ministry of Finance, the Ministry of Planning and

Investment and Vietnam State Bank, issue decisions appointing members of the Managing Council of Vietnam Environment Protection Fund. Members of the Managing Council shall work on a part-time basis and enjoy the regimes prescribed by the State.

2. The head of the Control Board shall be appointed and dismissed by the Fund's Managing Council. Members of the Control Board shall be decided by the Managing Council at the proposal of the Control Board's head and work on a part-time basis.

3. The operation-administering body of Vietnam Environment Protection Fund shall be composed of a director, a deputy director, a chief accountant and assisting section.

The post of Vietnam Environment Protection Fund's director shall be held concurrently by a leading official of the Environment Department and appointed by the Minister of Science, Technology and Environment at the proposal of the Managing Council.

The deputy director and chief accountant shall be appointed and dismissed by the Minister of Science, Technology and Environment at the proposal of Vietnam Environment Protection Fund's director, submitted to him/her by the Managing Council.

The assisting section shall be decided by the Managing Council. At the initial stage, Vietnam Environment Protection Fund may employ the Environment Department's apparatus to administer the Fund's operation.

Article 8.- The Minister of Science, Technology and Environment and the Minister of Finance shall have to guide the implementation of this Decision.

Article 9.- Implementation provisions.

This Decision takes effect 15 days after its signing.

The Minister of Science, Technology and Environment, the Minister of Finance, the Minister of Planning and Investment, the Governor of Vietnam State Bank, the Minister-Head of the Government Commission for Organization and Personnel, the chairman of the Managing Council and the director of Vietnam Environment Protection Fund shall have to *organize the implementation of this Decision*.

The ministers, the heads of the ministerial-level agencies, the heads of agencies attached to the Government and the presidents of the People's

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

For the Prime Minister
Deputy Prime Minister
PHAM GIA KHIEM