

*2002/NQ-CP of the Government's September 2002 regular meeting;*

*Pursuant to the Government's Decree No. 86/2002/ND-CP of November 5, 2002 prescribing the functions, tasks, powers and organizational structures of the ministries and ministerial-level agencies;*

*At the proposals of the Minister of Natural Resources and Environment and the Minister of the Interior,*

### **DECREES:**

#### **Article 1.- Position and functions**

The Ministry of Natural Resources and Environment is an agency of the Government, performing the function of State management over land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography nationwide; State management over public services, and representing the owners of State capital portions at enterprises with State capital in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography according to the provisions of law.

#### **Article 2.- Tasks and powers**

The Ministry of Natural Resources and Environment shall have to perform the tasks and exercise the powers defined in the Government's Decree No. 86/2002/ND-CP of November 5, 2002 prescribing the functions, tasks, powers and organizational structures of the ministries and ministerial-level agencies as well as the following specific tasks and powers:

1. To submit to the Government bills, draft ordinances and other legal documents concerning land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography;

2. To submit to the Government development strategies, plans, long-term, five-year and annual plans on the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography, and important projects of the branch;

3. To promulgate legal documents, standards, processes, procedures and economic and technical

## **DECREE No. 91/2002/ND-CP OF NOVEMBER 11, 2002 PRESCRIBING THE FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT**

### **THE GOVERNMENT**

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

*Pursuant to August 5, 2002 Resolution No. 02/2002/QH11 of the XI<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its first session, prescribing the list of the Government's ministries and ministerial-level agencies;*

*Pursuant to October 4, 2002 Resolution No. 11/*

norms in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography according to its competence;

4. To organize and direct the implementation of legal documents, strategies, plannings and plans after they are approved, and the branch's standards, processes, procedures and economic and technical norms; to propagate, disseminate and educate laws and information on land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography.

5. Regarding land resources:

a/ To formulate plannings and plans on the use of land in the whole country and submit them to the Government for consideration and submission to the National Assembly for decision;

b/ To appraise land use plannings and plans of the provinces and centrally-run cities as well as the Defense Ministry's and the Public Security Ministry's plannings and plans on the use of land for defense and security purposes, which are submitted to the Government for consideration and approval.

c/ To submit to the Government for decision the cases of land assignment and retrieval, which fall under the Government's jurisdiction;

d/ To direct the implementation of the investigation, survey, measurement appraisal and classification of land and the drawing of cadastral maps; to guide and synthesize land inventory statistics, the compilation and management of cadastral dossiers;

e/ To exercise the uniform management over the land assignment, lease and retrieval, the transfer of land use right, the shifting of the land use purposes, and the registration and granting of land use right certificates;

f/ To guide the People's Committees of the provinces and centrally-run cities in the granting of land use right certificates according to the provisions of law;

g/ To inspect the People's Committees of the provinces and centrally-run cities in setting land prices according to the price bracket, the principles for and methods of determining the prices of land of different categories as stipulated by the Government.

6. Regarding water resources:

a/ To submit to the Government for prescription the assignment and decentralization of the basic survey work and the competence to grant and withdraw water resources-related permits; to direct and check the post-approval implementation;

b/ To synthesize data, manage basic survey results, inventory and assess water resources, and build up databases on water resources;

c/ To stipulate and direct the inspection of the implementation of measures to protect water resources;

d/ To act as a standing member of the National Council for Water Resources.

7. Regarding mineral resources:

a/ To submit to the Government for prescription the assignment and decentralization of the basic geological survey of mineral resources; to draw geological maps for the whole country; to stipulate and announce areas where mineral activities are banned or temporarily banned, restricted areas, and areas opened for bidding for mineral activities; to direct and inspect the post-approval implementation;

b/ To submit to the Government for prescription the competence to grant, extend and withdraw mineral activity permits and the procedures for granting, extending, withdrawing, and permitting the return of, mineral activity permits, for permitting the transfer and inheritance of rights to mineral activities, and for registering mineral activities;

c/ To identify areas with unexploited mineral resources; zone off areas with noxious minerals; appraise and approve according to its competence schemes and reports on basic surveys on mineral resources, explorations and prospections in mineral activities;

d/ To stipulate, direct, and inspect the implementation of, measures to protect mineral resources;

e/ To synthesize data, manage the results of basic geological surveys on mineral resources, mineral explorations and prospections; to collect statistics, inventory, and evaluate the quality and reserves of, mineral resources; to organize the archival and management of documents, samples, and keep confidential geological and mineral resource data and information according to the State regime;

f/ To act as a standing member of the State Council

for Evaluation of Mineral Reserves.

**8. Regarding the environment:**

*a/ To direct and supervise the implementation of environmental protection regulations and measures, programs and projects on prevention, combat and overcoming of environmental degradation, pollution and environmental incidents according to the Government's task assignment;*

*b/ To exercise the uniform management of the national environment observation system; synthesize and process data on environment observation and periodically assess the real state of the environment and forecast environmental developments;*

*c/ To appraise the environmental impact assessment reports of projects and production and business establishments; prescribe environmental standards and uniformly manage the granting and withdrawal of environmental standard satisfaction certificates according to the provisions of law;*

*d/ To mobilize financing sources, receive the State's investment capital in support of the environmental protection programs, projects, activities and tasks, and manage the use of Vietnam Environmental Protection Fund.*

**9. Regarding hydrology and meteorology:**

*a/ To direct and organize the implementation of basic hydrological and meteorological surveys; to collect and appraise hydrological and meteorological elements and documents; to process and supply hydrological and meteorological information, materials and forecasts;*

*b/ To evaluate hydrological and meteorological technical criteria of projects on capital construction, renovation, expansion and upgrading of hydrological and meteorological works; to organize the registration, granting and withdrawal of operation licenses of hydrological and meteorological works according to the provisions of law.*

**10. Regarding metrology and cartography:**

*a/ To exercise the uniform management of metrological and cartographical activities; to manage the basic metrological and cartographical work, national border and administrative boundary maps; to manage the system of place names on maps, the national reference system, the national system of base*

*metrological data, the national system of base metrological points, the system of basic aerial and specialized photos; to grant and withdraw metrological and cartographical activity permits according to the provisions of law;*

*b/ To establish, revise, publish and distribute basic topographical maps, base maps, administrative maps; to manage the supply of information, materials and keep secret the system of metrological and cartographical information and materials according to the State regime.*

**11. To appraise and inspect the implementation of investment projects in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography according to the provisions of law.**

**12. To undertake international cooperation in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography according to the provisions of law.**

**13. To organize and direct the implementation of plans on scientific research and application of scientific and technological advances in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography.**

**14. To decide on policies and specific measures and direct the implementation of operational mechanisms of public-service organizations in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography according to the provisions of law; to manage and direct the operation of non-business organizations attached to the Ministry;**

**15. To perform the specific tasks and exercise specific powers falling under its right to represent the owners of State capital portions at enterprises with State capital in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography under the Ministry's management according to the provisions of law;**

**16. To exercise the State management over activities of societies and non-governmental organizations in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography according to the provisions of law;**

17. To inspect, supervise and settle complaints and denunciations against corruption, negative phenomena, and handle violations of the legislation on land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography, which fall under the Ministry's competence;

18. To decide on and direct the implementation of the Ministry's administrative reform program in accordance with the objectives and content of the State administrative reform program already approved by the Prime Minister;

19. To manage its organizational structure and payroll; direct the implementation of the wage regime and preferential treatment, reward and discipline regimes and policies towards State officials and public employees under the Ministry's management; provide professional training and fostering for officials and public employees in the domains of land, water and mineral resources, environment, hydrology, meteorology, metrology and cartography.

20. To manage its assigned finance and assets and organize the execution of allocated budgets according to the provisions of law.

**Article 3.- Organizational structure of the Ministry**

a/ Organizations assisting the Minister in performing the State management function:

1. The Land Department;
2. The Land Registration and Statistics Department;
3. The Environment Department;
4. The Environmental Impact Evaluation and Assessment Department;
5. The Hydrology and Meteorology Department;
6. The Science - Technology Department;
7. The Planning - Finance Department;
8. The International Cooperation Department;
9. The Legal Department;
10. The Organization and Personnel Department;
11. The Water Resource Management Department;
12. Vietnam Geology and Mineral Department;
13. The Environmental Protection Department;
14. The Metrology and Cartography Department;

15. The Inspectorate;

16. The Office.

b/ Non-business organizations under the Ministry:

1. The National Hydrology and Meteorology Center;
2. The Land Planning Survey Center;
3. The Telesnesia Department;
4. The Information Center;
5. The Natural Resource and Environment magazine;
6. The Natural Resource and Environment newspaper.

The Minister of Natural Resources and Environment shall assume the prime responsibility and coordinate with the Minister of the Interior in drawing up plans on arrangement of the institutes: Vietnam Geological and Mineral Research Institute, the Cadastral Science Institute, the Hydrological and Meteorological Science Institute, and the existing schools under the General Land Administration and the General Department of Meteorology and Hydrology, then submit them to the Prime Minister for decision.

**Article 4.- Implementation effect**

This Decree takes implementation effect after its signing.

To annul the Government's Decree No. 34/CP of April 23 of 1994 on the functions, tasks, powers and organizational structure of the General Land Administration, Decree No. 62/CP of July 11, 1994 on the tasks, powers and organizational structure of the General Department of Hydrology and Meteorology, and all previous regulations contrary to this Decree.

**Article 15.- Implementation responsibility**

The Minister of Natural Resources and Environment, the other ministers, the heads of the ministerial-level agencies, the heads of the 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 Decree.

*On behalf of the Government*  
**Prime Minister**  
**PHAN VAN KHAI**