

THE GOVERNMENT'S DECREE No. 149/2004/ND-CP OF JULY 27, 2004: On the issuance of permits for water resource exploration, exploitation and use, or for discharge of wastewater into water sources (9/9/2004 8:30:22 AM)

THE GOVERNMENT

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

Pursuant to Resolution No. 02/2002/QH11 of August 5, 2002 of the XIth National Assembly of the Socialist Republic of Vietnam at its 1st session, prescribing the list of the ministries and ministerial-level agencies under the Government;

Pursuant to the May 20, 1998 Law on Water Resources;

Pursuant to the Government's Decree No. 91/2002/ND-CP of November 11, 2002 defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

At the proposal of the Minister of Natural Resources and Environment,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Decree provides for the issuance, extension, change, invalidation and withdrawal of permits for water resource exploration, exploitation and use, or discharge of wastewater into water sources.

Article 2.- Objects of application

This Decree applies to all domestic and foreign organizations and individuals (hereinafter referred collectively to as organizations and individuals) involved in activities related to water resource exploration, exploitation and use, or discharge of wastewater into water sources.

In cases where an international agreement which the Socialist Republic of Vietnam has signed or acceded to contains provisions different from those of this Decree, the provisions of such international agreement shall apply.

Article 3.- Permits for water resource exploration, exploitation and use, or discharge of wastewater into water sources

Permits for water resource exploration, exploitation and use, or discharge of wastewater into water sources include underground water- exploration permits; underground water-exploitation and -use permits; surface water-exploitation and -use permits; and permits for discharge of wastewater into water sources.

Article 4.- Permit-issuance principles

The issuance of permits for water resource exploration, exploitation and use, or discharge of wastewater into water sources must ensure the following principles:

1. To issue permits according to the right competence, to the right subjects and in strict compliance with the law-prescribed order and procedures.

2. To ensure the State's interests; the legitimate rights and interests of concerned organizations and individuals, and to protect the environment according to law provisions;
3. To prioritize the issuance of permits for water resource exploration, exploitation and use in service of daily-life water supply;
4. Not to exhaust or pollute water sources when exploring, exploiting or using water resources, or discharging wastewater into water sources;
5. To exploit underground water in an area not in excess of that area's exploitable water reserve; when underground water exploited in an area reaches the exploitable reserve, it is prohibited to expand the exploitation scope unless handling and artificial supplementation measures are applied.

Article 5.- Permit-issuance grounds

1. The issuance of permits for water resource exploration, exploitation and use, or for discharge of wastewater into water sources must be based on the following grounds:

a/ The Law on Water Resources and relevant legal documents;

b/ The national, branch, regional and local socio-economic development strategies;

c/ The river-basin plannings already approved by competent State agencies under law provisions; in cases where such plannings are not yet available, the permit issuance shall be based on the potentials of water sources and must ensure that water sources shall not be exhausted or polluted;

d/ The competent State agencies' reports on the evaluation of dossiers of application for permits for water resource exploration, exploitation and use, or discharge of wastewater into water sources.

2. Apart from the grounds defined in Clause 1 of this Article, the issuance of permits for discharge of wastewater into water sources must also be based on:

a/ The wastewater standards; in cases where such standards are not yet available, the guidance of the Ministry of Natural Resources and Environment shall apply;

b/ The water sources' capability of accommodating wastewater;

c/ The sanitation-protection zone for the water-exploitation area, as defined by the competent State agency.

Chapter II

ISSUANCE, EXTENSION, CHANGE, INVALIDATION AND WITHDRAWAL OF PERMITS FOR WATER RESOURCE EXPLORATION, EXPLOITATION AND USE, OR DISCHARGE OF WASTEWATER INTO WATER SOURCES

Article 6.- Cases not subject to permit application

1. The exploration and exploitation of water resources are not subject to permit application in the following cases:

a/ Small-scale exploitation and use of surface water or underground water for daily-life familial activities;

b/ Small-scale exploitation and use of surface water or underground water for agricultural production, forestry, aquaculture, cottage industry, hydroelectricity and other familial purposes;

c/ Small-scale exploitation and use of seawater for salt production and aquaculture by families;

d/ Exploitation and use of rainwater, surface water or seawater within the assigned or leased land area according to the provisions of the Land Law, the Law on Water Resources and other law provisions;

e/ Exploitation and use of water resources for non-business purposes, in service of forestry, waterway transport, aquaculture, salt production, sports, recreation, tourism, healthcare, sanatoriums and scientific research;

f/ Underground water exploitation from substitute projects of smaller or equivalent scale, with the lowered water level below the permit-prescribed limit, within the permitted area.

2. Discharge of wastewater into water sources on a small and familial scale.

3. The exploitation and use of underground water on a small and familial scale shall not be subject to permit application but must be registered in the following cases:

a/ Exploitation and use of underground water for agricultural production, forestry, aquaculture or cottage industry in the areas where the total exploited water volume exceeds the total volume of average underground water flow in the dry season;

b/ The depth of the exploitation well exceeds the prescribed level.

4. The People's Committees of the provinces and centrally-run cities (hereinafter referred collectively to as the provincial-level People's Committees) shall specify the scope of water resource exploitation and use, and the discharge of wastewater into water sources on the familial scale that is not subject to the permit application; the underground water exploitation areas which must be registered, and the depth of wells which must be registered according to the provisions of Clause 3, this Article.

Article 7.- Terms and extension of permits

1. The term of a surface water-exploitation and -use permit shall not exceed twenty (20) years and may be considered for extension but for not more than ten (10) years.

2. The term of an underground water-exploration permit shall not exceed three (3) years and may be considered for extension but for not more than two (2) years.

3. The term of an underground water-exploitation and -use permit shall not exceed fifteen (15) years and may be considered for extension but for not more than ten (10) years.

4. The term of a permit for discharge of wastewater into water sources shall not exceed ten (10) years and may be considered for extension but for not more than five (5) years.

5. The extension of permits for water resource exploration, exploitation and use, or discharge of wastewater into water sources must be based on the provisions of Article 5 of this Decree and the following conditions:

a/ By the time of extension application, the permit owner has fulfilled the obligations prescribed in Article 18 of this Decree;

b/ The permit for water resource exploration, exploitation and use, or for discharge of wastewater into water sources is still valid for at least three (3) months at the time of application for permit extension.

Article 8.- Change of terms and adjustment of contents of permits

The change of terms or adjustment of contents of permits shall be effected in the following cases:

1. For underground water exploration permits:

a/ The ground conditions do not permit the construction of a number of items under the ratified exploration projects;

b/ There are disparities between the actual geo-hydrological structures and expected geo-hydrological structures in the ratified exploration projects;

c/ The volume of exploration items changes by over 10% compared to the corresponding volume already approved.

2. For water resource-exploitation and -use permits:

a/ The water sources cannot ensure normal water supply;

b/ The water exploitation and use demand rises but no measures have been taken to handle or supplement water sources;

c/ There appear particular circumstances requiring the restriction of water exploitation and use;

d/ The water exploitation causes land subsidence, deformation of the construction works, salinization, exhaustion or serious pollution of underground water sources.

3. For permits for discharge of wastewater into water sources:

a/ A water source cannot accommodate more wastewater;

b/ The demand for wastewater discharge rises but no handling or remedial measures have been taken;

c/ There appear particular circumstances requiring the restriction of the discharge of waste water into water sources.

Article 9.- Invalidation of permits

1. A permit shall be invalidated in the following cases:

a/ The organization or individual granted the permit (referred to collectively as the permit owner) violates the provisions of the permit;

b/ The permit owner transfers the permit without permission;

c/ The permit owner misuses the permit to organize operations not prescribed in the permit.

2. The permit- invalidation period shall be defined by the permit-issuing agency. During the invalidation period, the permit owner shall not have the permit-related rights.

Article 10.- Withdrawal of permits

1. A permit shall be withdrawn in the following cases:

a/ The organization being the permit owner is dissolved or declared bankrupt by a court; the individual being the permit owner dies or is declared dead by a court or has lost his/her civil act capacity or is declared missing;

b/ The permit has been granted but has not been used for twelve (12) consecutive months without permission by the competent State management agency in charge of water resources;

c/ The permit owner violates the decision on invalidation of the permit;

d/ The permit owner violates the provisions of the permit, thus exhausting or polluting water sources;

e/ The permit has been issued ultra vires;

f/ The competent State agency decides to withdraw the permit for national defense or security reasons or for national or public interests.

2. In cases where permits are withdrawn due to violation of the provisions of Points b and c, Clause 1 of this Article, permit owners shall only be considered for issuance of new permits after 3 years as from the permit-withdrawal date, provided that they have fulfilled the obligations related to the reasons for withdrawal of the old permits.

3. In cases where permits are withdrawn according to the provisions of Points e and f, Clause 1 of this Article, the competent State agency in charge of water resources shall consider the issuance of new permits.

Article 11.- Return of permits

1. In cases where permit owners don't use permits, they may return their permits to the permit-issuing agencies and concurrently give the latter the written explanations thereon.

2. Organizations and individuals that have returned their permits may only be considered for issuance of new permits after two (2) years as from the date of returning the permits.

Article 12.- Termination of effect of permits

1. Permits shall cease to be effective in the following cases:

a/ They are withdrawn;

b/ They have expired;

c/ They have been returned.

2. When permits cease to be effective, the permit-related rights shall also terminate.

Article 13.- Competence to issue, extend, change terms, and adjust contents of, invalidate and withdraw permits

1. The Ministry of Natural Resources and Environment shall issue, extend, change terms, and adjust contents of, invalidate and withdraw permits in the following cases:

a/ Exploiting, using water resources for important national projects already approved by the Prime Minister;

b/ Exploring, exploiting underground water for projects with the flow of 3,000 m³/day and night or more;

c/ Exploiting, using surface water for agricultural production with the flow of 2m³/second or more;

d/ Exploiting, using surface water for electricity generation with the capacity of 2,000 kW or more;

e/ Exploiting, using surface water for other purposes with the flow of 50,000 m³/day and night or more;

f/ Discharging wastewater into water sources with the flow of 5,000 m³/day and night or more.

2. The provincial-level People's Committees shall issue, extend, change terms and adjust contents of, and invalidate and withdraw permits in cases not defined in Clause 1 of this Article.

Article 14.- Agencies receiving and managing dossiers and permits

1. The Department for Water Resources Management under the Ministry of Natural Resource and Environment shall be responsible for receiving and managing dossiers and permits issued by the Ministry of Natural Resources and Environment.

2. The provincial/municipal Services of Natural Resources and Environment shall be responsible for receiving and managing dossiers as well as permits issued by the provincial-level People's Committees.

Chapter III

RESPONSIBILITIES AND POWERS OF PERMIT-ISSUING AGENCIES AND PERMIT OWNERS

Article 15.- Responsibilities and powers of permit-issuing agencies

Permit-issuing agencies shall have the following responsibilities and powers:

1. To issue, extend, change terms and modify contents of, invalidate, withdraw permits strictly according to their competence defined in Article 13 of this Decree.

2. To notify in writing the applying organizations and individuals of the refusal to issue, extend, change terms or adjust the contents of, permits, clearly stating the reasons therefor.

3. To inspect, examine permit owners in performance of their obligations prescribed in Article 18 of this Decree.

Article 16.- Responsibilities, powers of agencies receiving and managing dossiers and permits

Agencies receiving and managing dossiers and permits shall have the following responsibilities and powers:

1. To receive dossiers and guide the procedures of application for permits.

2. To request organizations and individuals applying for permits to supplement their dossiers according to regulations.

3. To evaluate the permit-application dossiers and take responsibility for evaluation results.

4. To fill in the procedures for submission of dossiers to the competent State agencies for issuance of permits.

5. To archive dossiers related to the issuance of permits for water resource exploration, exploitation and use, and discharge of wastewater into water sources.

Article 17.- Rights of permits owners

Permit owners shall have the following rights:

1. To explore, exploit and use water resources, discharge wastewater into water sources according to the provisions of their permits.
2. To have their legitimate rights and interests prescribed in their permits protected by the State.
3. To be compensated by the State in cases where their permits are withdrawn ahead of schedule for national defense or security reasons or for national or public interests under law provisions.
4. To request organizations and individuals to pay compensations for damage to their legitimate rights and interests regarding water resource exploration, exploitation and use, and/or discharge of wastewater into water sources according to law provisions.
5. To propose the permit-issuing agencies to extend, change terms or adjust contents of, permits according to regulations.
6. To return permits according to regulations.
7. To lodge complaints or initiate lawsuits about acts of infringing upon their legitimate rights or interests in water resource exploration, exploitation and use, and/or discharge of wastewater into water sources according to law provisions.
8. To use data and information on water resources according to current regulations.
9. To transfer, lease, bequeath, mortgage or provide guaranty with, assets invested in water resource exploration, exploitation and use, and/or discharge of wastewater into water sources under law provisions.

Article 18.- Obligations of permit owners

Permit owners shall have the following obligations:

1. To observe law provisions on water resource and the provisions of their permits.
2. To pay fees for the issuance of permits for underground water exploration, underground water exploitation and use, surface water exploitation and use, or discharge of wastewater into water sources; to pay natural resource tax and environment protection charges for wastewater; to pay compensations for damage caused by them, according to law provisions.
3. Not to obstruct or cause damage to, the lawful water resource exploration, exploitation and use, discharge of wastewater into water sources by other organizations or individuals.
4. To protect water sources in the areas of water resource exploration, exploitation and use, or discharge of wastewater into water sources.
5. To provide complete and truthful data and information on water resources in the areas under their exploration, exploitation and use, and discharge of wastewater into water sources at the requests of competent State agencies.
6. To take measures to ensure safety, prevent and overcome incidents in the course of water resource exploration, exploitation and use, and discharge of wastewater into water sources; to promptly report thereon to the permit-issuing agencies for appropriate handling measures.
7. To adopt measures to supervise the process of exploring, exploiting and using water resources, and discharging wastewater into water sources under the guidance of the competent State agencies.

8. Not to arbitrarily dismantle or destroy projects or equipment under the entire people's ownership, which are related to water resource exploration, exploitation and use or discharge of waste water into water sources when their permits cease to be effective. Within sixty (60) days, to remove all the properties of their own and of the involved parties from areas subject to water resource exploration, exploitation and use or discharge of wastewater into water sources; to rehabilitate the environment and land according to law provisions.

9. To create conditions for organizations and individuals permitted by competent State agencies to conduct activities of scientific research, investigation and/or evaluation of water sources in their respective permitted areas.

10. To observe the regime of reporting on the results of water resource exploration, exploitation and use as well as discharge of wastewater into water sources to competent State agencies under law provisions.

Chapter IV

PROCEDURES TO ISSUE PERMITS FOR WATER RESOURCE EXPLORATION, EXPLOITATION AND USE, OR DISCHARGE OF WASTEWATER INTO WATER SOURCES

Article 19.- Order and procedures for issuance of underground water-exploration permits

1. Organizations and individuals applying for underground water-exploration permits shall submit two (2) dossier sets at the dossier-receiving agencies defined in Article 14 of this Decree. Such a dossier includes:

a/ The application for permit;

b/ The underground water-exploration scheme, for projects with the flow of 200 m³/day and night or more; the design of exploration well(s), for projects with the flow of under 200 m³/day and night;

c/ The notarized copies of the certificate or valid papers on the right to use land at the exploration sites according to the Land Law's provisions, or the document issued by the competent-level People's Committee, permitting the use of land for exploration.

2. The permit-issuing order is provided for as follows:

a/ Within five (5) working days after receiving dossiers, the dossier-receiving agencies shall have to consider and examine them; in cases where the dossiers are invalid, the dossier-receiving agencies shall notify such to the applying organizations or individuals for dossier completion according to regulations;

b/ As from the date of receiving complete and valid dossiers as prescribed in Clause 1 of this Article, within fifteen (15) working days for exploration projects with the flow of under 3,000 m³/day and night, and thirty (30) working days for exploration projects with the flow of 3,000 m³/day and night or more, the dossier-receiving agencies shall have to evaluate the dossiers, conduct field inspection when necessary and, if obtaining enough permit-issuance grounds, submit the dossiers to the competent agencies for issuance of permits; in cases where the permit-issuance conditions are not fully met, the dossier-receiving agencies shall return the dossiers to the applying organizations or individuals and notify the latter of the reasons for non-issuance of permits.

Article 20.- Order and procedures for issuance of underground water-exploitation and -use permits

1. Organizations and individuals applying for underground water-exploitation and use permits shall submit two (2) dossier sets at the dossier-receiving agencies defined in Article 14 of this Decree. Such a dossier includes:

a/ The application for permit;

b/ The underground water-exploitation scheme;

c/ The map of the area and position of the underground water-exploitation project, of 1/50,000-1/25,000 scale;

d/ The report on the results of exploration and evaluation of underground water deposit, for projects with the flow of 200 m³/day and night; the report on the results of construction of exploitation wells, for projects with the flow of under 200 m³/day and night; the report on the current exploitation situation of operating underground water-exploitation projects;

e/ The results of analysis of the quality of water sources for use purposes according to the State's regulations at the time of application for the permit;

f/ The notarized copies of the certificate or valid papers on the right to use land where exploitation well(s) is (are) located, according to the Land Law's provisions. In cases where the exploitation well land falls beyond the land use right of the applying organization or individual, there must be a written land-use agreement between the exploiting organization or individual and the organization or individual having the land use right, which must be certified by the competent People's Committee.

2. The permit-issuing order is provided for as follows:

a/ Within five (5) working days after receiving dossiers, the dossier-receiving agencies shall have to consider and examine them; in cases where the dossiers are invalid, the dossier-receiving agencies shall notify such to the applying organizations or individuals for dossier completion according to regulations;

b/ In cases where exploitation wells are already available, within fifteen (15) working days after receiving complete and valid dossiers as prescribed in Clause 1 of this Article, the dossier-receiving agencies shall have to evaluate the dossiers, conduct field inspection when necessary and, if obtaining enough permit-issuance grounds, submit the dossiers to competent agencies for issuance of permits; in cases where the permit-issuance conditions are not fully met, the dossier-receiving agencies shall return the dossiers to the applying organizations or individuals and notify the latter of the reasons for non-issuance of permits.

c/ In cases where exploitation wells are not yet available, within ten (10) working days after receiving complete and valid dossiers as prescribed in Clause 1 of this Article, the dossier-receiving agencies shall have to evaluate the dossiers and submit them to competent agencies for issuance of documents permitting the construction of exploitation wells. Within fifteen (15) working days after receiving complete documents on exploitation-well construction, the dossier-receiving agencies shall have to evaluate the dossiers, conduct field inspection when necessary and, if obtaining enough permit-issuance grounds, submit the dossiers to competent agencies for issuance of permits; in cases where the permit-issuance conditions are not fully met, the dossier-receiving agencies shall return the dossiers to the applying organizations or individuals and notify the latter of the reasons for non-issuance of permits.

Article 21.- Order and procedures for issuance of surface water exploitation- and use- permits

1. Organizations and individuals applying for surface water-exploitation and-use permits shall submit two (2) dossier sets at the dossier-receiving agencies defined in Article 14 of this Decree. Such a dossier includes:

a/ The application for permit;

b/ The water-exploitation and -use scheme enclosed with the operation process, for cases where exploitation works are unavailable; the report on the current water- exploitation and -use situation, for cases where exploitation works already exist;

c/ The results of analysis of the quality of water sources for use purposes according to the State's regulations at the time of application for the permit;

d/ The map of the area and position of the exploitation project, of 1/50,000 - 1/25,000 scale;

e/ The notarized copies of the certificate of, or valid papers on, the right to use land where the exploitation work is to be located, according to the Land Law's provisions. In cases where the exploitation work land falls beyond the land use right of the applying organization or individual, there must be a written agreement on land use between the exploiting organization or individual and the organization or individual having the land use right, which must be certified by the competent People's Committee.

2. The permit-issuing order is provided for as follows:

a/ Within five (5) working days after receiving dossiers, the dossier-receiving agencies shall have to consider and examine them; in cases where dossiers are invalid, the permit-issuing agencies shall notify such to the applying organizations or individuals for dossier completion according to regulations;

b/ Within thirty (30) working days after receiving complete and valid dossiers as prescribed in Clause 1 of this Article, the dossier-receiving agencies shall have to evaluate them, conduct field inspection when necessary and, if obtaining enough permit-issuance grounds, submit the dossiers to competent agencies for issuance permits; in cases where the permit-issuance conditions are not fully met, the dossier-receiving agencies shall return the dossiers to the applying organizations or individuals and notify the latter of the reasons for non-issuance of permits.

Article 22.- Order and procedures for issuance of permits for discharge of wastewater into water sources

1. Organizations and individuals applying for permits for discharge of wastewater into water sources shall submit two (2) dossier sets at the dossier-receiving agencies defined in Article 14 of this Decree. Such a dossier includes:

a/ The application for permit;

b/ The results of analysis of the quality of water sources that receive wastewater, according to the State's regulations at the time of application for the permit;

c/ The regulations on sanitation-protection zone (if any), issued by the competent agency for the area where wastewater is to be discharged;

d/ The scheme on discharge of wastewater into water sources, enclosed with the procedures for operation of the wastewater treatment system; in cases where wastewater is being discharged into water sources, there must be a report on the current wastewater-discharge situation, enclosed with the results of analysis of wastewater composition and written certification of the payment of environment protection charges for wastewater;

d/ The map of the area where wastewater is discharged into water sources, of 1/50,000- 1/25,000 scale;

e/ The report on assessment of environmental impacts already approved by competent agency, for cases subject to assessment of environmental impacts under law provisions;

f/ The notarized copies of the certificate of, or valid papers on, the right to use land where the wastewater-discharge project is to be located, according to the Land Law's provisions. In cases where the land for wastewater-discharge project location falls beyond the land use right of the applying organization or individual, there must be a written land-use agreement between the wastewater-

discharging organization or individual and the organization or individual having the land use right, which must be certified by the competent People's Committee.

2. The permit-issuing order is provided for as follows:

a/ Within five (5) working days after receiving dossiers, the dossier-receiving agencies shall have to consider and examine them; in cases where dossiers are invalid, the permit-issuing agencies shall notify such to the applying organizations or individuals for dossier completion according to regulations;

b/ Within thirty (30) working days after receiving complete and valid dossiers as prescribed in Clause 1 of this Article, the dossier-receiving agencies shall have to evaluate them, conduct field inspection when necessary and, if obtaining enough permit-issuance grounds, submit the dossiers to the competent agencies for issuance of permits; in cases where the permit-issuance conditions are not fully met, the dossier-receiving agencies shall return the dossiers to the applying organizations or individuals and notify the latter of the reasons for non-issuance of permits.

Article 23.- Order and procedures for extension, change of terms and adjustment of contents of permits for water resource exploration, exploitation and use, or discharge of wastewater into water sources

1. Organizations and individuals applying for extension, change of terms or adjustment of contents of permits for water resource exploration, exploitation and use or discharge of wastewater into water sources shall submit two (2) dossier sets at the dossier-receiving agencies defined in Article 14 of this Decree. Such a dossier includes:

a/ The application for extension or change of term, adjustment of contents of the permit (clearly stating the reasons therefor);

b/ The issued permit;

c/ The results of analysis of the quality of water sources according to the State's regulations at the time of application for extension, change of term or adjustment of contents of the permit;

d/ The report on the implementation of the provisions in the permit;

e/ The scheme on water resource exploration, exploitation and use or discharge of wastewater into water sources, in case of application for adjustment of contents of the permit.

2. Within twenty (20) working days after receiving complete and valid dossiers as prescribed in Clause 1 of this Article, the dossier-receiving agencies shall have to evaluate them, conduct field inspection when necessary and, if the conditions for extension, change of terms or adjustment of contents of permits are fully met, submit the dossiers to competent agencies for the implementation thereof; in cases where the dossiers fail to fully meet the conditions for extension, change of terms or adjustment of contents of the permits, the dossier-receiving agencies shall return the dossiers to the applying organizations or individuals and notify the latter of the reasons therefor.

Chapter V

IMPLEMENTATION PROVISIONS

Article 24.- Organization of implementation

1. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment as well as the relevant ministries and branches in, elaborating and submitting to the competent authorities for promulgation or promulgate according to its competence regulations on the collection, payment, management and use of fees for issuance of

permits for underground water exploration; underground water exploitation and use; surface water exploitation and use; and discharge of wastewater into water sources.

2. The Ministry of Science and Technology shall prescribe and guide the application of standards of wastewater to be discharged into water sources, and coordinate with the Ministry of Natural Resources and Environment, the other ministries, branches and localities in inspecting the satisfaction of those standards.

3. The Ministry of Natural Resources and Environment shall specify forms of permits for water resource exploration, exploitation and use, discharge of wastewater into water sources, and take responsibility for directing and guiding the implementation of this Decree.

Article 25.- Implementation effect

1. The permits for water resource exploration, exploitation and use or discharge of wastewater into water sources, which have been issued before the effective date of this Decree and are not against the provisions of this Decree may still be used. In cases where the permits have been issued before the effective date of this Decree and are against the provisions of this Decree, within one (1) year as from the effective date of this Decree, the permit owners must fill in the procedures of application for new permits.

2. This Decree takes effect 15 days after its publication in the Official Gazette. To annul Articles 5, 9, 10 and 12 of the Government's Decree No. 179/1999/ND-CP of December 30, 1999 providing for the implementation of the Law on Water Resources.

The 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