

THE PRIME MINISTER

DECISION No. 34/2005/QĐ-TTg OF FEBRUARY 22, 2005 PROMULGATING THE GOVERNMENT'S ACTION PROGRAM FOR IMPLEMENTATION OF THE POLITBURO'S RESOLUTION No. 41-NQ/TW OF NOVEMBER 15, 2004 ON ENVIRONMENTAL PROTECTION IN THE PERIOD OF ACCELERATED NATIONAL INDUSTRIALIZATION AND MODERNIZATION

THE PRIME MINISTER

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

Pursuant to the Politburo's Resolution No. 41-NQ/TW of November 15, 2004 on environmental protection in the period of accelerated national industrialization and modernization;

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

DECIDES:

Article 1.- To promulgate together with this Decision the Government's action program for implementation of the Politburo's Resolution No. 41-NQ/TW of November 15, 2004 on environmental protection in the period of accelerated national industrialization and modernization.

Article 2.- This Decision takes effect 15 days after its publication in the Official Gazette.

The ministers, the heads of the ministerial-level

agencies, the heads of the Government-attached agencies, and the presidents of the provincial/municipal People's Committees shall have to implement this Decision.

Prime Minister
PHAN VAN KHAI

GOVERNMENT'S ACTION PROGRAM FOR IMPLEMENTATION OF THE POLITBURO'S RESOLUTION No. 41-NQ/TW OF NOVEMBER 15, 2004 ON ENVIRONMENTAL PROTECTION IN THE PERIOD OF ACCELERATED NATIONAL INDUSTRIALIZATION AND MODERNIZATION

(Promulgated together with the Prime Minister's Decision No. 34/2005/QĐ-TTg of February 22, 2005)

I. OBJECTIVES

This action program concretizes tasks and solutions for implementation of the Politburo's Resolution No. 41-NQ/TW on environmental protection in the period of accelerated national industrialization and modernization with a view to preventing, mitigating and overcoming environmental pollution, degradation and incidents; restoring and step by step raising the environment quality; closely, rationally and harmoniously combining economic development and social

advancement with environmental protection toward the objective of a prosperous people, a strong country and a just, democratic and civilized society.

II. TASKS

1. To propagate, educate and raise public awareness and responsibilities for environmental protection:

To widely disseminate and firmly grasp the Politburo's Resolution, the Government's action program, the Party's undertakings and lines as well as the State's policies and laws, on environmental protection.

To formulate and improve capabilities of environmental propagation bodies in central and local agencies, organizations and mass organizations; to work out environmental communication programs on central and local mass media.

To boost the implementation of the scheme on incorporation of environmental protection contents into the national education system; to attach importance to educating the nature-loving tradition and encouraging the life style of close association to environment; to enhance propagation among production and business establishments so as to help them become fully aware of their responsibilities and voluntarily satisfy the environmental protection requirements.

To elaborate and apply environmental criteria to emulation and commendation work; to publicize acts of violating the legislation on environmental protection, aimed at creating strong public opinions against such acts.

2. To enhance the management of

environmental protection:

To perfect the system of legal documents on environmental protection and relevant legal documents, amend and supplement the Environmental Protection Law, elaborate the Biodiversity Law and legal documents guiding the implementation thereof; to revise, adjust and supplement inappropriate environmental protection contents in legal documents of relevant branches.

To clearly define the responsibilities for, and rationally assign and decentralize the tasks of, environmental protection among ministries, branches and localities; to enhance the association and coordination among functional agencies in environmental protection.

To strengthen the environmental management organizations in ministries and branches and define their functions and tasks; to improve the ministerial and branch officials' capability of managing environmental protection; to enhance functions and tasks of the Ministry of Public Security in the enforcement of the legislation on environmental protection.

To improve the local authorities' capability of performing the State management over environmental protection, increase full-time payrolls, improve material and technical bases of agencies in charge of environmental protection in localities, paying attention to the district-, ward- and commune-level agencies.

To enhance environmental management in production, business and service areas, prescribe the establishment of environment-managing units in the management boards of industrial parks, export-processing zones and enterprises.

To study and formulate as soon as possible a

mechanism of coordination among People's Committees of the provinces and centrally-run cities in catchment areas in the protection of environment in such catchments.

To raise the capabilities of supervising, inspecting, examining and handling acts of violating the legislation on environmental protection.

3. To institutionalize environmental protection requirements in elaboration, evaluation, ratification and implementation of socio-economic development strategies, plannings, plans, programs and projects:

To draft decrees providing for environmental protection at stages of elaboration, evaluation, ratification and implementation of strategies, plannings, plans, programs and projects, attaching importance to the role and responsibilities of the State management agencies in charge of environment as well as relevant agencies, mass organizations and population communities; to ensure appropriate capital portions within the total investment capital amounts of development projects for satisfaction of the prescribed environmental protection requirements; to seriously assess environmental impacts of development strategies, plannings, plans, programs and projects.

To elaborate and apply environmental criteria based on the set of Vietnam's sustainable development targets.

To revise and adjust national, branch and local development strategies, plannings, plans, programs and projects, which have not yet met the requirements of environmental protection and sustainable development.

4. To enhance financial capabilities, accelerate the application of economic

measures, create substantial changes in investment in environmental protection:

To further institutionalize the application of economic instruments; to study and submit to competent authorities for promulgation legal documents guiding the collection and use of assorted charges and fees for environmental protection according to the list enclosed with the Ordinance on Charges and Fees; to promptly elaborate the Environmental Protection Tax Law.

To classify contents of State budget expenditures for non-business environmental activities. On that basis, to create separate State budget expenditure items for non-business environmental activities and work out implementation plan so that by 2006 no less than 1% of the total State budget expenditures shall be earmarked for non-business environmental activities and that this level shall gradually increase corresponding to the economic growth rate.

To diversify investment in environmental protection so as to ensure sufficient resources therefor, attaching importance to the mobilization of all social resources for investment in environmental protection.

To revise, amend and supplement specific mechanisms, policies and measures to encourage domestic and foreign organizations and individuals to invest in environmental protection. The local administrations of all levels shall have to mobilize organizations, individuals and population communities to contribute labor and money to investment in environmental protection. The investment in environmental protection should be incorporated with the socio-economic development target programs.

To revise, perfect and organize the implementation of mechanisms and policies on

capital support, tax preferences and incentives and price-subsidy measures for environmental activities in accordance with international practices. To perfect the mechanism for, and accelerate the operation of, Vietnam Environmental Protection Fund.

To increase Official Development Assistance (ODA) investment proportions in environmental protection.

5. To boost the socialization of environmental protection activities:

To institutionalize regulations on responsibilities, obligations and powers of organizations, mass organizations, population communities and individuals involved in environmental protection, especially in the process of elaborating, promulgating and implementing related decisions on environmental protection.

To diversify forms of environmental protection activities, encourage the participation of private sectors and adopt mechanisms to encourage enterprises of all economic sectors to provide environmental protection services; to encourage the establishment of organizations specialized in evaluation, consultancy, expertise, recognition and certification of environmental protection.

To develop the movement of environmental protection by all people, form and develop advanced models in environmental protection activities.

To pay attention to elaborating and implementing village rules, regulations and commitments on environmental protection; to develop models of self-governing population communities in environmental protection activities.

6. To boost scientific research, technological transfer and application and training of human resources for environmental protection:

To boost the research into formulation of scientific foundations for the work of mapping out the Party's and State's undertakings and policies on environmental protection.

To review, assess and accelerate basic surveys; to finalize the master plan for natural resource and environment observation, forecast and warning system, and at the same time, increase investments in material and technical bases and raise the qualifications of the system's personnel.

To research into, apply and transfer environmental technology, clean technologies and environment-friendly technologies while developing the waste-treatment, -recycling and -reusing technologies; to accelerate the application of information technology to environmental protection; to build and widely develop cleaner production models; to formulate and develop environmental industry, create market and promote environmental service enterprises, develop the environment-based economy.

To improve capabilities of environmental scientific and technological research institutions, set up a Research Institute for Natural Resource and Environment Strategies and Policies.

To boost the training of professional and managerial personnel for environmental protection.

7. To accelerate international cooperation on environmental protection; to meet the environmental requirements in the course of international economic integration:

To fully comply with the international treaties,

which Vietnam has acceded to, join in bilateral and multilateral international cooperative activities on environment, attach importance to raising the personnel's capabilities so as to ensure efficiency of the above-said activities. To enhance the codification of international treaties on environmental protection, which Vietnam has ratified.

To perfect the system of Vietnam's environmental policies and standards suitable with the process of international economic integration, accelerate the popularization and application of environmental standards related to import-export products and commodities.

To elaborate strategies on cooperation and full mobilization of international resources, attaching importance to raising the capabilities of elaborating programs and projects, managing and efficiently using international aid sources for environmental protection.

To strengthen cooperation with the nations sharing national borders, especially rivers, with Vietnam, so as to protect the environment of border areas and control transnational pollution.

8. To control pollution and manage waste matters:

To work out, approve and implement the national action plan on pollution control till 2010; to work out, approve and implement schemes on environmental protection in catchment areas being seriously polluted.

To make planning on, and build environmental technical infrastructures in urban and rural areas as well as industrial parks, intensify investment in waste gathering, treatment and recycling, attaching importance to planning and building concentrated waste treatment areas, especially for hazardous

wastes, to well manage the use of plant protection drugs and waste treatment in craft villages and concentrated livestock farms.

9. To conserve nature and protect biodiversity:

To enhance the work of protecting marine, coastal and island environment; protecting and developing forests, especially primary forests, special-use forests, protection forests and submerged forests. To strictly protect nature conservation zones and national parks.

To work out, approve and implement national action plans on biodiversity protection in the period of accelerated national industrialization and modernization.

To strictly observe regulations on the protection of endangered precious and rare animal and plant species which are in danger of extinction and on the list of those which must be protected; to protect and combat loss of precious and rare indigenous gene sources; to prevent the penetration of exotic and genetically-modified organisms which adversely affect humans and environment.

10. To thriftily and efficiently exploit and use natural resources:

To amend and supplement the Law on Minerals and sub-law documents on the thrifty and efficient exploitation and use as well as exhaustive exploitation, preventing loss and wastage of, mineral resources.

To comprehensively manage land, water and mineral resources, biodiversity, marine and coastal resources.

To elaborate and implement policies to encourage models of thrifty use and consumption

of renewable energy and clean energy while restricting the exploitation and use of fossil fuel resources.

11. To protect environment in urban and suburban areas:

To elaborate and implement plans on pollution control for urban and suburban areas.

To apply coordinated measures so as to proceed to gather and treat all waste matters by appropriate solutions with a view to resolving the problem of serious environmental pollution in urban and suburban areas.

To apply coordinated measures to reduce noise, hazardous gases, smoke and dust discharged by traffic means, to strictly handle pollution caused by traffic means and construction activities.

To protect landscapes, grow trees, adopt rational plannings and build systems of hygienic public toilet facilities; to issue regulations on handling and strictly handle acts of polluting environment in tourist and recreational resorts and public places as well as acts of destroying landscapes or trees.

To amend and perfect criteria and provide technical guidance for planning and building urban centers, cemeteries and urban works, satisfying the requirements on ecological environment, landscapes and preservation of cultural heritage.

12. To protect rural environment:

To effectively implement the comprehensive strategy on growth, hunger elimination and poverty alleviation, and the population and family planning programs; to organize and popularize appropriate forms of burial with a view to step by step eradicating outdated customs and practices in funeral and burial, which are unhygienic and badly

affect the human health and environment; to organize the implementation of coordinative solutions in order to raise the number of rural people having access to clean water and hygienic toilets.

To boost the popularization and application of comprehensive measures to prevent harmful epidemics; to apply coordinated measures to prevent and strictly handle acts of abusing chemicals in cultivation, preservation and processing of agricultural and aquatic products.

To elaborate planning on, and manage environment in the development of craft villages, industrial clusters and concentrated livestock farms; to formulate and realize programs on the improvement of environment in craft villages.

To build and popularize environment-friendly production models as well as models of economic-ecological villages; to popularize, and guide the application of, advanced cultivation modes and techniques so as to prevent the degradation and desertification of land, efficiently use land resources; to build and popularize hygienic and cost-effective toilets.

III. ORGANIZATION OF IMPLEMENTATION

1. The Vietnam Fatherland Front Central Committee is requested to assume the prime responsibility for elaborating and submitting in the second quarter of 2005 to the Government for consideration and approval a scheme on launching the movement of environmental protection by all people.

2. The ministries, ministerial-level agencies, Government-attached agencies, provincial/municipal People's Committees, corporations and industrial parks shall have to:

- Study and grasp the contents of the Resolution and the action program and in the second quarter of 2005 promulgate priority action programs, plans and projects of their respective ministries, branches or localities; concretize viewpoints and objectives of the Resolution and this action program in their respective annual and five-year plans.

- Organize coordinative implementation of the tasks, programs, schemes and projects already approved by the Prime Minister.

- The People's Committees at all levels shall submit to the People's Councils of the same levels plans on allocation and arrangement of State budget for environmental protection activities, ensuring the suitability with actual requirements of their localities and compatibility with the general orientations and objectives set in the Resolution.

3. The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, submitting to the Government in the fourth quarter of 2005 a scheme on consolidation and improvement of capabilities of the environmental protection-managing bodies of the ministries, branches, localities, export-processing zones and industrial parks.

4. The Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, submitting to the Government in the third quarter of 2005 a decree prescribing environmental protection at stages of elaboration, evaluation, ratification and organization of implementation of development strategies, plannings, plans, programs and projects.

5. The General Department of Statistics shall

assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and the Ministry of Planning and Investment in, categorizing environmental disciplines, studying and formulating a system of environmental criteria based on the set of Vietnam's sustainable development targets.

6. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and the Ministry of Planning and Investment in studying and proposing undertakings and measures to ensure that by 2006 no less than 1% of the total State budget expenditures shall be used for non-business environmental protection activities and this level shall increase gradually corresponding to the economic growth rate, submitting to the Government a scheme on diversification of financial sources for investment in environmental protection in the third quarter of 2005.

The Finance Ministry (the General Department of Customs) shall assume the prime responsibility for, and coordinate with the other ministries, branches and localities in, accelerating the implementation of measures to control and prevent the illegal importation of hazardous chemicals, pesticides, fertilizers and waste matters, etc.

7. The Ministry of Justice shall assume the prime responsibility for, and coordinate with the relevant ministries and branches in, submitting to the Government in the fourth quarter of 2005 an overall scheme for revising, adjusting and supplementing the environmental protection contents of relevant specialized legal documents.

8. The Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and

the Ministry of Home Affairs in, studying and proposing a scheme on establishment of environmental police, enhancing the functions and tasks of detecting and handling violations of the legislation on environmental protection.

9. The Ministry of Industry shall submit to the Government in the fourth quarter of 2005 a scheme on restricting and reducing the use of hazardous chemicals and packings made of difficult-to-decompose materials in industry, replacing them with environment-friendly raw materials and materials.

10. The Ministry of Transport shall submit to the Government in the fourth quarter of 2005 a scheme on minimization of pollution caused by transport activities.

11. The Ministry of Science and Technology shall submit to the Government in the second quarter of 2005 a scheme on accelerating environmental technology transfer and application; revise, perfect and promulgate a set of Vietnam's environmental standards.

12. The Ministry of Agriculture and Rural Development shall submit to the Government in the fourth quarter of 2005 a scheme on environmental protection in craft villages and concentrated livestock farms.

13. The Ministry of Aquatic Resources shall submit to the Government in the fourth quarter of 2005 a scheme on enhancing the preservation of marine biodiversity.

14. The Ministry of Construction shall provide uniform guidance for planning and formulation of norms and regulations on technical infrastructure works and environmental hygiene in urban and

suburban areas as well as industrial parks in the third quarter of 2005; formulate and submit to the Government a scheme on the master plan for management of solid wastes and wastewater in Vietnam's urban centers in the fourth quarter of 2005.

15. The State Emulation and Commendation Institute shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, studying and supplementing environmental protection criteria in the State's emulation and commendation work and organizing the implementation thereof.

16. The Ministry of Natural Resources and Environment shall have to:

- Coordinate with the Party Central Committee's Scientific and Educational Commission and Economic Commission, the Presidium of the Vietnam Fatherland Front Central Committee, the ministries, branches, localities and mass organizations in organizing wide dissemination of contents of the Politburo's Resolution and this action program.

- Submit to the Government schemes on boosting basic surveys on natural resources and environment in the third quarter of 2005, the national plan on biodiversity in the 2006-2010 period in the fourth quarter of 2005, and the Law on Biodiversity in the second quarter of 2007.

The Ministry of Natural Resources and Environment shall supervise, urge and inspect the implementation of this Program and annually report thereon to the Prime Minister.

Prime Minister
PHAN VAN KHAI