

THE STATE PRESIDENT**ORDER No. 29/2005/L-CTN OF DECEMBER 12, 2005, ON THE PROMULGATION OF LAW****THE PRESIDENT OF THE SOCIALIST
REPUBLIC OF VIETNAM**

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 50 of the Law on Promulgation of Legal Documents,

HEREBY PROMULGATES:**The Law on Environmental Protection,**

which was passed on November 29, 2005, by the XIth National Assembly of the Socialist Republic of Vietnam at its 8th session.

***President of
the Socialist Republic of Vietnam
TRAN DUC LUONG***

LAW ON ENVIRONMENTAL PROTECTION

(No. 52/2005/QH11)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

This Law provides for environmental protection.

Chapter I**GENERAL PROVISIONS****Article 1.-** Scope of regulation

This Law provides for activities of environmental protection; policies, measures and resources for environmental protection; rights and obligations of organizations, households and individuals in environmental protection.

Article 2.- Subjects of application

This Law applies to state agencies, organizations, households and individuals in the country; overseas Vietnamese, foreign organizations and individuals carrying out activities in the territory of the Socialist Republic of Vietnam.

Where treaties to which the Socialist Republic of Vietnam contain provisions different from those of this Law, such treaties shall apply.

Article 3.- Interpretation of terms

In this Law, the following terms shall be construed as follows:

1. Environment comprises natural and man-made physical factors that surround human beings and affect life, production, existence and

development of human beings and living organisms.

2. Environment components are physical elements that constitute the environment, including soil, water, air, sound, light, living organisms, ecosystems and other physical forms.

3. Environmental protection activities mean activities of keeping the environment sound, clean and beautiful; preventing and restricting adverse impacts on the environment, responding to environmental incidents; remedying environmental pollution and degradation, rehabilitating and improving the environment; exploiting and rationally and economically using natural resources; and protecting biodiversity.

4. Sustainable development means development that meets the needs of the present generation without harming the capability of meeting those of future generations on the basis of close and harmonious combination of economic growth, assurance of social advancement and environmental protection.

5. Environmental standards mean allowable limits of parameters of the quality of surrounding environment, the content of pollutants in wastes, set by competent state agencies as a basis for environment management and protection.

6. Environmental pollution means the status that environmental components have been changed to the extend beyond environmental standards and adversely affect human beings and living organisms.

7. Environmental degradation means qualitative and quantitative deterioration of environmental components, adversely affecting human beings and organisms.

8. Environmental incidents mean disasters or risks occurring in the process of human activities,

or abnormal changes of nature causing serious environmental pollution, degradation or alteration.

9. Pollutants mean substances or physical factors that cause environmental pollution when they are present in the environment.

10. Wastes mean substances in the solid, liquid or gaseous form discharged from production, business, service, daily life or other activities.

11. Hazardous wastes mean wastes containing elements that are toxic, radioactive, inflammable, explosive, abrasive, contagious, poisonous or otherwise harmful.

12. Waste management means activities of sorting, collecting, transporting, minimizing, reusing, reprocessing, treating, destroying and discarding wastes.

13. Scraps mean products and materials discarded during the process of production or consumption which are recovered for use as production materials.

14. Load capacity of the environment means the allowable limit of the environment to receive and absorb pollutants.

15. Ecosystem means a system of groups of living organisms co-existing, developing and interacting with one another in a given natural geographical area.

16. Biodiversity means the abundance in gene pools, species of organisms and ecosystems.

17. Environmental monitoring means the process of systematic observation of the environment and factors that exert impacts on the environment in order to supply information for the assessment of the status and changes in the quality of, and adverse impacts, on the environment.

18. Environmental information means figures and data about environmental components; reserves,

ecological value and economic value of natural resources; impacts on the environment; wastes; degree of environmental pollution and degradation; and information about other environmental issues.

19. Strategic environmental assessment means analysis and forecast of impacts on the environment to be exerted by draft development strategies, plannings and plans before they are approved in order to attain sustainable development.

20. Environmental impact assessment means analysis and forecast of impacts on the environment to be exerted by specific projects so as to work out measures to protect the environment when such projects are carried out.

21. Greenhouse gas means assorted gases that affect the thermal exchange between the earth and surrounding atmosphere, thereby warming up the air surrounding the earth.

22. Greenhouse gas quota means the volume of greenhouse gas which each country is permitted to emit into the atmosphere in accordance with relevant treaties.

Article 4.- Principles for environmental protection

1. Environmental protection must be in harmony with economic development and assure social advancement for national sustainable development; protection of the national environment must be connected with protection of the regional and global environment.

2. Environmental protection is the cause of the whole society, the right as well responsibility of state agencies, organizations, households and individuals.

3. Environmental protection activities must be carried out continuously, taking prevention as the main activity in combination with remedying environmental pollution, degradation and improving

environmental quality.

4. Environmental protection must accord with natural, cultural and historical laws and characteristics and suit the level of socio-economic development of the country in each period.

5. Organizations, households or individuals that cause environmental pollution or degradation shall have to remedy such environmental pollution or degradation, pay compensation therefor and bear other liabilities as provided for by law.

Article 5.- State policies toward environmental protection

1. To encourage and facilitate all organizations, population communities, households and individuals to participate in environmental protection activities.

2. To step up propaganda, education and mobilization in combination with application of administrative, economic and other measures to build self-consciousness and discipline in environmental protection activities.

3. To rationally and economically use natural resources, develop clean and renewable energies; step up recycling, reuse and reduction of wastes.

4. To prioritize settlement of pressing environmental problems; concentrate on handling seriously polluting establishments; rehabilitate the environment in polluted and degraded areas; and attach importance to protecting the environment in urban centers and residential areas.

5. Investment in environmental protection is development investment; to diversify capital investment sources for environmental protection and arrange separate funds for environmental activities in annual state budgets.

6. To grant land and tax preferences and provide financial supports for environmental protection activities and environment-friendly products;

harmonizing environmental protection with efficient use of environmental components for development.

7. To increase human resource training, encourage research, application and transfer of scientific and technological achievements in environmental protection; form and develop an environmental engineering industry.

8. To expand and raise the effectiveness of international cooperation; fully realize international commitments to environmental protection; encourage organizations and individuals to participate in undertaking international cooperation in environmental protection.

9. To develop infrastructure works for environmental protection; enhance national capacity of environmental protection toward regularity and modernization.

Article 6.- Environmental protection activities to be encouraged

1. Propaganda, education and mobilization of all the people to participate in environmental protection; keeping environmental sanitation and protecting natural landscapes and biodiversity.

2. Protection and rational and economical use of natural resources.

3. Reduction, collection, recycling and reuse of wastes.

4. Development and use of clean and renewable energies; reduction of ozone-layer-depleting greenhouse gas.

5. Registration of establishments that meet environmental standards and environment-friendly products.

6. Scientific research, transfer and application of technologies for treating and re-cycling wastes; environment-friendly technologies.

7. Investment in the construction of

establishments to manufacture environmental protection equipment and tools; produce and trade in environment-friendly products; and provide environmental protection services.

8. Conservation and development of indigenous gene pools; crossbreeding and import of gene sources of economic value and environmental benefit.

9. Building of environment-friendly villages, hamlets, agencies, production, business and service establishments.

10. Development of self-management activities and environmental sanitation services in population communities.

11. Formation of environmental sanitation-keeping lifestyle and habits, abolition of environment-unfriendly customs and practices.

12. Contribution of knowledge, efforts and finance to environmental protection activities.

Article 7.- Prohibited acts

1. Destroying and illegally exploiting forests or other natural resources.

2. Exploiting and catching natural living resources by destructive means, tools and methods, during seasons and in quantities banned by law.

3. Exploiting, trading, consuming and using rare and precious wild plants and animals on the banned lists issued by competent state agencies.

4. Burying toxic substances, radioactive substances, wastes and other hazardous substances outside prescribed places and contrary to technical processes for environmental protection.

5. Discharging wastes not yet treated up to environmental standards; toxic, radioactive and other hazardous substances into the land or water sources.

6. Emitting smoke, dust or gases with toxic substances or odor into the air; dispensing radiation, radioactivity and ionized substances at levels in excess of permitted environmental standards.

7. Causing noise and vibration in excess of permitted standards.

8. Importing machinery, equipment and means that do not meet environmental standards.

9. Importing and transiting wastes in any form.

10. Importing and transiting animals and plants not yet quarantined; microorganisms outside permitted lists.

11. Producing and trading in products harmful to human health, living organisms and ecosystems; producing and using construction raw materials and materials containing toxic elements in excess of permitted standards.

12. Encroaching upon natural heritages and nature conservation zones.

13. Damaging works, equipment and facilities in service of environmental protection activities.

14. Carrying out illegal activities or living in restricted zones where human health and life is exposed to extreme environmental danger, as identified by competent state agencies.

15. Covering up acts of destroying the environment, obstructing environmental protection activities, distorting information resulting in bad consequences on the environment.

16. Other prohibited acts related to environmental protection as provided for by law.

Chapter II

ENVIRONMENTAL STANDARDS

Article 8.- Principles for formulation and application of environmental standards

1. Formulation and application of environmental standards must abide by the following principles:

a/ Meeting environmental protection objectives, preventing environmental pollution, degradation and incidents;

b/ Being promulgated in a timely manner, feasible, suitable to the socio-economic development level and technological level of the country and meeting international economic integration requirements;

c/ Being suitable to regional and branch characteristics, production, business and services types and technologies.

2. Organizations and individuals must observe environmental standards published by the State for compulsory application.

Article 9.- Contents of national environmental standards

1. Grade of standard.

2. Environmental parameters and limit values.

3. Subjects of standard application.

4. Procedures and method of standard application.

5. Conditions required for standard application.

6. Methods of measurement, sampling and analysis.

Article 10.- System of national environmental standards

1. The system of environmental standards consists of standards of surrounding environment quality and standards of wastes.

2. Surrounding environment quality standards include:

a/ Group of environmental standards of soil for agricultural production, forestry, fisheries and other

purposes;

b/ Group of environmental standards of water surface and groundwater for supply of water for drinking, daily life, industries, aquaculture, agricultural irrigation and other purposes;

c/ Group of environmental standards of coastal seawater for aquaculture, entertainment, recreation and other purposes;

d/ Group of environment standards of air in urban areas and rural residential areas;

e/ Group of standards of noise, light and radiation in residential areas and public places.

3. Standards of wastes include:

a/ Group of standards of waste water discharged from industrial and service activities, waste water discharged from husbandry and aquaculture, waste water from daily life and other activities;

b/ Group of standards of industrial gas emissions, gases emitted from equipment used for incineration of daily-life, industrial and medical waste matters and from other processes of treatment of wastes;

c/ Group of standards of gas emissions from vehicles, machinery and special-use equipment;

d/ Group of standards of hazardous wastes;

e/ Group of standards of noise and vibration caused by vehicles, production, business and service establishments, and construction activities.

Article 11.- Requirements on surrounding environment quality standards

1. Surrounding environment quality standards shall specify the maximum allowable values of environmental parameters in conformity with the purpose of using environmental components, including:

a/ Minimum values of environmental parameters that ensure normal life and growth of human beings

and living organisms;

b/ Maximum allowable values of harmful environmental parameters that will not cause adverse impacts on normal life and growth of human beings and living organisms.

2. Environmental parameters specified in environmental quality standards must be accompanied by standard measurement, sampling and analysis methods for determination of such parameters.

Article 12.- Requirements on waste standards

1. Waste standards must specify the maximum values of pollution parameters of waste so as not to cause any harm to human beings and living organisms.

2. Pollution parameters of waste must be based on the toxicity and quantity of the waste discharged and the load capacity of the environment that receives the waste.

3. Environmental parameters specified in waste standards must be accompanied with standard measurement, sampling and analysis methods for determination of such parameters.

Article 13.- Issuance and declaration of application of national environmental standards

1. The Government shall stipulate the competence, order and procedures for formulating, issuing and recognizing national environmental standards in accordance with the provisions of law on standardization.

2. The Ministry of Natural Resources and Environment shall publish and provide for the roadmap of application, regional, area and branch coefficients for application of national environmental standards in conformity with the load capacity of the environment.

3. Adjustment to national environmental

standards shall be made once every five years; in case of necessity, adjustment to several standards which are no longer appropriate and addition of new standards may be made at shorter intervals.

4. National environmental standards must be widely published among organizations and individuals for knowledge and compliance.

Chapter III

STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL PROTECTION COMMITMENT

Section 1. STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 14.- Objects subject to elaboration of strategic environmental assessment reports

1. National socio-economic development strategies, plannings and plans.

2. Strategies, plannings and plans for development of branches or domains on a national scale.

3. Socio-economic development strategies, plannings and plans of provinces, centrally run cities (hereinafter collectively referred to as provinces or provincial level) or regions.

4. Plannings for land use, forest protection and development; exploitation and utilization of other natural resources in inter-provincial or inter-regional areas.

5. Plannings for development of key economic regions.

6. General plannings of inter-provincial river watersheds.

Article 15.- Elaboration of strategic environmental assessment reports

1. Agencies assigned to formulate projects mentioned in Article 14 of this Law shall have to elaborate strategic environmental assessment reports.

2. Strategic environmental assessment report constitutes an important content of the project and must be made at the same time with project formulation.

Article 16.- Contents of strategic environmental assessment reports

1. Overview of the project's objectives, size and characteristics related to the environment.

2. General description of natural, socio-economic and environmental conditions related to the project.

3. Forecasts for possible bad environmental impacts when the project is executed.

4. Citation of sources of figures and data, methods of assessment.

5. Proposed orientations and measures to address environmental issues during project execution.

Article 17.- Appraisal of strategic environmental assessment reports

1. Strategic environmental assessment reports shall be appraised by a council organized in accordance with the provisions of Clause 7 of this Article.

2. An appraisal council for national and inter-provincial projects shall be composed of a representative of the project-approving agency; representatives of ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees related to the project; experts who have professional experience and qualifications relevant to the content and characteristics of the project; representatives of

other organizations and individuals as decided by the agency competent to set up the appraisal council.

3. An appraisal council for provincial-level projects shall be composed of representatives of the provincial-level People's Committee; a specialized environmental protection agency and related provincial-level departments and branches; experts who have professional experience and qualifications relevant to the content and characteristics of the project; representatives of other organizations and individuals as decided by the agency competent to set up the appraisal council.

4. More than 50% of members of an appraisal council mentioned in Clauses 2 and 3 of this Article must have expertise in environment and other domains related to the contents of the project. Persons who are directly involved in elaborating strategic environmental assessment reports shall not be allowed to participate in the appraisal council.

5. Organizations and individuals may send petitions and recommendations concerning environmental protection to the agency setting up the appraisal council and the project-approving agency; the council and project-approving agency shall have to take into consideration petitions and recommendations before making conclusions or decisions.

6. Results of appraisal of strategic environmental assessment reports shall serve as a basis for approval of projects.

7. Responsibilities for organizing councils for appraisal of strategic environmental assessment reports are defined as follows:

a/ The Ministry of Natural Resources and Environment shall organize councils for appraisal of strategic environmental assessment reports of

projects subject to approval by the National Assembly, the Government or the Prime Minister;

b/ Ministries, ministerial-level agencies or Government-attached agencies shall organize councils for appraisal of strategic environmental assessment reports for projects falling under their approving competence;

c/ Provincial-level People's Committees shall organize councils for appraisal of strategic environmental assessment reports for projects falling under their deciding competence or under the competence of the People's Councils of the same level.

Section 2. ENVIRONMENTAL IMPACT ASSESSMENT

Article 18.- Objects subject to elaboration of environmental impact assessment reports

1. Owners of the following projects must elaborate environmental impact assessment reports:

a/ Projects of national importance;

b/ Projects planned to use part of land of or exerting adverse impacts on, the natural sanctuaries, national parks, historical and cultural relic sites, natural heritages or beautiful landscapes which have been ranked;

c/ Projects to potentially exert adverse impacts on the river watershed, coastal areas or areas of protected ecosystems;

d/ Projects to construct infrastructure works in economic zones, industrial parks, hi-tech parks, export-processing zones or craft village areas;

e/ Projects to construct new urban centers or concentrated residential areas;

f/ Projects to exploit and use groundwater or natural resources on a large scale.

g/ Other projects having potential risks or adverse impacts on the environment.

2. The Government shall promulgate a list of projects obliged to submit environmental impact assessment reports.

Article 19.- Elaboration of environmental impact assessment reports

1. Owners of projects mentioned in Article 18 of this Law shall have to elaborate environmental impact assessment reports and submit them to competent state agencies for approval.

2. Environmental impact assessment reports must be elaborated simultaneously with formulation of feasibility study reports of projects.

3. Project owners may elaborate environmental impact assessment reports by themselves or hire consultancy service organizations to do so and take responsibility for figures and results used therein.

4. In case of changes in the project's size, content, commencement time, execution duration and completion time, the project owner shall have to give explanations to the approving agency; in case of necessity, an additional environmental impact assessment report shall be required.

5. Consultancy service organizations that are hired to elaborate environmental impact assessment reports must meet all necessary conditions on professional personnel and material-technical foundations.

Article 20.- Contents of environmental impact assessment reports

1. Enumeration and detailed description of the project's construction components, construction area, time and workload; operational technology for each component and the entire project.

2. Overall assessment of the environmental status at the project site and neighboring areas;

the sensitivity and load capacity of the environment.

3. Detailed assessment of possible environmental impacts when the project is executed and environmental components and socio-economic elements to be impacted by the project; prediction of environmental incidents possibly caused by the project.

4. Specific measures to minimize bad environmental impacts, prevent and respond to environmental incidents.

5. Commitments to take environmental protection measures during project construction and operation.

6. Lists of project items, the program on management and supervision of environmental issues during project execution.

7. Cost estimates for building environmental protection works within the total cost estimate of the project.

8. Opinions of the commune/ward or township People's Committees (hereinafter collectively referred to as commune-level People's Committees) and representatives of population communities in the place where the project is located; opinions against the project location or against environmental protection solutions must be presented in the environmental impact assessment report.

9. Citation of sources of figures and data, assessment methods.

Article 21.- Appraisal of environmental impact assessment reports

1. Environmental impact assessment reports shall be appraised by appraisal councils or appraisal service organizations.

The Ministry of Natural Resources and Environment shall set conditions for and guide the

appraisal of environmental impact assessment reports by appraisal service organizations.

2. An appraisal council for projects defined at Point a and Point b, Clause 7 of this Article shall be composed of representatives of the project-approving agency; its specialized environmental protection body; provincial-level specialized environmental protection agency of the locality where the project is to be executed; experts who have professional experience and qualifications relevant to the content and characteristics of the project; representatives of other organizations and individuals as decided by the agency competent to set up the appraisal council.

3. An appraisal council for projects defined at Point c, Clause 7 of this Article shall be composed of representatives of the provincial-level People's Committee; provincial-level specialized environmental protection agency and related departments and branches; experts who have professional experience and qualifications relevant to the content and characteristics of the project; representatives of other organizations and individuals as decided by the agency competent to set up the appraisal council.

In case of necessity, the provincial-level People's Committee may invite representatives of the Ministry of Natural Resources and Environment and concerned ministries, ministerial-level agencies and Government-attached agencies to participate in the appraisal council.

4. More than 50% of members of an appraisal council mentioned in Clauses 2 and 3 of this Article must have expertise in environment and other domains related to the contents of the project. Persons who are directly involved in making environmental impact assessment reports shall not be allowed to participate in the appraisal council.

5. Appraisal service organizations may

participate in the appraisal as decided by the project-approving agency and take responsibility for their appraisal opinions or conclusions.

6. Organizations, population communities and individuals may send petitions and recommendations concerning environmental protection to the appraisal -organizing agency defined in Clause 7 of this Article, which shall have to consider such petitions and recommendations before making conclusions or decisions.

7. Responsibilities for organizing the appraisal of environmental impact assessment reports of projects are defined as follows:

a/ The Ministry of Natural Resources and Environment shall organize councils or choose service organizations for appraisal of environmental impact assessment reports of projects decided or approved by the National Assembly, the Government or the Prime Minister; inter-branch or inter-provincial projects;

b/ Ministries, ministerial-level agencies or Government-attached agencies shall organize councils or choose service organizations for appraisal of environmental impact assessment reports for projects falling under their respective deciding or approving competence, excluding inter-branch or inter-provincial projects;

c/ Provincial-level People's Committees shall organize councils or choose service organizations for appraisal of environmental impact assessment reports for projects located in their localities and falling under their respective deciding or approving competence and under the competence of the People's Councils of the same level.

Article 22.- Approval of environmental impact assessment reports

1. Agencies setting up councils for appraisal of environmental impact assessment reports shall have

to examine and approve environmental impact assessment reports after they are appraised.

2. Agencies approving environmental impact assessment reports shall, before granting approval, have to consider complaints and recommendations made by project owners, concerned population communities, organizations and/or individuals.

3. Within fifteen working days after receiving environmental impact assessment reports which have been modified to comply with conclusions of appraisal councils or appraisal service organizations, heads of agencies defined in Clause 1 of this Article must consider and decide to approve environmental impact assessment reports; if refusing to approve, they must reply in writing to project owners, clearly stating the reason therefor.

4. Projects defined in Article 18 of this Law may be approved and granted investment licenses, construction and operation permits only after their environmental impact assessment reports are approved.

Article 23.- Responsibilities to implement, and supervise the implementation of, contents of environmental impact assessment reports

1. Project owners shall have the following responsibilities:

a/ To report on contents of decisions approving environmental impact assessment reports to People's Committees of places where projects are executed;

b/ To publicly post up at project sites information on kinds of wastes, treatment technologies, standard parameters of wastes and environmental protection solutions for population communities to know, inspect and supervise;

c/ To properly and fully implement environmental protection contents in environmental impact assessment reports and requirements stated in

decisions approving environmental impact assessment reports;

d/ To notify the implementation of contents of reports and compliance with requirements stated in decisions approving environmental impact assessment reports to the environmental impact assessment report-approving agencies for inspection and certification.

e/ Projects may be put to operation only after their compliance with requirements prescribed at Points a, b and c of this Clause has been inspected and certified by competent agencies.

2. Environmental impact assessment report-approving agencies shall have the following responsibilities:

a/ To notify contents of their decisions approving environmental impact assessment reports to provincial-level People's Committees of localities where projects are executed; provincial-level People's Committees shall notify contents of decisions approving environmental impact assessment reports which have been approved by themselves or ministries, ministerial-level agencies or Government-attached agencies to People's Committees of rural districts, urban districts, towns or provincial cities (hereinafter collectively referred to as district-level People's Committees) or commune-level People's Committees of localities where the projects are executed;

b/ To direct and organize the inspection of the implementation of contents of approved environmental impact assessment reports.

Section 3. ENVIRONMENTAL PROTECTION COMMITMENTS

Article 24.- Subjects obliged to make written environmental protection commitments

Household-based production, business or

service establishments and entities not defined in Articles 14 and 18 of this Law must make written environmental protection commitments.

Article 25.- Contents of environmental protection commitments

1. Location of execution.
2. Type and scale of production, business or service and materials and fuel used.
3. Kinds of wastes generated.
4. Commitments to apply measures to minimize and treat wastes and strictly comply with the provisions of law on environmental protection.

Article 26.- Registration of written environmental protection commitments

1. District-level People's Committees shall have to organize registration of written environmental protection commitments; when necessary, they may authorize this work to commune-level People's Committees.

2. The time limit for acceptance of written environmental protection commitments shall be five working days after the date of receipt of valid written commitments.

3. Subjects defined in Article 24 of this Law may commence production, business or service activities after registration of written environmental protection commitments.

Article 27.- Responsibilities to realize, and supervise the realization of, environmental protection commitments

1. Organizations and individuals having made environmental protection commitments shall have to properly and fully realize their written environmental protection commitments.

2. District-level and commune-level People's Committees shall direct and organize supervision

and inspection of the realization of written environmental protection commitments.

Chapter IV

CONSERVATION AND RATIONAL USE OF NATURAL RESOURCES

Article 28.- Inventory, assessment and planning of use of natural resources

1. Natural resources must be inventoried and assessed in terms of reserve, renewability and economic value so as to have grounds for planning their use and determining allowable limits for their exploitation, rates of environment tax and environmental protection fees, deposits for environmental rehabilitation, compensation for environmental damage and other environmental protection measures.

2. Natural resource use plannings must be in harmony with nature conservation plannings.

3. Responsibilities for natural resource inventory, assessment and use planning shall comply with the provisions of law on natural resources.

Article 29.- Nature conservation

1. Zones and ecosystems of national or international biodiversity value must be inventoried, assessed and planned for protection in the forms of marine conservation zones, national parks, nature reserves, biosphere reserves or species-biotope conservation zones (hereinafter collectively referred to as nature conservation zones).

2. A nature conservation zone shall be planned on the following grounds:

- a/ Value of natural heritage of the world, country and locality;
- b/ Primitive, special use and protective characteristics;

c/ Role of regulation and balancing of the regional ecology;

d/ Typicality and uniqueness of the natural geographical area;

e/ The regular or seasonal habitat or breeding area of many rare and precious indigenous species which are endangered;

f/ Value of biosphere, biotope, natural landscape, ecology and humanity to the country or locality;

g/ Other conservation values as provided for by law.

3. Establishment of nature conservation zones must comply with plannings already approved by competent state agencies.

4. Each nature conservation zone shall be run under its own management regulation and by its own management board.

5. Responsibilities for planning nature conservation, setting up and managing nature conservation zones shall comply with the provisions of law.

Article 30.- Biodiversity protection

1. Biodiversity protection must be carried out on the basis of ensuring rights and legitimate interests of local population communities and concerned entities.

2. The State shall set up gene banks for protection and development of precious and rare indigenous gene sources; encourage the import of genes of high value.

3. Precious, rare and endangered animal species and plant varieties shall be protected according to the following provisions:

a/ They shall be listed and categorized for management by preciousness, rarity and threat of extinction;

b/ Plans on protection must be made and

measures must be applied to prevent and stop their hunting, exploitation, trading and use;

c/ Special care, nursing and protection programs suitable to each species shall be carried out; wild animal rescue centers shall be developed.

4. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, protecting biodiversity according to the provisions of law on biodiversity.

Article 31.- Protection and development of natural landscapes

1. The State encourages development of ecological models for hamlets, villages, residential areas, industrial parks, entertainment centers and tourist resorts and other forms of natural landscape so as to create harmony between human and nature.

2. Organizations and individuals carrying out planning, construction, production, business, service and daily-life activities must comply with requirements of preservation and embellishment of natural landscapes.

3. Ministries, ministerial-level agencies, Government-attached agencies and People's Committees of all levels shall, within the scope of their respective tasks and powers, have to plan and organize management, protection and development of natural landscapes in accordance with the provisions of this Law and other relevant laws.

Article 32.- Environmental protection in inventory, exploration, exploitation and use of natural resources

1. Inventory, exploration, exploitation and use of natural resources must comply with the planning already approved by competent state agencies.

2. Permits for exploitation and use of natural resources must stipulate all environmental protection conditions.

Exploitation and use of natural resources must comply with environmental protection contents of exploitation and use permits granted by competent state agencies.

3. Organizations and individuals shall have to comply with environmental protection requirements during inventory, exploration, exploitation and use of natural resources; upon completion of exploration and exploitation activities, they must rehabilitate the environment in accordance with the provisions of this Law and other relevant laws.

Article 33.- Development of clean energy, renewable energy and environment-friendly products

1. Clean energy and renewable energy are exploited from wind, solar, geothermal sources, water, biomass and other renewable sources.

2. Organizations and individuals investing in the development and use of clean energy, renewable energy, production of environment-friendly products shall be granted by the State preferences in tax, funding support and land for building production establishments.

3. The Government shall formulate and implement clean energy or renewable energy development strategies to achieve the following objectives:

a/ To enhance national capacity in research and application of technologies to exploit and use clean energy and renewable energy;

b/ To expand international cooperation and mobilize resources for exploiting and using clean energy and renewable energy;

c/ To gradually raise clean and renewable

energy ratios in total national energy output; ensure energy security, save natural resources, and minimize greenhouse gas emissions;

d/ To integrate clean energy and renewable energy development programs into programs on hunger eradication and poverty reduction and development in rural areas, mountainous areas, coastal areas and islands.

4. The State encourages production and consumption of less polluting and easily decomposable products and goods; use of waste for production of clean energy, production, import and use of machinery, equipment and means of transport driven by clean or renewable energy.

Article 34.- Formation of environment-friendly consumption habits

1. The State encourages organizations and individuals to consume products recycled from waste, organic products, easily decomposable packages, eco-certified products and other environment-friendly products.

2. The Ministry of Culture and Information, news agencies and press shall have to collaborate with the Ministry of Natural Resources and Environment in conducting propaganda about, introduction and popularization of environment-friendly products and goods for consumption by the people.

Chapter V

ENVIRONMENTAL PROTECTION IN PRODUCTION, BUSINESS AND SERVICE ACTIVITIES

Article 35.- Environmental protection responsibilities of organizations and individuals in production, business and service activities

1. To comply with the provisions of law on

environmental protection.

2. To take environmental protection measures stated in approved environmental impact assessment reports and registered environmental protection commitments and comply with environmental standards.

3. To prevent and limit adverse impacts on the environment caused by their activities.

4. To remedy environmental pollution caused by their activities.

5. To disseminate, educate and raise environmental protection awareness among employees of their production, business and service establishments.

6. To implement the regime of environment reports in accordance with the provisions of law on environmental protection.

7. To observe environmental protection supervision and inspection regimes.

8. To pay environment tax and environmental protection fees.

Article 36.- Environmental protection for concentrated production, business and service zones

1. Economic zones, industrial parks, export-processing zones, hi-tech parks, industrial clusters, tourist resorts and entertainment and recreation centers (hereinafter collectively referred to as concentrated production, business and service zones) must comply with the following environmental protection requirements:

a/ Compliance with the approved development master plan;

b/ Planning and arrangement of functional zones and activities must be associated with environmental protection;

c/ Full and proper implementation of contents

of approved environmental impact assessment reports;

d/ Adequate furnishment of equipment and tools for collection of ordinary solid wastes and hazardous wastes and compliance with requirements of receipt of wastes already sorted out at source from establishments located in production, business and service zones;

e/ Regular operation of a concentrated sewage system for collection and treatment of waste water and a system for treatment of gas emissions up to environmental standards;

f/ Compliance with requirements on landscape and environment and protection of the health of communities and laborers;

g/ A environmental monitoring system in place;

h/ A specialized section capable of performing environmental protection tasks.

2. Industrial parks, export-processing zones, hi-tech parks and industrial clusters likely to exert bad impacts on the environment must be located at an environmentally safe distance from residential areas and nature conservation zones.

3. Production, business and service projects within concentrated production, business and service zones may be deployed only after complying with all requirements defined in Clause 1 of this Article and such compliance has been checked and certified by competent state agencies.

4. The specialized environmental protection section in concentrated production, business and service zones shall have the following tasks:

a/ To inspect and supervise the compliance with environmental protection requirements by establishments and investment projects within concentrated production, business and service zones;

b/ To manage the ordinary waste and hazardous

waste collection system; sewage collection and treatment system and gas emission treatment system;

c/ To organize the environment status monitoring and assessment, sum up and elaborate environment reports and make periodical reports to provincial-level specialized environmental protection agencies;

d/ To advise the management boards on settlement of environment-related disputes between projects located within concentrated production, business and service zones.

5. Provincial-level People's Committees shall have to collaborate with concerned ministries, ministerial-level agencies and Government-attached agencies in directing and organizing environmental protection work in concentrated production, business and service zones in localities under their management.

Article 37.- Environmental protection for production, business and service establishments

1. Production, business and service establishments must comply with the following environmental protection requirements:

a/ Putting in place a waste water collection and treatment system meeting environmental standards;

Where waste water is transferred to a concentrated waste water treatment system, regulations set by the organization that manages the concentrated waste water treatment system must be complied with.

b/ Having adequate means and equipment for collection and storage of solid wastes which must be sorted at source;

c/ Taking measures to minimize and treat dust and gas emissions up to standards before discharging them into the environment; ensuring

that no gas emissions, toxic gas and fume will be leaked or dispersed into the environment; limiting noise, light and heat adversely affecting the surrounding environment and laborers;

d/ Ensuring adequate resources, facilities and equipment to prevent and respond to environmental incidents, particularly for production establishments using chemicals, radioactive substances, inflammables or explosives.

2. Production establishments or warehouses must not be located within residential areas or must be located at an environmentally safe distance from population areas if they:

a/ Have inflammables or explosives;

b/ Have radioactive substances or high radiation substances;

c/ Have substances harmful to human and animal health;

d/ Discharge odors adversely affecting human health;

e/ Seriously pollute water sources;

f/ Causing noise, emit dust or gas in excess of allowable limits.

Article 38.- Environmental protection in craft villages

1. Planning, building, renovation and development of craft villages must be associated with environmental protection.

The State encourages development of zones and clusters of industrial craft villages sharing a common environmental protection infrastructure system.

2. Provincial-level People's Committees shall be responsible for directing, collecting statistics on and assessing the pollution levels in craft villages in their respective localities and planning the remedy

of environmental pollution in craft villages with the following measures:

a/ Improving, upgrading or building concentrated waste water collection and treatment systems;

b/ Building sites for regrouping ordinary solid wastes and hazardous wastes, arranging equipment to meet waste collection requirements and suit the sorting of wastes at source, serving the concentrated treatment;

c/ Working out plannings on zones and clusters of industrial craft villages into which seriously polluting production establishments within residential areas will be relocated;

d/ Disseminating information on less polluting new technologies among the people for knowledge and application;

3. Production establishments in zones and clusters of industrial craft villages must comply with the following environmental protection requirements:

a/ Waste water must be collected and transferred to the concentrated waste water treatment system; in case such system is not available, measures must be taken to treat waste water up to environmental standards before discharging them into the environment;

b/ Solid wastes must be sorted at source and transported to solid waste regrouping sites according to waste management regulations; for solid wastes containing toxic elements, they must be sorted, collected, stored and treated according to hazardous waste management regulations;

c/ Contributions must be made to funds for building environmental protection infrastructure works and environmental protection charges must be paid in full according to the provisions of law.

Article 39.- Environmental protection in hospitals and other medical establishments

1. Hospitals and other medical establishments must comply with the following environmental protection requirements:

a/ Having a system or measures to collect and treat medical waste water, which operates on a routine basis and meets environmental standards;

b/ Arranging specialized equipment to sort at source pathological materials and medical garbage;

c/ Taking measures to treat and incinerate pathological materials, medical garbage and expired medicines, ensuring environmental sanitation and standards;

d/ Having plans, facilities and equipment to prevent and respond to environmental incidents caused by medical wastes;

e/ Solid wastes and waste water discharged from patients' daily life must be pre-treated to eliminate contagious germs before transfer to concentrated treatment and incineration establishments.

2. Hospitals and other medical establishments treating transmissible diseases must be isolated from residential areas and water sources.

New hospitals and other medical establishments treating transmissible diseases must not be built within residential areas.

3. X-ray establishments, medical instruments and equipment using radioactive substances must meet nuclear safety and radiation safety requirements provided for in Article 89 of this Law and the law on nuclear and radiation safety.

4. Laborers in hospitals and other medical establishments engaged in activities related to medical wastes must be equipped with protective clothes and equipment to protect them from contracting diseases from medical wastes.

5. The Ministry of Health shall collaborate with concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in directing and organizing the collection of statistics on discharging sources and assessing the pollution levels in hospitals and other medical establishments; work out measures to remedy environmental pollution and guide and inspect the observance of the environmental protection law by hospitals and other medical establishments.

Article 40.- Environmental protection in construction activities

1. Construction planning must comply with environmental protection standards and requirements.

2. Construction of works must satisfy the following environmental protection requirements:

a/ For works built in residential areas, measures must be taken to ensure that no dust is dispersed and noise, vibration and light will not exceed allowable limits;

b/ Construction materials must be transported by means which meet technical specifications, causing no leakage, spillage and environmental pollution;

c/ Waste water, solid wastes and other kinds of wastes must be collected and treated up to environmental standards.

3. People's Committees at all levels and public order management units may apply measures to handle owners of works and means of transport that violate environmental protection regulations.

Article 41.- Environmental protection in transport and traffic activities

1. Transport planning must comply with environmental protection standards and

requirements.

2. Cars, motorbikes and other motor vehicles which are locally manufactured or assembled or imported must satisfy gas emission and noise standards and may be put to operate only after they are inspected and certified by registration offices.

The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, guiding the inspection and certification of compliance with environmental standards for cars, motorcycles and other motor vehicles.

3. Cars may be put into circulation only after they are granted environmental standard compliance certificates by the Ministry of Transport.

4. Means of transport of raw materials, materials and wastes must be covered to prevent them from dropping and causing environmental pollution when joining in traffic.

5. Transport of goods and materials potentially causing environmental incidents must meet the following requirements:

a/ Specialized equipment and means are used, ensuring no leakage or dispersal into the environment;

b/ Having transport permits granted by competent state management agencies;

c/ Goods and materials are transported along proper routes and during hours specified in the permits.

6. The State encourages owners of means of transport of goods potentially causing environmental incidents to buy insurance for environmental damage compensation liability.

Article 42.- Environmental protection in importation and transit of goods

1. Imported machinery, equipment, means, raw

materials, fuels, chemicals and goods must meet environmental standards.

2. The following machinery, equipment, means, raw materials, fuels, chemicals and goods are banned from import:

a/ Machinery, equipment and means failing to meet environmental standards;

b/ Used machinery, equipment and means of transport for dismantlement;

c/ Raw materials, fuels, materials, chemicals and goods on the list of goods banned from import;

d/ Machinery, equipment and means affected by radioactive substances or pathological microbes or other poisons not yet cleaned or unable to be cleaned;

e/ Foodstuffs, medicines, animal and plant protection drugs that have expired or fail to meet food quality, hygiene and safety standards.

3. Once machinery, equipment, means, raw materials, fuels, chemicals or goods defined in Clause 2 of this Article are imported, their owners must re-export, destroy or dispose of them in accordance with the provisions of law on waste management; in case of causing serious consequences to the environment, their owners shall, depending on the nature and severity of their violations, be administratively handled or examined for penal liability; if causing any damage, they must pay compensation therefor according to the provisions of law.

4. Transit of goods, equipment and means potentially causing environmental pollution, degradation or incidents through the Vietnamese territory shall be subject to permission and environmental supervision by state management agencies in charge of environment.

5. The Ministry of Trade shall assume the prime responsibility for, and coordinate with the Ministry

of Natural Resources and Environment, the Ministry of Finance, concerned ministries, ministerial-level agencies and Government-attached agencies in, guiding the compliance with environmental protection requirements in the importation and transit of goods.

Article 43.- Environmental protection in the importation of scraps

1. Imported scraps must meet the following environmental protection requirements:

a/ Having been sorted and cleaned and are not mixed with materials, articles and goods banned from import by Vietnamese laws or treaties to which the Socialist Republic of Vietnam is a contracting party;

b/ Not containing hazardous wastes and impurities, except loose harmless impurities left out during loading, unloading and transportation;

c/ Being on the list of scraps permitted for import, issued by the Ministry of Natural Resources and Environment.

2. Organizations and individuals using scraps as raw materials in production or reprocessing must meet all the following conditions to be granted permits to import scraps:

a/ Having separate warehouses and yards for storage of scraps, meeting environmental protection conditions;

b/ Being capable of treating impurities accompanying imported scraps;

c/ Having technologies and equipment for reprocessing and reuse of scraps, meeting environmental standards.

3. Organizations and individuals importing scraps shall have the following responsibilities:

a/ To implement the provisions of law on environmental protection and other relevant laws;

b/ At least five days before loading or unloading scraps, to notify in writing the kind, quantity and weight of scraps, border gate of importation, route of transportation, warehouse or yard for storage of scraps and place of production using scraps to the provincial-level state management agency in charge of environmental protection of the place where the production establishment, warehouse or yard for storage of scraps is located;

c/ To treat impurities accompanying imported scraps, not to give away or sell such impurities.

4. Provincial-level People's Committees shall have the following responsibilities:

a/ To supervise, detect, promptly stop and handle law-breaking acts related to the import of scraps;

b/ Annually, to report to the Ministry of Natural Resources and Environment on the situation of importation and use of scraps and environmental issues related to imported scraps in their localities.

5. Import of scraps is a conditional business. The Ministry of Trade shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, issuing regulations on business criteria and conditions applicable to organizations and individuals engaged in importing scraps.

Article 44.- Environmental protection in mineral activities

1. Organizations and individuals, when prospecting, exploiting and processing minerals, must take measures to prevent and respond to environmental incidents and comply with the following environmental protection and rehabilitation requirements:

a/ Collecting and treating waste water up to environmental standards;

b/ Collecting and treating solid wastes according to ordinary solid waste management regulations; and managing hazardous wastes according to hazardous waste management regulations;

c/ Taking measures to prevent and limit hazardous dust and gas discharged into the surrounding environment;

d/ Rehabilitating the environment after completion of mineral prospecting, exploitation and processing activities.

2. Minerals must be stored and transported in specialized equipment and securely covered so that they cannot be dispersed into the environment.

3. Use of machinery, equipment and toxic chemicals in mineral prospecting, exploration, exploitation and processing shall required technical certificates and be subject to inspection and supervision by state management agencies in charge of environmental protection.

4. Exploration, prospecting, exploitation, transportation and processing of petroleum and other minerals containing radioactive elements or toxic substances must comply with chemical safety, nuclear and radiation safety regulations and other environmental protection regulations.

5. The Ministry of Industry shall assume the prime responsibility for, and coordinate with concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing the collection of statistics on discharging sources and assessment of the levels of environmental pollution caused by mineral-exploiting and -processing establishments; and supervise their observance of the environmental protection law.

Article 45.- Environmental protection in tourism

1. Organizations and individuals managing and

operating tourist resorts and sites must take the following environmental protection measures:

a/ To post up environmental protection rules at tourist resorts or sites and guide the observance thereof;

b/ To install and arrange reasonably and adequately sanitary facilities and waste containers;

c/ To arrange employees to keep environmental sanitation.

2. Tourists shall have to comply with the following provisions:

a/ To observe environmental protection rules and instructions in tourist resorts or sites;

b/ To discard wastes into waste containers at prescribed places;

c/ Not to litter tourist sites;

d/ Not to injure the landscape, nature conservation zones, natural heritages and living creatures in tourist resorts or sites.

3. The central tourism state management agency shall assume the prime responsibility for, and coordinate with concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing, guiding and supervising environmental protection work in tourist activities in accordance with the provisions of this Law and other relevant laws.

Article 46.- Environmental protection in agricultural production

1. Organizations and individuals producing, importing and trading in fertilizers, plant protection drugs and/or veterinary drugs must comply with the provisions of law on environmental protection and other relevant laws.

2. Trading and use of expired plant protection drugs and veterinary drugs or those not on

permitted lists are prohibited.

3. Expired fertilizers, plant protection drugs and veterinary drugs; tools and packages containing fertilizers, and plant protection drugs and veterinary drugs after use must be disposed of according to waste management regulations.

4. Concentrated husbandry farms must comply with the following environmental protection requirements:

a/ Ensuring environmental sanitation for residential areas;

b/ Having a waste water collection and treatment system up to environmental standards;

c/ Managing solid wastes discharged from husbandry according to waste management regulations, not dispersing them into the environment;

d/ Routinely cleaning stables and farms; ensuring prevention and combat of epidemics;

e/ Managing carcasses of animals that died from epidemics according to regulations on hazardous waste management, hygiene and disease prevention.

5. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and provincial-level People's Committees in, directing, guiding and supervising the observance of the environmental protection law in agricultural production.

Article 47.- Environmental protection in aquaculture

1. Organizations and individuals producing, importing and trading in veterinary drugs and chemicals used in aquaculture must observe the provisions of law on environmental protection and other relevant laws.

2. It is forbidden to use expired veterinary drugs or chemicals or those not on permitted lists in aquaculture.

3. Expired veterinary drugs and chemicals for use in aquaculture; packages of veterinary drugs or chemicals after use in aquaculture; mud and residual feeds dredged from aquaculture ponds must be collected and disposed of according to waste management regulations.

4. Concentrated aquaculture zones must be in line with the planning and meet the following environmental protection requirements:

a/ Wastes must be collected and treated up to environmental standards of wastes;

b/ The environment must be rehabilitated after aquaculture is ended;

c/ Environmental sanitation and aquatic resource disease prevention conditions must be ensured; toxic or toxin-accumulating chemicals must not be used.

5. Concentrated aquaculture farms must not be built on alluvial grounds currently taking shape in estuaries or coastal areas; submerged forests must not be destroyed for aquaculture.

6. The Ministry of Fisheries shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and provincial-level People's Committees in, directing, guiding and supervising the observance of the environmental protection law in aquaculture.

Article 48.- Environmental protection in burial services

1. Burial or grave sites must satisfy the following requirements:

a/ Being located in an area and at a distance meeting environmental sanitation and landscape conditions of residential areas;

b/ Not polluting sources of water for daily life and production use.

2. Lying-in-state, embalment, move and burial of corpses and remains must meet environmental sanitation requirements.

3. Burial of persons who died from dangerous epidemics shall comply with regulations of the Ministry of Health.

4. The State encourages population communities and people to bury dead persons' bodies in graveyards and cemeteries already planned; practice hygiene cremation; and give up polluting burial practices.

5. Organizations and individuals that provide burial services must comply with the provisions of law on environmental protection and hygiene and epidemic prevention.

6. The Ministry of Health shall assume the prime responsibility for, and coordinate with concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing and guiding environmental protection work in burial services as provided for in this Article.

Article 49.- Handling of polluting production, business and service establishments

1. Organizations and individuals carrying out production, business or service activities causing environmental pollution shall face the following sanctions:

a/ Fine and forced application of measures to minimize and treat wastes up to environmental standards;

b/ Suspension from operation till necessary environmental protection measures are applied;

c/ Other sanctions as provided for in the law on handling of administrative violations;

d/ In case of loss of human life or damage to human health, property and legitimate interests of organizations or individuals due to environmental pollution, compensation must be paid therefor according to the provisions of Section 2, Chapter XIV of this Law or penal liabilities shall be examined.

2. Seriously polluting production, business and service establishments shall not only face sanctions defined in Clause 1 of this Article but also be handled with one of the following measures:

a/ Forced application of measures to remedy environmental pollution, rehabilitate the environment as provided for in Article 93 of this Law;

b/ Forced relocation to a place far from residential areas and consistent with the load capacity of the environment;

c/ Ban from operation.

3. Responsibilities and competence to decide on handling of polluting or seriously polluting establishments are provided for as follows:

a/ Provincial-level specialized environmental protection agencies shall be responsible for detecting and annually making a list of polluting or seriously polluting establishments in their respective localities, reporting it to the People's Committees of the same level, the Ministry of Natural Resources and Environment, and concerned ministries, ministerial-level agencies and Government-attached agencies;

b/ Provincial-level People's Committees shall decide on the handling of polluting establishments in their localities according to their competence and the decentralization by the Prime Minister;

c/ Ministers, heads of ministerial-level agencies and heads of Government-attached agencies shall be responsible for coordinating with concerned

provincial-level People's Committees in deciding the list of polluting establishments under their management and directing the handling of such establishments;

d/ The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinating with concerned ministries, ministerial-level agencies and provincial-level People's Committees in, submitting to the Prime Minister for decision the list of establishments causing serious environmental pollution on a scale beyond the handling competence or ability of ministries, ministerial-level agencies, Government-attached agencies or provincial-level People's Committees.

4. Ministers, heads of ministerial-level agencies, heads of Government-attached agencies and presidents of People's Committees at all levels shall, within the scope of their respective tasks and powers, be responsible for handling polluting establishments as provided for in Clause 1 and Clause 2 of this Article.

5. Decisions on handling polluting or seriously polluting establishments must be notified to district- and commune-level People's Committees of the places where such establishment are located and made public for supervision by the people.

6. The Ministry of Natural Resources and Environment shall specifically guide the inspection and supervision of the handling of polluting establishments.

7. The State encourages all organizations and individuals to develop environmental pollution treatment technologies; provides state budget supports, land funds, preferential credits and other resources for the handling of seriously polluting establishments.

Chapter VI

**ENVIRONMENTAL PROTECTION IN URBAN
CENTERS AND RESIDENTIAL AREAS**

Article 50.- Plannings of environmental protection in urban centers and residential areas

1. Planning of environmental protection in urban centers or residential areas must constitute part of the planning of urban centers and residential areas.

2. Planning of environmental protection in urban centers or residential areas shall cover planning on land for construction of environmental protection infrastructure works and the following systems of environmental protection infrastructure works:

a/ Concentrated waste water collection and treatment system; rainwater drainage system; solid waste collection, dumping, treatment and recycling system;

b/ System of water supply for daily life and production;

c/ System of parks, recreation and entertainment centers, public sanitation facilities;

d/ System of trees and water areas;

e/ Burial area.

3. Production and business establishments potentially causing environmental pollution and environmental incidents must not be built in urban centers and residential areas.

4. Provincial-level and district-level People's Committees shall be responsible for elaborating and approving environmental protection plannings according to the provisions of the construction law on planning of urban centers and residential areas.

Article 51.- Environmental protection requirements for urban centers and concentrated residential areas

1. Urban centers must meet the following environmental protection requirements:

a/ Having environmental protection infrastructure works in compliance with the planning on urban centers and concentrated residential areas already approved by competent state agencies;

b/ Having equipment and means for collecting and regrouping garbage suitable to volumes and kinds of garbage and capable of accommodating wastes already sorted out at source discharged by households in residential areas.

2. Concentrated residential areas must meet the following environmental protection requirements:

a/ Having a rainwater and sewage drainage system in compliance with the environmental protection planning for residential areas;

b/ Having garbage regrouping sites meeting environmental sanitation requirements.

3. For newly built concentrated residential areas, only if their investors have complied with all environmental protection requirements defined in Clause 1 of this Article, shall the projects be permitted for hand-over and use.

Article 52.- Environmental protection in public places

1. Organizations, population communities, households and individuals shall have to follow environmental protection regulations and keep public places clean; discard rubbish in public rubbish bins or designated places; and do not let domestic animals soil public places.

2. Organizations, individuals and population communities managing parks, recreation and entertainment centers, tourist resorts, markets, railway stations, bus stations, wharves, ports, ferry landing stages and other public places shall have

the following duties:

a/ To post up sanitation keeping rules at public places;

b/ To arrange adequate public sanitation facilities; means and equipment for collecting wastes to meet environmental sanitation requirements;

c/ To arrange sufficient manpower to collect wastes and keep clean the environment under their management.

3. Violations of the law on environmental protection and rules on keeping environmental sanitation in public places shall be subject to the following sanctions:

a/ Fine;

b/ Forced environmental sanitation labor for definite terms in public places;

c/ Temporary seizure of violating means causing environmental pollution.

4. People's Committees at all levels, the police force and public order management units shall, within the scope of their respective tasks and powers, have to handle violations of environmental protection rules in public places according to the provisions of the environmental protection law and other relevant laws.

Article 53.- Environmental protection requirements for households

1. Households shall have to protect the environment as follows:

a/ To collect and carry garbage to places designated by local environmental sanitation keeping organizations; discharging waste water into the sewage system;

b/ Not to disperse discharged gas, make noise and disperse other agents in excess of environmental standards affecting health and life of population communities;

c/ To pay fully and on time environmental protection fees as provided for by law;

d/ To participate in environmental sanitation activities in streets, village roads, alleys, public places and environmental protection self-management activities of population communities;

e/ To have hygienic latrines and breeding stables and farms of poultry and livestock located at a safe distance from people's living areas;

f/ To observe environmental sanitation rules in village codes or environmental protection commitments.

2. Strict observance of environmental protection rules constitutes one of criteria for the title of cultured family.

Article 54.- Environmental protection self-management organizations

1. The State encourages population communities to found self-management organizations to protect the environment where they live, aiming to perform the following tasks:

a/ Checking and urging households and individuals to observe rules on environmental sanitation and protection;

b/ Organizing the collection and treatment of garbage and wastes;

c/ Keeping clean village roads, streets, roads and public places;

d/ Formulating and implementing village codes regarding environmental protection; educating and motivating local people to give up non-hygienic and environment-harmful customs and habits;

e/ Participating in supervision of the observance of the environmental protection law by production, business and service establishments in their localities.

2. Self-management organizations for

environmental protection shall be founded and operate on the principles of voluntariness, joint responsibility and observance of law.

3. Commune-level People's Committees shall be responsible for issuing operation regulations for self-management organizations for environmental protection and facilitate their effective operation.

Chapter VII

PROTECTION OF MARINE, RIVER AND OTHER WATER SOURCE ENVIRONMENT

Section 1. PROTECTION OF THE MARINE ENVIRONMENT

Article 55.- Principles for marine environmental protection

1. Environmental protection constitutes a component of the marine economic development master plan designed to mitigate adverse impacts on the marine environment and raise marine economic effectiveness.

2. Preventing and restricting wastes discharged from land and offshore activities; taking initiative and coordinating in response to marine environmental incidents.

3. Marine environmental protection must be based on delimitation of functional zones for protection and use of natural resources.

4. Marine environmental protection must be associated with integrated management of marine resources and environment in service of sustainable development.

Article 56.- Conservation and rational use of marine resources

1. Marine resources must be investigated and assessed in terms of reserve, regeneration

capability and economic value to serve marine environment management and protection.

2. Aquaculture, exploitation of marine resources and other activities related to exploitation and use of marine resources must be carried out in line with approved natural resource use planning.

3. Activities within marine nature reserves, submerged forests and natural marine heritages must conform to the rules set by their management boards, to the provisions of the environmental protection law and other relevant laws.

4. It is strictly forbidden to use destructive measures, means and tools in exploiting marine resources.

Article 57.- Control and treatment of marine environmental pollution

1. Wastes discharged from land, production, business and trading establishments, urban centers and residential areas located in coastal regions, on the sea or islands must be surveyed, enumerated and assessed to work out measures to prevent and limit adverse impacts on the marine environment.

2. Wastes and other contaminants from marine production, service, construction, transport and exploitation activities must be controlled and treated to meet environmental standards.

3. Oil, gas, drilling solutions, chemicals and other toxic substances used in marine resource exploration and exploitation must be collected and stored in specialized equipment and be treated according to hazardous waste management regulations.

4. All forms of dumping wastes in the waters of the Socialist Republic of Vietnam are strictly forbidden.

Article 58.- Organization of prevention and

response to marine environmental incidents

1. Organizations and individuals engaged in mineral exploitation, owners of means of transport of petrol, oil, chemicals, radioactive substances and other toxic substances on the sea must be prepared with plans, manpower and equipment to ensure prevention of and response to environmental incidents.

2. National rescue forces and marine police force must be trained and equipped with appropriate means and equipment to effectively respond to marine environmental incidents.

3. Owners of means of transport or warehouses on the sea which are likely to cause environmental incidents must inform by any means forces mentioned in Clause 2 of this Article and other related organizations and individuals thereof for working out plans to prevent and avoid environmental incidents.

4. Ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees of coastal localities shall, within the scope of their respective functions, tasks and powers, have to detect, warn of and inform in time marine natural disasters or environmental incidents and organize response to and remedy of their consequences.

Section 2. PROTECTION OF RIVER WATER ENVIRONMENT

Article 59.- Principles for river water environment protection

1. River water environment protection shall constitute one of the fundamental contents of the planning of exploitation, use and management of water resources in river basins.

2. River basin localities must be jointly

responsible for protecting the water environment in river basins, take initiative in jointly tapping benefits brought about by water resources in river basins and ensuring the interests of local people.

Article 60.- Control and treatment of the pollution of the water environment in river basins

1. River basin waste sources must be investigated, quantified and assessed and applied with control and treatment measures before being discharged into rivers.

2. Wastes from production, business, service, construction, transport activities, exploitation of riverbed minerals and garbage from households living on the rivers must be controlled and treated to meet environmental protection requirements before being discharged into rivers.

3. Development of new production, business, service, urban centers, concentrated residential areas in a river basin must be considered in light of the interests of the whole river basin, taking into account water currents, hydraulic regime, load capacity and self-cleanability of the river as well as present production, business, service and urban development activities in the whole river basin.

4. Appraisal of environmental impact assessment reports of projects to develop new production, business, service, urban centers or residential areas or large-scale production, business and service establishments upstream of a river must be commented by provincial-level People's Committees of downstream provinces.

Article 61.- Responsibilities of provincial-level People's Committees for water environment protection in river basins

1. Provincial-level People's Committees of river basin localities shall have the following responsibilities:

a/ To make public information on sources of waste discharged into rivers;

b/ To control sources of waste discharged into river and handle violations of environmental standards;

c/ To coordinate with concerned agencies in identifying parties that cause environmental damage and setting compensation for damaged parties in other localities within the river basin;

2. Provincial-level People's Committees of upstream localities shall have to coordinate with those of downstream localities in investigating and identifying river water pollution sources and applying remedies.

If environmental damage is caused, provincial-level People's Committees of localities where such damage occurs shall have to coordinate with concerned agencies in investigating and assessing the damage and requesting damage-causing parties to pay compensation therefor.

3. Provincial-level People's Committees of localities where waste-discharging sources are located shall have to apply measures to force environmental pollution-causing parties to remedy and pay compensations in accordance with the provisions of law.

Article 62.- Organization of water environmental protection in river basins

1. Coordination of environmental protection activities for rivers flowing through several provinces and centrally-run cities shall comply with regulations of the Prime Minister.

2. Provincial-level People's Committees of river basin localities shall be responsible for taking measures to protect the river basin water environment.

3. The Ministry of Natural Resources and

Environment shall guide and guide the implementation of the Prime Minister's regulations on river basin water environment protection.

Section 3. PROTECTION OF THE ENVIRONMENT OF OTHER WATER SOURCES

Article 63.- Protection of the environment of water sources in lakes, ponds, canals and ditches

1. Water sources in lakes, ponds, canals and ditches must be surveyed and assessed in terms of reserve and quality, be protected and regulated.

2. Lakes, ponds, canals and ditches in urban centers and residential areas must be planned, renovated and protected; organizations and individuals must not transgress water surface, build structures and houses over water surface or on the banks adjacent to water surface of the lakes, ponds, canals or ditches already planned; fill-up and leveling of lakes and ponds in urban centers and residential areas shall be limited as much as possible.

Owners of projects on obstruction of the flow of canals or ditches and projects on fill-up and leveling of lakes, ponds, canals or ditches must elaborate environmental impact assessment reports in accordance with the provisions of law.

3. Discharge of soil, rock, sand, gravel, solid water or waste water not yet treated up to environmental standards and other kinds of waste to water surface sources of lakes, ponds, canals or ditches shall be strictly prohibited.

4. Provincial-level People's Committees shall be responsible for surveying and assessing the reserve and quality of, and planning protection and regulation of, water in lakes, ponds, canals and ditches; plan and carry out the relocation of residential quarters, houses and works built over lakes, ponds, canals or ditches, polluting the

environment and obstructing the flow of water, degrading the wetland ecology and badly affecting the urban landscape.

Article 64.- Protection of the environment of reservoirs used for irrigation and hydropower purposes

1. Construction, management and operation of reservoirs used for irrigation and hydropower purposes must be associated with environmental protection.

2. It is strictly forbidden to transgress reservoirs, dump untreated solid wastes, soil, rock and waste water into reservoirs.

3. Water environment in reservoirs used for irrigation and hydropower purposes must be periodically monitored to predict changes in water quality, hydraulic regime to regulate water sources and protect the environment.

4. Agencies managing reservoirs used for irrigation and hydropower purposes shall have to observe the provisions of this Law and other relevant laws.

Article 65.- Groundwater environment protection

1. Environmental protection in groundwater exploration and exploitation is provided for as follows:

a/ Projects to exploit groundwater with a capacity of 10,000 cubic meters or more per day and night shall require environmental impact assessment reports;

b/ Only chemicals on permitted lists issued by competent state agencies may be used in groundwater exploration and exploitation.

c/ It is strictly forbidden to introduce into groundwater sources toxic chemicals and wastes, untested microorganisms and other agents harmful to man and living organisms;

d/ Measures must be taken to prevent groundwater source pollution through drilled wells for groundwater exploration and exploitation; groundwater-exploiting units shall be responsible for rehabilitating the environment of exploration and exploitation areas; exploration and exploitation boreholes which are no longer used must be filled up in accordance with technical processes to avoid groundwater pollution.

2. For mineral exploitation projects and other projects using toxic chemicals and/or radioactive substances, measures must be taken to prevent leakage and dispersal of toxic chemicals and wastes, radioactive wastes and infectious living organisms into groundwater sources.

3. Chemical warehouses, treatment facilities, hazardous waste burial areas must be constructed to ensure technical safety and prevention of toxic chemicals from penetration into groundwater sources.

4. The Ministry of Natural Resources and Environment shall be responsible for directing the organization of periodical surveys, assessments and monitoring of groundwater reserve and quality.

Chapter VIII

WASTE MANAGEMENT

Section 1. GENERAL PROVISIONS ON WASTE MANAGEMENT

Article 66.- Waste management responsibilities

1. Organizations and individuals engaged in waste-generating activities shall be responsible for reducing, recycling and reusing wastes so as to minimize the quantity of waste to be incinerated or discarded.

2. Sources, quantities, properties of waste must

be identified to ensure application of appropriate treatment methods and procedures to each kind of waste.

3. If organizations and individuals engaged in production, business and service activities well perform waste management, they shall be granted environmental standard compliance certificates.

4. Waste management shall be performed under the provisions of this Law and other relevant laws.

Article 67.- Collection and disposal of expired and discarded products

1. Owners of production, business and service establishments shall be responsible for recovering the following expired or discarded products:

a/ Radioactive sources used in production, business or services;

b/ Batteries, accumulators;

c/ Electronic and electric equipment for civil and industrial use;

d/ Lubricants, grease and packages hard to decompose in nature;

e/ Drugs and chemicals for industrial, agricultural and aquatic use; medicines for human use;

f/ Means of transport;

g/ Tubes and tires;

h/ Other products as decided by the Prime Minister.

2. The Prime Minister shall stipulate the recovery and disposal of products specified in Clause 1 of this Article.

Article 68.- Recycling of wastes

1. Wastes must be sorted at source into categories suitable for recycling, disposal, incineration and burial.

2. Organizations and individuals engaged in recycling wastes and products specified in Article 67 shall enjoy preferential policies as provided for in this Law and other relevant laws.

3. Organizations and individuals investing in constructing waste recycling facilities shall be given by the State preferences in tax, funding support and land for construction thereof.

Article 69.- Waste management responsibilities of People's Committees at all levels

1. To plan and arrange sites for gathering solid wastes from daily life, build concentrated sewage treatment systems and waste burial sites.

2. To invest, build and operate public waste management works within the scope of their management.

3. To inspect and supervise waste management projects of organizations or individuals before they are put to use.

4. To adopt and implement preferential and support policies for waste management activities in accordance with the provisions of law.

Section 2. HAZARDOUS WASTE MANAGEMENT

Article 70.- Compilation of records, registration, grant of permits and code numbers for hazardous waste management

1. Organizations and individuals engaged in hazardous waste-generating activities or parties that receive and manage hazardous wastes must compile records and register with provincial-level specialized environmental protection agencies.

2. Organizations and individuals meeting all capacity conditions for hazardous waste management shall be granted permits and code

numbers for hazardous waste management.

3. The Ministry of Natural Resources and Environment shall issue regulations on capacity conditions and guide the compilation of records, registration and grant of permits and code numbers for hazardous waste management.

Article 71.- Sorting, collection and temporary storage of hazardous wastes

1. Organizations and individuals engaged in hazardous waste-generating activities must organize by themselves the sorting and collection of hazardous wastes or sign contracts for delivery to parties that receive and manage hazardous wastes.

2. Hazardous wastes must be temporarily stored in specialized equipment ensuring no leakage, spillage or dispersal into the environment.

3. Organizations and individuals must be prepared with plans and equipment for prevention and control of incidents caused by hazardous wastes; must not mix hazardous wastes with ordinary ones.

Article 72.- Transport of hazardous wastes

1. Hazardous wastes must be transported in appropriate specialized equipment and by appropriate specialized means along routes and during hours specified by competent traffic management agencies.

2. Only organizations and individuals that hold permits for hazardous waste transport may participate in hazardous waste transport.

3. Means of transport of hazardous wastes must be provided with equipment to prevent and control leakage, spillage and environmental incidents caused by hazardous wastes.

4. Organizations and individuals engaged in the transport of hazardous wastes shall be responsible

for leakage, spillage or environmental incidents occurring during transport, loading and unloading.

Article 73.- Treatment of hazardous wastes

1. Hazardous wastes must be treated to meet environmental standards by methods, technologies and equipment appropriate to chemical, physical and biological characteristics of each type of hazardous waste; in case there is no such treatment technology and equipment in the country, hazardous wastes must be stored according to the provisions of law and the guidance issued by state management agencies in charge of environmental protection until they are treated.

2. Only organizations and individuals that hold permits and operational code numbers may participate in treatment of hazardous wastes.

3. Organizations and individuals that build hazardous treatment facilities must elaborate environmental impact assessment reports and comply with environmental protection requirements.

4. The transfer of the hazardous waste treatment responsibility between the generator and the party receiving such responsibility must be effected under contracts certified by provincial-level specialized environmental protection agencies.

5. A contract of transfer of the hazardous waste treatment responsibility must specify the origin, composition and kind of hazardous waste, treatment technology and burying measure after treatment.

Article 74.- Hazardous waste treatment establishments

1. Hazardous waste treatment establishments must comply with the following environmental protection requirements:

a/ Compliance with the approved planning on

collection, treatment and burial of hazardous wastes;

b/ Having registered the list of hazardous wastes to be treated;

c/ Having their hazardous waste treatment technology registered and assessed;

d/ Being located at an environmentally safe distance from residential areas, nature conservation zones, surface water and groundwater sources;

e/ Having plans and equipment for prevention of and response to environmental incidents;

f/ Having been designed and constructed according to technical specifications and technological processes ensuring that hazardous wastes are treated up to environmental standards;

g/ Having been inspected and certified by competent state management agencies in charge of environmental protection before being put to operation;

h/ Storing hazardous wastes before and after treatment in specialized equipment appropriate to their types;

i/ Ensuring safety for the health and life of workers working in hazardous waste treatment establishments.

2. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, issuing technical specifications and guidelines, inspecting and certifying hazardous waste treatment establishments.

Article 75.- Hazardous waste burial sites

1. Hazardous waste burial sites must meet the following environmental protection requirements:

a/ Being located according to planning, designed according to technical specifications applied to hazardous waste burial sites; being

located at an environmentally safe distance from residential areas, nature conservation zones, surface water and ground water sources for daily-life use; having boundary fences and warning signboards;

b/ Having plans and equipment for prevention of and response to environmental incidents;

c/ Meeting all environmental sanitation conditions and not dispersing toxic gases to the surrounding environment;

d/ Having been inspected and certified by competent state management agencies to satisfy all technical specifications for receiving and burying hazardous wastes before being put to operation;

2. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, issuing technical specifications and guidelines, inspecting and certifying hazardous waste burial sites.

Article 76.- Planning of collection, treatment and burial of hazardous wastes

1. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment and provincial-level People's Committees in, elaborating a national master plan on collection, treatment and burial of hazardous wastes and submitting it to the Prime Minister for approval.

2. The contents of the national master plan on collection, treatment and burial of hazardous wastes include:

a/ Survey, assessment and prediction of hazardous waste sources, types and quantities of hazardous wastes;

b/ Location of hazardous waste treatment establishments and burial sites;

c/ Methods of collection, routes for

transportation; location, size, type and methods of storage; determination of technologies for treatment, recycling, destruction and burial of hazardous wastes;

d/ Plans and resources for ensuring that all hazardous wastes are adequately monitored and thoroughly treated.

3. Provincial-level People's Committee shall be responsible for allocating land areas for the construction of hazardous waste burial sites according to approved planning.

Section 3. MANAGEMENT OF ORDINARY SOLID WASTES

Article 77.- Classification of ordinary solid wastes

1. Ordinary solid wastes shall be classified into the following main categories:

- a/ Recyclable or reusable wastes;
- b/ Wastes to be destroyed or buried.

2. Organizations and individuals generating ordinary solid wastes shall have to sort wastes at source to improve waste management efficiency.

Article 78.- Collection, transport of ordinary solid wastes

1. Organizations and individuals managing concentrated production, business and service zones, concentrated residential areas or public areas must arrange adequate and appropriate collecting equipment to receive solid wastes suitable for sorting at source.

2. Ordinary solid wastes must be transported in the categories as sorted at source and in specialized equipment that ensure no leakage or dispersal of odor during transport.

In urban areas and residential areas, wastes

must be transported along routes designated by competent traffic management agencies.

3. Ordinary solid wastes shall be used to the maximum extent for recycling and reuse; the discard of wastes which are still valuable for recycling or use for other purposes shall be minimized.

Article 79.- Ordinary solid waste recycling and destruction establishments, ordinary solid waste burial sites

1. Ordinary solid waste recycling and destruction establishments, ordinary solid waste burial sites must comply with the following requirements:

a/ Compliance with the approved planning on collection, recycling, destruction and burial of ordinary solid wastes;

b/ Being located far from residential areas, surface water sources and places where they can pollute groundwater sources;

c/ Being designed, constructed and operated to thoroughly, economically and efficiently treat wastes without causing environmental pollution;

d/ Having separate areas where waste water discharged from ordinary solid wastes is treated;

e/ Having been inspected and certified by state management agencies in charge of environmental protection after construction and before receiving wastes for recycling, treatment or burial.

2. Provincial-level People's Committees shall be responsible for directing the construction and management of ordinary solid waste recycling and destruction establishments and burial sites in their respective localities.

3. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, issuing technical specifications and guidelines,

inspecting and certifying ordinary solid waste recycling and destruction establishments and burial sites.

Article 80.- Planning on collection, recycling, destruction and burial of ordinary solid wastes

1. Contents of the planning on collection, recycling, destruction and burial of ordinary solid wastes include:

a/ Survey, assessment and prediction of waste sources and total quantities of wastes to be generated;

b/ Assessment of the ability to sort at source and the ability to recycle wastes;

c/ Location and area of collection sites, recycling and destruction establishments and burial sites;

d/ Selected appropriate technologies;

e/ Schedule and resources for implementation.

2. Provincial-level People's Committees shall be responsible for allocating land areas for, and organizing the construction and management of, ordinary solid wastes collection, recycling and destruction establishments and burial sites in their localities according to the approved planning.

3. The Ministry of Construction shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, formulating a national master plan on collection, recycling, destruction and burial of ordinary solid wastes and submitting it to the Prime Minister for approval.

Section 4. MANAGEMENT OF WASTE WATER

Article 81.- Collection and treatment of waste water

1. In urban centers and residential areas, there must be separate systems for collection of rainwater and waste water; waste water from daily

life must be treated up to environmental standards before being discharged into the environment.

2. Waste water of production, business and service establishments and zones must be collected and treated up to environmental standards.

3. Mud discharged from waste water treatment systems must be managed according to solid waste management regulations.

4. Waste water and mud containing hazardous elements must be managed according to hazardous waste management regulations.

Article 82.- Waste water treatment systems

1. A waste water treatment system shall be required for:

a/ Concentrated production, business and service zones;

b/ Craft villages;

c/ Production, business and service establishments not linked to a concentrated waste water treatment system.

2. A waste water system must meet the following requirements:

a/ Having a technological process suitable to the type of waste water to be treated;

b/ Being of sufficient capacity to treat the waste water volume discharged;

c/ Treating waste water up to environmental standards;

d/ Having discharging sluices located at places convenient for supervision and monitoring;

e/ Operating in a routine manner.

3. Owners of waste water management systems must conduct periodical monitoring of waste water quality before and after treatment. Monitoring data shall be kept as a basis for checking and

supervising the operation of waste water treatment systems.

Section 5. MANAGEMENT AND CONTROL OF DUST, GASES, NOISE, VIBRATION, LIGHT AND RADIATION

Article 83.- Management and control of dust and gas emissions

1. Organizations and individuals engaged in production, business and services activities emitting dust and gases shall have to control and treat dust and gas emissions up to environmental standards.

2. Use of fuels, materials, equipment and means emitting noxious gases into the environment shall be restricted.

3. Means of transport, machinery, equipment and construction works emitting dust and gases must be equipped with gas filters and reducers, dust shields or other covers to reduce dust up to environmental standards.

4. Dust and gas emissions containing hazardous elements must be managed according to hazardous waste management regulations.

Article 84.- Management of greenhouse gases and ozone layer-depleting gases

1. The Ministry of Natural Resources and Environment shall be responsible for calculating greenhouse gas emissions nationwide so as to implement treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Transfer, buying and selling of greenhouse gas emission quotas between Vietnam and foreign countries shall be stipulated by the Prime Minister.

3. The State encourages production, business and service establishments to minimize greenhouse gas emissions.

4. Production, import and use of ozone layer-depleting compounds shall be prohibited in accordance with treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 85.- Restriction of noise, vibration, light and radiation

1. Organizations and individuals causing noise, vibration, light or radiation in excess of environmental standards shall have to control and treat them up to environmental standards.

2. Production, business and service establishments within residential areas that cause noise, vibration, light or radiation in excess of permitted levels must take measures to restrict and reduce them to levels not affecting the life and health of population communities.

3. For roads of high traffic density or construction works causing noise, vibration, light or radiation in excess of permitted levels, measures must be taken to reduce noise, vibration, light or radiation up to environmental standards.

4. Production, import, transportation, trading and use of crackers shall be prohibited. Production, import, transportation, trading and use of fireworks shall comply with regulations of the Prime Minister.

Chapter IX

PREVENTION OF, RESPONSE TO ENVIRONMENTAL INCIDENTS, REMEDY OF ENVIRONMENTAL POLLUTION AND REHABILITATION OF ENVIRONMENT

Section 1. PREVENTION OF AND, RESPONSE TO ENVIRONMENTAL INCIDENTS

Article 86.- Prevention of environmental incidents

1. Owners of production, business and service

establishments and means of transport potentially causing environmental incidents must apply the following measures:

a/ To prepare plans for prevention of and response to environmental incidents;

b/ To install and furnish equipment, tools and means to respond to environmental incidents;

c/ To train and arrange forces ready to respond to environmental incidents;

d/ To observe labor safety rules and implement a routine checking regime;

e/ To promptly take or propose competent agencies to take measures to eliminate causes of environmental incidents when detecting their signs.

2. Prevention of environmental incidents caused by natural disaster shall cover:

a/ Building capacity to predict, warn dangers and developments of disasters possibly causing environmental incidents;

b/ Investigating, recording and assessing the risk of natural disasters likely to occur nationwide and in each region;

c/ Planning and constructing projects for prevention of incidents and mitigation of their consequences in places where environmental incidents are likely to occur.

3. Ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committee shall, within the scope of their respective tasks and powers, carry out activities defined in Clause 2 of this Article.

Article 87.- Biological safety

1. Organizations and individuals engaged in production, business and service activities related to genetically modified organisms and products thereof must observe the provisions of law on biodiversity, food safety and hygiene, cultivated

plant varieties and livestock breeds, and other relevant laws.

2. Organizations and individuals may only research into, experiment, produce, trade in, use, import, export, store and transport genetically modified organisms and products thereof on the list of those permitted by law and must meet all conditions on biological safety and procedures as provided for by law.

3. Import and transit of animals, plants and microorganisms must be permitted by competent state agencies and they must be quarantined according to the provisions of law on quarantine of animals, plants and microorganisms.

Article 88.- Chemical safety

1. Organizations and individuals engaged in producing, trading in, transporting, storing, using chemicals or other activities related to chemicals may carry out such activities only when they meet all conditions, procedures and take all measures to ensure chemical safety in accordance with the provisions of law on management and use of chemicals and other relevant laws.

2. Use of chemical fertilizers, chemicals, feeds, plant and animal protection drugs causing environmental pollution and degradation or biodiversity degradation shall be restricted.

Article 89.- Nuclear and radiation safety

1. Activities related to nuclear and radiation⁴ include:

a/ Exploring, exploiting and refining radioactive substances of natural origin;

b/ Storing, preserving and transporting radioactive substances;

c/ Producing, trading in, providing services and materials containing radioactive substances or products;

d/ Producing products or building projects causing electromagnetic radiation;

e/ Using nuclear and atomic technologies, equipment containing radioactive substances or equipment causing electromagnetic radiation;

f/ Importing and exporting materials, equipment and technologies containing radioactive substances.

2. Organizations and individuals that carry out activities defined in Clause 1 of this Article must observe the provisions of law on nuclear safety and electromagnetic radiation safety.

3. Nuclear safety and radiation safety must aim at:

a/ Not adversely affecting human beings and living organisms;

b/ Not polluting the environment or adversely affecting environmental components;

c/ Not causing environmental incidents and disasters.

4. Nuclear safety standards and electromagnetic radiation safety standards are compulsory national standards and shall be issued by competent state agencies.

Article 90.- Response to environmental incidents

1. Responsibilities to respond to environmental incidents are defined as follows:

a/ Organizations and individuals causing environmental incidents shall have to take urgent measures to ensure safety for persons and property; organize the rescue of persons and property and promptly inform such to local administrations or specialized environmental protection agencies of the localities where such incidents occur;

b/ If an environmental incident occurs at an

establishment or in a locality, the head of such establishment or locality shall have to urgently mobilize manpower, materials and means to promptly respond to it.

c/ If an environmental incident occurs on a scale involving two or more establishments or localities, the heads of such establishments or localities shall have to collaborate with one another in responding to it.

d/ In case establishments or localities are unable to respond to environmental incidents, they must urgently report them to their superior management agencies for the latter to promptly mobilize other establishments and localities to join in responding to such incidents; requested establishments and localities must take measures to respond to environmental incidents according to their abilities.

2. Manpower, materials and means used to respond to environmental incidents shall be indemnified according to the provisions of law.

3. Response to extremely serious environmental incidents shall comply with the provisions of law on state of emergency.

4. The obligation to compensate for damages caused by environmental incidents shall be performed in accordance with the provisions of Section 2, Chapter XIV of this Law, the Civil Code and other relevant laws.

Article 91.- Building of forces for response to environmental incidents

1. The State shall be responsible for building forces and providing equipment for forecast and warning of natural disasters, weather and environmental incidents.

2. Production, business and service establishments shall be responsible for building their capacity to prevent and respond to natural disasters and environmental incidents.

**Section 2. REMEDY OF ENVIRONMENTAL
POLLUTION AND REHABILITATION OF
ENVIRONMENT**

Article 92.- Grounds for identifying polluted areas

1. The environment shall be considered polluted when the content of one or more polluting agents exceeds the environmental quality standards.

2. The environment shall be considered seriously polluted when the content of one or more chemicals and heavy metals exceeds 3 times the environmental quality standards or the content of one or more other polluting agents exceeds 5 times the environmental quality standards.

3. The environment shall be considered particularly seriously polluted when the content of one or more chemicals and heavy metals exceeds 5 times the environmental quality standards or the content of one or more other polluting agents exceeds 10 times the environmental quality standards.

Article 93.- Remedy of environmental pollution and rehabilitation of environment

1. Investigation and identification of polluted areas shall cover the following contents:

a/ Scope and boundaries of polluted areas;

b/ Degree of pollution;

c/ Causes of pollution and responsibilities of related parties;

d/ Activities to be carried out to remedy the pollution and rehabilitate the environment;

e/ Damage caused to the environment, serving as a basis for claiming compensation.

2. Responsibilities to investigate and identify polluted areas are defined as follows:

a/ Provincial-level People's Committee shall

organize the investigation and identification of polluted areas in their localities;

b/ The Ministry of Natural Resources and Environment shall direct the coordination among provincial-level People's Committees in organizing the investigation and identification of polluted areas covering two or more provinces and/or centrally-run cities.

Results of investigation, including the causes, degree and scope of pollution, and damages caused to the environment, must be made public.

3. Organizations and individuals causing environmental pollution shall be responsible for:

a/ Complying with requests of state management agencies in charge of environment defined in Clause 2 of this Article in the process of investigation and identification of the pollution scope, area, degree and causes as well as measures to remedy pollution and rehabilitate the environment;

b/ Promptly applying measures to stop and limit the source of pollution and restrict its expansion affecting the health and life of local inhabitants;

c/ Taking measures to remedy environmental pollution and rehabilitate the environment at the request of state management agencies in charge of environment defined in Clause 2 of this Article;

d/ Compensating for damage in accordance with the provisions of this Law and other relevant laws.

In case the pollution is jointly caused by several organizations or individuals, state management agencies in charge of environment defined in Clause 2 of this Article shall be responsible for working with concerned parties to clearly determine the responsibilities of each party for remedying pollution and rehabilitating the environment.

4. In case of pollution caused by natural disaster or unidentified reasons, ministries, ministerial-level

agencies, Government-attached agencies and People's Committees at all levels shall, within the scope of their respective tasks and powers, be responsible for mobilizing all resources to respond to and remedy environmental pollution.

5. For polluted areas covering two or more provinces and/or centrally-run cities, pollution remedy and environment rehabilitation shall be directed by the Prime Minister.

Chapter X

ENVIRONMENT MONITORING AND INFORMATION

Article 94.- Environment monitoring

1. The environmental status and environmental impacts shall be supervised under the following environment monitoring programs:

- a/ National environment status monitoring;
- b/ Monitoring of environmental impacts exerted by activities of branches and domains;
- c/ Monitoring of environmental status of provinces and centrally-run cities;
- d/ Monitoring of environmental impacts exerted by activities of production, business and service establishments and concentrated production, business and service zones.

2. Environment monitoring responsibilities are defined as follows:

- a/ The Ministry of Natural Resources and Environment shall organize national environment status monitoring;
- b/ Ministries, ministerial-level agencies and Government-attached agencies shall organize the monitoring of environmental impacts exerted by activities of branches and domains under their management;

c/ Provincial-level People's Committees shall organize environmental status monitoring within their localities;

d/ Managers or operators of production, business and service establishments and concentrated production, business and service zones shall organize the monitoring of environmental impacts exerted by their establishments.

Article 95.- Environment monitoring systems

1. An environment monitoring system shall consist of:

- a/ Sampling and surveying stations for environment monitoring;
- b/ Laboratories, sample analysis centers, environment monitoring data management and processing centers.

2. Environment monitoring systems must be planned and constructed synchronously, meeting monitoring requirements for providing information in service of environment management and protection.

3. Organizations and individuals that have adequate professional capabilities and technical equipment shall be allowed to participate in environment monitoring.

Article 96.- Planning of the environment monitoring system

1. Planning of the environment monitoring system shall cover the following contents:

- a/ Investigation and research to identify objects to be monitored and data to be collected for environmental protection;
- b/ Identification of the number, arrangement, size and functions of environment sampling stations;

c/ Arrangement of the equipment system for use in environment monitoring;

d/ Schedule and resources for implementation;

e/ Training of human resources capable of performing environment monitoring tasks.

2. Responsibilities for planning and approval of planning for the environment monitoring system are defined as follows:

a/ The Ministry of Natural Resources and Environment shall formulate a national environment monitoring master plan and submit it to the Prime Minister for approval; direct the uniform collection and management of environment monitoring data;

b/ Provincial-level specialized environmental protection agencies shall work out plans on environment monitoring networks in their localities and submit them to the People's Committees of the same level for approval;

c/ Organizations and individuals managing concentrated production, business and service zones shall organize the construction and management of environment monitoring networks in areas under their management.

Article 97.- Environment monitoring programs

1. Environment monitoring programs include programs on environment status monitoring and programs on monitoring of environmental impacts exerted by socio-economic activities. Environment monitoring programs must be implemented in a consistent and synchronous manner.

2. An environment status monitoring program shall cover the following activities:

a/ Periodically taking samples for analysis and forecast of changes in soil, water and air quality;

b/ Tracking changes in quantity, composition and status of natural resources;

c/ Tracking changes in quality, quantity,

composition and status of ecosystems, species and gene sources.

3. An environmental impact monitoring program shall cover the following activities:

a/ Tracking quantity, status and changes in adverse impact sources;

b/ Tracking changes in quantity, composition and toxicity of solid wastes, gases and waste water;

c/ Detecting and assessing trans-border impacts on the domestic environment.

4. The Ministry of Natural Resources and Environment shall guide the planning and organization of environment monitoring programs.

Article 98.- Environmental indicators

1. Environmental indicators are basic parameters reflecting distinct elements of the environment to serve the assessment of environment quality, tracking of changes in environment quality and making of environmental status quality.

2. The Ministry of Natural Resources and Environment shall issue a set of national environmental indicators for nationwide application.

Article 99.- Provincial-level environmental status reports

1. The contents of a provincial-level environmental status report include:

a/ Status and changes in quality of soil environment;

b/ Status and changes in quality of water environment;

c/ Status and changes in quality of air environment;

d/ Status and changes in quantity, state and quality of natural resources;

e/ Status and changes in quality and state of

ecosystems; quantity and composition of species and gene sources;

f/ Status of environment of urban centers, concentrated residential areas, concentrated production, business and service zones, and craft villages;

g/ Areas with polluted and degraded environment, list of seriously polluting establishments;

h/ Urgent environmental problems and their main causes;

i/ Measures to remedy environmental pollution and degradation and improve the environment;

j/ Assessment of local environmental protection activities;

k/ Plans, programs and measures to meet environmental protection requirements.

2. Once every five years, provincial-level People's Committees shall have to elaborate environmental status reports for the same period of local socio-economic development plans and submit them to the People's Councils of the same level and report them to the Ministry of Natural Resources and Environment.

Article 100.- Environmental impact reports of branches and domains

1. The contents of environmental impact reports of branches or domains include:

a/ Status, quantity and development of adverse impact sources;

b/ Status, development, composition and degree of hazard of wastes by branch or domain;

c/ A list of seriously polluting establishments and the handling thereof;

d/ Assessment of environmental protection by branches or domains;

e/ Predicted challenges to the environment;

f/ Plans, programs and measures to meet environmental protection requirements.

2. Once every five years, ministries, ministerial-level agencies and Government-attached agencies shall elaborate environmental impact reports of branches or domains under their respective management for the same five-year plan period and send them to the Ministry of Natural Resources and Environment.

Article 101.- National environment reports

1. The contents of a national environment report include:

a/ Environmental impacts exerted by activities of branches and domains;

b/ Status of the national environment and urgent environmental problems;

c/ Assessment of the implementation of environmental protection policies and laws, management and measures;

d/ Predicted challenges to the environment;

e/ Plans, programs and measures to meet environmental protection requirements.

2. Once every five years, the Ministry of Natural Resources and Environment shall have to elaborate national environment reports for the same plan period of national socio-economic development for submission by the Government to the National Assembly; and make annual specialized environment reports.

Article 102.- Environmental statistics and archive of environmental data and information

1. Environmental data from environment monitoring programs must be collected and archived to serve environment management and protection work.

2. Collection and archive of environmental data

are specified as follows:

a/ The Ministry of Natural Resources and Environment shall coordinate with the central state management agency in charge of statistics in developing a database on national environment;

b/ Ministries, ministerial-level agencies and Government-attached agencies shall collect and archive environmental data of branches and domains under their respective management;

c/ People's Committees at all levels shall collect and archive environmental data of their localities;

d/ Managers or operators of production, business and service establishments or concentrated production, business and service zones shall have to collect and archive data on environmental impacts, discharge sources and wastes discharged from their activities.

3. Ministries, ministerial-level agencies, Government-attached agencies and People's Committees at all levels shall develop environmental data collection, processing, synthesis and storage systems and apply information technologies in collecting and archive of environmental data.

Article 103.- Publication and supply of environmental information

1. Organizations and individuals managing concentrated production, business and service zones, owners of production, business and service establishments subject to elaboration of environmental impact assessment reports shall have to report environmental information under their management to provincial-level specialized environmental protection agencies.

2. Production, business and service establishments other than those mentioned in Clause 1 of this Article shall have to supply

environmental information relating to their activities to district-level specialized environmental protection agencies or commune-level environmental protection officials of the places where they operate and make public environmental information among local communities.

3. Specialized environmental protection agencies at all levels shall have to report environmental information of their localities to their immediate superior agencies and publish essential environmental information on a periodical basis or upon request.

4. Ministries, ministerial-level agencies and Government-attached agencies shall have to periodically supply the Ministry of Natural Resources and Environment and central state management agency in charge of statistics with environmental information relating to industries and domains under their respective management.

Article 104.- Publication of environmental information and data

1. The following environmental information and data, except those classified as state secrets, must be made public:

a/ Environmental impact assessment reports, decisions approving environmental impact assessment reports, and plans for implementation of such decisions;

b/ Registered environmental protection commitments;

c/ Lists, information on discharge sources, wastes harmful to human health and environment;

d/ Areas with serious and particularly serious environmental pollution and degradation; areas prone to environmental incidents;

e/ Planning for waste collection, recycling and treatment;

f/ Provincial-level environmental status reports, environmental impact reports of branches and domains, and national environment reports.

2. Information must be made public in forms easily accessible by concerned organizations and individuals.

3. Agencies publishing environmental information shall take responsibility before law for the accuracy, truthfulness and objectivity of such information.

Article 105.- Exercise of grassroots democracy in environmental protection

1. Organizations and individuals managing concentrated production, business and service zones, owners of production, business and service establishments; professional organizations and staffs in charge of environmental protection shall have to inform the people and laborers in their production, business and service establishments of the environment situation, measures to prevent and restrict adverse environmental impacts and measures to remedy environmental pollution and degradation in one of the following forms:

- a/ Meetings with the people and laborers;
- b/ Written notices and announcements.

2. Dialogues about environmental issues must be held in the following cases:

- a/ At the request of dialogue-seeking parties;
- b/ At the request of state management agencies in charge of environmental protection at all levels;
- c/ In response to complaint and denunciation petitions, lawsuits filed by concerned organizations or individuals.

3. Responsibilities for explanation and dialogue about environmental issues are defined as follows:

- a/ The dialogue-requesting party must send in advance the requested party issues which need to

be explained or dialogued;

- b/ Within 5 working days after the date of receipt of a request, the requested party must prepare replies, explanations or dialogues;

c/ In case the state management agency in charge of environmental protection requests a dialogue to be organized, the concerned parties shall comply with such request.

4. Dialogues about environmental issues shall be held in accordance with the provisions of law and under the chairmanship of People's Committees or specialized environmental protection agencies.

5. Results of dialogues, including opinions and agreements, must be recorded in minutes serving as a basis for concerned responsible parties to follow or consider the handling of violations of the environmental protection law and compensation for environmental damages.

Chapter XI

RESOURCE FOR ENVIRONMENTAL PROTECTION

Article 106.- Propaganda about environmental protection

1. The environmental protection law, good persons, good deeds and good typical examples in environmental protection activities must be regularly and widely disseminated.

2. The State shall confer prizes and rewards for environmental protection to organizations and individuals that have made outstanding achievements in environmental protection activities; and organize quizzes about environmental protection in order to raise environmental protection knowledge and awareness for the public.

3. Good performance of environmental

protection shall constitute a criterion for recognition and conferment of emulation titles.

4. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with information and propaganda agencies and the mass media of all branches and at all levels in, carrying out propaganda about environmental protection.

Article 107.- Environment education and training of human resources for environmental protection

1. Vietnamese citizens shall be provided with comprehensive environment education to raise their environmental protection knowledge and awareness.

2. Environment education shall constitute a content of the formal curricula of all levels of general education.

3. The State gives priority to training human resources for environmental protection and encourages all organizations and individuals to participate in training human resources for environmental protection.

4. The Ministry of Education and Training shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, directing and guiding the formulation and implementation of the program on environment education and training of human resources for environmental protection.

Article 108.- Development of environmental protection science and technology

1. The State invests in scientific research into environment; development, application and transfer of environmental technologies; and encourages organizations and individuals to bring into play their initiatives in and apply technological solutions to

environmental protection.

2. The State shall adopt preferential policies for the transfer of technologies to deal with urgent environmental problems and handle seriously polluting establishments.

3. Organizations and individuals owning technological technologies shall be entitled to transfer them and sign service contracts to reduce and treat wastes.

4. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with concerned ministries, ministerial-level agencies and Government-attached agencies in, directing and guiding scientific and technological development for environmental protection.

Article 109.- Development of the environment engineering industry, building of environmental forecast and warning capacity

1. The State invests in and adopts policies to encourage organizations and individuals to develop the environment engineering industry.

2. The State shall be responsible for building capacity and providing machinery and equipment for forecasting and warning of natural disasters and weather; encourages all organizations and individuals to participate in forecasting and warning environmental disasters in order to prevent and restrict adverse consequences of natural disasters and environmental incidents.

Article 110.- Financial sources for environmental protection

1. Environmental protection shall be funded from the following sources:

a/ State budget;

b/ Funds of organizations and individuals for prevention and mitigation of adverse environmental impacts exerted by their production, business and

service activities;

c/ Funds of organizations and individuals for scientific researches, development of technologies, industries and services for environmental protection purposes;

d/ Compensations for environmental damage, environment tax, environmental protection charges, environmental fines and other revenues as provided for by law;

e/ Contributions and financial supports of organizations and individuals at home and abroad;

f/ Preferential loans and financial supports from the environmental protection fund;

g/ Loans from banks, credit institutions and other financial institutions in accordance with the provisions of law.

2. The state budget reserves a routine expenditure for environmental protection suitable to the requirements of each period; ensures that the rate of annual increase in the expenditure for environmental protection is higher than the rate of overall state budget expenditure increase.

Article 111.- State budget for environmental protection

1. The state budget for environmental protection shall be used for the following purposes:

a/ Development investment in public environmental protection infrastructure works;

b/ Regular expenditure for environmental protection.

2. Non-business environment protection activities include:

a/ Management of environment monitoring and analysis; building of capacity for forecasting and warning natural disasters as well as preventing and responding to environmental incidents;

b/ Basic surveys on environment; implementation

of environmental status and environmental impact monitoring programs;

c/ Investigation of, and collection of statistics on, wastes; assessment of environmental pollution, degradation and incidents; building of capacity for recycling wastes, treating hazardous wastes, support for waste recycling, treatment and burial;

d/ Assistance in handling seriously polluting establishments;

e/ Management of public sanitary facilities; equipment and tools for garbage collection and for environmental sanitation in residential areas and public places;

f/ Strengthening and enhancement of capacity for the state management system in charge of environmental protection; building and development of the system of non-business environmental protection organizations;

g/ Investigation, research, construction, testing and application of science and technology advances to environmental protection; strategies, plans, mechanisms, policies, standards, technical specifications, and models for environmental protection management;

h/ Assistance in the inspection and supervision of the observance of the environmental protection law;

i/ Management of the system of environmental information and data;

j/ Propagation, popularization of and education in the environment law; training in professional and managerial knowledge and skills related to environmental protection;

k/ Conferment of prizes and rewards for environmental protection;

l/ Management of the national genome bank, establishments for nursing, caring and breeding endangered rare and precious animal species;

m/ Management of nature conservation zones;
n/ Other non-business environmental protection activities.

3. Annually, the Ministry of Natural Resources and Environment shall have to sum up budgets of ministries, ministerial-level agencies, Government-attached agencies, provinces and centrally-run cities for non-business environmental protection activities as defined in Clause 2 of this Article, and coordinate with the Ministry of Finance and the Ministry of Planning and Investment in submitting them to the Government.

Article 112.- Environment tax

1. Organizations, individuals and households producing and trading in some kinds of products that exert long-term adverse impacts on the environment and human health shall be liable to environment tax.

2. The Government shall submit to the National Assembly for decision lists of products and production and business activities subject to environment tax and applicable tax rates.

Article 113.- Environmental protection charges

1. Organizations and individuals discharging wastes into the environment or engaged in activities causing adverse impacts on the environment shall have to pay environmental protection charges.

2. Environmental protection charge rates shall be determined on the following grounds:

a/ Volume of waste discharged into the environment and scale of adverse impacts on the environment;

b/ Degree of toxicity of waste and hazard caused to the environment;

c/ Load capacity of the environment that receives the wastes.

3. Environmental protection charge rates shall be adjusted to suit socio-economic conditions and environmental protection requirements of each period of national development.

4. All revenues from environmental protection charges shall be used for direct investment in environmental protection activities.

5. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, formulating and submitting to the Government regulations on environmental protection charges.

Article 114.- Payment of deposits for environmental improvement and rehabilitation in exploitation of natural resources

1. Organizations and individuals exploiting natural resources must pay deposits for environmental improvement and rehabilitation according to the following provisions:

a/ Before exploitation, they must pay deposits at domestic credit institutions or environmental protection funds of localities where natural resources are exploited; the amounts of deposit shall depend on the scale of exploitation, degree of adverse environmental impacts, and costs needed for environmental improvement and rehabilitation after exploitation;

b/ They shall enjoy interests on their paid deposits and receive back the paid deposits upon completion of environmental improvement and rehabilitation;

c/ If organizations or individuals fail to perform environmental improvement and rehabilitation obligations or perform such obligations improperly, the whole or part of their paid deposits shall be used for improving and rehabilitating the environment in the places of exploitation.

2. The Prime Minister shall specify the levels of

deposits for environmental improvement and rehabilitation with respect to each kind of natural resource and the implementation of the provisions of this Article.

Article 115.- Environmental protection funds

1. Environmental protection funds are financial institutions established at central and local levels and in all branches and domains to support environmental protection activities.

The State encourages enterprises, organizations and individuals to establish environmental protection funds.

2. Funds for the operation of the national environmental protection fund, environmental protection funds of localities, branches and domains shall come from the following sources:

- a/ State budget;
 - b/ Environmental protection charges;
 - c/ Compensations paid for environmental damage to the State;
 - d/ Collected fines for administrative violations in the domain of environmental protection;
 - e/ Supports, donations and investments of organizations and individuals at home and abroad;
3. Competence to establish environmental protection funds is defined as follows:

a/ The Prime Minister shall stipulate the organization and operation of the national environmental protection fund and environmental protection funds of ministries, ministerial-level agencies, Government-attached agencies and state corporations;

b/ Provincial-level People's Committees shall stipulate the organization and operation of local environmental protection funds;

c/ Organizations and individuals shall establish their environmental protection funds which shall

operate under their own charters.

Article 116.- Development of environmental protection services

1. The State encourages organizations and individuals to establish environmental sanitation service enterprises to provide environmental sanitation and protection services through bidding in the following domains:

- a/ Collection, recycling and treatment of wastes;
- b/ Environment monitoring and analysis, environmental impact assessment;
- c/ Development and transfer of environment-friendly technologies, environment technologies;
- d/ Environment-related consultancy and training, provision of environment information;
- e/ Environmental inspection of machinery, equipment, technologies; inspection of environmental damage;
- f/ Other environmental protection services.

2. The Ministry of Natural Resources and Environment shall coordinate with concerned ministries, ministerial-level agencies and Government-attached agencies and provincial-level People's Committees in guiding the implementation of the provisions of Clause 1 of this Article.

Article 117.- Preferential and support policies for environmental protection activities

1. The State shall provide land-related preferences and supports for the following environmental protection activities:

- a/ Building concentrated daily-life waste water systems;
- b/ Building facilities for recycling and treatment of ordinary solid wastes, hazardous wastes and waste burial sites;

c/ Building environment monitoring stations;
d/ Relocating seriously polluting establishments;
e/ Building environment engineering industrial establishments and environmental protection works for public environmental protection interests.

2. Exemption from and reduction of taxes and charges for environmental protection activities are provided for as follows:

a/ Recycling, treatment and burial of wastes; production of clean energy and renewable energy shall enjoy exemption from or reduction of turnover tax, value-added tax, environment tax and environmental protection charges;

b/ Machinery, equipment, means and tools imported for direct use in collection, storage, transport, recycling and treatment of wastes; environment monitoring and analysis; production of clean energy and renewable energy shall be exempt from import tax;

c/ Products recycled from waste, energy recovered from waste incineration, environment-friendly natural material-substituting products shall be subsidized by the State.

3. Organizations and individuals investing in environmental protection shall be prioritized to get loans from environmental protection funds; loans borrowed from other credit institutions for investment in environmental protection shall be considered for post-investment interest payment supports or investment credit guarantee according to the charters of environmental protection funds.

4. Key environmental protection programs and projects of the State which need big amounts of capital shall be prioritized to use official development assistance capital.

5. The Government shall specify preferential policies for environmental protection activities.

Chapter XII

INTERNATIONAL COOPERATION IN ENVIRONMENTAL PROTECTION

Article 118.- Implementation of environment treaties

1. Treaties beneficial to protection of the global environment, regional environment and national environment shall be given priority for consideration of signing or accession.

2. Environment treaties to which the Socialist Republic of Vietnam is a contracting party must be strictly complied with.

Article 119.- Environmental protection in the process of international economic integration and globalization

1. The State encourages organizations and individuals to proactively comply with environment requirements in order to improve the competitiveness of goods and services in regional and international markets.

2. The Government shall direct the organization of the assessment, forecast and elaboration of plans for prevention and mitigation of adverse impacts on the national environment in the process of international economic integration and globalization.

3. In case of necessity, the State shall apply national treatment measures in accordance with international practice to protect the national environment.

Article 120.- Expansion of international cooperation in environmental protection

1. The State encourages organizations and individuals to cooperate with foreign organizations and individuals and overseas Vietnamese to raise

the capacity and the efficacy of domestic environmental protection activities, enhance the position and role of Vietnam in regional and international environmental protection issues.

2. The State encourages and facilitates foreign organizations and individuals and overseas Vietnamese to invest in and support human resource training, scientific research, technology transfer, nature conservation and other activities in the domain of environmental protection.

3. The Government shall direct and guide the development and rational and efficient use of international cooperation resources for environmental protection.

4. The Vietnamese State promotes cooperation with neighboring and regional countries in dealing with relevant issues of natural resource management and exploitation and environmental protection.

Chapter XIII

RESPONSIBILITIES OF STATE MANAGEMENT AGENCIES, VIETNAM FATHERLAND FRONT AND ITS MEMBER ORGANIZATIONS FOR ENVIRONMENTAL PROTECTION

Article 121.- Responsibilities for state management of environmental protection of the Government, ministries, ministerial-level agencies and Government-attached agencies

1. The Government shall perform unified state management of environmental protection nationwide.

2. The Ministry of Natural Resources and Environment shall be responsible to the Government for performing state management of environmental protection and have the following duties:

a/ To submit to the Government for promulgation or promulgate according to its competence legal documents on environmental protection;

b/ To submit to the Government for decision national policies, strategies and plans on environmental protection;

c/ To assume the prime responsibility for settling or propose the Government or Prime Minister for settlement inter-branch or inter-provincial environmental issues;

d/ To formulate and issue systems of environmental standards according to regulations of the Government;

e/ To direct the construction and management of the national environment monitoring system and perform unified management of environment monitoring data;

f/ To direct and organize the assessment of the national environment status to serve the formulation of environmental protection policies and solutions;

g/ To perform uniform management of the evaluation and approval of strategic environment assessment reports and environmental impact assessment reports and registration of environmental protection commitments nationwide; organize the evaluation of strategic environment assessment reports; organize the evaluation and approval of environmental impact assessment reports under its competence; guide the registration of environment-friendly establishments and products and grant environmental standard conformity certificates;

h/ To guide, supervise, inspect and handle violations of the environmental protection law; settle disputes, complaints, denunciations and petitions related to environmental protection in accordance with the provisions of law on complaints and denunciations and other relevant laws;

i/ To propose the Government the participation in international organizations, conclusion of or accession to treaties on environmental protection; take the prime responsibility for activities of international cooperation in environmental protection with other countries and international organizations;

j/ To direct and supervise the observance of the environmental protection law by People's Committee at all levels;

k/ To meet environmental protection requirements in national land use planning and plans, national strategy on water resources and integrated planning on inter-provincial river basins, national master plan on basic inventory, exploration, exploitation and processing of minerals.

3. The Ministry of Planning and Investment shall have to assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, ensuring that environmental protection requirements are met in socio-economic development strategies, master plans and plans of the whole country, regions as well as in important projects and works decided by the National Assembly, Government and Prime Minister.

4. The Ministry of Agriculture and Rural Development shall have to assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing, guiding and supervising the observance of the environmental protection law and other relevant laws in the production, import and use of chemicals, plant protection drugs, fertilizers and agricultural waste; management of genetically modified plant varieties and livestock

breeds and products thereof; management of dyke and irrigation systems, forest conservation zones and clean water for daily life in rural areas.

5. The Ministry of Industry shall have to assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing, guiding and supervising the observance of the environmental protection law and other relevant laws in industries, handling of seriously polluting industrial establishments under its management; and directing the development of the environment engineering industry.

6. The Ministry of Fisheries shall have to assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing, guiding and supervising the observance of the environmental protection law and other relevant laws in aquaculture, exploitation and processing of aquatic resources, genetically modified aquatic organisms and products thereof, and marine conservation zones.

7. The Ministry of Construction shall have to assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing, guiding and supervising the observance of the environmental protection law and other relevant laws in the construction of infrastructure works of water supply and drainage, solid and liquid waste treatment in urban centers, concentrated production and service zones, construction material

production establishments; craft villages and concentrated rural residential areas.

8. The Ministry of Transport shall have to assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment, concerned ministries, ministerial-level agencies, Government-attached agencies and provincial-level People's Committees in, directing, guiding and supervising the observance of the environmental protection law and other relevant laws in the construction of transport infrastructure works and transport activities.

9. The Ministry of Health shall direct, guide and supervise the management of medical waste and environmental protection work in medical establishments, food safety and hygiene, and burial services.

10. The Ministry of Defense and the Ministry of Public Security shall have to mobilize forces to respond to environmental incidents and remedy their consequences; direct, guide, supervise and inspect environmental protection work in armed forces under their respective management.

11. Other ministries, ministerial-level agencies and Government-attached agencies shall have to perform tasks specified in this Law and coordinate with the Ministry of Natural Resources and Environment in directing, guiding and supervising the observance of the environmental protection law under their respective management.

Article 122.- Responsibilities for state management of environmental protection of People's Committees at all levels

1. Provincial-level People's Committees shall be responsible for performing state management of environmental protection in localities according to the following provisions:

a/ To promulgate according to their competence

environmental protection regulations, mechanisms, policies, programs and plans;

b/ To direct and organize the implementation of environmental protection strategies, programs, plans and tasks;

c/ To direct the construction and management of local environment monitoring systems;

d/ To direct periodical environmental status assessments;

e/ To organize the evaluation and approval of environmental impact assessment reports under their competence;

f/ To organize propaganda and education about the environmental protection law;

g/ To direct the supervision, inspection and handling of violations of the environmental protection law; settle disputes, complaints, denunciations and petitions related to environment in accordance with the provisions of law on complaints and denunciations and other relevant laws; and coordinate with other provincial-level People's Committees in dealing with inter-provincial environmental issues.

2. District-level People's Committees shall be responsible for performing state management of environmental protection in localities according to the following provisions:

a/ To promulgate according to their competence environmental protection regulations, mechanisms, policies, programs and plans;

b/ To direct and organize the implementation of environmental protection strategies, programs, plans and tasks;

c/ To organize the registration and supervise the realization of environmental protection commitments;

d/ To conduct propaganda and education about the environmental protection law;

e/ To direct the supervision, inspection and handling of violations of the environmental protection law; settle disputes, complaints, denunciations and petitions related to environment in accordance with the provisions of law on complaints and denunciations and other relevant laws;

f/ To coordinate with concerned district-level People's Committees in dealing with inter-district environmental issues;

g/ To perform tasks of state management of environmental protection as authorized by provincial-level state management agencies in charge of environmental protection;

h/ To direct commune-level People's Committees in performing state management of environmental protection.

3. Commune-level People's Committees shall be responsible for performing state management of environmental protection in localities according to the following provisions:

a/ To direct, plan and organize the performance of environmental protection tasks, keep environmental sanitation in communes and residential areas under their management; mobilize the people to integrate environmental protection rules in population community codes; guide the use of the environmental protection criterion for the recognition of the titles of cultured village or hamlet and cultured family;

b/ To supervise the observance of the environmental protection law by households and individuals;

c/ To detect and handle according to their competence violations of the environmental protection law or report them to their superior state management agencies in charge of environmental protection;

d/ To reconcile environment-related disputes

arising in their communes in accordance with the provisions of law on reconciliation;

e/ To manage environmental sanitation and environmental protection activities in villages, hamlets, street groups and self-management organizations.

Article 123.- Specialized environmental protection agencies and staffs

1. Ministries, ministerial-level agencies and Government-attached agencies must establish specialized environmental protection bodies or sections relevant to environmental protection tasks of branches and domains assigned to them for management.

2. Provinces, centrally-run cities, rural districts, urban districts, towns and provincial cities must establish specialized environmental protection bodies or sections to assist the People's Committees of the same level in managing the environment in their localities.

3. Commune-level People's Committees shall appoint staffs in charge of environmental protection.

4. State corporations, economic groups, management boards of industrial parks, export-processing zones, high-tech parks, economic zones and production, business and service establishments discharging hazardous waste or facing potential environmental incidents must establish a specialized section or appoint staffs in charge of environmental protection.

5. The Government shall specify the organization and activities of specialized environmental protection agencies defined in Clause 1 and Clause 2 of this Article.

Article 124.- Responsibilities of Vietnam Fatherland Front and its member organizations

1. Vietnam Fatherland Front and its member

organizations shall, within the scope of their tasks and powers, have to educate and mobilize their members and the people to participate in environmental protection; and supervise the observance of the environmental protection law.

2. State management agencies at all levels shall have to create conditions for Vietnam Fatherland Front and its member organizations to participate in environmental protection.

Chapter XIV

INSPECTION, HANDLING OF VIOLATIONS, SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS RELATED TO ENVIRONMENT, AND COMPENSATION FOR ENVIRONMENTAL DAMAGE

Section 1. INSPECTION, HANDLING OF VIOLATIONS, SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS RELATED TO ENVIRONMENT

Article 125.- Environmental protection inspectorate

1. Environmental protection inspectorate is a specialized environmental protection inspectorate.

Environmental protection inspectors shall have their own uniform and badge and be provided with necessary equipment and means to perform their tasks.

2. Competence and tasks of environmental protection inspectors shall comply with the provisions of law on inspection.

3. The Government shall specify the organization and activities of the environmental protection inspectorate.

Article 126.- Responsibilities for environmental

protection supervision and inspection

a/ The Minister of Natural Resources and Environment, presidents of provincial-level People's Committees shall have to supervise and issue decisions to inspect environmental protection activities in accordance with the provisions of this Law and other provisions of inspection law;

b/ The environmental protection inspectorate under the Ministry of Natural Resources and Environment shall supervise and inspect the environmental protection performed by production, business and service establishments with environmental impact assessment reports approved by the Ministry of Natural Resources and Environment, ministries, ministerial-level agencies and Government-attached agencies; coordinate with specialized environmental protection inspectorates of the Ministry of Defense and the Ministry of Public Security in supervising and inspecting the environmental protection performed by their subordinate units;

c/ Provincial-level environmental protection inspectorates shall supervise and inspect the environmental protection performed by economic organizations and non-business units with respect to projects with environmental impact assessment reports approved by provincial-level People's Committees and projects subject to supervision and inspection by the Ministry of Natural Resources and Environment when they show signs of violation of the environmental protection law;

d/ District-level People's Committees shall supervise and inspect the environmental protection performed by administrative agencies and non-business units, except non-business units mentioned at Point c of this Clause, and by small-sized production, business and service establishments;

e/ Commune-level People's Committees shall supervise the environmental protection performed by households and individuals.

In case of necessity, environmental protection inspectorates at all levels and district-level People's Committees shall have to assist and coordinate with commune-level People's Committees in supervising and inspecting the environmental protection performed by organizations or individuals that show signs of serious violation of the environmental protection law.

2. State management agencies at all levels and concerned professional agencies shall, upon request, have to assist and coordinate with environmental protection inspectorates in inspecting and supervising the environmental protection.

3. Environmental protection supervision and inspection shall be conducted no more than twice a year at a production, business or service establishment, except those which are denounced to have violated, or show signs of violation of the environmental protection law.

Article 127.- Handling of violations

1. Those who violate the environmental protection law shall, depending on the nature and severity of their violations, be administratively sanctioned or examined for penal liability; if causing environmental pollution, degradation or incidents, damage to organizations or other individuals, they must remedy pollution, rehabilitate the environment and pay compensation for such damage in accordance with the provisions of this Law and other relevant laws.

2. Heads of organizations, cadres or public servants who abuse their positions and powers to cause trouble or hassle to organizations or citizens,

cover up violators of the environmental protection law or neglect their responsibilities leading to serious environmental pollution or incidents shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensation therefor according to the provisions of law.

Article 128.- Environment-related complaints, denunciations and lawsuits

1. Organizations and individuals shall be entitled to lodge complaints with competent state agencies or initiate lawsuits at the Court against violations of environmental protection, infringing upon their rights and legitimate interests.

2. Citizens shall be entitled to denounce to competent agencies or persons the following acts of violation of the environmental protection law:

a/ Causing environmental pollution, degradation or incidents;

b/ Infringing upon the rights and interests of the State, population communities, organizations, families or individuals.

3. Competent state agencies or persons receiving complaints or denunciations shall have to consider and settle such written complaints or denunciations in accordance with the provisions of law on complaints and denunciations and this Law.

Article 129.- Environment-related disputes

1. Environment-related disputes cover:

a/ Disputes over environmental protection rights and responsibilities in the exploitation and use of environmental components;

b/ Disputes over the identification of causes of environmental pollution, degradation and incidents;

responsibilities for remedy of consequences of, and compensation for damage caused by, environmental pollution, degradation or incidents.

2. Parties to environment-related dispute include:

a/ Disputing organizations and individuals using environmental components;

b/ Organizations and individuals exploiting or using environmental components and organizations and individuals responsible for improving and rehabilitating polluted and degraded areas and compensating for environmental damage.

3. Settlement of environment-related disputes shall comply with the provisions of law on settlement of civil disputes outside contract and other relevant laws.

4. Environment-related disputes on the Vietnamese territory to which one party is a foreign organization or individual shall be settled in accordance with Vietnamese laws, unless otherwise provided for in treaties to which the Socialist Republic of Vietnam is a contracting party.

Section 2. COMPENSATION FOR DAMAGE CAUSED BY ENVIRONMENTAL POLLUTION AND DEGRADATION

Article 130.- Damage caused by environmental pollution and degradation

Damage caused by environmental pollution and degradation includes:

1. Deficiency and declined usefulness of environment;

2. Damage to human health and life, property and legitimate interests of organizations and individuals as a consequence of deficiency and

decline of usefulness of environment.

Article 131.- Identification of damage caused by environmental pollution and degradation

1. Deficiency and declined usefulness of environment shall be classified at the following levels:

a/ Deficiency;

b/ Serious deficiency;

c/ Particularly serious deficiency.

2. Identification of the scope and boundaries of deficiency and declined usefulness of environment includes:

a/ Identification of the boundaries and area of the serious or particularly serious deficient core zone;

b/ Identification of the boundaries and area of the deficient buffer zone;

c/ Identification of the boundaries and area of other zones affected by the core and buffer zones;

3. Identification of deficient environmental components covers:

a/ The number of deficient environmental components, types of ecosystem and species damaged;

b/ Degree of damage to each environmental component, ecosystem and species.

4. Estimation of costs of environmental damage is provided for as follows:

a/ Estimation of immediate and long-term costs of damage caused by deficiency and declined usefulness of environment;

b/ Estimation of costs for treatment, improvement and rehabilitation of environment;

c/ Estimation of costs for mitigation or elimination of sources of damage;

d/ Poll of opinions of concerned parties;

e/ Depending on the practical conditions, one of the measures defined at Points a, b, c and d of this Clause may be applied to estimate costs of environmental damage for use as a basis for compensation for environmental damage.

5. Identification of damage caused by deficiency and declined usefulness of environment shall be conducted independently or involving the collaboration between the damage-causing and damaged parties.

At the request of one or all of concerned parties, specialized environmental protection agencies shall have to guide the estimation of costs, identification of damage or attest to the identification of damage.

6. Identification of damage to human health and life, property and legitimate interests of organizations and individuals caused by environmental pollution and degradation shall comply with the provisions of law.

7. The Government shall guide the identification of damage caused by environmental pollution and degradation.

Article 132.- Survey of damage caused by deficiency and declined usefulness of environment

1. Expertise of damage caused by deficiency and declined usefulness of environment shall be conducted at the request of damaged organizations, individuals or agencies dealing with compensation for environmental damage.

2. Grounds for damage expertise include dossiers of compensation claim, information, data, evidence and other grounds related to compensation and damage causers.

3. Damage expertising bodies shall be selected

by consensus of the compensation-claiming party and the compensating party; in the absence of such agreement, the damage expertising body shall be selected by the agency assigned to deal with damage compensation.

Article 133.- Settlement of compensation for environmental damage

Settlement of compensation for environmental damage shall be carried out in the following ways:

1. Agreement by related parties;
2. Request for settlement by arbitrators;
3. Initiation of lawsuits.

Article 134.- Insurance for environmental damage compensation liabilities

1. The State encourages insurance business enterprises to provide insurance for environmental damage compensation liabilities.

2. The State encourages organizations and individuals engaged in production, business and services activities to buy insurance for environmental damage compensation liabilities.

3. Organizations and individuals engaged in activities potentially causing great environmental damage must buy insurance for environmental damage compensation liabilities.

Chapter XV

IMPLEMENTATION PROVISIONS

Article 135.- Implementation effect

This Law takes effect as from July 1, 2006.

This Law replaces the 1993 Law on Environmental Protection.

Article 136.- Implementation guidance

The Government shall specify and guide the implementation of this Law.

This Law was passed on November 29, 2005, by the XIth National Assembly of the Socialist Republic of Vietnam at its 8th session.

**Chairman of
the National Assembly
NGUYEN VAN AN**