

GOVERNMENT
VIETNAM

SOCIAL REPUBLIC OF

Independence

- Freedom - Happiness

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15th 2007

Hanoi, Oct

DECREE

Modifying, supplementing some articles of Decree 143/2003/ND-CP, dated 28/11/2003 of Government detailing the implementation of a number of Articles of the ordinance on exploitation and protection of irrigation works.

GOVERNMENT

Based on Government Organization Law, dated 25/12/2001;

Based on Water Resource Law, dated 20/5/1998;

Based on Exploitation and protection of irrigation works Ordinance, dated 04/4/2001;

Based on Charges and Fees Ordinance, dated 28/8/2001;

Considering the suggestion of Minister of MOF,

DECREE

Article 1: Modifying, supplementing some articles of Decree 143/2003/ND-CP, dated 28/11/2003 of Government detailing the implementation of a number of Articles of the ordinance on exploitation and protection of irrigation works (hereafter called Decree 143/2003/ND-CP) as the following:

1. Modifying Point a, Item 1, Article 19 as follows:

a) Irrigation charges are collected in Vietnam dong.

- To exempt from irrigation charges for:

+ Households, individuals whose land, water surface given by the State for agricultural, forestry, fishery and salt production in the limited of giving agriculture land, including: land area is given by the State, land area is inherited, given,

offered or transferred legally. Even the 5% land area managed by the local authority;

+ Localities meeting with exceptional socio-economic difficulties and localities meeting with socio-economic difficulties according to Investment Law will be exempted from irrigation charges for the whole land area, water surface area for agricultural forestry, fishery and salt production; not distinguishing inside or out side the limited of giving agriculture land.

- The exemption level of irrigation charges are defined based on the frame of irrigation charges which stipulated at the Point b, c and Dash 3, 4 and 5 of Point d, Item 1, Article 19, Decree 143/2003/ND-CP

- Not apply the exemption from irrigation charges for:

+ The area is over the defined limit for the households and individuals;

+ The enterprises supply and drain water for industrial production; water is supplied for the clean water machines, hydropower, tourism, navigation and other purposes;

+ The organizations, individuals pay the irrigation charge for Water User Organizations (WUOs) in order to serve for the activities of WUOs from the water inlet sluice to the rice-field surface.

- Ministry of Finance guides the confirmation of exemption or not exemption from irrigation charges which are stipulated at this Point.

2. Article 19a: Policy applied for Exploitation and Management Irrigation work Units:

2.1. The Exploitation and Management Irrigation Works Units included: The Exploitation and Management Irrigation work State Companies, the joint-stock companies, People's Committee of Communes, Cooperatives, WUOs are subsidy the amount of money due to exempt from irrigation charges stipulated in this Decree by the State.

2.2. The State budget guarantee the expense to subsidy for the Exploitation and Management Irrigation work Units which is equivalent to the amount of exemption from irrigation charges. As for Provinces, Cities directly under the Central Government will guarantee themselves the expense to subsidy for the Exploitation and Management Irrigation work Units of the locals which is equivalent to the amount of exemption from irrigation charges.

Locals budget guarantee the expense to maintain, regular repair, serious repair and assistance amount due to current

regime with the irrigation work and the exploitation and management irrigation work under the local management.

2.3. The State exploitation and management irrigation work rearrange and change the management method while the exemption from irrigation charge is implemented. If the redundant labors arise, the redundant labors will be received the policy as the regulation applied for the redundant labors of the State owner companies when these companies transfer the owner, dissolve or go bankrupt. The expense for solving the policy for the redundant labors will be taken from Enterprise Arrangement Assistant Fund at the Investment and Trade State Capital Head of Company.

2.4. The State budget will support the expense for the State exploitation and management irrigation work companies to abolish the existing debt and the loss because of objective reason before implementing the exemption from irrigation charges policy according to the regulation at this Decree.

The State budget supports for the exploitation and management irrigation work company under the State management; the local budget support for the exploitation and management irrigation work companies under local management.

2.5. The State exploitation and management irrigation work company, the joint-stock company, People's Committee of Commune, Cooperatives, WUOs have the responsibility:

a) Supply the irrigation and drainage water service sufficiently, timely for agricultural, forestry, aquaculture and salt production; at the same time, to implement saving water policy;

b) Annual year, the exploitation and management irrigation work units put an estimate, make production and business plan to report to the appropriate authorities in order to be approved as follows:

- The State budget supports for the exploitation and management irrigation work companies under the State management will report to MARD and MOF.

- The exploitation and management irrigation work companies under local management will report to provincial/municipal People's Committee directly under the Central Government. After that all the reports will be collected to report to MARD and MOF.

3. Modifying and supplementing Item 4, Article 27 as follows:

- Elaborating and submitting to the Government for promulgation or promulgating according to its own competence legal documents about decentralized administration of irrigation works, processes, procedures, criteria and norms on water using,

protection and management; regular irrigation work maintenance and reward policy for saving water.

- Organizing, rearranging the exploitation and management irrigation work companies with the purpose of using irrigation work effectively according to new collecting irrigation charge policy.

- Supervising the management and operation of irrigation work systems.

4. Modifying and supplementing Item 6, Article 28 as follows:

The Ministry of Finance shall assume the prime responsibility and coordinate with the Ministry of Agriculture and Rural Development as well as the concerned ministries and branches:

a) Guiding to assign the plan, implementing the irrigation and drainage water to serve agricultural production for the exploitation and management irrigation work companies and the regulation of finance management for these companies.

b) Promulgating the guideline documents for putting an estimate, issuing, when implementing the exemption from irrigation charges.

c) Collecting the estimated expense due to implementing the exemption from irrigation charges of the State exploitation and management irrigation work companies and the exploitation and management irrigation work companies of Provinces, Cities under the Central Government to report and waiting for approval from the National Assembly according to the State Budget Law.

d) Checking, supervising the exemption from irrigation charges and the budget using which is supplied for the companies and cooperatives.

5. Supplementing Item 10, 11, 12, 13, 14 into Article 29 as follows:

"10. Implementing the decentralized administration in detail for the irrigation works according to the regulation of MARD.

11. Supervising the formulation and promulgation the labor norm, socio-technology norm for the and WUOs. Stipulating assistance method for the exploitation and management irrigation work companies, WUOs. It includes the content of assigning plan of irrigation and drainage water supply service, putting an estimate, issuing, managing and drawing a balance-sheet.

12. Annual year, based on formulating assistance estimate (including assistance for implementing the exemption from irrigation charges; assistance for irrigation work maintenance) for the units. Chairman of provincial/municipal People's Committee directly under the Central Government to consider and decide (with the locals which adjust the source of income to the

State budget); Reporting to MARD and MOF about assistance expense level (with the locals which need assistance from the State budget).

13. Supervising the income and expense and drawing a balance-sheet for the assistance from the State budget.

14. Rearranging the exploitation and management irrigation work companies under local according to the new method of collecting irrigation charge.

Article 2: This Decree takes effect from January 1st, 2008.

Article 3: Ministry of Finance is in charge and cooperative with Ministry of Agriculture and Rural Development to guide the implementation of this Decree.

Article 4: The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies and the presidents of the provincial/municipal People's Committee shall have to implement this Decree./.

**PP. Government
Prime Minister**

Nguyen Tan Dung - signed