

**Part I. LEGAL DOCUMENTS****THE GOVERNMENT****DECREE No. 25/2008/ND-CP OF MARCH 4, 2008, DEFINING THE FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT****THE GOVERNMENT**

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

*Pursuant to the Government's Decree No. 178/2007/ND-CP of December 3, 2007, defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies;*

*At the proposal of the Minister of Natural Resources and Environment and the Minister of Home Affairs,*

**DECREES:****Article 1.- Position and functions**

The Ministry of Natural Resources and Environment is a government agency and functions to perform the state management of land; water resources; mineral resources and geology; environment; meteorology and hydrology; metrology and cartography; integrated and unified management of the sea and islands; and state management of public services in the domains under the Ministry's management.

**Article 2.- Tasks and powers**

The Ministry of Natural Resources and Environment has tasks and powers prescribed in the Government's Decree No. 178/2007/ND-CP of December 3, 2007, defining the functions, tasks, powers and organizational structures of ministries and ministerial-level agencies, and the following specific tasks and powers:

1. To submit to the Government draft laws and draft resolutions of the National Assembly, draft ordinances; and draft resolutions of the National Assembly Standing Committee, and draft resolutions and decrees of the Government under the Ministry's approved annual law-making programs, and projects and schemes as assigned by the Government.

2. To submit to the Prime Minister development strategies and master plans, long-term, five-year and annual plans, and national programs and projects in the domains under the Ministry's state management; and draft decisions and directives of the Prime Minister.

3. To promulgate decisions, directives and circulars; to formulate and announce manufacturer standards according to its competence or submit national standards to the Minister of Science and Technology for announcement; to formulate and promulgate national technical regulations in the domains under the Ministry's state management after they are appraised by the Ministry of Science and Technology.

4. To direct, guide, inspect, examine and organize the implementation of legal documents, strategies, master plans and plans under the Ministry's state management which have been approved by competent agencies; to inform, propagate, disseminate and educate about laws on the domains under the Ministry's state management.

5. Regarding land:

a/ To direct, examine and organize the implementation of national strategies, programs and long-term plans on land management and use after they are approved by the Prime Minister;

b/ To assume the prime responsibility for elaborating national and regional land use master plans and plans; to appraise land use master plans and plans submitted by provincial/municipal People's Committees, and master plans and plans on land use for defense and security; to guide and examine their implementation after they are approved;

c/ To assume the prime responsibility for, and coordinate with concerned ministries in, setting and adjusting price brackets for land of different categories and submitting them to the Government for promulgation; to guide methods of determining land prices and examine the determination of land prices; to guide the settlement of problems in the determination of land prices; to direct, guide, examine and organize surveys and synthesis and supply of database on land prices;

d/ To guide and examine the survey, measurement and drawing of cadastral maps and cartograms on land use and maps on land use planning; the elaboration and adjustment of land use master plans and plans; the allotment, lease and recovery of land, and change of land use purposes; the registration of land use rights, and use and ownership rights to land-attached property; the compilation and management of cadastral records; the grant of certificates of land use rights and use and ownership rights to land-attached property; the exercise of rights and performance of obligations of land users according to law;

e/ To direct, guide, examine and organize land-related statistical and inventory work and land appraisal; to manage the trading of land use rights on the real estate market according to law;

f/ To guide and examine the observance of

conditions and procedures for the provision of public services in land use and management according to law; to guide the operation of land fund development organizations and land use right registration offices;

g/ To guide, examine and organize the implementation of the law on compensation, support and resettlement; to take the prime responsibility for, and coordinate with concerned ministries and branches in, guiding the settlement of problems concerning land and land attached property prices and policies on compensation, support and resettlement at the request of provincial-level People's Committees; to guide the identification of land users eligible or ineligible for compensation and support to serve as a basis for computing compensation and support amounts; to grant resettled people certificates of land use rights, and use and ownership rights to land-attached property; to prescribe and guide the management of land in resettlement areas;

h/ To assume the prime responsibility for, and coordinate with concerned agencies in, formulating and promulgating according to its competence or submitting to competent authorities for promulgation land-related financial mechanisms and policies on the collection of levies upon land allocation, lease and recovery, change of land use purposes, recognition of land use rights, and development of the land fund according to planning, and guide and examine the implementation of these policies; to direct, guide and examine the land recovery, land fund development, bidding for land use rights and bidding for land-using projects;

i/ To issue, and manage the use of, forms of certificates of land use rights and use and ownership rights to land-attached property;

j/ To direct, guide, examine and organize the settlement of land-related disputes according to law.

6. Regarding water resources:

a/ To direct, guide and organize the implementation of legal documents, mechanisms and policies on water resources after they are promulgated by competent authorities;

b/ To direct, guide and examine the implementation of strategies and master plans on water resources and overall programs and plans on prevention and control of degradation and exhaustion of water sources and integrated use and sustainable development of water resources after they are approved by the Prime Minister;

c/ To assume the prime responsibility for formulating master plans and plans on management of and measures for using water resources for sustainable development and multipurpose use, and proactive prevention and control of the degradation and exhaustion of water sources;

d/ To decide on the classification and listing of water sources (rivers, lakes, streams and other forms of natural reservoirs); to set and announce manufacturer standards or submit to the Minister of Science and Technology for promulgation national standards; to formulate and promulgate according to its competence national technical regulations on the use and conservation of water resources according to Clause 3 of this Article;

e/ To guide and examine the implementation of the law on setting water exploitation limits for rivers, layers of water, water reserve areas, and areas where underground water exploitation is restricted; to assume the prime responsibility for, and coordinate with concerned agencies in, guiding and examining the implementation of the plan on balancing and allocating water resources among branches and localities regionally and nationally;

f/ To build, manage and exploit a water resource observation network; to organize basic surveys on and inventory and assessment of water resources nationwide; to notify branches and

localities of water source potential so that they can adopt master plans and plans to use water rationally, economically and efficiently;

g/ To appraise master plans on exploitation and use of water, and projects on regulating water between rivers formulated by ministries, branches and localities before they are submitted to competent authorities for approval according to law;

h/ To assume the prime responsibility for, or coordinate with concerned agencies in, elaborating and promulgating according to its competence or submitting to competent authorities for promulgation mechanisms, policies, taxes, fees, charges, other revenues and forms of incentive related to the exploitation, use and conservation of water resources;

i/ To guide, examine and organize the grant and withdrawal of water resource permits according to law;

j/ To take measures on conservation of water sources, prevention and control of water source contamination, and restoration of degraded or exhausted water sources after they are approved by the Prime Minister;

k/ To act as the key agency and take the prime responsibility for proposing to the Prime Minister international cooperation in the water resource domain; to guide and examine the implementation of treaties to which the Socialist Republic of Vietnam has signed or acceded in order to ensure sustainable development, fairness and rationality in exploiting and using international water sources; to exchange information concerning international water sources; to assume the prime responsibility for, and coordinate with concerned agencies in, settling disputes over international water sources;

l/ To act as a standing member of the National Water Resources Council and the Vietnam Mekong River Commission.

7. Regarding mineral resources and geology:

a/ To direct, examine and organize the implementation of master plans on basic geological surveys on mineral resources nationwide after they are approved by the Prime Minister;

b/ To identify mineral reserve areas which have been explored and appraised; to zone off areas having hazardous minerals and notify provincial/municipal People's Committees and concerned agencies for management and protection;

c/ To assume the prime responsibility for, and coordinate with concerned agencies in, deciding on the exploitation and grant of exploitation permits in areas which have been explored and appraised for mineral resources or discovered to have mineral resources and which have investment projects on important national works or important works in which in-principle investment is decided by the National Assembly or the Prime Minister;

d/ To organize basic geological surveys on mineral resources; to prescribe the formulation and appraisal of schemes on mineral resources surveys and exploration, and contents of projects on basic geological surveys on mineral resources; to organize the appraisal of schemes on mineral resources surveys and exploration according to law; to organize the registration, collection and synthesis of data on results of basic geological surveys and basic geological surveys on mineral resources, and state management of mineral resources and geology nationwide according to law;

e/ To assume the prime responsibility for, or coordinate with concerned agencies in, elaborating and promulgating according to its competence, or submitting to competent authorities for promulgation mechanisms, policies, taxes, fees, charges and other revenues and forms of incentive related to the exploration, prospecting and conservation of mineral resources;

f/ To guide, examine and organize the licensing

of mineral resource survey, exploration, prospecting and processing according to law;

g/ To act as a standing member of the Council for Mineral Reserve Evaluation.

8. Regarding the environment:

a/ To direct, examine and organize the implementation of the law and policies on environmental protection, covering the prevention and control of environmental pollution and degradation; the conservation of the nature and biodiversity; the improvement and raising of environmental quality;

b/ To guide and examine the observance of national technical regulations on quality of the surrounding environment; national technical regulations on wastes according to law; to guide and examine the observance of environmental targets in development master plans and plans of ministries, branches, domains and localities;

c/ To formulate and promulgate according to its competence, or submit to competent authorities for promulgation environmental indicators and targets; to make national environmental reports and specialized environmental reports according to regulations; to evaluate and anticipate the state and loadability of environmental components on regional and national scales; to guide ministries, branches and provincial/municipal People's Committees in making environment status reports and environmental impact reports;

d/ To guide and examine the appraisal and approval of strategic environmental assessment reports, environmental impact assessment reports and registration of written commitments on environmental protection nationwide; to appraise strategic environmental assessment reports; to appraise and approve environmental impact assessment reports under its competence;

e/ To direct and coordinate the investigation and identification of environmentally polluted

zones in inter-provincial and transnational areas; to guide the determination of damage, handling of environmental pollution and degradation, and improvement of environmental quality;

f/ To guide the formulation, adjustment and supplementation of a list of seriously polluting establishments and examine and inspect the handling and remedy of consequences by these establishments according to law;

g/ To guide and examine the implementation of the law on nature and biodiversity conservation within its assigned functions and tasks according to law;

h/ To assume the prime responsibility for formulating, and organize the implementation of, a master plan on the national environmental observation system; to guide and examine environmental observation activities and verify environmental observation equipment; to guide the formulation and unified management of environmental observation data;

i/ To promulgate lists of biologicals used in the prevention, reduction and treatment of wastes, and polluting biologicals banned from import; to guide the examination, evaluation and appraisal of waste treatment equipment and facilities before they are put into operation; to guide and examine the environmental inspection according to law;

j/ To guide and organize the registration and recognition of environmentally friendly establishments and products; to grant environment permits according to law; to prescribe a roadmap and coefficients for applying national technical regulations on wastes according to areas, regions and branches suitable to the environmental loadability;

k/ To assume the prime responsibility for, or coordinate with concerned agencies in, formulating and promulgating according to its competence, or submitting to competent authorities for promulgation, mechanisms, policies, taxes, fees,

charges and other revenues and forms of incentive related to environmental protection; to assume the prime responsibility for synthesizing and balancing annual funds needed for non-business environmental activities of ministries, branches and localities and coordinate with the Ministry of Finance in submitting them to competent authorities for consideration and decision; to organize and manage the Vietnam Environmental Protection Fund and act as the national key agency of the Global Environmental Facility in Vietnam.

9. Regarding meteorology, hydrology and climate change:

a/ To direct and organize the implementation of master plans and long-term plans on the national hydrological and meteorological network development; to take the prime responsibility for, and coordinate with concerned agencies in, formulating, and directing the implementation of, overall national strategies on natural disaster forecast and warning;

b/ To guide and examine the implementation of laws on protection of the technical safety corridor of hydrological and meteorological works; relocation of special hydrological and meteorological works and those in the international communication network according to law;

c/ To direct and organize the implementation of hydrological and meteorological basic surveys and forecast; to organize and manage the hydrometeorological observation system; to guide and examine the processing, management and exploitation of hydrological and meteorological information and data according to law; to appraise the use of basic hydrological and meteorological survey data for national key construction works and investment projects, and construction works and investment projects in which investment is decided and managed by ministers, heads of ministerial-level agencies, heads of government-attached

agencies, or presidents of provincial/municipal People's Committees according to law;

d/ To prescribe the registration, grant and withdrawal of permits of hydrological and meteorological operation according to law;

e/ To guide and organize the appraisal of investment projects to build, upgrade and improve hydrological and meteorological works;

f/ To organize the surveillance and assessment of impacts of climate change on natural conditions, humans and socio-economic conditions; to coordinate with concerned ministries, branches and localities in initiating and proposing appropriate responsive measures to competent authorities for approval;

To act as the national key agency in implementing the Kyoto Protocol and other concerned treaties on climate change; to grant certificates of investment projects conforming with the clean development mechanism at the request of organizations or individuals;

To act as the national key agency in implementing the Montreal Protocol on Substances that Deplete the Ozone Layer; to guide conditions for importing or exporting substances that deplete the ozone layer according to law;

g/ To guide and examine the implementation of the Regulation on forecast and warning about earthquakes, tsunamis, typhoons, tropical low pressure, floods, inundation and floodtide; to guide the supply and use of information on typhoons, tropical low pressure, floods, inundations, earthquakes, tsunamis and floodtide.

#### 10. Regarding metrology and cartography:

a/ To guide and organize the implementation of key national projects on metrology and base maps, metrology and special-use maps within the scope of the Ministry's management after they are approved by the Prime Minister;

b/ To organize the formulation, updating, management and use of the basic systems of technical infrastructure for metrology and cartography, including the national reference system, the national system of base data, the national system of base metrological points, the national global positioning system, the base aerial photo system, and database of the national geographic information system;

c/ To prescribe, guide and examine the verification, test and maintenance of metrological equipment, ensuring reference to national metrological and cartographical standards, and the management, exploitation, use and supply of metrological and cartographical information and materials;

d/ To appraise key metrological and cartographical projects submitted to the Prime Minister by ministries, ministerial-level agencies, and provincial/municipal People's Committees;

e/ To organize the registration, grant and withdrawal of permits for metrology and cartography operations; to examine the publication and distribution of maps; to suspend the distribution, and direct the withdrawal of illegally published maps;

f/ To assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, organizing the measurement and making of maps to serve the demarcation and adjustment of administrative boundaries according to law; to appraise the expression of administrative boundaries of administrative units at all levels on maps of different kinds;

g/ To assume the prime responsibility for, and coordinate with the Ministry of Foreign Affairs in, organizing the measurement and making of maps and documents to serve negotiations, planning and determination of national border lines, sea areas, the exclusive economic zone and the continental

shelf of Vietnam; to appraise the expression of national borderlines on maps of different kinds; to print and distribute maps of different kinds and documents concerning national borderlines on land, sea areas, islands, the exclusive economic zone and the continental shelf of Vietnam;

h/ To make, edit, publish and distribute map products according to law.

11. Regarding integrated and unified management of the sea and islands:

a/ To assume the prime responsibility for elaborating and implementing Vietnam's marine strategy and comprehensive mechanisms and policies for sustainable management and exploitation of natural resources and protection of the sea and island environment after they are approved by competent state agencies;

b/ To guide and organize the implementation of master plans on sea zoning to serve as a basis for the exploitation, use and protection of natural resources and socio-economic development of the sea and islands of Vietnam; to guide and examine the implementation of long-term plans, schemes and projects on basic surveys on marine resources and environment, and marine and oceanic scientific research after they are approved by the Prime Minister;

c/ To assume the prime responsibility for, and coordinate with competent authorities or propose to competent authorities for, settling matters on inter-branch or inter-provincial management and exploitation of marine and island resources;

d/ To approve, and direct the implementation of, five-year and yearly plans on marine and oceanic basic surveys and scientific research, programs on integrated management of natural resources and the environment of coastal areas within the Ministry's functions and tasks;

e/ To participate in formulating defense, security and foreign relation strategies and policies

concerning Vietnam's national sovereignty, sovereignty rights and jurisdiction on the sea, and mechanisms and policies on management of marine resources exploitation branches and trades, which are formulated under the prime responsibility of ministries, branches and localities,

f/ To act as the key agency in synthesizing and evaluating the socio-economic potential of Vietnam's sea and islands; to analyze, evaluate and forecast developments and movements related to the potential exploitation, scientific research, international cooperation, and protection of Vietnam's sovereignty on the sea;

g/ To formulate master plans and plans on investment in the exploitation, use and management of special works and equipment used in the marine resource and environmental research and exploration;

h/ To collect statistics on, classify and evaluate, the potential of sea areas, islands, archipelagos and undersea areas under Vietnam's sovereignty;

i/ To act as a standing member of the State Steering Committee for the East Sea and Islands.

12. To organize statistical and inventory work, and archives of materials and data on the domains under the Ministry's management according to law.

13. To direct and organize scientific and technological research and application in the domains under the Ministry's management; to organize the editing and publishing of publications on natural resources and the environment according to law.

14. To undertake international cooperation in the domains of land, water and mineral resources, geology, environment, hydrology, meteorology, metrology, cartography, sea and islands according to law; to organize negotiations and signing of treaties under the authorization of competent state agencies; to sign international agreements in the name of the Ministry; to participate in international organizations as assigned by the Government.

15. To organize and direct the implementation of the Ministry's administrative reform program in line with the objectives and contents of the state administrative reform program after it is approved by the Prime Minister;

16. To direct the formulation of, and submit to competent authorities for decision and guidance on the implementation of, master plans on development of the network of non-business and public-service organizations, and mechanisms and policies on provision and socialization of public services in the domains under the Ministry's management;

17. To guide and facilitate societies, associations and non-governmental organizations in participating in the natural resources and environment sector's activities; to examine the implementation of legal provisions on societies, associations and non-governmental organizations according to law.

18. To represent the owner of state capital portions in the Ministry-attached enterprises according to law.

19. To manage its organizational apparatus and payroll; to direct the implementation of the wage regime and policies and regimes on preferential treatment, reward and discipline towards cadres, public employees and servants under the Ministry's management; to promulgate standards on professional skills and expertise of public servant ranks of branches and domains assigned or decentralized to the Ministry for management after they are appraised by the Ministry of Home Affairs; to formulate standards on professional skills and expertise of public employee ranks of branches and domains assigned or decentralized to the Ministry for management and submit them to the Ministry of Home Affairs for promulgation; to promulgate standards on specific professional skills for heads of provincial/municipal People's Committees' specialized agencies of branches and

domains under the Ministry's management.

20. To inspect, examine; settle complaints about and denunciations on; and prevent and combat, corruption and negative practices, and handle violations of law in the domains under the Ministry's management according to law;

21. To perform financial and asset management and manage and use state budget funds allocated to the Ministry according to law.

22. To perform other tasks and exercise other powers as assigned by the Government or the Prime Minister or according to law;

### **Article 3.- Organizational structure**

1. The International Cooperation Department.
2. The Planning Department.
3. The Science and Technology Department.
4. The Legal Department.
5. The Finance Department.
6. The Emulation and Commendation Department.
7. The Organization and Personnel Department.
8. The Inspectorate.
9. The Office.
10. The Vietnam Sea and Island Administration.
11. The Environment Administration.
12. The Land Administration.
13. The Department of Geology and Minerals of Vietnam.
14. The Department of Survey and Mapping of Vietnam.
15. The Department of Water Resources Management.
16. The Information Technology Department.
17. The Department of Hydrometeorology and Climate Change.
18. The Ministry's representative agency in

Ho Chi Minh City.

19. The National Hydrometeorology Center.

20. The Center for Water Resources Survey and Planning.

21. The National Remote Sensing Center.

22. The Institute for Natural Resources and Environment Strategies and Policies.

23. The Natural Resources and Environment newspaper.

24. The Natural Resources and Environment magazine.

The units defined in Clause 1 thru Clause 18 of this Article shall assist the Minister in performing the state management function, the units defined in Clause 19 thru Clause 24 are state non-business units serving the state management function of the Ministry of Natural Resources and Environment.

The Department of Geology and Minerals of Vietnam has a sub-department in Ho Chi Minh City and one in Da Nang city. The Department of Survey and Mapping of Vietnam has a sub-department in Ho Chi Minh City. The Ministry's representative agency in Ho Chi Minh City may organize sections.

The Minister of Natural Resources and Environment shall submit to the Prime Minister for promulgation decisions defining the functions, tasks, powers and organizational structures of the Vietnam Sea and Island Administration, the Environment Administration, the Land Administration and the National Hydrometeorology Center, and shall submit to the Prime Minister for decision and promulgation a list of other existing non-business units of the Ministry.

**Article 4.-** Implementation effect

1. This Decree takes effect 15 days after its publication in "CONG BAO" and replaces the

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

2. To annul all previous provisions which are contrary to this Decree.

**Article 5.-** Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, and presidents of provincial/municipal People's Committees shall implement this Decree.

*On behalf of the Government*

*Prime Minister*

NGUYEN TAN DUNG