

DECISION No. 58/2008/QĐ-TTg OF APRIL 29, 2008, ON THE STATE BUDGET'S TARGETED SUPPORT FUNDS FOR SOME PUBLIC-UTILITY ESTABLISHMENTS TO THOROUGHLY TACKLE ENVIRONMENTAL POLLUTION AND REDUCE ENVIRONMENTAL DEGRADATION

THE PRIME MINISTER

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

Pursuant to the November 29, 2005 Law on Environmental Protection;

Pursuant to the Prime Minister's Decision No. 64/2003/QĐ-TTg of April 22, 2003, approving the plan to thoroughly handle seriously polluting establishments;

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

DECIDES:

Article 1.- Governing scope and subjects of application

1. This Decision prescribes the state budget's targeted support funds for some seriously polluting public-utility establishments (below referred to as establishments for short) to execute projects to thoroughly tackle environmental pollution (below referred to as projects for short).

2. The Decision's provisions on targeted support funds apply to public-utility establishments named in Appendices 1 and 2 to the Prime Minister's Decision No. 64/2003/QĐ-TTg of April 22, 2003, approving the plan to thoroughly handle seriously polluting establishments, and other newly emerging seriously polluting public-utility establishments

which are approved and have their pollution-tackling measures decided by competent state agencies, including:

- a/ Plant protection drug warehouses;
- b/ Hospitals;
- c/ Dumping sites;
- d/ Sites containing chemical toxins used by the US during wartime;
- e/ Urban daily-life wastewater treatment stations.

Article 2.- Support conditions

Establishments' projects to thoroughly tackle environmental pollution defined in Clause 2, Article 1 of this Decision shall be considered for support when fully meeting the following conditions:

1. Having been approved by competent state agencies according to current provisions of law and included in annual budget plans.

2. Having no funds or insufficient funds for execution.

3. Covering one of the following contents: destruction of plant protection drugs which have expired or are banned from circulation, or their containers; treatment or restoration of soil environment; treatment of pollution caused by residual chemical toxins used by the US during wartime; construction, renovation or upgrading of medical wastewater and solid waste treatment systems in hospitals; control of dumping-site pollution, treatment of dumping-site garbage or wastewater, closure or environmental restoration of dumping sites, renovation or upgrading of dumping sites; or treatment of urban daily-life wastewater.

Article 3.- Support principles

1. The central budget will cover 100% of funds

for projects managed by ministries, ministerial-level agencies or government-attached agencies.

2. The local budget will cover 100% of funds for projects managed by People's Committees of provinces or centrally run cities. For provinces or centrally run cities which receive central budget allowances, the central budget will allocate targeted support funds equal to 50% of total funds of projects to thoroughly tackle environmental pollution, and the local budget will cover the remaining 50%.

3. Funding sources shall be determined based on the nature and contents of specific expenses for each project.

Article 4.- Support capital sources

1. Central and local environmental non-business funds.

2. Development investment capital.

3. ODA loan.

4. Loans from credit institutions.

5. Aid capital.

6. Loans from the Vietnam Environmental Protection Fund, environmental protection funds of branches and local environmental protection funds.

7. Capital of domestic and foreign organizations and individuals.

Article 5.- Approval of support funds

1. Annually, pursuant to the provisions of this Decision, establishments-managing agencies shall formulate projects to thoroughly tackle environmental pollution and submit them to competent authorities for approval according to the following regulations:

a/ Provincial/municipal People's Committee presidents shall approve contents of projects and decide on specific levels of local budget's support

funds for locally managed projects; submit the projects together with proposals on the central budget's targeted support funds for localities to the Ministry of Natural Resources and Environment and the Ministry of Finance for synthesis;

b/ Ministers, heads of ministerial-level agencies or heads of government-attached agencies shall approve contents of projects managed by ministries, ministerial-level agencies or government-attached agencies; submit the projects together with proposals on the central budget's targeted support funds to the Ministry of Natural Resources and Environment and the Ministry of Finance for synthesis;

c/ The Minister of Natural Resources and Environment shall propose specific levels of support funds for projects managed by ministries, ministerial-level agencies or government-attached agencies; levels of the central budget's targeted support funds for localities for locally managed projects; submit them to the Ministry of Planning and Investment and the Ministry of Finance before July 1 every year for synthesis and submission to the Prime Minister for consideration and decision in accordance with the State Budget Law.

2. A decision approving contents of a project must indicate funding sources for the project execution, including funds of ministries or branches, local funds; the central budget's targeted support funds to be allocated to localities (if any).

Article 6.- Management mechanism and implementation duration

1. Management mechanism:

a/ The central budget's targeted support funds will be allocated to local budgets under annual plans (written in separate items);

b/ The mechanism for managing the investment in and construction of works on treatment of wastes

of projects complies with the investment and construction management mechanism.

2. Implementation duration: from 2008 to 2012.

Article 7.- Organization of implementation

1. The Ministry of Natural Resources and Environment shall:

a/ Assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment, the Ministry of Finance as well as concerned ministries, branches and localities in, organizing the implementation of this Decision;

b/ Assume the prime responsibility for inspecting and supervising the allocation of targeted support funds in accordance with this Decision; annually review the situation of allocation of funds and execution of projects to thoroughly tackle environmental pollution, and report difficulties or problems (if any) to the Prime Minister for timely supplementation or adjustment;

c/ Provide loans at concessional interest rates or financial supports from the Vietnam Environmental Protection Fund for projects for which targeted support funds have been approved;

d/ Guide the making, and decide on, a list of to-be-handled seriously polluting establishments.

2. The Ministry of Planning and Investment shall, at the proposal of the Ministry of Natural Resources and Environment, assume the prime responsibility for, and coordinate with the Ministry of Finance in, planning central budget capital for projects to thoroughly tackle environmental pollution.

3. The Ministry of Finance shall, at the proposal of the Ministry of Natural Resources and Environment, balance and allocate the central budget's targeted support funds for projects to thoroughly tackle environmental pollution.

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

a/ Direct establishments under their management to formulate projects to thoroughly tackle environmental pollution and make cost estimates for these projects, evaluate and approve them according to current provisions of law, and send them to the Ministry of Natural Resources and Environment before June 15 every year for incorporation in plans;

b/ Arrange capital in their annual plans for projects to thoroughly tackle environmental pollution which are entitled to the state budget's targeted support funds in accordance with this Decision;

c/ Take responsibility for the progress, quality and results of execution of projects;

d/ Report annually to the Ministry of Natural Resources and Environment on the allocation of funds, the use of targeted support funds, and the execution of projects under this Decision, and propose solutions to difficulties or problems (if any) to the Ministry of Natural Resources and Environment for synthesis and report to the Prime Minister for consideration and decision.

Article 8.- Implementation provisions

This Decision takes effect 15 days after its publication in "CONG BAO."

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

For the Prime Minister
Deputy Prime Minister
HOANG TRUNG HAI