

**THE MINISTRY OF NATURAL RESOURCES  
AND ENVIRONMENT**

**CIRCULAR No. 05/2008/TT-BTNMT OF  
DECEMBER 8, 2008, GUIDING  
STRATEGIC ENVIRONMENTAL  
ASSESSMENT, ENVIRONMENTAL  
IMPACT ASSESSMENT AND  
ENVIRONMENTAL PROTECTION  
COMMITMENT**

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

*Pursuant to the Government's Decree No. 80/  
2006/ND-CP of August 9, 2006, detailing and  
guiding the implementation of a number of  
articles of the Law on Environmental Protection;*

*Pursuant to the Government's Decree No. 81/  
2007/ND-CP of May 23, 2007, providing for  
specialized environment protection organizations  
and sections in charge of environmental  
protection in state agencies and state enterprises;*

*Pursuant to the Government's Decree No. 21/  
2008/ND-CP of February 28, 2008, amending  
and supplementing a number of articles of the  
Government's Decree No. 80/2006/ND-CP of  
August 9, 2006, detailing and guiding the  
implementation of a number of articles of the Law  
on Environmental Protection;*

*Pursuant to the Government's 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 Ministry of Natural Resources and  
Environment guides the implementation of a  
number of provisions on strategic environmental  
assessment, environmental impact assessment  
and environmental protection commitment as  
follows:*

**I. GENERAL PROVISIONS**

**1. Scope of regulation**

1.1. This Circular guides in detail the  
implementation of a number of provisions on  
strategic environmental assessment,  
environmental impact assessment and  
environmental protection commitment provided  
for in the November 29, 2005 Law on  
Environmental Protection (below referred to as  
the Law on Environmental Protection), the  
Government's Decree No. 80/2006/ND-CP of  
August 9, 2006, detailing and guiding the  
implementation of a number of articles of the  
Law on Environmental Protection (below referred to  
as Decree No. 80/2006/ND-CP) and Decree No.  
21/2008/ND-CP of February 28, 2008, amending  
and supplementing a number of articles of the  
Government's Decree No. 80/2006/ND-CP of  
August 9, 2006, detailing and guiding the  
implementation of a number of articles of the Law  
on Environmental Protection (below referred to  
as Decree No. 21/2008/ND-CP), covering:

a/ Elaboration and appraisal of strategic  
environmental assessment reports;

b/ Elaboration, appraisal and approval of  
environmental impact assessment reports and

additional environmental impact assessment reports; implementation, examination and certification of the implementation of environmental impact assessment reports, additional environmental impact assessment reports and satisfaction of other requirements set in approving decisions;

c/ *Elaboration, registration and certification of environmental protection commitment documents;*

d/ *Examination and reporting on the appraisal and approval of environmental impact assessment reports and certification of environmental protection commitment documents.*

1.2. *This Circular does not apply to projects which have been put into operation (below referred to as operating establishments), including those which have operated since before July 1, 2006, and have not implemented regulations on elaboration, appraisal and approval of environmental impact assessment reports or regulations on elaboration, registration and certification of environmental standard conformity registration documents.*

1.3. *Strategies, plannings, plans and projects in the domain of security and defense and those involving national secrets are guided in other documents.*

## 2. Subjects of application

This Circular applies to state agencies, domestic organizations and individuals; foreign organizations and individuals (below collectively referred to as organizations and individuals) carrying out activities specified at Point 1.1, Section 1, Part I of this Circular.

3. Application of environmental standards and regulations

When elaborating environmental impact assessment reports or environmental protection commitment documents for their projects, project owners are required to apply Vietnam's compulsory environmental standards and national technical regulations and compulsory environmental standards and regulations under treaties to which Vietnam is a contracting party.

## II. ELABORATION AND APPRAISAL OF STRATEGIC ENVIRONMENTAL ASSESSMENT REPORTS

1. Elaboration of strategic environmental assessment reports

1.1. *The agency assigned to formulate a project subject to elaboration of a strategic environmental assessment report specified in Article 14 of the Law on Environmental Protection (below referred to as the project owner) shall set up a working team of environmental experts and scientists who possess professional qualifications relevant to the project's content and characteristics or hire a capable consultancy organization to carry out strategic environmental assessment and elaborate a strategic environmental assessment report of the strategy, planning or plan.*

1.2. *Strategic environmental assessment reports must have the form and contents as prescribed.*

2. Sending of dossiers of request for appraisal of strategic environmental assessment reports

2.1. *Project owners shall send dossiers of*

request for appraisal of strategic environmental assessment reports to appraising agencies specified in Clause 7, Article 17 of the Law on Environmental Protection.

2.2. A dossier of request for appraisal comprises:

a/ 01 (one) written request for appraisal of the strategic environmental assessment report;

b/ 09 (nine) copies of the project's strategic environmental assessment report, each bound into a volume bearing the signature, full name and title of the project owner and a stamp on its supplementary cover sheet;

c/ 09 (nine) copies of the draft strategic document, each planning or plan, bearing the signature, full name and title of the project owner and a stamp on its supplementary cover sheet.

If the appraisal council has more than nine (09) members or in other necessary cases as required by the appraisal, the project owner shall provide more copies of the strategic environmental assessment report and the draft strategic document, planning or plan as requested by the appraising agency.

### 3. Appraisal of strategic environmental assessment reports

3.1. The agency competent to appraise strategic environmental assessment reports shall designate a subordinate specialized unit to act as the appraisal council's standing body.

3.2. The organization and operation of a council for appraisal of the strategic environmental assessment report; and tasks of its standing body comply with the Regulation issued by the Minister of Natural Resources and Environment.

3.3. After receiving a complete and valid dossier which is qualified for appraisal, the appraising agency shall set up a council to appraise the strategic environmental assessment report; the number of members of the appraisal council shall be decided in pursuance to Clauses 2, 3 and 4, Article 17 of the Law on Environmental Protection, the project's characteristics and scope and environmental requirements, but must be at least 09 (nine).

3.4. The time limit for appraisal is specified in Clauses 1 and 2, Article 12 of Decree No. 80/2008/ND-CP.

### 4. Responsibilities of agencies organizing the appraisal of strategic environmental assessment reports:

4.1. To notify in writing the project owner of the appraisal results within 5 (five) working days after the end of the working session of the appraisal council. The notice must clearly state that the strategic environmental report is approved without requiring any adjustments or supplements or is disapproved and must be re-submitted for approval or is approved if it is adjusted or supplemented, together with adjustment or supplementation requirements for the report and recommendations concerning the adjustment of the contents of the draft strategic document, planning or plan (if any).

4.2. To examine the strategic environmental report after it is adjusted or supplemented by the project owner.

4.3. To report to the agency competent to approve the project on the results of appraisal of the strategic environmental assessment report as

prescribed in Clauses 3 and 4, Article 10 of Decree No. 80/2006/ND CP, within 10 (ten) working days after the receipt of a complete and valid dossier as prescribed at Point 5.2, Section 5, Part II of this Circular. The report on the results of appraisal of a strategic environmental assessment report shall be made in writing, containing also comments and recommendations of the appraising agency, enclosed with copies of the minutes of the appraisal councils' working sessions, expressing the sessions' contents and conclusions and the signatures of the appraisal council's chairman and secretary, and a copy of the project owner's written explanations about the adjustments or supplements, already made, for cases in which the strategic environmental assessment report must be adjusted or supplemented at the request of the appraising agency.

5. Responsibilities of the project owner

5.1. To finalize the strategic environmental assessment report at the request of the appraising agency in case the strategic environmental assessment report will not be approved by the appraisal council unless it is adjusted or supplemented (where the strategic environmental assessment report is disapproved by the appraisal council, the project owner shall adjust and send once again the report to the agency competent to appraise the report according to regulations); to adjust the draft strategic document, planning or plan on the basis of recommendations of the appraising agency in conformity with environmental protection requirements set in the adjusted or supplemented strategic environmental assessment report.

5.2. To send to the appraising agency a dossier comprising 01 (one) adjusted draft strategic document, planning or plan, 02 (two) hard copies and 01 (one) soft copy recorded in a CD of the finalized strategic environmental assessment report and written explanations about the adjustments or supplements.

5.3. The time for the project owner to finalize and send once again the strategic environmental assessment report at the request of the appraising agency is not counted into the time limit prescribed in Clauses 1 or 2, Article 12 of Decree No. 80/2006/ND-CP.

**III. ELABORATION, APPRAISAL AND APPROVAL OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS; IMPLEMENTATION, EXAMINATION AND CERTIFICATION OF THE IMPLEMENTATION OF ENVIRONMENTAL IMPACT ASSESSMENT REPORTS, ADDITIONAL ENVIRONMENTAL IMPACT ASSESSMENT REPORTS AND SATISFACTION OF REQUIREMENTS SET IN APPROVING DECISIONS**

1. Elaboration of environmental impact assessment reports

1.1. Organizations and individuals that are owners of investment projects subject to elaboration of an environmental impact assessment report (below referred to as project owners) shall carry out by themselves environmental impact assessment and elaborate environmental impact assessment reports or hire

qualified consultancy service organizations as specified in Article 8 of Decree No. 80/2006/ND-CP to do this job.

1.2. Environmental impact assessment reports must have the form and content as prescribed.

## 2. Community consultation

2.1. The project owner shall send to the People's Committee and the Fatherland Front Committee of the commune where the project will be implemented a document notifying the project's principal investment items, environmental issues and environmental protection measures and requesting them to give their written opinions on these matters. Such a document states the project's basic contents, its adverse impacts on the natural environment and socio-economic situation (specifying the categories of wastes, their concentrations and volume), measures to minimize these adverse impacts and other environmental protection commitments of the project owner (clearly stating waste treatment technologies, equipment and facilities and treatment levels according to specific parameters of wastes against prescribed standards and norms, and other environmental protection measures), enclosed with diagrams (maps and drawings) showing the location of the project in the relationship with surrounding natural and socio-economic objects, the diagram (drawing) of the project's general ground plan showing its principal items, waste treatment and management facilities and environmental protection facilities for factors other than wastes (displaying infrastructure connection points, including those between the project's waste treatment and management facilities with infrastructure systems

and natural objects outside the project's fence).

2.2. Within the time limit prescribed at Clause 4, Article 1 of Decree No. 21/2008/ND-CP, the commune-level People's Committee and Fatherland Front Committee shall:

- Publicize the project among local people and send written responses to the project owner.

- Request in writing the project owner, to collaborate in holding dialogue meetings, when necessary. The dialogue between the project owner, commune-level People's Committee, Fatherland Front Committee and stakeholders shall be recorded in a minutes, which lists all attendants and reflects all debated matters and contents accepted or unaccepted by the project owner. The minutes must bear the signatures (together with the full names and titles) of representatives of the project owner and attendants.

2.3. The pros and cons of the project proposed by the commune-level People's Committee and Fatherland Front Committee and attendants to the dialogue meeting shall be summed up and truthfully expressed in the environmental impact assessment report.

2.4. The project owner's documents on community consultations, written opinions of the commune-level People's Committee and Fatherland Front Committee, the dialogue meeting's minutes and other documents on community consultations (if any) shall be duplicated and attached to the project's environmental impact assessment report.

2.5. Cases in which consultation with commune-level People's Committees and

representatives of communities where the project will be implemented in the process of elaborating environmental impact assessment reports is not required are specified in Clause 4, Article 1 of Decree No. 21/2008/ND-CP.

3. Sending of dossiers of request for appraisal of environmental impact assessment reports

3.1. Project owners shall send dossiers of request for appraisal of environmental impact assessment reports to agencies competent to organize the appraisal of environmental impact assessment reports specified at Points a and b, Clause 7, Article 21 of the Law on Environmental Protection and Clause 5, Article 1 of Decree No. 21/2008/ND-CP.

3.2. A dossier of request for appraisal of an environmental impact assessment report comprises:

a/ 01 (one) written request for appraisal and approval of the project's environmental impact assessment report;

b/ 07 (seven) copies of the project's environmental impact assessment report, each bound into a volume and bearing the signature and the full name and title of the project owner and a stamp on its supplementary cover sheet. If the appraisal council has more than seven (07) members or in other necessary cases as required by appraisal job, the project owner shall provide more copies of the environmental impact assessment report and the draft strategic document, planning or plan as requested by the appraising agency;

c/ 01 (one) draft investment report, socio-economic report, investment project or equivalent

documents of the project, each bearing the signature, full name and title of the project owner and a stamp on its supplementary cover sheet.

3.3. The time of sending dossiers of request for appraisal or approval of projects' environmental impact assessment reports is specified in Clause 5, Article 1 of Decree No. 21/2008/ND-CP.

4. Appraisal of environmental impact assessment reports by an appraisal council

4.1. The agency competent to appraise environmental impact assessment reports shall designate a subordinate specialized unit to act as the standing body of the appraisal council.

4.2. The organization and operation of a council for appraisal of the environmental impact assessment report and tasks of its standing body comply with the Regulation issued by the Ministry of Natural Resources and Environment.

4.3. After receiving a valid dossier which is qualified for appraisal, the appraising agency shall decide to set up a council to appraise the environmental impact assessment report. The number of members of an appraisal council shall be decided in pursuance to Clauses 2, 3 and 4, Article 21 of the Law on Environmental Protection, the project's characteristics and scope and environmental requirements, but must be at least 07 (seven).

4.4. Within 05 (five) working days after receiving the appraisal results from the appraisal council, the council's standing body shall notify in writing the project owner of the appraisal results and requirements to finalize the dossier of the environmental impact assessment report.

5. Appraisal of environmental impact assessment reports by an appraisal service organization

Environmental impact assessment reports shall be appraised by an appraisal service organization in accordance with the Regulation on conditions for the provision of environmental impact assessment report appraisal services, issued together with the Natural Resources and Environment Minister's Decision No. 19/2007/QĐ-BTNMT of November 26, 2007 (below referred to as Regulation 19).

6. Finalization of environmental impact assessment reports

6.1. Cases in which the environmental impact assessment report is appraised by an appraisal council

The project owner shall finalize the environmental impact assessment report at the request of the appraising agency, sign on the left bottom corner of each page and then duplicate and send copies of the report bound into hardback volumes, enclosed with written explanations on the finalization, to the appraising agency for consideration and approval as follows:

a/ Sending the environmental impact assessment report, which is subject to approval by the Ministry of Natural Resources and Environment, to the Ministry of Natural Resources and Environment (03 hard copies and 01 soft copy recorded in a CD); the Natural Resources and Environment Service of the province where there is land to be used for the project (01 copy); and the project-managing ministry or agency (01 copy); the management

board of the industrial park, export-processing zone or hi-tech park (below referred to as the management board), for investment projects in industrial parks, export-processing zones or hi-tech parks (01 copy); and the project owner (01 copy). In case the project will be implemented on an area belonging to 02 (two) or more provinces or centrally run cities, the number of copies will correspond to the number of concerned provinces and/or centrally run cities;

b/ Sending the environmental impact assessment report, which is subject to approval by another ministry, a ministerial-level agency or government-attached agency, to the project-managing ministry or branch (03 hard copies and 01 soft copies recorded in a CD); the Natural Resources and Environment Service of the province where these is land to be used for the project (01 copy); the Ministry of Natural Resources and Environment (01 copy); the management board, for investment projects in industrial parks, export-processing zones and hi-tech parks (01 copy); or the project owner (01 copy).

c/ Sending the environmental impact assessment report, which is subject to approval by the provincial-level People's Committee, to the People's Committee of the province where the project will be implemented (01 hard copy and 01 soft copy recorded in a CD); the provincial-level Natural Resources and Environment Service (01 copy); the management board, for investment projects in industrial parks, export-processing zones and hi-tech parks (01 copy); and the project owner (01 copy).

6.2. Cases of appraisal by a service

organization:

a/ The finalization of environmental impact assessment reports appraised by an appraisal service organization must comply with Articles 14, 15 and 16 of Regulation 19;

b/ The finalized environmental impact assessment reports must satisfy the requirements on number of copies and contents specified at Point 6.1, Section 6, Part III of this Circular.

6.3. If the finalization of the environmental impact assessment report takes more than 24 (twenty four) months counting from the time the appraisal council's standing body issues a notice of the appraisal results and requirements on the finalization of the environmental impact assessment report, or involves basic changes in the project's production technology, capacity or location, the project owner shall re-compile the dossier of request for appraisal of the project's environmental impact assessment report.

6.4. The time for the project owner to finalize the environmental impact assessment report is not counted into the appraisal time limit specified in Article 12 of Decree No. 80/2006/ND-CP.

7. Re-appraisal of environmental impact assessment reports

7.1. In case the environmental impact assessment report is not accepted by the appraisal council or appraisal service organization or the project sees changes specified at Point 6.3, Section 6, Part III of this Circular, a re-appraisal will be carried out upon a written request of the project owner.

7.2. A re-appraisal of the environmental impact assessment report may be carried out by the

appraisal council or appraisal service organization which has carried out the appraisal; in case of necessity, the agency competent to approve the environmental impact assessment report may set up a new appraisal council or select another appraisal service organization to carry out the re-appraisal.

7.3. Expenses for re-appraisal of the environmental impact assessment report shall be paid by the project owner according to current regulations.

8. Approval of environmental impact assessment reports

8.1. Approval of an environmental impact assessment report shall be expressed in a decision.

8.2. When seeing that there is the possibility of adverse environmental impacts which, however, have not yet been fully examined in the environmental impact assessment report due to such objective causes as the lack of data on the loading capacity of the surrounding environment, unreliability of the risk assessment and other *force majeure* circumstances by the time of approval of the environmental impact assessment report, the agency competent to approve the report shall make a note thereof in the requirement section of the approval decision.

9. Certification and sending of dossiers of approved environmental impact assessment reports

After the environmental impact assessment report is approved, the agency competent to approve the report (or the agency authorized by the agency competent to approve the report) shall:

- Give certification on the reverse side of the

supplementary cover sheet of each copy of the environmental impact assessment report:

- Send the certified environmental impact assessment report, together with the approved decision, to the project owner and other relevant agencies specified at Point 6.1, Section 6, Part III of this Circular; and

- Send the decision approving the environmental impact assessment report under Clauses 1 and 2, Article 15 of Decree No. 80/2006/ND-CP.

10. Elaboration, appraisal and approval of additional environmental impact assessment reports

10.1. The project owner falling into cases specified at Point a, Clause 1, Article 13 of Decree No. 80/2006/ND-CP and Clause 6, Article 1 of Decree No. 21/2008/ND-CP, shall elaborate and submit an additional environmental impact assessment report to the agency which has approved the project's environmental impact assessment report for appraisal and approval before the project is implemented.

10.2. Additional environmental impact assessment reports must have the form and contents as prescribed.

10.3. A dossier of request for appraisal and approval of an additional environmental impact assessment report comprises:

a/ 01 (one) written request for appraisal and approval of the additional environmental impact assessment report;

b/ 07 (seven) copies of the additional environmental impact assessment report, each

bound into a volume bearing the signature, full name and title of the project owner and a stamp on its supplementary cover sheet. In case of necessity as required by appraisal job, the project owner shall provide more copies of the additional environmental impact assessment report as requested by the appraising agency;

c/ 01 (one) copy of the approved environmental impact assessment report;

d/ 01 (one) lawfully authenticated copy of the decision approving the environmental impact assessment report;

e/ 01 (one) adjusted investment report, techno-economic report, investment project or equivalent documents, bearing the signature, full name and title of the project owner and a stamp on its supplementary cover sheet.

10.4. The additional environmental impact assessment report shall be appraised by seeking written comments from scientists and managers who possess relevant professional qualifications and the state management agency in charge of environmental protection in the locality where the project will be implemented. Comments and evaluations shall be made according to a set form. In case of necessity, the additional environmental impact assessment report may be appraised by an appraisal council or appraisal service organization.

10.5. If the dossier is unqualified for appraisal, within 05 (five) working days after receiving the dossier, the appraising agency shall notify in writing the reasons for its non-qualification to the project owner for completing the dossier.

10.6. If the dossier is qualified for appraisal, the agency competent to appraise the report shall

consider and approve the additional environmental impact assessment report within 30 (thirty) working days; if the dossier fails to satisfy conditions for approval, it shall notify in writing the project owner of its comments and evaluation on the additional environmental impact assessment report for finalizing the dossier.

10.7. A dossier of request for approval of the additional environmental impact assessment report comprises written explanations about the finalization of the report, enclosed with the finalized environmental impact assessment report signed by the project owner on the left bottom corner of each page, bound into a hardback volume and duplicated in a number of copies equal to those of the approved environmental impact assessment report of the project.

10.8. The decision approving the additional environmental impact assessment report shall be made according to a set form with a sufficient number of originals for sending to all the recipients of the decision approving the environmental impact assessment report.

10.9. Certification of the approved additional environmental impact assessment report shall be given on the reverse side of its supplementary cover sheet.

10.10. The certified additional environmental impact assessment report and the approval decision shall be sent to recipients like those of the approved environmental impact assessment report and its approval decision.

11. Responsibilities of the project owner after the environmental impact assessment report is approved

11.1. To report to the People's Committee of the district where the project will be implemented on the contents of the decision approving the project's environmental impact assessment report, within 15 (fifteen) days after the date of receipt of the decision.

11.2. To make a summary of the approved environmental impact assessment report and post it up at the office of the commune-level People's Committee where community consultations have been carried out, within 05 (five) days after the receipt of the decision approving the environmental impact assessment report and the decision approving the additional environmental impact assessment report, if any, till the project is put into operation.

11.3. To prepare and send to the agency which has approved the environmental impact assessment report and the Natural Resources and Environment Service of the province or city where the project will be implemented, the following reports and documents:

a/ A report on the plan on construction and installation of environmental treatment and protection facilities;

b/ A report on trial operation of environmental protection and treatment facilities;

c/ A report on implementation of the project's environmental impact reports and compliance with requirements set out in its approval decision before the project is put into operation, enclosed with a written request for certification.

11.4. If the project has an approved additional environmental impact assessment report, the project owner shall report the contents of the

additional report to the People's Committee of the district where the project will be implemented, within the time limit specified at Point 11.1. Section 11, Part III of this Circular and update and supplement to the reports specified at Point 11.3, Section 11, Part III of this Circular, contents related to the approved additional environmental impact assessment report and requirements set in its approval decision.

11.5 To implement other requirements specified in Article 14 of Decree No. 80/2006/ND-CP.

12. Responsibilities of the agency approving the environmental impact assessment report after the report is approved

12.1. Before the project is put into operation, to supervise and examine the implementation of the approved environmental impact assessment report and the additional environmental impact assessment report (if any) and the satisfaction of requirements set in the decision approving the project's environmental impact assessment report on the basis of considering the project owner's reports and dossier of request for certification.

When necessary, to set up an examination team to collaborate with relevant agencies in conducting examination at the project's site. The examination results shall be recorded in a minutes bearing the signatures and full names of representatives of the examining agency, the project owner and relevant agencies.

12.2. To grant a certificate of the project owner's implementation of the environmental impact assessment report and satisfaction of requirements set in the report-approving decision

and decision approving the additional environmental impact assessment report (if any) before the project is put into operation, within the following time limit after the receipt the project owner's written request enclosed with a valid and complete dossier as specified at Point 11.3. Section 11, Part III of this Circular:

a/ 15 (fifteen) working days, in case it is unnecessary to carry out examination, measurement and sample taking at the project's site;

b/ 25 (twenty five) working days, in case it is necessary to carry out examination, measurement and sample taking at the project's site and the project is qualified for certification.

If the project is unqualified for certification, to notify in writing the reason to the project owner. The time for the project owner to satisfy the requirements of the agency approving the environmental impact assessment report is not counted into the above 25-working day time limit.

12.3. In the process of examining and certifying the implementation of the environmental impact assessment report and satisfaction of the requirements set in the approval decision, if environmental observation and analysis data reported by the project owner are unreliable, the certifying agency shall coordinate with a professionally qualified organization in conducting measurement, taking samples and making analysis for comparison; expenses for the examination, sample taking and analysis of environmental parameters for comparison shall be paid by the certifying agency according to current regulations.

12.4. To implement other regulations specified in Article 15 of Decree No. 80/2006/ND-CP.

13. Technical survey of environmental protection and treatment facilities

13.1. Technical survey of environmental protection and treatment facilities complies with legal provisions on investment and construction.

13.2. Organizations which have designed, built or installed the project's environmental protection and treatment facilities may not technically survey these facilities.

14. Authorization of the appraisal and approval of environmental impact assessment reports of investment projects in industrial parks, export-processing zones and hi-tech parks

14.1. The state agency competent to appraise and approve the environmental impact assessment report may authorize in writing the management board to organize the appraisal and approval of the environmental impact assessment report of an investment project in the industrial park, export-processing zone or hi-tech park in pursuance to the conditions specified in Clause 8, Article 1 of Decree No. 21/2008/ND-CP, provided that the management board has a specified environmental protection organization or section environmental protection which is an environmental management bureau set up under Clause 1, Article 9 of the Government's Decree No. 81/2007/ND-CP of May 23, 2007, providing for specified environmental protection organizations and sections state agencies and state enterprises and has filed a written request therefor.

14.2. The authorized management board shall

act as a competent state agency organizing the appraisal of the environmental impact assessment report by an appraisal council or appraisal service organization; re-appraisal of the environmental impact assessment report; approval of the environmental impact assessment report; certification and sending of the dossier of the approved environmental impact assessment report; appraisal and approval of the additional environmental impact assessment report of the project for which the environmental impact assessment report has been approved under authorization; has the responsibilities of an agency approving the environmental impact assessment report after the report is approved in strict accordance with the provisions of Part III, this Circular; send the report to the authorizing agency and implement the examination and reporting regulations in Part V of this Circular.

#### IV. ELABORATION, REGISTRATION AND CERTIFICATION OF ENVIRONMENTAL PROTECTION COMMITMENT DOCUMENTS

1. Elaboration of environmental protection commitment documents

1.1. Owners of projects specified in Article 24 of the Law on Environmental Protection shall elaborate environmental protection commitment documents.

1.2. The form and contents of environmental protection commitment documents are prescribed in Appendix 23 to this Circular.

2. Registration of environmental protection commitment documents

2.1. The project owner shall send a dossier of request for registration of the environmental protection commitment document to the People's Committee of the district, town or provincial city (below referred to as district-level People's Committee) where the project will be implemented or the authorized commune-level People's Committee for registration and certification.

2.2. The time for registration of the environmental protection commitment document is specified at Point 1, Clause 7, Article 1 of Decree No. 21/2008/ND-CP.

2.3. If the project is implemented in an area belonging to 02 (two) or more districts, the project owner shall compare and select a district which will be most affected by the project and send the dossier of request for registration of environmental protection commitment to its People's Committee.

2.4. A dossier of registration of the environmental protection commitment document comprises:

a/ 01 (one) written request for certification of registration of the environmental protection commitment document;

b/ 05 (five) copies of the environmental protection commitment document, each bound into a hardback volume bearing the signature, full name and title of the project owner and a stamp on its supplementary cover sheet. In case the project is implemented in an area belonging to 02 (two) or more districts, the number of copies must correspond to the number of concerned districts;

c/ 01 (one) investment report, techno-economic report, production and business plan or

equivalent documents of the project; if the project is implemented in an area belonging to 02 (two) or more districts, the number of copies must correspond to the number of concerned districts.

3. Certification of registration of the environmental protection commitment document

3.1. Registration of the environmental protection commitment document shall be certified in a certificate.

If the investment project is implemented in an area belonging to 02 (two) or more districts, the district-level People's Committee that has received the dossier of registration of the environmental protection commitment document shall send the environmental protection commitment document to the People's Committees of all districts where the project will be implemented for comments before granting a registration certificate.

3.2. The agency competent to grant a registration certificate shall give certification on the reverse side of the supplementary cover sheet of each copy of the registered environmental protection commitment document.

3.3. If the registration dossier is unqualified for certification, the district-level People's Committee or the authorized commune-level People's Committee shall notify in writing the reasons to the project owner for completing the registration dossier. The time for finalizing the registration dossier is not counted into the time limit for registration of the environmental protection commitment document specified in Article 26 of the Law on Environmental Protection.

4. Sending of dossiers of certification of environmental protection commitment documents

4.1. If the registration and certification is carried out at the district level, the district-level People's Committee shall send 01 (one) copy of the environmental protection commitment document, enclosed with the certificate, to:

- a/ The project owner for implementation;
- b/ The provincial-level state management agency in charge of environmental protection;
- c/ The People's Committees of all districts where land is used for the project, if the project is implemented on an area belonging to 02 (two) or more districts.

4.2. If the registration and certification is carried out at the commune level, the commune-level People's Committee shall send 01 (one) copy of the environmental protection commitment document, enclosed with the certificate, to:

- a/ The project owner for implementation;
- b/ The district-level People's Committee.

5. Elaboration, registration and certification of additional environmental protection commitment documents

5.1. Additional environmental protection commitment documents shall be elaborated in the following cases:

- The project sees one of fundamental changes in technology, scope, capacity or implementation site; if the change of the project's location leads to the change of the agency competent to make certification, the project owner shall re-compile the dossier of registration for certification of the environmental protection commitment document;

- The project cannot be carried out within 24 months counting from the date the environmental protection commitment document is certified by a competent agency.

5.2. Additional environmental protection commitment documents, must have the form and contents as prescribed. The project owner shall send the dossier of the additional environmental protection commitment document to the agency which has granted the certificate of registration of the environmental protection commitment document for consideration and certification.

5.3. A dossier of registration of the additional environmental protection commitment document comprises:

- a/ 01 (one) written request for certification of registration of the additional environmental protection commitment document;
- b/ 01 (one) copy of the certified environmental protection commitment document;
- c/ 01 (one) lawfully authenticated copy of the certificate of registration of the environmental protection commitment document;
- d/ 01 (one) draft adjusted investment report; adjusted techno-economic report, adjusted production and business plan or equivalent document of the project, bearing the signature, full name and title of the project owner and a stamp on its supplementary cover sheet;
- e/ The number of copies of the additional environmental protection commitment document is equal to the number of copies of the project's environmental protection commitment document certified by a competent agency.

5.4. Certification of additional environmental

protection commitment documents shall be made in the same way as certification of environmental protection commitment documents.

5.5. The sending of the dossier of the additional environmental protection commitment document shall be similar to the sending of the dossier of the certified environmental protection commitment document.

6. Authorization of the certification of the registration of environmental protection commitment documents to commune-level People's Committees

6.1. The district-level People's Committee may authorize a commune-level People's Committee to certify the registration of the environmental protection commitment document if seeing that the commune-level People's Committee is capable in environmental management and the commune-level People's Committees has made a written request for the authorization of registration of the environmental protection commitment document.

6.2. Within 03 (three) working days after receiving a written request of the commune-level People's Committee for authorization, the district-level People's Committee shall:

a/ Send a document of authorization to the commune-level People's Committee to certify the registration of the environmental protection commitment document, in case of approval;

b/ Send a notice clearly stating the reason for non-approval to the commune-level People's Committee and the project owner .

6.3. The time for consideration and settlement of the commune-level People's Committee's

request for authorization is not counted into the time limit for certification of registration of the environmental protection commitment document.

6.4. If it is not authorized, the commune-level People's Committee shall return the dossier of the environmental protection commitment to the project owner for sending it to the competent district-level People's Committee for consideration and certification according to regulations.

6.5. If the project is implemented on an area belonging to 02 (two) or more districts, towns or provincial cities, the district-level People's Committee may not authorize a commune level People's Committee to give certification.

7. Authorization of the certification of registration of environmental protection commitment documents of investment projects in economic zones, industrial parks, export-processing zones and hi-tech parks

7.1. The district-level People's Committees competent to certify the registration of the environmental protection commitment document may authorize in writing the management board to certify the registration of the environmental protection commitment document of an investment project in an economic zone, industrial park, export-processing zone or hi-tech park in pursuance to the conditions specified in Clause 8, Article 1 of Decree No. 21/2008/ND-CP, provided that the management board has a specialized environmental protection organization or section which is an environmental protection bureau set up under Clause 1, Article 9 of the Government's Decree No. 81/2007/ND-CP of

May 23, 2007, providing for specified environmental protection organizations and sections in state agencies and state enterprises and has filed a written request for authorization.

7.2. The authorized management board shall perform all tasks of a district-level People's Committee in the certification of the registration of environmental protection commitment documents; sending of dossiers of registration of environmental protection commitment documents: certification of registration of additional environmental protection commitment documents of projects for which environmental protection commitment documents have been certified in strict accordance with Part IV of this Circular and send reports to the district-level People's Committee and implement the examination and reporting regulations in Part V of this Circular.

**V. REGULATIONS ON EXAMINATION  
OF AND REPORTING ON THE  
APPRAISAL AND APPROVAL OF  
ENVIRONMENTAL IMPACT  
ASSESSMENT REPORTS AND  
CERTIFICATION OF ENVIRONMENTAL  
PROTECTION COMMITMENT  
DOCUMENTS**

1. Specialized environmental protection sections of agencies competent to appraise and approve environmental impact assessment reports specified at Point b, Clause 7, Article 21 of the Law on Environmental Protection and provincial-level Natural Resources and Environment Services are subject to the examination by the

Ministry of Natural Resources and Environment in the appraisal and approval of environmental impact assessment reports according to current law; shall send written reports on the appraisal and approval of environmental impact assessment report in the year to the Ministry of Natural Resources and Environment before January 30 of next year, enclosed with a datasheet (send hard copies printed on A4 size paper sheets by post and e-mail attachments).

2. The authorized management boards are subject to the examination by authorizing agencies in the appraisal and approval of environmental impact assessment reports and certification of environmental protection commitment documents in accordance with current regulations; and send written reports before annual January 15 to the following agencies:

2.1. The Ministry of Natural Resources and Environment, on the appraisal and approval of environmental impact assessment reports, enclosed with a table of the results of these activities (send hard copies printed on A4 size paper sheets by post and e-mail attachments).

2.2. Provincial-level Natural Resources and Environment Services, on the certification of registration of environmental protection commitment documents, enclosed with a table on the results of these activities (send hard copies printed on A4 size paper sheets by post and e-mail attachments).

3. District-level People's Committees are subject to the examination by provincial-level Natural Resources and Environment regarding the certification of registration of environmental

protection commitment documents according to current regulations; and shall report to provincial-level Natural Resources and Environment Services on the certification of registration of environmental protection commitment documents in the year no later than January 15 of the following year, enclosed with a datasheet (send hard copies printed on A4 size paper sheets by post and e-mail attachments).

4. Provincial-level Natural Resources and Environment Services shall send reports on the certification of registration of environmental protection commitment documents in the year to provincial-level People's Committees and the Ministry of Natural Resources and Environment before January 30 of the following year, clearly stating the number of projects which have been granted registration certificates, arising difficulties and problems and proposing solutions to these shortcomings.

## VI. IMPLEMENTATION PROVISIONS

1. Ministries, ministerial-level agencies, government-attached agencies and People's Committees at all levels shall organize the implementation of this Circular.

2. This Circular takes effect 15 days after its publication in CONG BAO and replaces Circular No. 08/2006/TT-BTNMT of September 9, 2006, of the Ministry of Natural Resources and Environment, guiding strategic environmental assessment, environmental impact assessment and environmental protection commitment.

3. The appraisal of strategic environmental

assessment reports, appraisal and approval of environmental impact assessment reports and certification of registration of environmental protection commitment documents for dossiers received by competent agencies before the effective date of this Circular still comply with Circular No. 08/2006/TT-BTNMT.

4. Any problems arising in the course of implementation should be promptly reported to the Ministry of Natural Resources and Environment for consideration and settlement.

*Minister of Natural Resources and  
Environment*  
**PHAM KHOI NGUYEN**