

THE NATIONAL ASSEMBLY

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Law No. 72/2020/QH14

Hanoi, November 17, 2020

LAW

ON ENVIRONMENTAL PROTECTION

Pursuant to the Constitution of the Socialist Republic of Vietnam;

The National Assembly hereby promulgates the Law on Environmental Protection.

Chapter I

GENERAL

Article 1. Scope

This Law provides for environmental protection activities; rights, obligations and responsibilities of agencies, organizations, residential communities, households and individuals involved in environmental protection activities.

Article 2. Regulated entities

This Law applies to agencies, organizations, residential communities, households and individuals within the territory of the Socialist Republic of Vietnam, including mainland, islands, territorial waters, underground space and airspace.

Article 3. Definitions

For the purposes of this Law, the terms below shall be construed as follows:

1. “*environment*” encompasses natural and artificial physical factors that are closely related to each other, surround humans and affect life, economy, society, existence and development of humans, creatures and nature.
2. “*environmental protection activity*” means preventing and reducing adverse impacts on the environment; responding to environmental emergencies; mitigating environmental pollution and degradation, improving environmental quality; reasonably using natural resources and biodiversity, and adapting to climate change.
3. “*environment components*” mean physical constituent elements forming an integral part of the environment, including land, water, air, sound, light and other physical forms.

4. “*national environmental protection planning*” means the spatial arrangement and distribution and zoning of areas for environmental quality management, nature and biodiversity conservation, waste management, environmental monitoring and warning within a defined territory in order to protect the environment and accomplish the objective for national sustainable development for a defined period.

5. “*strategic environmental assessment*” means the process of identifying and predicting trends in major environmental issues to form a basis for incorporating environmental protection measures into a policy, strategy or planning.

6. “*preliminary environmental impact assessment*” (hereinafter referred to as “*PEIA*”) means the consideration and identification of major environmental issues of an investment project during the pre-feasibility study or the investment project proposal.

7. “*environmental impact assessment*” (hereinafter referred to as “*EIA*”) means the process of analyzing, assessing, identifying and predicting environmental impacts of an investment project in order to take measures to reduce adverse impacts on the environment.

8. “*environmental license*” means a document issued by a competent authority to an organization or individual (hereinafter referred to as “entity”) involved in business activities, permitting such organization or individual to discharge waste into the environment and manage waste and scrap imported from foreign countries as production materials in accordance with environmental protection requirements as prescribed by law.

9. “*environmental registration*” means a business investment project owner or business owner registering with a regulatory body waste discharge-related contents and environmental protection measures of such business investment project owner or business owner (hereinafter referred to as “the investment project/business”).

10. “*technical regulation on environment*” means a regulation requiring mandatory application of limits of parameters regarding environmental quality, concentration of pollutants in raw materials, fuels, materials, equipment, products, goods and waste, and technical and managerial requirements. The regulation is issued by a competent authority in accordance with regulations of law on standards and technical regulations.

11. “*environmental standard*” means a regulation for which an entity opts at its/his/her discretion in order to apply limits of parameters regarding environmental quality, concentration of pollutants in waste, and technical and managerial requirements. The standard is issued by a competent authority or organization in accordance with regulations of law on standards and technical regulations.

12. “*environmental pollution*” means any change in the physical, chemical or biological properties of an environmental component in breach of a technical regulation on environment or environmental standard resulting in adverse impacts on humans, creatures and nature.

13. “*environmental degradation*” means a reduction in the quality and amount of environment components resulting in adverse impacts on the health of humans and creatures, and nature.
14. “*environmental emergency*” means an accident resulting from human-induced factors or natural changes that cause severe environmental pollution or degradation.
15. “*pollutant*” means any chemical, physical or biological substance which, when introduced into the environment, exceeds the permissible limits resulting in environmental pollution.
16. “*persistent pollutant*” means a highly toxic and persistent pollutant that has the ability to bio-accumulate and spread in the environment, thereby adversely affecting the environment and human health.
17. “*persistent organic pollutant*” means a persistent pollutant defined in the Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as “the Stockholm Convention”).
18. “*waste*” means any matter in a solid, liquid or gaseous form or other form which is discharged from production, business operation, service provision or living activities or from other activities.
19. “*solid waste*” means any waste in a solid form or sludge.
20. “*hazardous waste*” means any waste that exhibits any one or more of the following characteristic properties: toxicity, radioactivity, infectivity, ignitability, reactivity or corrosivity or exhibits any other hazardous characteristic properties.
21. “*waste co-processing*” means the utilization of one available manufacturing process for the purpose of recycling, treating or recovering energy from waste in which waste is used as alternative raw material and fuel or is processed.
22. “*pollution control*” means the process of preventing, detecting and eliminating pollution.
23. “*carrying capacity*” of an environment means the maximum resistance of the environment against influencing factors in order for the environment to be able to recover itself.
24. “*technical infrastructure serving environmental protection*” means a system of facilities used for collecting, storing, transporting and treating waste and monitoring the environment, and other environmental protection works.
25. “*environmental monitoring*” means the continuous, periodic or unscheduled monitoring of environmental components and factors impacting the environment, and waste in a systematic in order to provide necessary information in favor of assessment of state of the environment, changes in the environmental quality and adverse impacts on the environment.

26. “*trial operation of waste treatment work*” means the operation being carried out by an investment project owner, owner of business, dedicated area for production, business operation and service provision or industrial cluster to test and assess efficiency of a waste treatment work and its conformity with environmental protection requirements.
27. “*scrap*” means any material recovered, classified and selected from materials or products left over from production, business operation, service provision or consumption to be used as raw materials for another production process.
28. “*residential community*” means a community of people living in the same village, hamlet, population group, ward or similar settlement within the territory of the Socialist Republic of Vietnam.
29. “*greenhouse gas*” (hereinafter referred to as “*GHG*”) means gas in the atmosphere causing the greenhouse effect.
30. “*greenhouse effect*” means a process where radiant energy from the sun penetrates into the atmosphere and is converted to heat, causing global warming.
31. “*reduction of GHG emissions*” means the act of reducing GHG emissions intensity and increasing GHG absorption.
32. “*climate change adaptation*” means actions that humans may take to adapt to climate change and reduce GHG emissions.
33. “*GHG emission quotas*” mean the amount of GHG emissions caused by a country or entity for a specified period of time, expressed as tonnes of carbon dioxide (CO₂) or tonnes of carbon dioxide equivalent (CO₂).
34. “*ozone layer*” means a layer in the Earth's stratosphere which protects the Earth from the sun's harmful ultraviolet radiation.
35. “*carbon credit*” means any tradable certificate representing the right to emit one tonne of carbon dioxide (CO₂) or one tonne of carbon dioxide (CO₂) equivalent.
36. “*best available techniques*” means the technical solutions which are the best for preventing or controlling pollution and minimizing adverse impacts on the environment.
37. “*dedicated areas for production, business operation and service provision*” include industrial parks, export-processing zones, hi-tech zones and dedicated areas for industrial production of economic zones.
38. “*investment project owner*” or “*investor*” means an investor in a project according to regulations of the Law on Investment, Law on Public Investment, Law on Public-Private Partnership Investment and Law on Construction.

Article 4. Principles of environmental protection

1. Environmental protection is the right, obligation and responsibility of every agency, organization, residential community, household and individual.
2. Environmental protection serves as a basis, key factor and prerequisite for sustainable socio-economic development. Environmental protection activities are associated with economic development and natural resource management, and considered and assessed in the process of carrying out development activities.
3. Environmental protection harmonizes with social security, protection of children's right, promotion of gender equality and protection of the human right to live in a pure environment.
4. Environmental protection activities are carried out in a regular, public and transparent manner; priority is given to prediction and prevention of environmental pollution, emergencies and degradation, environmental risk management, waste minimization and strengthening of reuse and recycling of waste with a view to maximization of its value.
5. Environmental protection complies with natural law, natural, cultural and historical characteristics, and the level of socio-economic development; boost development in ethnic minority and mountainous areas.
6. Any agency, organization, residential community, household or individual profiting from the environment is obliged to make their financial contribution to the environmental protection activities; pay compensation for damage, take remedial measures and assume other responsibilities as prescribed by law if causing environmental pollution, emergencies and degradation.
7. Environmental protection is not detrimental to the national sovereignty, security and interests, and is associated with regional and global environmental protection.

Article 5. State policies on environmental protection

1. Facilitate the involvement of agencies, organizations, residential communities, households and individuals in performance, inspection and supervision of environmental protection activities.
2. Disseminate information in association with taking administrative and economic measures and other measures to strengthen compliance with law on environmental protection and build a culture of environmental protection.
3. Focus on biodiversity conservation and protection of environment in natural heritage sites; efficiently and economically extract and use natural resources; develop green and renewable energy; develop technical infrastructure serving environmental protection.
4. Give priority to environmental pollution elimination and recovery of degraded natural ecosystem, and attach great importance to environmental protection in residential areas.

5. Diversify sources of investment capital for environmental protection; set a specific expenditure on environmental protection within the state budget and according to environmental protection requirements and tasks; prioritize the use of sources of funding for key environmental protection tasks.
6. Safeguard interests of organizations, residential communities, households and individuals making their contribution to environmental protection activities; provide incentives and assistance for environmental protection activities; promote environmentally-friendly products and services.
7. Intensify scientific research and development of technologies for pollution elimination, waste recycling and treatment; give priority to transfer and application of advanced, high and environmentally-friendly technologies and best available techniques; strengthen training in human resources in environmental protection.
8. Honor and reward agencies, organizations, residential communities, households and individuals for their active role in environmental protection activities as prescribed by law.
9. Expand and promote integration and international cooperation in environmental protection, and adhere to all international environmental agreements.
10. Screen investment projects according to environmental criteria; apply appropriate environmental management tools in each stage of the strategy, planning, program and investment project.
11. Incorporate and promote circular economy and green economy in formulation and implementation of socio-economic development strategies, planning, plans, programs and projects.

Article 6. Prohibited acts

1. Failure to transport, bury, discharge and burn solid and hazardous waste in accordance with technical process and regulations of law on environmental protection.
2. Discharging wastewater and exhaust gases that have yet to be treated according to technical regulations on environment into the environment.
3. Dispersing and releasing into the environment hazardous substances and harmful viruses capable of infecting humans and animals, untested microorganisms, dead bodies of animals dying of epidemics and other agents harmful to human health, creatures and nature.
4. Generating noise and vibration in excess of the permissible level stipulated in technical regulations on environment; discharging smokes, dusts and noxious gases into the air.
5. Executing investment projects or discharging waste in case of failure to satisfy all conditions prescribed by the Law on Environmental Protection.

6. Importing, temporarily importing, re-exporting and transiting waste from foreign countries in any shape or form.
7. Illegally importing used vehicles, machinery and equipment for the purposes of dismantling or recycling.
8. Failure to operate works or take measures to prevent and respond to environmental emergencies in accordance with regulations of law on environmental protection and other regulations of law.
9. Concealing acts of polluting the environment, obstructing and falsifying information concerning environmental protection activities, thereby resulting in adverse effects on the environment.
10. Manufacturing and trading products harmful to humans, creatures and nature; manufacturing and using raw materials and building materials containing toxic factors in excess of the permissible level prescribed in technical regulations on environment.
11. Manufacturing, importing, temporarily importing, re-exporting and selling ozone depleting substances prescribed in the international treaty on substances that deplete the ozone layer to which Socialist Republic of Vietnam is a signatory.
12. Sabotaging or infringing upon natural heritage sites.
13. Sabotaging or infringing upon structures, equipment and facilities serving environmental protection activities.
14. Abusing positions or powers to commit violations against regulations of law on environmental protection.

Chapter II

PROTECTION OF ENVIRONMENTAL COMPONENTS AND NATURAL HERITAGE SITES

Section 1. WATER PROTECTION

Article 7. General regulations on surface water protection

1. Quality of surface water, sediments and aquatic environment must be monitored and evaluated; surface water carrying capacity must be calculated, determined and announced.
2. Sources of waste discharged into surface water must be managed in a manner that is appropriate to intended use and carrying capacity of surface water. Result of appraisal of the environmental impact assessment report shall not be approved for or environmental license shall not be issued to the new investment project that discharges wastewater directly into the surface

water that has reached its carrying capacity as announced by a competent authority, except for the case in which the investment project owner has adopted a scheme to treat wastewater in accordance with technical regulation on environment regarding quality of surface water before discharging it into a water body or has adopted a circulation or recycling scheme in order not to generate more wastewater or the case where the project aims to deal with pollution and improve quality of the environment in a pollution area.

3. River water shall be protected by applying the principles of integrated river basin management and associated with biodiversity conservation, aquatic environment protection, management of water source protection corridors, and reasonable extraction and use of water.

Article 8. Surface water protection activities

1. Surface water protection shall focus on:

a) Statistically reporting, assessing, minimizing and treating wastewater discharged into surface water;

b) Monitoring and assessing quality of surface water, sediment and aquatic environment and publishing information in service of management, extraction and use of water surface;

c) Investigating and assessing carrying capacity of surface water; announcing areas where the surface water has reached its carrying capacity; assessing quotas for discharge of wastewater into the surface water;

d) Eliminating pollution, remediating and improving polluted surface water;

dd) Monitoring and assessing quality of surface water and sediments of international rivers and sharing information in accordance with regulations of law on environmental protection, law and international practice.

2. The Ministry of Natural Resources and Environment has the responsibility to:

a) provide guidance on assessing surface water carrying capacity of rivers and lakes; provide guidance on assessing surface water quality;

b) organize assessment of surface water and sediment quality, surface water carrying capacity of inter-provincial rivers and lakes; organize inventorying and assessment of waste sources and pollution level, and organize elimination of inter-provincial river and lake pollution; formulate and submit to the Government a surface water quality management plan for inter-provincial rivers and lakes that play a key role in socio-economic development and environmental protection;

c) inspect the implementation of the surface water quality management plan for inter-provincial rivers and lakes and measures to prevent and mitigate water pollution and improve water quality in inter-provincial rivers and lakes.

3. People's Committees have the responsibility to:

- a) determine provincial rivers and lakes and other surface water sources in areas that play important role in socio-economic development and environmental protection; determine domestic water safeguard zones and water source protection corridors within provinces; determine aquatic areas;
- b) publish information about sources of waste discharged into the surface water within provinces; collect information and data on state of surface water, waste sources and total amount of waste discharged into surface water in inter-provincial rivers and lakes within provinces under the guidance of the Ministry of Natural Resources and Environment; direct organizations to assess damage caused by pollution and remediate surface water pollution within provinces as prescribed;
- c) prevent and control sources of waste discharged into surface water sources within provinces; take measures to prevent and minimize surface water pollution, improve surface water quality within provinces according to the surface water quality management plan;
- d) organize assessment of surface water and sediment quality, carrying capacity and quotas for discharge of wastewater with respect to the surface water sources mentioned in Point a of this Clause; publish information about areas where surface water has reached its carrying capacity;
- dd) promulgate and organize the implementation of the plan for management of quality of surface water mentioned in Point a of this Clause; organize implementation of the surface water quality management plan for inter-provincial rivers and lakes within provinces.

Article 9. Surface water quality management plan

1. The surface water quality management plan for inter-provincial rivers and lakes must be conformable with the national environmental protection planning.

The surface water quality management plan for the water sources mentioned in Point a Clause 3 Article 8 of this Law must be conformable with the national environmental protection planning and environmental protection contents specified in the regional and provincial planning.

2. Contents of the surface water quality management plan include:

- a) Assessing and predicting trends in changes in surface water quality; objectives and targets of the plan; determining domestic water safeguard zones and water source protection corridors; determining aquatic areas;
- b) Current distribution of point source pollution, and non-point source pollution with pollutants released into the water in the affected area; risk of transboundary surface water pollution;
- c) Types and total amount of pollutants discharged into the surface water;

d) Assessing carrying capacity, zoning and quotas for wastewater discharge; determining objectives and roadmap for reducing wastewater discharge into the surface water that has reached its carrying capacity;

dd) Measures to prevent and reduce surface water pollution; solutions for cooperation in, sharing of information and management of transboundary surface water pollution;

e) Solutions for protecting and improving surface water quality;

g) Organizing implementation.

3. The surface water quality management plan is formulated for 5-year periods.

4. The Government shall elaborate contents of, sequence and procedures for promulgating a surface water quality management plan.

Article 10. Groundwater protection

1. Sources of groundwater must be monitored and assessed so that measures are taken promptly if any environmental parameter is found exceeding the permissible level prescribed in a national technical regulation on environment or there is a reduction in the water level.

2. Groundwater protection measures must be taken upon carrying out groundwater exploration and extraction.

3. Establishments using toxic chemicals and radioactive substances must take measures to prevent leakage and release of toxic chemicals and radioactive substances into groundwater.

4. Establishments, warehouses and yards containing materials, raw materials and chemicals and areas for containing and treating waste must be constructed in such a manner that ensures technical safety and does not cause groundwater pollution.

5. Agencies, organizations, residential communities, households and individuals causing groundwater pollution shall remediate pollution.

6. The groundwater protection shall comply with regulations of this Law, law on water resources and other relevant regulations of law.

7. The Minister of Natural Resources and Environment shall elaborate groundwater protection.

8. People's Committees of provinces shall protect groundwater within provinces as prescribed by law.

Article 11. Seawater protection

1. Sources of waste discharged into seawater must be investigated and assessed and subject to any measure to be taken to prevent, minimize, control and treat them to satisfy the environmental protection requirements.
2. Areas at risk of sea and island environment pollution must be assessed, identified and announced in accordance with regulations of law on natural resources and environment of sea and islands.
3. The extraction of resources from sea and islands and other socio-economic activities shall comply with the planning, and environmental protection and sustainable development requirements.
4. Upon seawater protection, it is required to ensure close and effective cooperation between relevant organizations and individuals; between Vietnam's regulatory bodies and foreign bodies in sharing information, assessing seawater quality and controlling cross-border seawater pollution.
5. The seawater protection shall comply with regulations of this Law, law on natural resources and environment of sea and islands and other relevant regulations of law.

Section 2. AIR PROTECTION

Article 12. General regulations on air protection

1. Entities and households involved in production, business operation and service provision and discharging dusts and exhaust gases resulting in adverse impacts on the environment have the responsibility to reduce the discharge and take remedial measures as prescribed by law.
2. Air quality must be monitored on a regular and continuous basis and announced as prescribed by law.
3. Air pollution must be notified and warned in a timely manner to minimize its impacts on community health.
4. Sources of dusts and exhaust gases must be monitored, assessed and controlled as prescribed by law.

Article 13. Air quality management plans

1. Air quality management plans include national air quality management plan and provincial air quality management plan. The national environment quality management plan must be conformable to the national environmental protection planning. The provincial air quality management plan must be conformable with the national air quality management plan and provincial planning, and serve as the basis for organizing implementation thereof and managing air quality.

2. The national environment quality management plan covers a period of 05 years. The period of a provincial air quality management plan shall be determined according to the extent and level of air pollution, management and improvement solutions, local conditions and resources for implementation.

3. Main contents of the national air quality management plan include:

a) Assessing management and control of air pollution at national level; identifying major causes of air pollution;

b) General and specific objectives;

c) Tasks and solutions for air quality management;

d) Prioritized programs and projects for implementation of tasks and solutions; formulating regulations on cooperation in and measures for managing quality of inter-regional and inter-provincial air.

dd) Organizing implementation.

4. Main contents of a provincial air quality management plan include:

a) Assessing quality of air in the province;

b) Assessing management of air quality; monitoring air; determining and assessing main sources of exhaust gases; emission inventory; air quality modeling;

c) Analyzing and identifying causes of air pollution;

d) Assessing impacts of air pollution on community health;

dd) Objectives and scope of air quality management;

e) Tasks and solutions for air quality management;

g) Organizing implementation.

5. The Government shall elaborate contents of, sequence and procedures for promulgating an air quality management plan.

Article 14. Responsibility for air quality management

1. The Prime Minister shall promulgate and provide instructions on implementation of the national air quality management plan; provide instructions on implementation of emergency measures in the case of inter-provincial, regional or cross-border serious air pollution.

2. The Ministry of Natural Resources and Environment shall:

- a) formulate and submit to the Prime Minister the national air quality management plan and organize the implementation thereof.
- b) provide guidance on formulating provincial air quality management plans and air quality assessment methods.

3. People's Committees of provinces shall:

- a) formulate and organize the implementation of provincial air quality management plans;
- b) assess, monitor and publish information about air quality; warn residential communities of and take measures to remediate air pollution that impacts community health;
- c) organize the implementation of emergency measures if serious air pollution occurs in their provinces.

4. The Government shall elaborate this Article.

Section 3. SOIL PROTECTION

Article 15. General regulations on soil protection

1. If land is used to implement a planning, plan, project or activity, it is required to consider its impacts on soil and take measures for environmental pollution or degradation prevention and control and soil protection.
2. Agencies, organizations, residential communities, households and individuals that use land have the responsibility to protect soil environment; improve and remediate soil environment if causing soil pollution.
3. The State shall improve and remediate soil environment in areas where soil pollution caused by a historic event occurs or in the case of failure to identify the entity causing pollution.
4. The Government shall elaborate soil protection.

Article 16. Classification of areas where soil pollution occurs

1. Area where soil pollution occurs (hereinafter referred to as "soil pollution area") means an area in which pollutants exceed the permissible levels prescribed in a technical regulation on environment resulting in adverse impacts on the environment and community health.
2. Soil pollution areas shall be classified according to the following criteria: source of pollution, spreading capacity and affected entities.

3. The soil pollution areas classified according to the level of pollution include soil pollution area, serious soil pollution area and extremely serious soil pollution area.

Article 17. Soil quality management

1. Soil quality must be investigated, assessed, classified and made publicly available as prescribed by law.

2. Areas at risk of soil pollution must be monitored and supervised.

3. Soil pollution areas must be investigated, assessed, zoned, dealt with, renovated and improved.

4. Areas polluted by dioxins derived from herbicides used in war, residual agrochemicals and other hazardous substances must be investigated, assessed, zoned and dealt with in accordance with environmental protection requirements.

Article 18. Soil environment improvement and remediation

1. Investigate, assess and classify soil pollution areas, determine causes, extent and level of pollution, improve and remediate soil environment.

2. Take measures to control soil pollution areas, including zoning, issuing warnings, prohibiting or restricting activities to minimize impacts on human health.

3. Prepare and carry out schemes to improve and remediate soil environment; give priority to dealing with serious and extremely serious pollution areas.

4. Monitor and assess soil quality after improvement and remediation.

Article 19. Responsibility for soil protection

1. The Ministry of Natural Resources and Environment shall:

a) elaborate criteria for determining and classifying soil pollution areas according to level of pollution;

b) preside over and cooperate with other Ministries, ministerial agencies and agencies concerned in formulating and providing instructions on implementation of the plan to improve and remediate extremely serious soil pollution areas in the case specified in Clause 3 Article 15 of this Law; investigate, assess and make publicly available soil quality;

c) Submit to the Prime Minister a plan to improve and remediate extremely serious soil pollution areas in the case specified in Clause 3 Article 15 of this Law;

dd) consolidate lists of soil pollution areas; establish and update information about soil pollution areas nationwide to the national environmental information system and environmental database and publish such information.

2. The Ministry of National Defense and Ministry of Public Security shall preside over and cooperate with provincial People's Committees in improving and remediating soil environment in the case of national defense and security land and in other areas as prescribed by law.

3. Provincial People's Committees shall:

a) investigate, assess, determine and zone areas at risk of soil pollution areas and soil pollution areas within their provinces, and assign responsibilities to entities causing pollution;

b) remediate soil pollution areas and extremely serious soil pollution areas in the case specified in Clause 3 Article 15 of this Law;

c) report areas showing signs of inter-provincial soil pollution and extremely serious pollution areas to the Ministry of Natural Resources and Environment;

d) update information about soil pollution areas within their provinces to the environmental information system and database as prescribed.

Section 4. NATURAL HERITAGE SITE ENVIRONMENT PROTECTION

Article 20. Natural heritage sites

1. Natural heritage sites include:

a) National parks, nature reserves, habitat/species management areas, landscape protected areas established in accordance with the law on biodiversity, forestry and fisheries; landscapes recognized as cultural heritage established in accordance with the law on cultural heritage;

b) Natural heritage sites recognized by international organizations;

c) Other natural heritage sites established and recognized in accordance with this Law.

2. The establishment and recognition of natural heritage sites in Point c Clause 1 of this Article shall be based on any of the following criteria:

a) They are of outstanding, unique or exceptional natural beauty;

b) They provide excellent examples of ongoing ecological and biological evolutionary processes or furnishes habitats for endangered, precious, rare or endemic species or are sites of exceptional biodiversity or are of significance for biological diversity conservation;

c) They are outstanding examples representing major stages of earth's history, including the record of life or significant geomorphic or physiographic features;

d) They play a significantly important role in climate regulation, water protection, ecological balance and provision of ecosystem services.

3. The Government shall elaborate criteria, procedures and power for establishing and recognizing natural heritage sites in Point c Clause 1 of this Article; procedures and power for applying for recognition of natural heritage sites in Point b Clause 1 of this Article.

Article 21. Natural heritage site environment protection

1. Natural heritage site environment shall be investigated, assessed, managed and protected.

2. Natural heritage site environment protection is a content of the national environmental protection planning, regional planning and provincial planning.

3. Agencies, organizations, residential communities, households and individuals have the responsibility to protect natural heritage sites. Organizations, residential communities, households and individuals participating in managing natural heritage site environment are entitled to payments for ecosystem services as prescribed by law.

4. The Government shall elaborate Clause 1 of this Article.

Chapter III

NATIONAL ENVIRONMENTAL PROTECTION STRATEGY AND NATIONAL ENVIRONMENTAL PROTECTION PLANNING; ENVIRONMENTAL PROTECTION CONTENTS IN REGIONAL PLANNING AND PROVINCIAL PLANNING

Article 22. National environmental protection strategy

1. A national environmental protection strategy shall serve as the basis for formulating the national environmental protection planning and incorporating environmental protection requirements in the socio-economic development strategy and planning.

2. Contents of the national environmental protection strategy include:

a) Viewpoints, vision and objectives;

b) Tasks;

c) Solutions for implementation;

d) Key programs and projects;

dd) Plan and resources for implementation.

3. The national environmental protection strategy is formulated for 10-year periods. Its orientations cover a period of 30 years.

4. The Ministry of Natural Resources and Environment shall formulate and submit the national environmental protection strategy to the Prime Minister.

Article 23. National environmental protection planning

1. Bases for formulating the national environmental protection planning are prescribed by the Law on Planning and include:

a) The national environmental protection strategy during the same development period;

b) Climate change scenarios during the same development period.

2. Contents of the national environmental protection planning; the formulation, appraisal, approval and adjustment of the national environmental protection planning and national environmental protection planning period shall comply with regulations of the Law on Planning.

3. The Ministry of Natural Resources and Environment shall organize formulation of the national environmental protection planning.

4. The Government shall provide for environmental zoning upon formulation of the national environmental protection planning.

Article 24. Environmental protection contents in regional planning and provincial planning

1. Environmental protection contents specified in regional planning and provincial planning shall comply with regulations of law on planning.

2. The Government shall provide for environmental zoning upon formulation of the provincial planning. The Ministry of Natural Resources and Environment shall develop environmental protection contents for the regional planning; provide guidelines for developing environmental protection contents for the provincial planning.

3. Provincial specialized environmental protection authorities shall develop environmental protection contents for the provincial planning.

Chapter IV

STRATEGIC ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT AND ENVIRONMENTAL LICENSES

Section 1. STRATEGIC ENVIRONMENTAL ASSESSMENT

Article 25. Subjects required to undergo strategic environmental assessment

1. National strategy for extraction and use of natural resources.
2. National comprehensive planning; national marine spatial planning; national land use planning; regional planning; provincial planning; special administrative-economic unit planning.
3. National and regional strategy for field and sector development, national sector planning and technical and specialized planning having great impacts on the environment on the list prescribed by the Government.
4. Adjustments to the planning specified in Clauses 2 and 3 of this Article.

Article 26. Carrying out strategic environmental assessment

1. Organizations assigned to formulate the strategy and planning specified in Article 25 of this Law shall carry out strategic environmental assessment in the process of formulating such strategy and planning.
2. The result of strategic environmental assessment of the strategy specified in Clauses 1 and 3 Article 25 of this Law shall be incorporated in the application for approval of the strategy.
3. The result of strategic environmental assessment of the planning specified in Clauses 2 and 3 Article 25 of this Law shall be presented in a report enclosed with the application for approval of the planning.
4. The agency presiding over appraising planning shall appraise strategic environmental assessment result during the appraisal. The agency approving the strategy shall consider strategic environmental assessment result during the approval.
5. The Ministry of Natural Resources and Environment shall give its written opinions on contents of strategic environmental assessment of strategies and planning.
6. The strategic environmental assessment result shall serve as one of the bases for the competent authority to consider approving a strategy or planning.

Article 27. Contents of strategic environmental assessment

1. Contents of strategic environmental assessment include:
 - a) Assessing conformity of the environmental protection policy with viewpoints, objectives and policies on environmental protection and sustainable development, and international environmental agreements to which the Socialist Republic of Vietnam is a signatory and regulations of this Law;

b) Proposing schemes for adjustment and completion of contents of conformity of the environmental protection policy with viewpoints, objectives and policies on environmental protection and sustainable development, and international environmental agreements to which the Socialist Republic of Vietnam is a signatory and regulations of this Law.

2. Contents of strategic environmental assessment of the planning include:

a) Planning contents that may impact the environment;

b) Scope of strategic environmental assessment;

c) Environmental components and natural heritage sites that may be affected by the planning;

d) Strategic environmental assessment methods applied;

dd) Comparing and assessing conformity of viewpoints and objectives of the planning with viewpoints, objectives and policies on environmental protection, national environmental protection strategy and planning, and environmental protection contents in the regional and provincial planning;

e) Results of identifying negative and positive major environmental issues in the planning;

g) Impacts of climate change;

h) Results of forecasting negative and positive trends of major environmental issues upon implementing the planning; solutions for maintaining positive trends and reducing negative trends of major environmental issues;

i) Orientations for environmental protection during the implementation of planning;

k) Results of consultation with relevant parties during the strategic environmental assessment;

l) Noteworthy environment protection-related issues (if any), proposed directions and solutions for resolution.

3. The Minister of Natural Resources and Environment shall elaborate this Article.

Section 2. ENVIRONMENTAL CRITERIA FOR INVESTMENT PROJECT CLASSIFICATION, PRELIMINARY ENVIRONMENTAL IMPACT ASSESSMENT

Article 28. Environmental criteria for investment project classification

1. Environmental criteria for investment project classification include:

a) Scale, capacity and type of production, business and service;

b) Area of land, land with water surface, and sea used; scale of extraction of natural resources;

c) Environmentally sensitive factors including high density residential areas; water source used for supply of domestic water; wildlife sanctuaries prescribed by the law on biodiversity and fisheries; types of forests prescribed by the law on forestry; other tangible cultural heritage and natural heritage sites; land meant for growing wet rice during 02 or more cropping seasons; important wetlands; migration and relocation requirements and other environmental sensitive factors.

2. According to the environmental criteria set out in Clause 1 of this Article, investment projects shall be classified into Group I, II, III and IV.

3. Group I investment projects are those that pose a high risk of adverse environmental impacts, including:

a) Large-scale and capacity projects involved in types of production, business and services that are likely to cause environmental pollution; projects providing hazardous waste treatment service; projects involving import of scrap from foreign countries as production materials;

b) Medium-scale and capacity projects involved in types of production, business and services with environmentally sensitive factors that are likely to cause; large-scale and capacity projects not involved in types of production, business and services with environmentally sensitive factors that are likely to cause environmental pollution;

c) Large- or medium-scale projects using land, land with water surface and marine area with environmentally sensitive factors;

d) Large- or medium-scale and capacity projects on extraction of minerals and water resources with environmentally sensitive factors;

dd) Projects requiring repurposing of land on at least medium scale with environmentally sensitive factors;

e) Large-scale projects requiring migration and relocation.

4. Group II investment projects are those that pose a risk of adverse environmental impacts, except for those specified in Clause 3 of this Article, including:

a) Medium-scale and capacity projects involved in types of production, business and services that are likely to cause environmental pollution;

b) Small-scale and capacity projects involved in types of production, business and services with environmentally sensitive factors that are likely to cause environmental pollution; medium-scale and capacity projects not involved in types of production, business and services with environmentally sensitive factors that are likely to cause environmental pollution;

- c) Large- or medium-scale projects using land, land with water surface and marine area with environmentally sensitive factors;
 - d) Small-scale and capacity projects on extraction of minerals and water resources with environmentally sensitive factors;
 - dd) Small-scale projects requiring repurposing of land with environmentally sensitive factors;
 - e) Medium-scale projects requiring migration and relocation.
5. Group III investment projects are those that pose a risk of adverse environmental impacts, except for those specified in Clauses 3 and 4 of this Article, including:
- a) Small-scale and capacity projects involved in types of production, business and services that are likely to cause environmental pollution;
 - b) Projects not involved in types of production, business and services that are likely to cause environmental pollution and generating wastewater, dusts and exhaust gases that must be treated or generating hazardous waste that must be managed in accordance with regulations on waste management.
6. Group IV investment projects are those that do not pose a risk of adverse environmental impacts, except for those specified in Clauses 3, 4 and 5 of this Article.
7. The Government shall elaborate Clause 1 and promulgate a list of investment projects specified in Clauses 3, 4 and 5 of this Article.

Article 29. Preliminary environmental impact assessment

1. Projects subject to PEIA are group I investment projects specified in Clause 3 Article 28 of this Law.
2. The PEIA shall be conducted during the period of pre-feasibility study on investment in construction, proposal for investment guidelines and request for approval of investment guidelines for investment projects subject to investment guideline decision or approval in accordance with the Law on Investment, Law on Public Investment, Law on Public-Private Partnership and Law on Construction.
3. The PEIA shall focus on:
 - a) Assessing the conformity of the investment project location with the national environmental protection strategy, national environmental protection planning and environmental protection contents in regional planning, provincial planning and other relevant planning;
 - b) Identifying and predicting major environmental impacts of the investment project on the basis of scale, production technology and location of the project;

c) Identifying environmentally sensitive factors present in the investment project location according to the location selection methods (if any);

d) Analyzing, assessing and selecting a scheme regarding scale, production technology, technology for waste treatment and location of the investment project, and solutions for reducing environmental impacts;

dd) Determining notable major environmental issues and environmental impacts during the EIA.

4. Entities proposing the investment projects in Clause 1 of this Article shall conduct PEIA. PEIA contents shall be considered by a competent authority together with the application for investment guideline decision or approval.

Section 3. ENVIRONMENTAL IMPACT ASSESSMENT

Article 30. Projects subject to EIA

1. Projects subject to EIA include:

a) Group I investment projects mentioned in Clause 3 Article 28 of this Law;

b) Group II investment projects mentioned in Points c, d, dd and e Clause 4 Article 28 of this Law.

2. If the projects specified in Clause 1 of this Article are urgent public investment projects as prescribed by the Law on Public Investment, they shall not be subject to EIA.

Article 31. Carrying out EIA

1. The EIA shall be conducted by the investment project owner or a qualified consultancy. The EIA shall be conducted together with preparing the feasibility study report or equivalent document.

2. The EIA result shall be presented in an environmental impact assessment report.

3. An environmental impact assessment report is prepared for each investment project.

Article 32. Contents of environmental impact assessment report

1. Main contents of an environmental impact assessment report (hereinafter referred to as “EIAR”) include:

a) Origin of the investment project, project owner, authority approving the project; legal and technical bases; EIA methods and other methods adopted (if any);

- b) Conformity of the investment project with the national environmental protection planning, regional planning, provincial planning, regulations of law on environmental protection and other relevant regulations of law;
- c) Assessing selected technologies and work items and activities that may result in adverse environmental impacts;
- d) Natural, socio-economic and biodiversity conditions; assessment of state of the environment; identifying affected subjects and sensitive environmental factor at the project location; demonstration of the suitability of the project location;
- dd) Identifying, assessing and predicting major environmental impacts and waste generated in the phases of the investment project quantity and nature of waste; impacts on biodiversity, natural heritage sites, historical-cultural sites/monuments and other sensitive factors; impacts caused by land clearance, migration and relocation (if any); identifying and assessing environmental emergencies that are likely to occur;
- e) Works and methods for collecting, storing and treating waste;
- g) Methods for reducing other adverse environmental impacts of the investment project; environmental improvement and remediation scheme (if any); biodiversity offsets scheme (if any); environmental emergency prevention and response plan;
- h) Environmental management and supervision program;
- i) Consultation result;
- k) Conclusions, propositions and commitments made by the investment project owner.

2. The Minister of Natural Resources and Environment shall elaborate this Article.

Article 33. Consultation during EIA

1. Consultees include:

- a) Residential communities and individuals under direct impact of the investment project;
- b) Agencies and organizations directly related to the investment project.

2. Responsibility for holding a consultation:

- a) The investment project owner shall hold a consultation with the consultees specified in Clause 1 of this Article. It is advisable to consult experts during the EIA;
- b) Agencies and organizations mentioned in Point b Clause 1 of this Article shall give a written response to the investment project owner within the prescribed time limit; if the time limit

expires and a written response fails to be given, it is considered that such agencies and organizations agree to the consultation contents.

3. Contents of a consultation consist of:

a) Location of the investment project;

b) Environmental impacts of the investment project;

c) Measures to reduce adverse environmental impacts;

d) Environmental management and supervision program; environmental emergency prevention and response scheme;

dd) Other contents related to the investment project.

4. The consultation shall be held by publishing it on websites and adopting one or more of the following methods:

a) Holding a meeting to collect comments;

b) Collecting written comments.

5. The consultation result is important for the investment project owner to work out solutions for minimizing environmental impacts and complete the environmental impact assessment report. The consultation result shall be processed and fully and truthfully present comments and propositions made by consultees and entities getting interested in the investment project (if any). If the comments or propositions are objected, the investment project owner is required to provide a clear explanation. The investment project owner shall take legal responsibility for consultation contents and result specified in the environmental impact assessment report.

6. Investment projects on the list of state secrets are not subject to consultation.

7. The Government shall elaborate this Article.

Article 34. Appraisal of EIAR

1. An application for EIAR appraisal consists of:

a) An application form EIAR appraisal;

b) The EIAR;

c) A feasibility study report of the investment project or equivalent document.

2. For a construction project whose feasibility study report is subject to appraisal by the specialized construction authority as prescribed by the Law on Construction, the project owner is entitled to submit the application for EIAR appraisal together with the application for feasibility study report appraisal; the project owner must submit the application before the verdict on feasibility study report appraisal is available.

3. The EIAR shall be appraised as follows:

a) The appraising authority shall decide to establish an appraisal council consisting of at least 07 members; send the council establishment decision together with the documents specified in Points b and c Clause 1 of this Article to each member;

b) At least one-third of the appraisal council's members are experts. An expert must have expertise in environment or another field related to the investment project and at least 07 years' working experience if he/she holds a bachelor's degree or equivalent qualification, at least 03 years' working experience if he/she holds a master's degree or equivalent qualification or at least 02 years' working experience if he/she holds a doctorate degree or equivalent qualification;

c) Experts participating in conducting EIA of the investment project are not allowed to join the council appraising the EIAR of such project;

d) If the investment project discharges wastewater into a hydraulic structure, the appraisal council must have a representative of the regulatory body managing such hydraulic structure; the appraising authority shall collect written comments and reach an agreement with that regulatory body before approving the appraisal result.

The regulatory body managing the hydraulic structure shall appoint a member to join the appraisal council and comment on the approval of the appraisal result in writing within the time limit for comment collection; if such time limit expires and a written response fails to be given, it is considered that such body agrees to the EIAR contents;

d) Council's members shall consider the application for appraisal, make remarks about the appraisal contents specified in Clause 7 of this Article and take legal responsibility for their remarks;

e) The appraising authority shall consider, evaluate and consolidate comments of council's members and relevant organizations (if any) to form a basis for deciding to approve the EIAR appraisal result.

4. If necessary, the appraising authority shall carry out a survey to collect comments of organizations and experts to appraise the EIAR.

5. During the appraisal, if revisions to the EIAR are necessary, the appraising authority shall notify the investment project owner in writing to make such revisions.

6. The time limit for EIAR appraisal begins on the date of receiving a satisfactory application and is as follows:

a) Not exceeding 45 days with respect to the Group I investment project mentioned in Clause 3 Article 28 of this Law;

b) Not exceeding 30 days with respect to the Group II investment project mentioned in Point c, d, dd or e Clause 4 Article 28 of this Law.

c) Within the time limit specified in Points a and b of this Clause, the appraising authority shall notify the investment project owner in writing of the appraisal result. The time when the investment project owner revises the EIAR at the request of the appraising authority and the time when the approval decision is considered to be issued as prescribed in Clause 9 of this Article shall not be included in the time limit for appraisal;

d) The time limit mentioned in Points a and b of this Clause may be extended under the Prime Minister's decision.

7. Contents of EIAR appraisal are composed of:

a) Conformity with the national environmental protection planning, regional planning, provincial planning and regulations of law on environmental protection;

b) Conformity of the EIA method and other methods adopted (if any);

c) Conformity of result of identification of a work item or activity likely to result in adverse environmental impacts;

d) Conformity of result of assessment of state of the environment and biodiversity; identification of affected subjects and sensitive environmental factor at the project location;

dd) Conformity of result of identification and prediction of major environmental impacts and waste generated from the investment project; prediction of environmental emergencies;

e) Conformity and feasibility of environmental protection works and measures; environmental improvement and remediation scheme (if any); biodiversity offsetting plan (if any); environmental emergency prevention and response scheme;

g) Conformity of the environmental management and supervision program; adequacy and feasibility of environmental commitments made by the investment project owner.

8. The Prime Minister shall decide to organize the EIAR appraisal that needs foreign consultants. Result of the EIAR appraisal carried out by foreign consultants shall serve as the basis for the competent authority specified in Article 35 of this Law to approve the EIAR appraisal result.

9. Within 20 days from the receipt of the EIAR revised (if any) as requested by the appraising authority, the head of the appraising authority shall decide to approve the appraisal result; in case of refusal to grant approval, respond to the investment project owner and provide explanation in writing.

10. The submission of application for EIAR appraisal, receipt, processing and notification of the EIAR appraisal result shall be carried out in person or by post or through the online public service system at the request of the investment project owner.

11. The Minister of Natural Resources and Environment shall elaborate organizational structures and operation of appraisal councils; make publicly available list of appraisal councils; forms of documents included in the application for EIAR appraisal and decision to approve EIAR appraisal result; time limit for comment collection specified in Point d Clause 3 of this Article.

Article 35. Power to appraise EIAR

1. The Ministry of Natural Resources and Environment shall organize appraisal of EIARs for the following investment projects, except for the investment projects specified in Clause 2 of this Article:

a) Group I investment projects mentioned in Clause 3 Article 28 of this Law;

b) Group II investment projects in Points c, d, dd and e Clause 4 Article 28 of this Law subject to investment guideline decision or approval by the National Assembly and Prime Minister; investment projects involving 02 provinces or more; investment projects located within territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned; investment projects subject to issuance of the mineral mining license, license to extract and use water resources, ocean dumping permit and marine area transfer decision by the Ministry of Natural Resources and Environment.

2. The Ministry of National Defense and Ministry of Public Security shall organize appraisal of EIARs for investment projects classified as state secrets in the field of national defense and security.

3. Provincial People's Committees shall organize appraisal of EIARs for investment projects within their provinces, except for the investment projects in Clauses 1 and 2 of this Article. Ministries and ministerial agencies shall cooperate with provincial People's Committees shall appraise EIARs for investment projects subject to investment guideline and decision by such provincial People's Committees.

Article 36. Decision on approval of EIAR appraisal result

1. The decision on approval of EIAR appraisal result shall serve as the basis for a competent authority to perform the following tasks:

a) Issue and adjust the mineral mining license for mineral mining projects;

- b) Approve oil and gas exploration and field development plan for oil and gas exploration and extraction projects;
- c) Approve feasibility study reports for public-private partnership investment projects;
- d) Give conclusions on appraisal of feasibility study reports for construction projects;
- dd) Issue environmental licenses;
- e) Issue ocean dumping permits; marine area transfer decisions;
- g) Issue investment decisions for investment projects not mentioned in Points a, b, c, d, dd and e of this Clause.

2. Except for the investment projects classified as state secrets, the appraising authority shall send the decision on approval of EIAR appraisal result to the investment project owner and agencies concerned as follows:

- a) The Ministry of Natural Resources and Environment shall send it to the People's Committee of the province where the investment project is executed and other agencies in accordance with relevant regulations of law. The provincial People's Committee shall send it to the provincial specialized environmental protection authority, People's Committee of the district or commune where the investment project is executed and management board of an industrial park, export-processing zone, hi-tech zone or economic zone of the province or central-affiliated city for the investment project executed in the dedicated area for production, business operation and service provision;
- b) The provincial People's Committee shall send it to the Ministry of Natural Resources and Environment, provincial specialized environmental protection authority, People's Committee of the district or commune where the investment project is executed and management board of an industrial park, export-processing zone, hi-tech zone or economic zone of the province or central-affiliated city for the investment project executed in the dedicated area for production, business operation and service provision.

3. If the investment project owner is changed, the new one shall continue to implement the decision on approval of EIAR result and inform the EIAR appraising authority and provincial specialized environmental protection authority.

Article 37. Responsibility of investment project owner after obtaining decision on approval of EIAR appraisal result

- 1. Revise contents of the investment project and EIAR in conformity with environmental protection contents and requirements set out in the decision on approval of EIAR appraisal result.
- 2. Fully comply with the decision on approval of EIAR appraisal result.

3. Send a notification of completion of environmental protection work to the authority approving EIAR appraisal result before officially putting the project into official operation in the case where the project is not required to obtain the environmental license.

4. During the preparation and execution of the investment project before being put into operation, in case of deviation from the decision on approval of EIAR appraisal result, the investment project owner shall:

a) conduct EIA of the investment project if there is any change to scale, capacity or production technology or another change resulting in an increase in environmental adverse impacts;

b) notify the competent authority for approval during the issuance of the environmental license to the investment project required to obtain the environmental license in the case of change of a production technology, waste treatment technology or location into which treated wastewater is directly discharged other than the case specified in Point a of this Clause; addition of an industry or business line in which investment is encouraged to the dedicated area for production, business operation and service provision or industrial cluster;

c) conduct environmental impact self-assessment, consider, decide and take legal responsibility for other changes other than those specified in Points a and b of this Clause; incorporate the environmental impact self-assessment in the report on proposal for issuance of the environmental license (if any).

5. Make publicly available the EIAR of which the result of appraisal has been approved as prescribed in Article 114 of this Law, except for the information classified as state secrets or enterprise's secrets as prescribed by law.

6. Perform other tasks as prescribed by the law on environmental protection.

7. The Government shall elaborate Clause 4 of this Article.

Article 38. Responsibility of EIAR appraising authority

1. Take responsibility for EIAR appraisal results and decisions on approval of EIAR appraisal results.

2. Publish decisions on approval of EIAR appraisal results on its web portal, except for the information classified as state secrets or enterprise's secrets as prescribed by law.

3. Establish and integrate EIA database to the national environmental database.

Section 4. ENVIRONMENTAL LICENSE

Article 39. Obligated applicants for environmental license

1. Group I, II and III projects that generate wastewater, dusts and exhaust gases that must be treated into the environment or generate hazardous waste that must be managed in accordance with regulations on waste management before officially being put into operation.
2. Investment projects, dedicated areas for production, business operation and service provision and industrial clusters operating before the effective date of this Law and applying environmental criteria as the projects mentioned in Clause 1 of this Article.
3. If the projects mentioned in Clause 1 of this Article are urgent public investment projects as prescribed by the Law on Public Investment, they are exempt from the environmental license.

Article 40. Contents of environmental license

1. Contents of an environmental license include general information about the investment project, business, dedicated area for production, business operation and service provision or industrial cluster; items to be licensed; environmental protection requirements; validity period; other contents (if any).
2. Items to be licensed include:
 - a) Source of wastewater; maximum wastewater flow rate; wastewater flow; pollutants and permissible limits of pollutants in the wastewater flow; location and method of wastewater discharge and wastewater receiving bodies;
 - b) Source of emissions; maximum exhaust gas flow rate; wastewater flow; pollutants and permissible limits of pollutants in the emissions flow; location and method of exhaust gas discharge;
 - c) Source and permissible limits of noise and vibration;
 - d) Works and system for hazardous waste treatment; hazardous waste code and quantity of waste permitted for treatment, quantity of hazardous waste transfer stations, operating area with regard to the investment project, hazardous waste treatment service providers;
 - dd) Type and quantity of scrap permitted for import with regard to the investment project, establishments importing scrap from foreign countries as production materials
3. Environmental protection requirements are as follows:
 - a) There should be appropriate works and measures for collecting and treating waste and emissions and reducing noise and vibration; in the case of discharge of wastewater into hydraulic structures, environmental protection requirements should be in place to be applied to the source of water discharged into hydraulic structures;

b) Regarding investment projects and hazardous waste treatment providers, there should be measures, systems, works and equipment serving storage, transport, transfer, preliminary processing and treatment which satisfy technical and managerial requirements,;

c) Regarding investment projects and establishments importing scrap from foreign countries as production materials, there should be appropriate warehouses and yards for scrap storage; recycling equipment; impurity treatment scheme; re-export scheme;

d) There should be environmental management and supervision plans, environmental emergency prevention and response plans; equipment and works serving environmental emergency prevention and response and environmental monitoring;

dd) It is required to manage domestic solid waste, normal industrial solid waste and hazardous waste; improve and remediate environmental; carry out biodiversity offsets according to regulations of law;

e) Other environmental protection requirements (if any).

4. The environmental license shall be valid for:

a) 07 years, regarding group I investment projects;

b) 07 years, regarding businesses, dedicated areas for production, business operation and service provision and industrial clusters operating before the effective date of this Law and applying environmental criteria as Group I investment projects;

c) 10 years, regarding the license holders not mentioned in Points a and b of this Clause;

d) The validity period may be shorter than that specified in Points a, b and c of this Clause at the request of the investment project owners, businesses, investors in construction and commercial operation of infrastructure in dedicated areas for production, business operation and service provision and industrial clusters (hereinafter collectively referred to as “investment project/business owners”).

5. The Minister of Natural Resources and Environment shall promulgate form of the environmental license.

Article 41. The power to issue environmental license

1. The Ministry of Natural Resources and Environment shall issue the environmental license to the following applicants, except for the case specified in Clause 2 of this Article:

a) The projects in Article 39 hereof for which the EIAR appraisal result has been approved by the Ministry of Natural Resources and Environment;

b) The projects specified in Article 39 hereof that involve 02 provinces or more or are located within territorial waters to which responsibility of the provincial People's Committee for administrative management are yet to be assigned; establishments importing scrap from foreign countries as production materials, hazardous waste treatment service providers.

2. The Ministry of National Defense and Ministry of Public Security shall issue the environmental license to investment projects and establishments classified as state secrets in the field of national defense and security.

3. Provincial People's Committees shall issue the environmental license to the following obliged applicants, except for the cases specified in Clauses 1 and 2 of this Article:

a) Group II investment projects in Article 39 hereof;

b) Group II investment projects in Article 39 hereof that involve 02 districts or more;

c) The investment projects in Clause 2 Article 39 hereof for which the EIAR appraisal result has been approved by the provincial People's Committee or Ministry of Natural Resources and Environment or ministerial agency.

4. District-level People's Committees shall issue the environmental license to the applicants in Article 39 hereof, except for the cases specified in Clauses 1, 2 and 3 of this Article.

Article 42. Bases and time for issuance of environmental license

1. Bases for issuance of the environmental license include:

a) The application for issuance of environmental license specified in Clause 1 Article 43 hereof;

b) The EIAR of which result of appraisal has been approved by the competent authority (if any);

c) National environmental protection planning, provincial planning, regulations on environmental zoning and environment's carrying capacity under the competent authority's decision, except for the case specified in Point e of this Clause;

d) Technical regulation on environment;

dd) Regulations of law on environmental protection, water resources and other relevant regulations of law;

e) At the time of issuing the environmental license, if the national environmental protection planning, provincial planning or regulation on environmental zoning or environment's carrying capacity has not yet been promulgated by the competent authority, the environmental license shall be issued according to Points a, b, d and dd of this Clause.

2. The time for issuance of the environmental license is as follows:

a) An investment project subject to EIA must obtain the environmental license before trial operation of the waste treatment work, except for the case in Point c of this Clause;

b) An investment project not subject to EIA must obtain the environmental license before the competent authority promulgates the document specified in Points a, b, c, d and g Clause 1 Article 36 of this Law. If a construction project is not subject to feasibility study report appraisal by the specialized construction authority in accordance with regulations of law on construction, it must obtain the environmental license before the competent authority issues or adjusts the construction permit;

c) If the waste treatment work of the investment project in Clause 2 Article 39 hereof is currently under trial operation as prescribed by law before the effective date of this Law, the project owner is entitled to continue the trial operation to obtain the environmental license after the trial operation is done or prepare an application for the environmental license before the trial operation is done. The project owner is not required to carry out the trial operation again, however, the result of trial operation must be reported and evaluated as prescribed in Article 46 of this Law;

d) The business, dedicated area for production, business operation and service provision or industrial cluster in Clause 2 Article 30 hereof that has been put into official operation before the effective date of this Law must obtain the environmental license within 36 months from the effective date of this Law, except for the case where the competent authority has issued the certificate of completion of environmental protection work, certificate of conformity with environmental standard, certificate of eligibility for environment protection in import of scrap from foreign countries as production materials, license for hazardous waste treatment, license to discharge wastewater into water sources, license to discharge wastewater into hydraulic structure (hereinafter collectively referred to as the “component environmental license”). The component environmental license may be used as the environmental license until its expiry or within 05 years from the effective date of this Law if it is an indefinite-term component environmental license.

3. If the investment project or project on construction of a business, dedicated area for production, business operation and service provision or industrial cluster is executed in multiple phases or has multiple works or work items, the environmental license may be issued to each phase, work or item work that generates waste. The later issued environmental license shall incorporate contents of the previously issued license that is still effective.

4. The environmental license shall serve as the basis for carrying out the following activities:

a) Inspection and supervision by competent authorities of environmental protection activities of investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters;

b) Assumption of responsibility for environmental protection by investment project/business owners.

5. If name of the investment project, business or dedicated area production, business operation and service provision or investment project/business owner is changed, the investment project/business owner shall continue to comply with the environmental license and notify the licensing authority for renewal of the license.

6. From the effective date of the environmental license, the decision on approval of EIAR appraisal result and component environmental license becomes null and void.

Article 43. Applications and procedures for issuance of environmental license

1. An application for issuance of an environmental license includes:

a) An application form;

b) A report on proposal for issuance of the environmental license;

c) Legal and technical documentation of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster.

2. Procedures for issuance of the environmental license are as follows:

a) An investment project/business owner shall send an application for issuance of the environmental license to the competent authority specified in Article 41 hereof. The application may be submitted in person or by post or through the online public service system;

b) The licensing authority shall receive the application and inspect its adequacy and validity; make publicly available contents of the report on proposal for issuance of the environmental license, except for information classified as state secrets or enterprise's secrets as prescribed by law; consult relevant organizations and individuals; carry out a site inspection of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster; carry out appraisal and issue the environmental license.

The sequence of receiving and handling administrative procedures shall be followed in person, by post or through the online public service system at the request of the investment project/business owner;

c) If the investment project, business, dedicated area for production, business operation and service provision or industrial cluster discharges wastewater into a hydraulic structure, the licensing authority shall collect written comments and reach an agreement with the regulatory body managing such hydraulic structure before issuing the environmental license;

d) If the investment project or business is located within a dedicated area for production, business operation and service provision or industrial cluster, the licensing authority shall collect written comments of the investor in construction and commercial operation of such dedicated area for production, business operation and service provision or industrial cluster before issuing the environmental license;

3. The licensing shall be based on appraisal of the report on proposal for issuance of the environmental license. The licensing authority shall establish an appraisal council and inspectorate in accordance with the Government's regulations.

Regarding the investment project, business, dedicated area for production, business operation and service provision or industrial cluster that discharges wastewater into a hydraulic structure, the appraisal council and inspectorate shall include a representative from the regulatory body managing such hydraulic structure.

The regulatory body managing the hydraulic structure shall appoint a member to join the appraisal council and inspectorate and comment on the licensing within the time limit for comment collection; if such time limit expires and a written response fails to be given, it is considered that such body agrees to the licensing.

4. The time limit for licensing begins on the date of receiving a satisfactory application and is as follow:

a) Not exceeding 45 days if the environmental license is issued by the Ministry of Natural Resources and Environment, Ministry of National Defense and Ministry of Public Security;

b) Not exceeding 30 days if the environmental license is issued by a provincial or district-level People's Committee;

c) The licensing authority may impose a shorter time limit than that specified in Points a and b of this Clause according to the type, scale and nature of the investment project, business, dedicated area for production, business operation and service provision or industrial cluster.

5. If an investment project, business, dedicated area for production, business operation and service provision required to obtain the environmental license performs radiation works, it shall, in addition to complying with regulations of this Law, comply with regulations of law on atomic energy.

6. The Government shall elaborate this Article.

Article 44. Renewal, adjustment, re-issuance, suspension and revocation of environmental license

1. An environmental license shall be renewed in the case specified in Clause 5 Article 42 of this Law but other information in the license remains unchanged.

2. An environmental license may be adjusted within its validity period in one of the following cases:

a) Any of the items specified in Clause 2 Article 40 hereof is changed at the request of the investment project/business owner as prescribed by law, except for the case specified in Point b Clause 3 of this Article;

b) The investment project or business provides hazardous waste services or imports scrap from a foreign country as production materials after the trial operation is done to suit its operating capacity.

3. An environmental license may be re-issued in the following cases:

a) The license expires;

b) The investment project, business, dedicated area for production, business operation and service provision or industrial cluster makes any of the changes in the total scale, capacity or technology production or another change resulting in adverse impacts on the environment, except for the case where the investment project making the change is not subject to EIA.

4. The environmental license shall be suspended if the investment project/business owner commits an administrative violation against regulations on environmental protection which is so serious that the environmental license is suspended in accordance with regulations of law on penalties for administrative violations.

5. An environmental license shall be revoked in one of the following cases:

a) The license is issued ultra vires;

b) Its contents are against the law.

6. The Government shall elaborate this Article.

Article 45. Fees for issuance of environmental license

1. The investment project/business owner shall pay fees for issuance, re-issuance and adjustment of the environmental license.

2. The Minister of Finance shall provide for collection, payment, management and use of fees for issuance, re-issuance and adjustment of the environmental license issued by central government authorities.

3. Provincial People's Councils shall provide for collection, payment, management and use of fees for issuance, re-issuance and adjustment of the environmental license issued by provincial and district-level People's Committees as prescribed by law.

Article 46. Environmental protection works and trial operation of waste treatment works of investment projects after obtaining environmental license

1. Environmental protection works of an investment project include:

a) Waste treatment works which are works and equipment serving treatment of wastewater, dusts, emissions, solid waste and hazardous waste;

b) Works for solid waste collection and storage which are works and equipment serving collection and storage of normal solid waste, medical solid waste and hazardous waste to satisfy the requirements for classifying, collecting, storing, reusing, recycling and transporting solid waste to places of treatment, reuse or recycling;

c) Other environmental protection works.

2. Every investment project owner that has the waste treatment work specified in Point a Clause 1 of this Article shall, after obtaining the environmental license, carry out trial operation of such waste treatment work together with the trial operation of the entire investment project or for each investment phase of the project (if any) or for the independent waste treatment work item of the project to assess the conformity and satisfaction of a technical regulation on environment.

3. During trial operation of a waste treatment work, the investment project owner shall comply with environmental protection requirements according to the environmental license and regulations of law on environmental protection.

4. For the investment project that involves provision of hazardous waste treatment services or import of scrap from a foreign country as production materials, at least 45 days before the end of its trial operation, the investment project owner shall send a report on trial operation to the authority issuing the environmental license to the project. The licensing authority shall carry out an inspection and decide to adjust the type and quantity of hazardous waste licensed for treatment or quantity of scrap licensed for import and impose penalties for violations (if any) as prescribed by law.

5. The Government shall elaborate this Article.

Article 47. Rights and obligations of investment project/business owners issued with the environmental license

1. Every investment project/business owner issued with the environmental license has the right to:

a) perform the licensed tasks specified in the environmental license;

b) apply for renewal, adjustment or re-issuance of the environmental license;

c) Other rights prescribed by law.

2. Every investment project/business owner issued with the environmental license has the obligation to:

a) correctly and fully comply with the environmental protection requirements specified in the issued environmental license. If any content of the issued environmental license is changed, notify the licensing authority for consideration;

- b) pay fees for issuance, re-issuance or adjustment of the environmental license;
- c) correctly comply with regulations on trial operation of waste treatment works of investment projects as prescribed in Article 46 of this Law;
- d) take responsibility for the accuracy and truthfulness of the application for issuance of the environmental license;
- dd) make publicly available the environmental license, except for information classified as state secrets and enterprise's secrets as prescribed by law;
- e) provide relevant information at the request of environmental protection authorities during the inspection;
- g) Other obligations prescribed by law.

Article 48. Responsibilities of licensing authorities

Each licensing authority has the responsibility to:

1. Receive, inspect and appraise the application for environmental license and issue environmental licenses; renew, adjust or re-issue the environmental license at the request of investment project/business owners; take responsibility for contents of the environmental license; manage and store documents and data on the environmental license; partially suspend any investment projects, business, dedicated areas for production, business operation and service provision and industrial clusters' activity that causes or is likely to cause serious consequences the environment; revoke environmental licenses.
2. Publish environmental licenses on its website, except for information classified as state secrets and enterprise's secrets as prescribed by law.
3. Inspect the performance of environmental protection activities and compliance with environmental protection requirements by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters as prescribed by law.
4. Receive and handle propositions about environmental protection regarding the contents specified in the environmental license; instruct project investment owners to carry out trial operation of waste treatment works, remediation the environment and respond to environmental emergencies (if any) during trial operation.
5. Operate, update and integrate data on environmental licenses into the environmental information system and database. The reporting and sharing of information and data on environmental licenses shall be carried out in an interconnected manner and online within the environmental information system and database.

Article 49. Environmental registration

1. Obligated registrants:

- a) Waste-generating investment projects not required to obtain an environmental license;
- b) Waste-generating businesses operating before the effective date of this Law not required to obtain an environmental license.

2. The registrants specified in Clause 1 of this Article shall be exempt from environmental registration, including:

- a) Investment projects and businesses classified as state secrets in the field of national defense and security;
- b) Investment projects when put into operation and businesses that do not generate waste or only generate a small quantity of waste which is treated using in situ waste treatment works or managed in accordance with regulations of the local government;
- c) Other registrants.

3. Communal People's Committees shall receive environmental registration forms of the registrants specified in Clause 1 of this Article in person, by post or through the online public service system.

For an investment project or business that involves at least 02 communes, the investment project/business owner is entitled to select the People's Committee of any commune to carry out environmental registration.

4. Environmental registration shall cover:

- a) General information about the investment project/business;
- b) Type of production, business and service; technologies, capacity, products; raw materials, fuels and chemicals used (if any);
- c) Type and quantity of waste generated;
- d) A scheme to collect, manage and treat waste as prescribed;
- dd) Commitments to environmental protection.

5. During the operation, if the investment project or business changes any registered content, the investment project/business owner shall carry out environmental registration again before making a change.

If the scale or nature of the investment project or business that is subject to EIA or required to obtain an environmental license, the investment project/business owner shall comply with regulations on EIA and environmental licenses in accordance with this Law.

6. The time for environmental registration is as follows:

a) The investment projects that are specified in Point a Clause 1 of this Article and subject to EIA and environmental registration before being put into official operation;

b) The investment projects that are specified in Point a Clause 1 of this Article but not subject to EIA and environmental registration before the competent authority issue the construction permit if a construction permit is required in accordance with regulations of law on construction or before waste is discharged into the environment if a construction permit is not required in accordance with regulations of law on construction;

c) The businesses that are specified in Point b Clause 1 of this Article and subject to environmental registration within 24 months from the effective date of this Law.

7. Communal People's Committees shall:

a) receive environmental registration forms;

b) carry out inspections and impose penalties for violations against the law on environmental protection committed by entities carrying out environmental registration;

c) provide guidance and handle propositions about environmental protection regarding the contents registered by the entities carrying out environmental registration;

d) update data on environmental protection to the national environmental information system and database.

8. The Government shall elaborate Points b and c Clause 2 of this Article.

9. The Minister of Natural Resources and Environment shall promulgate environmental registration forms and provide guidelines for receipt of environmental registration forms.

Chapter V

ENVIRONMENTAL PROTECTION DURING PRODUCTION, BUSINESS OPERATION AND SERVICE PROVISION; URBAN AND RURAL ENVIRONMENTAL PROTECTION; ENVIRONMENTAL PROTECTION IN SOME FIELDS

Section 1. ENVIRONMENTAL PROTECTION DURING PRODUCTION, BUSINESS OPERATION AND SERVICE PROVISION

Article 50. Environmental protection in economic zones

1. An economic zone must have environmental protection infrastructure, including:
 - a) A solid waste collection and storage system;
 - b) A rainwater collection and drainage system;
 - c) A wastewater collection, drainage and treatment system which ensures that treated wastewater complies with environmental protection requirements; automatic and continuous wastewater monitoring system if the economic zone has a centralized wastewater treatment system and is required to carry out automatic and continuous monitoring in accordance with this Law;
 - d) Green space with the ratio prescribed by the law on construction.
2. Economic zone management boards must have an environmental protection department and personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks.
3. Every economic zone management board shall:
 - a) inspect and supervise the construction of environmental protection infrastructure in dedicated areas for industrial production of the economic zone as prescribed by law;
 - b) cooperate with local environmental protection authorities in appraising EIARs, issuing environmental licenses, carrying out environmental protection inspection and perform other environmental protection-related tasks in the economic zone as prescribed by law;
 - c) carry out inspection of environmental protection by businesses, dedicated areas for production, business operation and service provision and industrial cluster in the economic zone according to the plan approved by the provincial People's Committee;
 - b) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;
 - dd) perform other environmental protection-related tasks assigned by the provincial People's Committee as prescribed by law;
 - e) submit a report on environmental protection by the economic zone as prescribed by law;
 - g) assume other responsibilities prescribed by law.

Article 51. Environmental protection in dedicated areas for production, business operation and service provision

1. A dedicated area for production, business operation and service provision must have environmental protection infrastructure, including:

a) A rainwater collection and drainage system; centralized wastewater collection, drainage and treatment system which ensures that treated wastewater satisfies environmental protection requirements;

b) Works and equipment serving environmental emergency prevention and response for wastewater as prescribed by law;

c) An automatic and continuous wastewater monitoring system for the centralized wastewater treatment system as prescribed by this Law;

d) Green space with the ratio prescribed by the law on construction.

2. Management boards of industrial parks, export-processing zones and hi-tech zones of provinces and central-affiliated cities must have an environmental protection department and personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks.

3. Every management board of an industrial park, export-processing zone or hi-tech zone of a province or central-affiliated city shall:

a) inspect and supervise the construction of environmental protection infrastructure in dedicated areas for production, business operation and service provision as prescribed by law;

b) cooperate with local environmental protection authorities in appraising EIARs, issuing environmental licenses, carrying out environmental protection inspection and perform other environmental protection-related tasks in dedicated areas for production, business operation and service provision as prescribed by law;

c) carry out inspection of environmental protection in dedicated areas for production, business operation and service provision as prescribed by law;

b) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;

dd) submit a report on environmental protection in dedicated areas for production, business operation and service provision as prescribed by law;

e) perform other environmental protection-related tasks assigned by the provincial People's Committee as prescribed by law;

g) assume other responsibilities prescribed by law.

4. Every investor in construction and commercial operation of infrastructure of a dedicated area for production, business operation and service provision shall:

a) satisfy the requirements set out in Clause 1 of this Article;

- b) arrange dedicated areas and types of production, business and services in conformity with environmental protection requirements;
- c) construct a rainwater collection and drainage system separately from the centralized wastewater collection, drainage and treatment system;
- d) collect and connect wastewater of facilities in the dedicated area for production, business operation and service provision to the centralized water collection, drainage and treatment system;
- dd) request facilities discharging treated wastewater into the rainwater collection and drainage system to halt discharge of treated wastewater into the rainwater collection and drainage system within 24 months from the effective date of this Law;
- e) provide personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks;
- g) cooperate with an environmental protection authority, management board of an industrial park, export-processing zone, hi-tech zone or economic zone of a province or central-affiliated city in environmental protection; cooperate in organizing inspection of environmental protection by facilities in the dedicated area for production, business operation and service provision as prescribed by law;
- h) organize the inspection of fulfillment of environmental commitments by the investment project/business owner upon registering investment in the dedicated area for production, business operation and service provision;
- i) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;
- k) promulgate environmental protection regulations of the dedicated area for production, business operation and service provision in conformity with environmental protection requirements as prescribed by law;
- i) carry out environmental monitoring as prescribed by law;
- m) prepare a report on environmental protection in the dedicated area for production, business operation and service provision and send it to the provincial specialized environmental protection authority, licensing authority and management board of the industrial park, export-processing zone, hi-tech zone or economic zone of the province or central-affiliated city as prescribed by law;
- n) assume other responsibilities prescribed by law.

5. Provincial People's Committees shall:

- a) assist in construction and operation of infrastructure serving environmental protection in dedicated areas for production, business operation and service provision invested in by the State within their provinces;
- b) direct specialized agencies and management boards of industrial parks, export-processing zones, hi-tech zones and economic zones of provinces and central-affiliated cities to comply with regulations of law on environmental protection applicable to dedicated areas for production, business and service provision;
- c) promulgate regulations on encouraging involvement of private sector in construction, commercial operation and operation of infrastructure serving environmental protection in dedicated areas for production, business and service provision;
- d) assume other responsibilities prescribed by law.

6. The Government shall elaborate this Article.

Article 52. Environmental protection in industrial clusters

- 1. Every industrial cluster must have the environmental protection infrastructure specified in Clause 1 Article 51 of this Law.
- 2. An industrial cluster that is operating must satisfy the following requirements:
 - a) The environmental protection infrastructure specified in Clause 1 Article 51 of this Law must be completed within 24 months from the effective date of this Law;
 - b) In the case of exemption from connection to the centralized wastewater collection, drainage and treatment system, it is required to ensure that treated wastewater complies with environmental protection requirements before discharging it into the environment; there should be an environmental emergency prevention and response scheme tailored for the wastewater and automatic and continuous wastewater monitoring system as prescribed by law.
- 3. An investor in construction and commercial operation of an industrial cluster shall:
 - a) satisfy the requirements set out in Clause 1 of this Article;
 - b) construct, manage and operate environmental protection infrastructure as prescribed in Clause 1 of this Article.
 - c) not accept new projects and capacity increase of existing projects that generate waste in the industrial cluster before a centralized wastewater collection, drainage and treatment system is available;
 - d) collect and connect wastewater of facilities in the industrial cluster to the centralized water collection, drainage and treatment system;

dd) request facilities discharging treated wastewater into the rainwater collection and drainage system to halt discharge of treated wastewater into the rainwater collection and drainage system within 24 months from the effective date of this Law;

e) assign at least one person in charge of environmental protection majoring in environment or field suitable for his/her assigned tasks;

g) cooperate with an environmental protection authority in environmental protection; cooperate in organizing inspection of environmental protection by facilities in the industrial cluster as prescribed by law;

h) organize the inspection of fulfillment of environmental commitments by the investment project/business owner upon registering investment in the industrial cluster;

i) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law;

k) promulgate regulations on environmental protection of the industrial cluster in conformity with the environmental protection requirements as prescribed by law;

l) prepare a report on environmental protection by the industrial cluster and send it to the provincial specialized environmental protection authority, licensing authority and district-level People's Committee as prescribed by law;

m) assume other responsibilities prescribed by law.

4. Encouragement of private sector involvement and provision of incentives and assistance to investors in construction and commercial operation of environmental protection infrastructure of industrial clusters shall comply with regulations of the Government and provincial People's Committees.

5. District-level People's Committees shall:

a) construct, manage and operate infrastructure serving environmental protection in industrial clusters if investors on construction and commercial operation of industrial cluster infrastructure are not available.

b) prepare a list of industrial clusters that fail to have a centralized wastewater collection, drainage and treatment system within their districts and notify the provincial People's Committees;

c) assume other responsibilities prescribed by law.

6. Provincial People's Committees shall:

- a) direct specialized agencies, district and communal-level People's Committee to comply with regulations of law on environmental protection of industrial clusters;
- b) promulgate regulations on encouraging involvement of private sector in construction, commercial operation and operation of infrastructure serving environmental protection in industrial clusters;
- c) introduce a roadmap for relocate residents (if any) from industrial clusters.

Article 53. Environmental protection in businesses

1. Every business shall:

- a) collect and treat wastewater in line with environmental protection requirements. If the business operates in an industrial cluster, dedicated area for production, business operation and service provision, urban area or high density residential area that has a centralized wastewater collection, drainage and treatment system, the business owner shall connect wastewater to the centralized wastewater collection, drainage and treatment of the investor in construction and commercial operation of that centralized wastewater collection, drainage and treatment system, except for the case where the business has been exempted from wastewater connection before the effective date of this Law;
- b) comply with regulations set forth in Point dd Clause 4 Article 51 and Point dd Clause 3 Article 52 of this Law, regarding the business operating in an industrial cluster or dedicated area for production, business operation and service provision and discharging treated wastewater into the rainwater collection and drainage system;
- c) collect, classify, store, reuse, recycle and treat waste as prescribe by this Law;
- d) reduce, collect and treat dusts, emissions and unpleasant odors; ensure noxious gases are not leaked or released into the environment; control noise, vibration, light and heat radiation;
- dd) provide resources and equipment for environmental emergency prevention and response;
- e) regarding the business specified in Point b Clause 2 Article 111 and Clause 2 Article 112 hereof, provide personnel in charge of environmental protection majoring in environment or field suitable for their assigned tasks; establish an environmental management system according to the national standard TCVN ISO 14001 or international standard ISO 14001;
- g) carry out monitoring of wastewater, dusts and exhaust gases in accordance with this Law.

2. In the following cases, businesses and warehouses must maintain a safe environmental distance from residential areas:

- a) Flammable and explosive substances are present;

- b) Radioactive substances, radioactive waste or radiation equipment is present;
 - c) Substances harmful to humans and animals are present;
 - d) There is a risk of generating dusts, unpleasant odors or noise resulting in adverse impacts on human health;
 - dd) There is a risk of causing water contamination.
3. Household or individual businesses that generate wastewater or exhaust gases must have works or equipment for in situ waste treatment in accordance with environmental protection requirements or regulations of the provincial People's Committee.
 4. The Government shall elaborate Clause 2 of this Article.
 5. The Minister of Natural Resources and Environment shall provide technical guidance and assess conformity of works or equipment for in situ waste treatment specified in Clause 3 of this Article.
 6. The provincial People's Committee shall introduce a roadmap to the business in Clause 2 of this Article operating within its province and failing to maintain the safe environmental distance.

Article 54. Responsibility of producers and importers for recycling

1. Producers and importers of recyclable products and packages must recycle them according to the mandatory recycling rate and specifications, except for products and packages exported/temporarily imported or produced/imported for research, learning or testing purposes.
2. The producers and importers specified in Clause 1 of this Article are entitled to recycle products and packages adopting one of the following methods:
 - a) Organize recycling of products and packages;
 - b) Make a financial contribution to the Vietnam Environment Protection Fund to support recycling of products and packages.
3. The producers and importers specified in Clause 1 of this Article shall register their recycling plans and submit annual reports on recycling results to the Ministry of Natural Resources and Environment, except for the case in Point b Clause 2 of this Article.
4. The financial contribution and use of financial assistance in recycling of products and packages specified in Point b Clause 2 of this Article shall adhere to the following principles:
 - a) The financial contributions and financial assistance in recycling are determined according to the quantity or unit of products/packages;

b) Financial contributions are used to support the recycling of products and packages specified in Clause 1 of this Article;

c) The receipt and use of financial contributions must be carried out in a public and transparent manner and for intended purposes in accordance with law.

5. The Government shall elaborate and introduce a roadmap for implementation of this Article.

Article 55. Responsibility of producers and importers for waste collection and treatment

1. The producers and importers of products and packages which contain toxic substances, are difficult to recycle or cause a difficulty in collection and treatment must make a financial contribution to support the activities mentioned in Clause 3 of this Article, except for products exported/temporarily imported or produced/imported for research, learning or testing purposes.

2. The producers and importers specified in Clause 1 of this Article shall make a financial contribution to the Vietnam Environment Protection Fund; the financial contributions shall be determined according to the quantity or unit of products/packages.

3. Activities supported by the Vietnam Environment Protection Fund include:

a) Collecting, transporting and treating domestic solid waste generated from households and individuals;

b) Researching and developing technologies, techniques and initiatives for domestic solid waste treatment;

c) Collecting, transporting and handling packages containing agrochemicals.

4. The receipt and use of financial contributions must be carried out in a public and transparent manner and for intended purposes in accordance with law.

5. The Government shall elaborate this Article.

Article 56. Environmental protection in craft villages

1. Every craft village must have an environmental protection plan, an autonomous environmental protection organization and environmental protection infrastructure. Environmental protection infrastructure of a craft village includes:

a) A wastewater and rainwater collection system which meets the craft village's needs for water drainage;

b) A centralized wastewater collection, drainage and treatment system (if any) which ensures that treated wastewater satisfies environmental protection requirements;

c) A solid waste aggregation point which satisfies technical requirements for environmental protection; a solid waste treatment facility (if any) which complies with regulations on solid waste management or a scheme to transport solid waste to a solid waste treatment facility outside the craft village.

2. Manufacturing establishments and households in a craft village must seek and implement environmental protection measures as prescribed by law; implement measures for noise, vibration, light, dusts, heat radiation, emissions and wastewater reduction and in situ pollution remediation; collect, classify, store and treat solid waste as prescribed by law.

3. Manufacturing establishments and households involved in industries and business lines that are not recommended in craft villages shall comply with the regulations laid down in Clause 2 of this Article and adhere to the plans for relocation or industry and business line conversion made by competent authorities.

4. Communal People's Committees shall:

a) prepare and implement environmental protection plans for craft villages within their communes;

b) provide guidance on operation of autonomous environmental protection organizations in craft villages.

5. District-level People's Committees shall:

a) estimate budget for environmental protection of craft villages;

b) provide instructions on and develop models for environmental protection of craft villages; produce and operate solid waste collection and treatment models and in situ waste water treatment systems that satisfy environmental protection requirements, which are funded by the State from the budget for construction and environmental protection, and contributions of entities in accordance with regulations of law.

6. Provincial People's Committees shall:

a) formulate planning for, build, renovate and develop craft villages and craft villages clusters in association with environmental protection;

b) provide funding for environmental protection of craft villages;

c) direct and organize assessment of pollution levels and remediation of environmental pollution in local craft villages;

d) direct the construction of wastewater collection and treatment systems; hazardous waste and normal solid waste dump sites and hazardous waste and normal solid waste aggregation points and treatment facilities in craft villages;

dd) formulate a plan to relocate facilities causing long-lasting or serious environmental pollution from residential areas and craft villages.

7. The Government shall elaborate this Article.

Section 2. URBAN AND RURAL ENVIRONMENTAL PROTECTION

Article 57. Environmental protection of urban areas and residential areas

1. Environmental protection of urban areas and high density residential areas shall must ensure sustainable development associated with sustention of natural, cultural, historical elements, the ratio of green space, and satisfaction of requirements concerning landscape and environmental hygiene according to the planning.

2. Urban areas and high density residential areas shall satisfy environmental protection requirements. To be specific:

a) Water supply and drainage networks and public sanitation facilities must satisfy environmental protection requirements; wastewater collection and treatment systems must be consistent and conformable with the approved planning; if such urban areas and high density residential areas are form before the effective date of this Circular but fail to provide land for construction of wastewater collection and treatment systems, they shall comply with Point c Clause 5 Article 86 of this Law;

b) Equipment, vehicles and places for classifying solid waste at source, collecting and storing domestic solid waste must suit the quantity and type of waste generated from households and individuals in the urban areas and high density residential areas;

c) The green space, water surface and open space are present in urban areas and high density residential areas as prescribed by law.

3. Parks, flower gardens, trees, water surface, public roads and natural ecosystem must be protected, preserved and renewed in accordance with requirements concerning aesthetics and environmental protection and must not be encroached upon, leveled or used for wrong purposes.

4. Residential areas and residential clusters must designate a pollution-free place for temporary storage of domestic solid waste before being transported a designated place for treatment as prescribed.

5. Investors in urban areas and high density residential areas must comply with the environmental protection requirements specified in Clauses 1, 2, 3 and 4 of this Article.

Article 58. Rural environmental protection

1. Requirements for rural environmental protection:

a) Organizations, households and individuals involved in handicraft production, agricultural production and processing must adhere to the planning and regulations of law on environmental protection without affecting ambient environment quality; waste must be collected, reused and treated in accordance with environmental protection requirements;

c) Rural residential clusters must have water drainage systems and take appropriate measures for waste treatment; waste aggregation points must be properly located; domestic animals must not be pastured in public places; autonomy in environmental protection is encouraged;

c) Landscapes, trees, lakes, ponds and surface water ecosystems; water sources must be preserved, protected, remediated and improved;

d) Waste generated in rural areas must be managed in accordance with law; organic domestic waste, waste generated from livestock production and processing, and agricultural by-products must be recycled, reused or used as production materials;

dd) Rural environmental quality must be monitored and assessed; pollution areas must be determined, zoned, dealt with, improved and remediated and measures must be implemented to improve environmental quality.

2. Responsibility for rural environmental protection:

a) Communal People's Committees shall statistically report and manage types of domestic waste, agricultural waste and handicraft industry waste generated within their communes; organize activities aimed at maintaining environmental hygiene and improving rural landscape; promulgate regulations on autonomy in environmental protection in rural areas;

b) District-level People's Committees shall manage production, business operation and service provision in accordance with environmental protection regulations according to the approved planning; manage waste collection and treatment within their districts; invest in and upgrade systems for wastewater drainage and treatment systems, solid waste collection and treatment in rural areas; organize monitoring and assessment of changes in environmental quality; zone, deal with, improve, remediate and improve environment in pollution points and areas in rural areas;

c) Provincial People's Committees shall provide directions and resources for rural environmental protection; direct and organize treatment of waste generated in rural areas; promulgate and provide guidelines for application of policies on provision of incentive and assistance for waste treatment, landscaping and environmental protection in rural areas;

d) The Ministry of Natural Resources and Environment shall preside over and cooperate with the Ministry of Agriculture and Rural Development in providing guidelines for satisfying criteria for rural environmental protection, implementing measures for waste collection and treatment, monitoring changes in environmental quality, dealing with pollution and improving and remediating environment in rural areas;

dd) The Ministry of Agriculture and Rural Development shall provide guidelines for collecting and treating livestock waste and agriculture by-products to be reused for other purposes; preside over and cooperate with the Ministry of Natural Resources and Environment in formulating and organizing the execution of rural development programs, projects, mechanisms and policies in association with the objectives for environmental protection and climate change adaptation;

e) The Prime Minister shall lay down criteria for environmental protection in rural development.

Article 59. Environmental protection of public places

1. Organizations, households and individuals shall implement regulations on environmental protection and maintain hygiene in public places; classify waste and put it into each type of public trashcan or designated places; not let domestic animals spoil public hygiene.

2. Managers of parks, recreation areas, concentrations of businesses and service providers, markets, train stations, bus stations, ports, ferry terminals and other public areas shall:

a) assign personnel to collect waste and clean the environment in places under their management; have personnel or teams in charge of environmental protection for supervision purpose;

b) build and install public sanitation facilities and in situ waste treatment works in accordance with environmental protection; have vehicles and equipment for collecting, managing and treating waste in line with environmental protection requirements;

c) promulgate, openly post and organize the implementation of regulations on hygiene maintenance and environmental protection in public places under their management;

dd) promptly discover violations against the law on environmental protection committed by entities and propose penalties therefor as prescribed by law.

3. The authority appraising construction designs and issuing construction permits to the managers specified in Clause 2 of this Article shall, according to regulations of law on construction, collect specialized environmental protection authorities' comments about the works and equipment for in situ wastewater treatment and equipment for collection and temporary storage of waste during the appraisal and issuance in accordance with the Government's regulations.

Article 60. Environmental protection by households and individuals

1. Households and individuals shall:

a) minimize and classify domestic solid waste at source, collect and transport classified domestic waste to designated places;

b) minimize, treat and discharge wastewater into designated places; not let domestic animals spoil hygiene in residential areas;

c) not emit exhaust gases, make noises, vibration, and other impacts which cause negative impacts to the local community;

d) pay the fees for waste collection, transport and treatment services as prescribed by law;;

d) participate in environmental protection in residential community;

e) have sanitation works as prescribed. In case of failure to have any work or equipment for wastewater treatment or construction, renovation or repair of a detached house in an urban area or high density residential area, it is required to construct and install work or equipment for in situ wastewater treatment in accordance with environmental protection requirements as prescribed.

2. Household scale livestock farms must maintain hygiene, not make noises and emit unpleasant odors; livestock waste must be collected and treated in accordance with regulations of law on environmental protection and other relevant regulations of law.

3. Authorities appraising construction designs and issuing construction permits to construction works and residential houses of households and individuals in urban areas in accordance with regulations of law on construction shall appraise construction designs and issue construction permits, including works and equipment for in situ wastewater treatment in accordance with environmental protection requirements.

Section 3. ENVIRONMENTAL PROTECTION IN CERTAIN FIELDS

Article 61. Environmental protection in agricultural production

1. Every entity that produces, imports, sells and/or uses chemicals, agrochemicals, veterinary drugs and fertilizers must comply with regulations of law on environmental protection regulations and other relevant regulations of law.

2. It is required to register, inventory, control, manage information about, assess and manage risks and handle chemicals, agrochemicals and veterinary drugs that are highly toxic, persist, spread and accumulate in the environment resulting in adverse impacts on environment and human health.

3. Expired fertilizers, environmental remediation products in livestock production, agrochemicals, veterinary drugs, aquaculture feeds and environmental remediation products in aquaculture must be managed in accordance with relevant regulations of law. Containers of fertilizers, animal feeds, aquaculture feeds, agrochemicals, veterinary drugs, environmental remediation products in aquaculture and products for livestock waste treatment after use, and sludge and feeds accumulated after cleaning of aquaculture ponds must be managed in accordance with waste management regulations. Sludge dredged from channels and hydraulic structures must be collected, reused, recycled and managed as prescribed by law. Dead animals must be collected and dealt with in accordance with regulations on hazardous waste management and preventive medicine.

4. Agricultural by-products must be collected to manufacture products and goods, used as raw materials and fuels, used for production of fertilizers and energy or managed as prescribed; by-products of plants must not be burned in the open air to avoid causing environmental pollution.

5. The use of livestock waste as organic fertilizers or for plant watering or for other purposes must comply with the Government's regulations.

6. The State shall introduce policies to encourage innovation of models and methods for agricultural production in a sustainable and climate-resilient manner that saves water and restricts the use of inorganic fertilizers, agrochemicals and environmental remediation products in agriculture; develop environmentally-friendly agriculture models.

7. The Ministry of Agriculture and Rural Development shall direct and organize management of sludge dredged from channels and hydraulic structures in compliance with environmental protection requirements.

Article 62. Environmental protection in medical activities and control of effects of environmental pollution on human health

1. Hospitals and other health facilities must satisfy environmental protection requirements, including:

a) collecting and treating wastewater in line with environmental protection requirements before discharging it into the environment;

b) classifying solid waste at source; collecting, storing, transporting and treating solid waste in line with environmental protection requirements. Domestic solid waste or normal solid waste that is mixed with infectious biomedical waste must be managed as the infectious biomedical waste;

c) giving priority to non-incineration and environmentally-friendly technologies which must satisfy requirements for environmental protection in management of infectious biomedical waste;

d) encouraging disinfection of infectious biomedical waste to remove pathogens that are potentially infectious before transporting them to central treatment facilities;

dd) having plans and equipment for prevention of and response to environmental emergencies caused by biomedical waste;

e) treating exhaust gases in line with environmental protection requirements;

g) building and operating sanitation facilities and waste collection, storage and treatment systems as prescribed.

2. Health facilities that use radioactive sources and radiation equipment must comply with regulations of law on atomic energy.

3. Pollutants that directly impact human health must be managed as follows:

- a) Identify, assess, warn, prevent and control pollutants that are likely to impact human health; issues concerning diseases and human health directly related to pollutants;
- b) Control and deal with sources of pollutants that impact human health and issues concerning diseases directly caused by pollutants;
- c) Manage, share and publish information about pollutants that directly impact human health.

4. The Minister of Natural Resources and Environment shall elaborate the transport and treatment of biomedical waste.

5. The Minister of Health shall elaborate the classification, collection, storage and management of biomedical waste within health facilities; determination, assessment, warning, monitoring and discovery of symptoms and causes of diseases and human health issues directly related to directly related to pollutants; identification and announcement of limits of pollutants in human body that are likely to affect human health; management, statistical reporting, sharing and publishing of information on disease issues associated with pollutants; assessment of costs and economic loss caused by diseases, health issues associated with environmental pollution; formulation, provision of instructions on and organization of implementation of measures to monitor and prevent diseases and human health issues related to pollutants; management, sharing, exchange and publishing of information about pollutants affecting human health.

6. Provincial People's Committees shall provide for collection, transport and treatment of biomedical solid waste in conformity with local conditions; take responsibility for managing pollutants in connection with issues concerning diseases and human health within their provinces.

Article 63. Environmental protection during burial and cremation

1. Every burial and cremation site must conform to the planning, be located and maintain distance in accordance with requirements concerning environmental hygiene and landscape of the residential area and not pollute water sources and the surroundings.

The Government shall provide for environmental protection during burial and cremation in conformity with customs, practices, folk beliefs and religions.

2. Corpses and bones shall be mummified, transported, and buried in accordance with environmental hygiene requirements.

3. Provider of burial and cremation services must comply with regulations of law on environmental protection and prevention and control of infectious diseases.

4. The State recommends that cremation and burial be carried out in cemeteries according to planning and unsound customs that cause environmental pollution be eliminated.

5. The Minister of Health shall provide for the burial and cremation of people who die of dangerous epidemics.

Article 64. Environmental protection in construction

1. Construction planning must comply with requirements for environmental protection and climate change adaptation.

2. Planning for urban areas and high density residential areas shall be formulated in a manner that develops eco cities, saves energy, uses renewable energy and ensures the ratio of green space, water surface and landscape as prescribed by law.

3. The State shall encourage the reuse of waste generated from construction and use of non-baked and environmentally-friendly materials in construction.

4. When issuing construction permits and appraising construction designs of investment projects in accordance with regulations of law on construction, it is required to ensure that works, work items and equipment for waste treatment and works for environmental emergency prevention and response are conformable with regulations of law on environmental protection.

5. The construction, renovation, repair and dismantling of construction works must comply with the following environmental protection requirements:

a) There must be measures to avoid generating dust, heat, noise, vibration and light in excess of the permissible limits according to technical regulations on environment;

b) During construction, materials and waste must be transported using appropriate vehicles that ensure no leakage or environmental pollution;

c) Wastewater must be collected and treated in line with environmental protection requirements;

d) Usable solid waste and scrap shall be recycled and reused as prescribed; soil, rocks and solid waste generated from construction shall be reused as production materials and for leveling as prescribed;

dd) Soil and sewage sludge generated from excavation, dredging of topsoil and foundation excavation are used to fortify soil for planting trees or suitable soil areas;

e) Sewage sludge generated from septic tanks and cesspools must be managed in accordance with regulations on management of normal industrial solid waste;

g) Solid waste and other types of waste must be collected, stored and transported to treatment facilities in accordance with waste management regulations.

6. Waste generated from renovation and dismantling of construction works of households and individuals in urban areas must be collected and transferred to facilities licensed for treatment

thereof in accordance with regulations of provincial People's Committees, except for the cases specified in Points d and dd Clause 5 of this Article.

7. Waste generated from renovation and dismantling of construction works of households and individuals in rural areas that do not have waste collection and treatment systems must be reused or dumped in accordance with regulations of provincial People's Committees; must not be dumped on roads, into rivers, streams, channels and other sources of surface water affecting landscape and environment.

8. Provincial People's Committees shall provide for collection, transport and treatment of construction solid waste and planning for sites for dumping of construction waste; sewage sludge from septic tanks, cesspools and water drainage systems.

9. The Minister of Construction shall formulate standards and technical regulations on design requirements for solid waste collection systems in line with the classification of solid waste at source of shopping-residential complexes; officetels; complex of mixed-use high-rise buildings.

Article 65. Environmental protection in transport

1. Transport vehicles must be tested and certified conformable with technical regulations on environment by registration authorities in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory.

2. Vehicles used for transporting raw materials, materials and waste must be covered while they are using public roads in order to avoid leakage and pollution.

3. Entities involved in transport of dangerous goods must have necessary qualifications in environmental protection as prescribed by law.

4. The goods and materials at risk of pollution and environmental emergencies must be transported using specialized equipment and vehicles to ensure no leakage or discharge.

5. Upon construction of traffic works, measures should be in place to minimize and reduce impacts on topography, landscape, geology and natural heritage sites.

6. Provincial People's Committees shall specify areas and sites for discharge and dumping of materials dredged from the inland waterway and sea transport system; introduce measures for traffic diversion and control of environmental pollution in order to limit air pollution in special class and class I cities.

7. The Government shall promulgate policies to provide incentives for, assistance in and encourage the use of public transport, and renewable energy, fuel-efficient, low emission or zero emission vehicles; a roadmap for converting or removing vehicles using fossil fuels and causing environmental pollution.

8. The Minister of Transport shall promulgate national technical regulations on technical and environmental safety inspection of vehicles in accordance with regulations of law on transport and quality of products and goods and other relevant regulations of law; provide guidance on and organize the dredging within seaport waters and inland waterway waters as prescribed.

Article 66. Environmental protection during culture, sport and tourism activities

1. Every entity that manages and operates sites/monuments, tourism areas, tourist attractions, tourist accommodation establishments and places for sports practice, performance and competition and every festival organizer shall comply with the regulations set out in Clause 2 Article 59 of this Law.

2. Visitors to sites/monuments, tourism areas, tourist attractions, tourist accommodation establishments, places for sports practice, performance and competition and festivals must:

- a) comply with the regulations on hygiene maintenance and environmental protection;
- b) dispose of waste in designated places; limit the generation of plastic waste;
- c) maintain public hygiene;
- d) not infringe upon landscapes and animals.

3. The Minister of Culture, Sports and Tourism shall:

- a) organize the implementation of regulations on environmental protection of tourist accommodation establishments and tourism services; development of tourist accommodation establishments and environmentally-friendly tourism services;
- b) organize the implementation of regulations on encouraging the reduction, reuse and recycling of plastic waste in culture, sport and tourism activities.

Article 67. Environmental protection during exploration, mining and processing of minerals and oil and gas activities

1. Every entity that explores, mines and processes minerals must formulate an environmental emergency prevention and response scheme and satisfy the following requirements for environmental protection, improvement and remediation:

- a) Collect and treat wastewater as prescribed;
- b) Collect and treat solid waste in accordance with solid waste management regulations;
- c) Take measures to prevent and restrict the discharge of dusts and exhaust gases and other adverse impacts on the surroundings;

d) Formulate an environment improvement and remediation scheme and improve and remediate environment during mineral mining in accordance with regulations of this Law and regulations of law on minerals;

dd) Pay deposits on environmental protection as prescribed in Article 137 of this Law.

2. Projects and facilities required to formulate an environmental improvement and remediation scheme include:

a) Mineral mining projects;

b) Mineral mining facilities operating before the effective date of this Law but failing to formulate an environmental improvement and remediation scheme or changing the environmental improvement and remediation contents specified in the approved plan;

c) Mineral mining facilities operating before the effective date of this Law and having their environmental improvement and remediation scheme approved but failing to cover the cost of implementation thereof as prescribed by law.

3. Contents of an environmental protection and remediation scheme include:

a) Solutions for environmental improvement and remediation; analyzing and assessing the solutions and selecting the best solutions;

b) List and quantity of items serving environmental improvement and remediation for the selected solution;

c) The implementation plan divided into multiple years and stages of environmental improvement and remediation; environmental monitoring program during the environmental improvement and remediation; plan to inspect and confirm completion of the scheme;

d) An estimate of costs of environmental improvement and remediation for each item serving environmental improvement and remediation; deposits paid according to a roadmap.

4. Toxic minerals must be stored and transported using specialized equipment and vehicles and covered to ensure no leakage or discharge.

5. The use of machinery and equipment adversely impacting the environment and toxic chemicals in mineral exploration, mining and processing and mine closure must be subject to EIA and specified in the application for environmental license.

6. The exploration, mining, transport and processing of other minerals containing radioactive substances, toxic substances and explosives must comply with regulations of this Law, regulations of law on chemical safety and atomic energy and other relevant regulations of law.

7. The Government shall elaborate the formulation and appraisal of schemes for environmental improvement and remediation in mineral mining; provide for specific requirements for environmental protection during trial operation, waste management and environmental monitoring in the case of oil and gas exploration, extraction and transport and relevant services at sea.

8. The Minister of Natural Resources and Environment shall provide forms and technical guidance to implement this Article.

Article 68. Environmental protection by research institutes, training institutes and laboratories

1. Research institutes, training institutes and laboratories must:

a) Collect and treat wastewater and exhaust gases in accordance with environmental protection requirements;

b) Classify solid waste at sources; collect and manage solid waste in accordance with regulations of law on waste management;

c) Process and destroy test specimens and chemicals in accordance with technical regulations on environment;

d) Make plans and provide equipment for prevention of and response to environmental emergencies;

dd) Satisfy other requirements in accordance with relevant regulations of law.

2. Every research institute, training institute and laboratory that uses radioactive substances, radiation equipment, nuclear materials and nuclear equipment must comply with regulations of law on atomic energy.

Article 69. Environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants

1. Requirements for environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants are as follows:

a) It is not permitted to produce, export, import and use persistent organic pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent organic pollutants in the Annex A of the Stockholm Convention whose content exceeds the maximum permissible limits as prescribed by law, except for the persistent organic pollutants registered for the specific exemptions under the Stockholm Convention;

b) It is required to control sources of, publish information about, label, assess the conformity of and check persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants as prescribed by law;

c) Persistent organic pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent organic pollutants whose content exceeds the maximum permissible limits as prescribed by law are permitted to be recycled and disposed of provided that the recycling and disposal do not result in the recall thereof for reuse purpose, and satisfy environmental protection requirements;

d) Persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants whose content exceeds the maximum permissible limits must be stored, recalled, managed and handed in compliance with environmental protection requirements, except for the case where they have been recycled or disposed of as prescribed in Point c of this Clause;

dd) Businesses shall include types and quantity of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants discharged into water, air and soil in a list and send it to a competent authority for the purposes of information management, assessment and management of environmental risks as prescribed by law;

e) Areas in which persistent pollutants remain or which are contaminated by persistent pollutants must be assessed, determined and warned with respect to the risks they may pose, and safe management, environmental improvement and remediation measures must be taken.

2. Responsibility for environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants is as follows:

a) Entities shall satisfy the requirements set forth in Clause 1 of this Article;

b) The Ministry of Natural Resources and Environment shall preside over and cooperate with other Ministries and ministerial agencies concerned in providing guidance on and organizing the compliance with the requirements in Clause 1 of this Article; incorporate information relating to monitoring of persistent pollutants into the national state of the environment report under the Stockholm Convention, other international treaties to which the Socialist Republic of Vietnam is a signatory and regulations of law;

c) Ministries and ministerial agencies concerned and provincial People's Committees shall organize the compliance with requirements for environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants in the sectors and local authorities under their management according to the Stockholm Convention, other international treaties to which the Socialist Republic of Vietnam is a signatory and regulations of law.

d) The Government shall elaborate the environmental protection during management of persistent pollutants and raw materials, fuels, materials, products, goods and equipment containing persistent pollutants according to the Stockholm Convention and other international treaties to which the Socialist Republic of Vietnam is a signatory.

Article 70. Environmental protection during import, temporary import, re-export and transit of goods

1. Entities shall not import:

a) used machinery, equipment and vehicles for dismantling purposes, except for the case in Clause 2 of this Article;

b) machinery, equipment, vehicles, goods, raw materials and scrap contaminated by radioactive substances, germs or other toxins, which have not yet been cleaned or cannot be cleaned.

2. The import and demolition of used ships must comply with national regulations on environment. The Government shall provide for entities eligible and conditions for import and demolition of used ships.

3. The import, temporary import, re-export and transit of goods at risk of environmental pollution shall comply with regulations of law on foreign trade management.

Article 71. Environmental protection during import of scrap from foreign countries

1. Scrap imported into Vietnam must comply with technical regulations on environment and be included in the list of scrap permitted for import from foreign countries as production materials promulgated by the Prime Minister.

2. Entities are only permitted to import scrap from foreign countries as production materials for their manufacturing establishments and must:

a) have manufacturing establishments with technologies and equipment serving scrap recycling and reuse, warehouses and sites exclusively reserved for aggregation of scrap which satisfy environmental protection requirements; prepare a scheme to deal with impurities in the imported scrap;

b) have environmental licenses;

c) pay deposits on environmental protection as prescribed in Article 137 of this Law before scrap is unloaded in the case where it is imported through sea border checkpoint or before scrap is imported into Vietnam in other cases;

d) have a written commitment to re-export or treatment of scrap if the scrap is imported without satisfying environmental protection requirements.

3. The Government shall elaborate Clause 2 of this Article.

Chapter VI

WASTE MANAGEMENT AND CONTROL OF OTHER POLLUTANTS

Section 1. GENERAL REGULATIONS ON WASTE MANAGEMENT

Article 72. Waste management requirements

1. General requirements for management of domestic solid waste, hazardous waste and normal industrial solid waste are as follows:

a) Waste must be managed during its generation, reduction, classification, collection, storage, transfer, transport, reuse, recycling, treatment and disposal;

b) Hazardous waste and normal industrial solid waste source owners shall reuse, recycle, treat and recover energy from such waste or transfer them to licensed facilities having appropriate environmental license;

c) Controlled industrial waste source owner shall identify whether waste is hazardous waste or normal industrial solid waste through the sample collection and analysis carried out by competent facilities in accordance with regulations of law. After the identification, industrial waste must be managed as prescribed by law;

d) Waste that satisfies standards and technical regulations applicable to raw materials, fuels and materials in accordance with regulations of law on quality of products and goods must be managed as the products and goods and is permitted to be used as raw materials, fuels and materials in production activities;

dd) Entities that transport domestic solid waste, hazardous waste and normal industrial solid waste subject to treatment shall transport waste to licensed facilities having appropriate environmental licenses or transfer them to other transporters to be transported to licensed facilities having an appropriate environmental license;

c) The management of radioactive waste shall comply with regulations of law atomic energy.

2. General requirements for waste management are as follows:

a) Wastewater must be collected and treated according to technical regulations on environment before being discharged into the receiving bodies;

b) It is advisable to reuse wastewater that satisfies environmental protection requirements and serves intended purposes;

c) Wastewater whose environmental parameters exceed the permissible levels must be managed in accordance with hazardous waste management;

d) The discharge of treated wastewater into the environment must be managed in accordance with regulations of law on environmental protection and relevant to the carrying capacity of receiving water bodies;

3. Exhaust gases must be collected and treated in accordance with environmental protection requirements;

4. Every entity that generates waste shall adopt resource- and energy-efficient solutions; use environmentally-friendly raw materials, fuels and materials and renewable energy; apply cleaner production technologies and programs, control environment and other measures to minimize waste generation; update information to the national environmental database upon transfer of hazardous waste and normal industrial solid waste subject to treatment to facilities having an appropriate environmental license.

5. The State shall introduce a policy to encourage private sector involvement in collection, transport, reuse, recycling and treatment of waste and recovery of energy from the treatment of waste; apply advanced and environmentally-friendly technologies for waste management and best available techniques in order to minimize and control the generation of secondary waste, minimize solid waste ending up buried; encourage the co-processing of waste and use of waste as substitute materials, fuels and materials.

6. The Minister of Natural Resources and Environment shall promulgate a list of hazardous waste, controlled industrial waste and normal industrial solid waste; technical requirements for environmental protection for vehicles transporting domestic solid waste, normal industrial solid waste and hazardous waste.

7. Provincial People's Committees shall manage waste within their provinces; promulgate waste management regulations and implement policies to provide incentives and assistance for waste management as prescribed by law.

8. The Government shall elaborate the prevention, reduction, classification, collection, transport, reuse, recycling and treatment of waste.

Article 73. Reduction, reuse, recycling and treatment of plastic waste, prevention and control of ocean plastic waste pollution

1. Entities shall reduce, classify and dispose of waste that is single-use plastic products and non-biodegradable plastic packaging according to regulations; not discharge plastic waste directly into the systems for drainage of water to rivers, ponds, lakes, channels and oceans.

2. Plastic waste generated from marine tourism and services, maritime economy, extraction of oil and gas and marine mineral resources, aquaculture and commercial fishing must be collected, stored and transferred to facilities licensed for recycling and treatment.

3. Environmentally-friendly products, single-use plastic alternatives and non-biodegradable plastic packaging alternatives that have been certified are entitled to incentives and assistance as prescribed by law.

4. Plastic waste must be collected and classified for reuse, recycling or treatment purpose as prescribed by law. Unrecyclable plastic waste must be transferred to licensed facilities for treatment as prescribed. Plastic waste generated from economic activities at sea must be collected for reuse, recycling or treatment and must not be discharged into the sea.

5. The State shall encourage the reuse and recycling of plastic waste in service of production of goods and building materials and construction of traffic works; encourage the research and development of systems for collecting and treating plastic waste floating at sea and in the ocean; introduce policies to promote reuse and recycling of plastic waste.

6. Provincial People's Committees shall organize the collection and treatment of plastic waste within their provinces; encourage the reduction of non-biodegradable plastic packaging and single-use plastic products; disseminate information about harmful effects of dumping of fishing gear into the sea and plastic waste on the ecosystem.

7. The Government shall introduce a roadmap for reducing production and import of single-use plastic products, non-biodegradable plastic packaging and products and goods containing microplastics.

Article 74. Environmental auditing

1. Environmental auditing means the systematic, comprehensive and effective consideration and assessment of environmental management and pollution control by businesses.

2. The environmental auditing shall focus on:

a) The use of energy, chemicals, raw materials and scrap imported from foreign countries as production materials;

b) Pollution control and waste management.

3. Businesses are encouraged to carry out environmental auditing themselves.

4. The Minister of Natural Resources and Environment shall provide technical guidance on environmental self-auditing by businesses.

Section 2. DOMESTIC SOLID WASTE MANAGEMENT

Article 75. Classification, storage and transfer of domestic solid waste

1. Domestic waste generated by households and individuals is classified as:

a) Reusable and recyclable solid waste;

b) Food waste;

c) Other domestic solid waste.

2. Provincial People's Committees shall to classify domestic solid waste specified in Point c Clause 1 of this Article within their provinces under the guidance of the Ministry of Natural Resources and Environment; introduce policies to encourage the classification of hazardous waste present in domestic solid waste generated by households and individuals.

3. Households and individuals in urban areas must contain the domestic solid waste already classified as prescribed in Clause 1 of this Article in packages for transfer as follows:

a) Reusable and recyclable solid waste shall be transferred to entities for reuse and recycling or facilities licensed for collection and transport of domestic solid waste;

b) Food waste and other domestic solid waste must be contained in packages as prescribed and transferred to facilities licensed for collection and transport of domestic solid waste; food waste may be used as organic fertilizers and animal feeds.

4. Households and individuals in rural areas that generate domestic solid waste and classify them as prescribed in Clause 1 of this Article shall manage them as follows:

a) Households and individuals are encouraged to make the most of waste food to be used as organic fertilizers and animal feeds;

b) Reusable and recyclable solid waste shall be transferred to entities for reuse and recycling or facilities licensed for collection and transport of domestic solid waste;

c) If not used as prescribed in Point a of this Clause, food waste shall be transferred to or facilities licensed for collection and transport of domestic solid waste;

d) Other domestic solid waste must be contained in packages as prescribed and transferred to facilities licensed for collection and transport of domestic solid waste.

5. Households and individuals in rural areas that produce domestic solid waste shall classify, contain and transfer domestic solid waste as prescribed in Clause 3 of this Article.

6. The classification, collection, transport and treatment of bulky waste shall comply with regulations imposed by provincial People's Committees.

7. The Vietnamese Fatherland Front Committee and socio-political organizations at all levels shall encourage residential communities, households and individuals to classify domestic solid waste at source. Internal residential communities and socio-political organizations shall supervise the classification of domestic solid waste by households and individuals.

Article 76. Domestic solid waste aggregation points and transfer stations

1. Every domestic solid waste aggregation point and transfer station must have different areas to store types of domestic solid waste to avoid mix-ups.
2. People's Committees at all levels shall reserve land area for aggregation points and transfer stations in accordance with environmental protection according to the regulations imposed by the Ministry of Natural Resources and Environment.

Article 77. Collection and transport of domestic solid waste

1. People's Committees at all levels shall select facilities for collection and transport of domestic solid waste through bidding in accordance with regulations of law on bidding. In case of failure to make a selection through bidding, the method of order placement or task assignment shall be adopted as prescribed by law.
2. Facilities collecting and transporting domestic solid waste are entitled to refuse to collect and transport households and individuals' domestic solid waste that is not classified or contained in inappropriate packages and notify competent authorities as prescribed by law, except for the case where households and individuals use packages intended for other domestic solid waste as prescribed in Point c Clause 1 Article 75 of this Law.
3. Facilities collecting and transporting domestic solid waste shall cooperate with communal People's Committees, residential communities and representatives of residential areas in determining time, places, frequency and routes for collecting domestic solid waste, and make them publicly available.
4. Facilities collecting and transporting domestic solid waste must use equipment and vehicles appropriately designed for each type of Domestic solid waste and satisfy environmental protection requirements in accordance with the regulations imposed by the Ministry of Natural Resources and Environment; domestic solid waste must be transported in compliance with regulations on routes and time of operation adopted by prescribed by the provincial People's Committee.
5. Households and individuals shall transport classified domestic solid waste to aggregation points as prescribed or transfer them to facilities collecting and transporting domestic solid waste.
6. Investment project owners, owners, management boards of new urban areas, high-rise apartment buildings and office buildings must provide equipment and works for storage of domestic solid waste suitable for waste types specified in Clause 1 Article 75 of this Law; organize the collection of waste from households and individuals and transfer them to facilities collecting and transporting domestic solid waste.
7. Communal People's Committees shall:

a) inspect the compliance with regulations of law on environmental protection regarding collection and transport of domestic solid waste; take actions against violations of regulations on domestic solid waste management within their power; consider and handle feedback and comments of organizations, residential communities, households and individuals involved in collection and transport of domestic solid waste;

b) preside over and cooperate with facilities collecting and transporting domestic solid waste, residential communities and socio-political organizations in determining time, places, frequency and routes for collecting domestic solid waste;

c) instruct households and individuals to transfer domestic solid waste to facilities in charge of collection and transport or aggregation points as prescribed; instruct residential communities to supervise and make publicly available cases of failure to comply with regulations on domestic solid waste classification and collection.

Article 78. Domestic solid waste treatment

1. The State shall encourage and provide incentives for entities involved in investment in and provision of domestic solid waste treatment services; encourage co-processing of domestic solid waste.

2. People's Committees at all levels shall select domestic solid waste treatment facilities through bidding in accordance with regulations of law on bidding. In case of failure to make a selection through bidding, the method of order placement or task assignment shall be adopted as prescribed by law.

3. Domestic solid waste treatment providers must fulfill environmental protection requirements as prescribed by this Law. It is not recommended to make investment in domestic solid waste treatment providers that cover only one commune.

4. Domestic solid waste must be treated using appropriate technologies and satisfying technical regulations on environment. The Government shall provide for a roadmap for restricting treatment of domestic solid waste using direct landfill disposal technology.

5. The Minister of Natural Resources and Environment shall promulgate criteria for domestic solid waste treatment technologies; provide guidelines for domestic solid waste treatment models in urban and rural areas.

6. Provincial People's Committees shall formulate planning and reserve land area for domestic solid waste treatment facilities, promptly transfer land to build and operate domestic solid waste treatment facilities within their provinces; provide funding for construction and operation of systems for collection, storage, transfer, transport and treatment of domestic solid waste treatment; works, measures and public equipment serving domestic solid waste management within their provinces.

Article 79. Costs of collection, transport and treatment of domestic solid waste

1. Charges for domestic solid waste collection, transport and treatment services payable by households and individuals shall be calculated as follows:

a) The charges shall be calculated in accordance with regulations of law on prices;

b) The charges vary by quantity or volume of the classified waste;

c) If solid waste are reusable and recyclable and hazardous waste is classified, households and individuals are not required to pay charges for collection, transport and treatment services.

2. Any household or individual that fails to classify or correctly classify domestic solid waste as prescribed in Points a and b Clause 1 Article 75 of this Law must pay charges for collection, transport and treatment services as other types of domestic solid waste.

3. Organizations, businesses, dedicated areas for production, business operation and service provision and industrial clusters that generate waste from their daily and office activities in small quantities prescribed by the Government are entitled to manage domestic solid waste as prescribed in Article 75 of this Law or Clause 4 of this Article.

4. Organizations, businesses, dedicated areas for production, business operation and service provision and industrial clusters that generate waste from their daily and office activities in large quantities prescribed by the Government must transfer it to a facility licensed for waste recycling, reuse and treatment or to a facility collecting and treating waste with appropriate vehicles and equipment to be transported to the facility licensed for waste recycling, reuse and treatment.

5. The Minister of Natural Resources and Environment shall provide guidance on method for determining charges for domestic solid waste treatment services; provide for economic and technical norms for collection, transport and treatment of domestic solid waste; provide technical guidance on classification of domestic solid waste; provide guidelines for implementation of Clause 1 of this Article.

6. Provincial People's Committees shall elaborate the management of domestic solid waste of households and individuals within their provinces; impose specific charges for domestic solid waste collection, transport and treatment services; promulgate specific provisions on method of payment of charges and charges for domestic solid waste collection, transport and treatment services payable by households and individuals according to the quantity or volume of the classified waste.

7. The regulation set out in Clause 1 of this Article and Clause 1 Article 75 of this Law must be implemented by December 31, 2024.

Article 80. Environmental remediation and improvement in domestic solid waste landfills

1. Closed and unsanitary domestic solid waste landfills must be remediated and improved in accordance with environmental protection requirements.

2. Every owner of project on investment in or facility managing a domestic solid waste landfill has the responsibility to:

a) After closure of a landfill, it is required to improve landscape and take measures to prevent environmental pollution;

b) organize monitoring of environmental changes in the landfill from the date on which the landfill closure is completed and notify the provincial specialized environmental protection as prescribed;

c) complete the environmental remediation and improvement, prepare a dossier and transfer the landfill to a competent authority.

3. The Government shall provide incentives and encourage entities to invest in environmental remediation and improvement in Domestic solid waste landfills.

4. The Minister of Natural Resources and Environment shall provide guidelines for closure of Domestic solid waste landfills.

5. Provincial People's Committees shall provide resources and funding for environmental improvement and remediation in landfills managed by the State and unauthorized landfills within their provinces.

Section 3. NORMAL INDUSTRIAL SOLID WASTE MANAGEMENT

Article 81. Classification, storage and transport of normal industrial solid waste

1. Normal industrial solid waste ("NISW") shall be classified into the following groups:

a) NISW reused and recycled as production materials;

b) NISW in compliance with standards, technical regulations and technical guidance used in production of building materials and leveling;

c) NISW subject to treatment.

2. Owners of businesses, dedicated areas for production, business operation and service provision, industrial clusters and organizations that produce NISW shall classify NISW at source as prescribed in Clause 1 of this Article; store NISW without causing environmental pollution. Unclassified NISW must be managed as the waste specified in Point c Clause 1 of this Article.

3. NISW containing hazardous waste that has not been classified or cannot be classified must be managed in accordance with hazardous waste management regulations.

4. Classified NISW must be stored separately without being mixed with hazardous waste; without release of dust and leakage of wastewater into the environment; with appropriate

equipment and tools and in appropriate storage areas in accordance with regulations laid down by the Minister of Natural Resources and Environment.

5. NISW must be transported in accordance with the following requirements:

- a) NISW must be contained in equipment and tools to avoid leakage during transport, except for the case where the waste in large quantity must be contained in equipment or tank of the transport vehicle;
- b) Classified NISW must be transported separately prescribed;
- c) The vehicle used for transporting NISW subject to treatment must have a GPS tracking device meeting technical requirements and comply with regulations on routes and time of operation adopted by the provincial People's Committee.

Article 82. Treatment of NISW

1. Businesses, dedicated areas for production, business operation and service provision, industrial clusters and organizations that produce NISW must reuse, recycle, recover energy from and treat NISW or transfer it to the following entities:

- a) Manufacturing establishments directly using NISW as production materials and for production of building materials or leveling, which is licensed to operate as prescribed by law;
- b) Manufacturing establishments licensed for waste co-processing;
- c) Facilities licensed for NISW treatment;
- d) Facilities transporting NISW, which have signed a transfer contract with the entity in Points a, b or c of this Clause.

2. NISW treatment service providers must comply with environmental protection requirements in accordance with regulations of this Law.

3. Every owner of NISW treatment service provider has the following responsibilities:

- a) Ensure that systems, vehicles and equipment in service of storage and treatment of NISW, including preliminary processing, reuse, recycling, co-processing, treatment of and recovery of energy from NISW in accordance with technical requirements and management process as prescribed;
- b) If the provider produces hazardous waste, responsibilities of the hazardous waste source owner shall be assumed;
- c) Submit periodic or ad hoc reports on NISW generation and treatment at the request of the competent authority;

d) make a record on transfer of NISW subject to treatment for each transfer; prepare a logbook recording operation of systems, vehicles and equipment in service of NISW treatment including preliminary processing, reuse, recycling, co-processing and recovery of energy from NISW; a logbook recording quantity of products recycled or recovered from NISW (if any).

4. Every entity that generates NISW subject to treatment is entitled to recycle, treat, co-process or recover energy from NISW itself/himself/herself if the following requirements are met:

a) Use technologies, environmental protection works and equipment available within the facility generating NISW and satisfy environmental protection requirements as prescribed;

b) Conform to the decision on approval of EIAR appraisal result and environmental license;

c) Do not build any new incinerator or landfill to treat NISW, except for the case where contents regarding solid waste management in relevant planning are conformable with.

Section 4. HAZARDOUS WASTE MANAGEMENT

Article 83. Declaration, classification, collection, storage and transport of hazardous waste

1. Every hazardous waste source owner has the responsibility to:

a) specify quantity and type of hazardous waste in the application for issuance of the environmental license or environmental registration contents;

b) identify, classify, collect and separately store hazardous waste and not to mix it with non-hazardous waste, avoid causing environmental pollution;

c) reuse, recycle, treat, co-process and recover energy himself/herself in accordance with regulations of law or transfer hazardous waste to facilities having an appropriate environmental license.

2. Hazardous waste must be stored in accordance with the following requirements:

a) Classified hazardous waste must be stored separately;

b) Hazardous waste must not be mixed with normal waste;

c) The storage must not result in release of dust or leakage of liquid waste into the environment;

d) Hazardous waste shall be only stored for a given period of time as prescribed by law.

3. When transported, hazardous waste must be contained and transported using appropriate equipment and vehicles to waste treatment facilities. The vehicle used for transporting hazardous waste must have a GPS tracking device and comply with regulations on routes and time of operation adopted by the provincial People's Committee.

4. Entities permitted to transport hazardous waste include:

- a) Hazardous waste source owner that has appropriate vehicles and equipment satisfying technical requirements and management process in accordance with regulations of law on environmental protection;
- b) Environmental license holders licensed to treat hazardous waste in conformity with the type of waste to be transported.

5. The Minister of Natural Resources and Environment shall provide technical guidance on and forms used for declaration, classification, collection, and storage of hazardous waste; provide guidance on vehicles and equipment for storage, transport, prevention of and response to incidents during the transport and treatment of hazardous waste; provide guidance on registration and transboundary movements of hazardous waste under the Basel Convention on Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

Article 84. Hazardous waste treatment

1. Hazardous waste must be treated using appropriate technologies and complying with regulations of law on environmental protection.

2. The State shall encourage and provide incentives to entities involved in investment in and provision of hazardous waste treatment services; encourage the investment in hazardous waste treatment service providers at regional level; encourage the co-processing of hazardous waste.

3. Every hazardous waste treatment service provider must satisfy the following requirements:

a) The national environmental protection planning or planning containing contents regarding hazardous waste treatment is conformed to, except for the case of hazardous waste co-processing;

b) Safe environmental distance is maintained as prescribed;

c) It is required to appraise and comment on the hazardous waste treatment technology in accordance with regulations of law on technology transfer; the application of environmentally-friendly technologies, best available techniques and combined waste treatment and waste-to-energy technologies is encouraged;

d) The environmental license is available;

dd) Personnel in charge of environmental protection majoring in environment or suitable field is available;

e) An appropriate process for safe operation of special-purpose technologies, vehicles and equipment is available;

g) There is an environmental management plan containing contents regarding pollution control and waste management; occupational safety and health; environmental emergency prevention and response; annual training; environmental monitoring program; assessment of efficiency in hazardous waste treatment; environmental improvement and remediation plan;

h) pay deposits on environmental protection as prescribed in Article 137 of this Law if the waste burial is carried out;

4. The Minister of Natural Resources and Environment shall promulgate criteria applied to hazardous waste treatment technologies; provide guidelines for implementing Point g Clause 3 of this Article.

5. The provincial People's Committee shall organize implementation of the planning containing contents regarding hazardous waste treatment; shall not impose restrictions on collection of hazardous waste produced in another province for treatment by hazardous waste treatment service providers located within its province.

Article 85. Responsibilities of owners of hazardous waste treatment service providers

Every owner of hazardous waste treatment service provider has the responsibility to:

1. satisfy all requirements specified in Clause 3 Article 8 of this Law.

2. collect, transport, receive and handle quantity and types of hazardous waste in accordance with the issued environmental license.

3. Ensure that systems, vehicles and equipment for storage and treatment of hazardous waste satisfy technical requirements and management process as prescribed.

4. assume responsibilities of the hazardous waste source owner if the hazardous waste is generated from the operating process but fails to be treated.

5. register with the authority issuing the environmental license within his/her power to obtain approval if wishing to transport the hazardous waste not mentioned in his/her environmental license to the another qualified owner of hazardous waste treatment service provider in accordance with the Government's regulations.

6. Prepare, use, archive and manage documents concerning hazardous waste, hazardous waste management reports, documents and logbooks related to hazardous waste management as prescribed.

7. Make publicly available and provide information about types and quantity of hazardous waste collected and treated, and treatment methods; information about name and address of the owner of collected and treated hazardous waste source and other environmental information that needs to be made publicly available and provided as prescribed in Article 114 of this Law.

Section 5. WASTEWATER MANAGEMENT

Article 86. Collection and treatment of wastewater

1. Every new urban area, new high density residential area, business, dedicated area for production, business operation and service provision and industrial cluster must have a wastewater collection and treatment system separated from the rainwater drainage system, except for special cases prescribed by the Government.

2. Wastewater of an urban area or high density residential area shall be managed as follows:

a) Domestic wastewater generated from organizations and households must be collected and connected to the wastewater collection and treatment system;

b) Wastewater generated from production, business operation and service provision in an urban area must be collected and undergo preliminary treatment before being connected to the urban wastewater collection and treatment system; preliminarily treated wastewater must comply with regulations of the urban area or high density residential area or regulations of the local authority;

c) Wastewater generated from production, business operation and service provision in an urban area that fails to have a centralized wastewater treatment work must be collected and treated in accordance with environmental protection requirements before being discharged into a receiving body.

3. Wastewater generated from production, business operation and service provision shall be managed as follows:

a) Wastewater produced by a business in a dedicated area for production, business operation and service provision or industrial cluster must be collected and preliminarily treated before being connected to the industrial wastewater collection and treatment system at the request of the investor in construction of the dedicated area for production, business operation and service provision or industrial cluster to ensure that wastewater is treated in accordance with environmental protection requirements;

b) If wastewater produced by a business located outside an urban area, high density residential area, dedicated area for production, business operation and service provision or industrial cluster cannot be connected to the wastewater collection and treatment system, it must be collected and treated in accordance with environmental protection requirements before being discharged into a receiving body.

4. Wastewater generated from organizations and households in a low density residential area must be collected and treated on the spot in accordance with environmental protection requirements before being discharged into receiving bodies.

5. Provincial People's Committees shall:

a) invest in and encourage investment in construction of wastewater collection and treatment systems in urban areas and high density residential areas within their provinces by the State in accordance with regulations of law;

b) introduce a roadmap for reserving land area, investing in or encouraging investment in construction of wastewater collection and treatment systems in urban areas and high density residential areas if a wastewater collection and treatment system is not available;

c) introduce a roadmap and assistance policy in order for organizations and households in urban areas and high density residential areas to build works and install equipment for in situ wastewater treatment in accordance with environmental protection requirements before being discharged into receiving bodies in case of failure to reserve land area for construction of wastewater collection and treatment systems in urban areas and high density residential areas established before the effective date of this Law;

d) introduce a roadmap and policy for provision of assistance in collection and in situ treatment of domestic wastewater produced by organizations, households and low density residential areas.

6. The Minister of Natural Resources and Environment shall provide guidance on technologies and techniques for in situ wastewater treatment.

7. The Minister of Construction shall provide guidance on technical infrastructural facilities serving wastewater collection and drainage in urban areas and high density residential areas specified in this Article.

Article 87. Wastewater treatment system

1. A wastewater treatment system must satisfy the following requirements:

a) Its technology conforms to type and characteristics of wastewater to be treated;

b) Its capacity is relevant to the maximum volume of wastewater generated;

c) Wastewater is treated in accordance with environmental protection requirements;

d) Wastewater treatment works are operated in accordance with technical process;

dd) An environmental emergency prevention and response plan is tailored for the wastewater treatment system; the discharge point must have coordinates and be marked with signs to facilitate inspection and supervision of discharge.

2. Sewage sludge from the wastewater treatment system must be managed in accordance with regulations of law on solid waste management; sewage sludge whose hazardous elements exceed the permissible limits must be managed in accordance with regulations of law on hazardous waste management.

Section 6. MANAGEMENT OF DUSTS, EXHAUST GASES AND OTHER POLLUTANTS

Article 88. Management and control of dusts and emissions

1. Any entity that produces dusts and exhaust gases must control and treat dusts and/or exhaust gases during its production, business operation and service provision in accordance with technical regulations on environment. Dusts whose hazardous elements exceed the permissible limits must be managed in accordance with regulations of law on hazardous waste management.
2. Vehicles, machinery, equipment, constructions that produce dust and/or exhaust gases must have filters, covers, or other parts to minimize exhaust gases and reduce dusts in accordance with technical regulations on environment.
3. Ministries and ministerial agencies concerned shall provide guidelines for prevention, inspection, supervision and treatment of sources of dusts and exhaust gases that cause air pollution.

Article 89. Management and control of noise, vibration, light, radiation and unpleasant odors

1. Any entity that creates noise, vibration, light and/or radiation must take measures to control and treat them in accordance with technical regulations on environment and radiation.
2. Entities in residential areas that create noise, vibration, light, radiation and unpleasant odors must take measures to minimize them to avoid affecting residential communities.
3. Managers of the routes with heavy traffic that produces noise, vibration, light and radiation must take measures to minimize them in accordance with technical regulations on environment.
4. It is prohibited to manufacture, import, transport, sell and use firecrackers. The Prime Minister shall decide the manufacture, import, transport, sale and use of firework.

Chapter VII

ADAPTATION TO CLIMATE CHANGE

Article 90. Climate change adaptation

1. Climate change adaptation refers to actions taken to strengthen the resilience of social-ecological systems, minimize adverse impacts of climate change and seize the opportunities offered by climate change.
2. Climate change adaptation shall cover:

a) Assessment of impacts, vulnerabilities, risks, loss and damage caused by climate change to sectors, regions and residential communities based on the climate change scenario and socio-economic development forecast;

b) Climate change adaptation, disaster risk reduction, community- and ecosystem-based climate change adaptation model; response to sea level rise and urban inundation;

c) Construction and operation of the system for supervising and assessing climate change adaptation.

3. The Ministry of Natural Resources and Environment shall preside over and cooperate with Ministries and ministerial agencies in:

a) organizing the implementation of regulations in Points a and c Clause 2 of this Article;

b) requesting the Prime Minister to promulgate the national climate change adaptation plan, reviewing and updating it every 05 years; to establish the national system for supervising and assessing climate change; criteria for determining climate adaptation projects and tasks approved by the Prime Minister; criteria for assessing climate risks;

c) providing guidelines for assessing impacts, vulnerabilities, risks, loss and damaged caused by climate change;

d) formulating and organizing implementation of the national climate change resilience plan;

dd) building and operating the national system for supervising and assessing climate change adaptation.

4. Ministries, ministerial agencies and provincial People's Committees shall:

a) implement the regulations laid down in Point b Clause 2 of this Article in accordance with this Law and other relevant regulations of law; organize assessment of impacts, vulnerabilities, risks, loss and damaged caused by climate change; submit an annual consolidated report to the Ministry of Natural Resources and Environment;

b) build and operate the sectoral or local system for supervising and assessing climate change adaptation under their management of sectors and fields.

Article 91. Reduction of GHG emissions

1. Major GHGs include carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). Low-concentration gases that have high global warming potential include hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulphur hexafluoride (SF₆) and nitrogen, trifluoride (NF₃).

2. The reduction of GHG emissions shall focus on:

a) organizing reduction of GHG emissions and GHG absorption according to a roadmap and method for reducing GHG emissions in conformity with national conditions and international commitments.

b) inventorying GHGs, measuring, reporting and appraising reduction of GHG emissions at national, sector, or field level or relevant internal level;

c) inspecting the compliance with regulations on inventorying of GHGs and reduction of GHG emissions, and the implementation of the mechanism and method for cooperation in reduction of GHG emissions;

d) formulating and implementing the mechanism and method for cooperation in reduction of GHG emissions in accordance with regulations of law and international treaties to which Socialist Republic of Vietnam is a signatory;

dd) organizing and developing the domestic carbon market.

3. The Prime Minister shall promulgate a list of sectors and GHG emitting facilities subject to GHG inventory, update it every 02 years according to the ratio of GHG emissions to the total national GHG emissions; socio-economic development conditions and situation; consumption of fuels and energy per unit of product or service by businesses.

4. The Ministry of Natural Resources and Environment shall:

a) compile and submit to the Prime Minister a list of sectors and GHG emitting facilities subject to GHG inventory for approval; introduce the national GHG inventory system; system for measuring, reporting and appraising reduction of GHG emissions;

b) prepare a national GHG inventory report every 02 years;

c) provide guidance on and organize appraisal of results of GHG inventory results and plans to reduce GHG emissions with respect to the sectors and facilities subject to GHG inventory.

5. Any Ministry that manages sectors subject to GHG inventory has the responsibility to:

a) organize GHG inventory and send inventory results to the Ministry of Natural Resources and Environment every 02 years by January 31 of the next reporting period for consolidation and reporting to the Prime Minister;

b) formulate and organize implementation of the annual plan to reduce GHG emissions in the fields of energy, agriculture, land use, forestry, waste management and industrial processes;

c) provide guidance on technical processes and regulations regarding measurement, reporting and appraisal of reduction of GHG emissions in fields and sectors under its management;

d) annually consolidate and report results of reduction of GHG emissions within its scope of management to the Ministry of Natural Resources and Environment before January 15 of the next reporting period for consolidation and reporting to the Prime Minister;

dd) provide guidance on selection and application of technological and managerial methods to reduce GHG emissions in conformity with the scale, industries and business lines under its management.

6. Provincial People's Committees shall provide information and data in service of the national and sectoral GHG inventory to the Ministry of Natural Resources and Environment, other Ministries and ministerial agencies concerned; inspect the performance of activities relating to reduction of GHG emissions under their management.

7. A GHG emitting facility on the list of facilities subject to GHG inventory has the responsibility to:

a) organize GHG inventory, build and maintain a database of GHG emissions and send inventory results to the Ministry of Natural Resources and Environment every 02 years by December 01 of the reporting period for consolidation and reporting to the Prime Minister;

b) formulate and implement the annual plan to reduce GHG emissions; integrate the reduction of GHG emissions into its quality management program, cleaner production program and environmental protection program;

c) prepare an annual report on reduction of GHG emissions to implement its GHG emissions reduction plan using the measurement, reporting and appraisal system, and submit it to the Ministry of Natural Resources and Environment, other Ministries, ministerial agencies and provincial People's Committees concerned by December 31 of the reporting period.

8. The Government shall elaborate this Article.

Article 92. Ozone layer protection

1. Ozone layer protection refer to an action taken to adapt to climate change in order to prevent ozone depletion and minimize harmful effects of ultraviolet radiation from the Sun.

2. Ozone layer protection shall focus on:

a) managing production, export, import, sale and elimination of controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory;

b) collecting, recycling, reusing or disposing of controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory in equipment containing them when they are no longer used;

c) developing and applying technologies and equipment using non-ozone-depleting substances and climate-friendly substances.

3. The Ministry of Natural Resources and Environment shall:

a) preside over and cooperate with other Ministries and ministerial agencies concerned in requesting the Prime Minister to promulgate the national plan for management and elimination of controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory;

b) promulgate a list and provide guidelines for use of controlled ozone-depleting substances and GHGs in conformity with the roadmap for implementing the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory;

c) preside over and cooperate with other Ministries, ministerial agencies and provincial People's Committees in managing, controlling, minimizing and eliminating the substances and gases on the list specified in Point b of this Clause; organize implementation of the national plan for management and elimination of ozone-depleting substances and GHGs.

4. Ministries, ministerial agencies and provincial People's Committees shall, within their power, control the production, export, import and sale of the substances and gases on the list specified in Point b Clause 3 of this Article. Ministers and heads of ministerial agencies shall promulgate regulations on management and policy to assist in transformation of technologies for eliminating and minimizing controlled ozone-depleting substances and GHGs.

5. Manufacturers of equipment and products containing the substances and gases on the list specified in Point b Clause 3 of this Article must develop an appropriate roadmap for replacing and eliminating controlled ozone-depleting substances and GHGs under the international treaty on the protection of the ozone layer to which the Socialist Republic of Vietnam is a signatory.

6. Facilities using equipment and products containing or using the substances and gases on the list specified in Point b Clause 3 of this Article must comply with regulations on collection, transport, recycling and disposal under the guidance of the Ministry of Natural Resources and Environment.

7. Businesses that use the substances and gases on the list specified in Point b Clause 3 of this Article shall make a transfer of ozone layer protection technology entitled to incentives and assistance as prescribed by this Law and Law on Technology Transfer.

8. The Government shall elaborate this Article.

Article 93. Integration of contents of adaptation to climate change with strategies and planning

1. Contents of adaptation to climate change to be integrated with a strategy or planning include:

- a) Climate change scenario and impacts of climate change used to determine long-term objectives of the strategy or planning;
- b) Climate change adaptation solutions integrated with the strategy or planning;
- c) Results of analysis and assessment of climate change adaptation solutions used to determine socio-economic indicators of the strategy or planning.

2. The strategies and planning mentioned in Article 25 of this Law must be integrated with contents of adaptation to climate change specified in this Law and other relevant regulations of law.

Article 94. National climate change database

1. The national climate change database includes the following information and data:

- a) Legislative documents, policies, strategies, planning, plans, standards, technical regulations, technical requirements, professional processes, socio-economic norms regarding climate change and ozone layer protection;
- b) Impacts of climate change on natural resources, environment, ecosystems, living conditions and socio-economic activities;
- c) GHG emissions and socio-economic activities relating to GHG emissions;
- d) Reduction of GHG emissions and climate change adaptation
- dd) Protection of ozone layer and management of ozone-depleting substances;
- e) Results of national climate assessment;
- g) Climate change scenarios over periods;
- h) Scientific research, development and transfer of technologies for adapting to climate change and protection ozone layer;
- i) Resources for climate change adaptation and ozone layer protection;
- k) International cooperation in climate change adaptation and ozone layer protection.

2. The Ministry of Natural Resources and Environment shall organize establishment and updating and providing guidelines for operation and use of the national climate change database.

3. Other Ministries, ministerial agencies and provincial People's Committees shall organize the investigation into, surveying and collection of the information and data mentioned in Clause 1 of

this Article within the scope and areas under their management and send them to the Ministry of Natural Resources and Environment.

Article 95. National climate change adaptation report

1. The national climate change adaptation report includes:

- a) Overview of climate change developments and impacts;
- b) Results of national GHG inventory;
- c) Efforts and efficiency in adaptation to climate change;
- d) International and domestic resources for climate change adaptation;
- dd) Fulfillment of international climate change commitments;
- e) Prediction of impacts of climate change on economy, society and environment;
- g) Proposed solutions for climate change adaptation.

2. Other Ministries, ministerial agencies and provincial People's Committees shall prepare an annual report on climate change adaptation within the scope and fields under their management and send it to the Ministry of Natural Resources and Environment.

3. The Ministry of Natural Resources and Environment shall prepare a national climate change adaptation report every 05 years and submit it to the Government for reporting to the National Assembly; instruct other Ministries, ministerial agencies and provincial People's Committees to prepare climate change adaptation reports.

Article 96. Implementation of climate change and ozone layer protection clauses

1. The Ministry of Natural Resources and Environment shall:

- a) play the leading role in implementing climate change and ozone layer protection clauses in the international treaties to which the Socialist Republic of Vietnam is a signatory;
- b) organize the preparation, updating and implementation of Intended Nationally Determined Contributions, prepare a report on climate change and ozone layer protection every 02 years and other national reports thereon under the international treaties to which the Socialist Republic of Vietnam is a signatory.
- c) formulate mechanisms and policies for mobilization and management of resources to implement Intended Nationally Determined Contributions and fulfill Vietnam's commitments to climate change and ozone layer protection under the international treaties to which the Socialist Republic of Vietnam is a signatory.

2. Other Ministries, ministerial agencies and provincial People's Committees shall implement climate change and ozone layer protection clauses in the international treaties to which the Socialist Republic of Vietnam is a signatory; submit reports on implementation thereof to the Ministry of Natural Resources and Environment for consolidation and reporting as prescribed.

Chapter VIII

ENVIRONMENTAL TECHNICAL REGULATIONS AND ENVIRONMENTAL STANDARDS

Article 97. Environmental technical regulations

1. Environmental technical regulations on ambient environment quality, including:

- a) Environmental technical regulations on soil and sediment quality;
- b) Environmental technical regulations on surface water, groundwater and seawater quality;
- c) Environmental technical regulations on air quality;
- d) Environmental technical regulations on light and radiation;
- dd) Environmental technical regulations on noise and vibration.

2. Environmental technical regulations on waste, including:

- a) Environmental technical regulations on wastewater;
- b) Environmental technical regulations on exhaust gases from production, business operation and service provision and exhaust gases from vehicles.

3. Environmental technical regulations on waste management, including:

- a) Environmental technical regulations on hazardous waste;
- b) Environmental technical regulations on solid waste landfills;
- c) Environmental technical regulations on works and equipment for in situ wastewater treatment;
- d) Environmental technical regulations on waste incinerators;
- dd) Environmental technical regulations on waste co-processing;
- e) Other environmental technical regulations on equipment for waste treatment and recycling.

4. Environmental technical regulation on management of scrap imported from foreign countries as production materials.
5. Environmental technical regulation on limits of persistent pollutants present in raw materials, fuels, materials, products, goods and equipment.
6. Other environmental technical regulations in accordance with environmental protection requirements.

Article 98. Rules for formulating and applying environmental technical regulation ambient environment quality; environmental technical regulations on limits of persistent pollutants present in raw materials, fuels, materials, products, goods and equipment

1. The formulation of environmental technical regulations on ambient environment quality must adhere to the following rules:

- a) Achieve the objectives for protecting and improving the living environment to ensure human health, development of creatures and sustainable of ecosystems; serve planning activities, environmental zoning and environmental quality assessment;
- b) Ensure that they are equivalent to those of developing countries and conform to national and regional natural and socio-economic conditions.

2. The application of environmental technical regulations on ambient environment quality must adhere to the following rules:

- a) Serve as the basis for classifying and assessing environmental quality in one location or one area;
- b) Serve as the basis for carrying out environmental zoning for intended purposes of management and use;
- c) Serve as the basis for formulating environmental quality management plans, considering issuing environmental licenses to entities that discharge waste into the environment and ensuring the discharge serves the purpose of environmental quality management in planned, zoned or classified areas.

3. Environmental technical regulation on limits of persistent pollutants present in raw materials, fuels, materials, products, goods and equipment must aim to protect human health and prevent environmental protection under the international treaties to which Socialist Republic of Vietnam is a signatory.

Article 99. Rules for formulation and application of environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials

1. The formulation of environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials must adhere to the following rules:

a) Environmental technical regulations on waste and waste management must be relevant to technical and technological level, technology, socio-economic development level from time to time; harmonize with regulations of countries in the region and in the world; encourage businesses to transfer and apply new technologies, best available techniques, clean technologies and environmentally-friendly technologies;

b) Environmental technical regulation on waste must suit the receiving zones and areas; be formulated according to the planning and environmental zoning; serve the purpose of environmental quality management and improvement;

c) Environmental technical regulation on waste management must be in line with the purposes and requirements concerning collection, storage and treatment of each type of waste;

d) Environmental technical regulation on management of scrap imported from foreign countries as production materials must function as a barrier to prevent and control the import of waste into Vietnam in the future;

dd) Environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials must be reviewed, updated and adjusted every 05 years or when necessary, in a more stringent manner if the environmental quality fails to serve the purpose of environmental quality management;

e) Local environmental technical regulations on waste and waste management must be formulated in a manner that is more stringent than national environmental technical regulations.

2. The application of environmental technical regulations on waste and waste management must adhere to the following rules:

a) Environmental technical regulations on waste and waste management must be applied to control pollutants produced by businesses; ensure no environmental pollution is caused;

b) Environmental technical regulation on waste must be applied to serve the purpose of environmental quality management in receiving areas and zones and according to the quantity and volume of waste;

c) New investment projects and expansion projects must satisfy the latest requirements specified in the environmental technical regulations on waste and waste management;

d) Businesses that are operating must formulate a plan to implement the roadmap for application of environmental technical regulations on waste and waste management or relocation plan in case of failure to satisfy the requirements;

dd) If a national environmental technical regulation on technology or equipment that produces waste, environmental quality parameters or pollutants present in waste is yet to be available, the national environmental technical regulation of one of the developed countries shall apply.

3. The application of the environmental technical regulation management of scrap imported from foreign countries as production materials must adhere to the following rules:

a) The environmental technical regulation management of scrap imported from foreign countries as production materials shall serve as one of the bases for customs clearance of shipments of scrap. In case of failure to satisfy the requirements, it is required to re-export them as prescribed;

b) The environmental technical regulation management of scrap imported from foreign countries as production materials must be applied to each shipment of scrap registered for inspection, except for the case of exemption from inspection prescribed by law.

Article 100. Requirements concerning environmental technical regulations on ambient environment quality

1. Environmental technical regulations on ambient environment quality must define permissible limits of environmental parameters suitable for use of corresponding environmental components, including:

a) Minimum values of parameters ensuring life and normal growth of humans and creatures;

b) Maximum permissible values of environmental parameters that ensure no negative effects produced on life and normal growth of humans and creatures.

2. Technical regulations on ambient environment quality must provide guidance on reference method for measuring, collecting and analyzing samples to determine environmental parameters.

Article 101. Requirements concerning environmental technical regulations on waste, waste management and management of scrap imported from foreign countries as production materials

1. Environmental technical regulations on waste must define permissible limits of pollutants present in waste. Permissible limits of pollutants present in waste must be determined according to toxic properties of the pollutants, volume and environmental zoning.

2. The environmental technical regulation on waste management must define technical and managerial requirements for collection, storage and treatment to avoid environmental pollution.

3. The environmental technical regulation on management of scrap imported from foreign countries as production materials must define technical and managerial requirements and maximum permissible levels of impurities present in scrap shipments.

4. The environmental technical regulations on waste and waste management must introduce an appropriate roadmap for application thereof.

5. The environmental technical regulations specified in this Article must provide guidance on reference methods for collecting, measuring and analyzing samples to determine technical indicators and parameters.

Article 102. Formulation, appraisal and promulgation of environmental technical regulations

1. Power and procedures for formulating and promulgating national and local environmental technical regulations must comply with regulations of law on standards and technical regulations.

2. The Ministry of Natural Resources and Environment shall:

a) formulate and promulgate national environmental technical regulations;

b) preside over and cooperate with the Ministry of Transport in requesting the Prime Minister to promulgate a roadmap for application of national standards and technical regulations on emissions of motor vehicles operating in Vietnam.

3. Ministries and ministerial agencies shall promulgate standards, technical regulations or technical guidance on recycling, reuse and use of waste as raw materials and materials for production, business operation and service provision under their management after obtaining comments of the Ministry of Natural Resources and Environment.

4. The Ministry of Science and Technology shall carry out appraisal of environmental technical regulations in accordance with regulations of law on standards and technical regulations.

5. If the ambient environment quality fails to achieve the objectives for environmental protection, the provincial People's Committee shall promulgate a local environmental technical regulation on waste within 02 years from the date of promulgating the national environmental technical regulation.

Article 103. Environmental standards

1. Environmental standards include ambient environment quality standard, environmental standard on waste management and other environmental standards.

2. Whole or part of an environmental standard becomes compulsorily applicable if it is referred to in a legal document or environmental technical regulation.

3. An internal environmental standard shall be applicable within the organization issuing such standard.

Article 104. Establishment, appraisal and announcement of environmental standards

1. Power and procedures for establishing and appraising environmental standards must comply with regulations of law on standards and technical regulations.
2. The Ministry of Natural Resources and Environment shall organize the establishment and request appraisal of national environmental standards.
3. The Ministry of Science and Technology shall organize appraisal of and announce national environmental standards.
4. Agencies and organizations shall establish and announce internal environmental standards in accordance with regulations of law on standards and technical regulations.

Article 105. Application of best available techniques

1. Owners of investment project and businesses involved in types of production, business and services that are likely to cause environmental pollution shall study and apply best available techniques according to the roadmap prescribed by the Government; provide information upon request to serve the development of technical guidance on application of best available techniques.
2. Criteria for determining best available techniques:
 - a) The ability to reduce amount of pollutants;
 - b) The ability to increase amount of recyclable waste;
 - c) Costs of application and operation of the best available techniques;
 - d) The ability to save energy;
 - dd) Proactivity in pollution prevention and control
3. The Ministry of Natural Resources and Environment shall preside over and cooperate with the Ministry of Science and Technology, other Ministries and ministerial agencies concerned in developing and providing technical guidance on application of best available techniques or consider recognizing the best available techniques already applied by developed countries and permitted for application in Vietnam; review, update and supplement the list of best available techniques in a manner that is relevant to the current situation and level of science and technology development; provide technical guidance on application of best available techniques for each type of production, business or service that is likely cause environmental pollution.

Chapter IX

ENVIRONMENTAL MONITORING, ENVIRONMENTAL INFORMATION AND DATA AND ENVIRONMENTAL REPORTING

Section 1. ENVIRONMENTAL MONITORING

Article 106. General regulations on environmental monitoring

1. Environmental monitoring also includes waste monitoring and is carried out on an automatic, continuous or periodic basis or at the request of a competent authority.
2. Investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters that release waste into the environment must carry out monitoring as prescribed in Articles 111 and 112 of this Law and in accordance with environmental technical regulations.
3. Entities are encouraged to engage in environmental monitoring and provide information on environmental quality to the community as prescribed by law. Such entities shall take legal responsibility for the accuracy of the information provided.
4. Environmental monitoring must ensure and control quality and give accurate and reliable monitoring results.
5. Vehicles and equipment used for environmental monitoring must be verified and calibrated in accordance with regulations of law on measurement.

Article 107. Environmental monitoring system

1. The environmental monitoring system shall cover:
 - a) National environmental monitoring, which is a network of background and impact environmental monitoring stations and locations serving the monitoring and providing information on background and impact environmental quality in inter-regional, inter-provincial and transboundary areas.
 - b) Provincial environmental monitoring, which is a network of background and impact environmental monitoring stations and locations serving the monitoring and providing information on background and impact environmental quality in areas within a province.
 - c) Environmental monitoring in service of field and sector management prescribed in Article 109 of this Law;
 - d) Environmental monitoring for investment projects, in businesses, dedicated areas for production, business operation and service provision and industrial clusters;
 - dd) Biodiversity monitoring in wildlife sanctuaries.

2. Organizations joining the environmental monitoring system include:

- a) Environmental monitoring authorities;
- b) Organizations in charge of on-site sampling and sample measurement;
- c) Environmental sample testing and analysis laboratories;
- d) Organizations verifying and calibrating environmental monitoring equipment;
- dd) Organizations managing and processing environmental monitoring data and preparing environmental monitoring reports.

3. The environmental monitoring system must be must be synchronized and interconnected to create a consistent and comprehensive network nationwide.

4. The comprehensive planning for national environmental monitoring is the technical and specialized planning containing the following main contents:

- a) Analyzing and assessing current state of the national environmental monitoring network; system of environmental testing and analysis laboratories and environmental monitoring data management system;
- b) Viewpoints, objectives and selected scheme for comprehensive planning for national environmental monitoring in conformity with environmental zoning, monitoring orientations and environmental warning in the environmental protection planning;
- c) National environmental monitoring network, including orientations for environmental component monitoring points, parameters and frequency nationwide and automatic monitoring stations; orientations for development of system of environmental testing and analysis laboratories and environmental monitoring data management system;
- d) List of national environmental monitoring projects;
- dd) Orientations for connection of national environmental monitoring network, database and data with provincial environmental monitoring network and connection of environmental monitoring network;
- e) Roadmap and resources available for the implementation of the planning.

Article 108. Objects subject to environmental monitoring

1. Environmental components to be monitored include:

- a) Water, including surface water, groundwater and seawater;

- b) Ambient air;
- c) Soil and sediments;
- d) Biodiversity;
- dd) Noise, vibration, radiation, light.

2. Waste sources, waste and pollutants to be monitored include:

- a) Wastewater and exhaust gases;
- b) Controlled industrial waste for identifying hazardous waste as prescribed by law;
- c) Radioactivity;
- d) Persistent pollutants that are released into and accumulate in the environment;
- dd) Other pollutants.

Article 109. Responsibility for environmental monitoring

1. The Ministry of Natural Resources and Environment shall:

- a) direct, provide guidance on and inspect environmental monitoring nationwide; organize the execution of the national environmental monitoring programs including environmental monitoring programs for inter-provincial rivers and lakes, sea, key economic regions, inter-regional, inter-provincial and transboundary areas and environment in geographically distinct zones; carry out biodiversity monitoring in wildlife sanctuaries;
- b) Formulate, appraise and submit to the Prime Minister the comprehensive planning for national environmental monitoring for approval in accordance with regulations of law on planning;
- c) provide technical guidance on building national and provincial environmental monitoring systems; biodiversity monitoring.

2. The Ministry of Science and Technology shall organize the execution of radioactivity monitoring programs including programs for monitoring radioactive components in the environment.

3. The Ministry of Agriculture and Rural Development shall organize the execution of environmental monitoring programs serving agricultural management including water, soil and sediment monitoring programs serving the purposes of irrigation, fishing, aquaculture, agriculture, forestry and salt production.

4. The Ministry of Health shall organize the execution of occupational environment monitoring programs in the workplace.

5. The Ministry of National Defense shall participate in offshore water monitoring and transboundary environmental monitoring.

6. Provincial People's Committees shall organize the execution of environmental monitoring programs within their provinces, submit annual environmental monitoring reports to provincial People's Councils and the Ministry of Natural Resources and Environment.

Article 110. Conditions for environmental monitoring

1. National environmental monitoring programs, local environmental monitoring programs and environmental monitoring programs of businesses and service providers prescribed by regulations of law on environmental protection and other monitoring activities serving state management of environmental protection in accordance with regulations on environmental monitoring must be carried out by organizations certified as eligible to provide environmental monitoring services.

2. Organizations that satisfy requirements concerning personnel and equipment for environmental monitoring and technical conditions applied to laboratories and adopt environmental monitoring methods shall be issued with the certificate of eligibility to provide environmental monitoring services. Certificate holders must operate within the certified scope.

3. Entities carrying out environmental monitoring on a periodic, regular and continuous manner in order to provide and publish information about environmental quality to the community must comply with technical requirements for environmental monitoring as prescribed by law.

4. The Government shall elaborate this Article.

Article 111. Wastewater monitoring

1. Subjects required to carry out automatic and continuous wastewater monitoring include:

a) Dedicated areas for production, business operation and service provision and industrial clusters that discharge wastewater into the environment;

b) Investment projects and businesses involved in a type that is likely to cause environmental protection with an average or higher flow rate of wastewater discharged into the environment;

c) Investment projects and businesses not involved in a type that is likely to cause environmental protection with a large flow rate of wastewater discharged into the environment.

2. Subjects required to carry out periodic wastewater monitoring include:

a) Dedicated areas for production, business operation and service provision and industrial clusters that discharge wastewater into the environment;

b) Investment projects and businesses that discharge wastewater into the environment at a large flow rate.

3. The automatic and continuous wastewater monitoring must comply with regulations on environmental monitoring techniques. Data of the monitoring system must be directly transmitted to the provincial specialized environmental protection authority.

4. The periodic wastewater monitoring must comply with regulations on time, frequency and parameters; parameters that have been automatically and continuously monitored are not required to be periodically monitored.

5. Every provincial specialized environmental protection authority shall:

a) monitor automatic and continuous wastewater monitoring data; assess automatic and continuous wastewater monitoring results and compare them with permissible limits of pollutants specified in the environmental technical regulation on wastewater; supervise and inspect the correction if the monitoring data transmission is interrupted; find monitored parameters which exceed the permissible limits and propose remedial measures as prescribed;

b) aggregate and transmit data on automatic and continuous monitoring carried out within the province to the Ministry of Natural Resources and Environment as prescribed.

6. Subjects other than those specified in Clauses 1 and 2 of this Article are encouraged to monitor wastewater to supervise their own wastewater treatment systems and equipment.

7. The Government shall elaborate subjects required to carry out wastewater monitoring; parameters and roadmap for carrying out automatic and continuous wastewater monitoring; time and frequency of periodic wastewater monitoring.

8. The Minister of Natural Resources and Environment shall impose regulations on wastewater monitoring techniques.

Article 112. Industrial dust and exhaust gas monitoring

1. Subjects required to carry out automatic and continuous monitoring of industrial dusts and exhaust gases include investment projects and businesses likely to cause air pollution with large flow rates of dusts and exhaust gases released into the environment.

2. Subjects required to carry out periodic monitoring of industrial dusts and exhaust gases include investment projects and businesses discharging dusts and exhaust gases into the environment at large flow rates.

3. The automatic and continuous monitoring of industrial dusts and exhaust gases must comply with regulations on environmental monitoring techniques. Data of the monitoring system must be directly transmitted to the provincial specialized environmental protection authority.

4. The monitoring of industrial dusts and exhaust gases must comply with regulations on time, frequency and parameters as prescribed by law. The parameters that have been automatically and continuously monitored are not required to be periodically monitored.

5. Every provincial specialized environmental protection authority shall:

a) monitor data on automatic and continuous monitoring of industrial exhaust gases; assess results of automatic and continuous monitoring of industrial exhaust gases and compare them with permissible limits of pollutants specified in the environmental technical regulation on exhaust gases; supervise and inspect the correction if the monitoring data transmission is interrupted; find monitored parameters which exceed the permissible limits and propose remedial measures as prescribed;

b) aggregate and transmit data on automatic and continuous monitoring carried out within the province to the Ministry of Natural Resources and Environment as prescribed.

6. Subjects other than those specified in Clauses 1 and 2 of this Article are encouraged to monitor industrial dusts and exhaust gases to supervise their own dust and exhaust gas treatment systems and equipment.

7. The Government shall elaborate subjects required to carry out monitoring of industrial dusts and exhaust gases; parameters and roadmap for carrying out automatic and continuous exhaust gas monitoring; time and frequency of periodic monitoring of industrial dusts and exhaust gases.

8. The Minister of Natural Resources and Environment shall impose regulations on industrial dust and exhaust gas monitoring techniques.

Article 113. Environmental monitoring data management

1. The Ministry of Natural Resources and Environment shall manage national environmental monitoring data; establish environmental monitoring database to be incorporated in the national environmental information system and database; integrate environmental monitoring data of Ministries, ministerial agencies and local authorities, publish information about national environmental quality; provide professional guidance on and technical assistance in local environmental monitoring data management.

2. Ministries and ministerial agencies shall set up environmental monitoring database within their power and integrate it into the national environmental monitoring database.

3. Provincial People's Committees shall manage environmental monitoring data; establish environmental monitoring database within their provinces in a manner that is consistent, synchronized and interconnected with the national environmental information system and

database and publish information on local environmental quality on the basis of the local environmental monitoring results.

4. Investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters shall manage waste monitoring data and make waste monitoring results publicly available as prescribed by law.

Section 2. ENVIRONMENTAL INFORMATION SYSTEMS AND DATABASE

Article 114. Environmental information

1. Environmental information consists of:

a) Information on pollutants, discharge of pollutants into the environment and sources of pollutants; environmental protection by investment projects, businesses and dedicated areas for production, business operation and service provision and industrial clusters;

b) Information about solid waste, hazardous waste, wastewater, exhaust gases and other types of waste prescribed by law;

c) Information about decision to approve appraisal results, EIARs, except for trade secrets and information classified as state secrets; matters concerning licensing, registration, certification and confirmation; results of inspection of environmental protection by investment projects, businesses and dedicated areas for production, business operation and service provision and industrial clusters;

d) Information about statistical indicators regarding environment, environmental quality and environmental pollution;

dd) Information about natural heritage sites, natural ecosystems, species and genetic resources; wildlife sanctuaries and biodiversity conservation facilities; important wetlands;

2. The collection, storage and management of environmental information shall comply with the following regulations:

a) Environmental information shall be collected in an accurate, adequate and timely manner;

b) Investment project/business owners shall regularly collect, store and manage the environmental information mentioned in Points a, b and c Clause 1 of this Article;

c) Ministries and ministerial agencies shall collect, store and manage environmental information under their management specified in Points d and dd Clause 1 of this Article;

d) People's Committees at all levels shall collect, store and manage environmental information within their areas and as assigned;

dd) The Ministry of Natural Resources and Environment shall collect and consolidate national environmental information.

3. The provision and publishing of environmental information shall comply with the following regulations:

a) The State shall encourage entities to participate in providing environmental information;

b) Ministries, ministerial agencies and provincial People's Committees shall provide environmental information which they collect, store and manage to the Ministry of Natural Resources and Environment through the environmental information system and database or submit reports as prescribed by law;

c) Investment project/business owners shall provide the environmental information mentioned in Points a, b and c Clause 1 of this Article to an environmental protection authority through the environmental information system and database or submit reports as prescribed by law;

d) Entities shall publish environmental information as prescribed on their websites or in another manner to facilitate access to information. The publishing of environmental information shall comply with regulations of this Law and other relevant regulations of law.

4. The Government shall elaborate on contents and management of environmental information; procedures, time and method for providing and publishing environmental information.

Article 115. Environmental information systems and database

1. Regarding environmental information systems:

a) The State shall introduce a policy to build and operate the environmental information system with the aim of developing a digital environmental platform and economy in the future;

b) The Ministry of Natural Resources and Environment shall build, manage and operate the national environmental information system; provide guidance on operation of ministerial, sectoral and provincial environmental information systems;

c) Ministries, ministerial agencies and provincial People's Committees shall build, manage and operate ministerial, sectoral and provincial environmental information systems in synchronization with the national environmental information system.

2. Regarding environmental database:

a) Environmental database means a collection of environmental information, is built, updated, stored and managed to meet the needs for access, provision and use from central to local government and serve the state management of environmental protection and provision of public environmental services;

b) The Ministry of Natural Resources and Environment shall build and manage the national environmental database; instruct other Ministries, ministerial agencies and provincial People's Committees to organize the operation of their environmental database;

c) Ministries, ministerial agencies and provincial People's Committees shall organize the operation of their environmental database; ensure that it is integrated, connected and interconnected with the national environmental database.

3. The Government shall elaborate this Article.

Article 116. Online public environmental services

1. Online public environmental services include public administrative environmental services, environmental information provision services and other public environmental services prescribed by law.

2. The provision of online public environmental services shall comply with the following regulations:

a) Regulatory bodies that have the power to provide online public environmental services as prescribed by the Government must ensure connection, interconnection, convenience, simplicity and safety and serve the state management of environment.

b) The Ministry of Natural Resources and Environment and provincial People's Committees shall operate and provide guidance on provision of online public environmental services ensuring the synchronization, connection and interconnection as prescribed by law.

Section 3. ENVIRONMENTAL REPORTING

Article 117. Environmental statistical indicators

1. Environmental statistical indicators are part of the Vietnam's statistical indicator system aiming to measure and assess environmental protection activities for sustainable development in the future and in line with the UN's sustainable development indicator system.

2. Environmental statistical indicators include national environmental indicators and environmental statistical indicators of the natural resource and environment sector and are compiled in compliance with regulations of this Law and law on statistics.

3. Ministries, ministerial agencies and provincial People's Committees shall organize production of statistics on environmental indicators in the fields, sectors and areas under their management; submit annual reports on environmental statistical indicators to the Ministry of Natural Resources and Environment.

4. The Minister of Natural Resources and Environment shall produce, provide guidance on and organize the production of environmental statistics; promulgate a set of statistical indicators of the natural resource and environment sector.

Article 118. Reporting of environmental protection

1. On an annual basis, the environmental protection carried out in the previous year shall be reported as follows:

a) The district-level People's Committee shall submit a report to the district-level People's Council and provincial People's Committee before January 31;

b) The industrial park, export-processing zone, hi-tech zone or economic zone management board shall submit a report to the provincial People's Committee before January 31;

c) The provincial People's Committee shall submit a report to the People's Council of the province and the Ministry of Natural Resources and Environment before February 15;

d) The Ministry or ministerial agency shall submit a report on performance of its environmental protection tasks to the Ministry of Natural Resources and Environment before February 15;

dd) The Ministry of Natural Resources and Environment shall prepare a report on environmental protection nationwide and submit it to the Government for reporting to the National Assembly at its first session of the year.

2. Main contents of an environmental protection report:

a) State of soil, water and air and changes in soil, water and air quality; natural heritage site and biodiversity;

b) General socio-economic context and impacts on the environment;

c) Results of performance of environmental protection activities including control of pollution sources; solid and hazardous waste management; management of soil, water and air quality; pollution remediation, environmental quality improvement; environmental emergency prevention and response; environmental protection of natural heritage sites and biodiversity;

d) Environmental monitoring and warning system;

dd) Formulation of policies and law, handling of administrative procedures, supervision, inspection and handling of violations against the law, handling of complaints and denunciations about the environment;

e) Conditions and resources for environmental protection;

g) Results of compilation of environmental statistical indicators;

h) General assessment;

i) Orientations, tasks and solutions for environmental protection in the coming time.

3. The environmental protection reporting period begins from January 01 to December 31 inclusive of the reporting year.

4. The environmental protection report shall be submitted physically or electronically as prescribed by law.

5. The Minister of Natural Resources and Environment shall provide guidance on preparation of environmental protection reports; provide guidance on and organize the assessment of environmental protection by Ministries, ministerial agencies and provincial People's Committees.

Article 119. Reporting of environmental protection during production, business operation and service provision

1. Every investment project/business owner shall prepare and submit an environmental protection report to the competent authority as prescribed by law.

2. Environmental protection reports include:

a) Annual environmental protection reports. The reporting period begins from January 01 to December 31 inclusive of the reporting year;

b) Ad hoc environmental protection reports requested by the competent authority.

3. Main contents of a periodic environmental protection report include:

a) Results of operation of works and implementation of environmental protection measures for waste;

b) Results of implementation of remedial measures required by the inspecting authority and competent authority (if any);

c) Results of periodic, automatic and continuous monitoring;

d) Management of solid waste and hazardous solid waste;

dd) Management of imported scrap (if any);

e) Provision of environmental monitoring services (if any);

g) Other environmental protection results, activities and measures.

4. The environmental protection report shall be submitted physically or electronically as prescribed by law.

5. The Minister of Natural Resources and Environment shall elaborate contents, forms, methods and time for sending reports on environmental protection during production, business operation and service provision.

Article 120. State of the environment reports

1. State of the environment reports include general reports on state of the environment and thematic reports on state of the environment.

2. Responsibility for preparing state of the environment reports:

a) The Ministry of Natural Resources and Environment shall prepare a general report on national state of the environment every 05 years to serve the assessment of results of implementation of the socio-economic development plan; prepare an annual thematic report on national state of the environment;

b) Provincial People's Committees shall prepare a general report on local state of the environment every 05 years; prepare an annual thematic report on state of the environment under the guidance of the Ministry of Natural Resources and Environment; according to the pressing local environmental issues, the provincial People's Committees may decide to prepare a thematic report on state of the environment within provinces.

3. Main contents of a state of the environment report include:

a) Overview of nature, economy and society;

b) Environmental impacts;

c) State of the environment and environmental quality changes;

d) Pressing environmental issues and causes thereof;

dd) Impacts of the environment on economy and society;

e) Results of implementation of policies, law and environmental protection activities; international cooperation in environmental protection;

g) Predicted environmental challenges;

h) Directions and solutions for environmental protection.

4. Method for state of the environment reporting:

a) The general report on national state of the environment shall be submitted to the National Assembly at the session prior to the final session of the last year of the tenure;

b) The thematic report on national state of the environment shall be published on the website of the Ministry of Natural Resources and Environment prior to the National Assembly's first session of the next year; the thematic report on local state of the environment shall be published on the website of the provincial People's Committee prior to the regular session of the provincial People's Council of the next year.

5. The Minister of Natural Resources and Environment shall provide guidelines for preparation of state of the environment reports; provide guidelines for state of the environment reporting and preparation of state of the environment reports by other Ministries, ministerial agencies and provincial People's Committees.

Chapter X

ENVIRONMENTAL EMERGENCY PREVENTION AND RESPONSE AND COMPENSATION FOR ENVIRONMENTAL DAMAGE

Section 1. ENVIRONMENTAL EMERGENCY PREVENTION AND RESPONSE

Article 121. General regulations on environmental emergency prevention and response

1. The environmental emergency prevention and response shall adhere to technical processes and regulations on safety and environment.

2. The motto "leadership on-the-spot, forces on-the-spot, means and materials on-the-spot, and logistics on-the-spot" shall be used for environmental emergency response.

3. Entities causing environmental emergencies shall respond to them and pay costs of response.

4. An environmental emergency that occurs in an establishment or administrative division, the head of such establishment or administrative division shall direct and organize the response to the environmental emergency. There must be a commander, who will assign specific tasks and coordinate different forces, vehicles and equipment involved in response to the environmental emergency.

5. The State shall encourage and enable entities to invest in environmental emergency response services.

6. The prevention of environmental emergencies caused by waste leakage, spill or dispersal (hereinafter referred to as the "waste-related emergencies") shall comply with regulations of this Law. The prevention of environmental emergencies caused by chemicals, radiation, oil slick, epidemics and others shall comply with relevant regulations of law.

7. The Government shall elaborate on the prevention of and response to environmental emergencies.

Article 122. Responsibility for environmental emergency response

1. Every investment project/business owner shall perform the following tasks:

- a) Comply with requirements concerning plans, measures and equipment for environmental emergency prevention and response as prescribed by law;
- b) Carry out regular inspection and adopt managerial and technical plans and measures to eliminate and reduce the risk of environmental emergencies.

2. Provincial People's Committees shall:

- a) investigate, statistically report and assess the risk of environmental emergencies within their provinces;
- b) build database and compile and publish information about sources that are likely to cause environmental emergencies within their provinces as prescribed by law;
- c) build and direct district- and communal-level People's Committees to build capacity for environmental emergency prevention and response within their provinces.

3. Ministries and ministerial agencies shall respond to environmental emergencies as prescribed in Point a Clause 1 Article 127 of this Law.

Article 123. Classification of environmental emergencies by scale and stages of response to environmental emergencies

1. The classification of an environmental emergency shall be based on the extent of environmental pollution or degradation at the time of discovering the emergency in order to determine an authority responsible for direction and response, including:

- a) In-facility environmental emergency: environmental pollution or degradation occurs within a facility;
- b) District-level environmental emergency: environmental pollution or degradation occurs beyond a facility and within a district;
- c) Provincial-level environmental emergency: environmental pollution or degradation occurs beyond a district and within a province;
- d) National-level environmental emergency: environmental pollution or degradation occurs within 02 provinces or more or across the nation.

2. Stages of environmental emergency response include:

- a) Preparing for environmental emergency;
- b) Organizing environmental emergency response;
- c) Remediating environment after emergency.

Article 124. Preparing for environmental emergency

1. The person responsible for directing environmental emergency response specified in Clause 4 Article 125 of this Law shall direct the formulation and approval of the environmental emergency response plan within his/her jurisdiction; direct organization of environmental emergency response drills for which he/she grants approval.

2. The Ministry of National Defense shall preside over and cooperate with other Ministries, ministerial agencies, Governmental agencies and provincial People's Committees in providing guidance on, forming forces and providing resources and equipment in response to environmental emergencies to the National Committee for Natural Disaster Management and Response and Command Centers for Natural Disaster Management of provinces and districts.

3. Investment project/business owners must have works, equipment and vehicles serving response to environmental emergencies as prescribed by law; form and train forces on-the-spot for the purpose of environmental emergency response.

4. An environmental emergency response plan shall be promulgated and implemented as follows:

a) The National Committee for Natural Disaster Management and Response shall promulgate and implement the national environmental emergency response plan; inspect the implementation of the environmental emergency response plan promulgated by the provincial Command Center for Natural Disaster Management;

b) The provincial Command Center for Natural Disaster Management shall promulgate and implement the provincial environmental emergency response plan; inspect the implementation of the environmental emergency response plan promulgated by the district-level Command Center for Natural Disaster Management;

c) The district-level Command Center for Natural Disaster Management shall promulgate and implement the district-level environmental emergency response plan;

d) The investment project/business owner shall promulgate and organize the implementation of its environmental emergency response plan.

5. The environmental emergency response plan must have emergency scenario to formulate a corresponding emergency scheme and must be made publicly available as prescribed by law.

6. The environmental emergency response plan shall be integrated as follows:

- a) The environmental emergency response plan mentioned in Point a, b or c Clause 4 of this Article may be integrated with the civil defense plan or plan for response to another emergency;
- b) The environmental emergency response plan mentioned in Point d Clause 4 of this Article is integrated with and approved together with the plan for response to another emergency.

7. An environmental emergency response drill shall be organized as follows:

- a) The drill in response to in-facility environmental emergencies shall be conducted at least every 02 years unless otherwise prescribed by law;
- b) The drills in response to district, provincial and national-level environmental emergencies shall be conducted according to the environmental emergency response plan approved by the competent authority;
- c) The environmental emergency response drill must be joined by relevant organizations and forces, representatives of residential communities and surrounding facilities potentially affected by the emergency.

Article 125. Organizing environmental emergency response

1. Information about an environmental emergency must be promptly notified to the district-level Command Center for Natural Disaster Management and People's Committee of the commune where the emergency occurs.

2. The district-level Command Center for Natural Disaster Management shall cooperate with the People's Committee of the commune where the emergency occurs shall verify and promptly organize response to the environmental emergency and notify the district-level People's Committee, which will announce the environmental emergency or notify the competent authority, which will organize the response as prescribed in Clause 1 Article 123 of this Law.

3. The response to an environmental emergency shall mainly focus on:

- a) identifying causes of the emergency; type, amount and weight of pollutants released into the environment;
- b) preliminary assessment of extent, objects and level of impacts on soil, water, air, humans and creatures;
- c) implementation of measures for isolating and limiting the extent, objects and level of impacts; urgent implementation of measures to ensure safety of humans, property, creature and environment;
- d) recovering, treating and eliminating pollutants or causes of pollution;

dd) publishing and providing information about the emergency to the community to prevent and avoid adverse impacts of the emergency.

4. Responsibility for response to the environmental emergency:

a) Investment project/facility owner has the responsibility to organize response to the environmental emergency within the facility, if it is beyond the response capacity, promptly notify the People's Committee of the province where the emergency occurs and the district-level Command Center for Natural Disaster Management for cooperation;

b) The President of the district-level People's Committee and the head of the district-level Command Center for Natural Disaster Management shall direct emergency response, mobilize resources, equipment and vehicles and appoint a commander and spokesman to respond to the emergency occurring within the district;

c) The President of the provincial People's Committee and the head of the provincial Command Center for Natural Disaster Management shall direct emergency response, mobilize resources, equipment and vehicles and appoint a commander and spokesman to respond to the emergency occurring within the province;

d) The Chair of the National Committee for Natural Disaster Management and Response shall direct emergency response, mobilize resources, equipment and vehicles and appoint a commander and spokesman to respond to the national emergency.

5. If it is beyond the response capacity, the emergency response director shall notify the supervisory authority. Entities shall cooperate and assist in response to the environmental emergency upon request.

6. If the environmental pollution or degradation occurs beyond a facility or administrative division, the emergency response director shall notify the supervisory authority, which will direct the emergency response.

7. Where necessary, the emergency response director specified in Clause 4 of this Article shall decide to establish a command center and working team responsible to identify causes of the emergency.

8. The Ministry of Health and People's Committees at all levels shall assess the extent, objects and level of impacts of the environmental emergency on human health and take measures to prevent and minimize those impacts.

Article 126. Remediating environment after emergency

1. The owner of the investment project/facility causing an environmental emergency shall remediate the environment after the emergency occurs within such facility. The People's Committee of the commune where the emergency occurs shall inspect and supervise the environmental remediation.

2. After a district, provincial or national-level environmental emergency occurs, the environmental remediation shall be carried out as follows:

a) The district-level People's Committee shall conduct survey and assessment of state of the environment, formulate, approve and direct the implementation of the environmental remediation plan for the district-level environmental emergency. Within 30 days from the end of the stage of organizing the response, the district-level People's Committee must approve the environmental remediation plan;

b) The provincial People's Committee shall conduct survey and assessment of state of the environment, formulate, approve and direct the implementation of the environmental remediation plan for the provincial environmental emergency. Within 60 days from the end of the stage of organizing the response, the provincial People's Committee must approve the environmental remediation plan;

b) The Ministry of Natural Resources and Environment shall conduct survey and assessment of state of the environment, formulate, approve and direct the implementation of the environmental remediation plan for the national environmental emergency. Within 90 days from the end of the stage of organizing the response, the Ministry of Natural Resources and Environment must approve the environmental remediation plan.

3. Contents of the environmental remediation plan consist of:

a) Description and assessment of the state of the environment after the emergency occurrence including the level, extent and characteristics of environmental pollution in each area; state of the environment, premises and ecosystems (if any) before the emergency occurrence; requirements for remediating the environment in accordance with the environmental technical regulation on ambient environment quality, premises restoration and recovery of main characteristics of the ecosystem;

b) Environmental remediation measures; analysis, assessment and selection of the best solution for environmental improvement and remediation;

c) List and volume of items serving environmental remediation regarding the selected solution;

d) The implementation plan divided into multiple stages of environmental remediation; program for management, monitoring and supervision during environmental remediation period; plan to commission environmental remediation results.

4. The inspection, supervision and commissioning of the environmental remediation plan specified in Clause 2 of this Article shall comply with the following regulations:

a) If an entity causes an environmental emergency implements the approved plan itself/himself/herself; the authority approving the plan shall inspect and supervise environmental remediation according to the approved plan;

b) If the authority approving the plan shall organize the implementation of the plan, the entity causing the emergency is entitled to participate in supervision, appraisal, inspection and commissioning of remedial remediation.

5. The environmental remediation shall comply with the environmental technical regulation on ambient environment quality.

6. The authority approving the environmental remediation plan shall announce the end of the environmental remediation stage to residential communities, press agencies and communications agencies.

7. The Minister of Natural Resources and Environment shall elaborate this Article.

Article 127. Responsibility of Ministries, ministerial agencies and specialized agencies at all levels for environmental emergency prevention and response

1. Ministries and ministerial agencies shall:

a) provide guidance on, inspect and build capacity for prevention and warning of environmental emergencies in the fields and sectors under their management; preparation for environmental emergencies and organization of environmental emergency response within the scope of management as prescribed by law;

b) provide guidance on contents of environmental emergency response plans under their management; technical processes and techniques for environmental emergency response and environmental emergency scenarios under their management as prescribed by law;

c) formulate and request the National Committee for Natural Disaster Management and Response to promulgate the national environmental emergency response plan within the scope of management;

d) participate in response to national environmental emergencies within the scope of management as assigned by the National Committee for Natural Disaster Management and Response.

2. Specialized agencies affiliated to district- and provincial-level People's Committees shall, within their jurisdiction, advise district- and provincial-level People's Committees, district- and provincial-level Command Centers for Natural Disaster Management to formulate and promulgate environmental emergency response plans; provide guidelines for preparing for and organizing response to environmental emergencies within their districts and provinces.

3. The Ministry of Natural Resources and Environment shall:

a) formulate and submit to the Prime Minister the Regulation on waste-related emergency response; provide technical guidance on waste-related emergency prevention and response;

b) participate in organizing response to national environmental emergencies as assigned by the National Committee for Natural Disaster Management and Response;

c) direct the environmental remediation after the national environmental emergency; provide technical guidance on environmental remediation after emergency.

4. Provincial- and district-level specialized environmental protection authorities shall advise provincial- and district-level People's Committees on environmental remediation after emergency within their provinces and districts.

Article 128. Finance for environmental emergency response

1. Any entity that causes an environmental emergency shall promptly and sufficiently pay costs incurred in connection with emergency response and environmental remediation. If the State organizes emergency response and environmental remediation, the entity causing the emergency shall pay costs of emergency response and environmental remediation to the State as prescribed by law.

2. In case of failure to identify causes of the emergency or the entity causing the emergency, the costs of emergency response and environmental remediation shall be paid by the State.

3. The funding for emergency response and environmental remediation specified in Clause 2 of this Article is covered by the state budget and other funding sources prescribed by law.

4. The costs of manpower, materials and vehicles used and mobilized to respond to environmental emergencies will be reimbursed and paid for as prescribed by law.

Article 129. Publishing of information and participation by residential communities in environmental emergency prevention and response

1. Any entity or residential community that may be affected by an environmental emergency must be notified of its risks and measures to respond to the environmental emergency implemented by surrounding facilities; are entitled to be informed, participate and supervise environmental emergency response.

2. Investment project/business owners shall notify communal People's Committees of risks of environmental emergencies and response measures to inform entities and surrounding residential community.

3. The time of starting and ending the stage of organizing environmental emergency response and stage of environmental remediation must be published by competent person or authority on mass media.

4. Environmental emergency directors and spokesmen for environmental emergencies shall promptly provide and update information about environmental emergencies to communications agencies, press agencies and residential communities. Information about environmental

emergencies provided by environmental emergency directors and spokesmen for environmental emergencies are official information.

5. Communications agencies and press agencies shall accurately, truthfully, sufficiently and promptly provide information about environmental emergencies and response to environmental emergencies.

Section 2. COMPENSATION FOR ENVIRONMENTAL DAMAGE

Article 130. Damage caused by environmental pollution and remediation and rules for determining liability for compensation for environmental damage

1. Damage caused by environmental pollution and degradation includes:

a) Impairment of environmental functions and usefulness;

b) Loss of lives and damage to entities' health, property and legitimate interests as a result of impairment of environmental functions and usefulness.

2. Entities that cause environmental emergencies must be determined in a prompt, objective and fair manner. Entities that cause environmental emergencies must provide compensation for damage they cause and pay costs of assessing damage and following procedures for claiming compensation for damage as prescribed.

3. If there are at least 02 entities causing damage to environment, the compensation shall be provided as follows:

a) The liability of each entity for compensation for environmental damage shall be determined according to the type of pollutant, amount of exhaust gases and other factors.

b) The liability for compensation for environmental damage and payment of costs of assessing damage and following procedures for claiming compensation for damage shall be determined in proportion to damage rate in the total environmental damage; if relevant parties or environment authority fails to determine the liability, the international arbitration or court shall make a decision within its power;

4. The entities that comply with all regulations of law on environmental protection, build waste treatment systems that satisfy the requirements and prove that no environmental damage is caused are not required to provide compensation for environmental damage and incur the costs of assessing damage and following procedures for claiming compensation for damage.

Article 131. Responsibility for claiming compensation for damage and assessing environmental damage

1. Any People's Committee or entity that finds that the environment shows signs of pollution or degradation shall notify the authority settling claims for environmental damage and organizing

collection and verification of data and evidence to determine environmental damage caused by the pollution or degradation as prescribed in Clause 2 of this Article.

2. Responsibility for claiming compensation and organizing collection and verification of data and evidence to determine environmental damage caused by pollution and degradation:

a) The communal People's Committee shall claim compensation for environmental damage caused within areas under its management. In this case, the communal People's Committee shall request the district-level People's Committee to organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation;

b) The district-level People's Committee shall claim compensation for damage and organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation within at least 02 communes; and shall, at the request of the communal People's Committee, organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation;

c) The provincial People's Committee shall claim compensation for damage and organize collection and verification of data and evidence to determine environmental damage caused by pollution or degradation within at least 02 districts;

d) The Ministry of Natural Resources and Environment shall claim compensation for damage and preside and cooperate with the provincial People's Committees in organizing collection and verification of data and evidence to determine environmental damage caused by pollution or degradation within at least 02 provinces.

3. Any entity that suffers loss of life, damage to health, property and legitimate interests due to the impairment of the environmental function or usefulness shall determine or authorize a regulatory body or another entity to determine damage and claim compensation for environmental damage in accordance with regulations of this Law and other relevant regulations of law.

4. The Government shall elaborate this Article.

Article 132. Assessment of damage caused by environmental pollution and degradation

1. The assessment of damage caused by environmental pollution or degradation shall cover the following:

a) Area of environmental pollution or degradation;

b) Amount of environmental components degraded and types of ecosystems and species damaged;

c) Degree of damage to each environmental component, ecosystem and species.

2. The assessment of damage caused by the impairment of the environmental functions or usefulness shall be carried out independently or in cooperation between the damaging party and the damaged party. If either or both of the parties make a request, the specialized environmental protection authority shall provide guidelines for damage assessment or witness the damage assessment.

3. The assessment of fatality and damage to entities' health, property and legitimate interests caused by the impairment of the environmental functions or usefulness shall be carried out in accordance with regulations of law.

4. The Government shall elaborate on assessment of damage caused by environmental pollution and degradation.

Article 133. Settlement of claims for compensation for environmental damage

1. A claim for compensation for environmental damage shall be settled by negotiation between parties. In case of failure to reach an agreement, the parties may adopt the following methods:

- a) Mediation;
- b) Settlement of the dispute by arbitration;
- c) Settlement of the dispute by a Court.

2. The settlement by a Court may be carried out in accordance with regulations on tort and law on civil procedures, except for regulations on proving the causal connection between violations against law and the damage caused. Entities that commit violations and cause environmental pollution have the responsibility to prove the causal connection between a violation against the law on environment and the damage caused.

Article 134. Compensations for environmental damage

1. Compensations for environmental damage specified in Point a Clause 1 Article 130 of this Law shall be calculated according to:

- a) Costs of short-term and long-term damage caused by the impairment of the environmental function or usefulness;
- b) Costs of environmental improvement and remediation;
- c) Costs of minimizing or eliminating damage-causing sources or organizing environmental emergency response;
- d) Costs of assessing damage and following procedures for claiming compensation for environmental damage;

dd) Depending on specific condition, Points a, b, c or d of this Clause may be applied to calculate costs of environmental damage and serve as the basis for claiming compensation and settling compensation claims.

2. Compensations for environmental damage shall be directly paid by entities or paid to the Vietnam Environment Protection Fund or provincial environment protection fund, which will make the payment.

Article 135. Verification of damage caused by impairment of environmental functions and usefulness

1. The verification of damage caused by impairment of environmental functions and usefulness shall be carried out at the request of the entity suffering the damage or compensation body.

2. The bases for verifying damage include a claim for environmental compensation, information, data, evidence and others related to compensation and the subject causing damage.

3. The damage verifying organization shall be selected by the party requesting the damage verification; in case of failure to reach an agreement, the compensation body shall decide on the damage verifying organization.

4. The Government shall elaborate on verification of damage caused by impairment of environmental functions and usefulness.

Chapter XI

ECONOMIC INSTRUMENTS, POLICIES AND RESOURCES FOR ENVIRONMENTAL PROTECTION

Section 1. ECONOMIC INSTRUMENTS FOR ENVIRONMENTAL PROTECTION

Article 136. Policies on environmental protection taxes and fees

1. Regarding environmental protection taxes:

a) Environmental protection taxes shall be imposed on products and goods of which the use adversely impacts the environment or substances that cause environmental pollution;

b) Environmental protection tax rates shall be determined according to the levels of adverse impacts on the environment;

c) The promulgation and implementation of regulations on environmental protection taxes shall comply with regulations of law on taxation.

2. Regarding environmental protection fees:

a) Environmental protection fees on discharge of waste into the environment; mineral mining or creation of adverse impacts on the environment; public services in the field of environmental protection in accordance with regulations of law on fees and charges;

b) Environmental protection fees shall be determined according to the amount and toxicity of pollutants released into the environment, characteristics of the waste receiving environment; levels of adverse impacts of mineral mining activities on the environment; nature of public services in the field of environmental protection;

c) The promulgation and implementation of regulations on environmental protection fees shall comply with regulations of law on fees and charges.

3. The Ministry of Natural Resources and Environment shall preside over assessing the level of environmental pollution and greenhouse effect caused by waste or products or goods of which the use adversely impacts the environment to propose a list of objects subject to environmental protection taxes and fees, bracket and rates of taxes and fees on each object subject to environmental protection taxes and fees and methods for calculating environmental taxes and shall send them to the Ministry of Finance, which will request a competent authority for consideration and decision.

Article 137. Payment of deposits on environmental protection

1. The payment of deposits on environmental protection aims to ensure that entities take responsibility for remediating environment and manage risks of environmental pollution caused by the activities specified in Clause 2 of this Article.

2. Entities that carry out the activities below must pay deposits on environmental protection:

a) Mineral mining;

b) Waste burial;

c) Import of scrap from foreign countries as production materials.

3. The payment of deposits on environmental protection shall be made in cash, precious metals, precious stones or financial instruments as prescribed by law.

4. The payment of deposits on environmental protection shall be made as follows:

a) Entities that carry out the activities in Points a and b Clause 2 of this Article shall pay deposits to the Vietnam Environment Protection Fund or provincial environment protection fund;

b) Entities that carry out the activity in Point c Clause 2 of this Article shall pay deposits to the Vietnam Environment Protection Fund or provincial environment protection fund or financial institution or credit institution as prescribed by law.

5. The Government shall elaborate this Article, deposits, deposit payment methods, principles of deposit interest rates and return of deposits on environmental protection.

Article 138. Payments for ecosystem services

1. Payments for ecosystem services occur when a user of an ecosystem service makes a payment to the provider of environmental and landscape values created by the ecosystem to protect, maintain and develop the ecosystem.

2. Ecosystem services for which payments are made include:

a) Forest environmental services provided by forest ecosystems in accordance with regulations of law on forestry;

b) Wetland ecosystem services serving the purposes of tourism business, leisure and aquaculture;

c) Marine ecosystem services serving the purposes of tourism business, leisure and aquaculture;

d) Rocky mountain, cave and geopark ecosystem services serving the purposes of tourism business and leisure;

dd) Ecosystem services serving the purposes of carbon sequestration and storage, except for the case in Point a of this Clause.

3. Principles of making payments for ecosystem services:

a) Every user of one or more ecosystem services must make payments for ecosystem services;

b) Users may make a direct or indirect payment through trustees;

c) Payments for ecosystem services shall be included in the prices of finished products or services of users of ecosystem services and offset the costs of protecting, maintaining and developing ecosystems;

d) Ecosystem service providers must use payments for ecosystem services to protect, maintain and develop ecosystems.

4. Entities must make payments for ecosystem services when they:

a) extract and use water and sea surface of ecosystems for aquaculture and water recreation services;

b) use landscapes of ecosystems for tourism and recreation services;

c) The production and business operation that emit GHGs must use carbon sequestration and storage services provided by ecosystems to reduce GHG emission.

5. The Government shall elaborate this Article.

Article 139. Organizing and developing domestic carbon market

1. The domestic carbon market covers the exchange of GHG emission quotas and carbon credits obtained from the participation in domestic and international carbon credit exchange and offsetting mechanisms in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory.

2. GHG-emitting facilities that are required to conduct an inventory of GHGs on the list specified in Clause 3 Article 91 of this Law are given GHG emission quotas and reserves the right to exchange and trade quotas on the domestic carbon market.

3. Bases for determining GHG emission quotas include:

a) National climate change strategy and other relevant development strategies and planning;

b) Results of national GHG inventory, fields and facilities on the list specified in Clause 3 Article 91 of this Law;

c) Roadmap and methods for reducing GHGs in conformity with national conditions and international commitments.

4. GHG-emitting facilities are only allowed to emit GHGs within the allocated quotas; if they wish to emit GHGs in excess of the allocated quotas, they shall purchase quotas from other entities through the domestic carbon market.

5. Any GHG-emitting facility that reduces GHG emissions or has not used up its allocated quotas is entitled to sell its unused quotas to another entity through the domestic carbon market.

6. Every GHG-emitting facility participating in the domestic and international carbon credit exchange and offsetting mechanisms in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory is allowed to exchange carbon credits on the domestic carbon market.

7. Every GHG-emitting facility participating in the domestic and international carbon credit exchange and offsetting mechanisms shall exchange, auction, borrow, pay for and transfer carbon quotas and credits in accordance with regulations of law and international treaties to which the Socialist Republic of Vietnam is a signatory.

8. The Ministry of Natural Resources and Environment shall request the Prime Minister to grant approval for total GHG emission quotas at the end of each stage and every year.

9. The Ministry of Finance shall preside over and cooperate with the Ministry of Natural Resources and Environment and other Ministries and ministerial agencies concerned to establish the domestic carbon market.

10. The Ministry of Natural Resources and Environment shall organize allocation of GHG emission quotas to entities as prescribed in Clause 2 of this Article; organize operation of the domestic carbon market and participation in international carbon markets.

11. The Government shall elaborate this Article and costs of allocating GHG emission quotas, roadmap and time for operating the domestic carbon market in conformity with national socio-economic conditions and international treaties to which the Socialist Republic of Vietnam is a signatory.

Article 140. Liability insurance against environmental damage

1. Insurers are encouraged to provide liability insurance against environmental damage.
2. According to investment projects classified as prescribed in Article 28 of this Law, the Government shall elaborate on entities required to buy liability insurance against environmental damage.
3. Entities other than those specified in Clause 2 of this Article are encouraged to buy liability insurance against environmental damage.

Section 2. POLICIES TO PROVIDE INCENTIVES AND ASSISTANCE AND DEVELOP ENVIRONMENTAL ECONOMY

Article 141. Incentives for and assistance in environmental protection

1. The policy to provide incentives and assistance for environmental protection is as follows:
 - a) The State shall provide incentives and assistance regarding land and capital; exemption and reduction of environmental protection taxes and fees; provision of freight subsidies to environmentally-friendly products and other incentives and assistance for environmental protection activities as prescribed by law;
 - b) Entities that carry out multiple environmental protection activities eligible for incentives and assistance are entitled to the incentives and assistance corresponding to such activities;
 - c) If an environmental protection activity is eligible for the same incentives or assistance in accordance with regulations of this Law and other relevant regulations of law, the higher rates of incentives or assistance provided for in a document shall apply;
 - d) The rate and scope of incentives and assistance for environmental protection shall be adjusted to ensure the consistency with the environmental protection policy in each period.
2. Investment and business activities regarding environmental protection eligible for incentives and assistance include:
 - a) Investment projects involving collection, treatment, recycling or reuse of waste;

b) Enterprises manufacturing and providing technologies, equipment, products and services in support of satisfying the environmental protection requirements, including combined waste treatment and waste-to-energy technology; centralized domestic wastewater treatment services; ambient environment monitoring services; electric and renewable energy-powered public transport services; manufacturing clean and renewable energy; manufacturing and supplying environmental monitoring equipment and equipment for in situ wastewater treatment, Vietnam Green Label certified environmentally-friendly products and services.

3. Environmental protection activities eligible for incentives and assistance other than investment and business activities include:

a) Technology innovation and renovation and upgrading of waste treatment works according to the roadmap prescribed by the law on environmental protection;

b) Relocation of households from dedicated areas for production, business operation and service provision or relocation of operating facilities to maintain environmental safe distance;

c) Investment in development of natural capital and protection of natural heritage sites.

4. Scientific research into and development of technologies and transfer of technologies for environmental protection are eligible for incentives and assistance in accordance with regulations of law on science, technology and technology transfer.

5. The Government shall elaborate this Article.

Article 142. Circular economy

1. Circular economy is an economic model which encompasses the design, production, consumption and services activities aimed at reducing raw materials, extending product life, reducing waste generation and minimizing adverse impacts on the environment.

2. Ministries, ministerial agencies and provincial People's Committees shall incorporate circular economy immediately at the stage of formulating a development strategy, planning, plan, program or project; managing, reusing and recycling waste.

3. Every business shall establish a management system and take measures to reduce extraction of natural resources, reduce waste and increase waste recycling and reuse from setting up a project and designing a product or goods to production and distribution.

4. The Government shall elaborate on criteria, roadmap and mechanisms for encouraging the implementation of circular economy in conformity with the national socio-economic conditions.

Article 143. Development of environmental industry

1. Environmental industry refers to an industry sector in the Vietnam Standard Industrial Classification providing technologies, equipment and products serving the environmental protection.
2. The State shall invest in and introduce policies to assist entities in developing environmental industry and implementing the roadmap for opening up the environmental goods market in accordance with international commitments.
3. The Government shall elaborate this Article.

Article 144. Development of environmental services

1. Environmental services refers to an industry sector including services provided to measure, control, limit, prevention or minimize water, air and soil pollution, efficiently use natural resources; treat waste and other pollutants; conserve biodiversity, and other relevant services.
2. The State shall adopt policies to develop environmental services market; promote trade liberalization for environmental services according to a roadmap consistent with international commitments; encourage entities to invest in, research and provide environmental services.
3. Entities are encouraged to provide environmental services related to:
 - a) Collection, transport, recycling and treatment of waste;
 - b) Environmental monitoring and analysis, environmental impact assessment;
 - c) Improvement and remediation of environment and ecosystems in polluted and degraded areas;
 - d) Consulting and transfer of environmentally-friendly production technologies; energy-saving technologies, production of clean and renewable energy;
 - dd) Environmental consulting and training, provision of environmental information about environment; clean energy, renewable energy and energy saving;
 - e) Environmental assessment for goods, machinery, equipment and technologies;
 - g) Environmental and biodiversity damage assessment; assessment of pollutants that directly affect human health;
 - h) Other environmental protection services.
4. Charges for environmental services shall comply with regulations of law on prices.
5. The Government shall elaborate this Article.

Article 145. Environmentally-friendly products and services

1. Environmentally-friendly product or service refers to a product or service created using environmentally-friendly materials and production and management technology to minimize its environmental impacts during its use or after it is disposed of in a manner that ensures environmental safety and human health, and is certified or recognized by a competent authority.
2. Vietnam ecolabel is a label that is awarded by a Vietnamese competent authority to an environmentally-friendly product or service. The monitoring, analysis and conformity assessment for comparison with Vietnam Green Label criteria applicable to a product or service must be carried out by an environmental monitoring organization as prescribed by this Law and conformity assessment body in accordance with regulations of law on quality of products and goods, law on measurement and other relevant laws.
3. Vietnam shall recognize environmentally-friendly products and services already certified by international organizations and countries signing the mutual recognition agreements with Vietnam.
4. The Government shall elaborate this Article.

Article 146. Green procurement

1. Green procurement means the purchase of environmentally-friendly products and services awarded Vietnam Ecolabel or recognized as prescribed by law.
2. Priority is given to green procurement for investment projects or tasks funded by the state budget as prescribed by the Government.

Article 147. Exploitation, use and development of natural capital

1. Natural capital is the stock of natural resources, which includes soil, water, forests, aquatic resources, minerals, fossil fuels, natural energy sources and natural ecosystem services.
2. The exploitation, use and development of natural capital shall adhere to the following principles:
 - a) The natural capital is inventoried and evaluated to serve the socio-economic development as prescribed by law;
 - b) The State gives priority to investment in maintenance and development of natural capital that has the ability to regenerate itself and provide natural ecosystem services.
 - c) Priority is given to re-investment of revenues from natural capital in maintenance and development of natural capital.
3. The State shall encourage entities to exploit, use, enhance and invest in maintenance and development of natural capital.

4. Ministries, ministerial agencies and provincial People's Committees shall incorporate investment in development of natural capital in their socio-economic development strategies, planning, plans, programs, schemes and projects.

Section 3. RESOURCES FOR ENVIRONMENTAL PROTECTION

Article 148. Resources for environmental protection

1. The State shall provide resources for the following environmental protection activities:

- a) Waste management and assistance in waste treatment;
- b) Environmental improvement and remediation;
- c) Construction of technical infrastructure serving environmental protection; equipment for environmental protection; environmental monitoring;
- d) Inspection and supervision of environmental protection;
- dd) Nature and biodiversity conservation; environmental protection of natural heritage sites; adaptation to climate change;
- e) Scientific research into, development and transfer of environmental technologies;
- g) Disseminating information about and raising awareness of environmental protection; spreading knowledge of and disseminating the law on environmental protection;
- h) International integration and cooperation in environmental protection;
- i) Other activities prescribed by law.

2. Resources for the activities in Clause 1 of this Article include:

- a) State budget for covering current expenses and development investment expenditures on environmental protection;
- b) Private capital for environmental protection.

3. The state budget shall cover specific expenditures on environmental protection and gradually increase them in each period within its budget and in line with environmental protection requirements and tasks.

4. Investment project/business owners shall provide funding for the following environmental protection activities:

- a) Innovation of waste treatment technologies as prescribed by law;

- b) Construction and operation of environmental protection works as prescribed by law;
- c) Execution of environmental monitoring programs (if any);
- d) Execution of environmental emergency prevention and response plans (if any);
- dd) Other activities prescribed by law.

5. Funding for the activities in Clause 4 of this Article must be statistically reported, recorded and published on the businesses' accounting systems and reported as prescribed by law.

6. The Ministry of Natural Resources and Environment shall provide guidelines for statistically reporting, supervising and announcing resources for environmental protection.

7. The Government shall elaborate on Clauses 1 and 2 of this Article.

Article 149. Green credit

1. Green credit is the credit granted to the following investment projects:

- a) Efficient use of natural resources;
- b) Adaptation to climate change;
- c) Waste management;
- d) Pollution remediation and environmental quality improvement;
- dd) Natural ecosystem restoration;
- e) Nature and biodiversity conservation;
- g) Creation of other environmental benefits.

2. Lending by credit institutions and foreign branch banks in Vietnam to investment projects must comply with regulations of law on management of environmental risks in lending.

3. Credit institutions and foreign branch banks in Vietnam are encouraged to finance and grant concessional loans to the projects in Clause 1 of this Article.

4. The Governor of the State Bank shall provide guidelines for management of environmental risks in credit extension by credit institutions and foreign branch banks in Vietnam.

5. The Government shall introduce a roadmap for grant of green credit and mechanisms for encouraging grant of green credit.

Article 150. Green bonds

1. Green bonds are bonds issued by the Government, local authorities and enterprises in accordance with regulations of law on bonds to raise capital for environmental protection activities and investment projects that offer environmental benefits.

2. Revenues from issuance of green bonds must be recorded and monitored in accordance with regulations of law on bond issuance and used for executing investment projects involving environmental protection and investment projects offering environmental benefits, including:

- a) Renovation and upgrading of environmental protection works;
- b) Replacement of technologies towards application of best available techniques;
- c) Application of circular economy and green economy, and reduction of carbon emissions;
- d) Prevention and reduction of environmental pollution;
- d) Environmental remediation after environmental emergency;
- e) Efficient use of natural resources, soil resources, energy saving and development of renewable energy;
- g) Construction of multi-purpose and environmentally-friendly infrastructure;
- h) Efficient management of water and treatment of wastewater;
- i) Climate change adaptation and investment in development of natural capital;
- k) Other investment projects.

3. Issuers of green bonds must provide information about environmental impact assessment and environmental licenses of investment projects, and use capital raised from issuance of green bonds to investors.

4. Issuers and investors purchasing green bonds are entitled to the incentives in accordance with regulations of this Law and other relevant regulations of law.

5. The Government shall elaborate this Article.

Article 151. Environmental protection funds

1. Vietnam Environment Protection Fund and provincial environment protection funds are state financial agencies established at the central level, in provinces and central-affiliated cities to grant concessional loans, receive deposits, donations, assistance and financial contributions for environmental protection.

The State encourages enterprises and entities to establish environment protection funds.

2. The power to establish an environment protection fund:

a) The Prime Minister shall decide on the establishment, organizational structure and operation of the Vietnam Environment Protection Fund;

b) A provincial People's Committee shall decide on the establishment, organizational structure and operation of the provincial environment protection fund;

c) An organization, enterprise or individual shall establish its/his/her own environment protection fund and operate it as prescribed by law.

3. The Government shall prescribe operating funding of the Vietnam Environment Protection Fund and provincial environment protection funds.

Article 152. Scientific research into, development, application and transfer of environmental protection technologies

1. Entities investing in scientific research into, development, application and transfer of environmental protection technologies are eligible for the incentives and assistance provided by the State.

2. Activities related to scientific research into, development, application and transfer of environmental protection technologies eligible for the incentives and assistance provided by the State include:

a) Efficient use of natural resources, energy saving, nature and biodiversity conservation and environmentally-friendly activities;

b) Reuse, recycling and treatment of waste and environmental remediation;

c) Control and reduction of environmental pollution; environmental monitoring and prediction of environmental changes;

d) Production of solutions for climate change adaptation.

Section 4. ENVIRONMENTAL EDUCATION AND COMMUNICATION

Article 153. Environmental education and training

1. Education contents and programs of the National Education System shall be integrated with knowledge and law relating to environmental protection.

2. The State shall give priority to training of human resources for environmental protection; investment in training of officials, managers and technical personnel in charge of environmental

protection; encourage entities to give education about environmental protection and train human resources for environmental protection.

3. The Minister of Education and Training shall preside over and cooperate with the Minister of Natural Resources and Environment in providing for environmental education contents and programs and development of human resources for environmental protection.

Article 154. Communication and dissemination of knowledge and law relating to environmental protection

1. The communication and dissemination of knowledge and law relating to environmental protection shall be carried out regularly and widely.

2. The Ministry of Natural Resources and Environment shall preside over and cooperate with other Ministries, ministerial agencies, socio-political organizations, communication agencies and press agencies in communicating and disseminating knowledge and law relating to environmental protection.

3. Ministries and ministerial agencies shall preside over and cooperate with the Ministry of Natural Resources and Environment, communication agencies and press agencies in communicating and disseminating knowledge and law relating to environmental protection in the fields under their management.

4. Provincial People's Committees shall preside over and cooperate with communication agencies and press agencies in communicating and disseminating knowledge and law relating to environmental protection within their provinces.

Chapter XII

INTERNATIONAL INTEGRATION AND COOPERATION IN ENVIRONMENTAL PROTECTION

Article 155. Principles of international integration and cooperation in environmental protection

1. The international integration and cooperation in environmental protection shall be carried out in a manner on the basis of equality, mutual benefit, synergy enhancement, national status and reputation enhancement, respect for independence, sovereignty and territorial integrity, compliance with the laws of each party, international laws and commitments in international environmental treaties and agreements.

2. Priority shall be given to signature of international treaties and agreements beneficial for national, regional and global environmental protection and relevant to interests and capacity of Vietnam.

3. International environmental disputes shall be resolved by peaceful means and in accordance with international practices and laws and laws of relevant parties.

Article 156. Responsibility for international integration and cooperation in environmental protection

1. The State shall encourage the proactivity in international integration in environmental protection and focus on management and protection of environmental components, biodiversity conservation, green growth, sustainable development and climate change adaptation; provide adequate resources and fully fulfill the commitments in international environmental treaties and agreements, follow the international integration trend and assist in the international economic integration.

2. The State shall encourage the investment, international cooperation and assistance in state management, training of human resources, sharing of environmental information and data, scientific research into and transfer of advanced technologies, nature and biodiversity conservation and other environmental protection activities; respond to environmental emergencies and environmental issues at national, regional, global and transnational levels.

3. Entities shall proactively comply with the requirements, conditions and international standards related to environment internationally recognized and widely applied to improve the competitiveness in international trade; prevent and minimize adverse impacts on the environment.

4. The Ministry of Natural Resources and Environment shall play the leading role in reviewing activities related to international integration and cooperation in environmental protection. Ministries, ministerial agencies and provincial People's Committees shall organize international integration and cooperation in environmental protection within their scope of management.

Chapter XIII

RESPONSIBILITIES OF VIETNAMESE FATHERLAND FRONT, SOCIO-POLITICAL ORGANIZATIONS, SOCIO-POLITICAL-PROFESSIONAL ORGANIZATIONS, SOCIO-PROFESSIONAL ORGANIZATIONS AND RESIDENTIAL COMMUNITIES FOR ENVIRONMENTAL PROTECTION

Article 157. Responsibilities and entitlements of the Vietnamese Fatherland Front

1. The Vietnamese Fatherland Front shall, within its jurisdiction, encourage its member organizations and the people to participate in environmental protection activities.

2. The Vietnamese Fatherland Front shall offer consultation and criticism about and supervise the implementation of policies and law on environmental protection as prescribed by law. Regulatory bodies at all levels shall enable the Vietnamese Fatherland Front to participate in environmental protection.

Article 158. Responsibilities and entitlements of socio-political organizations, socio-political-professional organizations and socio-professional organizations

1. Socio-political organizations, socio-political-professional organizations and socio-professional organizations have the responsibility to:

a) comply with the law on environmental protection;

b) engage in environmental protection activities.

2. Socio-political organizations, socio-political-professional organizations and socio-professional organizations are entitled to:

a) be provided with and request information about environmental protection as prescribed by law;

b) provide counseling on investment projects related to their functions, tasks and entitlements;

c) offer consultation and criticism about environmental protection to regulatory bodies and investment project/business owners concerned as prescribed by law;

d) participate in inspecting environmental protection by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters in relation to their functions, tasks and entitlements;

dd) request competent authorities to take actions against violations of law on environmental protection.

3. Environmental protection authorities at all levels shall enable socio-political organizations, socio-political-professional organizations and socio-professional organizations to exercise the entitlements mentioned in Clause 2 of this Article.

4. The Government shall elaborate on Clause 3 of this Article.

Article 159. Entitlements and obligations of residential communities

1. Representatives of residential communities in areas under environmental impacts made by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters are entitled to request investment project/business owners to provide information about environmental protection through face-to-face meetings or in writing; shall conduct fact-finding visits to collect information about environmental protection by investment projects, businesses and dedicated areas for production, business operation and service provision and industrial clusters; collect and provide information to competent authorities and take responsibility for the information provided.

2. Representatives of residential communities in areas under environmental impacts made by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters are entitled to request relevant regulatory bodies to provide results of inspection and handling of such investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters, except for the case these results are classified as state secrets or enterprises' secrets as prescribed by law.
3. Representatives of residential communities are entitled to participate in assessing results of environmental protection by investment projects, businesses, dedicated areas for production, business operation and service provision and industrial clusters; take measures to protect rights and interests of residential communities as prescribed by law.
4. Investment project/business owners shall comply with requests from representatives of residential communities as prescribed by law.
5. Environmental protection authorities at all levels shall establish an online system to receive, handle and respond to comments and feedback of entities and residential communities on environmental protection.

Chapter XIV

INSPECTION, AUDITING, PENALTIES FOR VIOLATIONS, ENVIRONMENTAL DISPUTES, COMPLAINTS AND DENUNCIATIONS

Article 160. Inspection of environmental inspection and environmental auditing

1. Responsibility for organizing and directing inspection of environmental protection:
 - a) The Minister of Natural Resources and Environment shall organize the inspection of environmental protection nationwide;
 - b) The Minister of National Defense shall organize the inspection of environmental protection by investment projects and businesses classified as state secrets in the field of national defense;
 - c) The Minister of Public Security shall organize the inspection of environmental protection by investment projects and businesses classified as state secrets in the field of security; direct the Environmental Police to inspect the implementation of the law on environmental protection;
 - d) Presidents of Provincial People's Committees shall organize the inspection of environmental protection within their provinces; direct the cooperation in inspecting environmental protection in the case specified in Point a of this Clause or at the request of competent authorities;
 - dd) Presidents of district-level People's Committees shall organize the inspection of environmental protection within their districts; direct the cooperation in inspecting environmental protection in the case specified in Point d of this Clause or at the request of competent authorities;

e) Presidents of communal People's Committees shall organize the inspection of environmental protection by households, individuals and entities required to carry out environmental registration within their communes; direct the cooperation in inspecting environmental protection in the case specified in Point dd of this Clause or at the request of competent authorities.

2. Specialized inspections of environmental protection shall be conducted in accordance with regulations of law on inspection and specific regulations on environmental protection. To be specific:

a) Regular inspections shall be conducted on the basis of functions and tasks of agencies assigned to conduct specialized inspection;

b) Unscheduled inspections shall be conducted as prescribed if any entity is suspected of violating the law on environmental protection; upon request if it is necessary to handle complaints or denunciations or prevent and control corruption or as assigned by the Minister of Natural Resources and Environment or Presidents of provincial People's Committees. Where necessary, an unscheduled inspection shall not be announced in advance;

c) Except for the unscheduled inspections prescribed by this Law, the number of inspections of environmental protection shall not exceed once a year for an organization or individual;

d) During the inspection, environmental protection authorities at all levels shall transfer the violation case to a competent authority for investigation and penalty imposition as prescribed by law; cooperate with the Environmental Police to inspect the compliance with the law on environmental protection by entities upon request.

3. Inspection of compliance with the law on environmental protection means an inspection by a competent authority of entities, except for the case where the inspection is conducted to handle administrative procedures specified in this Law. To be specific:

a) An unscheduled inspection without advance notice shall be carried out if there are grounds for presuming that an entity is suspected of violating the law on environmental protection or under decision of the Minister of Natural Resources and Environment or President of provincial People's Committee.

b) The Environmental Police shall conduct an inspection if an entity is suspected of conducting an criminal activity or violating the law in relation to environmental crimes; when there is a crime report or petition for prosecution or report on a violation against the law in relation to environmental crimes, and inform an environmental protection authority at the same level for cooperation; cooperate in inspecting the compliance with the law on environmental protection in other cases by entities according to the plan approved by the Minister of Natural Resources and Environment or President of the provincial People's Committee. On an annual basis, send a notification of results of environmental protection inspection and imposition of penalties for violations against the law on environmental protection to the environmental protection authority at the same level.

4. The inspections of environmental protection shall not overlap and not affect production, business operation and service provision by entities; require the cooperation between environmental protection authorities, Environmental Police and other agencies concerned.

5. The State Audit Office of Vietnam shall carry out environmental auditing in accordance with the Law on State Audit Office of Vietnam and other relevant regulations of law.

6. The Government shall elaborate on Clauses 2, 3 and 4 of this Article.

Article 161. Imposition of penalties for violations

1. Any entity violating the law on environmental protection resulting in environmental pollution or degradation or environmental emergency or damage to the State shall remediate the pollution and environment, provide compensation for damage and incur penalties in accordance with regulations of this Law and other relevant regulations of law.

2. Any head of an agency, cadre, public official, public employee or personnel in charge of environmental protection that abuses his/her position and powers to harass organizations and individuals or to screen violators of the law on environmental protection or that causes environmental pollution or emergency as a result of his/her negligence shall incur disciplinary penalties, administrative penalties or criminal prosecution on a case-by-case basis and compensate for any damage he/she causes.

Article 162. Environmental disputes

1. Environmental disputes include:

a) Disputes over rights and responsibilities for environmental protection during exploitation and use of environmental components;

b) Disputes over causes of environmental pollution, environmental degradation and environmental emergencies;

c) Disputes over responsibilities for environmental remediation and compensation for environmental damage.

2. Environmental disputes shall be resolved in accordance with regulations of the civil law, regulations of this Law and other relevant regulations of law. Disputes over compensation for environmental damage shall be resolved as prescribed in Article 133 of this Law and other relevant regulations of law.

3. The time limit for filing an environmental lawsuit begins on the date on which the organization or individual suffering the damage entitled to request knows or should know the damage caused by the violation against the law on environmental protection committed by another organization or individual.

4. An environmental dispute that takes place within the territory of the Socialist Republic of Vietnam in which either or both of the parties are foreign organization(s) or individual(s) shall be settled in accordance with the law of the Socialist Republic of Vietnam unless otherwise prescribed by the international treaty to which the Socialist Republic of Vietnam is a signatory.

Article 163. Environmental complaints and denunciations

1. Organizations and individuals are entitled to file complaints about violations against the law on environmental protection committed by agencies, organizations and individuals in accordance with law.

2. Individuals are entitled to denounce violations against the law on environmental protection to competent authorities and persons as prescribed by the law on denunciation.

Chapter XV

RESPONSIBILITY FOR STATE MANAGEMENT OF ENVIRONMENTAL PROTECTION

Article 164. Contents of state management of environmental protection

1. Promulgating and organizing the implementation of policies and laws; standards, technical regulations and technical guidance; strategies, planning and plans; programs, schemes and projects on environmental protection.

2. Appraising EIARs and approving EIAR appraisal results; issuing, renewing, adjusting, re-issuing and revoking environmental licenses; carrying out environmental registration; issuing, re-issuing and revoking environmental certificates.

3. Controlling sources of pollution; managing waste and environmental quality; improving and remediating environment; protecting environment at natural heritage sites, conserving nature and biodiversity; preventing and responding to environmental emergencies.

4. Building and managing environmental monitoring systems; organizing environmental monitoring.

5. Building and updating environmental information and reporting systems and database.

6. Building and operating systems for supervising and assessing activities aimed at climate change adaptation; systems for measuring, reporting and appraising reduction of GHG emissions.

7. Conducting GHG inventories; building and updating climate change, sea level rise and urban inundation scenarios and database; assessing national climate; providing guidelines for using climate change information and data and integrating contents of adaptation to climate change with strategies and planning.

8. Organizing development of the domestic carbon market; implementation of the credit exchange mechanisms and fulfillment of international commitments to GHG emissions reduction.

9. Carrying out inspections; handling complaints and denunciations; imposing penalties for violations against the law on environmental protection; assessing damage and claiming compensation for environmental damage.

10. Environmental communication and education, increasing awareness of environmental protection; provide professional training in environmental protection.

11. Scientific research into, development, application and transfer of environmental protection technologies, international integration and cooperation in environmental protection.

12. Providing state funding for performing environmental protection tasks within the current budget; statistically reporting, monitoring and publishing expenditures on environmental protection.

Article 165. Responsibility of the Government for state management of environmental protection

1. Perform uniform state management of environmental protection nationwide; promulgate or propose the promulgation of legislative documents, mechanisms and policies on environmental protection.

2. Decide on policies on environmental protection, improvement and preservation; direct the remediation of environmental pollution and degradation and improvement of environmental quality in key areas; control of pollution and response to environmental emergencies; development of clean energy, sustainable production and consumption; development of environmental industry and services.

3. Consolidate environmental protection authorities to satisfy managerial requirements; assign authorities to perform state management of environmental protection; provide resources for environmental protection; direct research into and application of technological and scientific advances; boost international integration and cooperation in environmental protection.

4. Submit annual environmental protection reports to the National Assembly.

Article 166. Responsibility of the Ministry of Natural Resources and Environment for state management of environmental protection

The Ministry of Natural Resources and Environment shall be responsible to the Government for performing uniform state management of environmental protection and has the responsibility to:

1. Preside over formulating, promulgate, propose the promulgation and organize the implementation of legislative documents on environmental protection; national environmental

standards and technical regulations; strategies, planning and plans; programs, schemes and projects on environmental protection;

2. Comment on EIA contents; organize appraisal of EIARs; issue, renew, adjust, re-issue and revoke environmental licenses; issue, renew and re-issue environmental certificates within its power;

3. Direct, providing guidance on, inspect and organize the control of sources of pollution; management of waste and environmental quality; environmental improvement and remediation; protection of environment at natural heritage sites, nature and biodiversity conservation; environmental emergency prevention and response as prescribed by law;

4. Organize the establishment and management of the national environmental monitoring network; approve and organize the execution of environmental monitoring programs; provide information and warnings about environmental pollution as prescribed by law;

5. Organize the development of environmental protection contents to be included in regional planning; provide guidelines for developing environmental protection contents to be included in provincial planning and special administrative-economic unit planning;

6. Organize the statistical reporting, building, maintenance and operation of environmental information and reporting systems and database as prescribed by law;

7. Communicating and disseminating knowledge and law relating to environmental protection, increase awareness of environmental protection; provide professional training in environmental protection as prescribed by law;

8. Propose policies on environmental protection taxes and fees, issuance of green bonds and other economic instruments to mobilize and use resources for environmental protection as prescribed by law;

9. Organize the establishment and operation of the national system for supervising and assessing activities aimed at climate change adaptation; national system for measuring, reporting and appraising reduction of GHG emissions;

10. Conduct national GHG inventories; build and update the national climate change scenario and database; assessing national climate; provide guidelines for using climate change information and data and integrating contents of adaptation to climate change with strategies and planning;

11. Consolidate proposals for allocation of state budget estimates for environmental protection activities from Ministries, ministerial agencies and provincial People's Committees and provide guidelines for implementing the law on state budget; provide guidelines for statistically reporting, monitoring and publishing expenditures on environmental protection;

12. Request the Government to grant approval for participation in international organizations and signature of international environmental treaties and agreements; international integration and cooperation in environmental in the fields under its management;

13. Carry out inspections of compliance with the law on environmental protection and assumption of responsibility for state management of environmental protection; handle environmental complaints and denunciations; assess damage and claim compensation for environmental damage; impose penalties for violations against the law on environmental protection;

14. Organize scientific researches into, development, application and transfer of environmental protection technologies as prescribed by law;

15. Cooperate with the Vietnamese Fatherland Front and central government authorities of socio-political organizations in organizing the implementation of the State's policies and law on environmental protection and supervising environmental protection activities;

16. Perform other environmental protection tasks assigned by the Government and the Prime Minister.

Article 167. Responsibility of Ministries and ministerial agencies for state management of environmental protection

1. The Ministry of National Defense shall organize the implementation of the law on environmental protection in the field of national defense; form and assign forces and vehicles in response to environmental emergencies; participate in transboundary environmental monitoring and offshore water monitoring as prescribed by law.

2. The Ministry of Public Security shall organize the implementation of the law on environmental protection in activities of the People's Public Security Force; direct and organize the prevention of crimes and violations against the law in relation to environmental crimes; maintain security, social order and safety in the field of environment as prescribed by law; mobilize resources for response to environmental emergencies as prescribed by law.

3. Ministries and ministerial agencies shall, within their jurisdiction, cooperate with the Ministry of Natural Resources and Environment in performing state management of environmental protection.

4. The Government shall elaborate on responsibilities of Ministries and ministerial agencies for performing state management of environmental protection as prescribed by this Law.

Article 168. Responsibility of People's Committees at all levels for state management of environmental protection

1. Provincial People's Committees shall, within their jurisdiction, have the following responsibilities:

- a) Formulate, promulgate or request provincial People's Councils to promulgate and organize the implementation of legislative documents on environmental protection; local standards and technical regulations on environment; local strategies, planning and plans; programs, schemes and projects on environmental protection; environmental protection contents in provincial planning;
- b) Organize appraisal of EIARs and approve EIAR appraisal results; issue, renew, adjust and re-issue environmental licenses within their power;
- c) Direct, provide guidance on, inspect and organize the control of sources of pollution and environmental emergencies prevention and control within their provinces as prescribed by law; organize the management of waste sources within their provinces as assigned; be responsible to the Government for environmental pollution occurring within their provinces;
- d) Organize the monitoring, supervision, warning and management of environmental quality, and waste management in their provinces within their power and under the guidance of the Ministry of Natural Resources and Environment; environmental improvement and remediation; protection of environment at natural heritage sites, nature and biodiversity conservation;
- dd) Invest in building, managing and operating environmental monitoring networks according to the comprehensive planning for national environmental monitoring; formulate, approve and organize the execution of local environmental monitoring programs; provide information and warnings about environmental pollution as prescribed by law;
- e) Organize the investigation, statistical reporting and updating of environmental information and reporting systems and database as prescribed by law;
- g) Communicate and disseminate knowledge and law relating to environmental protection; increase awareness of environmental protection; provide professional training in environmental protection as prescribed by law;
- h) Carry out inspections of compliance with the law on environmental protection and assumption of responsibility for state management of environmental protection; handle environmental complaints and denunciations; assess damage and claim compensation for environmental damage; impose penalties for violations against the law on environmental protection as prescribed by law;
- i) Mobilize and use resources for environmental protection as prescribed by law; request provincial People's Councils to providing funding for performance of environmental protection tasks within the current budget; provide guidelines for, allocate and inspect the enactment of state budget expenditures for local environmental protection activities;
- k) Organize research into and application of technological and scientific advances; participate in international cooperation in environmental protection as prescribed by law;

1) Perform other environmental protection tasks assigned by the Government and the Prime Minister.

2. District-level People's Committees shall, within their jurisdiction, have the following responsibilities:

a) Formulate, promulgate or request competent authorities to promulgate legislative documents on environmental protection, local environmental protection plans, programs, schemes and projects;

b) Issue, renew, adjust, re-issue and revoke environmental licenses within their power;

c) Direct, provide guidance on, inspect and organize the control of sources of pollution and environmental emergencies prevention and control within their districts as prescribed by law; organize the management of waste sources within their provinces as assigned; be responsible to the Government for environmental pollution occurring within their districts;

d) Organize the monitoring, supervision, warning and management of environmental quality, and waste management in their provinces within their power and under the guidance of the Ministry of Natural Resources and Environment; environmental improvement and remediation; nature and biodiversity conservation;

d) Carry out inspections and impose penalties for violations against the law on environmental protection within their power or transfer violation cases to competent persons as prescribed by law; handle environmental complaints, denunciations and propositions;

e) Communicate and disseminate knowledge and law relating to environmental protection; raise public awareness of environmental protection;

g) Provide environmental information and carry out environmental reporting as prescribed by law;

h) Mobilize and use resources for environmental protection as prescribed by law; request district-level People's Councils or competent authorities to provide funding for performing environmental protection tasks within the current budget;

i) Perform other environmental protection tasks assigned by provincial People's Committees.

3. Communal People's Committees shall, within their jurisdiction, have the following responsibilities:

a) Formulate, promulgate and organize the implementation of legislative documents, regulations and conventions on environmental hygiene maintenance and environmental protection; set up and organize the execution of environmental protection projects and tasks;

b) Direct, provide guidance on, inspect and organize the control of sources of pollution; receipt of environmental registration forms; environmental emergencies prevention and control within their communes as prescribed by law; organize the management of waste sources within their communes as assigned; be responsible to district-level People's Committees for environmental pollution occurring within their communes;

c) Organize the monitoring, supervision, warning and management of environmental quality, and waste management in their communes within their power or as assigned by district-level People's Committees; environmental improvement and remediation; nature and biodiversity conservation;

d) Build and increase public awareness of environmental protection; encourage the people to participate in maintaining environmental hygiene and protecting the environment; instruct residential communities within their communes to incorporate environmental protection contents into village regulations and conventions and development of new rural areas and courteous families;

dd) Carry out inspections and impose penalties for violations against the law on environmental protection within their power or transfer violation cases to competent persons as prescribed by law; handle environmental complaints, denunciations and propositions within their power;

e) Mobilize and use resources for environmental protection as prescribed by law;

g) Organize the collection of environmental information and carry out environmental reporting as prescribed by law;

h) Perform other environmental protection tasks assigned by district-level People's Committees.

4. Responsibility of a local government in a special administrative-economic unit for environmental protection shall be defined by the National Assembly upon establishing such special administrative-economic unit, unless otherwise prescribed by the law on special administrative-economic units.

Chapter XVI

IMPLEMENTATION CLAUSE

Article 169. Amendments to certain Laws relating to environmental protection

1. Certain Articles of the Law on Water Resources No. 17/2012/QH13 amended by the Law No. 08/2017/QH14 and Law No. 35/2018/QH14 are amended as follows:

a) Article 37 and Point d Clause 1 of Article 38 are annulled;

b) Clause 1 of Article 73 is amended as follows:

“1. The Ministry of Natural Resources and Environment and provincial People’s Committees shall issue, extend, adjust, suspend and revoke water resource licenses.

The issuance of the environmental license covering the discharge of wastewater to water sources shall comply with the law on environmental protection.”.

2. Point d Clause 1 of Article 44 and Article 58 of the Law on Irrigation No. 08/2017/QH14 amended by the Law No. 35/2018/QH14 and Law No. 59/2020/QH14 are annulled.

3. Certain Articles of the Law on Public Investment No. 39/2019/QH14 amended by the Law No. 64/2020/QH14 are amended as follows:

a) Point g Clause 2 of Article 30 is amended as follows:

“g) Preliminary analysis and assessment of social impacts; preliminary assessment of environmental impacts (if any) as prescribed by the law on environmental protection;”;

b) Clause 6 of Article 31 is amended as follows:

“6. Preliminarily analyzing and assessing social impacts; preliminarily assessing environmental impacts (if any) as prescribed by the law on environmental protection; preliminarily determining investment efficiency in socio-economic aspects;”.

4. Certain Points in Section IX - Fees pertaining to natural resources and environment in the Appendix 01 - List of fees and charges enclosed with the Law No. Fees and Charges No. 97/2015/QH13 amended by the Law No. 09/2017/QH14 and Law No. 23/2018/QH14 are annulled and amended as follows:

a) Point 1.4 is amended as follows:

1.4	Fees for appraisal of environmental impact assessment reports	* Ministry of Finance with respect to the appraisal conducted by central government agencies; * Provincial People’s Councils with respect to the appraisal conducted by local agencies.
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b) Point 1.6 is added after Point 1.5 as follows:

1.6	Fees for appraising applications for issuance, re-issuance and adjustment of environmental licenses	* Ministry of Finance with respect to the appraisal conducted by central government agencies; * Provincial People’s Councils with respect to the appraisal conducted by local agencies.
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c) Points 5.4 and 6.3 and Subsection 9 are annulled.

Article 170. Effect

1. This Law comes into force from January 01, 2022, except for the case in Clause 2 of this Article.
2. Clause 3 Article 29 of this Law comes into force from February 01, 2021.
3. The Law on Environmental Protection No. 55/2014/QH13 amended by the Law No. 35/2018/QH14, Law No. 39/2019/QH14 and Law No. 61/2020/QH14 shall cease to have effect from the effective date of this Law.

Article 171. Grandfather clauses

1. Sufficient and valid documents received by competent regulatory bodies to be processed according to administrative procedures concerning the environment before the effective date of this Law shall be processed in accordance with the law at the time of receipt, unless the organization or individual wishes to apply this Law.
2. The decisions to approve environmental impact assessment reports, preliminary environmental impact assessment reports, detailed environmental impact assessment reports, additional environmental impact assessment reports, re-prepared environmental impact assessment reports and detailed environmental protection projects, written confirmations of simple environmental protection projects, certificates of registration of satisfaction of environmental standards, environmental protection commitments and environmental protection plans which were promulgated by competent authorities before the effective date of this Law are equivalent to the decision to approve EIAR appraisal result upon considering issuing the environmental license.
3. The decisions to approve projects on deposit payment, environmental improvement and remediation; environmental improvement and remediation projects; environmental improvement and remediation schemes; additional environmental improvement and remediation schemes which were promulgated by competent authorities before the effective date of this Law are part of the approval decisions and written confirmations specified in Clause 2 of this Article with respect to mineral mining projects upon considering issuing the environmental license.
4. Environmental certificates and conformations which were promulgated by competent authorities before the effective date of this Law, except for the case in Point d Clause 2 Article 42 of this Law, may be used until their expiry.
5. Licenses to discharge wastewater into water sources and licenses to discharge wastewater into hydraulic structures issued in accordance with the Law on Water Resource and Law on Irrigation may be used until their expiry and constitute part of the environmental license specified in this Law. Holders of licenses to discharge wastewater into water sources and licenses to discharge wastewater into hydraulic structures are entitled to request a competent authority to issue the environmental license if their works and equipment for exhaust gas treatment and solid waste treatment have been completed as prescribed by this Law.

6. The Government shall elaborate this Article.

This Law is adopted by the 14th National Assembly of Socialist Republic of Vietnam on this 17th of November 2020 during its 10th session.

**CHAIRWOMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Thi Kim Ngan

Translated version for reference only