

# LAW ON PROTECTION OF THE ENVIRONMENT

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam as amended by Resolution 51-2001-QH10 passed by Legislature X of the National Assembly at its 10th Session on 25 December 2001;

This Law regulates protection of the environment.

## CHAPTER I General Provisions

### **Article 1** *Governing scope*

This Law regulates environmental protection activities; policies, measures and resources for protection of the environment; and the rights and obligations of organizations, family households and individuals with respect to protection of the environment.

### **Article 2** *Applicable entities*

This Law applies to Vietnamese State bodies, organizations, family households and individuals; and to Vietnamese residing overseas and foreign organizations and individuals with operations in the territory of the Socialist Republic of Vietnam.

Where an international treaty of which the Socialist Republic of Vietnam is a member contains provisions which are different from the provisions in this Law, the provisions of such international treaty shall prevail.

### **Article 3** *Interpretation of terms*

In this Law, the following terms shall be construed as follows:

1. *Environment* comprises the natural elements and man-made factors surrounding humans and affecting the life, development and existence of humans and living creatures and affecting manufacturing activities.
2. *Environmental element* means any element forming the environment, such as land, water, air, sound, light, living creatures, ecosystems and other matter.
3. *Environmental protection activities* mean activities which are carried out in order to keep the environment pure and clean, to restrict adverse impact on the environment and to deal with environmental incidents; to overcome environmental pollution and degradation and to recover and improve the environment; to exploit and use natural resources properly and economically, and to protect biological diversity.
4. *Sustainable development* means development which satisfies the needs of the present generation without prejudicing the ability to satisfy the needs of future generations on the basis of tight and harmonious co-ordination between economic growth, guarantee of social progress, and protection of the environment.
5. *Environmental standard* means the permissible limit of a quality parameter of the surrounding environment and of the content of pollutants in wastes as stipulated by the competent State body as the basis for management and protection of the environment.

6. *Environmental pollution* means any change in environmental elements which does not conform to environmental standards and has an adverse effect on humans and living creatures.
7. *Environmental degradation* means any reduction of the quality and quantity of an environmental element which has an adverse effect on humans and living creatures.
8. *Environmental incident* means any catastrophic event or risk which occurs in the course of human activities, or any sudden natural occurrence which causes serious environmental pollution, degradation or change.
9. *Pollutant* means any substance or physical element which causes environmental pollution when it appears in the environment.
10. *Waste* means any matter in a solid, liquid or gaseous state which is discharged from manufacturing, business, services or living activities or from other activities.
11. *Hazardous waste* means waste with toxic, radioactive, inflammable, explosive, infectious, poisonous and other hazardous characteristics.
12. *Management of waste* means activities to classify, collect, transport, minimize, re-use, recycle, process, destroy and dispose of waste.
13. *Waste materials* means products or materials which arise as a result of manufacturing processes or consumption and which are recovered to use as raw materials for manufacturing.
14. *Burden bearing capacity of the environment* means the permissible limit within which the environment may receive and absorb pollutants.
15. *Ecosystem* means a group of life forms which co-exist and develop in a specific natural environment and which have an impact on each other.
16. *Biological diversity* means the rich diversity of genes, species of living creatures, and ecosystems.
17. *Environmental monitoring* means the process of systematic observation of the environment and of elements affecting the environment in order to provide information to assess the current status of the environment, changes in its quality, and adverse impact on the environment.
18. *Information about the environment* comprises data and figures about environmental elements, about reserves and the ecological and economic value of natural resources, about impact on the environment, about waste and levels of environmental pollution and degradation, and other information on environmental issues.
19. *Strategic environmental assessment* means the analysis of and forecast about the environmental impact of a strategic project, master plan or plan for development prior to approval of such project or plan in order to ensure sustainable development.
20. *Environmental impact assessment* means the analysis of and forecast about the environmental impact of a specific investment project in order to propose measures to protect the environment upon commencement of such project.
21. *Greenhouse gas* means any type of gas impacting on the thermal exchange between the earth and surrounding space resulting in the temperature of the earth around the surface of the earth becoming warmer.
22. *Quota for greenhouse gas emissions* means the volume of greenhouse gas which each country is permitted to emit into the atmosphere in accordance with relevant international treaties.

#### **Article 4 Principles for environmental protection**

1. Environmental protection must co-ordinate harmoniously with economic development and ensure social progress in order to achieve national sustainable development. Protection of the national environment must be associated with protection of the regional and global environment.

2. Environmental protection is a cause of the whole of society and is the right and responsibility of State bodies, organizations, family households and individuals.
3. Environmental protection activities must be conducted regularly, with prevention being the main purpose, in combination with overcoming environmental pollution or degradation and improving the quality of the environment.
4. Environmental protection must conform with the law, with natural, cultural and historical characteristics and with the level of socio-economic development of the country from time to time.
5. Any organization, family household or individual causing environmental pollution or degradation shall be obliged to remedy it and to compensate for loss and damage, and shall bear other liabilities in accordance with law.

**Article 5** *State policies on protection of the environment*

1. Encouraging and facilitating all organizations, communities, family households and individuals to participate in environmental protection activities.
2. Promoting dissemination of information, education, activation and co-ordination in the application of administrative, economic and other measures to build awareness and discipline in environmental protection activities.
3. Using natural resources rationally and economically, developing clean and renewable energy; and promoting the recycling, reuse and minimization of waste.
4. Giving priority to the resolution of urgent environmental problems; concentrating on dealing with establishments which cause serious environmental pollution; recovering the environment in polluted and degraded areas; and attaching special importance to protection of the environment in urban and residential areas.
5. Investing in protection of the environment as investment for development; diversifying capital investment sources for protection of the environment and allocating a separate budget from the annual State Budget for the work of environmental protection.
6. Granting land and tax incentives and providing financial support to environmental protection activities and environmentally-friendly products; combining harmoniously the protection of the environment with efficient utilization of environmental elements for development.
7. Improving training of human resources and encouraging research, application and transfer of scientific and technological achievements in protection of the environment; forming and developing an environmental industry.
8. Expanding and improving the efficiency of international co-operation; performing fully international undertakings to protect the environment; encouraging organizations and individuals to participate in international co-operative ventures to protect the environment.
9. Developing infrastructure facilities for protection of the environment; improving the national capacity to protect the environment in a professional and modern manner.

**Article 6** *Encouraged environmental protection activities*

1. Disseminating information, educating and activating all people to participate in protection of the environment; preserving environmental hygiene and protecting the natural landscape and biological diversity.
2. Protecting natural resources and using them rationally and economically.
3. Minimizing, collecting, recycling and reusing waste.

4. Developing and using clean or renewable energy; minimizing waste gas which causes a greenhouse effect or destroys the ozone layer.
5. Registering establishments satisfying environmental standards and environmentally friendly products.
6. Carrying out scientific research, transferring and applying technology for treating and recycling waste and environmentally-friendly technology.
7. Investing in construction of establishments to manufacture equipment and apparatus to protect the environment, to produce and trade in environmentally-friendly products; and to provide environmental protection services.
8. Carrying out conservation and development of indigenous gene pools; cross-breeding and importing gene sources with economic value and profit for the environment.
9. Forming environmentally-friendly villages and hamlets in rural and mountainous areas and environmentally-friendly manufacturing, business and services establishments.
10. Developing forms of self-management and organizing activities and services to preserve environmental hygiene within communities.
11. Forming a lifestyle and habits of maintenance of environmental hygiene, and abolishing obsolete customs which harm the environment.
12. Contributing knowledge, effort and finance to environmental protection activities

**Article 7** *Prohibited practices*

1. Destroying or carrying out any unauthorized exploitation of forests or other natural resources.
2. Exploiting and catching natural living creatures by destructive means, apparatus or methods or not in the season and quantity stipulated by law.
3. Exploiting, trading, consuming and using rare and precious wild plants and animals on the prohibited lists issued by the competent State body.
4. Failing to bury toxic substances, radioactive substances, waste and other hazardous substances in stipulated places and in accordance with technical procedures for protection of the environment.
5. Discharging waste which has not been treated to environmental standards; discharging toxic, radioactive and other hazardous substances into land or water sources.
6. Emitting smoke, dust or gases with toxic substances or fumes into the atmosphere; discharging radiation, radioactivity and ionized substances in excess of the permissible environmental standards.
7. Causing noise and vibration in excess of the permissible standards.
8. Importing machinery, equipment and facilities which do not satisfy environmental standards.
9. Importing and transiting waste in any form.
10. Importing and transiting animals and plants which have not been quarantined and microorganisms which are not on the permitted list.
11. Producing and trading products which have a harmful effect on human health, living creatures and ecosystems; producing and using raw materials and building materials containing toxic elements in excess of the permissible standards.

12. Causing damage to or prejudicing natural heritage sites and nature conservation zones.
13. Causing damage to or prejudicing works, equipment and facilities used for environmental protection activities.
14. Carrying out unauthorized activities or living in zones which have been restricted pursuant to decision of a competent State body due to the extreme environmental danger to human life and health in such zones.
15. Concealing acts of destroying the environment, obstructing environmental protection activities, or distorting information resulting in adverse consequences to the environment.
16. Other prohibited practices regarding protection of the environment as stipulated by law.

## CHAPTER II

### Environmental Standards

#### **Article 8** *Principles for formulation and application of environmental standards*

1. The formulation and application of environmental standards must comply with the following principles:
  - (a) Satisfying the objectives of environmental protection and prevention of environmental pollution, degradation and incidents;
  - (b) Promulgation in a timely manner; feasibility and suitability for the level of socioeconomic development and for the technological level of the country; satisfying the requirements of international economic integration;
  - (c) Suitability for the characteristics of regions and industries and for the types and technologies of manufacturing, business and services activities.
2. Organizations and individuals must comply with the compulsorily applicable environmental standards proclaimed by the State.

#### **Article 9** *Contents of national environmental standards*

1. Grade of standards.
2. Environmental parameters and restricted values.
3. Objects of the application of standards.
4. Procedures for and methods of instructing application of standards.
5. Conditions required upon application of standards.
6. Methods of measurement, taking samples and analysis.

#### **Article 10** *System of national environmental standards*

1. The system of national environmental standards consists of quality standards of the surrounding environment and standards on wastes.
2. The quality standards of the surrounding environment shall comprise:
  - (a) Group of environmental standards with respect to soil for agricultural production, forestry, aquaculture and other purposes;
  - (b) Group of environmental standards with respect to surface water and underground water serving the supply of drinking water, industrial water, water for aquaculture, water for agricultural irrigation and other purposes;
  - (c) Group of environmental standards with respect to coastal seawater used for purposes of aquaculture, in entertainment and recreation areas, and for other purposes;
  - (d) Group of environmental standards with respect to air in urban areas and rural residential areas;
  - (dd) Group of environmental standards on noise, light and radiation in residential areas and in public places.
3. The standards on wastes shall comprise:
  - (a) Group of standards on waste water from industrial and services activities, on waste water from animal husbandry and aquaculture, and on waste water from daily living and other activities;

- (b) Group of standards on industrial gas emissions and gases from equipment used for the disposal or incineration of waste from daily, industrial or medical care activities and for the disposal of waste in other forms;
- (c) Group of standards on gas emissions applicable to means of transportation, machinery and special equipment;
- (d) Group of standards on hazardous wastes;
- (dd) Group of standards on noise and vibration applicable to means of transportation; to manufacturing, business and services establishments; and to construction activities.

**Article 11** *Requirements with respect to quality standards of surrounding environment*

1. Quality standards of the surrounding environment shall specify the permissible restricted values of environmental parameters consistent with the use purposes of environmental elements, including:

- (a) Minimum values of environmental parameters in order to ensure normal life for and growth of humans and living creatures;
- (b) Permissible maximum values of harmful environmental parameters in order not to cause an adverse effect on the normal life and growth of humans and living creatures.

2. Environmental parameters stipulated in the quality standards of the environment shall provide specific instructions on benchmark methods for measurement, taking samples and analysis in order to determine such parameters.

**Article 12** *Requirements with respect to standards on waste*

- 1. The standards on wastes must specify the maximum values of pollution parameters of wastes in order to ensure that no harm is caused to humans and living creatures.
- 2. Pollution parameters of wastes shall be determined on the basis of the toxicity and volume of the waste produced and the burden bearing capacity of the environment receiving such wastes.
- 3. Pollution parameters stipulated in the standards on wastes shall provide specific instructions on benchmark methods for measurement, taking samples and analysis in order to determine such parameters.

**Article 13** *Issuance and proclamation of application of national environmental standards*

- 1. The Government shall provide regulations on the authority, order and procedures for formulation, issuance and recognition of national environmental standards in accordance with the law on standardization.
- 2. The Ministry of Natural Resources and Environment shall publish and stipulate a roadmap for application and the regional, area and industry co-efficients for application of the national environmental standards consistent with the burden bearing capacity of the environment.
- 3. National environmental standards shall be adjusted every five years; where necessary, adjustment of standards which are no longer appropriate and addition of new standards may be conducted within a shorter period than once every five years.
- 4. The national environmental standards shall be published widely for implementation by organizations and individuals.

# CHAPTER III

## Strategic Environmental Assessment, Environmental Impact Assessment and Environmental Protection Undertakings

### SECTION 1

#### Strategic Environmental Assessment

**Article 14** *Objects for which strategic environmental assessment reports must be formulated*

1. Strategies, master plans or plans for national socio-economic development.
2. Strategies, master plans or plans for nationwide development of industries and sectors.
3. Strategies, master plans or plans for socio-economic development of provinces and cities under central authority (hereinafter referred to as *provincial level*) or of regions.
4. Zoning for land use, forest protection and development; and for exploitation and utilization of other natural resources on an inter-provincial or inter-industry basis.
5. Planning for development of key economic zones.
6. General planning for inter-provincial river catchment areas.

**Article 15** *Formulation of strategic environmental assessment reports*

1. The body which is assigned the duty to formulate a project stipulated in article 14 of this Law shall be responsible for formulating a strategic environmental assessment report.
2. The strategic environmental assessment report shall be an item of the project and must be formulated at the same time as formulation of the project.

**Article 16** *Contents of strategic environmental assessment reports*

1. Overview of the objectives, scale and characteristics of the project as it relates to the environment.
2. General description of the natural, socio-economic and environmental conditions relevant to the project.
3. Forecast of any potential adverse environmental impact likely to occur upon implementation of the project.
4. Reference to sources of figures and data and to methods of assessment.
5. Proposal on guidelines and an overall solution to resolve environmental issues during implementation of the project.

**Article 17** *Appraisal of strategic environmental assessment reports*

1. Strategic environmental assessment reports shall be appraised by a council which is organized in accordance with the provisions of clause 7 of this article.
2. The composition of an appraisal council for national and inter-provincial projects shall comprise a representative of the body approving the project; representatives of ministries, ministerial equivalent bodies, Government bodies and the provincial people's committee related to the project; experts with professional experience and qualifications suitable to the content and nature of the project; and representatives of other organizations and individuals as decided by the body authorized to establish the appraisal council.



3. The composition of an appraisal council for projects of a province or city under central authority shall comprise representatives of the provincial people's committee; representatives of the professional body for environmental protection and relevant departments and branches at the provincial level; experts with professional experience and qualifications suitable to the content and nature of the project; and representatives of other organizations and individuals as decided by the body authorized to establish the appraisal council.

4. More than fifty (50) per cent of the members of an appraisal council stipulated in clauses 2 and 3 of this article must have professional knowledge of the environment and of other sectors related to the contents of the project. Persons directly involved in formulation of the strategic environmental assessment report shall not be permitted to join the appraisal council.

5. Any organization or individual may send a petition or recommendation on environmental protection to the body establishing the appraisal council and to the body approving the project; such council and such body shall be responsible to consider such petitions and recommendations prior to making their conclusion or decision.

6. The results of appraisal of a strategic environmental assessment report shall be one of the grounds for approval of the project.

7. The responsibility to organize an appraisal council for a strategic environmental assessment report shall be regulated as follows:

(a) The Ministry of Natural Resources and Environment shall establish appraisal councils for strategic environmental assessment reports in respect of projects to be approved by the National Assembly, the Government or the Prime Minister of the Government;

(b) Ministries, ministerial equivalent bodies or Government bodies shall establish appraisal councils for strategic environmental assessment reports in respect of projects which fall under their authority to approve;

(c) Provincial people's committees shall establish appraisal councils for strategic environmental assessment reports in respect of projects which fall under their authority to decide and under the authority of the people's council of the same level.

## SECTION 2 Environmental Impact Assessment

**Article 18** *Objects for which environmental impact assessment reports must be prepared*

1. Owners of the following projects must prepare an environmental impact assessment report:

(a) National important projects;

(b) Projects using part of the land of or causing an adverse impact on a natural conservation zone, national park, historical and cultural site, natural heritage or beauty spot which is classified;

(c) Projects with a potentially adverse impact on a river watercourse, coastal area or area containing a protected ecosystem;

(d) Projects for construction of infrastructure of an industrial zone, high-tech zone, industrial group, export processing zone or handicraft village group;

(dd) Projects for construction of a new urban zone or concentrated residential area;

(e) Projects for exploitation and utilization of groundwater or natural resources on a large scale;

(g) Other projects with a potential risk of causing an adverse impact on the environment.

2. The Government shall provide a list of projects for which an environmental impact assessment report must be prepared.

**Article 19** *Preparation of environmental impact assessment reports*

1. Owners of the projects stipulated in article 18 of this Law shall be obliged to prepare an environmental impact assessment report and submit it to the competent State body for approval.

2. The environmental impact assessment report must be prepared concurrently with the project feasibility study.

3. Project owners may themselves prepare or may hire a consultancy services organization to prepare the environmental impact assessment report and shall be responsible for data and results specified in the environmental impact assessment report.

4. Where there is any change in the scale, content, time of commencement, duration or completion of the project, the project owner shall be responsible to provide an explanatory statement to the approving body; where necessary, a supplementary environmental impact assessment report must be prepared.

5. Consultancy services organizations preparing environmental impact assessment reports must satisfy all of the necessary conditions on professional personnel and on material and technical facilities.

**Article 20** *Contents of environmental impact assessment reports*

1. List and detailed description of items of works of the project together with their scale in terms of space, time and workload; operational technology of each item of work and of the entire project.

2. General assessment of the environmental status at the project site and in adjacent areas; the sensitivity and burden bearing capacity of the environment.

3. Detailed assessment of the potential environmental impact when the project is implemented and of the environmental elements and socio-economic elements which will be affected by the project; a forecast of risks of environment incidents which may be caused by the project.

4. Specific measures to minimize adverse impact on the environment and to prevent or deal with environmental incidents.

5. Undertaking to take environmental protection measures during construction and operation of the project.

6. List of project works and the program for management and supervision of environmental issues during implementation of the project.

7. Estimated budget for construction of items of works being environmental protection facilities within the total estimated budget of the project.

8. Opinions of the people's committee of the commune, ward or township (hereinafter referred to as *the commune people's committee*) and of the representatives of communities in the locality where the project is to be implemented. Opinions disagreeing with the establishment of the project in the locality or disagreeing with environmental protection measures must be included in the environmental impact assessment report.

9. Reference to sources of figures and data and to methods of assessment.

**Article 21** *Appraisal of environmental impact assessment reports*

1. Environmental impact assessment reports shall be appraised by an appraisal council or by an appraisal services organization.

The Ministry of Natural Resources and Environment shall provide regulations on the conditions and guidelines for appraisal of environmental impact assessment reports by appraisal services organizations.

2. The composition of an appraisal council in respect of the projects stipulated in paragraphs

(a) and (b) of clause 7 of this article shall comprise representatives of the body approving the project; representatives of the professional body for environmental protection under the body which will approve the project; representatives of the provincial level professional body for environmental protection of the locality where the project will be implemented; experts with professional experience and qualifications suitable to the content and nature of the project; and representatives of other organizations and individuals as decided by the body authorized to establish the appraisal council.

3. The composition of an appraisal council in respect of a project stipulated in paragraph (c) of clause 7 of this article shall comprise representatives of the provincial people's committee; representatives of the professional body for environmental protection and relevant departments and divisions at the provincial level; experts with professional experience and qualifications suitable to the content and nature of the project; and representatives of other organizations and individuals as decided by the body authorized to establish the appraisal council.

Where necessary, the provincial people's committee may invite representatives of the Ministry of Natural Resources and Environment and of relevant ministries, ministerial equivalent bodies and Government bodies to join the appraisal council.

4. More than fifty (50) per cent of the members of an appraisal council stipulated in clauses 2 and 3 of this article must have professional knowledge of the environment and of other sectors related to the contents of the project. Persons who are directly involved in preparation of the environmental impact assessment report shall not be permitted to join the appraisal council.

5. Appraisal services organizations may participate in the appraisal as decided by the body approving the project and shall be responsible for their opinions and results of appraisal.

6. Organizations, communities and individuals may send a petition or recommendation for environmental protection to the body organizing the appraisal as stipulated in clause 7 of this article; the body organizing the appraisal shall have the responsibility to consider such petitions and recommendations prior to making its conclusion or decision.

7. Responsibility to organize the appraisal of environmental impact assessment reports in respect of projects shall be regulated as follows:

(a) The Ministry of Natural Resources and Environment shall establish appraisal councils or select services organizations for appraisal of environmental impact assessment reports in respect of projects which will be decided or approved by the National Assembly, the Government or the Prime Minister of the Government; and for inter-industry or inter-provincial projects;

(b) Ministries, ministerial equivalent bodies or Government bodies shall establish appraisal councils or select services organizations for appraisal of environmental impact assessment reports in respect of projects which fall under their authority to decide or approve, excluding inter-industry or inter-provincial projects;

(c) Provincial people's committees shall establish appraisal councils or select services organizations for appraisal of environmental impact assessment reports in respect of projects located in their respective localities and falling under their authority to decide or approve and under the authority of the people's council of the same level.

## **Article 22** *Approval of environmental impact assessment reports*

1. The body establishing an appraisal council for an environmental impact assessment report shall be responsible for considering and approving the environmental impact assessment report after it has conducted its appraisal.

2. Prior to approval, the body approving the environmental impact assessment report shall be responsible to consider petitions and recommendations from the project owner, the community involved, and other organizations or individuals.

3. The head of the body stipulated in clause 1 of this article must consider and decide to approve the environmental impact assessment report within fifteen (15) working days from the date of receipt of the environmental impact assessment report as modified to satisfy the requirements stipulated in the conclusion of

the appraisal council or of the appraisal services organization. In the case of refusal to approve, the head of such body shall notify the project owner in writing and specify the reasons therefor.

4. The projects stipulated in article 18 of this Law may be approved and issued with an investment licence, construction permit or operational permit only after approval of the environmental impact assessment report.

**Article 23** *Responsibilities to implement contents of environmental impact assessment reports and to inspect implementation*

1. A project owner shall have the following responsibilities:

(a) To report the content of the decision on approval of the environmental impact assessment report to the people's committee of the locality in which the project will be implemented;

(b) To display publicly at the location in which the project will be implemented information on types of wastes and treatment technology, parameters of standards on wastes and environmental protection solutions in order that the local community may know, inspect and supervise same;

(c) To implement properly and fully the items of environmental protection in the environmental impact assessment report and the requirements in the decision on approval of the environmental impact assessment report;

(d) To notify the performance of the items in the report and of the requirements in the decision on approval of the environmental impact assessment report to the body approving the environmental impact assessment report for the purpose of inspection and certification;

(d) Works may be commissioned for use only after the competent body has inspected and certified the performance of all requirements stipulated in sub-clauses (a), (b) and (c) hereof.

2. The body approving the environmental impact assessment report shall have the following responsibilities:

(a) To notify the items of its decision on approval of the environmental impact assessment report to the provincial people's committee in the locality in which the project will be implemented. The provincial people's committee shall notify items of the decision on approval of the environmental impact assessment report which has been approved by it or by a ministry, ministerial equivalent body or Government body to the people's committee of a district, town or a provincial city (hereinafter referred to as the *district people's committee*) and to the commune people's committee of the place where the project will be implemented;

(b) To direct and organize inspection of the implementation of the items in the approved environmental impact assessment report.

### SECTION 3 Environmental Protection Undertakings

**Article 24** *Entities which must make written environmental protection undertaking*

Manufacturing, business and services establishments being family households and entities not covered by articles 14 and 18 of this Law must make a written environmental protection undertaking.

**Article 25** *Contents of environmental protection undertakings*

1. Location of performance.

2. Form and scale of manufacturing, business or provision of services and the raw materials and fuel used.

3. Types of waste produced.

4. Undertaking to apply measures aimed at minimizing and treating waste and to comply strictly with the provisions of the law on protection of the environment.

**Article 26** *Registration of written environmental protection undertaking*

1. District people's committees shall be responsible for organizing the registration of written environmental protection undertakings; where necessary, they may authorize a commune people's committee to organize such registration.

2. The period for acceptance of a written environmental protection undertaking shall be five working days from the date of receipt of the valid written undertaking.

3. The entities stipulated in article 24 of this Law shall be permitted to commence their manufacturing, business or provision of services only after registration of their written environmental protection undertaking.

**Article 27** *Responsibilities to implement environmental protection undertakings and to supervise implementation*

1. Any organization or individual making an environmental protection undertaking shall be responsible to implement properly and fully its written environmental protection undertaking.

2. District or commune people's committees shall direct, examine and inspect the implementation of the items stated in a written environmental protection undertaking.

## CHAPTER IV

### Conservation and Rational Utilization of Natural Resources

#### **Article 28** *Survey, evaluation and formulation of planning for utilization of natural resources*

1. Natural resources shall be surveyed and evaluated in terms of their reserves, renewable ability and economic value; such survey shall be used as the basis for formulation of planning for utilization and for determination of permissible limits of exploitation, rates of environment tax and environmental protection fees, sums to be deposited for environmental restoration, compensation for environmental damage and other environmental protection measures.
2. Planning for utilization of natural resources must be associated with planning for nature conservation.
3. Responsibilities for the survey, evaluation and formulation of planning for utilization of natural resources shall be implemented in accordance with the law on natural resources.

#### **Article 29** *Nature conservation*

1. Zones or ecosystems with a value in terms of national or international biodiversity must be surveyed, evaluated and planned for protection in the form of a marine conservation zone, national park, nature reserve zone, biosphere reserve zone or species conservation zone (hereinafter together referred to as *nature conservation zone*).
2. The grounds for formulation of planning for a nature conservation zone shall comprise the following:
  - (a) Value as world heritage site, national heritage site and local heritage site;
  - (b) Value as primitive site, specialized use characteristics and value as protected site;
  - (c) Role in regulating the regional ecological balance;
  - (d) Typicality and uniqueness of the natural geographical area;
  - (dd) Regular or seasonal habitat of or breeding area for rare and precious indigenous species which are in danger of extinction;
  - (e) International and local value of the biosphere, natural landscape and ecology and value to humanity of the ecology;
  - (g) Other conservation values as stipulated by law.
3. The establishment of nature conservation zones must comply with the zoning approved by the competent State body.
4. Each nature conservation zone shall have its own regulations and management unit.
5. The responsibilities to prepare zoning for nature conservation and to establish and manage nature conservation zones shall be implemented in accordance with law.

#### **Article 30** *Protection of biodiversity*

1. The protection of biodiversity must be carried out on the basis of ensuring the lawful rights and interests of local communities and of other entities concerned.
2. The State shall establish gene banks for protection and development of precious and rare indigenous gene sources; and shall encourage the import of genes of a high value.

3. Precious and rare animal species and plant varieties which are in danger of extinction shall be protected in accordance with the following provisions:

(a) They shall be listed and categorized for management on the basis of preciousness, rarity and threat of extinction;

(b) Protection plans shall be prepared and measures shall be taken to prevent and stop hunting, exploitation, trading and use of such species and varieties;

(c) Programs of care, nursing and protection pursuant to special regimes suitable to each species shall be carried out; and wild animal rescue centres shall be developed.

4. The Ministry of Natural Resources and Environment shall be responsible to preside over co-ordination with relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees to carry out the protection of biodiversity in accordance with the law on biodiversity.

#### **Article 31** *Protection and development of natural landscape*

1. The State encourages development of ecological models for hamlets and villages in rural and mountainous areas, for residential areas, industrial zones, entertainment zones and tourist resorts, and for other forms of natural landscape in order to create harmony between human beings and nature.

2. Organizations and individuals carrying out planning, construction, manufacturing, business, provision of services and daily activities shall ensure the requirements of preservation and embellishment of the natural landscape.

3. Ministries, ministerial equivalent bodies, Government bodies and people's committees at all levels shall, depending on their respective duties and powers, be responsible for formulating zoning and organizing management, protection and development of the natural landscape in accordance with the provisions of this Law and other relevant laws.

#### **Article 32** *Environmental protection in survey, exploration, exploitation and utilization of natural resources*

1. Any survey, exploration, exploitation and utilization of natural resources shall comply with the planning approved by the competent State body.

2. Exploitation and utilization permits for natural resources shall specify all conditions in relation to environmental protection.

The exploitation and utilization of natural resources shall comply with the items of environmental protection stipulated in the exploitation and utilization permits issued by the competent State bodies.

3. Organizations and individuals shall be responsible for complying with the requirements of environmental protection during survey, exploration, exploitation and utilization of natural resources; and upon completion of exploration and exploitation activities, they must restore the environment in accordance with the provisions of this Law and other relevant laws.

#### **Article 33** *Development of clean energy, renewable energy and environmentally-friendly products*

1. Clean energy and renewable energy means energy generated from wind, solar and geothermal sources, water, biomass and other renewable sources.

2. Organizations and individuals investing in development and utilization of clean energy or renewable energy or in the manufacture of environmentally-friendly products shall be entitled to State incentives in relation to taxation, capital funding and land for construction of manufacturing establishments.

3. The Government shall formulate and implement a strategy on development of clean energy and renewable energy to achieve the following objectives:

- (a) Improve the national capacity for research and application of technology to exploit and use clean energy and renewable energy;
  - (b) Expand international co-operation and mobilize resources to participate in exploitation and utilization of clean energy and renewable energy;
  - (c) Increase gradually the ratio of clean and renewable energy to the total national energy production; realize the objective of energy security, economical use of natural resources and minimization of greenhouse gas emissions;
  - (d) Combine programs of development of clean energy and renewable energy with programs on hunger eradication and poverty reduction and development in rural areas, mountainous areas, coastal areas and islands.
4. The State shall encourage the manufacture and consumption of products and goods which pollute the environment to a lesser degree or which are easily decomposable; the utilization of waste for production of clean energy; and the manufacture, import and utilization of machinery, equipment and means of transportation using clean or renewable energy.

**Article 34** *Formation of environmentally-friendly consumption habits*

1. The State shall encourage organizations and individuals to consume products recycled from waste, organic products, environmentally degradable packages, eco-certified products and other environmentally-friendly products.
2. The Ministry of Culture and Information, news agencies and the press shall be responsible for co-ordinating with the Ministry of Natural Resources and Environment in disseminating information about environmentally-friendly products and goods and for introducing and promoting environmentally-friendly products and goods for consumption by the people.



## CHAPTER V

### Environmental Protection in Manufacturing, Business and Services Activities

**Article 35** *Responsibilities of organizations and individuals for environmental protection in manufacturing, business and services activities*

1. To comply with the provisions of the law on protection of the environment.
2. To take environmental protection measures as stipulated in an approved environmental impact assessment report or a registered environmental protection undertaking, and to comply with environmental standards.
3. To prevent and restrict adverse impact on the environment caused by the activities of any such organization or individual.
4. To overcome environmental pollution caused by the activities of any such organization or individual.
5. To disseminate information to and to educate and enhance awareness of environmental protection by employees working in their manufacturing, business and services establishments.
6. To implement the regime of environmental reporting in accordance with the provisions of the law on protection of the environment.
7. To comply with the regime for checks and inspection of environmental protection.
8. To pay environment tax and environmental protection fees.

**Article 36** *Environmental protection in respect of concentrated manufacturing, business and services zones*

1. Economic zones, industrial zones, export processing zones, high-tech zones, groups of industrial establishments, tourist resorts and entertainment and recreation zones (hereinafter together referred to as *concentrated manufacturing, business and services zones*) must satisfy the following requirements with respect to environmental protection:

- (a) Comply with the approved master plan for development;
  - (b) Plan and arrange functional areas and types of activities in association with environmental protection;
  - (c) Implement fully and properly the contents of the approved environmental impact assessment report;
  - (d) Have adequate equipment and apparatus for collection of ordinary solid waste and hazardous waste and satisfy the requirements on receipt of waste already classified at source from establishments located within manufacturing, business and services zones;
  - (dd) Have a concentrated system for collection and treatment of waste water and a system of treatment of gaseous waste to the environmental standards in regular operation;
  - (e) Satisfy the requirements regarding environmental landscape and protection of the health of the community and of employees;
  - (g) Have an environmental monitoring system;
  - (h) Have a specialized section with sufficient capacity to perform environmental protection duties.
2. Industrial zones, export processing zones, high-tech zones and groups of industrial establishments which are likely to cause adverse impact on the environment must be located at an environmentally safe distance from residential areas and nature conservation zones.

3. Manufacturing, business and services projects in concentrated manufacturing, business and services zones may be commenced only upon satisfaction of all requirements stipulated in clause 1 of this article and after verification and certification of such satisfaction by the competent State body.

4. The section specializing in environmental protection in a concentrated manufacturing, business and services zone shall have the following duties:

(a) To inspect and supervise the observance of the requirements for environmental protection by establishments and investment projects in the concentrated manufacturing, business and services zone;

(b) To manage the system for collection and concentration of ordinary waste and hazardous waste; the concentrated system for treatment of sewage and the system for treatment of gaseous waste;

(c) To organize the monitoring and assessment of the status of the environment, to collate and prepare environmental reports and to submit periodical reports to the at provincial level professional body for environmental protection;

(d) To advise the management board on resolution of environment-related disputes between projects located in the concentrated manufacturing, business and services zone.

5. Provincial people's committees shall be responsible for co-ordinating with the relevant ministries, ministerial equivalent bodies and Government bodies in directing and organizing environmental protection in respect of concentrated manufacturing, business and services zones within localities under their management.

**Article 37** *Environmental protection in respect of manufacturing, business and services establishments*

1. Manufacturing, business and services establishments must satisfy the following environmental protection requirements:

(a) Have a system for collection and treatment of waste water which satisfies environmental standards; Where waste water is transferred to a concentrated waste water treatment system, such establishments must comply with the regulations issued by the organization responsible for management of the concentrated waste water treatment system;

(b) Have adequate means and equipment for collection and storage of solid waste and classify such solid waste at source;

(c) Take measures to minimize and treat dust and gaseous waste to satisfy standards prior to discharging the waste into the environment, ensuring that no gaseous waste, toxic gas and fumes will be leaked or dispersed into the environment; to limit noise, light and heat which adversely affects the surrounding environment and employees;

(d) Ensure adequate resources, facilities and equipment to prevent and deal with environmental incidents, particularly in the case of manufacturing establishments using chemicals, radioactive substances, inflammable substances or explosives.

2. Manufacturing establishments or warehouses in the following cases must not be located within residential areas and must be located at an environmentally safe distance from populated areas:

(a) They have inflammable substances or explosives;

(b) They have radioactive substances or high radiation substances;

(c) They have substances harmful to the health of humans and animals;

(d) They discharge odour adversely affecting the health of humans;

(dd) They cause significant pollution to water sources;

(e) They cause noise or emit dust or gaseous waste in excess of the permissible limits.

**Article 38** *Environmental protection in respect of handicraft villages*

1. The planning, building, renovation and development of handicraft villages must be associated with environmental protection. The State shall encourage the development of zones and groups of industrial establishments and handicraft villages sharing a common system of environmental protection infrastructure facilities.

2. Provincial people's committees shall be responsible for directing, for obtaining statistics on, and for assessing the pollution levels in handicraft villages within their localities and for preparing a plan for dealing with environmental pollution in such handicraft villages by the following measures:

(a) Renovating, upgrading or building concentrated waste water collection and treatment systems;

(b) Building collection sites for ordinary solid waste and hazardous waste, arranging equipment which will satisfy the requirements on waste collection and classification of waste at source for the purpose of concentrated treatment;

(c) Formulating planning for zones and groups of industrial establishments and handicraft villages in order to remove manufacturing establishments which cause serious pollution from residential areas;

(d) Advertising and disseminating information about new technologies which cause less pollution for the purpose of application.

3. Manufacturing establishments in zones and groups of industrial establishments and handicraft villages must comply with the following requirements regarding environmental protection:

(a) Waste water must be collected and transferred to a concentrated waste water treatment system; where such system is not available, measures must be taken to treat waste water to the environmental standards prior to discharge;

(b) Solid waste must be classified at source and transported to a collection site for solid waste in accordance with the regulations on management of waste; solid waste containing toxic elements must be classified, collected, stored and treated in accordance with the regulations on management of hazardous waste;

(c) Contributions must be made to a budget for construction of infrastructure facilities for environmental protection, and environmental protection fees must be paid in full in accordance with law.

**Article 39** *Environmental protection in respect of hospitals and other medical facilities*

1. Hospitals and other medical facilities must satisfy the following requirements with respect to environmental protection:

(a) Have a system or take measures to collect and treat medical waste water and to operate same regularly and satisfy environmental standards;

(b) Arrange specialized equipment to classify at source pathological materials and medical garbage;

(c) Take measures to treat and incinerate pathological materials, medical garbage and out-of-date medicines in order to ensure environmental hygiene and standards;

(d) Have plans, facilities and equipment to prevent and deal with environmental incidents caused by medical waste;

(dd) Pre-treat solid waste and waste water from daily activities of patients in order to eliminate contagious germs prior to transfer to a concentrated treatment and incineration establishment.

2. Hospitals and other medical facilities for treatment of infectious diseases must be isolated from residential areas and water sources. New hospitals and other medical facilities for treatment of infectious diseases must not be located in residential areas.
3. X-ray establishments, medical instruments and equipment using radioactive substances must satisfy nuclear safety and radiation safety requirements stipulated in article 89 of this Law and the law on nuclear and radiation safety.
4. Staff of hospitals and other medical facilities engaged in activities involving medical waste must be equipped with protective clothes and equipment in order to ensure their safety and to protect them from contracting disease from medical waste.
5. The Ministry of Health shall preside over co-ordination with relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in directing and organizing statistics on discharging sources and in assessing pollution levels in hospitals and other medical facilities; in devising measures to deal with environmental pollution, and guiding and inspecting the observance of the law on protection of the environment by hospitals and other medical facilities.

**Article 40** *Environmental protection in respect of construction activities*

1. Master planning for construction must comply with the standards and requirements for environmental protection.
2. Execution of the construction of works must satisfy the following requirements with respect to environmental protection:
  - (a) In the case of construction works in residential areas, measures must be taken to ensure that the dispersion of dust, noise, vibration and light does not exceed permissible limits;
  - (b) Construction materials must be transported by means of transportation which satisfy technical specifications and do not cause any leakage, spillage or environmental pollution;
  - (c) Waste water, solid waste and other types of waste must be collected and treated to environmental standards.
3. People's committee at all levels and entities in charge of controlling public order may apply measures to deal with owners of project works or means of transportation in breach of the regulations with respect to environmental protection.

**Article 41** *Environmental protection in respect of transport and traffic activities*

1. Master planning for traffic must comply with the standards and requirements regarding environmental protection.
2. Automobiles, motorbikes and other motor vehicles which are locally manufactured or assembled or which are imported must satisfy gas emission and noise standards and must be inspected and certified by the registration office prior to commissioning into operation.

The Ministry of Transport shall preside over co-ordination with the Ministry of Natural Resources and Environment in providing guidelines for inspection and certification of satisfaction of environmental standards by automobiles, motorcycles and other motor vehicles.

3. Automobiles may be commissioned into operation only after issuance of a certificate of satisfaction of environmental standards by the Ministry of Transport.
4. Means of transportation used for transportation of raw materials, materials or waste must be covered when the vehicles join traffic in order to prevent such materials or waste from spilling and resulting in environmental pollution.

5. Transportation of goods or materials potentially causing an environmental incident must ensure the following requirements:

- (a) Specialized equipment and means must be used to ensure no leakage or dispersal into the environment;
- (b) A transport permit issued by the competent State body must be obtained;
- (c) The transport route must follow the proper routes and during the hours as stipulated in permits.

6. The State shall encourage owners of means of transportation of goods which may potentially cause environmental incidents to purchase insurance for liability for damage to the environment.

**Article 42** *Environmental protection during importation and transit of goods*

1. Imported machinery, equipment, vehicles, raw materials, fuel, chemicals and goods must satisfy environmental standards.

2. The import of the following machinery, equipment, vehicles, raw materials, fuel, chemicals and goods shall be prohibited:

- (a) Machinery, equipment and vehicles which fail to satisfy environmental standards;
- (b) Used machinery, equipment and means of transportation for dismantlement;
- (c) Raw materials, fuel, materials, chemicals and goods included in the list of goods the import of which is prohibited;
- (d) Machinery, equipment and vehicles which have been affected by radioactive substances, dangerous microbes or other poisons and have not yet been cleaned or are not able to be cleaned;
- (dd) Foodstuffs, medicine, animal or crop protection agents with an expired use-by-date or which fail to satisfy the standards on quality, hygiene and food safety.

3. After importation of machinery, equipment, vehicles, raw materials, fuel, chemicals or goods in the category stipulated in clause 2 of this article, the goods owner must reexport, destroy or dispose of such items in accordance with the law on management of waste. In the case where a breach causes any serious consequence to the environment, the goods owner shall, depending on the nature and seriousness of the breach, be subject to an administrative penalty or prosecution for criminal liability, and must pay compensation for damage in accordance with law.

4. Transit of goods, equipment and vehicles which may potentially cause environmental pollution, degradation or incidents and which are in transit via the territory of Vietnam shall be subject to permission from and environmental supervision by the State administrative body for the environment.

5. The Ministry of Trade shall preside over co-ordination with the Ministry of Natural Resources and Environment, the Ministry of Finance, relevant ministries, ministerial equivalent bodies, and Government bodies in providing guidelines for implementation of requirements with respect to environmental protection during importation and transit of goods.

**Article 43** *Environmental protection during importation of waste materials*

1. Imported waste materials must satisfy the following requirements with respect to environmental protection:

- (a) Have been sorted and cleaned and not mixed with materials, articles and goods prohibited from import by the law of Vietnam or treaties of which the Socialist Republic of Vietnam is a member;
- (b) Not contain hazardous waste and impurities, except for loose and harmless impurities expelled during loading, unloading and transportation;

(c) Be on the list of waste materials permitted for import as issued by the Ministry of Natural Resources and Environment.

2. Organizations and individuals using waste materials as raw materials in manufacturing or reprocessing must satisfy all of the following conditions for issuance of a permit to import the waste materials:

(a) Have separate warehouses and yards for storage of waste materials which satisfy environmental protection conditions;

(b) Be capable of treating impurities accompanying imported waste materials;

(c) Have technology and equipment for reprocessing and reusing waste materials which satisfies the environmental standards.

3. Organizations and individuals importing waste materials shall have the following responsibilities:

(a) To implement the law on protection of the environment and other relevant laws;

(b) At least five days prior to loading or unloading waste materials, to notify in writing the type, quantity and weight of waste materials, the bordergate of importation, the route of transportation, the warehouse or yard for storage of waste materials and the place of manufacture which will use the waste materials to the provincial level State administrative body for environmental protection of the place where the manufacturing establishment, warehouse or yard for storage of waste materials is located;

(c) To treat impurities accompanying imported waste materials and not to dispose of or sell such impurities.

4. Provincial people's committees shall have the following responsibilities:

(a) To supervise, detect, stop promptly and deal with breaches of the law relating to the importation of waste materials;

(b) Annually, to report to the Ministry of Natural Resources and Environment on the situation of importation and use of waste materials and environmental issues relating to imported waste materials within their localities.

5. The importation of waste materials is a conditional business. The Ministry of Trade shall preside over co-ordination with the Ministry of Natural Resources and Environment in issuing regulations on business criteria and conditions applicable to organizations and individuals engaged in importation of waste materials.

#### **Article 44** *Environmental protection during mineral activities*

1. Organizations and individuals prospecting for, exploring for, mining and processing minerals must take measures to prevent and respond to environmental incidents and comply with the following requirements with respect to environmental protection and rehabilitation:

(a) Collect and treat waste water to environmental standards;

(b) Collect and treat solid waste in accordance with regulations on ordinary solid waste management; and manage hazardous waste in accordance with regulations on hazardous waste management;

(c) Take measures to prevent and limit hazardous dust and gas being discharged into the surrounding environment;

(d) Rehabilitate the environment after completion of mineral prospecting, exploration, mining and processing activities.

2. Minerals must be stored and transported in specialized equipment and securely covered in order to avoid dispersal into the environment.

3. The use of machinery, equipment and toxic chemicals in mineral prospecting, exploration, mining and processing shall require a technical certificate and be subject to inspection and supervision by the State administrative body for environmental protection.

4. Prospecting, exploration, mining, transportation and processing of petroleum and other minerals containing radioactive elements or toxic substances must comply with regulations on chemical safety and nuclear and radiation safety, and other regulations on protection of the environment.

5. The Ministry of Industry shall preside over co-ordination with relevant ministries, ministerial equivalent bodies, Government bodies, and provincial people's committees in directing the collection of statistics on discharging sources and assessment of the levels of environmental pollution caused by mineral mining and processing establishments; and shall supervise compliance with the law on protection of the environment.

**Article 45** *Environmental protection during tourism activities*

1. Organizations and individuals managing and operating tourist resorts and sites must take the following environmental protection measures:

(a) To list environmental protection rules at tourist resorts and sites and to guide the observance thereof;

(b) To install sanitary facilities and waste containers and to arrange them reasonably and adequately;

(c) To appoint employees to maintain environmental sanitation.

2. Tourists must comply with the following provisions:

(a) Observe environmental protection rules and instructions in tourist resorts and sites;

(b) Discard waste into waste containers at prescribed places;

(c) Not to litter tourist sites;

(d) Not to harm the landscape, nature conservation zones, natural heritage sites and living creatures in tourist resorts and sites.

3. The central State administrative body for tourism shall preside over co-ordination with relevant ministries, ministerial equivalent bodies, Government bodies, and provincial people's committees in directing, guiding and supervising environmental protection work during tourist activities in accordance with the provisions of this Law and other relevant laws.

**Article 46** *Environmental protection during agricultural production*

1. Organizations and individuals producing, importing and trading in fertilizers, plant protection agents and veterinary drugs must comply with the law on protection of the environment and other relevant laws.

2. The trading and use of plant protection agents and veterinary drugs with an expired use-by-date or those not on permitted lists shall be prohibited.

3. Fertilizers, plant protection agents and veterinary drugs with an expired use-by-date; and tools and packages which contained fertilizers, plant protection agents and veterinary drugs must be disposed of after use in accordance with the regulations on waste management regulations.

4. Concentrated animal husbandry farms must comply with the following requirements with respect to environmental protection:

(a) Ensure environmental sanitation for residential areas;

(b) Have a waste water collection and treatment system to environmental standards;

(c) Manage solid waste discharged from animal husbandry activities in accordance with regulations on waste management and not disperse such waste into the environment;

(d) Clean routinely stables and farms; ensure the prevention and combating of epidemics;

(dd) Manage carcasses of animals the death of which was caused by an epidemic in accordance with regulations on hazardous waste management, hygiene, and disease prevention.

5. The Ministry of Agriculture and Rural Development shall preside over co-ordination with the Ministry of Natural Resources and Environment and provincial people's committees in directing, guiding and supervising observance of the law on protection of the environment during agricultural production.

**Article 47** *Environmental protection during aquaculture*

1. Organizations and individuals producing, importing and trading in veterinary drugs and chemicals used in aquaculture must comply with the law on protection of the environment and other relevant laws.

2. The use of veterinary drugs or chemicals with an expired use-by-date or those not on permitted lists shall be prohibited.

3. Veterinary drugs and chemicals used in aquaculture with an expired use-by-date; packages of veterinary drugs or chemicals which have been used in aquaculture; and mud and residual feed dredged from aquaculture ponds must be collected and disposed of in accordance with the regulations on waste management.

4. Concentrated aquaculture zones must conform with planning and satisfy the following requirements with respect to environmental protection:

(a) Waste must be collected and treated to environmental standards on waste;

(b) The environment must be rehabilitated after completion of aquaculture farming;

(c) Environmental sanitation and aquatic resources disease prevention conditions must be ensured; toxic or toxin-accumulating chemicals must not be used.

5. Concentrated aquaculture farms must not be built on alluvial ground currently taking shape in estuaries or coastal areas; and submerged forests must not be destroyed for aquaculture.

6. The Ministry of Marine Products shall preside over co-ordination with the Ministry of Natural Resources and Environment and provincial people's committees in directing, guiding and supervising observance of the law on protection of the environment during aquaculture.

**Article 48** *Environmental protection during burial services activities*

1. Burial and grave sites must satisfy the following requirements:

(a) Be located in an area and at a distance satisfying environmental sanitation and landscape conditions of residential areas;

(b) Not pollute sources of water for daily life and for use in manufacturing.

2. The lying-in-state, embalment, transportation and burial of corpses and remains must satisfy environmental sanitation requirements.

3. The burial of persons who died as the result of a dangerous epidemic must comply with regulations of the Ministry of Health.

4. The State shall encourage communities and people to bury their dead in already planned graveyards and cemeteries; to practice hygienic cremation; and to abandon burial practices which cause pollution.



5. Organizations and individuals providing burial services must comply with the law on protection of the environment, the law on hygiene and the law on prevention of epidemics.

6. The Ministry of Health shall preside over co-ordination with relevant ministries, ministerial equivalent bodies, Government bodies, and provincial people's committees in directing and guiding environmental protection work during burial services as stipulated in this article.

**Article 49** *Dealing with manufacturing, business and services establishments which cause pollution*

1. The following forms of dealing with breaches shall apply to organizations and individuals carrying out manufacturing, business or services activities and causing environmental pollution:

(a) A fine and compulsory application of measures to minimize and treat waste to environmental standards;

(b) Suspension from operation until the necessary environmental protection measures are applied;

(c) Other forms stipulated in the law on dealing with administrative offences;

(d) In the case of loss of human life, damage to human health, loss of property or harm to the lawful interests of organizations or individuals due to environmental pollution, compensation must be paid in accordance with the provisions in Section 2 of Chapter XIV of this Law or the offender shall be criminally prosecuted.

2. Manufacturing, business and services establishments causing serious pollution shall, in addition to being dealt with by the forms of penalty stipulated in clause 1 of this article, also be subject to one of the following measures:

(a) Compulsory application of measures to remedy environmental pollution and to rehabilitate the environment as stipulated in article 93 of this Law;

(b) Compulsory relocation to a place at a distance from residential areas and consistent with the burden bearing capacity of the environment;

(c) Prohibition from operation.

3. The responsibility and authority for dealing with manufacturing, business and services establishments causing pollution or serious pollution shall be regulated as follows:

(a) Provincial level specialized environmental protection bodies shall be responsible for detecting and annually making a list of polluting or seriously polluting establishments within their respective localities, and for reporting same to the people's committee at the same level, to the Ministry of Natural Resources and Environment, and to relevant ministries, ministerial equivalent bodies and Government bodies;

(b) Provincial people's committees shall make decisions on dealing with manufacturing, business and services establishments causing pollution within their localities in accordance with their authority, including delegation of authority by the Prime Minister of the Government;

(c) Ministers, heads of ministerial equivalent bodies and Government bodies shall be responsible for co-ordinating with provincial people's committees in making decisions on dealing with manufacturing, business and services establishments under their management causing pollution;

(d) The Ministry of Natural Resources and Environment shall preside over coordination with relevant ministries, ministerial equivalent bodies, Government bodies, and provincial people's committees in submitting to the Prime Minister of the Government for his decision a list of establishments causing serious environmental pollution on a scale beyond the authority of such bodies to deal with breaches.

4. Ministers, heads of ministerial equivalent bodies and Government bodies, and chairmen of people's committees at all levels shall, within the scope of their respective duties and powers, be responsible for dealing with manufacturing, business and services establishments causing pollution as stipulated in clauses 1 and 2 of this article.

5. Decisions on dealing with manufacturing, business and services establishments causing serious pollution must be notified to district and commune level people's committees of the places where such establishments are located and must be made public for supervision by the people.
6. The Ministry of Natural Resources and Environment shall provide specific guidelines for inspection and supervision of dealing with manufacturing, business and services establishments causing pollution.
7. The State shall encourage all organizations and individuals to develop technology for the treatment of environmental pollution, and shall provide assistance from the State Budget, land funds, preferential credit and other resources for dealing with establishments causing serious environmental pollution.

## CHAPTER VI

### Environmental Protection in Urban Centres and Residential Areas

#### **Article 50** *Planning of environmental protection in urban centres and residential areas*

1. Planning of environmental protection in urban centres or residential areas shall constitute part of the master planning of urban centres and residential areas.
2. Planning of environmental protection in urban centres or residential areas shall cover zoning of land for construction of environmental protection infrastructure works and the following systems of environmental protection infrastructure works:
  - (a) Concentrated waste water collection and treatment systems; rainwater drainage systems; solid waste collection, dumping, treatment and recycling systems;
  - (b) Systems of water supply for daily life and manufacturing use;
  - (c) Systems of parks, recreation and entertainment centres, public sanitation facilities;
  - (d) Systems of trees and vegetation and of water areas;
  - (dd) Burial areas.
3. Manufacturing and business establishments potentially causing environmental pollution and environmental incidents must not be located in urban centres and residential areas.
4. Provincial and district people's committees shall be responsible for elaborating and approving environmental protection planning in accordance with the law on construction and the law on master planning for urban centres and residential areas.

#### **Article 51** *Environmental protection requirements in respect of urban centres and concentrated residential areas*

1. Urban centres must satisfy the following requirements with respect to environmental protection:
  - (a) Have environmental protection infrastructure works in compliance with the master planning for urban centres and concentrated residential areas as approved by competent State bodies;
  - (b) Have equipment and means for collecting and re-grouping garbage suitable to the volume and type of garbage, and capable of accommodating waste already classified at source and discharged by households in residential areas.
2. Concentrated residential areas must satisfy the following requirements with respect to environmental protection:
  - (a) Have a rainwater and sewage drainage system in compliance with the environmental protection planning for residential areas;
  - (b) Have garbage re-grouping sites satisfying environmental sanitation requirements.
3. Projects in newly built concentrated residential areas shall be permitted to be handed over and used only after the project investors have complied with all of the requirements with respect to environmental protection stipulated in clause 1 of this article.

#### **Article 52** *Environmental protection in respect of public places*

1. Organizations, communities, households and individuals must comply with regulations on environmental protection and keep public places clean, discard rubbish in public rubbish bins or designated places, and not allow domestic animals to soil public places.

2. Organizations, individuals and communities managing parks, recreation and entertainment centres, tourist resorts, markets, railway stations, bus stations, wharves, ports, ferry landing stages and other public places shall have the following duties:

(a) To post in public places the rules on maintaining sanitation;

(b) To arrange adequate public sanitation facilities, and means and equipment for collecting waste which satisfy environmental sanitation requirements;

(c) To arrange sufficient manpower to collect waste and to keep the environment under their management clean.

3. Breaches of the law on protection of the environment and of rules on maintaining environmental sanitation in public places shall be subject to the following forms of penalty:

(a) Fines;

(b) Compulsory labour for a definite term to maintain environmental sanitation in public places;

(c) Temporary seizure of the means causing the environmental pollution.

4. People's committees at all levels, the police force and public order management units shall, within the scope of their respective duties and powers, deal with breaches relating to protection of the environment in public places in accordance with the law on the protection of the environment and other relevant laws.

#### **Article 53** *Environmental protection requirements in respect of households*

1. Households shall be responsible to protect the environment as follows:

(a) To collect and carry garbage to places designated by local environmental sanitation organizations; to discharge waste water into the sewage system;

(b) Not to discharge gas, make noise or disperse other matter in excess of environmental standards affecting the life and health of the community;

(c) To pay fully and on time environmental protection fees as stipulated by law;

(d) To participate in environmental sanitation activities in streets, village roads, alleys, public places, and to participate in environmental protection self-management activities of the community;

(dd) To have hygienic latrines, breeding stables and pens for poultry and livestock located at a safe distance from living areas of humans;

(e) To comply with environmental sanitation provisions in village rules and in environmental protection undertakings.

2. Strict observance of environmental protection rules constitutes one of the criteria for the title of a cultured family.

#### **Article 54** *Environmental protection self-management organizations*

1. The State shall encourage communities to found self-management organizations to protect the environment of the place where such communities live, aimed at performing the following tasks:

(a) Checking and urging households and individuals to comply with rules on environmental sanitation and protection;

(b) Organizing the collection and treatment of garbage and waste;

(c) Keeping clean village roads, streets, and other roads and public places;

(d) Formulating and implementing village rules with respect to environmental protection; educating and motivating local people to abandon non-hygienic and environmentally-harmful customs and habits;

(dd) Participating in supervision of the observance of the law on protection of the environment by manufacturing, business and services establishments within their localities.

2. Self-management organizations for environmental protection shall be founded and operate on the principles of voluntariness, joint responsibility and observance of law.

3. Commune people's committees shall be responsible for issuing operational regulations for self-management organizations for environmental protection and for facilitating their effective operation.

## CHAPTER VII

### Protection of Marine, River and Other Water Source Environments

#### SECTION 1

##### Protection of Marine Environment

**Article 55** *Principles for marine environmental protection*

1. Environmental protection shall constitute a component of the marine economic development master plan designed to mitigate adverse impact on the marine environment and to raise marine economic effectiveness.
2. Preventing and restricting waste discharged from land and offshore activities; taking the initiative and co-ordinating in response to marine environmental incidents.
3. Marine environmental protection must be based on delimitation of functional zones for protection and use of natural resources.
4. Marine environmental protection must be associated with integrated management of marine resources and the marine environment in service of sustainable development.

**Article 56** *Conservation and rational use of marine resources*

1. Marine resources must be investigated and assessed in terms of their reserves, regeneration capability and economic value in order to service marine environment management and protection.
2. Aquaculture, exploitation of marine resources and other activities related to exploitation and use of marine resources must be carried out in accordance with approved natural resource use planning.
3. Activities within marine nature reserves, submerged forests and natural marine heritage sites must comply with the rules set by management boards and with the law on the protection of the environment and other relevant laws.
4. It shall be strictly prohibited to use destructive measures, means and apparatus in exploiting marine resources.

**Article 57** *Control and treatment of marine environmental pollution*

1. Waste discharged from land, from manufacturing, business and services establishments, and from urban centres and residential areas located in coastal regions, on the sea or islands must be surveyed, quantified and assessed in order to have measures to prevent and limit adverse impact on the marine environment.
2. Waste and other contaminants from marine production, services, construction, transport and exploitation activities must be controlled and treated to environmental standards.
3. Oil, gas, drilling fluids, chemicals and other toxic substances used in marine resource exploration and exploitation must be collected and stored in specialized equipment and must be treated in accordance with regulations on hazardous waste management.
4. All forms of dumping waste in the waters of the Socialist Republic of Vietnam shall be strictly prohibited.

**Article 58** *Organization of prevention of and of response to marine environmental incidents*

1. Organizations and individuals engaged in mining and owners of means of transportation of petrol, oil, chemicals, radioactive substances and other toxic substances on the sea must be prepared with plans, manpower and equipment to ensure prevention of and response to environmental incidents.
2. National rescue forces and the marine police force must be trained and equipped with appropriate means and equipment to respond effectively to marine environmental incidents.

3. Owners of means of transportation and of warehouses on the sea which are likely to cause environmental incidents must inform the forces stipulated in clause 2 of this article and other related organizations and individuals in order to make plans to prevent and avoid environmental incidents.

4. Ministries, ministerial equivalent bodies, Government bodies, and provincial people's committees in coastal localities shall, within the scope of their respective functions, duties and powers, detect, warn of and inform of in a timely manner marine any natural disasters or environmental incidents and must organize responses and remedy consequences.

## SECTION

2

### **Protection of River Water Environment**

#### **Article 59** *Principles for river water environmental protection*

1. River water environmental protection shall constitute one of the fundamental contents of the planning of exploitation, use and management of water resources in river basins.

2. River basin localities shall be jointly responsible for protecting the water environment in river basins and shall take the initiative in jointly exploiting benefits brought about by water resources in river basins and in ensuring the interests of local people.

#### **Article 60** *Control and treatment of environmental pollution of water in river basins*

1. River basin waste sources must be investigated, quantified and assessed, and control and treatment measures must be applied prior to discharging of any waste into rivers.

2. Waste from manufacturing, business, services, construction and transport activities, waste from mining of riverbed minerals, and garbage from households living on rivers must be controlled and treated to environmental standards prior to being discharged into rivers.

3. Development of new manufacturing, business and services areas, urban centres and concentrated residential areas in a river basin must be considered in the light of the interests of the whole river basin, taking into account water currents, hydrographical regimes, load capacity and the self-cleansing ability of the river as well as the existing manufacturing, business, services and urban development activities within the whole river basin.

4. Appraisal of environmental impact assessment reports of projects to develop new manufacturing, business and services establishments, new urban centres and residential areas or large scale manufacturing, business and services establishments upstream of a river must include the opinion of provincial people's committees in the downstream provinces.

#### **Article 61** *Responsibilities of provincial people's committees for water environment protection in river basins*

1. Provincial people's committees in river basin localities shall have the following responsibilities:

(a) To make public information on sources of waste discharged into rivers;

(b) To control sources of waste discharged into rivers and to deal with breaches of environmental standards;

(c) To co-ordinate with relevant bodies in identifying entities causing environmental damage and fixing compensation for entities suffering loss and damage in other localities within the river basin.

2. Provincial people's committees in upstream localities shall co-ordinate with people's committees in downstream localities to investigate and identify river water pollution sources and to apply remedies.

If environmental damage is caused, provincial people's committees in localities where such damage occurs shall co-ordinate with relevant bodies in investigating and assessing the damage and in claiming compensation from the entities which caused such damage.

3. Provincial people's committees in localities where waste-discharging sources are located shall apply measures to require compulsorily entities which cause damage to remedy the damage and to pay compensation in accordance with law.

**Article 62** *Organization of water environmental protection in river basins*

1. Co-ordination of environmental protection activities for rivers flowing through several provinces and cities under central authority shall comply with regulations of the Prime Minister of the Government.

2. Provincial people's committees in river basin localities shall be responsible for taking measures to protect the river basin water environment.

3. The Ministry of Natural Resources and Environment shall guide the implementation of regulations of the Prime Minister of the Government on river basin water environmental protection.

SECTION

3

**Protection of Environment of Other Water Sources**

**Article 63** *Protection of environment of water sources in lakes, ponds, canals and ditches*

1. Water sources in lakes, ponds, canals and ditches must be surveyed and assessed in terms of reserves and quality and must be protected and regulated.

2. Lakes, ponds, canals and ditches in urban centres and residential areas must be planned, renovated and protected; organizations and individuals must not trespass on water surfaces or build structures and houses over water surfaces or on the banks adjacent to water surfaces of the lakes, ponds, canals or ditches which have already been planned; and the filling up and levelling of lakes and ponds in urban centres and residential areas shall be limited as much as possible.

Owners of projects which obstruct the flow of canals or ditches and of projects which fill up and level lakes, ponds, canals or ditches must prepare environmental impact assessment reports in accordance with law.

3. The discharge of soil, rock, sand, gravel, solid water or waste water not yet treated to environmental standards and other types of waste into water sources of lakes, ponds, canals or ditches shall be strictly prohibited.

4. Provincial people's committees shall be responsible for surveying and assessing the reserves and quality of; and for planning protection and regulation of water in lakes, ponds, canals and ditches; and for planning and carrying out relocation of residential quarters, houses and works built over lakes, ponds, canals or ditches or polluting the environment and obstructing the flow of water, degrading the wetland ecology and adversely affecting the urban landscape.

**Article 64** *Protection of environment of reservoirs used for irrigation and hydropower purposes*

1. Construction, management and operation of reservoirs used for irrigation and hydropower purposes must be associated with protection of the environment.

2. It shall be strictly prohibited to trespass on reservoirs or to dump untreated solid waste, soil, rock and waste water into reservoirs.

3. Water environment in reservoirs used for irrigation and hydropower purposes must be monitored periodically to predict changes in water quality and hydrographical regimes necessary to regulate water sources and to protect the environment.

4. Bodies managing reservoirs used for irrigation and hydropower purposes must comply with the provisions of this Law and other relevant laws.

**Article 65** *Groundwater environment protection*



1. Environmental protection in groundwater exploration and exploitation shall be regulated as follows:

(a) Projects for exploitation of groundwater with a capacity of ten thousand (10,000) cubic metres or more per day and night shall require environmental impact assessment reports;

(b) Only chemicals on permitted lists issued by competent State bodies may be used in groundwater exploration and exploitation;

(c) It shall be strictly prohibited to introduce into groundwater sources any toxic chemicals and waste, untested micro-organisms and other agents harmful to humans and other living creatures;

(d) Measures must be taken to prevent groundwater source pollution via drilling wells for groundwater exploration and exploitation; groundwater-exploiting entities shall be responsible for rehabilitating the environment of explored and exploited areas; exploration and exploitation boreholes which are no longer used must be filled up in accordance with technical processes in order to avoid groundwater pollution.

2. Applicable to mineral mining projects and other projects using toxic chemicals or radioactive substances, measures must be taken to prevent leakage and dispersal of toxic chemicals and waste, radioactive waste and infectious organisms into groundwater sources.

3. Chemical warehouses, treatment facilities and hazardous waste burial areas must be constructed to ensure technical safety and prevention of toxic chemicals from penetration into groundwater sources.

4. The Ministry of Natural Resources and Environment shall be responsible for directing the organization of periodical surveys and assessments and for monitoring groundwater reserves and quality.

## **CHAPTER Waste Management**

VIII

### **SECTION General Provisions on Waste Management**

1

#### **Article 66** *Responsibilities for waste management*

1. Organizations and individuals engaged in waste-generating activities shall be responsible for reducing, recycling and reusing waste in order to minimize the quantity of waste to be incinerated or discarded.

2. Sources, quantities and properties of waste must be identified to ensure application of appropriate treatment methods and procedures to each type of waste.

3. If organizations and individuals engaged in manufacturing, business and services activities perform properly waste management, they shall be issued with certificates of compliance with environmental standards.

4. Waste management shall be performed in accordance with the provisions of this Law and other relevant laws.

#### **Article 67** *Recovery and disposal of expired and discarded products*

1. Owners of manufacturing, business and services establishments shall be responsible for recovering the following expired and discarded products:

(a) Radioactive sources used in manufacturing, business and services activities;

(b) Batteries and accumulators;

(c) Electronic and electric equipment for civil and industrial use;

- (d) Lubricants, grease and packages difficult to decompose in nature;
- (dd) Drugs and chemicals for industrial, agricultural and aquacultural use; medicine for human use;
- (e) Means of transportation;
- (g) Tubes and tyres;
- (h) Other products pursuant to the decision of the Prime Minister of the Government.

2. The Prime Minister of the Government shall provide regulations on the recovery and disposal of the products stipulated in clause 1 of this article.

**Article 68** *Recycling of waste*

1. Waste must be sorted at its source into categories suitable for recycling, disposal, incineration and burial.
2. Organizations and individuals engaged in recycling the waste and products stipulated in article 67 shall enjoy preferential policies as stipulated in this Law and other relevant laws.
3. Organizations and individuals investing in constructing waste recycling facilities shall be granted State incentives in relation to tax, funding support and land for construction of such facilities.

**Article 69** *Responsibilities for waste management of people's committees at all levels*

1. To plan and arrange sites for collection of solid waste from daily living activities, to build concentrated sewage treatment systems and waste burial sites.
2. To invest in, build and operate public waste management works within the scope of their management.
3. To inspect and supervise waste management projects implemented by organizations and individuals prior to commissioning for use of such projects.
4. To adopt and implement preferential and support policies for waste management activities in accordance with the provisions of law.

SECTION

2

**Management of Hazardous Waste**

**Article 70** *Compilation of records, registration, issuance of permits and code numbers for management of hazardous waste*

1. Organizations and individuals engaged in hazardous waste-generating activities or entities which receive and manage hazardous waste must compile records and must register with provincial level specialized environmental protection bodies.
2. Organizations and individuals satisfying all of the conditions on capacity for management of hazardous waste shall be issued permits and code numbers for management of hazardous waste.
3. The Ministry of Natural Resources and Environment shall issue regulations on the conditions on capacity for management of hazardous waste, and shall guide the compilation of records, registration and issuance of permits and code numbers for management of hazardous waste.

**Article 71** *Sorting, collection and temporary storage of hazardous waste*

1. Organizations and individuals engaged in hazardous waste-generating activities must themselves organize the sorting and collection of hazardous waste or shall sign contracts for delivery of such waste to entities which receive and manage hazardous waste.
2. Hazardous waste must be stored temporarily in specialized equipment, ensuring no leakage, spillage or dispersal into the environment.
3. Organizations and individuals must be prepared with plans and equipment for prevention and control of incidents caused by hazardous waste; and must not mix hazardous waste with ordinary waste.

**Article 72** *Transportation of hazardous waste*

1. Hazardous waste must be transported in appropriate specialized equipment and by appropriate specialized means along routes and during hours stipulated by competent traffic management bodies.
2. Only organizations and individuals holding permits for hazardous waste transportation may participate in hazardous waste transportation.
3. Means of transportation of hazardous waste must be provided with equipment to prevent and control leakage and spillage or environmental incidents caused by hazardous waste.
4. Organizations and individuals engaged in transportation of hazardous waste shall be responsible for any leakage and spillage or environmental incidents occurring during transportation, loading and unloading.

**Article 73** *Treatment of hazardous waste*

1. Hazardous waste must be treated to environmental standards by methods, technology and equipment appropriate to the chemical, physical and biological characteristics of each type of hazardous waste; in cases where there is no such treatment technology and equipment in Vietnam, hazardous waste must be stored according to the provisions of law and guidance issued by State administrative bodies for environmental protection until such waste is treated.
2. Only organizations and individuals holding permits and operational code numbers may participate in treatment of hazardous waste.
3. Organizations and individuals building hazardous waste treatment facilities must prepare environmental impact assessment reports and comply with environmental protection requirements.
4. The transfer of responsibility for hazardous waste treatment from the party generating the waste to the party receiving such waste for treatment must be effected pursuant to a contract certified by the provincial level specialized environmental protection body.
5. A contract transferring responsibility for hazardous waste treatment must specify the origin, composition and type of hazardous waste, the treatment technology and the measures for burying the waste after treatment.

**Article 74** *Hazardous waste treatment establishments*

1. Hazardous waste treatment establishments must comply with the following requirements with respect to environmental protection:
  - (a) Comply with the approved planning on collection, treatment and burial of hazardous waste;
  - (b) Register a list of hazardous waste to be treated;
  - (c) Have their hazardous waste treatment technology assessed, and register such technology;
  - (d) Be located at an environmentally safe distance from residential areas, nature conservation zones, surface water and groundwater sources;

- (dd) Have plans and equipment for prevention of and response to environmental incidents;
- (e) The establishment must have been designed and constructed according to technical specifications and technological processes ensuring that hazardous waste is treated to environmental standards;
- (g) Have been inspected and certified by the competent State administrative body for environmental protection prior to commencement of operation;
- (h) Store hazardous waste prior to and after treatment in specialized equipment appropriate to the type of waste;
- (i) Ensure safety for the life and health of employees working in the hazardous waste treatment establishment.

2. The Ministry of Construction shall preside over co-ordination with the Ministry of Natural Resources and Environment in issuing technical specifications and guidelines for and in inspecting and certifying hazardous waste treatment establishments.

**Article 75** *Hazardous waste burial sites*

1. Hazardous waste burial sites must satisfy the following requirements with respect to environmental protection:

- (a) Be located in accordance with planning, be designed in accordance with technical specifications applicable to hazardous waste burial sites; be located at an environmentally safe distance from residential areas, nature conservation zones, surface water and ground water sources for daily living use; and have boundary fences and warning signboards;
- (b) Have plans and equipment for prevention of and response to environmental incidents;
- (c) Satisfy all environmental sanitation conditions and not disperse toxic gases into the surrounding environment;
- (d) Have been inspected and certified by the competent State administrative body as satisfying all technical specifications for receiving and burying hazardous waste prior to commencement of operation.

2. The Ministry of Construction shall preside over co-ordination with the Ministry of Natural Resources and Environment in issuing technical specifications and guidelines for and in inspecting and certifying hazardous waste burial sites.

**Article 76** *Planning of collection, treatment and burial of hazardous waste*

1. The Ministry of Construction shall preside over co-ordination with the Ministry of Natural Resources and Environment and provincial people's committees in elaborating a national master plan on collection, treatment and burial of hazardous waste and shall submit it to the Prime Minister of the Government for his approval.

2. The contents of the national master plan on collection, treatment and burial of hazardous waste shall include:

- (a) Survey, assessment and prediction of hazardous waste sources, and types and quantities of hazardous waste;
- (b) Location of hazardous waste treatment establishments and burial sites;
- (c) Methods of collection of hazardous waste and routes for its transportation; location, size, type and methods of storage; determination of technology for treatment, recycling, destruction and burial of hazardous waste;
- (d) Plans and resources for ensuring that all hazardous waste is monitored adequately and treated thoroughly.

3. Provincial people's committees shall be responsible for allocating land areas for the construction of hazardous waste burial sites in accordance with approved planning.

**Article 77** *Classification of ordinary solid waste*

1. Ordinary solid waste shall be classified into the following main categories:

- (a) Recyclable or reusable waste;
- (b) Waste to be destroyed or buried.

2. Organizations and individuals generating ordinary solid waste must sort waste at its source in order to improve the efficiency of waste management.

**Article 78** *Collection and transportation of ordinary solid waste*

1. Organizations and individuals managing concentrated manufacturing, business and services zones, concentrated residential areas and public areas must arrange adequate and appropriate collecting equipment to receive solid waste suitable for sorting at its source.

2. Ordinary solid waste must be transported in the categories as sorted at source and in specialized equipment which ensures no leakage or dispersal of odour during transportation. In urban areas and residential areas, waste must be transported along routes designated by competent traffic management bodies.

3. Ordinary solid waste shall be used to the maximum extent for recycling and reuse; the discard of waste which is still valuable for recycling or use for other purposes shall be minimized.

**Article 79** *Ordinary solid waste recycling and destruction establishments, ordinary solid waste burial sites*

1. Ordinary solid waste recycling and destruction establishments and ordinary solid waste burial sites must comply with the following requirements:

- (a) Comply with the approved planning on collection, recycling, destruction and burial of ordinary solid waste;
- (b) Be located at a distance from residential areas, surface water sources and places where such establishments could pollute groundwater sources;
- (c) Be designed, constructed and operate in order to treat waste thoroughly, economically and efficiently without causing environmental pollution;
- (d) Have separate areas where waste water discharged from ordinary solid waste is treated;
- (e) Have been inspected and certified by the competent State administrative body for protection of the environment after construction and prior to receiving waste for recycling, treatment or burial.

2. Provincial people's committees shall be responsible for directing the construction and management of ordinary solid waste recycling and destruction establishments and burial sites within their localities.

3. The Ministry of Construction shall preside over co-ordination with the Ministry of Natural Resources and Environment in issuing technical specifications and guidelines for ordinary solid waste recycling and destruction establishments and burial sites and in inspecting and certifying such establishments.

**Article 80** *Planning of collection, recycling, destruction and burial of ordinary solid waste*

1. The contents of planning of collection, recycling, destruction and burial of ordinary solid waste shall include:

- (a) Survey, assessment and prediction of waste sources and total quantities of waste to be generated;

- (b) Assessment of the ability to sort at source and the ability to recycle waste;
  - (c) Location and area of collection sites, recycling and destruction establishments, and burial sites;
  - (d) Selection of appropriate technologies;
  - (dd) Schedule and resources for implementation.
2. Provincial people's committees shall be responsible for allocating land areas for and organizing the construction and management of ordinary solid waste collection, recycling and destruction establishments and burial sites within their localities in accordance with approved planning.
  3. The Ministry of Construction shall preside over co-ordination with the Ministry of Natural Resources and Environment in formulating a national master plan for collection, recycling, destruction and burial of ordinary solid waste and shall submit it to the Prime Minister of the Government for his approval.

## SECTION

4

### **Management of Waste Water**

#### **Article 81** *Collection and treatment of waste water*

1. There must be separate systems for collection of rainwater and waste water in urban centres and residential areas; waste water from daily living activities must be treated to environmental standards prior to being discharged into the environment.
2. Waste water of manufacturing, business and services establishments and zones must be collected and treated to environmental standards.
3. Mud discharged from waste water treatment systems must be managed in accordance with the regulations on management of solid waste.
4. Waste water and mud containing hazardous elements must be managed in accordance with the regulations on management of hazardous waste.

#### **Article 82** *Waste water treatment systems*

1. A waste water treatment system shall be required for:
  - (a) Concentrated manufacturing, business and services zones;
  - (b) Handicraft villages;
  - (c) Manufacturing, business and services establishments not linked to a concentrated waste water treatment system.
2. A waste water system must satisfy the following requirements:
  - (a) Have a technological process suitable to the type of waste water to be treated;
  - (b) Be of sufficient capacity to treat the volume of waste water discharged;
  - (c) Treat waste water to environmental standards;
  - (d) Have discharging sluices located at places convenient for supervision and monitoring;
  - (dd) Operate on a regular basis.

3. Owners of waste water management systems must conduct periodical monitoring of waste water quality prior to and after treatment. Monitoring data shall be retained as a basis for checking and supervising the operation of the waste water treatment system.

## SECTION

5

### **Management and Control of Dust, Gases, Noise, Vibration, Light and Radiation**

#### **Article 83** *Management and control of dust and gas emissions*

1. Organizations and individuals engaged in manufacturing, business and services activities which emit dust and gases must control and treat dust and gas emissions to environmental standards.
2. Use of fuel, materials, equipment and means emitting noxious gases into the environment shall be restricted.
3. Means of transportation, machinery, equipment and construction works emitting dust and gases must be equipped with gas filters and reducers and dust shields or other covers to reduce dust to environmental standards.
4. Dust and gas emissions containing hazardous materials must be managed in accordance with the regulations on management of hazardous waste.

#### **Article 84** *Management of greenhouse gases and ozone layer-depleting gases*

1. The Ministry of Natural Resources and Environment shall be responsible for calculating greenhouse gas emissions nationwide in order to implement treaties of which the Socialist Republic of Vietnam is a member.
2. The transfer, buying and selling of greenhouse gas emission quotas between Vietnam and foreign countries shall be as stipulated by the Prime Minister of the Government.
3. The State shall encourage manufacturing, business and services establishments to minimize greenhouse gas emissions.
4. Production, import and use of ozone layer-depleting compounds shall be prohibited in accordance with treaties of which the Socialist Republic of Vietnam is a member.

#### **Article 85** *Restriction of noise, vibration, light and radiation*

1. Organizations and individuals causing noise, vibration, light or radiation in excess of environmental standards must control and treat same to environmental standards.
2. Manufacturing, business and services establishments within residential areas which cause noise, vibration, light or radiation in excess of permissible levels must take measures to restrict and reduce same to levels not affecting the life and health of the community.
3. Measures must be taken to reduce noise, vibration, light and radiation to environmental standards in the case of roads of high traffic density or construction works causing noise, vibration, light or radiation in excess of permissible levels.
4. The production, import, transportation, trading and use of firecrackers shall be prohibited. The production, import, transportation, trading and use of fireworks shall comply with regulations of the Prime Minister of the Government.

**CHAPTER IX**  
**Prevention of and Response to Environmental Incidents; Remedying Environmental Pollution and Rehabilitation of Environment**

**SECTION 1**  
**Prevention of and Response to Environmental Incidents**

**Article 86** *Prevention of environmental incidents*

1. Owners of manufacturing, business and services establishments and means of transportation which may potentially cause environmental incidents must apply the following measures:

- (a) Prepare plans for prevention of and response to environmental incidents;
- (b) Install and furnish equipment, apparatus and means to respond to environmental incidents;
- (c) Train and arrange manpower forces ready to respond to environmental incidents;
- (d) Comply with labour safety rules and implement a routine checking regime;
- (dd) Take promptly or propose competent bodies take measures to eliminate possible causes of environmental incidents upon detection of signs of same.

2. Prevention of environmental incidents caused by natural disaster shall cover:

- (a) Building the capacity to predict and warn of dangers and development of disasters which may potentially cause environmental incidents;
- (b) Investigating, recording and assessing the risk of natural disasters likely to occur nationwide and in each region;
- (c) Planning and constructing projects for prevention of incidents and mitigation of their consequences in places where environmental incidents are likely to occur.

3. Ministries, ministerial equivalent bodies, Government bodies, and provincial people's committees shall, within the scope of their respective duties and powers, carry out the activities stipulated in clause 2 of this article.

**Article 87** *Biological safety*

1. Organizations and individuals engaged in manufacturing, business and services activities involving genetically modified organisms and products made from such organisms must comply with the provisions of law on biodiversity, food safety and hygiene, cultivated plant varieties and livestock breeds, and with other relevant laws.

2. Organizations and individuals may only research into, experiment, produce, trade in, use, import, export, store and transport genetically modified organisms and products made from such organisms on the list of those permitted by law, and such organizations and individuals must satisfy all conditions on biological safety and procedures as stipulated by law.

3. The importation and transit of animals, plants and micro-organisms must be permitted by competent State bodies and animals, plants and micro-organisms must be quarantined according to the law on quarantine.

**Article 88** *Chemical safety*

1. Organizations and individuals engaged in producing, trading, transporting, storing or using chemicals or engaged in other activities related to chemicals may carry out such activities only upon satisfying conditions and procedures and taking all measures to ensure chemical safety in accordance with the law on management and use of chemicals and other relevant laws.



2. The use of chemical fertilizers, chemicals, feed, plant and animal protection drugs causing environmental pollution and degradation or biodiversity degradation shall be restricted.

**Article 89** *Nuclear and radiation safety*

1. Activities related to nuclear and radiation shall include:

- (a) Exploring, exploiting and refining radioactive substances of natural origin;
- (b) Storing, preserving and transporting radioactive substances;
- (c) Producing and trading materials containing and providing services related to radioactive substances or products;
- (d) Producing products or building project works causing electromagnetic radiation;
- (dd) Using nuclear and atomic technology or equipment containing radioactive substances or using equipment causing electromagnetic radiation;
- (e) Importing and exporting materials, equipment and technology containing radioactive substances.

2. Organizations and individuals carrying out the activities stipulated in clause 1 of this article must comply with the law on nuclear safety and electromagnetic radiation safety.

3. Nuclear safety and radiation safety must aim at:

- (a) Not adversely affecting humans and living organisms;
- (b) Not polluting the environment or adversely affecting environmental elements;
- (c) Not causing environmental incidents and disasters.

4. Nuclear safety standards and electromagnetic radiation safety standards are compulsory national standards and shall be issued by competent State bodies.

**Article 90** *Response to environmental incidents*

1. The responsibility to respond to environmental incidents shall be regulated as follows:

- (a) Organizations and individuals causing an environmental incident must take urgent measures to ensure safety of persons and property; organize the rescue of persons and property, and inform promptly local administrative bodies or specialized environmental protection bodies in the locality where such incident occurs;
- (b) If an environmental incident occurs at an establishment or in a locality, the head of such establishment or locality must mobilize urgently manpower, materials and means to respond promptly to it;
- (c) If an environmental incident occurs on a scale involving two or more establishments or localities, the heads of such establishments or localities must collaborate with one another in responding to it;
- (d) If an establishment or locality is not able to respond to an environmental incident, it must report urgently to its superior management body for the latter to mobilize promptly other establishments and localities to join in responding to such incident; any establishment and locality so requested must take measures to respond to the environmental incident according to its ability.

2. Manpower, materials and means used to respond to an environmental incident shall be indemnified for expenses incurred in accordance with law.

3. A response to an extremely serious environmental incident shall comply with the law on states of emergency.

4. The obligation to compensate for damage caused by an environmental incident shall be implemented in accordance with the provisions of Section 2 of Chapter XIV of this Law, the Civil Code, and other relevant laws.

**Article 91** *Building manpower forces for response to environmental incidents*

1. The State shall be responsible for building manpower forces and for providing equipment to forecast and warn about natural disasters and about climatic and other environmental incidents.

2. Manufacturing, business and services establishments shall be responsible for building their own capacity to prevent and respond to natural disasters and environmental incidents.

**SECTION**

2

**Remedying Environmental Pollution and Rehabilitation of Environment**

**Article 92** *Grounds for identifying polluted areas*

1. The environment shall be considered polluted when the content of one or more pollutants exceeds the environmental quality standards.

2. The environment shall be considered seriously polluted when the content of one or more chemicals and heavy metals exceeds three times the environmental quality standards or the content of one or more other pollutants exceeds five times the environmental quality standards.

3. The environment shall be considered particularly seriously polluted when the content of one or more chemicals and heavy metals exceeds five times the environmental quality standards or the content of one or more other pollutants exceeds ten (10) times the environmental quality standards.

**Article 93** *Remedying environmental pollution and rehabilitation of environment*

1. Investigation and identification of polluted areas shall include the following items:

(a) Scope and boundaries of polluted areas;

(b) Degree of pollution;

(c) Causes of pollution and liability of related parties;

(d) Activities to be carried out to remedy the pollution and rehabilitate the environment;

(dd) Damage caused to the environment, serving as a basis for claiming compensation.

2. Responsibility to investigate and identify polluted areas shall be regulated as follows:

(a) Provincial people's committees shall organize the investigation and identification of polluted areas within their localities;

(b) The Ministry of Natural Resources and Environment shall direct co-ordination between provincial people's committees in organizing the investigation and identification of polluted areas covering two or more provinces and cities under central authority.

Results of investigation, including the cause, degree and scope of pollution and damage caused to the environment, must be made public.

3. Organizations and individuals causing environmental pollution shall be responsible for:

(a) Complying with requests of the State administrative body for the environment as stipulated in clause 2 of this article in the process of investigation and identification of the scope, area, degree and cause of the pollution as well as measures to remedy the pollution and rehabilitate the environment;

(b) Applying promptly measures to stop and limit the source of pollution and restrict its expansion affecting the life and health of local inhabitants;

(c) Taking measures to remedy environmental pollution and rehabilitate the environment at the request of the State administrative body for the environment as stipulated in clause 2 of this article;

(d) Compensating for damage in accordance with the provisions of this Law and other relevant laws.

If pollution is jointly caused by a number of organizations or individuals, the State administrative body for the environment as stipulated in clause 2 of this article shall be responsible for working with the parties concerned in order to determine clearly the responsibilities of each party for remedying pollution and rehabilitating the environment.

4. If pollution is caused by a natural disaster or unidentified causes, ministries, ministerial equivalent bodies, Government bodies, and provincial people's committees shall, within the scope of their respective duties and powers, be responsible for mobilizing all resources to respond to and remedy environmental pollution.

5. Remedying of pollution and environment rehabilitation shall be implemented as directed by the Prime Minister of the Government in the case of polluted areas covering two or more provinces and cities under central authority.

## CHAPTER X

### Environmental Monitoring and Information

#### **Article 94** *Environmental monitoring*

1. Environmental status and environmental impact shall be supervised pursuant to the following environment monitoring programs:

- (a) National environmental status monitoring;
- (b) Monitoring of environmental impact exerted by activities of industries and sectors;
- (c) Monitoring of environmental status by provinces and cities under central authority;
- (d) Monitoring of environmental impact exerted by activities of manufacturing, business and services establishments and concentrated manufacturing, business and services zones.

2. Environmental monitoring responsibilities shall be regulated as follows:

- (a) The Ministry of Natural Resources and Environment shall organize national environment status monitoring;
- (b) Ministries, ministerial equivalent bodies and Government bodies shall organize the monitoring of environmental impact exerted by activities of industries and sectors under their management;
- (c) Provincial people's committees shall organize monitoring of the environment status within their localities;
- (d) Managers or operators of manufacturing, business and services establishments and concentrated manufacturing, business and services zones shall organize the monitoring of environmental impact exerted by their establishments.

#### **Article 95** *Environmental monitoring systems*

1. An environmental monitoring system shall consist of:

- (a) Sampling and surveying stations for environmental monitoring;
- (b) Laboratories, sample analysis centres, environmental monitoring data management and processing centres.

2. Environmental monitoring systems must be planned and constructed synchronously and must satisfy requirements for providing information in service of environmental management and protection.

3. Organizations and individuals with adequate professional capability and technical equipment shall be permitted to participate in environmental monitoring.

#### **Article 96** *Planning of environmental monitoring system*

1. Planning of environmental monitoring systems shall comprise the following items:

- (a) Investigation and research to identify objects to be monitored and data to be collected for environmental protection;
- (b) Identification of the number, arrangement, size and functions of environmental sampling stations;
- (c) Arrangement of the equipment system for use in environmental monitoring;
- (d) Schedule and resources for implementation;

(dd) Training of human resources capable of performing environmental monitoring tasks.

2. The responsibilities for planning and approval of planning for environment monitoring systems shall be regulated as follows:

(a) The Ministry of Natural Resources and Environment shall formulate a national environment monitoring master plan and submit it to the Prime Minister of the Government for approval; and shall direct the uniform collection and management of environment monitoring data;

(b) Provincial level specialized environmental protection bodies shall prepare plans on environmental monitoring networks within their localities and submit them to the people's committee of the same level for approval;

(c) Organizations and individuals managing concentrated manufacturing, business and services zones shall organize the construction and management of environmental monitoring networks in areas under their management.

#### **Article 97** *Environmental monitoring programs*

1. Environmental monitoring programs shall include programs on environment status monitoring and programs on monitoring of the environmental impact exerted by socioeconomic activities. Environmental monitoring programs must be implemented in a consistent and synchronous manner.

2. An environment status monitoring program shall cover the following activities:

(a) Taking periodical samples for analysis and forecast of changes in soil, water and air quality;

(b) Tracking changes in quantity, composition and status of natural resources;

(c) Tracking changes in quality, quantity, composition and status of ecosystems, species and gene sources.

3. An environmental impact monitoring program shall cover the following activities:

(a) Tracking quantity, status and changes in adverse impact sources;

(b) Tracking changes in quantity, composition and toxicity of solid waste, gases and waste water;

(c) Detecting and assessing cross border impact on the domestic environment.

4. The Ministry of Natural Resources and Environment shall guide the planning and organization of environmental monitoring programs.

#### **Article 98** *Environmental indicators*

1. *Environmental indicators* means basic parameters reflecting distinct elements of the environment to serve in the assessing of environment quality, tracking of changes in environment quality and making of environmental status quality reports.

2. The Ministry of Natural Resources and Environment shall issue a set of national environmental indicators for nationwide application.

#### **Article 99** *Provincial level environmental status reports*

1. The contents of a provincial level environmental status report shall include:

(a) Status and changes in quality of soil environment;

(b) Status and changes in quality of water environment;

- (c) Status and changes in quality of air environment;
  - (d) Status and changes in quantity, state and quality of natural resources;
  - (dd) Status and changes in quality and state of ecosystems; and in quantity and composition of species and gene sources;
  - (e) Status of environment of urban centres, concentrated residential areas, concentrated manufacturing, business and services zones, and handicraft villages;
  - (g) Areas with a polluted and degraded environment, and a list of seriously polluting establishments;
  - (h) Urgent environmental problems and their main causes;
  - (i) Measures to remedy environmental pollution and degradation and to improve the environment;
  - (k) Assessment of local environmental protection activities;
  - (l) Plans, programs and measures to satisfy environmental protection requirements.
2. Once every five years, provincial people's committees shall prepare environmental status reports in accordance with the period for preparation of local socio-economic development plans and submit them to the people's council of the same level and report them to the Ministry of Natural Resources and Environment.

**Article 100** *Environmental impact reports by industries and sectors*

1. The contents of environmental impact reports by industries and sectors shall include:
- (a) Status, quantity and development of adverse impact sources;
  - (b) Status, development, composition and degree of hazard of wastes listed by industry and sector;
  - (c) List of seriously polluting establishments and how they are being dealt with;
  - (d) Assessment of environmental protection by industries and sectors;
  - (dd) Predicted challenges to the environment;
  - (e) Plans, programs and measures to satisfy requirements with respect to environmental protection.
2. Once every five years, ministries, ministerial equivalent bodies and Government bodies shall prepare environmental impact reports of the industries and sectors under their management for the same five year period for which master plans are prepared, and submit such environmental impact reports to the Ministry of Natural Resources and Environment.

**Article 101** *National environment reports*

1. The contents of a national environment report shall include:
- (a) Environmental impact exerted by activities of industries and sectors;
  - (b) Status of the national environment and urgent environmental problems;
  - (c) Assessment of the implementation of environmental protection policies and laws, management and measures;
  - (d) Predicted challenges to the environment;

(dd) Plans, programs and measures to satisfy requirements with respect to environmental protection.

2. Once every five years, the Ministry of Natural Resources and Environment shall prepare a national environment report in accordance with the planning period for national socio-economic development and submit it via the Government to the National Assembly; and the Ministry of Natural Resources and Environment shall also make annual specialized environment reports.

**Article 102** *Environmental statistics and archiving of environmental data and information*

1. Environmental data from environmental monitoring programs must be collected and archived to serve environmental management and protection work.

2. The collection and archiving of environmental data shall be regulated as follows:

(a) The Ministry of Natural Resources and Environment shall co-ordinate with the central State body for statistics in developing a database on the national environment;

(b) Ministries, ministerial equivalent bodies and Government bodies shall collect and archive environmental data of industries and sectors under their management;

(c) People's committees at all levels shall collect and archive environmental data from their localities;

(d) Managers or operators of manufacturing, business and services establishments or concentrated manufacturing, business and services zones shall collect and archive data on environmental impact, discharge sources and waste discharged from their activities.

3. Ministries, ministerial equivalent bodies, Government bodies, and people's committees at all levels shall develop environmental data collection, processing, synthesis and storage systems and shall apply information technology in collecting and archiving environmental data.

**Article 103** *Publication and supply of information on environment*

1. Organizations and individuals managing concentrated manufacturing, business and services zones, and owners of manufacturing, business and services establishments being required to prepare environmental impact assessment reports shall report information about the environment under their management to provincial level specialized environmental protection bodies.

2. Other manufacturing, business and services establishments than those stipulated in clause 1 of this article shall supply information about the environment and their activities to district level specialized environmental protection bodies or to commune level environmental protection officials in the places where they operate, and shall make public information about the environment to local communities.

3. Specialized environmental protection bodies at all levels shall report information about the environment of their localities to their immediately superior body and shall publish essential information about the environment on a periodical basis or upon request.

4. Ministries, ministerial equivalent bodies and Government bodies shall provide periodically to the Ministry of Natural Resources and Environment and the central State body for statistics information about the environment relating to industries and sectors under their management.

**Article 104** *Publication of information and data on environment*

1. The following information and data about the environment, except that classified as State secrets, must be made public:

(a) Environmental impact assessment reports, decisions approving environmental impact assessment reports, and plans for implementation of such decisions;

(b) Registered environmental protection undertakings;

- (c) Lists and information on discharge sources and wastes harmful to human health and the environment;
  - (d) Areas with serious and particularly serious environmental pollution and degradation; areas prone to environmental incidents;
  - (dd) Planning for waste collection, recycling and treatment;
  - (e) Provincial level environmental status reports, environmental impact reports of industries and sectors, and national environment reports.
2. Information must be made public in forms easily accessible by organizations and individuals concerned.
3. Any entity publishing information about the environment shall be responsible before the law for the accuracy, truthfulness and objectivity of such information.

**Article 105** *Exercise of grassroots democracy in protection of environment*

1. Organizations and individuals managing concentrated manufacturing, business and services zones; owners of manufacturing, business and services establishments; and professional organizations and staff in charge of protection of the environment shall inform the people and the employees in their manufacturing, business and services establishments of the environmental situation, of measures to prevent and restrict adverse environmental impact and of measures to remedy environmental pollution and degradation in one of the following forms:
- (a) Meetings with the people and employees;
  - (b) Written notices and announcements.
2. Dialogue about environmental issues must be held in the following cases:
- (a) At the request of parties seeking a dialogue;
  - (b) At the request of State administrative bodies for protection of the environment at all levels;
  - (c) In response to complaints, denunciations and legal proceedings initiated by organizations and individuals.
3. Responsibilities for explanation and dialogue about environmental issues shall be regulated as follows:
- (a) The party requesting a dialogue must send in advance to the requested party the issues which require explanation or discussion;
  - (b) Within five working days after the date of receipt of a request, the requested party must prepare a reply or explanation;
  - (c) If a State administrative body for protection of the environment requests a dialogue to be organized, the parties concerned must comply with such request.
4. Dialogue about environmental issues shall be held in accordance with the provisions of law and under the chairmanship of the people's committee or specialized environmental protection body.
5. The results of a dialogue, including opinions and agreements, must be recorded in minutes serving as a basis for the responsible parties to monitor or deal with breaches of the law on protection of the environment and to arrange compensation for environmental damage.



## CHAPTER XI

### Resources for Protection of Environment

#### **Article 106** *Propaganda about protection of environment*

1. The law on protection of the environment and good persons, good deeds and typical good examples of environmental protection activities must be disseminated regularly and widely.
2. The State shall confer prizes and rewards for protection of the environment to organizations and individuals having outstanding achievements in environmental protection activities; and shall organize quizzes about environmental protection activities in order to increase knowledge and awareness by the public about protection of the environment.
3. Good performance of environmental protection activities shall constitute a criterion for recognition and conferment of emulation titles.
4. The Ministry of Natural Resources and Environment shall assume the primary responsibility for, and shall co-ordinate with information and propaganda bodies and the mass media of all branches and at all levels in, providing propaganda about protection of the environment.

#### **Article 107** *Education about environment and training of human resources for environmental protection activities*

1. Vietnamese citizens shall be provided with comprehensive education about the environment in order to increase knowledge and awareness by the public about protection of the environment.
2. Education about the environment shall constitute an item in the formal curriculum of all levels of general education.
3. The State shall give priority to training human resources for environmental protection activities and shall encourage all organizations and individuals to participate in training human resources for environmental protection activities.
4. The Ministry of Education and Training shall preside over co-ordination with the Ministry of Natural Resources and Environment in directing and guiding the formulation and implementation of a program on education about the environment and training of human resources for environmental protection activities.

#### **Article 108** *Development of science and technology for protection of environment*

1. The State shall invest in scientific research into the environment and in the development, application and transfer of environmental technology; and shall encourage organizations and individuals to bring into play their initiative in applying technological solutions to protection of the environment.
2. The State shall adopt preferential policies for the transfer of technology to deal with urgent environmental problems and to deal with seriously polluting establishments.
3. Organizations and individuals owning environmental technology shall be entitled to transfer it and to sign services contracts to reduce and treat waste.
4. The Ministry of Science and Technology shall preside over co-ordination with relevant ministries, ministerial equivalent bodies and Government bodies in directing and guiding the development of science and technology for protection of the environment.

#### **Article 109** *Development of environmental engineering industry, building of environmental forecast and warning capacity*

1. The State shall invest in and adopt policies to encourage organizations and individuals to develop an environmental engineering industry.

2. The State shall be responsible for building capacity and for providing machinery and equipment for forecasting and warning of natural disasters and climatic conditions; and shall encourage all organizations and individuals to participate in forecasting and warning of environmental disasters in order to prevent and restrict the adverse consequences of natural disasters and of environmental incidents.

**Article 110** *Financial sources for protection of environment*

1. Protection of the environment shall be funded from the following sources:

- (a) State budget;
- (b) Funds of organizations and individuals for prevention and mitigation of any adverse environmental impact exerted by their manufacturing, business and services activities;
- (c) Funds of organizations and individuals for scientific research and for development of technology, industries and services for environmental protection purposes;
- (d) Compensation for environmental damage, environment tax, environmental protection fees, environmental fines, and other revenue as stipulated by law;
- (dd) Contributions and financial support from organizations and individuals at home and abroad;
- (e) Preferential loans and financial support from the environmental protection fund;
- (g) Loans from banks, credit institutions and other financial institutions in accordance with law.

2. The State budget shall reserve a regular expenditure item for environmental protection activities suitable to the requirements of each period; and shall ensure that the rate of annual increase in the expenditure for environmental protection is higher than the rate of the overall increase in State budget expenditure.

**Article 111** *State budget for protection of environment*

1. The State budget for protection of the environment shall be used for the following purposes:

- (a) Development of investment in public environmental protection infrastructure works;
- (b) Regular expenditure for environmental protection activities.

2. Non-business environmental protection activities shall include:

- (a) Management of environmental monitoring and analysis; building of capacity for forecasting and warning of natural disasters and for preventing and responding to environmental incidents;
- (b) Basic surveys on the environment; implementation of environmental status and environmental impact monitoring programs;
- (c) Investigation of and collection of statistics on waste; assessment of environmental pollution, degradation and incidents; building of capacity for recycling waste, treating hazardous waste, and support for waste recycling, treatment and burial;
- (d) Assistance in dealing with seriously polluting establishments;
- (dd) Management of public sanitary facilities; equipment and apparatus for garbage collection and for environmental sanitation in residential areas and public places;
- (e) Strengthening and enhancement of capacity for the State administrative system in charge of protection of the environment; building and development of the system of non-business environmental protection organizations;

- (g) Investigation, research, construction, testing and application of scientific and technological advances to environmental protection activities; strategies, planning, mechanisms, policies, standards, technical specifications and models for environmental protection management;
- (h) Assistance in the inspection and supervision of the observance of the law on protection of the environment;
- (i) Management of the system of information and data about the environment;
- (j) Propaganda, popularization of and education about the law on protection of the environment; training in professional and managerial knowledge and skills related to protection of the environment;
- (k) Conferment of prizes and rewards for environmental protection activities;
- (l) Management of the national gene bank and establishments for nursing, caring and breeding endangered rare and precious animal species;
- (m) Management of nature conservation zones;
- (n) Other non-business environmental protection activities.

3. Annually, the Ministry of Natural Resources and Environment shall collate funding for non-business environmental protection activities as stipulated in clause 2 of this article for ministries, ministerial equivalent bodies, Government bodies and people's committees, and shall co-ordinate with the Ministry of Finance and the Ministry of Planning and Investment in submitting such funding to the Government.

#### **Article 112** *Environment tax*

1. Organizations, individuals and households producing and trading in a number of types of products which exert a long-term adverse impact on the environment and human health shall be liable to pay environment tax.
2. The Government shall submit to the National Assembly for decision lists of products and manufacturing and business activities subject to environment tax and the applicable tax rates.

#### **Article 113** *Environmental protection fees*

1. Organizations and individuals discharging waste into the environment or engaged in activities causing adverse impact on the environment must pay environmental protection fees.
2. Environmental protection fee rates shall be determined on the following grounds:
  - (a) Volume of waste discharged into the environment and scale of adverse impact on the environment;
  - (b) Degree of toxicity of waste and harm caused to the environment;
  - (c) Burden bearing capacity of the environment receiving the waste.
3. Environmental protection fee rates shall be adjusted to suit socio-economic conditions and environmental protection requirements of each period of national development.
4. All revenue from environmental protection fees shall be used for direct investment in environmental protection activities.
5. The Ministry of Finance shall preside over co-ordination with the Ministry of Natural Resources and Environment in formulating regulations on environmental protection fees and in submitting them to the Government.

#### **Article 114** *Payment of deposit for environmental improvement and for rehabilitation after activities of exploitation of natural resources*

1. Organizations and individuals exploiting natural resources must pay a deposit for environmental improvement and rehabilitation in accordance with the following provisions:

(a) Prior to exploitation, organizations and individuals must pay a deposit at a domestic credit institution or environmental protection fund in the locality where the natural resources are to be exploited; the amount of the deposit shall depend on the scale of exploitation, the degree of adverse environmental impact, and the costs required for environmental improvement and rehabilitation after exploitation;

(b) Organizations and individuals exploiting natural resources shall enjoy interest on the deposit paid and receive back the deposit upon completion of environmental improvement and rehabilitation;

(c) If any organization or individual fails to perform environmental improvement and fails to fulfil its rehabilitation obligation, or performs such obligations improperly, the whole or part of its deposit shall be used for improving and rehabilitating the environment in the place where the exploitation occurred.

2. The Prime Minister of the Government shall specify the levels of deposits for environmental improvement and rehabilitation with respect to each type of natural resource and shall issue regulations for implementation of this article.

#### **Article 115** *Environmental protection funds*

1. Environmental protection funds shall be financial institutions established at central and local levels and in all industries and sectors in order to support environmental protection activities.

The State shall encourage enterprises, organizations and individuals to establish environmental protection funds.

2. Funds for the operation of the national environmental protection fund and environmental protection funds of localities, industries and sectors shall be formed from the following sources:

(a) State budget;

(b) Environmental protection fees;

(c) Compensation paid to the State for environmental damage;

(d) Fines collected for administrative environmental breaches;

(dd) Support and donations from and investment by organizations and individuals at home and abroad.

3. Authority to establish environmental protection funds shall be regulated as follows:

(a) The Prime Minister of the Government shall regulate the organization and operation of the national environmental protection fund and environmental protection funds of ministries, ministerial equivalent bodies, Government bodies and State corporations;

(b) Provincial people's committees shall regulate the organization and operation of local environmental protection funds;

(c) Organizations and individuals shall establish their own environmental protection funds which shall operate under their own charters.

#### **Article 116** *Development of environmental protection services*

1. The State shall encourage organizations and individuals to establish environmental sanitation services enterprises to provide environmental sanitation and protection services via tendering in the following sectors:

(a) Collection, recycling and treatment of waste;

- (b) Environmental monitoring and analysis, environmental impact assessment;
- (c) Development and transfer of environmentally-friendly technology and environmental technology;
- (d) Environment-related consultancy and training, provision of information about the environment;
- (dd) Environmental inspection of machinery, equipment and technology; inspection of environmental damage;
- (e) Other environmental protection services.

2. The Ministry of Natural Resources and Environment shall co-ordinate with relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in guiding implementation of the provisions in clause 1 of this article.

**Article 117** *Preferential and support policies for environmental protection activities*

1. The State shall provide land-related incentives and support for the following environmental protection activities:

- (a) Building concentrated daily living waste water systems;
- (b) Building facilities for recycling and treatment of ordinary solid waste and hazardous waste and building waste burial sites;
- (c) Building environment monitoring stations;
- (d) Relocating seriously polluting establishments;
- (dd) Building environmental engineering industrial establishments and environmental protection facilities for the public welfare.

2. Exemption from and reduction of taxes and fees for environmental protection activities shall be regulated as follows:

- (a) Recycling, treatment and burial of waste; and production of clean energy and renewable energy shall enjoy exemption from or reduction of corporate income tax, value added tax, environment tax and environmental protection fees;
- (b) Machinery, equipment, means of transportation and apparatus imported for direct use in collection, storage, transport, recycling and treatment of waste; environmental monitoring and analysis; and production of clean energy and renewable energy shall be exempt from import duty;
- (c) Products recycled from waste, energy recovered from waste incineration, and environmentally-friendly natural substitute products shall be subsidized by the State.

3. Organizations and individuals investing in environmental protection activities shall be prioritized for loans from environmental protection funds. Loans borrowed from other credit institutions for investment in environmental protection activities shall be considered for post-investment interest payment support or investment credit guarantee in accordance with the charters of environmental protection funds.

4. Key environmental protection programs and projects of the State which require large amounts of capital shall be prioritized to use official development assistance capital.

5. The Government shall provide specific regulations on preferential policies applicable to environmental protection activities.

## CHAPTER XII

### International Co-operation in Protection of Environment

#### **Article 118** *Implementation of treaties on environment*

1. Treaties beneficial to protection of the global environment, regional environment and national environment shall be given priority for consideration for signing or accession.
2. Treaties on the environment of which the Socialist Republic of Vietnam is a member must be strictly complied with.

#### **Article 119** *Protection of environment during process of international economic integration and globalization*

1. The State shall encourage organizations and individuals to take the initiative in complying with environmental requirements in order to improve the competitiveness of goods and services in regional and international markets.
2. The Government shall direct the organization of the assessment, forecast and formulation of plans for prevention and mitigation of adverse impact on the national environment during the process of international economic integration and globalization.
3. In necessary cases, the State may apply national treatment measures in accordance with international practice in order to protect the national environment.

#### **Article 120** *Expansion of international co-operation in protection of environment*

1. The State shall encourage organizations and individuals to co-operate with foreign organizations and individuals and Vietnamese residing overseas to raise the capacity and efficacy of domestic environmental protection activities, and to enhance the position and role of Vietnam in regional and international environmental protection issues.
2. The State shall encourage and facilitate foreign organizations and individuals and Vietnamese residing overseas to invest in and to support human resource training, scientific research, technology transfer, nature conservation and other activities in the sector of environmental protection.
3. The Government shall direct and guide the development and rational and efficient use of international co-operation resources for protection of the environment.
4. The State of Vietnam shall promote co-operation with neighboring and regional countries in dealing with relevant issues of natural resource management and exploitation and protection of the environment.

## CHAPTER XIII

### **Responsibilities of State Administrative Bodies and of Vietnam Fatherland Front and its Member Organizations for Protection of Environment**

**Article 121** *Responsibilities of ministries, ministerial equivalent bodies and Government bodies for State administration of protection of environment*

1. The Government shall exercise unified administration of protection of the environment nationwide.
2. The Ministry of Natural Resources and Environment shall be responsible before the Government for exercising State administration of protection of the environment, and shall have the following duties:
  - (a) To submit to the Government for promulgation, or to promulgate in accordance with its own authority, legal instruments on protection of the environment;
  - (b) To submit to the Government for decision national policies, strategies and plans on protection of the environment;
  - (c) To assume the primary responsibility for resolving, or to propose the Government or the Prime Minister of the Government resolve, inter-industry or inter-provincial environmental issues;
  - (d) To formulate and issue systems of environmental standards in accordance with regulations of the Government;
  - (dd) To direct the construction and management of the national environmental monitoring system and to exercise unified administration of environmental monitoring data;
  - (e) To direct and organize the assessment of the national environment status to serve the formulation of environmental protection policies and solutions;
  - (g) To exercise nationwide unified administration of the evaluation and approval of strategic environmental assessment reports and environmental impact assessment reports and registration of environmental protection undertakings; to organize the evaluation of strategic environmental assessment reports; to organize the evaluation and approval of environmental impact assessment reports within its own authority; to guide the registration of environmentally-friendly establishments and products and to issue certificates of satisfaction of environmental standards;
  - (h) To guide, supervise, inspect and deal with breaches of the law on protection of the environment; to resolve disputes, complaints, denunciations and petitions related to environmental protection in accordance with the law on complaints and denunciations and other relevant laws;
  - (i) To propose to the Government participation in international organizations and accession to treaties on environmental protection; to take the primary responsibility for activities of international co-operation with other countries and international organizations with respect to protection of the environment;
  - (k) To direct and supervise observance of the law on protection of the environment by people's committees at all levels;
  - (l) To satisfy environmental protection requirements in national land use zoning, in plans and national strategy on water resources, in integrated planning on interprovincial river basins, and in the national master plan on the basic inventory, exploration, mining and processing of minerals.
3. The Ministry of Planning and Investment shall preside over co-ordination with ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in ensuring that requirements with respect to environmental protection are satisfied in socioeconomic development strategies, in master plans and plans of the whole country, and in regional and important projects and works within the decision-making authority of the National Assembly, the Government and the Prime Minister of the Government.

4. The Ministry of Agriculture and Rural Development shall preside over co-ordination with the Ministry of Natural Resources and Environment and relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in directing, guiding and supervising observance of the law on protection of the environment and other relevant laws during the manufacture, importation and use of chemicals, plant protection agents, fertilizers and agricultural waste; during management of genetically modified plant varieties and livestock breeds and products thereof; and during management of dyke and irrigation systems, of forest conservation zones and of clean water for daily living in rural areas.

5. The Ministry of Industry shall preside over co-ordination with the Ministry of Natural Resources and Environment and relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in directing, guiding and supervising observance of the law on protection of the environment and other relevant laws by industries, in dealing with seriously polluting industrial establishments under their management, and in directing the development of an environmental engineering industry.

6. The Ministry of Marine Products shall preside over co-ordination with the Ministry of Natural Resources and Environment and relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in directing, guiding and supervising observance of the law on protection of the environment and other relevant laws during aquaculture; during exploitation and processing of aquatic resources, genetically modified aquatic organisms and products thereof; and in marine conservation zones.

7. The Ministry of Construction shall preside over co-ordination with the Ministry of Natural Resources and Environment and relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in directing, guiding and supervising observance of the law on protection of the environment and other relevant laws during the construction of infrastructure works of water supply and drainage, of solid and liquid waste treatment facilities in urban centres, of concentrated manufacturing and services zones, of establishments which manufacture building materials, and of handicraft villages and concentrated rural residential areas.

8. The Ministry of Transport shall preside over co-ordination with the Ministry of Natural Resources and Environment and relevant ministries, ministerial equivalent bodies, Government bodies and provincial people's committees in directing, guiding and supervising observance of the law on protection of the environment and other relevant laws during the construction of transportation infrastructure works and during transport activities.

9. The Ministry of Health shall direct, guide and supervise the management of medical waste and environmental protection work in medical establishments, food safety and hygiene, and burial services.

10. The Ministry of Defence and the Ministry of Police shall mobilize forces to respond to environmental incidents and to remedy their consequences; and shall direct, guide, supervise and inspect environmental protection work in the armed forces under their management.

11. Other ministries, ministerial equivalent bodies and Government bodies shall perform tasks as stipulated in this Law and shall co-ordinate with the Ministry of Natural Resources and Environment in directing, guiding and supervising observance of the law on protection of the environment within the scope of their management.

**Article 122** *Responsibilities of people's committees at all levels for State administration of protection of environment*

1. Provincial people's committees shall be responsible for exercising State administration of protection of the environment within their localities in accordance with the following provisions:

(a) To promulgate in accordance with their own authority regulations, mechanisms, policies, programs and plans on protection of the environment;

(b) To direct and organize the implementation of strategies, programs, plans and tasks on protection of the environment;

(c) To direct the construction and management of local environmental monitoring systems;

(d) To direct periodical assessments of the status of the environment;



- (dd) To organize the evaluation and approval of environmental impact assessment reports within their authority;
- (e) To organize propaganda and education about the law on protection of the environment;
- (g) To supervise, inspect and deal with breaches of the law on protection of the environment; to resolve disputes, complaints, denunciations and petitions related to environmental protection in accordance with the law on complaints and denunciations and other relevant laws; and to co-ordinate with other provincial people's committees in dealing with inter-provincial environmental issues.

2. District people's committees shall be responsible for exercising State administration of protection of the environment within their localities in accordance with the following provisions:

- (a) To promulgate in accordance with their own authority regulations, mechanisms, policies, programs and plans on protection of the environment;
- (b) To direct and organize the implementation of strategies, programs, plans and tasks on protection of the environment;
- (c) To organize the registration and supervise implementation of environmental protection undertakings;
- (d) To organize propaganda and education about the law on protection of the environment;
- (dd) To supervise, inspect and deal with breaches of the law on protection of the environment; to resolve disputes, complaints, denunciations and petitions related to environmental protection in accordance with the law on complaints and denunciations and other relevant laws;
- (e) To co-ordinate with other district people's committees in dealing with inter-district environmental issues;
- (g) To perform tasks of State administration of protection of the environment as authorized by provincial State administrative bodies in charge of protection of the environment;
- (h) To direct commune people's committees in exercising State administration of protection of the environment.

3. Commune people's committees shall be responsible for exercising State administration of protection of the environment within their localities in accordance with the following provisions:

- (a) To direct, plan and organize the performance of environmental protection tasks, to maintain environmental sanitation in communes and residential areas under their management; to mobilize the people to include environmental protection rules in community codes; to guide the use of environmental protection criteria for recognition of the title of cultured village or hamlet and cultured family;
- (b) To supervise observance of the law on protection of the environment by households and individuals;
- (c) To detect and deal with breaches of the law on protection of the environment or to report breaches to the superior State administrative body for protection of the environment;
- (d) To conciliate environment related disputes arising in their communes in accordance with the law on conciliation;
- (dd) To manage environmental sanitation and environmental protection activities in villages, hamlets, street groups and self-managing organizations.

**Article 123** *Specialized environmental protection bodies and environmental protection officials*

1. Ministries, ministerial equivalent bodies and Government bodies shall establish specialized environmental protection bodies or sections to conduct the environmental protection tasks of industries and sectors assigned to such ministries, ministerial equivalent bodies and Government bodies for management.

2. Provinces and cities under central authority, rural districts, urban districts, townships and provincial cities shall establish specialized environmental protection bodies or sections to assist the people's committee of the same level in managing the environment within its locality.
3. Commune people's committees shall appoint officials in charge of environmental protection.
4. State corporations, economic groups, management boards of industrial zones, export processing zones, high-tech zones, economic zones and manufacturing, business and services establishments which discharge hazardous waste or face potential environmental incidents must establish a specialized section or appoint staff in charge of environmental protection.
5. The Government shall provide regulations on the organization and operation of the specialized environmental protection bodies stipulated in clauses 1 and 2 of this article.

**Article 124** *Responsibilities of Vietnam Fatherland Front and its member organizations*

1. The Vietnam Fatherland Front and its member organizations shall, within the scope of their respective duties and powers, educate and mobilize their members and the people to participate in environmental protection activities; and shall supervise observance of the law on protection of the environment.
2. State administrative bodies for protection of the environment at all levels shall create conditions for the Vietnam Fatherland Front and its member organizations to participate in environmental protection activities.

**CHAPTER XIV**  
**Inspections, Dealing with Breaches, Resolution of Complaints and Denunciations**  
**Related to Environment, and Compensation for Environmental Damage**

**SECTION 1**  
**Inspections, Dealing with Breaches, and Resolution of Complaints and Denunciations Related to**  
**Environment**

**Article 125** *Environmental Protection Inspectorate*

1. The Environmental Protection Inspectorate shall be the specialized environmental protection inspectorate. Environmental protection inspectors shall have their own uniforms and badges and shall be provided with the necessary equipment and means to perform their tasks.

2. The authority and tasks of environmental protection inspectors shall comply with the law on inspections.

3. The Government shall provide regulations on the organization and operation of the Environmental Protection Inspectorate.

**Article 126** *Responsibilities for supervision and inspection of environmental protection*

1. The responsibility to supervise and inspect environmental protection shall be regulated as follows:

(a) The Minister of Natural Resources and Environment and chairmen of provincial people's committees shall supervise environmental protection activities and issue decisions to inspect environmental protection activities in accordance with the provisions of this Law and the law on inspections;

(b) The Environmental Protection Inspectorate under the Ministry of Natural Resources and Environment shall supervise environmental protection activities and inspect environmental protection by manufacturing business and services establishments with environmental impact assessment reports approved by the Ministry of Natural Resources and Environment or a ministry, ministerial equivalent body or Government body; and shall co-ordinate with specialized environmental protection inspectorates of the Ministry of Defence and the Ministry of Police in supervising and inspecting environmental protection by subordinate units;

(c) Provincial level environmental protection inspectorates shall supervise environmental protection activities and inspect environmental protection by economic organizations and non-business units with respect to projects with environmental impact assessment reports approved by a provincial people's committee and projects subject to supervision and inspection by the Ministry of Natural Resources and Environment, when there are indications that such organizations are in breach of the law on protection of the environment;

(d) District people's committees shall supervise environmental protection activities and inspect environmental protection by administrative bodies and non-business units, except for the non-business units stipulated in sub-clause (c) above, and by small sized manufacturing, business and services establishments;

(dd) Commune people's committees shall supervise environmental protection by households and individuals.

In necessary cases, environmental protection inspectorates at all levels and district people's committees shall assist and co-ordinate with commune people's committees in supervising and inspecting environmental protection by organizations or individuals when there are indications that such organizations or individuals are in serious breach of the law on protection of the environment.

2. State administrative bodies at all levels and the professional bodies concerned shall, upon request, assist and co-ordinate with an environmental protection inspectorate in inspecting and supervising environmental protection.

3. Supervision and inspection of environmental protection shall be conducted no more than twice a year at a manufacturing, business or services establishment, except for those establishments which are denounced as having breached or which show signs of having breached the law on protection of the environment.

### **Article 127** *Dealing with breaches*

1. Any person breaching the law on protection of the environment shall, depending on the nature and seriousness of the breach, be subject to an administrative penalty or be criminally prosecuted; and any offender causing environmental pollution or degradation or an environmental incident, or causing loss and damage to other organizations or individuals, must remedy the pollution, rehabilitate the environment and pay compensation for such loss and damage in accordance with this Law and other relevant laws.

2. Any head of an organization or public servant who abuses his or her position and powers to cause trouble for organizations or citizens, who covers up for offenders who have breached the law on protection of the environment, or who neglects responsibilities leading to serious environmental pollution or a serious environmental incident shall, depending on the nature and seriousness of the breach, be disciplined or be criminally prosecuted; and any such head of an organization or public servant who causes loss and damage must pay compensation in accordance with law.

### **Article 128** *Complaints, denunciations and legal proceedings related to environment*

1. Any organization or individual shall have the right to lodge a complaint with a competent State body or to initiate legal proceedings at a court with respect to breaches of the law on protection of the environment and infringements of the rights and lawful interests of such organization or individual.

2. Citizens shall be entitled to denounce to competent bodies or authorized persons the following acts of breach of the law on protection of the environment:

(a) Causing environmental pollution or degradation or an environmental incident;

(b) Infringing the rights and interests of the State, community, organizations, families or individuals.

3. Competent State bodies or authorized persons receiving written complaints or denunciations shall consider and resolve such complaints or denunciations in accordance with the law on complaints and denunciations and this Law.

### **Article 129** *Environment-related disputes*

1. Environment-related disputes shall comprise:

(a) Disputes about environmental protection rights and responsibilities in the exploitation and use of environmental elements;

(b) Disputes about the identification of causes of environmental pollution or degradation or an environmental incident; about liability for remedying consequences of, and paying compensation for loss and damage caused by environmental pollution or degradation or an environmental incident.

2. Parties to an environment-related dispute shall comprise:

(a) Organizations and individuals using environmental elements and in dispute with one other;

(b) Organizations and individuals exploiting or using environmental elements and organizations and individuals responsible for improving and rehabilitating polluted and degraded areas and compensating for environmental damage.

3. Resolution of environment-related disputes shall comply with the law on resolution of noncontractual civil disputes and other relevant laws.

4. Environment-related disputes on the territory of Vietnam to which one party is a foreign organization or individual shall be resolved in accordance with the law of Vietnam, unless otherwise provided for in a treaty of which the Socialist Republic of Vietnam is a member.

**Compensation for Loss and Damage Caused by Environmental Pollution and Degradation****Article 130** *Loss and damage caused by environmental pollution and degradation*

Loss and damage caused by environmental pollution and degradation shall comprise:

1. Reduced usefulness of the environment.
2. Loss and damage to human life and health, property and lawful interests of organizations and individuals as a consequence of reduced usefulness of the environment.

**Article 131** *Identification of loss and damage caused by environmental pollution and degradation*

1. Reduced usefulness of the environment shall be classified at the following levels:

(a) Reduction;

(b) Serious reduction;

(c) Particularly serious reduction.

2. Identification of the scope and limits of reduced usefulness of the environment shall comprise:

(a) Identification of the boundaries and area of the serious or particularly serious reduction core zone;

(b) Identification of the boundaries and area of the reduction buffer zone;

(c) Identification of the boundaries and area of other zones affected by the core and buffer zones.

3. Identification of reduced environmental elements shall comprise:

(a) The number of the reduced environmental elements, the types of damaged ecosystems and species;

(b) Degree of damage to each environmental element, ecosystem and species.

4. Estimation of costs of environmental damage shall be regulated as follows:

(a) Estimation of immediate and long-term costs of damage caused by reduced usefulness of the environment;

(b) Estimation of costs for treatment, improvement and rehabilitation of the environment;

(c) Estimation of costs for mitigation or elimination of sources of damage;

(d) Poll of opinions of the parties concerned;

(dd) Depending on the particular conditions, one of the measures defined in subclauses (a) to (d) inclusive of this clause may be applied to estimate costs of environmental damage for use as a basis for payment of compensation for environmental damage.

5. Identification of damage caused by reduced usefulness of the environment shall be conducted independently, or shall involve collaboration between the party causing the loss and damage and the party suffering the loss and damage.

At the request of one or all of the parties concerned, a specialized environmental protection body shall guide the estimation of costs and identification of loss and damage or witness identification of loss and damage.

6. The identification of loss and damage to human life and health, property and lawful interests of organizations and individuals caused by environmental pollution and degradation shall comply with the provisions of law.

7. The Government shall provide guidelines on the identification of loss and damage caused by environmental pollution and degradation.

**Article 132** *Survey of loss and damage caused by reduced usefulness of environment*

1. An expert survey of loss and damage caused by reduced usefulness of the environment shall be conducted at the request of any entity suffering loss and damage or of a body dealing with payment of compensation for environmental damage.

2. The basis of an expert survey shall be the application file for compensation and information, data, evidence and other items about the party causing the loss and damage and the party suffering loss and damage.

3. An expert loss surveying body shall be selected with the consensus of the party causing the damage and the party claiming compensation. In the absence of such consensus, the expert loss surveying body shall be selected by the body assigned to deal with payment of compensation.

**Article 133** *Resolution of payment of compensation for environmental damage*

Resolution of payment of compensation for environmental damage shall be carried out in the following ways:

1. Agreement by the related parties.

2. Request for settlement by an arbitrator.

3. Initiation of legal proceedings.

**Article 134** *Insurance for liability to pay compensation for environmental damage*

1. The State shall encourage insurance business enterprises to provide insurance for liability to pay compensation for environmental damage.

2. The State shall encourage organizations and individuals engaged in manufacturing, business and services activities to purchase insurance for liability to pay compensation for environmental damage.

3. Organizations and individuals engaged in activities potentially causing great environmental damage must purchase insurance for liability to pay compensation for environmental damage.

## CHAPTER XV

### Implementing Provisions

#### **Article 135** *Effectiveness*

This Law shall be of full force and effect as of 1 July 2006.

This Law shall replace the *1993 Law on Protection of the Environment*.

#### **Article 136** *Implementing guidelines*

The Government shall provide detailed regulations and guidelines for implementation of this Law.

*This Law was passed by Legislature XI of the National Assembly of the Socialist Republic of Vietnam at its 8th Session on 29 November 2005.*

The Chairman of the National Assembly

NGUYEN VAN AN